

TOWN OF DAVIE
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE, DAVIE, FLORIDA 33314-3399
PHONE: 954.797.1103, WWW.DAVIE-FL.GOV

**NOTICE OF MEETING
PLANNING & ZONING BOARD
JANUARY 8, 2020 - 6:30 PM**

Location: Council Chambers, 6591 Orange Drive, Davie, Florida 33314

***** AGENDA *****

1. ROLL CALL

2. PUBLIC HEARING
Quasi-Judicial

- 2.1. Variance (V19-133) Gleason (Tabled From 12/11/19)
11345 Ernest Boulevard

Documents:

[V19-133 PLANNING REPORT.PDF](#)

- 2.2. Variance (V19-207) Arbor Reserve
Generally located on the west side of Southwest 154th Avenue, south of Southwest
36th Street

Documents:

[V19-207 PLANNING REPORT.PDF](#)

3. PUBLIC HEARING

- 3.1. Land Development Code Amendment (ZB-TXT19-101 School Concurrency)
Townwide

Documents:

[ZB-TXT19-101 ORDINANCE.PDF](#)

- 3.2. Comprehensive Plan Amendment (LA-TXT19-102 – Public School Facilities Element)
Townwide

Documents:

[LA-TXT19-102 ORDINANCE.PDF](#)

- 3.3. Land Development Code Amendment (ZB-TXT19-265 – Transit Oriented Corridor District)
Townwide

Documents:

[ZB-TXT19-265 ORDINANCE.PDF](#)

3.4. Comprehensive Plan Amendment (LA-TXT19-266 – Future Land Use Element-Transit Oriented Corridor)
Townwide

Documents:

[LA-TXT19-266 ORDINANCE.PDF](#)

4. OLD BUSINESS
5. NEW BUSINESS
6. COMMENTS AND/OR SUGGESTIONS
7. ADJOURNMENT

Members of the Town Council may be present

Pursuant to Florida Statute § 286.0105, if a person decides to appeal any decision made by this board, agency, committee, or council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings. For such purpose he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk at 797-1023 at least five business days prior to the meeting to request such accommodations. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8700 (voice) or 1-800-955-8771 (TDD).



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PLANNING REPORT

Project Type, Number and Name	
Variance 19-133 Gleason	

Application	
Petitioner/Representative	Alicia J. Lewis, Esq. / Greenspoon Marder, LLP
Owner	George Gleason
Project Planner	Sylvia Myint
Date of Report	11/01/19
Date of Public Participation	N/A
Date of Public Notification	10/30/19
Date of Board Review	11/13/19
Date of Town Council Review	12/04/19

Location/Site	
Folio/Identification Number	504013070050
Address (General Location)	11345 Earnest Boulevard
Nearest North/South Road	Hiatus Road
Nearest East/West Road	SW 14th Street
Size (Approx. Acres)	0.9
Existing Use	Single-family Detached Residence
Future Land Use	Residential 1 DU/AC
Zoning	Estate Dwelling (R-1) District
Council District	4
Redevelopment Area	N/A
Overlay District	Rural Lifestyle Regulations
Design Regulation	Anti-monotony
Flexibility Zone	100
Planning Area	2
Right-of-way Acquisition	N/A
Utilities Provider	Sunrise Utilities
Drainage District	Central Broward Water Control District (CBWCD)
Nearby Equestrian Trail	N/A
Nearby Recreational Trail	N/A
Nearby Park	N/A
Nearby Bus Route	N/A

Key Points
<ul style="list-style-type: none">• The proposed variance would allow a 1,440 ft. pre-fabricated detached garage to be placed 10 ft. from the side (west) property line (a 25 ft. side yard setback is normally required).• The applicant has stated that the commercial truck shown on the attached Aerial View parked at the residence will not be stored in the proposed garage and will be stored at an off-site facility where this is permitted.• While staff has not observed business activity on the property, the home address is listed as the business location of Black Dog Surplus Liquidations, LLC, on the Florida



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Division of Corporations webpage (see attached corporate filing).

- The applicant provided letters of no objection from adjacent property owners. There is no homeowner's association.
- The Development Review Committee (DRC) members have no objections to the requested variance.
- Staff has not received any correspondence objecting to the proposed variance.

History

1. Related Zoning Information: N/A
2. Previous Requests: N/A

Analysis

The following Staff analysis (*italic font*) based on the criteria established in the Town of Davie Code of Ordinances, Sec. 12-309(B)(1) for Variance applications.

- a. There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for any person having an interest in the property.
There are no special circumstances or conditions applying to the land to justify this variance.
- b. The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.
The variance is not necessary for reasonable use of the land. The land is already being used for a single-family home that includes a two-car garage.
- c. That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
There is no evidence that granting the variance will be detrimental to the public safety and welfare of the neighborhood.

Recommendations

Staff finds the application complete and suitable for further review. If approved, staff recommends that a tree removal and relocation permit must be obtained from the Town prior to a building permit.

Attachments

1. Petitioner Documentation
2. Maps
3. Aerial Views
4. Letters of No Objection
5. Noticing Information

Gleason Setback Variance Narrative

Overview

George Gleason and Lisa Mauro (the “Owners”) are requesting this variance as it pertains to their single-family home and the construction of a new free-standing, pre-fabricated detached garage as an accessory structure to the home (the “Garage”). The home is located at 11345 Earnest Boulevard in the Town of Davie (the “Town”) and is identified by the Broward County Property Appraiser with folio number 504013070050 (the “Owners’ Home”, “Home”). An aerial photograph of the Owners’ Home is included as **Exhibit “A”**. The Owners purchased their Home in August of 2018, though the Home was built in 2002. The Home is 3,958 square feet, while the lot the Home is located on totals 39,150 square feet. The Home is located in an R-1 zoning district and has a Residential future land use designation.

The Owners hope to construct a detached garage as an accessory structure to their Home. The proposed Garage will be 1,440 square feet upon construction and will include metal siding finishes. With the inclusion of the garage, the total building area will total 5,398 square feet. The building area will then comprise around 14% of the total site area. Per Section 12-81 of the Town of Davie’s Code of Ordinances (the “Code”), which addresses residential districts and required side yards, a twenty-five (25) foot side yard setback is required. The Owners request a variance from Section 12-81 of the Code, pursuant to the variance criteria set forth in Section 12-309(B)(1) of the Code--of which Section 12-309 is located in Article X, Division 2 of the Code, which pertains to rezonings, text amendments, variances, and vacations or abandonments of rights-of-way--to allow the Garage to be built within ten (10) feet of the western property line. A site plan of the proposed Garage is included as **Exhibit “B”**. The Owners have obtained letters of support for the construction of their Garage from several of their neighbors, including their next door neighbor (see letters of support as **Exhibit “C”**).

Justification Statement

- a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property;*

There are special circumstances that apply to the Home for which this variance is sought and do not apply to the land or buildings in the same district and the strict application of the provisions of Section 12-81 would deprive the Owners of reasonable use of their Home. The Owners' Home consists of a circular driveway that extends past the structure of the Home itself. Because of the layout of the Home, in order for the Garage to be effective and functional, this variance is necessary. The driveway layout does not allow for easy maneuverability in order to access the Garage without this variance. The granting of this variance to allow for a ten foot side yard setback will allow the Owners to more successfully use the Garage.

Further, the hardship is not self-created by the Owners. The hardship was created by previous owners of the Home. The Owners purchased the Home with this layout and driveway- the Owners did not choose to fashion their Home in this manner. The Owners' request for the variance is an attempt to make their Home more amenable to their need for garage space, given the layout of their Home and the difficulty in accessing the sides of the house with a vehicle.

- b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose;*

The granting of the variance is necessary for the reasonable use of the Owners' Home and the variance as requested is the minimum variance that will accomplish this purpose. The Owners own a 39,150 square foot parcel with a side yard setback of twenty-five (25) feet. The Owners are proposing to construct the Garage for storage and for use for the Owners' personal vehicles. Due to the Code's requirement in Section 12-290(D) that prohibits garages from facing the street in R-1 zoning districts, the Owners can only effectively construct the garage on the west side of their Home.

The Owners have ample site area available to allow for the Garage. Pursuant to Section 12-81 of the Code, a twenty-five (25) foot side yard setback is required. The Owners are requesting a ten

(10) foot side yard setback in order to construct the Garage. The Owners request relief from Section 12-81 as the minimum variance necessary to accomplish the construction of the Garage.

c) That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

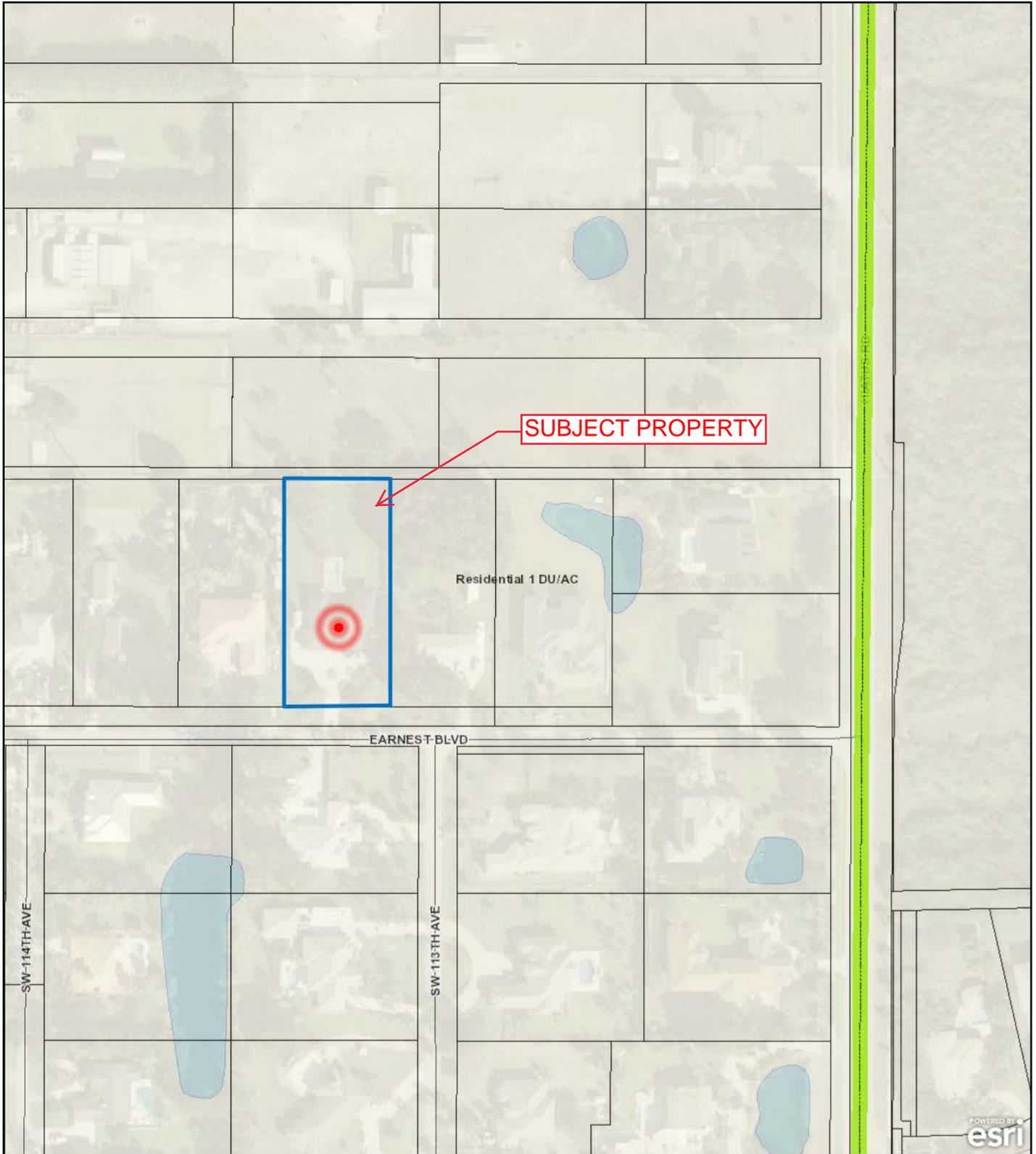
The granting of the variance will be in harmony with the general purpose and intent of the Town's Land Development Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Pursuant to Section 12-24(I)(2) of the Code, the R-1 District is intended to provide "estate residential areas with most of the noncommercial agricultural uses permitted providing a transition from agricultural land to residential dwelling units." The use of detached garages is an appropriate exemplification of that transition. Similar to the use of barns and sheds in agricultural districts for the storing of farm equipment and vehicles, the Owners intend to use their Garage as a place for storage of personal belongings and vehicles. This is especially true when considering the fact that four homeowners who reside on the same block as the Owners, within twenty-five feet of the Owners' Home, have detached structures on their respective properties (as pictured in **Exhibit "D"**). It is then clear that the granting of this variance will not be injurious to the neighborhood nor detrimental to the public welfare but instead will make the Owners' Home even more compatible with the residences nearby. In fact, eight adjacent property owners have provided letters of no objection in support of the Owners' request (**Exhibit "C"**).

The Owners' intent for the Garage is to use it for personal vehicles and storage, not for their commercial vehicle. As such, the Owners have provided a letter as attached as **Exhibit "E"**, certifying that the Owners will not use the Garage for the storing of their commercial vehicle. Thus, granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood nor detrimental to the public welfare.

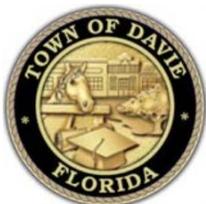
Conclusion

The Owners meet the criteria set forth in 12-309(B)(1) of the Code for obtaining this variance. By not granting this variance, the Owners will not be able to reasonably use their Home, even though the layout of their Home and the hardships that resulted were created through no fault of their own. The Owners' request for this setback variance will allow them to more effectively use the space their property affords and is the minimum variance necessary to accomplish their use of their property. Finally, the granting of the variance will not be injurious to the neighborhood or the public welfare- in fact, the granting of this variance will allow the Owners to use their Home in a similar manner to their neighbors who also have detached garages. Based on the above, we request that this setback variance be granted.

Future Land Use Map -- 11345 Earnest Blvd.



197 ft



GIS MAP DISCLAIMER

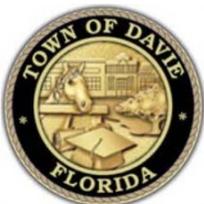
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Zoning Map -- 11345 Earnest Blvd.



197 ft



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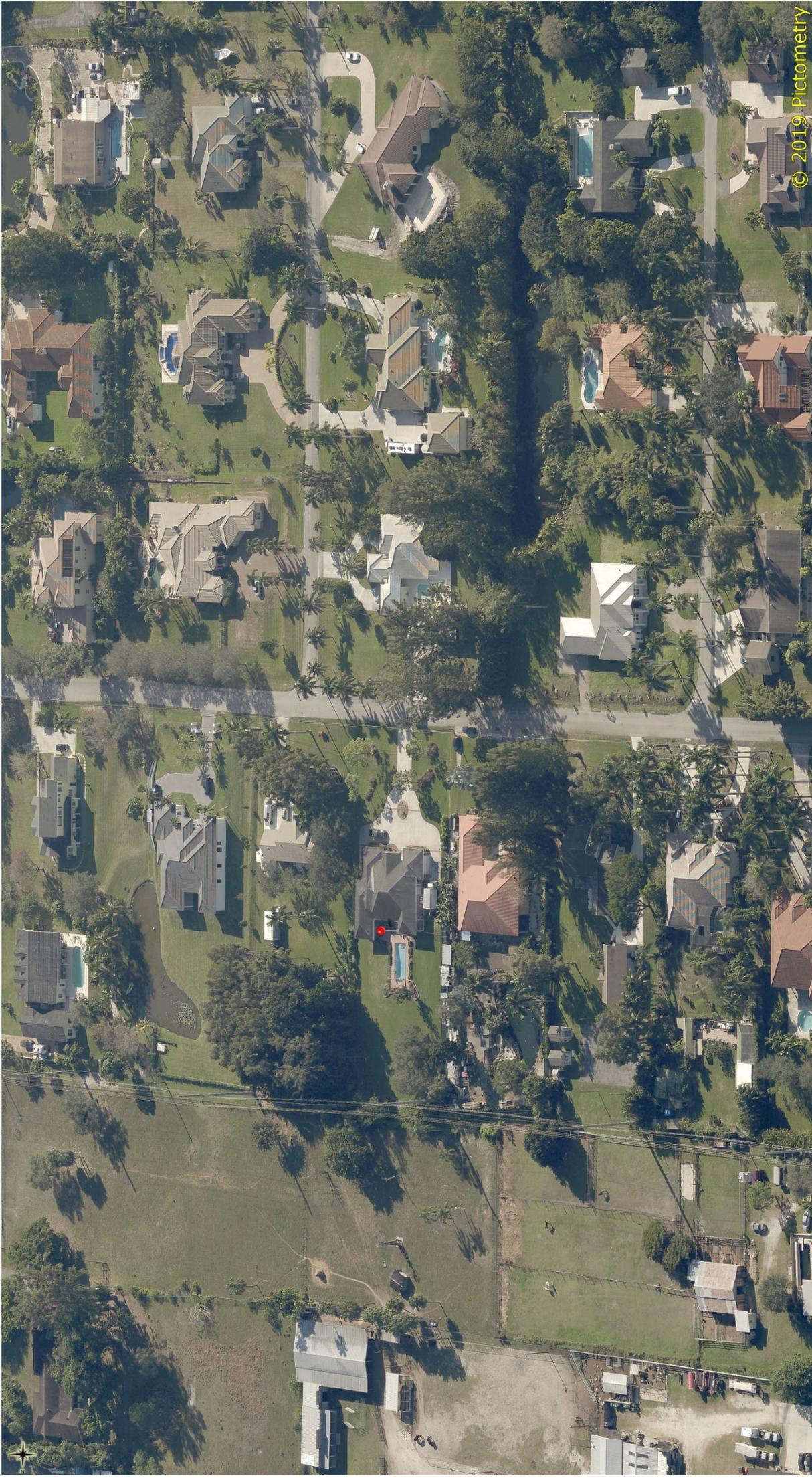


Aerial Oblique 11345 Earnest Blvd. -- North



© 2019 Pictometry

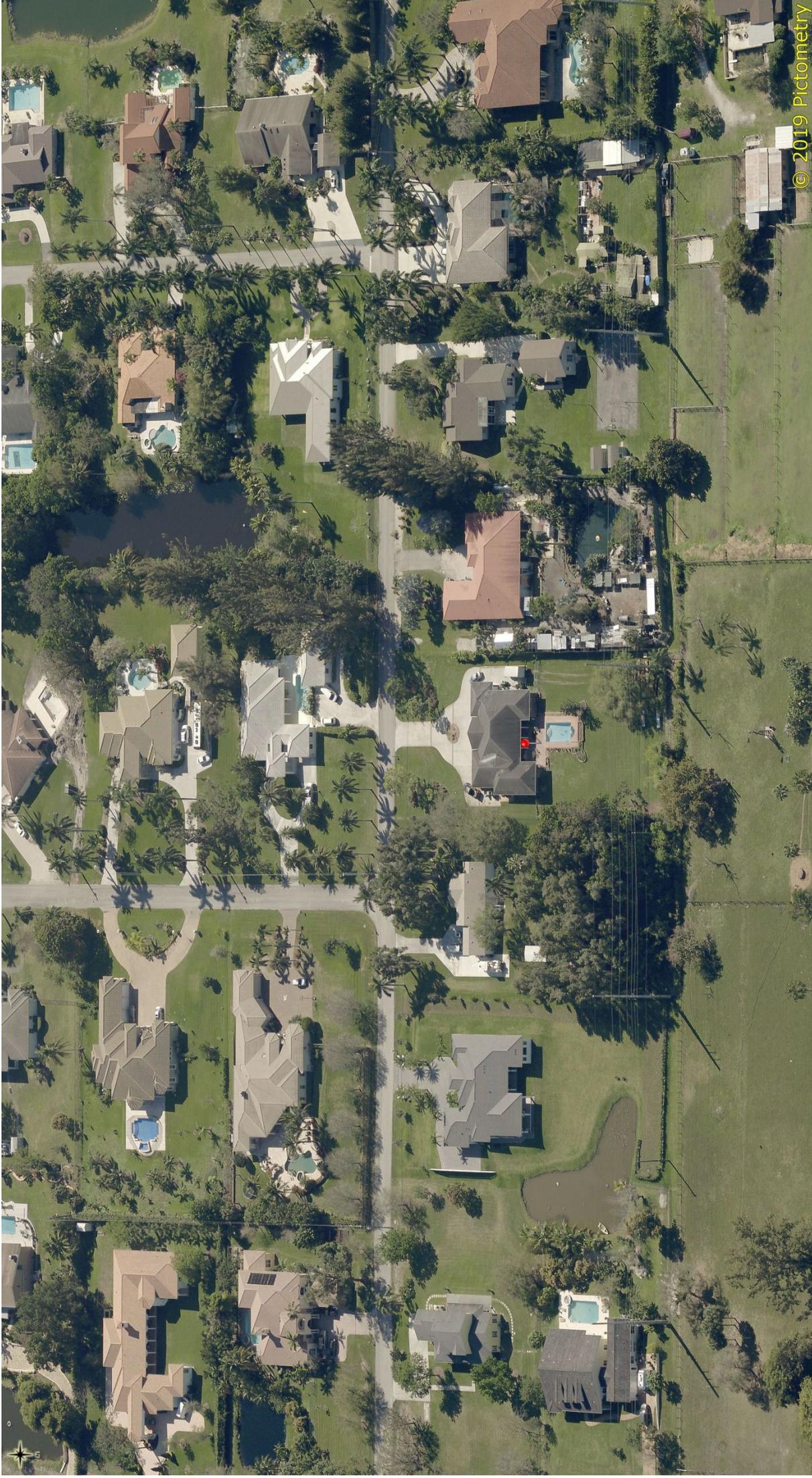
Aerial Oblique 11345 Earnest Blvd. -- East



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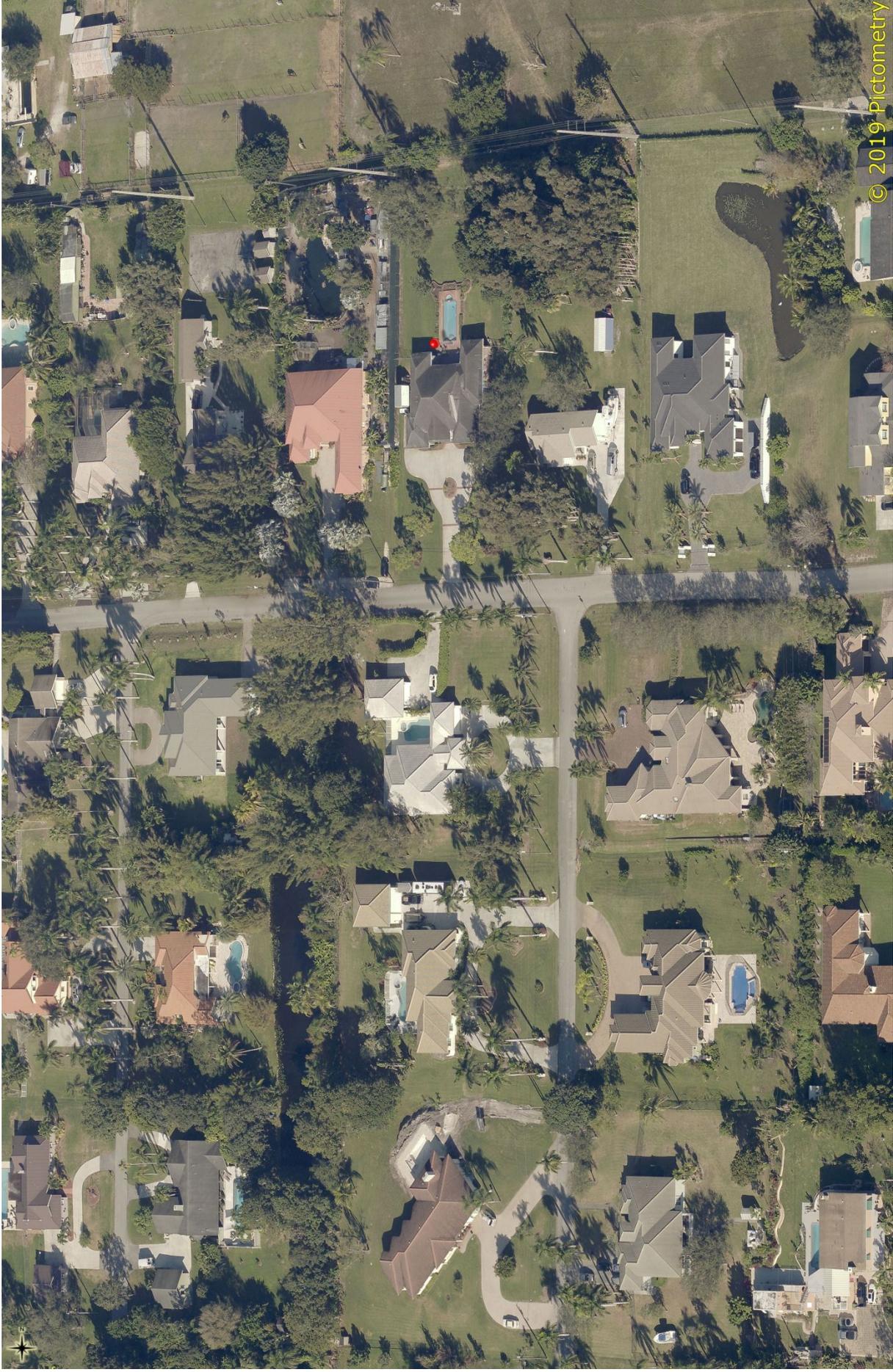
01/17/2019

Aerial Oblique 11345 Earnest Blvd. -- South



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Aerial Oblique 11345 Earnest Blvd. -- West





Aerial View



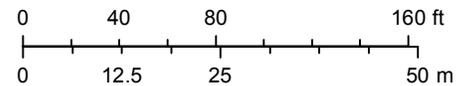
EARNEST BLVD

SW 113TH AVE

11/1/2019 3:13:58 PM

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George W. Gleason III
11345 Earnest Boulevard
Davie, FL 33325
954-260-0793
georgegleason70@yahoo.com

June 24, 2019

David Abramson
Deputy Planning and Zoning Manager
Town of Davie
Planning & Zoning Division
6591 Orange Drive
Davie, FL 33314-3399

Re: Compliance with Section 12-33(G) of the Town of Davie Code of Ordinances

Mr. Abramson:

My wife, Lisa Mauro, and I own a single-family home located at 11345 Earnest Boulevard in the Town of Davie. As part of our variance application to allow our proposed detached garage to be built within ten feet of our property line, we are writing this letter to certify that we will comply with Section 12-33(G) of the Town of Davie Code of Ordinances, which pertains to use regulations as applied to commercial vehicle parking in residentially zoned neighborhoods. We will not park our commercial vehicle in our proposed detached garage. The garage will be used for self-storage and the parking of our personal vehicle.

Please feel free to contact me with any additional comments or questions.

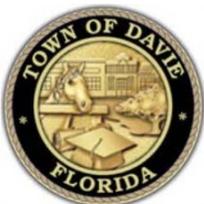
Thank you,


George Gleason

Map -- Letters of No Objection



197 ft



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To Whom it May Concern:

I, Michael Poggi have no objections with my neighbor at
11345 Earnest Blvd, installing a detached garage as proposed with ten-foot setbacks.

Address of Neighbor: 11365 Earnest Blvd. Davie, FL 33325

Signature: Michael Poggi Date: _____

Printed Name: MICHAEL POGGI

I, Thomas Simonson have no objections with my neighbor at
11345 Earnest Blvd, installing a detached garage as proposed with ten-foot setbacks.

Address of Neighbor: 11385 Earnest Blvd. Davie, FL 33325

Signature: Thomas Simonson Date: 3/28/2019

Printed Name: THOMAS SIMONSON

To Whom it May Concern:

I, Dennis Deveau have no objections with my neighbor at
11345 Earnest Blvd, installing a detached garage as proposed with ten-foot setbacks.

Address of Neighbor: 1950 SW 115th Ave Davie, FL 33325

Signature: [Handwritten Signature] Date: June 25

Printed Name: Dennis Deveau

I, ROMEO FARKAS have no objections with my neighbor at
11345 Earnest Blvd, installing a detached garage as proposed with ten-foot setbacks.

Address of Neighbor: 11415 Earnest Blvd. Davie, FL 33325

Signature: Romeo Farkas Date: 03-29-19

Printed Name: Romeo Farkas

To Whom it May Concern:

I, Marielys Garcia have no objections with my neighbor at
11345 Earnest Blvd, installing a detached garage as proposed with ten-foot setbacks.

Address of Neighbor: 11301 Earnest Blvd. Davie, FL 33325

Signature:  Date: 3/28

Printed Name: Marielys Garcia

I, Louis Gehring have no objections with my neighbor at
11345 Earnest Blvd, installing a detached garage as proposed with ten-foot setbacks.

Address of Neighbor: 11325 Earnest Blvd. Davie, FL 33325

Signature:  Date: 3/28/19

Printed Name: Louis Gehring

To Whom it May Concern:

I, JEFF ABBOTT have no objections with my neighbor at
11345 Earnest Blvd, installing a detached garage as proposed with ten-foot setbacks.

Address of Neighbor: 2130 SW 113th Ave Davie, FL 33325

Signature: [Handwritten Signature] Date: 3/29/19

Printed Name: JEFF ABBOTT

I, _____ have no objections with my neighbor at
11345 Earnest Blvd, installing a detached garage as proposed with ten-foot setbacks.

Address of Neighbor: 2131 SW 113th Ave Davie, FL 33325

Signature: [Handwritten Signature] Date: 3/30/19

Printed Name: MAURICE BERNARD

To Whom it May Concern:

I, Melanie Newson have no objections with my neighbor at
11345 Earnest Blvd, installing a detached garage as proposed with ten-foot setbacks.

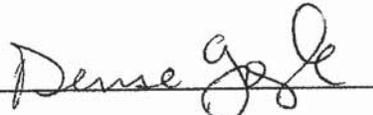
Address of Neighbor: 2140 SW 114th Ave Davie, FL 33325

Signature:  Date: 03/31/19

Printed Name: Melanie Newson

I, Denise Yoezle have no objections with my neighbor at
11345 Earnest Blvd, installing a detached garage as proposed with ten-foot setbacks.

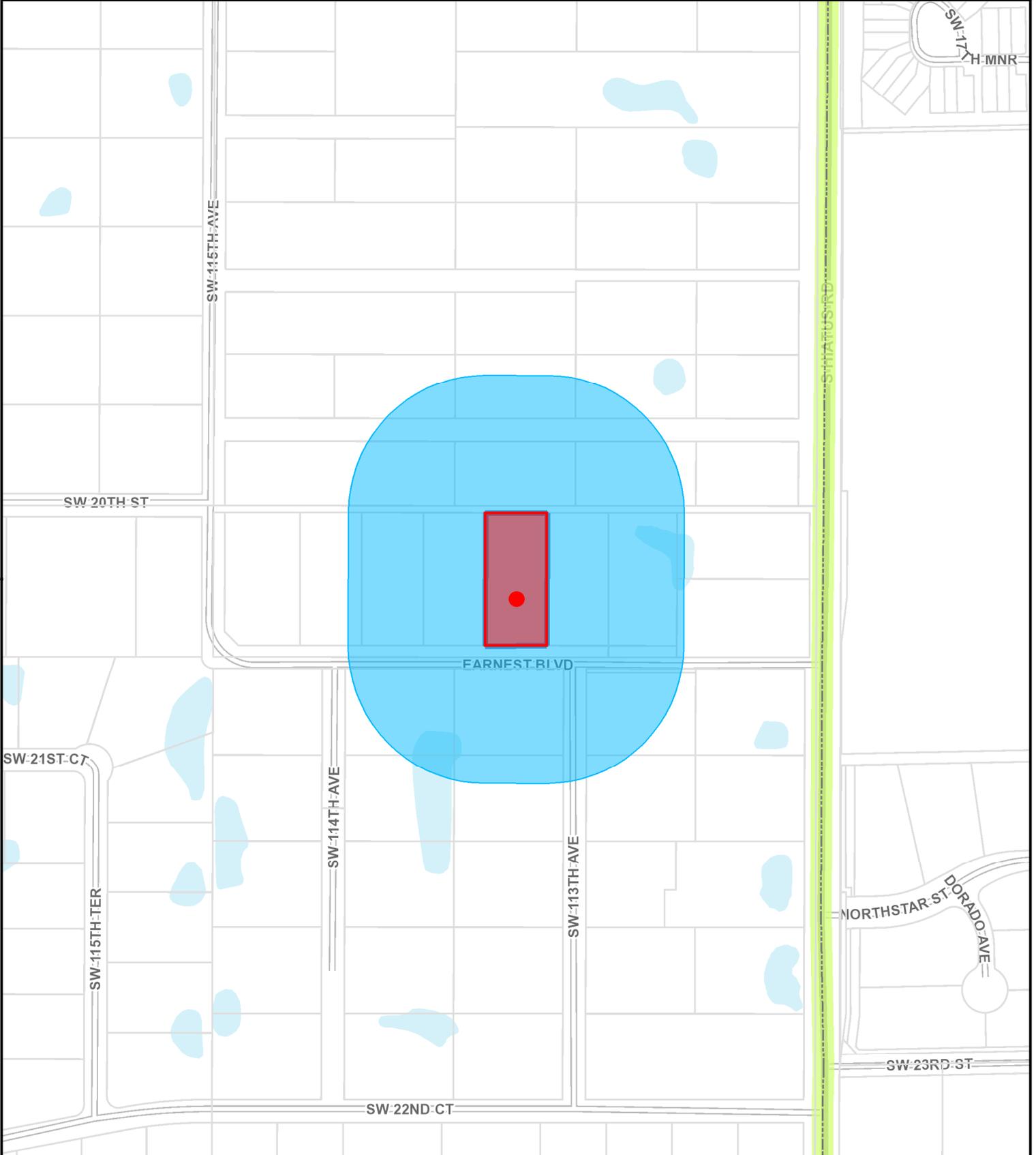
Address of Neighbor: 2131 SW 114th Ave Davie, FL 33325

Signature:  Date: 3/31/2019

Printed Name: Denise Yoezle

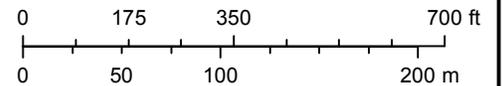


Mailout Map -- 300-ft. Around 11345 Earnest Blvd.



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V19-133 Gleason -- 300-ft. Notification Buffer by Owner and by Site

NAME 1	NAME 2	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP
ABBOTT,JEFFREY C & LINDA		2130 SW 113 AVE		DAVIE	FL	33325
BERNARD,MAURICE	M B REV LIV TR	2131 SW 113 AVE		DAVIE	FL	33325
BRIDGES,GEORGE M		1951 SW 112 AVE		DAVIE	FL	33325
CHAMPAGNE,PAULE LINDA & FRANTZ		2140 SW 113 AVE		DAVIE	FL	33325
DEVEAUGH,DENNIS &	DEVEAUGH,NANCY	1950 SW 115 AVE		DAVIE	FL	33325
DEVEAUGH,DENNIS K & NANCY R		1950 SW 115 AVE		DAVIE	FL	33325
DEVEAUGH,DENNIS K & NANCY R		1950 SW 115 AVE		DAVIE	FL	33325
FARKAS,ROMEO	FARKAS,DANIELA M	11415 EARNEST BLVD		DAVIE	FL	33325
GAGNE,JEAN-MARIE & PAULINE		2141 SW 113 AVE		DAVIE	FL	33325
GARCIA,MARIELYS		11301 EARNEST BOULEVARD		DAVIE	FL	33325
GEHRING,LOUIS F	LOUIS FREDRICK GEHRING TR	11325 EARNEST BLVD		DAVIE	FL	33325
GLEASON,GEORGE W III	MAURO,LISA	11345 EARNEST BLVD		DAVIE	FL	33325
LITTLE CRITTERS CORRAL INC		1950 SW 115 AVE		DAVIE	FL	33325
MANNING,RICHARD V & LAURIE H		2144 SW 114 AVE		DAVIE	FL	33325
NEWSON,SCOTT		2140 SW 114 AVE		DAVIE	FL	33314
POGGI,MICHAEL L H/E	POGGI,JANET	11365 EARNEST BLVD		DAVIE	FL	33325
PUMA,JOAN		1970 SW 115 AVE		DAVIE	FL	33325
SANTANA,JORGE E & LUCY		2001 SW 112 AVE		DAVIE	FL	33325
SIMONSON,THOMAS & PATRICIA		11385 EARNEST BLVD		DAVIE	FL	33325
SPAIN,JOHN J & Z MARGARET		2020 S HIATUS RD		DAVIE	FL	33325
TOWN OF DAVIE	SYLVIA MYINT	6591 ORANGE DR		DAVIE	FL	33314

**NOTICE OF PUBLIC HEARING FOR:
VARIANCE APPLICATION**

The Town of Davie proposes to conduct public hearings to consider the following resolution:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TAKING FINAL ACTION ON VARIANCE APPLICATION V19-133 GLEASON, PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Planning and Zoning Board and the Town Council of the Town of Davie will hold public hearings in the Council Chambers of the Davie Town Hall, 6591 Orange Drive, Davie, Florida on the dates hereinafter specified. The item will be discussed at 6:30 p.m. or as soon thereafter as practicable. Comments of any interested party relative to this matter may be submitted in writing and/or presented at the hearing.

PETITIONER/OWNER: Alicia J. Lewis, Esq., Greenspoon Marder, LLP / George Gleason

PROPERTY LOCATION: 11345 Earnest Boulevard
(Parcel Folio No. 5040-13-07-0050)

**DATE OF PLANNING &
ZONING BOARD HEARING:** November 13, 2019

**DATE OF TOWN
COUNCIL HEARING:** December 4, 2019

VARIANCE APPLICATION: The proposed variance would allow a side (west) setback reduction to 10 ft. (Town code requires 25 ft.) for a 1,440 s.f. pre-fabricated detached garage.

**SAID APPLICATIONS SHOULD
BE REFERRED AS:** Variance V19-133 Gleason

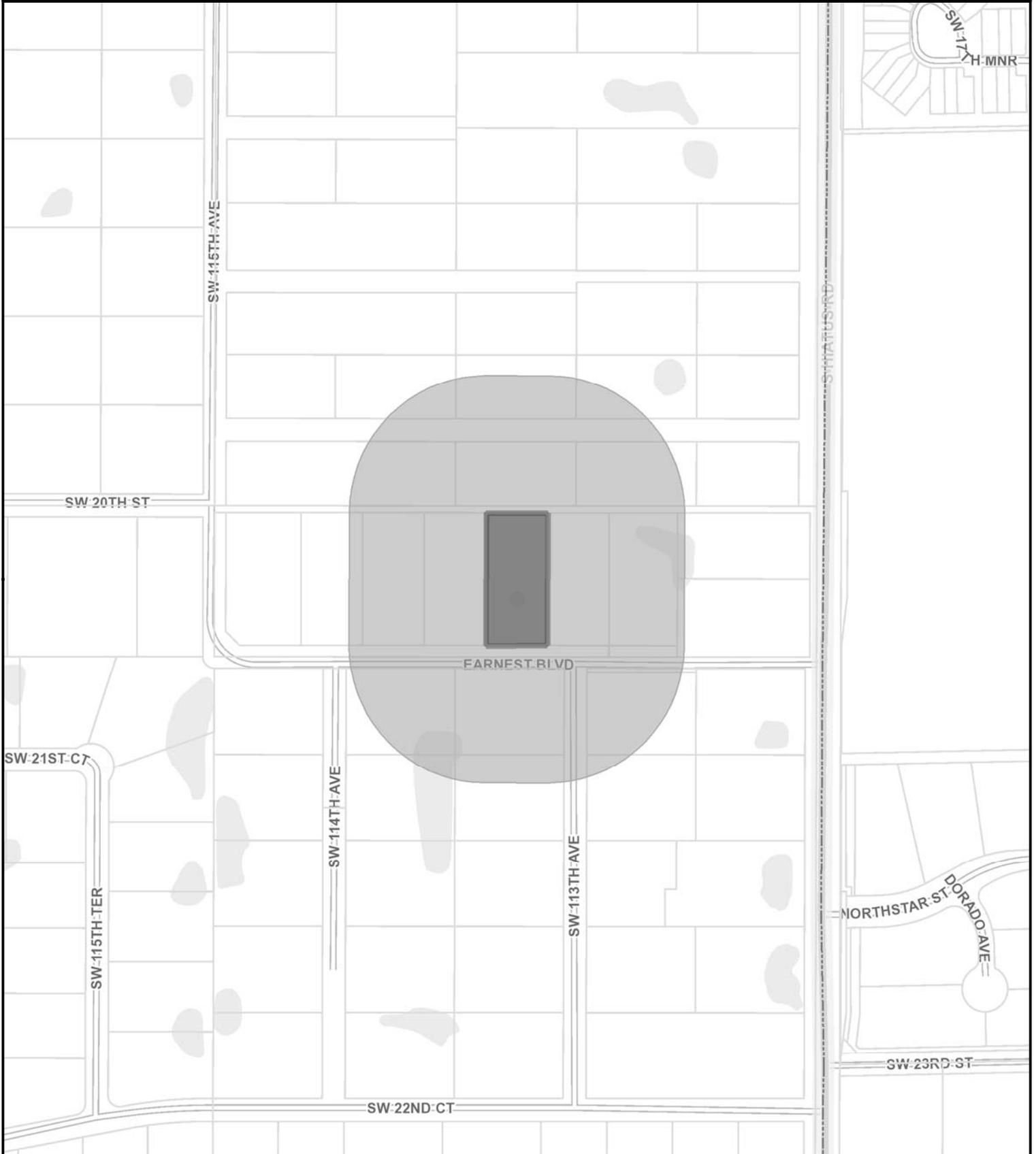
For further information, call the Planning and Zoning Division at (954) 797-1103. The proposed ordinance and application may be inspected at the Planning and Zoning Division, 6591 Orange Drive, between the hours of 8:30 a.m. to 5:00 p.m. Monday through Friday.

Any person wishing to appeal any decision made by this board or committee with respect to any matter considered at such meetings or hearings will need a record of the proceedings, and for such purposes may need to ensure that a verbatim record of the proceeding is made, which record include the testimony and evidence upon which the appeal is made.

Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk at 797-1023 at least five business days prior to the meeting to request such accommodation. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (TDD).



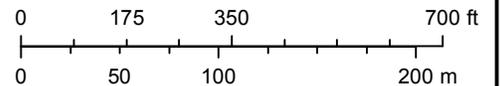
Mailout Map -- 300-ft. Around 11345 Earnest Blvd.



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TOWN OF DAVIE
PLANNING & ZONING DIVISION
 6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
 Phone: 954.797.1103 • www.davie-fl.gov

PLANNING REPORT

Project Type, Number and Name
Variance V19-207 Arbor Reserve

Application	
Petitioner/Representative	James Wright/Ryan Palonka
Owner	CC Homes at Davie, LLC
Project Planner	Lise Bazinet
Date of Report	12/17/2019
Date of Public Participation	N/A
Date of Public Notification	12/19/2019
Date of Board Review	01/08/2020
Date of Town Council Review	02/19/2020

Location/Site	
Folio/Identification Number	50-40-28-06-0010 and 50-40-28-06-0020
Address (General Location)	Generally located on the west side of SW 154 Ave., South of SW 36 th St.
Nearest North/South Road	SW 154 th Avenue (Shotgun Road)
Nearest East/West Road	Southwest 36 th Street
Size (Approx. Acres)	18
Existing Use	Vacant
Future Land Use	Residential 1 DU/Acre
Zoning	A-1 and Open Space Overlay
Council District	4
Redevelopment Area	N/A
Overlay District	N/A
Design Regulation	N/A
Flexibility Zone	113
Planning Area	2
Right-of-way Acquisition	N/A
Utilities Provider	City of Sunrise
Drainage District	Central Broward Water Control District (CBWCD)
Nearby Equestrian Trail	Robbins Vista View
Nearby Recreational Trail	Robbins Vista View park
Nearby Park	Governor LeRoy Collins park
Nearby Bus Route	N/A

Key Points
<ul style="list-style-type: none"> • The proposed variances would allow: <ol style="list-style-type: none"> 1. 75% of the single-family homes to have a front-loaded garage setback 7'-2" (model M) and 0 ft. (model N) from façade of the principal building (code normally allows a minimum of 50% of the homes to have a front-loaded garage setback at least 15 ft. from facade).



TOWN OF DAVIE
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
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2. An 8 ft. high and continuous wall on top of a 7ft. high berm (Town code normally allows a maximum wall height of 3 ft., wall sections shall not exceed 10 lineal ft. and no wall shall be placed atop a berm)
- The property was previously approved for a similar development in 2015 but was never built.
 - The applicant has also submitted concurrent site plan for an 18-lot development, a developer's agreement and a deed of conservation easement.

History

1. Related Zoning Information:

- The settlement Agreement 1995, resolution R-95-351, commonly referred to as the "Imagination Farms" Agreement included this parcel. *The proposed application is not in conflict with the settlement agreement.*
- *On January 15, 2003 Rezoning (ZB 9-2-02, Shotgun East), was approved by Town Council by Ordinance 2003-002. At this hearing, a motion was made to approve the rezoning subject to a voluntary deed to restrict the site to only be used as a public school. In addition, the Town agreed that if the Broward County School Board chooses not to utilize the site for a public school, the parcel will be zoned back to A-1, Agricultural District. Upon approval of the rezoning back to A-1, the Town of Davie agreed to release the deed restriction, as necessary. The subject deed restriction was recorded on Book 37347, Page 1694 of the Official Records of Broward County. On October 30, 2009, Homes of Davie Associates IV, Ltd., owner of the property at that time, delivered notice of termination of the School Site Agreement in accordance to the terms on recorded deed restriction.*

2. Previous Requests on same property:

- *Plat P 9-2-02, Shotgun East:* at the February 5, 2003 Town Council meeting, a motion was made to approve the boundary plat that consisted of approximately 33.36 acres for the proposed development of a 240,000 square foot public middle school. *The plat note has since been revised.*
- *Developer's Agreement DA 2-3-03 Shotgun East:* at the March 24, 2003 Town Council meeting, the developer entered into a Regional Road Concurrency Agreement. The developer agreed to pay \$25,000 towards the installation of video detection equipment for a countywide project to install such equipment at signalized intersections. *This agreement was related to school construction and was never executed.*
- *Developer's Agreement DA 2-4-03 Shotgun East:* at the March 24, 2003 Town Council meeting, the developer entered into an agreement to prevent destruction of the archaeological site during development of the property and to preserve the archaeological site as private open space. The Town is party to this developer's agreement solely for the purpose of withholding building permits or certificates of occupancy if required by the County. Approved by Resolution 2003-079.
- *Developer's Agreement DA 7-2-03, Shotgun East:* at the August 20, 2003 Town Council meeting, the developer entered into an Installation of Required Improvements Agreement in order to satisfy concurrency for the said plat. *This agreement, adopted by Resolution 2003-212, was related to school construction*



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and is no longer applicable.

- *Developer's Agreement DA 6-1-10 Shotgun East:* at the February 16, 2011 Town Council meeting, the Town released an agreement restricting uses on subject property to only be used as a public school. *Adopted by resolution 2011-040 (affected only the LDS Temple site).*
- *Developer's Agreement DA 9-1-10 Shotgun East Estates:* at the February 16, 2011 Town Council meeting, the Town entered into an agreement to place certain restrictions on the re-plat for future development. *Adopted by Resolution 2011-041. Staff has confirmed that the proposed residential development is consistent with the agreement.*
- *Developer's Agreement (DA 11-1-10, Shotgun East Estates),* at the February 16, 2011 Town Council meeting, the Town entered into an agreement to waive the affordable housing requirements. *Adopted by Resolution 2011-042.*
- *Delegation (DG 5-1-10, Shotgun East Estates/Latter-Day Saints Temple),* at the February 16, 2011 Town Council meeting, the Town approved an amendment to the non-vehicular access lines along the eastern platted boundary but was later changed (see below).
- *Delegation (DG 5-2-10, Shotgun East Estates/Latter-Day Saints Temple),* at the February 16, 2011 Town Council meeting, the Town approved an amendment to the recorded restrictive note but was later changed (see below).
- *Plat (P 5-1-10, Shotgun East Estates/Latter-Day Saints Temple),* at the February 16, 2011 Town Council meeting, the Town approved a residential lot specific re-plat consisting of thirteen (13) single-family dwelling lots. *This plat was never recorded.*
- *Developer's Agreement (DA 11-102, Shotgun East),* at the September 21, 2011 Town Council meeting, the Town approved a developer's agreement to memorialize conditions of approval. Approved Resolution 2011-226 (attached for reference). *The agreement related both to the LDS Temple and the residential development. Staff has confirmed that the proposed residential development is consistent with the conditions of this agreement.*
- *Site Plan (SP 5-2-10, Shotgun East Estates/Latter-Day Saints Temple),* master plan consisting of two (2) developments, Shotgun East Estates to the north and Latter-Day Saints Temple to the south, proposing thirteen (13) single-family custom homes was approved by Town Council on February 16, 2011. *Only the temple portion was built.*
- *Rezoning 14-316 Temple View Estates:* rezoning the property from Agricultural (A-1) District to Open Space Design Overlay was approved by Town Council on December 2nd, 2015.
- *Site Plan 14-315 Temple View Estate:* for 18 single family lots (no models provided) was approved by Town Council on December 2nd, 2015.
- *Delegation DG 14-317, Temple View Estates:* to amend the non-vehicular access lines along the eastern boundary as previously approved to be relocated as per site plan was approved by Town Council on November 4th, 2015.
- *Delegation DG 14-318, Temple View Estates:* to amend the recorded restrictive note to 18 single family detached units was approved by Town Council on November 4th, 2015.



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- *Second Amended Developer's Agreement: consistent with the conditions of the original agreement and the proposed Temple View Estates residential development.*
- *Deed of Conservation Easement: guaranteeing the preservation of the conservation areas was approved by Town Council on November 4th, 2015.*
- *Re-approval: of previous Temple View Estates site plan application after expiration date and Second Amended Developer's Agreement including the Deed of Conservation Easement was approved by Town Council on April 27, 2017.*

3. Concurrent Requests:

- *Site Plan SP19-035 Arbor Reserve: revised site plan with new layout.*
- *3rd Amended Developer's Agreement DA 19-038 Arbor Reserve: To include the new property owner (CC Homes at Davie, LLC) and the revised site plan, removing already met conditions and binding the new property owner to previous applicable conditions.*
- *Amended Deed of Conservation Easement DA19-037 Arbor Reserve: to guarantee the preservation of the conservation areas within the revised site plan.*

Analysis

The following information is staff's analysis (*italic font*) based on the criteria established in the Town of Davie's Land Development Code, Section 12-309(B)(1) for variance applications:

- (a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property;
The location backing Interstate 75 is a special circumstance for which the variance to allow an 8 ft. high and continuous wall on top of a 7ft. high berm is sought. However, there are no special circumstances or conditions for the front-loaded garage variance.
- (b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose;
The variances are not necessary for reasonable use of the land. The land is vacant, and development of the site can meet Town code without the need of variances.
- (c) That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
The subject site is abutting similar residential properties. There is no evidence that granting the variance will compromise the neighborhood public safety and welfare.



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Recommendations

Staff finds the application complete and suitable for further review.

Attachments

1. Petitioner Documentation
2. Related Maps
3. Noticing Information



October 22, 2019

Town of Davie
Planning & Zoning Division
6591 Orange Drive
Davie, Florida 33314-3399

**RE: ARBOR RESERVE (f.k.a. CHATEAUX AT DAVIE f.k.a. TEMPLE VIEW ESTATES)
SCOPE OF WORK LETTER – GARAGE AND WALL VARIANCES**

The proposed Arbor Reserve project includes 18 single family homes, a gated entrance, and landscaped public open space. The development is located on the west side of SW 154th Avenue, south of SW 36th Street (Parcel ID's 504028060010 and 504028060020). The existing site is vacant.

As part of the site plan approval, the following variance requests are included:

- Garage Variance – Requesting variance from section 12-290(D). See variance request prepared by Greenspoon Marder dated August 22, 2019.
- Wall Variance – Requesting variance from section 12-287(B). See variance request prepared by Greenspoon Marder dated October 17, 2019.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Wright". The signature is stylized and includes a long horizontal flourish extending to the right.

James Wright, P.E.
VP

August 22, 2019
Revised

David Quigley
Planning & Zoning Manager
Town of Davie
6591 Orange Drive
Davie, FL 33314

Re: **ARBOR RESERVE (TOWN PROJECT NO. 2019-00050035 SP)**
formerly known as TEMPLE VIEW ESTATES – GARAGE VARIANCE

Dear David:

We represent CC Homes (CC Devco, LLC, CC Homes at Davie, LLC, owner of a portion of Parcel "A" and all of Parcel "B" of the Shotgun East Plat (the "Property"). In conjunction with a site plan modification application, the Applicant is requesting a variance from Article IX of the Town of Davie Land Development Code (the "Code") pertaining to minimum garage standards.

The proposed Arbor Reserve project includes 18 single family homes, a gated entrance, and landscaped public open space. There are 4 models proposed ranging in size from 3,091 square feet air conditioned space (4,006 total square feet) to 4,709 square feet air conditioned space (5,879 total square feet). The architectural diversity at Arbor Reserve is demonstrated in the 3 distinct architectural styles; Coastal, Santa Barbara, and Contemporary elevation designs. Each of these 3 styles has its own architectural elements, accents, and details such as tile, stone, moldings, grills, brackets, shutters, and arches. This diversity is carried through to the garages with a number of decorative doors offered.

Section 12-290(D), Minimum Garage Standards, specifies that a minimum, fifty (50) percent of all homes within a site plan approved subsequent to adoption of this provision shall provide garages located in the rear of the house or oriented to the side of a house. When garages and carports must be front-loaded, they shall be set back at least fifteen (15) feet measured from façade of the principal building.

The garage setbacks and orientation for the 4 models offered at Arbor Reserve are as follows:

- Model M: front-loaded garage set back 7'-2" from the principal building façade
- Model N: front-loaded garage with a 0' setback from the principle building façade.
- Model P: side-loaded garage which meets all the requirements of section 12-290(D).
- Model Q: two-car side-loaded garage and a one-car front-loaded garage set back 21'-0" from the principal building façade. Both garages meet the requirements of section 12-290(D).

The Applicant is requesting a variance from Section 12-290(D) to allow 25% of the homes within the site plan shall provide garages that are oriented to the side. The site plan includes (2) two models that have side-loaded garages. The Applicant is also requesting a variance from Section 12-290(D), to reduce the required garage setback from 15' to 0' from the front façade. Model N is the only model that has a 0' garage setback maximum. The setback variance would also apply to Model M but the garage is setback 7'-2" from the front façade, which is consistent with the variance request. Renderings for Model M and Model N are attached.

In accordance with Section 12-309 of the Town of Davie Land Development Code, this request is in compliance with the requirements for variance approval:

(a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property;

The requirements of Section 12-290(D) create a hardship to provide flexible floor plan designs that meet potential buyer demands in a small residential community. Side-loaded garages can be restrictive and less desirable for some home buyers because they result in increased paved front yard area and they are more difficult to access. Recessing front loaded garages 15' behind the principal building façade also restricts the plan design and lot use. The 15' garage setback means less rear yard which is not ideal for some home buyers' planned use. The setback can impact the size and locations of patio areas, seating areas, and swimming pools.

The proposed site plan includes a variety of homes that maximize consumer flexibility and in turn create an architecturally unique community. The models at Arbor Reserve provide floor plans and elevation designs distinctively different from communities elsewhere. The proposed garage locations for models "M" and "N" are the result of providing the consumer with a flexible floor plan and multiple configuration options such as bonus rooms, dens, game rooms, lofts, guest casitas, cabana baths, and outdoor summer kitchens. The design of each elevation and architectural style has been carefully planned by the architectural design professionals so that each element contributes to the overall attractiveness of each model. It should be noted that all models and lots meet the required building envelope spacing and setbacks from rights-of-way and property lines.

(b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose;

The proposed site plan includes only 18 homes and this small of a development presents unique challenges to meeting the requirements of section 12-290(D) and accommodating the consumer's requests. Due to the amount of variation on each model and the percent of models offered, CC Homes has provided sufficient architectural diversity to meet the intent of the requirement. The variance requested is applies to only two (2) models that do not meet the garage orientation requirement. For these reasons, the proposed variance is the minimum variance needed that will accomplish the purpose.

(c) That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The requested variance will facilitate development of large-lot single-family homes that are similar in size and style to those in the surrounding area. The Applicant has included a variety of designs and options for each home that will ensure there is sufficient architectural diversity within the development. Specifically, Arbor Reserve has 4 different models with 3 distinct architectural styles; Coastal, Santa Barbara, and Contemporary. Numerous plan designs and elevation options in various elevation styles ensure this community will be truly anti-monotonous.

A Developer's Agreement in place for the Property requires that Arbor Reserve provide residence similar in size and of comparable style of that of the neighboring Riverstone community. The Riverstone Homeowner's Association letter of support for the Arbor Reserve project is included as an attachment to this letter to document that the proposed development will not be injurious to the neighborhood.

David Quigley
August 22, 2019
Page 4

CC Homes has a track record of providing brand new quality homes in municipalities like the Town of Davie that have high architectural design standards. CC Homes offers homes with great designs that have proven to be appealing to consumers in the real estate market. The number of elevations and options offered by CC Homes are more comparable to a custom home builder than a tract home builder. This holds true for the models offered at Arbor Reserve, which have received extremely positive consumer feedback.

Please let me know if you need any additional information regarding this request.

Sincerely,

GREENSPOON MARDER LLP

A handwritten signature in black ink, appearing to read "Dennis D. Mele". The signature is written in a cursive, flowing style.

Dennis D. Mele, Partner



MODEL "M"



MODEL "M"



MODEL "M"



MODEL "M"



MODEL "M"



MODEL "N"



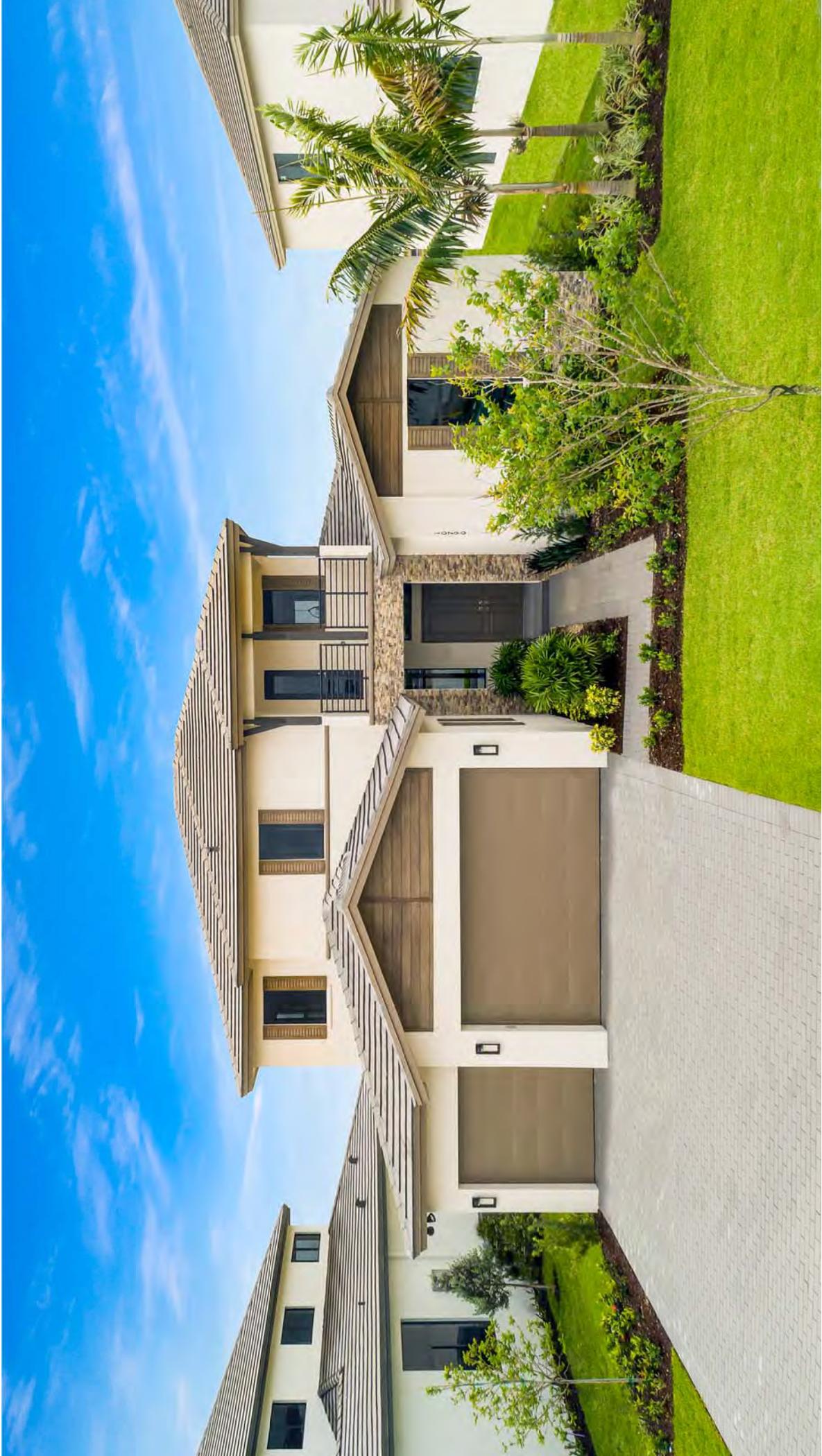
MODEL "N"



MODEL "N"



MODEL "N"



MODEL "N"

October 17, 2019

David Quigley
Planning & Zoning Manager
Town of Davie
6591 Orange Drive
Davie, FL 33314

Re: **ARBOR RESERVE (TOWN PROJECT NO. 2019-00050035 SP)**
formerly known as TEMPLE VIEW ESTATES – WALLVARIANCE

Dear David:

We represent CC Devco, LLC, and CC Homes at Davie, LLC (“CC Homes”), owner of a portion of Parcel “A” and all of Parcel “B” of the Shotgun East Plat (the “Property”). In conjunction with a site plan modification application, the Applicant is requesting a variance from Article IX, Section 12-287(B) of the Town of Davie Land Development Code (the “Code”) pertaining to fences and walls.

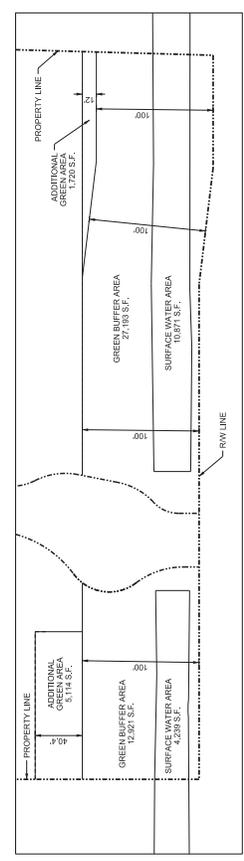
The proposed Arbor Reserve project includes 18 single family homes, a gated entrance, and landscaped public open space. The Property is located on the west side of SW 154 Avenue and the western property line is adjacent to I-75. The Applicant is desirous of providing a sufficient buffer along the western and a portion of the southern property lines that are the ones most impacted by I-75. See attached Site Plan. An enhanced buffer in these areas is needed to shield future property owners from the noise and visual impacts of I-75. The Applicant’s request is similar to the wall and buffer that was approved for the prior site, Temple View Estates.

Section 12-287(B) includes the following requirements for walls:

- (6) Walls shall be limited as follows:
 - (a) Walls are prohibited within scenic corridor buffers and limited to a maximum of three (3) feet in height in all other locations.
 - (b) Wall sections shall not exceed ten (10) lineal feet and provide a hedge or other landscaping between any two (2) wall sections



- GENERAL NOTES**
1. WATER SERVICE WILL BE PROVIDED BY THE CITY OF SUNBEE.
 2. SEWER SERVICE WILL BE PROVIDED BY THE CITY OF SUNBEE.
 3. THE ARCHAEOLOGICAL SITE SHALL BE PRESERVED AS PRIVATE OPEN SPACE PER THE CITY OF SUNBEE ZONING REGULATIONS. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SUNBEE.
 4. THE RECREATIONAL DEVELOPMENT SHALL ADHERE TO ANTI-DUMPING.
 5. GRADES, SHUBS, TREES AND ANY OTHER LANDSCAPE MATERIAL LOCATED AT THE RIGHT OF WAY WITHIN THE EDGE OF PAVEMENT AND THE PROPERTY LINE SHALL BE MAINTAINED BY THE HOMEOWNER/OWNER.



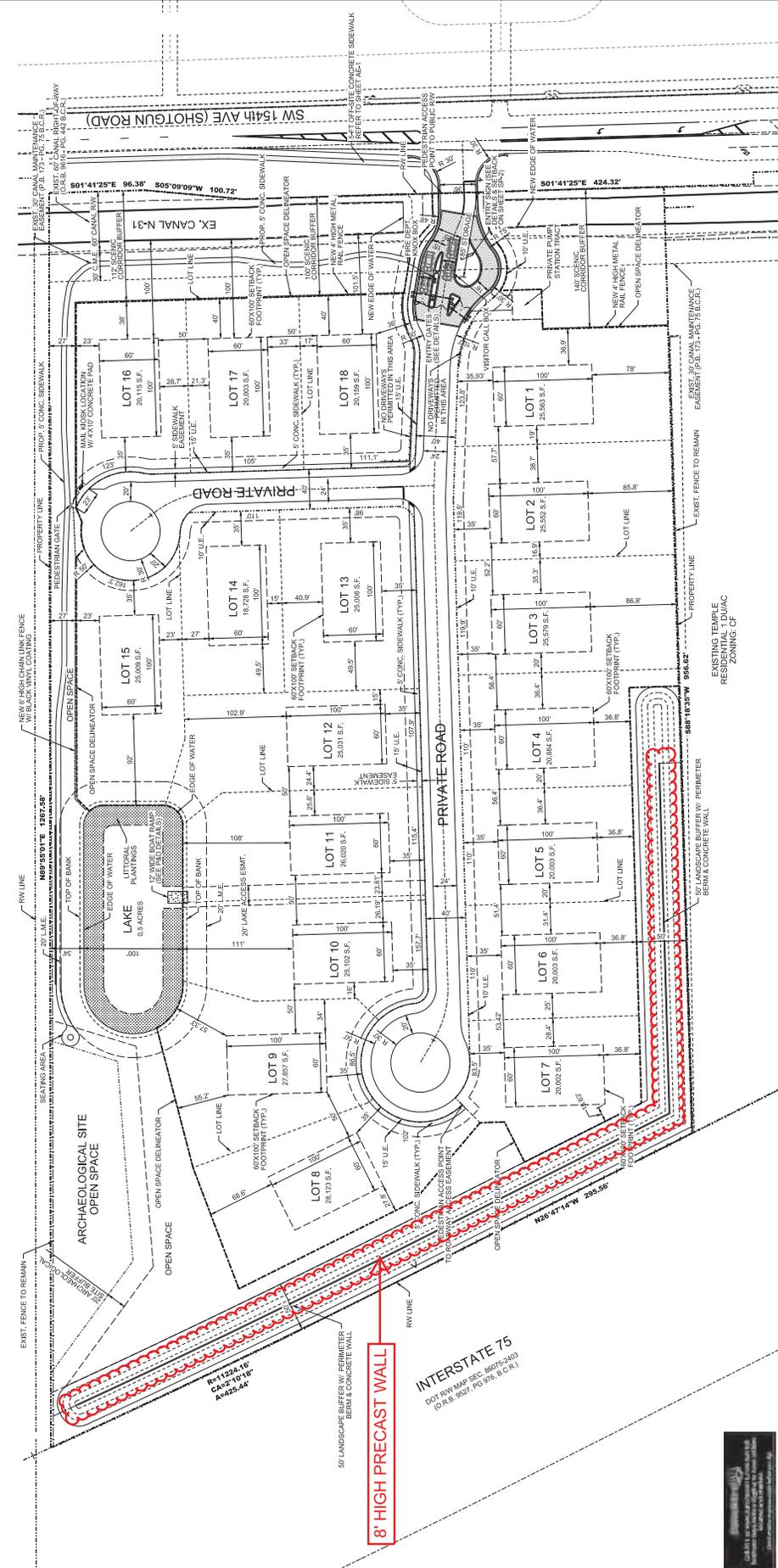
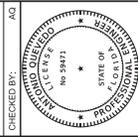
SCENIC CORRIDOR EXHIBIT

HSQ GROUP, INC.
 Engineers - Planners - Surveyors
 5015 Northwest 17th Drive, Suite 4
 Miami, Florida 33157 - 863.553.5271
 C20209 - 1/29/24

ARBOR RESERVE
SITE PLAN

DATE:	1/19
DESIGNED BY:	AQ
DRAWN BY:	RW
CHECKED BY:	AQ

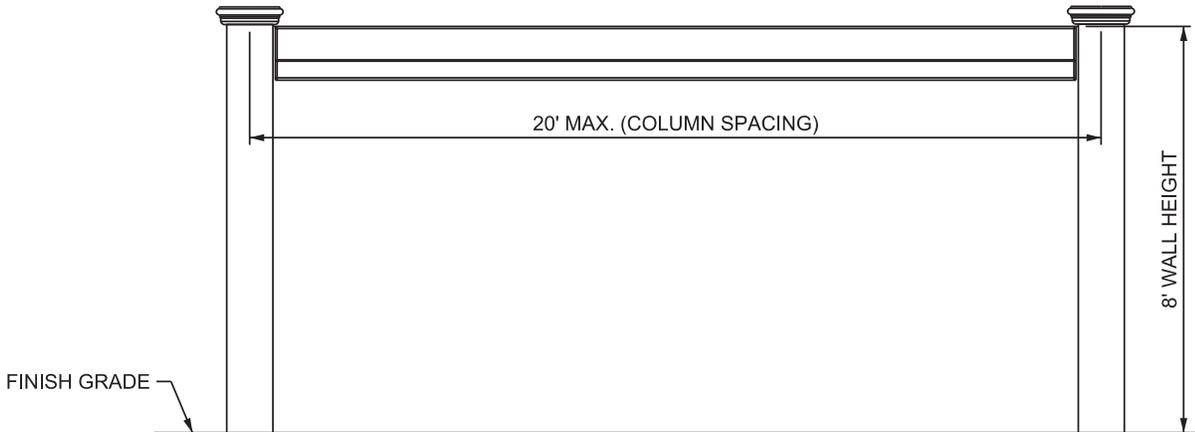
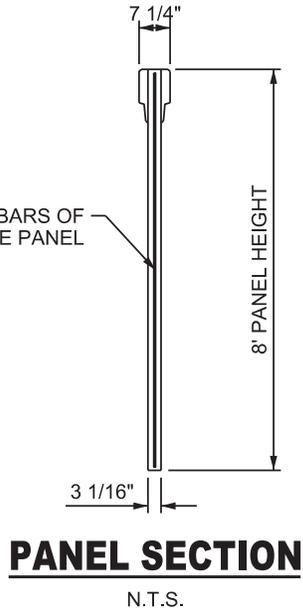
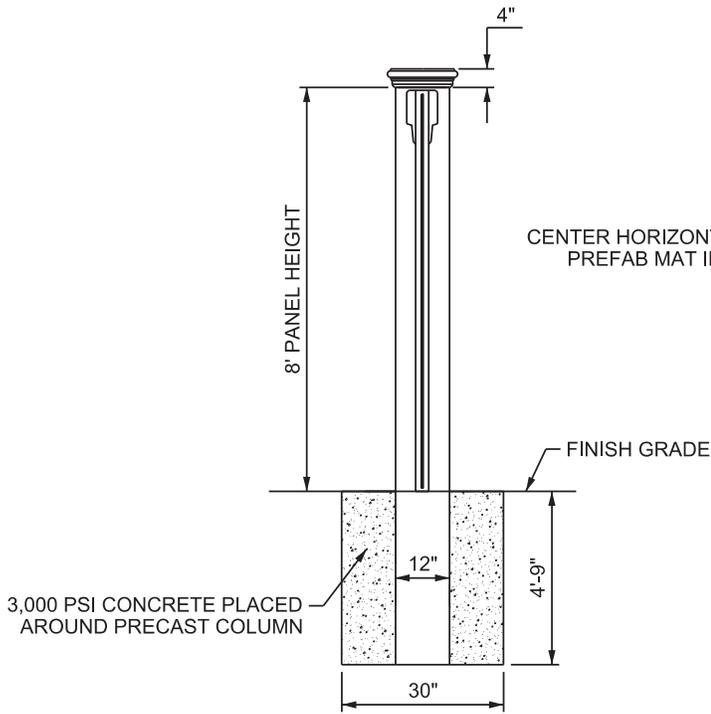
PROJECT: 1901-02
 SHEET: SP-1



8' HIGH PRECAST WALL

INTERSTATE 75
 DOT R/W MAP SEC. 86975-2403
 (D.A.B. 8697, PG. 076, B.C.A.)





PRECAST PERIMETER WALL ELEVATION

N.T.S.

Ryan Palonka

From: Lauren Villegas <laurenvillegasrn23@yahoo.com>
Sent: Thursday, July 18, 2019 1:25 PM
To: Ryan Palonka; Jimmy Wright; tworkman@workmancorp.com
Cc: Chris Tuller; Brittany Dunn; LBazinet@davie-fl.gov
Subject: Riverstone approval of Arbor Reserve (Chateaux at Davie)
Attachments: Draft Letter of Support - Riverstone HOA.pdf

Gentleman,

I apologize for the late response. I have been away on vacation and I'm catching up with emails.

Attached is the letter from Riverstone Board of Directors in reference to **Arbor Reserve (Chateaux at Davie)**. We are in support of your project and hope we are able to work together as neighbors.

One of the big requests are that we ask that you direct all your work trucks, workers and potential clientele to travel south on Shotgun to Orange drive so they are not to interfere with the traffic flow of our community at all times. Also we ask to please tell all employees to stay off our berm with their vehicles/trucks. If any of your trucks/vehicles destroy our grass on the berm we ask for immediate resolution in fixing it. Thank you and we look forward to working together with you.

Thank you,

Lauren Villegas
President
Riverstone Homeowners Association

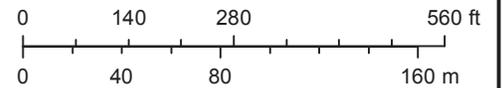


Future Land Use Map



GIS MAP DISCLAIMER

The information on this map is for graphical purposes only. It does not represent a legal survey and has not been prepared or is it suitable for legal, engineering, or surveying purposes. While every effort has been made to ensure that these data are accurate and reliable the Town of Davie cannot assume liability for any damages caused by any errors or omissions in the data.



12/16/2019 9:41:40 AM



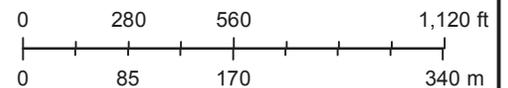
Zoning Map



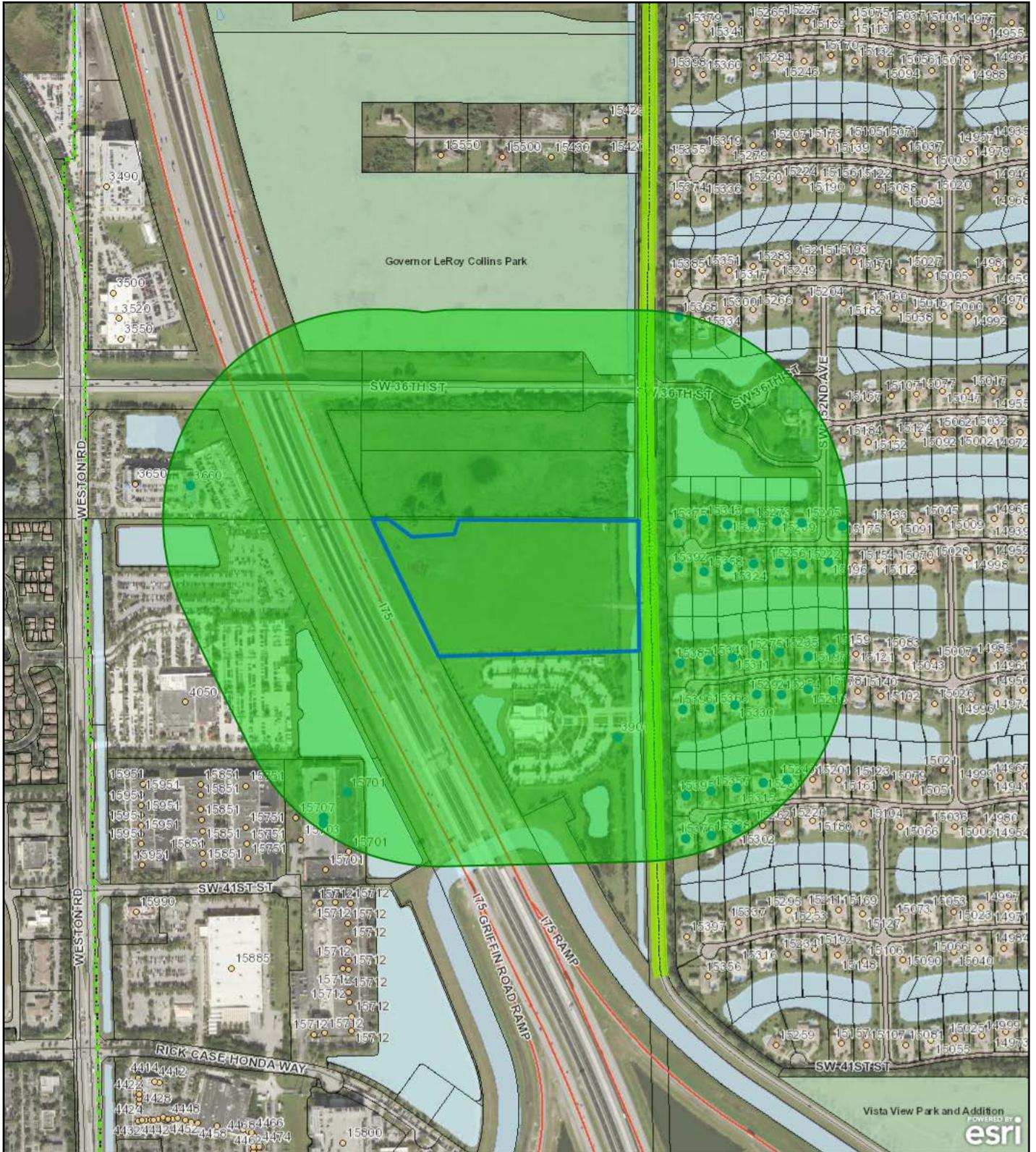
GIS MAP DISCLAIMER

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12/16/2019 9:39:23 AM



Mailout Map -- 1,000 Radius Around 504028060010



735 ft



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NAME_LINE_	ADDRESS_LI	CITY	STAT	ZIP
SANCHEZ,MANUEL & GISELA	10220 PORT OF SPAIN ST	HOLLYWOOD	FL	33026
NURSERY PEOPLE LLC	1110 S FLAMINGO RD	DAVIE	FL	33325
BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL	33301
RIVERSTONE HOMEOWNERS ASSN INC	11784 W SAMPLE ROAD	CORAL SPRINGS	FL	33065
COTO,RAMIRO JR & YEZENIA	15121 SW 38 ST	DAVIE	FL	33331
MCCANTS,WILLIAM &	15140 SW 38 ST	DAVIE	FL	33331
WHITE,KEITH &	15154 SW 37 ST	DAVIE	FL	33331
MENENDEZ,SEAN & DANIA	15159 SW 38 ST	DAVIE	FL	33331
DECHURCH,GREGORY	15161 SW 39 ST	DAVIE	FL	33331
BRYAN,RUTH LE	15175 SW 37 ST	DAVIE	FL	33331
WALKER,JOSEPH FRANKLIN H/E	15178 SW 38 ST	DAVIE	FL	33331
GONCALVES,KAIO AUGUSTO ALVES	15184 SW 36 ST	DAVIE	FL	33312
ARCILA,JAVIER H/E	15196 SW 37 ST	DAVIE	FL	33331
FANG,ZHENG H/E	15197 SW 38 ST	DAVIE	FL	33331
GUR,MICHELE	15201 SW 39 ST	DAVIE	FL	33331
GRANDA,LILLIAM	15205 SW 37 ST	DAVIE	FL	33331
LIGER,FERDINAND & MARGUARETTE M	15216 SW 38 ST	DAVIE	FL	33331
GUERRERO,JOSE	15220 SW 39 ST	DAVIE	FL	33331
CHOUHDURY,MAROOF	15222 SW 37 ST	DAVIE	FL	33331
RODRIGUEZ,ROBERT M & ESTHER J	15235 SW 38 ST	DAVIE	FL	33331
AMADOR,DAISY & PEDRO L	15239 SW 37 ST	DAVIE	FL	33331
Current Occupant	15243 SW 39 ST	DAVIE	FL	33331
GARCIA,PAOLA S	15254 SW 38 ST	DAVIE	FL	33331
BROCK,LINDA	15256 SW 37 ST	DAVIE	FL	33331
PRAZERES,JOSE A JR &	15262 SW 39 ST	DAVIE	FL	33331
IBARS,OSCAR & LOURDES	15266 SW 35 ST	DAVIE	FL	33331
Current Occupant	15273 SW 37 ST	DAVIE	FL	33331
Current Occupant	15275 SW 38 ST	DAVIE	FL	33331
Current Occupant	15281 SW 39 ST	DAVIE	FL	33331
MAZZOTTA,ANA LAURA G & ORLANDO D	15290 SW 37 ST	DAVIE	FL	33331
GUZMAN,JORGE & MARJORIE	15292 SW 38 ST	DAVIE	FL	33331
SLOCUM,LOUISE V H/E	15300 SW 35 ST	DAVIE	FL	33331
JACKSON,JOSE F & BELLIAMINOWA V	15302 SW 39 ST	DAVIE	FL	33331
ROMEUS,PATRICK & SANDRA LESTIN	15307 SW 37 ST	DAVIE	FL	33331
Current Occupant	15311 SW 38 ST	DAVIE	FL	33331
RINCON,CESAR A & CLAUDIA A	15315 SW 39 ST	DAVIE	FL	33331
DELIZZA,ROBERT G & JOANNE C	15324 SW 37 ST	DAVIE	FL	33331
PARRA,RAMIRO ANTO	15330 SW 38 ST	DAVIE	FL	33331
LLINAS MATAMOROS,JOSE MARTIN	15338 SW 39 ST	DAVIE	FL	33331
GREENE,STEPHEN M & SHIRLEY A	15343 SW 37 ST	DAVIE	FL	33331
PAUL,PATRICK & CYNTHIA H	15349 SW 38 ST	DAVIE	FL	33331
RODRIGUEZ,ROBERTO R & HILDA B	15357 SW 39 ST	DAVIE	FL	33331
DALAL,AZHAR	15358 SW 37 ST	DAVIE	FL	33331
ALMEIDA,JOSE R & PATRICIA M	15366 SW 38 ST	DAVIE	FL	33331
GORDON,DAVID O & SANDRA M H/E	15368 SW 35 ST	DAVIE	FL	33331
Current Occupant	15375 SW 37 ST	DAVIE	FL	33331
Current Occupant	15376 SW 39 ST	DAVIE	FL	33331
RIOS,WALTER	15387 SW 38 ST	DAVIE	FL	33331
Current Occupant	15392 SW 37 ST	DAVIE	FL	33331
TERRIS,ADAM	15395 SW 39 ST	DAVIE	FL	33331

GABARDA,MANNY A & EVA M	15396 SW 38 ST	DAVIE	FL	33331
Current Occupant	15701 SW 41 ST BLD 1	DAVIE	FL	33331
Current Occupant	15701 SW 41 ST BLD 4	DAVIE	FL	33331
PLEASANT AVENUE LLC	2400 E COMMERCIAL BLVD #820	FORT LAUDERDALE	FL	33308
DESERET HOLDINGS LLC	304 INDIAN TRACE STE 172	WESTON	FL	33326
FLORIDA DEPT OF TRANSPORTATION	3400 W COMMERCIAL BLVD	FORT LAUDERDALE	FL	33309
QUANTUM INVESTMENT	3549 GULGSTREAM WAY	DAVIE	FL	33328
PLANTATION SALES INC	3650 WESTON ROAD	DAVIE	FL	33331
Current Occupant	3660 WESTON RD	DAVIE	FL	33331
Current Occupant	3901 SW 154 AVE	DAVIE	FL	33331
LAX,ANDREW & KATHLEEN ANN	3924 TREE TOP DR	WESTON	FL	33332
M S & S TOYOTA INC	4050 WESTON ROAD	DAVIE	FL	33331
KUAN,KAM FAI IP &	4279 DERBY DR	DAVIE	FL	33330
TEMPLE CORP OF THE CHURCH OF	50 E NORTH TEMPLE ST 22 FLR	SALT LAKE CITY	UT	84150
PAZOS,JOSE MANUEL QUINTAS	5178 NW 106 AVE	DORAL	FL	33178
PUBLIC LAND	6591 ORANGE DR	DAVIE	FL	33314
PRINCIPAL LIFE INS CO	6820 LYONS TECHNOLOGY CIR #100	COCONUT CREEK	FL	33073
NEYDA BARBARITA	7111 HOLATEE TRL	SOUTHWEST RANCHES	FL	33330
JOSE I LOPEZ SR LIV TR	7301 SW 57 CT STE 560	SOUTH MIAMI	FL	33143
SCHLEGEL,CINDY LOU	COUNTY RD 45 FIRE #7757 RR 2	*WALLANSTEIN ON	CA	N0B 2
MURIEL,CARLOS O &	PO BOX 212833	ROYAL PLM BCH	FL	33421
SOUTH FLORIDA WATER MANAGEMENT	PO BOX 24680	WEST PALM BEACH	FL	33416
BMS DAVIE LTD	PO BOX 25025	GLENDALE	CA	91221
POINTE WEST PROPERTY OWNERS ASSN	PO BOX 820100	PEMBROKE PINES	FL	33082



TOWN OF DAVIE
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
Phone: 954.797.1103 • www.davie-fl.gov

MEMORANDUM

TO: Planning and Zoning Board

FROM: Matthew Coyle, Planner II

THROUGH: David Quigley, Planning & Zoning Manager 

DATE: December 30, 2019

SUBJECT: Ordinance to amend the Land Development Code; School Concurrency (ZBTXT19-101)

BACKGROUND

In 2008, the School Board of Broward County, Broward County and a majority of the municipalities, including Town of Davie, signed the Interlocal Agreement for Public School Planning. The Agreement required each local government to incorporate public school concurrency into their Comprehensive Plans, established Concurrency Service Areas (CSAs) and adopted a uniform district-wide level of service standard for school concurrency. In assessing school capacity, the original agreement considered all student stations, including portable buildings. In 2010, the agreement was amended (by all parties) to phase out the use of portables in the determination of school capacity by the beginning of the 2018/19 School Year. The School District determined that, along with other challenges involving the state oversight of the financing and development of new school facilities, failing to consider portables in school capacity determinations would lead to an increase in school boundary changes, as this would be the only remaining mechanism to bring schools into compliance with the 2010 level of service standard. School District staff worked collaboratively with Broward County and the municipalities through the School Board's Oversight Committee and Staff Working Group to develop an amendment to the level of service standard. Along with other technical changes, the proposed "Third Amended and Restated Interlocal Agreement" (TRILA) set the level of service standard to the higher of: 100% gross capacity (which includes portables) or 110% permanent capacity (which excludes portables). On December 6, 2017 Town Council approved the TRILA. The proposed amendment would make the Land Development Code consistent with the TRILA.

RECOMMENDATION

Find that the proposed ordinance is consistent with and furthers the Town's comprehensive plan and make such recommendation to Town Council.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE FOLLOWING SECTION OF CHAPTER 12, LAND DEVELOPMENT CODE: ARTICLE XI PUBLIC IMPROVEMENTS AND CONCURRENCY DETERMINATIONS: DIVISION 6 SCHOOL CONCURRENCY; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, the Town of Davie is authorized to protect the public health, safety and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the Town Council finds it periodically necessary to amend its Land Development Code in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, at a public hearing on January 8, 2020, the Planning and Zoning Board reviewed this ordinance and made a recommendation to Town Council; and

WHEREAS, following proper notice to the public and after having received input and participation from interested members of the public and staff, and having considered the recommendation of the Planning and Zoning Board, the Town Council finds this proposed ordinance consistent with its Comprehensive Plan, as amended, as well as Florida and Federal law; and

WHEREAS, the Town Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the Town's residents; and

WHEREAS, the Town Council has held two advertised public hearings in accordance with Florida Statutes; and

WHEREAS, the Town Council deems it to be in the best interest of the citizens and residents of the Town of Davie to adopt the proposed amendments to the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. The Town of Davie Code of Ordinances, Chapter 12, Land Development Code, is hereby amended as set forth in Exhibit “A” (new language is underlined, deleted language is struck through).

SECTION 3. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2020

PASSED ON SECOND READING THIS ____ DAY OF _____, 2020

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2020

Approved as to Form and Legality:

TOWN ATTORNEY

EXHIBIT A

Sec. 12-350. - Public school concurrency.

Pursuant to the Public School Facilities Element (PSFE) of the Town of Davie Comprehensive Plan and the Third Amended and Restated Interlocal Agreement for Public School Facility Planning (TRILA), the town, in collaboration with the School Board of Broward County (school board), shall ensure public school facilities will be available for current and future students consistent with available financial resources and adopted level of service standards and that such facilities will be available concurrent with the impact of proposed residential development.

- (A) *Applications Subject to a Public School Concurrency Determination:* The town shall not approve an application for a residential plat, replat, plat note amendment, or any site plan, until the school board has reported that the school concurrency requirement has been satisfied or unless the town has determined that the application is exempt or vested.
- (B) *Exemptions and Vested Development:*
 - (1) The following residential applications shall be exempt from the requirements of public school concurrency:
 - (a) An application which generates less than one student at each school level in the relevant Concurrency Service Area (CSA). Such development shall never-the-less be subject to the payment of school impact fees.
 - (b) An application for age restricted communities with no permanent residents under the age of eighteen (18). Exemption for an age restricted community shall only be applicable provided that a recorded Restrictive Covenant prohibiting the residence of school aged children in a manner not inconsistent with federal, state or local law or regulations is provided.
 - (c) A Development of Regional Impact (DRI) with a development order issued before ~~the effective date of Senate Bill 360 (effective date of Senate Bill 360 is July 1, 2005)~~ or an application submitted before May 1, 2005.
 - (d) As may otherwise be exempted by Florida Statutes, including but not limited to, applications within municipalities which meet specific qualifying criteria outlined in the statute and approved by the school board.
 - (2) The following residential applications shall be vested from the requirements of public school concurrency:
 - (a) Any application located within a previously approved comprehensive plan amendment or rezoning which is subject to a mitigation agreement in accordance with the following:
 - 1. The mitigation to address the impact of the new students anticipated from the development has been accepted by the school board consistent with School Board Policy 1161, entitled "Growth Management", as may be amended from time to time, and;
 - 2. A Declaration of Restrictive Covenant executed and recorded by the Developer, or the development is located within a boundary area that is subject to an executed and recorded tri-party agreement (between the school board, local government and the applicant) consistent with School Board Policy 1161, as may be amended from time to time.
 - (b) Any application which is included within a residential plat or development agreement for which school impacts have been satisfied for the dwelling units included in the proposed application. This includes any unexpired application approved by the town between February 2, 1979, and the effective date of the Public School Facilities Element and other related amendments regarding school concurrency to the Comprehensive Plan.
 - (c) Any residential site plan (or functional equivalent) that has received final approval, and which has not expired, prior to the effective date of public school concurrency.

- (3) To be exempt or vested from the requirements of public school concurrency, an applicant seeking such a determination shall be required to submit documentation with the application to the town which shall include written evidence sufficient to verify that the subject development meets the exemptions stated herein, and as such, is exempt from the requirements of public school concurrency. The town shall transmit or provide written information to the school board indicating that the units in the application are vested.
- (C) *Level of service standards:* ~~The level of service standard (LOS) shall be one hundred (100) percent of gross capacity (with relocatable classrooms) for each Concurrency Service Area (CSA) until the end of the 2018/19 school year; and commencing at the 2019/20 school year, the LOS for each CSA shall be one hundred ten (110) percent of permanent Florida Inventory of School Housing (FISH) capacity. The LOS shall be achieved and maintained within the period covered by the five-year schedule of capital improvements contained in the effective Five-Year Adopted District Educational Facilities Plan (DEFP). The minimum level of service (LOS) for public school facilities shall be as follows:~~
- (1) School Type A is a bounded elementary, middle or high school that has the equivalent of at least 10% of its permanent Florida Inventory of School Houses (FISH) capacity available onsite in relocatables. The level of service (LOS) for School Type A shall be 100% gross capacity (including relocatables).
- (2) School Type B is a bounded elementary, middle or high school that has less than the equivalent of 10% of its permanent FISH capacity available onsite in relocatables. The LOS for School Type B shall be 110% permanent FISH capacity.
- The LOS shall be achieved and maintained within the period covered by the five-year schedule of capital improvements contained in the effective Five-Year Adopted District Educational Facilities Plan (DEFP).
- (D) *Concurrency Service Areas (CSA's):* The areas for the implementation of public school concurrency in Broward County shall be known as Concurrency Service Areas (CSA), and such CSA's shall be the approved school boundaries for elementary, middle and high schools as annually adopted by the school board. For the purposes of public school concurrency, such CSA's shall be effective on the first day of the school year and end on the last day before the beginning of the next school year.
- (E) *Student Generation Rates:* The Broward County adopted student generation rate(s) contained in Broward County Land Development Code Section 5-182(m)(6) "Student Generation Rates" shall be utilized to determine the potential student impact anticipated from the residential development proposed in submitted applications.
- (F) *Review procedure:*
- (1) *Public School Impact Application (PSIA).* Any applicant submitting an application with a residential component, that is not exempt or vested, is subject to public school concurrency and shall be required to submit a Public School Impact Application (PSIA) for review by the school district. Evidence of acceptance of the PSIA and payment of the applicable application fee to the school district shall be required prior to acceptance of the application by the town.
- (2) *School Capacity Availability Determination Letter (SCAD).*
- (a) No residential application or amendments thereto, shall be approved by the town, unless the residential development is exempt or vested from the requirements of public school concurrency, or until a School Capacity Availability Determination (SCAD) Letter has been received from the school district confirming that capacity is available, or if capacity is not available, that proportionate share mitigation has been accepted by the school board. The SCAD letter shall be sent to the applicant, the Broward County

Development Management Division and the town with jurisdiction over the subject development, no later than forty-five (45) days after acceptance of the completed PSIA by the school district.

- (b) The school district shall determine the potential student impact from proposed residential development on the applicable CSA by performing the review procedure specified in School Board Policy 1161, as amended.
- (c) If the school district determines that sufficient capacity is available at the adopted LOS to accommodate students anticipated from the development, the School District shall issue a SCAD Letter indicating that adequate school facilities exist to accommodate the student impact and that the proposed development satisfies public school concurrency requirements.
- (d) If the SCAD Letter states that the development has not satisfied public school concurrency requirements, the SCAD Letter shall state the basis for such determination, and the applicant shall have thirty (30) days to propose proportionate share mitigation to the school district.
- (e) If the applicant proposes proportionate share mitigation within the thirty (30) day deadline, upon the subsequent acceptance of the proposed mitigation by the school board, and upon the execution of a legally binding document among the school board, the town (if applicable) and the applicant, an amended SCAD Letter shall state that adequate capacity anticipated from the accepted proportionate share mitigation will be available to accommodate the student impact anticipated from the proposed development and that the proposed development satisfies public school concurrency requirements. The total amount committed for any mitigation option shall not be less than the school impact fees due for the proposed units as calculated based upon the adopted school impact fee schedule provided in Section 5-182(m)(3) of the Broward County Code of Ordinances. The school impact fee for the development shall be considered included in the total proportionate share mitigation amount due or paid. If the proportionate share mitigation is not accepted by the school board, the Amended SCAD Letter shall state the basis upon which the mitigation proposal(s) was rejected and why the development is not in compliance with public school concurrency requirements.
- (f) An applicant adversely impacted by a SCAD determination may appeal such determination by written request to the school board within the designated thirty (30) day time period. A timely request for an appeal shall stay the requirement for an applicant to propose proportionate share mitigation until the appeal has been resolved.

(G) *Term of Public School Concurrency:*

- (1) The public school concurrency approval for a residential application shall expire if development does not commence, as outlined in (2) below, within five (5) years following the date of town approval.
- (2) If a residential application receives town approval, the development and anticipated students shall be considered vested for up to five (5) years from the date of town approval. Vesting of a residential application beyond the five (5) years requires that one of the following conditions are met within the five (5) year period: 1) the issuance of a building permit for a principal building and first inspection approval or 2) substantial completion of project water lines, sewer lines and the rock base for internal roads. If the development is denied, the school board shall deduct students associated with the development from its database.



TOWN OF DAVIE
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
Phone: 954.797.1103 • www.davie-fl.gov

MEMORANDUM

TO: Planning and Zoning Board

FROM: Matthew Coyle, Planner II

THROUGH: David Quigley, Planning & Zoning Manager 

DATE: December 30, 2019

SUBJECT: Ordinance to amend the Comprehensive Plan; Public School Facilities Element (LATXT19-102)

BACKGROUND

In 2008, the School Board of Broward County, Broward County and a majority of the municipalities, including Town of Davie, signed the Interlocal Agreement for Public School Planning. The Agreement required each local government to incorporate public school concurrency into their Comprehensive Plans, established Concurrency Service Areas (CSAs) and adopted a uniform district-wide level of service standard for school concurrency. In assessing school capacity, the original agreement considered all student stations, including portable buildings. In 2010, the agreement was amended (by all parties) to phase out the use of portables in the determination of school capacity by the beginning of the 2018/19 School Year. The School District determined that, along with other challenges involving the state oversight of the financing and development of new school facilities, failing to consider portables in school capacity determinations would lead to an increase in school boundary changes, as this would be the only remaining mechanism to bring schools into compliance with the 2010 level of service standard. School District staff worked collaboratively with Broward County and the municipalities through the School Board's Oversight Committee and Staff Working Group to develop an amendment to the level of service standard. Along with other technical changes, the proposed "Third Amended and Restated Interlocal Agreement" (TRILA) set the level of service standard to the higher of: 100% gross capacity (which includes portables) or 110% permanent capacity (which excludes portables). On December 6, 2017 Town Council approved the TRILA. The proposed amendment would make the Public School Facilities Element of the Comprehensive Plan consistent with the TRILA.

RECOMMENDATION

Find that the proposed ordinance is consistent with and furthers the Town's comprehensive plan and make such recommendation to Town Council.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE PUBLIC SCHOOL FACILITIES ELEMENT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN AS TO THE MINIMUM LEVEL OF SERVICE STANDARD FOR SCHOOL FACILITIES; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3180(6)(a) requires that local governments that apply concurrency to public education facilities include principles, guidelines, standards and strategies, including adopted levels of service, in their comprehensive plans and interlocal agreements; and

WHEREAS, the Town Council entered into the Third Amended and Restated Interlocal Agreement (TRILA) for Public School Facility Planning with Broward County and the Broward County School Board; and

WHEREAS, the proposed amendment would be consistent with the Third Amended and Restated Interlocal Agreement (TRILA) for Public School Facility Planning; and

WHEREAS, at a public hearing on January 8, 2020, the Planning and Zoning Board reviewed this ordinance and made a recommendation to Town Council; and

WHEREAS, following proper notice to the public and after having received input and participation from interested members of the public and staff, and having considered the recommendation of the Planning and Zoning Board, the Town Council finds this proposed ordinance consistent with its Comprehensive Plan, as amended, as well as Florida and Federal law; and

WHEREAS, the Town Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the Town's residents; and

WHEREAS, the Town Council has held two advertised public hearings in accordance with Florida Statutes; and

WHEREAS, the Town Council deems it to be in the best interest of the citizens and residents of the Town of Davie to adopt the proposed amendments to the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. The Town of Davie Comprehensive Plan, is hereby amended as set forth in Exhibit “A” (new language is underlined, deleted language is struck through).

SECTION 3. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2020

PASSED ON SECOND READING THIS ____ DAY OF _____, 2020

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2020

Approved as to Form and Legality:

TOWN ATTORNEY

7. PUBLIC SCHOOL FACILITIES ELEMENT

GOAL 1: PUBLIC SCHOOL CONCURRENCY

The Broward County Board of County Commissioners (Broward County) in collaboration with the School Board of Broward County (School Board) and Broward County municipalities (municipalities) shall ensure that public school facilities will be available for current and future students consistent with available financial resources and adopted level of service standards (LOS). This will be accomplished recognizing the School Board's statutory and constitutional responsibility to provide a uniform system of adequate public school facilities and the authority of Broward County and the municipalities for development permitting and comprehensive planning.

OBJECTIVE 1.1: FINANCIALLY FEASIBLE DISTRICT EDUCATIONAL FACILITIES PLAN

The School Board, pursuant to Chapters 163.31777 and 163.3180 F.S. and the Interlocal Agreement for Public School Facility Planning (ILA), shall prepare and annually update and adopt the Five-Year District Educational Facilities Plan (DEFP) which shall contain a five-year financially feasible schedule of capital improvements to address existing deficiencies and achieve and maintain the adopted level of service in all concurrency service areas (CSAs). The DEFP shall also contain an LOS plan which reflects the data required to demonstrate the achievement and maintenance of the adopted LOS. The School Board shall also ensure that school facilities are planned to meet the long-term planning period of the Public School Facility Element (PSFE) of the Town of Davie Comprehensive Plan.

- Policy 1.1-1 The DEFP shall include a financially feasible schedule of capacity additions to existing schools and construction of new schools to eliminate existing level of service deficiencies and meet the needs of projected growth for the five-year planning period. This financially feasible schedule shall be annually adopted into the Broward County Comprehensive Plan Capital Improvements Element (CIE) and the capital improvement elements of the municipalities. This adoption may either be by reference or by restatement of the relevant portions of the adopted DEFP, but in no event shall the County or municipality attempt to modify the adopted DEFP.
- Policy 1.1-2: The DEFP shall provide year-by-year projections of the capacity needed to achieve and maintain the adopted LOS within the CSA for each school for the five- year planning period. These projections are included in the supporting documents of the PSFE.
- Policy 1.1-3: The DEFP's five-year financially feasible schedule shall provide for the remodeling/renovation of existing schools to meet the identified needs of aging schools and replace worn facilities.
- Policy 1.1-4: The DEFP shall be amended on an annual basis to: 1) add a new fifth year; 2) reflect changes in estimated capital revenues, planned capital appropriations costs, planned capital facilities projects, CSAs and school usage; and, 3) ensure the DEFP continues to be financially feasible for the five-year planning period.
- ~~Policy 1.1-5: Annually adopted updates to the DEFP and CSA maps shall be coordinated with annual plan amendments to the CIE of the Broward County Comprehensive Plan and comprehensive plans of the municipalities. The annual plan amendments shall ensure that~~

~~the schedule of capital improvements within the CIE continues to be financially feasible and the LOS will be achieved and maintained.~~

OBJECTIVE 1.2: CONCURRENCY MANAGEMENT SYSTEM

Broward County shall adopt a county-wide public school facilities concurrency management system for implementation of public school concurrency to ensure that public school facilities are available at the adopted level of service standard concurrent with the impact of proposed residential development.

Policy 1.2-1 Broward County and the municipalities, in collaboration with the School Board shall implement concurrency management systems consistent with the policies included in the Broward County and municipal public school facility elements, procedures and requirements included within the ILA and Broward County and municipal land development regulations (LDRs).

Policy 1.2-2 The CSAs shall be the annually adopted school attendance boundaries for each elementary, middle and high school. The maps of the CSAs are maintained in the data and analysis section of the PSFE.

Policy 1.2-3 ~~The Level of Service standard shall be 100% of gross capacity (with relocatable classrooms) for each CSA until the end of the 2018/19 school year; and commencing at the 2019/20 school year, the LOS for each CSA shall be 110% of permanent Florida Inventory of School Housing (FISH) capacity for each public elementary, middle and high school.~~ Consistent with the Third Amended and Restated Interlocal Agreement for Public School Facility Planning (“TRILA”), the minimum LOS for school facilities shall be as follows:

1. School Type A is a bounded elementary, middle, or high school that has the equivalent of a least 10% of its permanent Florida Inventory of School Houses (FISH) capacity available onsite in relocatables. The LOS for School Type A shall be 100% gross capacity.
2. School Type B is a bounded elementary, middle, or high school that has less than the equivalent of 10% of its permanent FISH capacity available onsite in relocatables. The LOS for School Type B shall be 110% permanent FISH capacity.

Policy 1.2-4 If adequate capacity is not available in a CSA for a proposed residential development, but capacity exists in one or more contiguous CSAs, the development may proceed consistent with the provisions and procedures in the ILA and County and municipal LDRs.

Policy 1.2-5 If adequate capacity is not currently available in a CSA or contiguous CSA, for a proposed residential development, but capacity is scheduled in the DEFP to be available within 3 years after the issuance of final subdivision or site plan approval, (or functional equivalent), development of the project may proceed in accordance with the provisions and procedures in the ILA and County and municipal LDRs.

Policy 1.2-6 Broward County and the municipalities shall not approve a residential plat or site plan (or functional equivalent) until the School Board has reported that the school concurrency requirement has been satisfied consistent with the provisions and procedures in the ILA and County and municipal LDRs.

- Policy 1.2-7 The CSAs shall be established and subsequently modified to maximize available school capacity and make efficient use of new and existing public schools in accordance with the level of service standards and the capacity, taking into account special considerations such as, core capacity, special programs, transportation costs, geographic impediments, diversity programs, and class size reduction requirements to prevent disparate enrollment levels between schools of the same category type (elementary, middle, high) and provide an equitable distribution of student enrollment district-wide.
- Policy 1.2-8 The projected student impact of a proposed residential development shall be determined using the student generation rates approved by the School Board and adopted within the Broward County Land Development Code. The student generation rates shall be reviewed and updated at least every 3 years.
- Policy 1.2-9 The public school concurrency approval for residential plats shall expire if development within the plat does not commence within 5 years following the date of Broward County Commission approval, unless extended.

OBJECTIVE 1.3: PROPORTIONATE SHARE MITIGATION

The School Board, pursuant to Chapter 163.3180 F.S. and the ILA, shall adopt proportionate share mitigation alternatives which provide an option for residential developments unable to meet the public school concurrency requirement. Upon approval of a proportionate share mitigation alternative by the School Board and completion of necessary binding agreements, a development will be deemed to have met the public school concurrency requirement and may proceed.

- Policy 1.3-1: A residential development's proportionate share mitigation value shall be determined by multiplying the number of additional student stations needed to mitigate the impact of the proposed development on schools within the affected CSA(s) not meeting the adopted LOS standards by the State cost per student station for each school type plus a land impact cost share, if any. Pursuant to Section 163.3180(13)(e)(2), F.S., the applicant's proportionate share mitigation obligation shall be credited toward any other impact or exaction fee imposed by local ordinance for the same need, on a dollar-for dollar basis, at fair market value.
- Policy 1.3-2: Proportionate share mitigation shall enhance the capacity of the schools (or provide for the construction of new schools) serving the proposed residential development. The mitigation shall equate to at least one permanent classroom, which may be funded by one or more residential developments, or other identified funding sources. Mitigation that results in the need for school site(s) shall primarily be the dedication of land. Proportionate share mitigation shall include the following options, as further defined and subject to, procedures and requirements in the ILA and School Board Policy;
1. Purchase or dedication of needed elementary, middle or high school sites.
 2. Construction of capacity improvements identified in years four (4) or five (5) of the DEFP including advancement of such improvements into the first three years of the DEFP.
 3. Construction of previously unplanned schools, classroom additions, modular classrooms or similar facilities. Such facility capacity shall be included in the first three years of the DEFP through an amendment approved by the School Board.
 4. Construction of the needed capacity at one or more charter schools, which meet the qualifying criteria contained in the ILA.

5. Other mitigation options approved by the School Board on a case by case basis contingent upon a School Board finding that the option mitigates the impact of the proposed development.

Policy 1.3-3 Mitigation shall be assured by a legally binding agreement between the School Board, the applicant and the County or municipality (as applicable), which shall be executed prior to the issuance of the final subdivision plat or the final site plan approval (or functional equivalent). If the School Board agrees to the mitigation, the School Board must commit in the agreement to placing the improvement required for mitigation in the first three years of the DEFP.

GOAL 2: COLLABORATE AND COORDINATE TO MAXIMIZE QUALITY EDUCATION

Broward County, the School Board, and the municipalities will mMaximize collaboration and coordination ~~between Broward County, the School Board and the municipalities,~~ to effectively plan for public elementary and secondary school facilities to meet the current and future needs of Broward County's public school population. Pursuant to Chapter 163.3180 (6)(a) F.S., Broward County and all non-exempt municipalities within the County, shall coordinate and cooperate to ensure that the adopted public school facilities elements and/or provisions included in comprehensive plan regarding school concurrency are consistent with each other.

OBJECTIVE 2.1: LAND USE CONSISTENCY, COMPATIBILITY & ADEQUATE INFRASTRUCTURE

Broward County, the School Board and the municipalities shall establish coordination mechanisms to ensure that the locations of existing and proposed school sites are compatible with and proximate to the existing and planned land uses they serve. Such coordination shall also ensure there is adequate public infrastructure available to serve existing and planned school sites including infrastructure which provides safe access to schools.

Policy 2.1-1: Broward County, the School Board, and the municipalities will coordinate through the procedures established in the ILA and the Broward County and municipal land use planning process to ensure that existing and proposed public school facility sites are consistent and compatible with the land use categories, future land use maps and policies of the County and municipal comprehensive plans and enable a close integration between existing and planned schools and surrounding land uses.

Policy 2.1-2: Consistent with the procedures and requirements identified in the ILA, Broward County, the School Board and the municipalities shall coordinate to prepare projections of future development and public school enrollment growth and to ensure such projections are consistent with the Broward County and municipal future land use maps and the School Board's Long Range Public School Facilities Map. ~~consistent with the procedures and requirements identified in the ILA.~~

Policy 2.1-3: The Broward County PSFE Support Document shall include future conditions maps showing existing and anticipated school facilities for the short-term (5 year) and long-term (10 year) planning time frames

Policy 2.1-4: Consistent with provisions and procedures in the ILA, the School Board will advise Broward County and the municipalities of inconsistencies in comprehensive plans and plan amendments with the DEFP and Long-Range School Facilities Plan.

- Policy 2.1-5: The School Board shall monitor and participate in the Broward County and/or local government plat review and site plan review processes, the Development of Regional Impact (DRI) process, the land use plan amendment process and other development order/permit processes that may have an impact on current or planned public educational facilities in Broward County.
- Policy 2.1-6: Broward County, the School Board and the municipalities shall utilize the procedures identified within the ILA, including the Staff Working Group and Oversight Committee established by the ILA, to coordinate the annual review of school enrollment projections in addition to the preparation and annual reviews of public school facilities elements and ensure that the elements are consistent with each other.
- Policy 2.1-7: The School Board shall annually update and adopt the DEFP and transmit it, including any supplemental amendments, to Broward County and the municipalities, which then shall amend their CIEs to incorporate the updated DEFP consistent with the provisions and procedures of the ILA.
- Policy 2.1-8: Broward County, the School Board and the municipalities shall share and coordinate information through the plat, site plan and school siting processes and procedures identified in the ILA to ensure the location, phasing, and development of public school facilities, including additions to existing facilities, is coordinated with the provision of necessary public infrastructure including water and sewer, roads, drainage, sidewalks, mass transit and other infrastructure required to support the public school facilities.
- Policy 2.1-9: Broward County shall coordinate with the School Board and the municipalities through the school siting process identified in the ILA and Broward County and municipal platting and site plan approval processes to implement strategies, consistent with Florida's Safe Ways to School Program, which reduce hazardous conditions and provide direct, unobstructed and safe access for pedestrian travel (including sidewalks, bicycle paths, signage and signalization) to existing and new school facilities.

OBJECTIVE 2.2: SCHOOL FACILITY SITING, COLLOCATION & DESIGN

Broward County, the School Board and the municipalities, pursuant to the ILA, shall coordinate the location of public school facilities relative to the location of other public facilities such as parks, libraries and community centers and promote schools to be focal points within the community.

- Policy 2.2-1: In the planning, siting, land acquisition, permitting and development of a new school facility or significant renovation or expansion, the School Board shall coordinate with Broward County and the municipalities on the availability of public facilities, services and grounds (especially for the purposes of collocating parks, libraries, ball fields, community centers, public safety facilities, parking facilities, drainage facilities and other appropriate facilities).
- Policy 2.2-2: Broward County, the School Board and the municipalities shall pursue shared-use and co-location of school sites with County and municipal facilities having similar facility needs, such as libraries, parks, ball fields, other recreation facilities. At a minimum, per the ILA, Broward County will look for opportunities to collocate and share use of County facilities when preparing updates to the Schedule of Capital Improvements within the Comprehensive Plan and planning and designing new or renovated facilities.

- Policy 2.2-3: Through the design of school facilities, establishment of school siting standards and pursuit of collocation opportunities, the School Board shall encourage school facilities to serve as community focal points.
- Policy 2.2-4: Broward County will coordinate with the School Board and the municipalities on efforts to build new school facilities, which are designed to serve as emergency shelters as required by Section 1013.372, F.S., Broward County will also collaborate and coordinate with the School Board and the municipalities on emergency preparedness issues through the County's Emergency Operating Center.



TOWN OF DAVIE
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
Phone: 954.797.1103 • www.davie-fl.gov

MEMORANDUM

TO: Planning and Zoning Board

FROM: Matthew Coyle, Planner II

THROUGH: David Quigley, Planning & Zoning Manager 

DATE: December 30, 2019

SUBJECT: Ordinance to amend the Land Development Code; Transit Oriented Corridor District (ZBTXT19-265)

BACKGROUND

On August 19, 2009 Town Council amended the Future Land Use Element of the Comprehensive Plan by adding the Transit Oriented Corridor (TOC) Land Use Category and new policies related to the TOC. The TOC policies contemplate significant redevelopment in the future including mixed use and multi-story buildings along State Road 7. The proposed amendment to the Land Development Code establishes the regulations for implementing the policies of the Transit Oriented Corridor Land Use Category. The proposed TOC zoning regulations will not be applicable to specific parcels of land until such time as parcels are rezoned to a TOC zoning district. These regulations, however, will limit future rezonings in the area to TOC districts as outlined in this ordinance. Any rezoning of property, whether sponsored by the Town or an individual property owner, would require public notice and public hearings by both the Planning and Zoning Board and the Town Council.

RECOMMENDATION

Find that the proposed ordinance is consistent with and furthers the Town's comprehensive plan and make such recommendation to Town Council.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE FOLLOWING SECTION OF CHAPTER 12, LAND DEVELOPMENT CODE: ARTICLE XIII SPECIAL PLANNING AREAS AND DISTRICTS; ADDING DIVISION 12 TRANSIT ORIENTED CORRIDOR DISTRICT; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, the Town of Davie is authorized to protect the public health, safety and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the Town Council finds it periodically necessary to amend its Land Development Code in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, at a public hearing on January 8, 2020, the Planning and Zoning Board reviewed this ordinance and made a recommendation to Town Council; and

WHEREAS, following proper notice to the public and after having received input and participation from interested members of the public and staff, and having considered the recommendation of the Planning and Zoning Board, the Town Council finds this proposed ordinance consistent with its Comprehensive Plan, as amended, as well as Florida and Federal law; and

WHEREAS, the Town Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the Town's residents; and

WHEREAS, the Town Council has held two advertised public hearings in accordance with Florida Statutes; and

WHEREAS, the Town Council deems it to be in the best interest of the citizens and residents of the Town of Davie to adopt the proposed amendments to the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. The Town of Davie Code of Ordinances, Chapter 12, Land Development Code, is hereby amended as set forth in Exhibit “A”.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2020

PASSED ON SECOND READING THIS ____ DAY OF _____, 2020

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2020

Approved as to Form and Legality:

TOWN ATTORNEY

Division 12. Transit Oriented Corridor

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SECTION 12-440. GENERAL PROVISIONS

A. PURPOSE AND INTENT.

This Division is specifically intended to encourage the redevelopment of lands designated as Transit Oriented Corridor on the Future Land Use Plan Map of the Town of Davie Comprehensive Plan. The TOC Future Land Use Map designation and the land development regulations set forth in this Division are intended to implement the State Road 7/US441 Master Plan (Master Plan) which was approved by the Town Council by Resolution 2005-236 on September 7, 2005. The Master Plan was originally created through a community charette series conducted in 2004. The Conceptual Master Plan (see Figure 2) conveys the current vision of the Master Plan; illustrating the highest and best uses for the property and the core components necessary for successful redevelopment.

It is the intent of this Division is to ensure that new development and redevelopment within the TOC area:

1. Promotes an appropriate urban form through building placement and sensitivity of site design through the implementation of sustainable building standards;
2. Coordinates land use and transportation patterns to encourage infill and redevelopment with an emphasis on compact, pedestrian-oriented mixed-uses that promote increased mobility and integration of transit and bicycle systems and similar alternatives to the automobile.
3. Provides for newly-formed blocks with public open spaces and interconnected networks of tree-lined or shaded roads, to be designed and created incrementally, that will improve pedestrian access to transit and reduce the length of automobile trips;
4. Provides for an urban design which emphasizes comfort, safety, and distinctive identity.

The transformation of the State Road 7/U.S. 441 corridor requires changes to the public right of way such that the street, landscape, and buildings work together to create a distinctive and functional urban place. Central to this vision is the creation of mixed-use and multi-story buildings along the State Road 7/U.S. 441 corridor and a departure from the present standard of single-story retail buildings with surface parking. The mixed uses along the State Road 7/U.S. 441 corridor may not be

established through the introduction of mixed use buildings exclusively. Office buildings or properly-scaled residential buildings may be part of the mixed use District provided that new residential is located within easy walking distance of shops and services with the creation of a greatly-enhanced pedestrian realm which should support investment that attracts residents and businesses to the corridor.

B. DEFINITIONS.

Alley: A vehicular way located to the rear of lots, providing access to service areas and parking behind residential, commercial, and office buildings, which may also contain utility easements.

Build-to-line (BTL): As opposed to a minimum setback, a build-to-line is a line specifying exactly where a building must be located on a lot.

Courtyards/Outdoor: An open space that is located within the confines of building walls, sometimes between multiple buildings or developments.

Liner Building: A building, usually shallow in depth, specifically designed to mask a parking lot, parking garage or blank wall from a frontage or street. (See Liner Building Illustration Figure 6)

Lot Layers: Segments of a lot in which certain elements are permitted or required. The first lot layer is the distance between the curb and the required build-to-line or the actual building façade, whichever is greater. The second lot layer extends twenty (20) feet from the first lot layer. The third lot layer extends from the second lot layer to within five (5) feet of the rear property line.

Mixed Use: Multiple uses, such as office, retail, residential, which are within the same building through superimposition or adjacency, or in multiple buildings within the same development area that are adjacent to one another.

Parking Structure: A structure containing two (2) or more levels of parking.

Street Frontage: The area where a building faces the street and the building normally meets the sidewalk.

C. APPLICABILITY.

1. In general.

Nothing in this Division is intended to impair or diminish the rights of the existing land owners or their successors or assigns to continue the use and enjoyment of their properties consistent with the zoning in effect at the time of adoption of this Division.

2. Floating Zone/Rezoning

Given that the redevelopment of the TOC will occur over many years and will require the support of the private sector and additional investment of the public sector, it is the intent of these regulations that they ‘float’ above the existing zoning districts until such time that a property is rezoned to a TOC district. Whether initiated by a landowner or the Town, individual parcels shall be eligible to be rezoned only to a TOC district as depicted in Figure 2. Until such rezoning occurs, parcels of land will continue to be governed by the existing zoning provisions but landowners are discouraged from making significant improvements which would be

inconsistent with TOC zoning. Based on actual redevelopment activity occurring in the TOC area and the completion of public improvements envisioned in the Master Plan, such as premium transit service, transit supportive infrastructure, and public stormwater improvements, the Town shall periodically evaluate whether to initiate the rezoning of parcels to the corresponding TOC districts.

3. Conflicts

Where the provisions of this Division conflict with any other provision of the Town of Davie Land Development Regulations, the provisions of this Division shall prevail except as specifically stated otherwise in this Division.

D. HOW TO USE THIS CODE

The following flow chart, **Figure 1**, is intended to help simplify the process of determining the regulations that are applicable to a parcel.

FIGURE 1. DEVELOPMENT PROCESS FLOW CHART

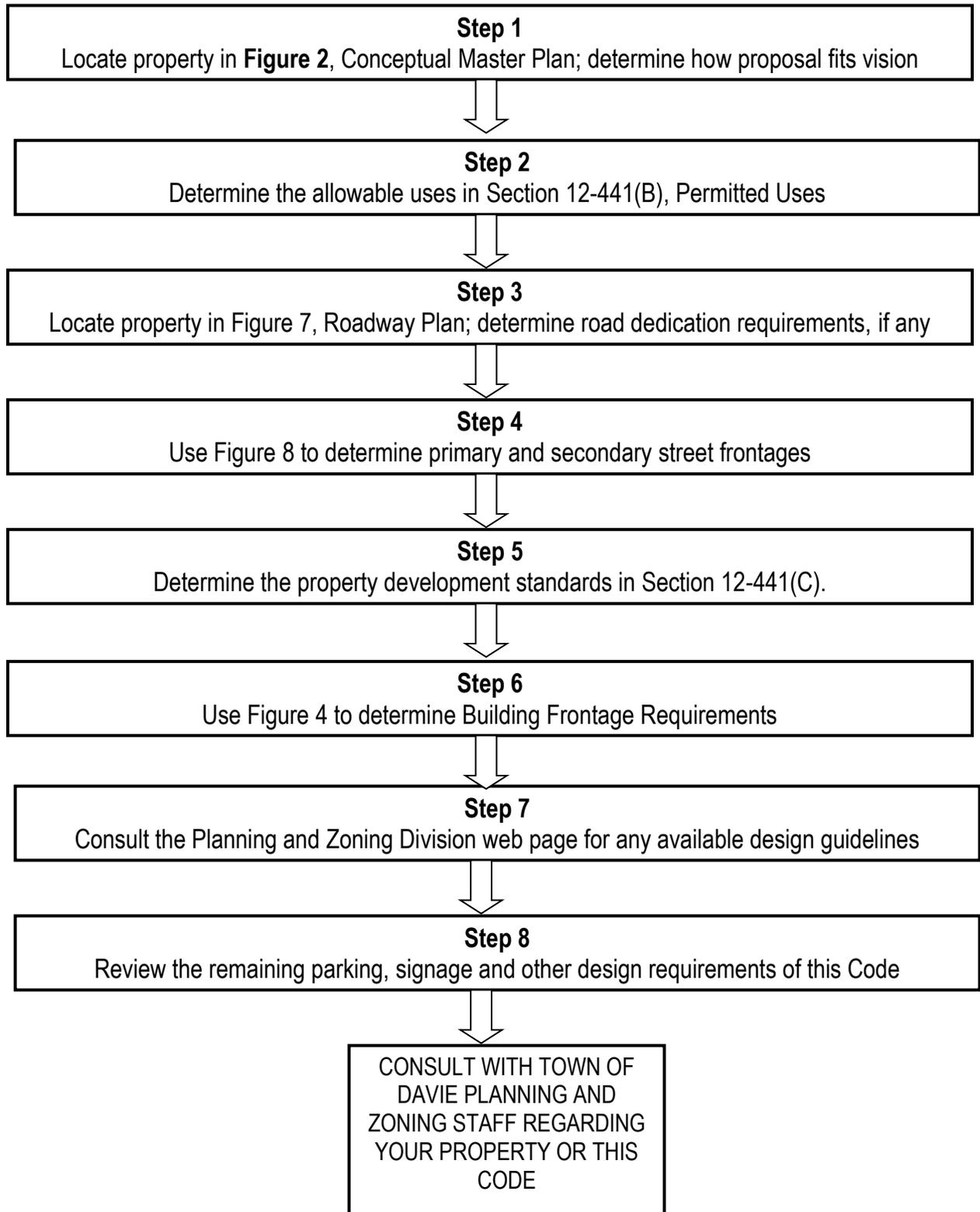
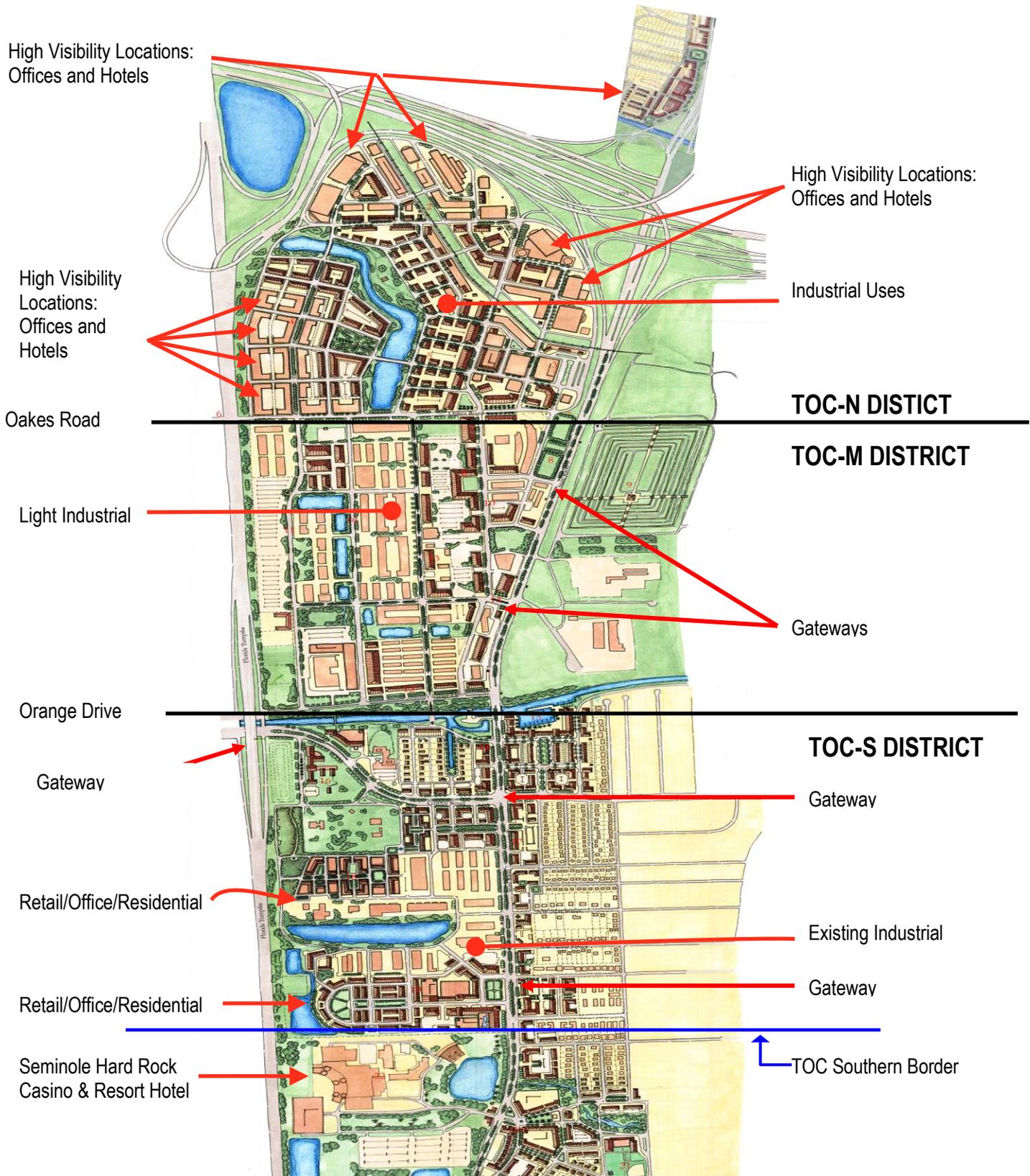


FIGURE 2. CONCEPTUAL MASTER PLAN



Note: The TOC Conceptual Plan was derived from ‘The Davie/Hollywood/Seminole Nation Master Plan’ that grew out of a public seven-day charrette, held from July 17 through July 23rd in 2004. Also modified as per ULI TAP report in 2010.

SECTION 12-441. DEVELOPMENT STANDARDS

A. DISTRICT PURPOSES.

In general, the TOC districts are intended to accommodate existing industrial uses but with an emphasis on achieving higher utilization of the area in light of its proximity to the sea port, airport, and major transportation and educational facilities within the region. New development, which may include residential and hotels in select locations, will be designed using transit-oriented design principles and provide for connections to local and regional transit systems.

TOC-N. Taking advantage of its close proximity to Interstate-595, this district allows the widest range of uses, including intensive industrial uses.

TOC-M. Allows for the continuation of existing intensive industrial uses but limits new development to commerce, less intensive industrial uses and residential and lodging in select areas. Stricter urban design principles are required for new development to ensure compatibility of uses and to accommodate transit and mobility.

TOC-S. Allows for the continuation of existing intensive industrial uses but limits new development to commerce, less intensive industrial uses and residential and lodging in select areas. This district, which has urban design principles similar to TOC-M, can be expected to accommodate commercial and entertainment uses based on the close proximity of the Seminole Hard Rock Casino to the south.

B. PERMITTED USES.

1. Mixing of Uses

Uses may be mixed horizontally or vertically, subject to the rules of this Division. Horizontal mixing via separate buildings is permitted, provided that no residential on the first four floors face nonresidential loading areas.

Mixing of residential and nonresidential uses within the same building is encouraged and permitted subject to appropriate separation of the uses, including but not limited to separation by building floor, separation of access, and buffering of residential units from more intensive uses, such as through soundproofing and restrictions on operating hours.

2. Standards for Specific Uses

A. In general. The standards set forth for the specific uses listed in Section 12-34 of the Town Code, shall apply within the TOC district unless such standards are specifically designed to protect non-TOC districts. For example, a specific standard that applies broadly to all commercial properties shall apply equally within the TOC districts, while a standard specifically designed to regulate a use in the B-1 district shall not apply to the TOC district, even if the area had previously been zoned B-1.

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part for other than the uses specified in this Division. The permitted uses of the TOC districts are set forth in the following table. Any use not specifically listed is prohibited.

- P = Permitted Use
 N = Not Permitted Use
 * = Permitted subject to the specific standards set forth in Section 12-34.
 P(#) = Permitted subject to corresponding table footnote

PERMITTED USES	TOC-N	TOC-M	TOC-S
RESIDENTIAL (1)			
Single Family Detached	N	N	N
Multiple-Family	P(2)	P(2)	P(2)
Special Residential Facilities	N	*	*
LODGING			
RV Parks/Campgrounds	N	N	N
Hotel	P	P	P
COMMERCIAL, OFFICE AND BUSINESS			
B-2 Uses, as listed in Section 12-32	P	P	P
B-3 Uses, as listed in Section 12-32	P	P	P
Sexually Oriented Business	N	N	N
Pawnshop	N	N	N
Pharmacy	N	N	P
INDUSTRIAL			
M-1 Uses, as listed in Section 12-32	P	P	P
M-2 Uses, as listed in Section 12-32	P(3)	P(3)	P(3)
M-3 Uses, as listed in Section 12-32	P(3)	P(3)	P(3)
COMMUNITY FACILITIES AND UTILITIES			
Community Facilities (CF) Uses	P	P	P
Utilities (U) Uses	P	P	P

Table Notations:

- (1) Singularly residential use buildings shall only be permitted within 1,000 feet of supporting commercial and office uses.
- (2) New residential uses proposed within areas of existing industrial or other existing potentially incompatible uses shall mitigate negative impacts on site in accordance with Section 12-441(F)(4).
- (3) Medium Industrial and Planned Industrial Park uses are only permitted as a continuation of a pre-existing use as governed by Section 12-444.

C. SITE DEVELOPMENT STANDARDS

1. Site Development Standards.

Standard	TOC-N	TOC-M	TOC-S
LOT AND SITE CHARACTERISTICS			
Min. Lot area	10,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.
Min. Lot width(1)	100ft.	100ft.	100ft.
Max. Building coverage	80%	80%	80%
Min. Building Frontage(2)	50%	70%	70%
Min. Open space (3)	20%	20%	20%
DENSITY AND INTENSITY(4)			
Max Building Height	8 Stories	8 Stories	8 Stories
Max Building Height for properties that front State Road 7 or Griffin Road	12 Stories	12 Stories	12 Stories
Bonus Height(5)	Up to 4 Stories	Up to 4 Stories	Up to 4 Stories
BLDG. SETBACK/BUILD-TO LINE(6)			
Along Primary Frontage(7)	0ft. (build-to-line)	0ft. (build-to-line)	0ft. (build-to-line)
Along Secondary Frontage (8)	5ft. min.	5ft. min.	5ft. min.
Side (interior)(9)	Min. 5ft.	Min. 5ft.	Min. 5ft.
Rear	Min. 5ft. with alley, 15ft. without alley	Min. 5ft. with alley, 15ft. without alley	Min. 5ft. with alley, 15ft. without alley
BUILDING FRONTAGE TYPES ALONG PRIMARY STREETS(10)			
Porches and Fences	Not permitted	Not permitted	Not Permitted
Terrace or Light Court	Not permitted	Not permitted	Permitted
Forecourt	Permitted	Permitted	Permitted
Stoop	Not permitted	Not permitted	Permitted
Shopfront	Permitted	Permitted	Permitted
Gallery	Permitted	Permitted	Permitted
Arcade	Permitted	Permitted	Permitted

Table Notes:

- (1) As measured along the front property line. Flag lots are not allowed.
- (2) Building Frontage refers to the width of the building façade along the property line. Where paved passageways are used to connect the public sidewalk with courtyards or parking lots in the interior of a parcel, up to 15 feet of such passageways may be considered part of the building façade.
- (3) Open space refers to that portion of a lot which is pervious and not occupied by buildings, structures, pavement (including pervious paving material), parking areas, driveways or outdoor storage areas. Individual developments may qualify for reductions in the on-site open space requirement as provided in Section 12-442(B).
- (4) Overall density and intensity within the Transit Oriented Corridor Future Land Use category is governed by Objective 13.1 of the Comprehensive Plan. The Town's Planning and Zoning Division maintains a tracking sheet to monitor the amount of remaining development.
- (5) See Section 12-441(D) for bonus height provisions.

- (6) Building placement along a primary or secondary frontage shall be referenced to the property line location after any dedication of right-of-way necessary to comply with the Roadway Plan as set forth in Sec. 12-442(A)1. In cases where the exact location of the right-of-way line has not been determined, the Town Engineer shall determine the most likely location of the line based on the most up-to-date plans for construction or reconstruction of the roadway. This will ensure that the building placement, sidewalk, street trees and other public amenities will be properly aligned when the roadway is eventually constructed.
- (7) Primary Frontage refers to building frontages along Primary Roads as identified in Figure 8. Primary Roads are of such importance to the overall functionality of the overall development of the TOC area that all building form provisions apply. On a corner where both streets are primary streets, any new building shall be constructed to the built-to line of both streets except as necessary to maintain clear sight triangle requirements in Section 12-113. In circumstances where the Town Code for Sight Distance may not be applicable, the American Association of State Highway and Transportation Officials (AASHTO) “Green Book, Fifth Edition” or the Florida “Green Book” shall be used.
- (8) Secondary Frontage refers to building frontages along Secondary Roads. A Secondary Road is any public road within the TOC that is not identified as a Primary Road in Figure 8. Secondary Frontages are exempt from certain provisions of the building form requirements allowing for open parking lots, unlined parking decks, drive-throughs and building frontages without required projecting elements. (see Frontages Illustration).
- (9) No setback is required where the adjacent property owners have made arrangements for maintenance of buildings on a common boundary (e.g., party wall agreements).
- (10) As defined and illustrated in Figure 4.

2. Allowable Encroachments into the Public Right-of-way.

The Town Council may allow awnings, balconies, galleries, arcades and similar building elements that provide the public shelter from the sun and rain to be constructed within the public right-of-way. Such encroachments shall extend into the sidewalk area such that a minimum eight (8) foot clear zone is maintained both horizontally and above the grade of the sidewalk. Columns and similar supports shall be no closer than two (2) feet to any curb and shall not impede the flow of bicycle or pedestrian traffic. No such encroachment shall involve enclosed, habitable floor area or extend into any Trafficway reservation area. All such encroachments must have legal agreements acceptable to the Town Attorney which, at a minimum, shall outline maintenance responsibilities and liability.

FIGURE 3. PRIMARY AND SECONDARY STREET FRONTAGES

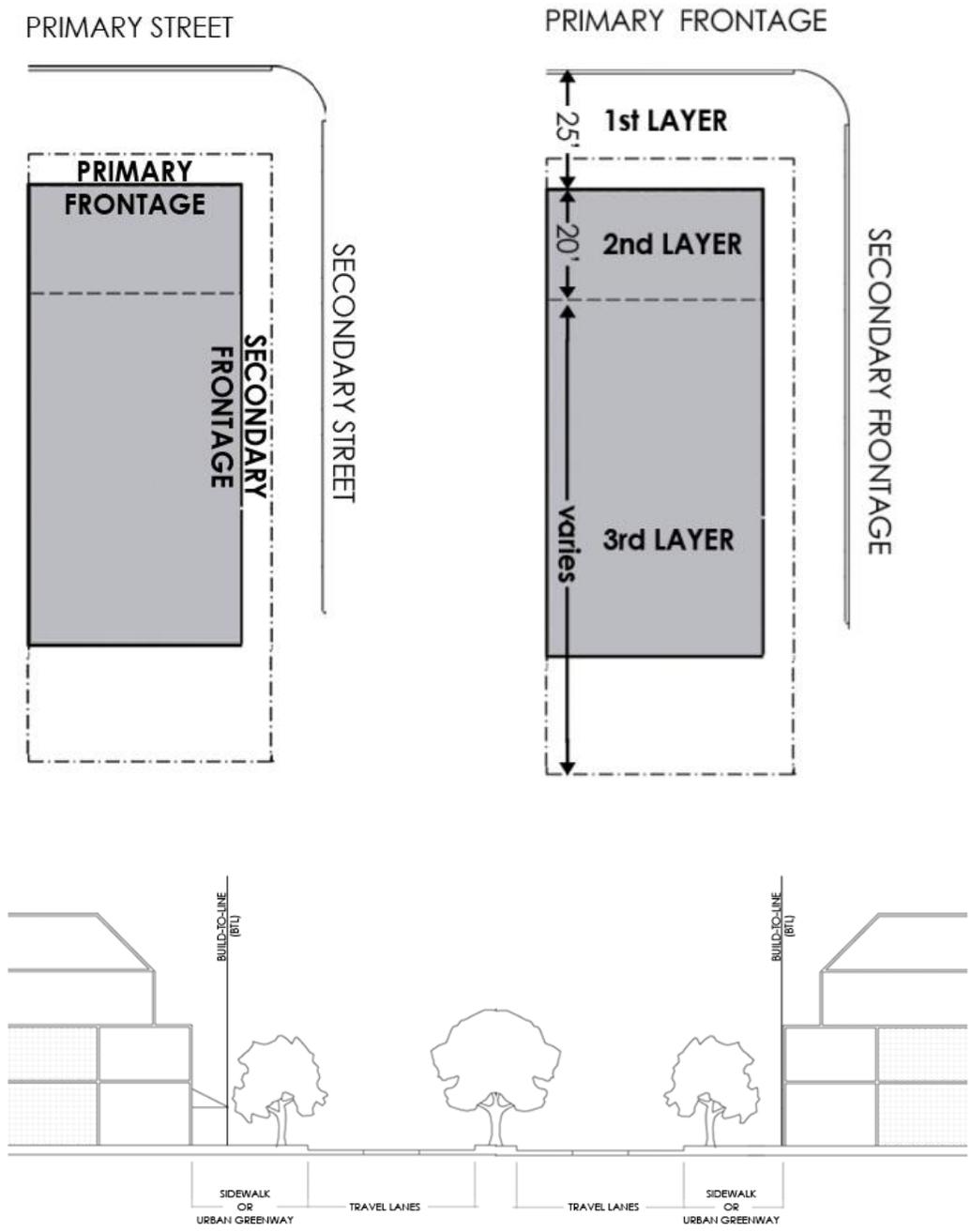
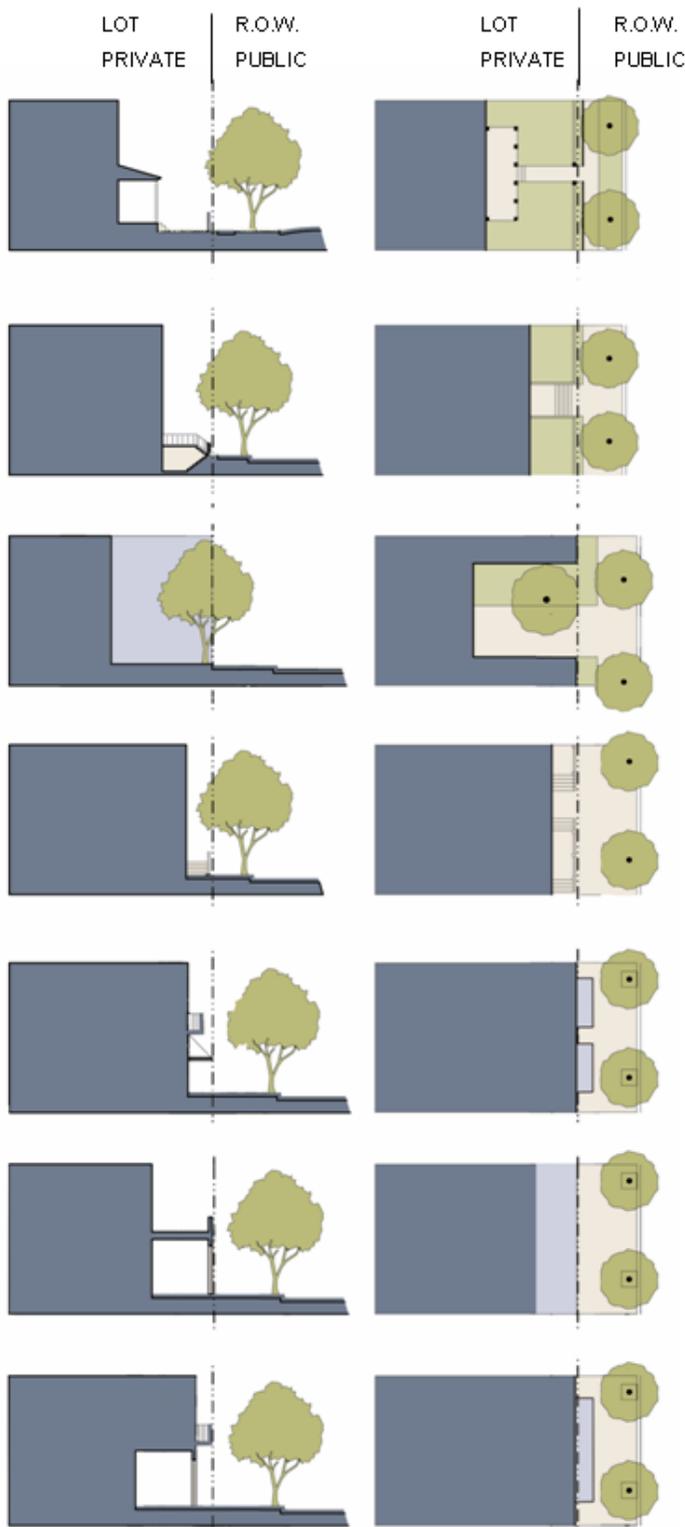


FIGURE 4. BUILDING FRONTAGE TYPES



Porch and Fence: a Frontage wherein the Façade is set back from the Frontage Line with an attached Porch permitted to encroach. A fence at the Frontage Line maintains the demarcation of the yard while not blocking the view into the front yard.

Terrace or Light Court: a Frontage wherein the Façade is set back from the Frontage Line by an elevated terrace or a sunken light court. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment.

Forecourt: a Frontage wherein a portion of the Façade is close to the Frontage Line with a portion set back. The forecourt with a large tree offers visual and environmental variety to the urban Streetscape. The Forecourt may accommodate a vehicular drop-off.

Stoop: a Frontage wherein the Façade is aligned close to the Frontage Line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use.

Awning with Balcony: a Frontage wherein the Façade is aligned close to the Frontage Line with an attached awning overlapping the sidewalk. Awnings are only allowed to occur in the front setback. An open balcony is depicted above the Awning. Balconies are allowed to occur in the front setback.

Gallery: a Frontage wherein the Façade is aligned close to the Frontage Line with an attached cantilevered or lightweight colonnade extending out to the sidewalk. This type is conventional for retail use. The gallery shall be no less than 15-feet wide and may extend the whole width of the sidewalk.

Arcade: a Frontage wherein the Façade and a colonnade extend to the sidewalk with an open balcony extending over the sidewalk. This type is conventional for retail Use. The arcade shall be no less than 15-feet wide, and may extend the whole width of the sidewalk.

* See Sec. 12-441(C) for criteria for extending awnings, balconies, galleries, arcades and similar building elements into the public right-of-way.

D. HEIGHT

1. Building Height Limits.

- a. Maximum building heights. No building or structure shall be erected or altered to exceed the heights identified in the Site Development Standards. Although individual floors may vary, building height shall total no more than 14 feet per story constructed. The total building height shall be measured as set forth in Section 12-503, definition of “building height” and Section 12-33(M).

2. Bonus Height

Projects which provide an overall public benefit shall be allowed bonus height up to the maximum bonus shown in Section 12-441(C).1. The qualifications for bonus height shall be as follows.

Public Benefit	Height Bonus
Sustainable Building Certification	One story increase for building receiving a green building certification from an established sustainable development rating agency such as LEED, IgCC, GBI, etc. An additional story increase for every step up in rating. For example, a building that received a LEED certification of Silver would get a bonus of 2 stories.
Affordable Housing	One story increase for each 5.0% of units above the Town’s minimum affordable housing requirement pursuant to Article XVII, Affordable Housing Incentive Program. For example, if a development proposes 100 residential units and 15% are required to be affordable pursuant to Article XVII, a development which provides 20% affordable housing (for moderate income or below) shall qualify for an additional 1 story. A development which provides at least 10% affordable housing for low or very low income shall qualify for an additional 1 story.
Art in public places	One story for each 1% of total construction costs dedicated to public art. Such public art may be incorporated into the development project but must be acceptable to the Town Council and visible and accessible to the general public at all times. Through appropriate agreements as acceptable to the Town Attorney, the funds may be dedicated to a public art fund and be used to create public art on public land within the TOC area.
Publicly Accessible Open Space	One story for each 25% of open space provided on site that is designated as publicly-accessible open space.
Street and Sidewalk Construction	One story for dedicating right-of-way consistent with the Roadway Plan in Figure 7 and one additional story for constructing the roadway and sidewalks consistent with the Roadway Plan in Figure 7.

3. Building Height Transitions.

When a building is proposed adjacent to a lot having a lower maximum height requirement, each story built above that of the maximum allowed for the adjacent lot, including bonus height, shall be set back an additional ten (10) feet.

E. SUPPLEMENTAL REQUIREMENTS

1. Airport Noise Compatibility

- (a) In general: Portions of the TOC area are subject to noise impacts from Fort Lauderdale International Airport. For purposes of this paragraph, “DNL noise contours” refers those noise impact exposure in the Runway 9R/27L Environmental Impact Statement, December 2008-2020 B1b.
- (b) All TOC districts: Upon approval of any site plan or plat within the TOC involving new residential units, the Town Administrator shall provide written notice of such approval to the Broward County Director of Urban Planning and Redevelopment, indicating the project location and the number and type of units.
- (c) Within the 60-65 DNL contour:
 - (1) Any new development project involving residential uses shall include a condition of approval requiring that the developer record in the Official Records of Broward County a notice to all potential purchasers of such residential housing that the property lies within the 60-65 DNL noise contour.
 - (2) Any new building with residential dwelling units must include noise mitigation measures in order to achieve outdoor-to-indoor Noise Level Reduction (NLR) of at least twenty-five decibels (25 dB).
- (d) Within the 65 and above DNL contour: No new residential units or other “non-compatible land uses” shall be permitted. “Non-compatible land uses” refers to the category of noise-sensitive land uses set forth in Table 1, 14 CFR Part 150, Appendix B, as amended from time to time.

2. Schools.

The Town will work with the Broward County School District to develop strategies and conceptual design approaches for future school development needed to accommodate existing and future student populations as identified by the Broward County School Board. School facilities, whether public or private, should be in the form of compact, urban campuses and should be sited and designed as focal points within the overall community. Great care shall be taken in site selection, site layout and design to ensure that schools are interconnected with other uses and enhance multi-modal opportunities.

3. Compatibility.

New residential uses proposed within areas of existing industrial or other existing potentially incompatible uses shall mitigate negative impacts on site through the use of increased landscape buffers, walls and other mitigation measures deemed appropriate based upon the adjacent existing use. Residential units shall be located as far away from the industrial activities as is possible based upon site configuration.

F. PARKING.

1. Purpose and Intent.

This subsection (F) contains design standards to ensure that parking is convenient and accessible, accommodates all land uses, and supports goals of the Master Plan such as:

- Enable people to park once at a convenient location and to access a variety of commercial enterprises in pedestrian friendly environments.
- Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas.
- Maximize on-street parking.
- Encourage parking to be located in the Third Layer of the lot, and/or behind building structures.
- Provide flexibility for redevelopment of small sites.

2. In General.

Off-street parking shall comply with the provisions of Chapter 12, Article VII except as otherwise specified in this subsection (F).

3. Provision of Required Parking Spaces.

The required number of parking spaces may be provided by any combination of the following:

- a. Within the Lot Layers specified by this subsection (F).
- b. Along the on-street parking lane corresponding to the Lot Frontage, provided that the on-street parking lane is paved and fully developed for such parking.
- c. By a shared parking facility established in conformance with this subsection (F).

4. Location of Off-Street Parking

Off-street parking is defined as either surface or structured and shall be limited to areas of the lot as specified below (refer to Figure 3 for Lot Layer locations).

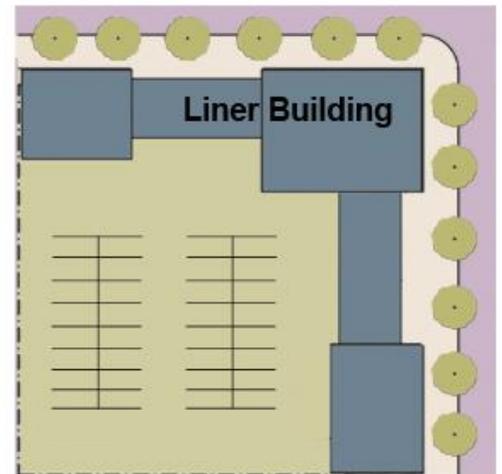
a. Surface Parking.

(1) Open Surface Parking. For purposes of this paragraph, a surface parking lot is one that fully or partially extends to a parcel's street frontage (including landscaped setback areas) and is not located behind a building along the parcel's primary street frontage. Open surface parking lots in the first layer of the lot are prohibited. Open parking in the second lot layer is discouraged and limited to no more than twenty (20) percent of the front lot width. All parking areas are encouraged in the third lot layer. Open parking areas shall be masked from the Frontage by a Building or Streetscreen.



A streetscreen is a freestanding screen situated along the frontage line, or coplanar with the façade capable of preventing a parking area from being readily viewed from a street frontage. Streetscreens may be made up of a wall, fence, landscaping or a combination of these and should be between 3 and 8 feet in height. Walls must match the adjacent building facade. Streetscreens shall have openings no larger than is necessary to allow automobile and pedestrian access. In addition, all streetscreens over four (4) feet high should be thirty (30%) percent transparent or be articulated to avoid the appearance of blank walls.

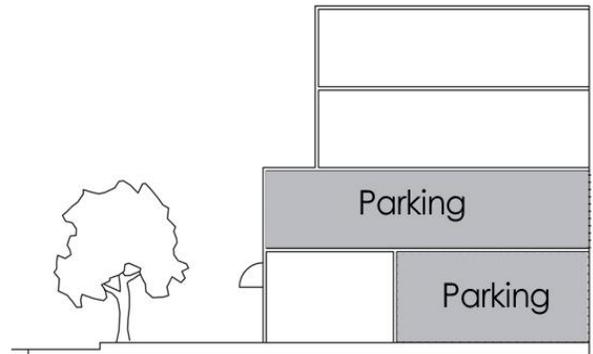
- (2) **Wrapped Surface Parking.** A wrapped surface parking lot is created by placing a narrow building(s) between the parcel's street frontage(s) and the parking lot. Except for driveway access, the parking lot is to be located behind the liner buildings and no portion of the parking lot is to be readily visible from the primary street.



b. **Structured Parking**

- (1) **Exposed.** An exposed above-ground parking structure is a structure that is fully or partially exposed to the primary front street(s) on the ground level. Exposed parking structures shall not be located in the first lot layer on the ground level. The parking structure above the ground level may be exposed to the building's street frontage(s) for the second and/or third lot layers.
- (2) **Wrapped on Ground Level.** Wrapped on the ground level refers to a multi-story parking structure where non-parking uses are integrated into the ground level of the building along the primary street frontage(s) of the parcel, as shown in **Figure 6**. Non-parking uses are encouraged to be integrated into the building along secondary street frontages, further hiding the parking structure from view. The parking structure above the ground level may be exposed to the building's street frontage(s) on the upper levels.

FIGURE 5. PARKING GARAGE WRAPPED - RETAIL ON GROUND LEVEL



- (3) **Wrapped on All Levels.** An above-ground parking structure where non-parking uses or enhancements to the elevation of the parking structure which may include fake windows, balconies, or other pleasing architectural treatments are integrated into the building along the parcel's primary street frontage(s) on all levels of the building. Non-parking uses or enhancements to the elevation of the parking structure which may include fake windows, balconies, or other pleasing architectural treatments are encouraged to be integrated into the building along all street frontages, to further hide the parking structure from view.

5. Exceptions and Alternatives.

- a. **Liner buildings.** Liner Buildings less than thirty (30) feet deep and no more than two stories shall be exempt from minimum parking requirements.
- b. **Adjacent transit stop.** Lots immediately adjacent to a designated Broward County Transit stop or Town of Davie Circulator stop may count the stop for up to five (5) required parking spaces, or a maximum of ten (10) spaces if the bus stop has a shelter from sun and rain, and a maximum of fifteen (15) spaces if the bus stop has a shelter from sun and rain and has an operable variable schedule "real-time" display or automated ticket dispenser, provided there is direct access to the bus stop via a minimum five (5) foot sidewalk.
- c. **Parking reductions pursuant to Section 12-438.17(H).**
- d. **Shared parking pursuant to Section 12-438.17(I).**

5. Bicycle Parking

- a. **Bicycle parking requirements pursuant to Section 12-438.17(F).**

6. Valet Parking.

Off-street parking facilities maintained with valet parking shall be allowed, provided that the minimum off-street parking requirements of this Division are satisfied and that an attendant shall remain on duty during business hours or as long as the principal building, or buildings services by the valet parking area, are occupied.

Minimum off-street parking requirements may be reduced through the efficient utilization of valet parking. In a designated valet parking area vehicles can be parked closer together without adhering to minimum parking space sizes.

G. ACCESS

Along primary streets, curb cuts and driveways shall be prohibited. Vehicular access shall be provided via secondary streets or alleyways.

H. LANDSCAPING.

1. In general.

The landscaping requirements of Chapter 12, Article VI, of the Town Code shall apply except as otherwise noted in this subsection (H). In the event of any conflict between Article VI and this subsection (H), the provisions of this subsection (H) shall apply.

2. Requirements .

- a. Regardless of the use, new development shall meet the landscaping requirements of Sec. 12-111(D) Commercial and Industrial districts.
- b. Tree requirements. When necessary to provide a continuous pedestrian pathway, the requirement for planting in a minimum ten (10) foot wide area may be waived provided that sufficient area is provided for viability and growth potential of each particular tree.
- c. Street trees. At least one (1) tree shall be planted for every forty (40) lineal feet of the lot frontage within the first lot layer abutting a primary street. Trees located within the right-of-way shall be the discretion of the Town.
- d. Interior landscape for parking areas. The pathways from parking areas to main entrances shall be the focus of landscape design in those areas containing off-street parking lots. These areas shall be planted with shade trees no more than 30 feet on center. A pedestrian walkway of no less than four (4) feet shall be provided within the buffer to create a continuous shaded walkway from the parking lot to the front entrance. Curbed interior landscape islands 12 feet wide are required for every 10 parking spaces in alternating rows of parking spaces, or equivalent configuration approved by the Town, and shall contain one large shade tree.

3. Perimeter buffer areas for non-residential uses adjacent to exclusively residential property.

A landscape buffer of at least twenty (20) feet in width shall be required adjacent to any residentially zoned or used property. An eight-foot masonry wall shall be installed along the property line with the landscaping material placed on the outside of the wall, subject to the adjacent property granting a landscape maintenance easement. In addition, the landscape buffer shall contain one (1) fourteen to sixteen-foot tree for each thirty (30) linear feet or fraction thereof of property line, and a continuous row of hedges shall be installed.

I. SIGNAGE.

All signage shall be governed by Chapter 12, Article VIII of the Town Code except that design variations to signage standards may be approved by Town Council pursuant to Section 12-443.

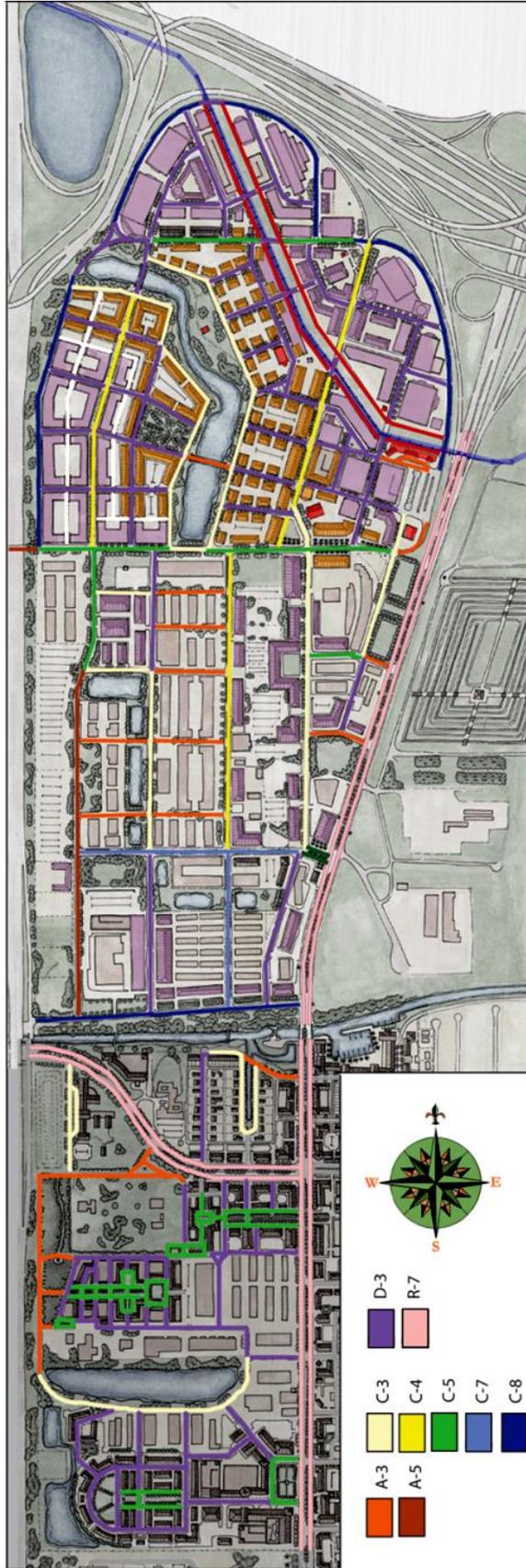
SECTION 12-442 STREETS AND PUBLIC SPACES

A. STREETS AND SIDEWALKS.

1. Roadway Plan

New streets and blocks shall generally conform to Figure 7, Roadway Plan. Note that Figure 7 includes street locations, roadway types and cross-sections. Existing roadways shall be utilized and enhanced where possible to meet the standards of this paragraph.

FIGURE 6. ROADWAY PLAN



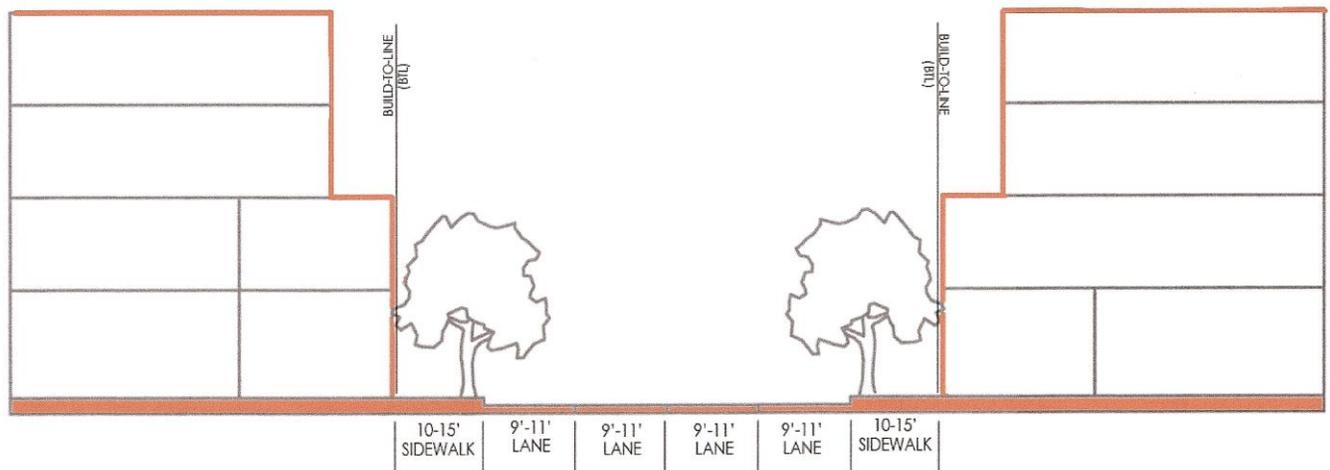
DESCRIPTION OF ROADWAY SCHEME

A-3	2-Lane Undivided, No Median and No Parking
C-3	2-Lane Undivided, No Median with Parking on one side
D-3	2-Lane Undivided, with Parking on both sides
C-7	2-Lane Divided and No Parking
C-8	2-Lane Divided, with Parking on one side
C-4	2-Lane Divided, with Parking on both sides
A-5	4-Lane Undivided, No Median, and No Parking
C-5	4-Lane Divided, with Parking on both sides
R-7	6-Lane Divided and No Parking

A-5 Four-Lane Undivided Roadway – No On-Street Parking

A-5 Connectors

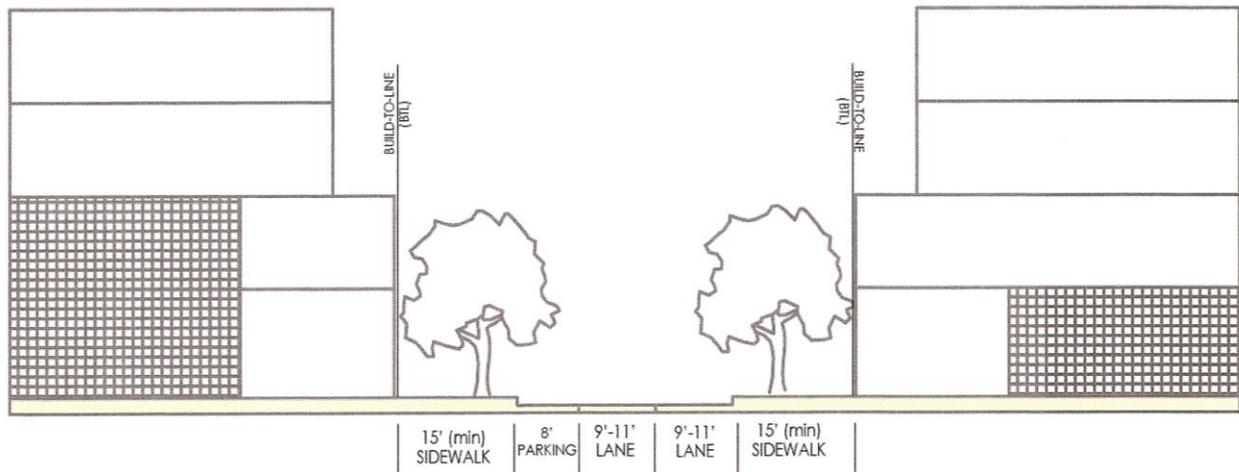
Connecting roadways without on-street parking and no median. A minimum of one sidewalk shall be provided on all Connectors.



C-3 Two-Lane Undivided Roadway with On-Street Parking for One Side of Street

C-3 Local Roads Limited Parking

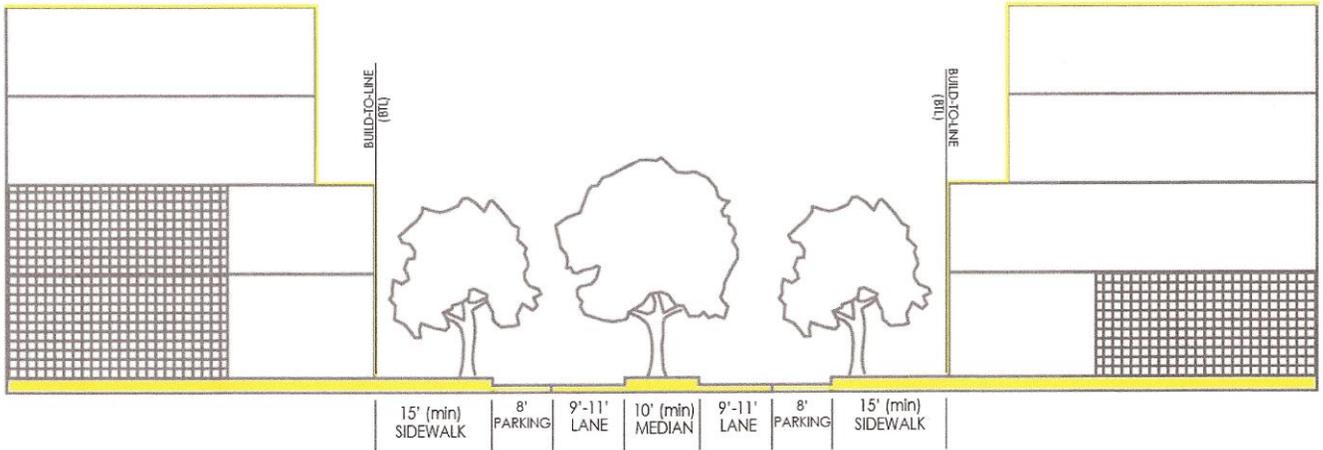
Local roadways with on-street parking on one side and no median. A minimum of one sidewalk shall be provided on all Local Roads.



C-4 Two-Lane Divided Roadway with Parking on Both Sides of Street

C-4 Local Divided On-Street Parking

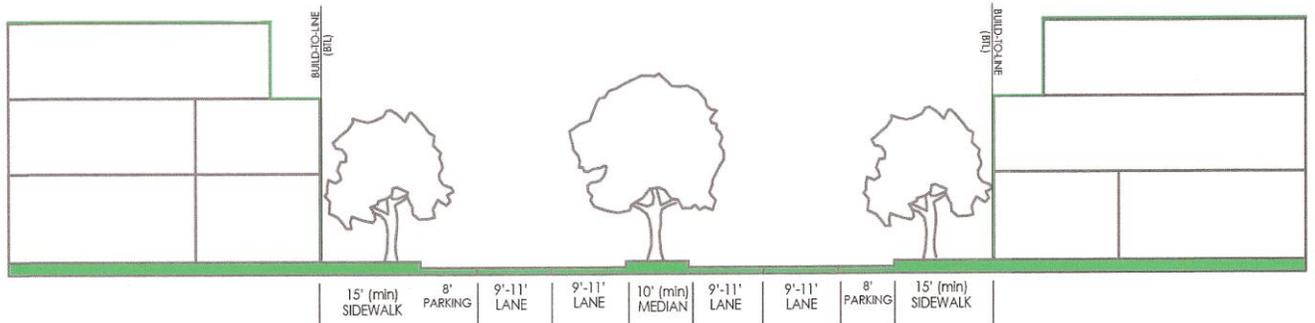
Local roadways with on-street parking on both sides and a median. Sidewalks shall be provided on all Local Roads.



C-5 Four-Lane Divided Roadway with On-Street Parking for Both Sides of Street

C-5 Primary Divided Roads On-Street Parking

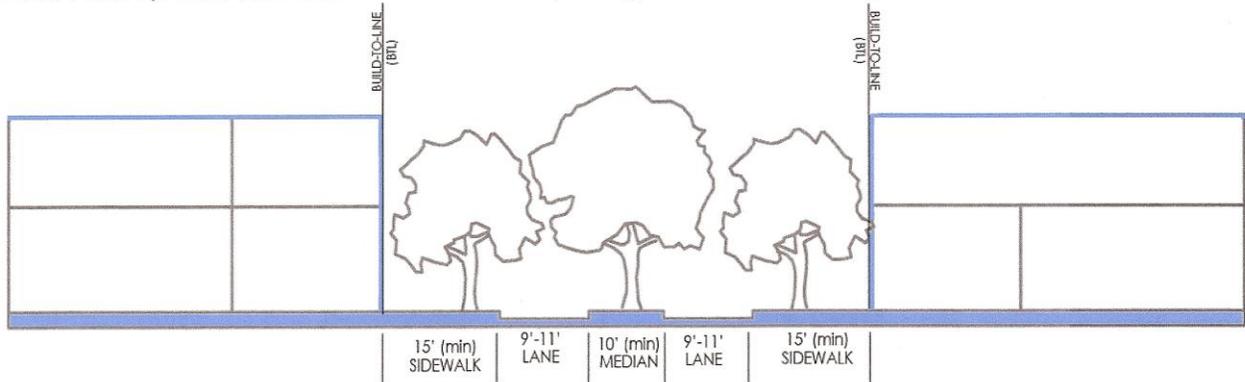
Main Roads with on-street parking on both sides and a median. Sidewalks shall be provided on all Primary Roads.



C-7 Two-Lane Divided Roadway – No On-Street Parking

C-7 Local Divided

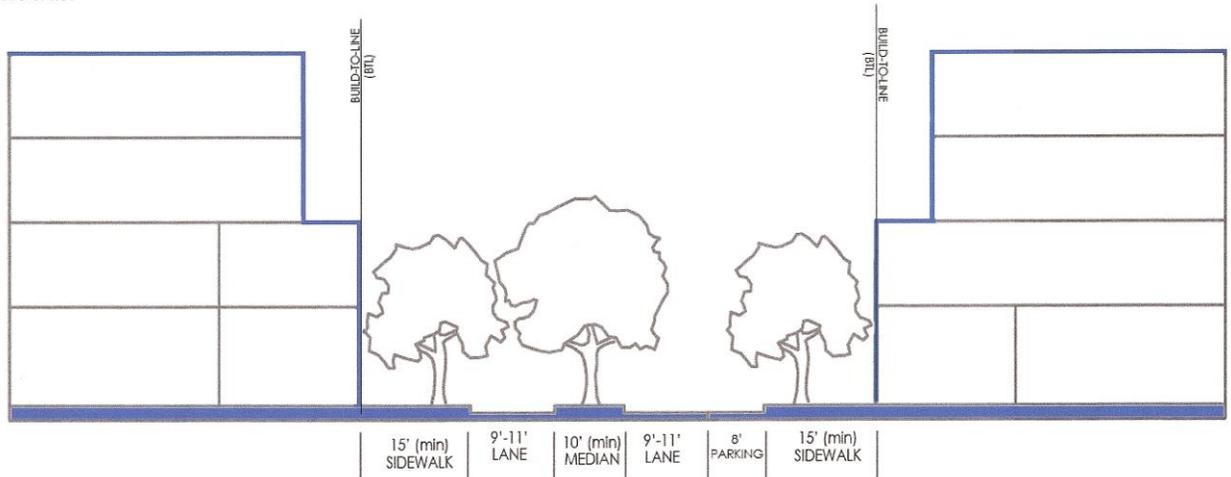
Local roadways with a median and no on-street parking. Sidewalks shall be provided on all Local Divided Roads.



C-8 Two-Lane Divided Roadway with Parking on One Side of Street

C-8 Local Divided Limited Parking

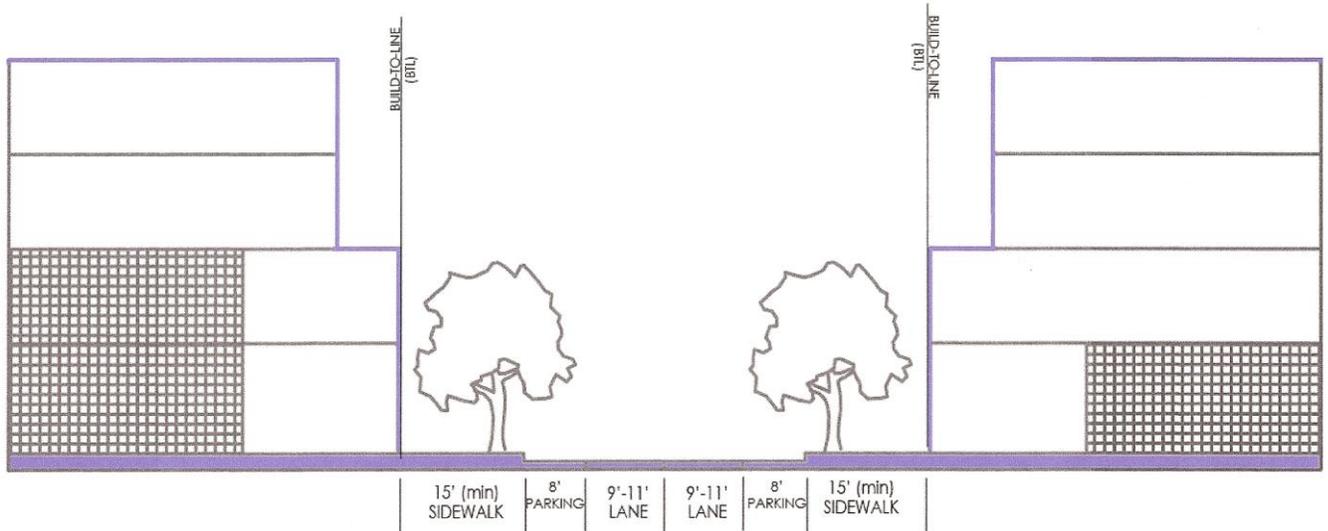
Local roadways with a median and on-street parking on one side. Sidewalks shall be provided on all Local Divided Roads.



D-3 Two-Lane Undivided Roadway with On-Street Parking for Both Sides of Street

D-3 Local Roads
On-Street Parking

Local roadways with on-street parking and no median. Sidewalks shall be provided on all Local Roads.



R-7 Six-Lane Divided Roadway - No On-Street Parking

R-7 Transit Oriented Corridors

Divided highway with extended sidewalks to incorporate transit amenities. Exclusive Bus Rapid Transit Lanes or At-Grade Light Rail shall be accommodated within the 6-lane section.

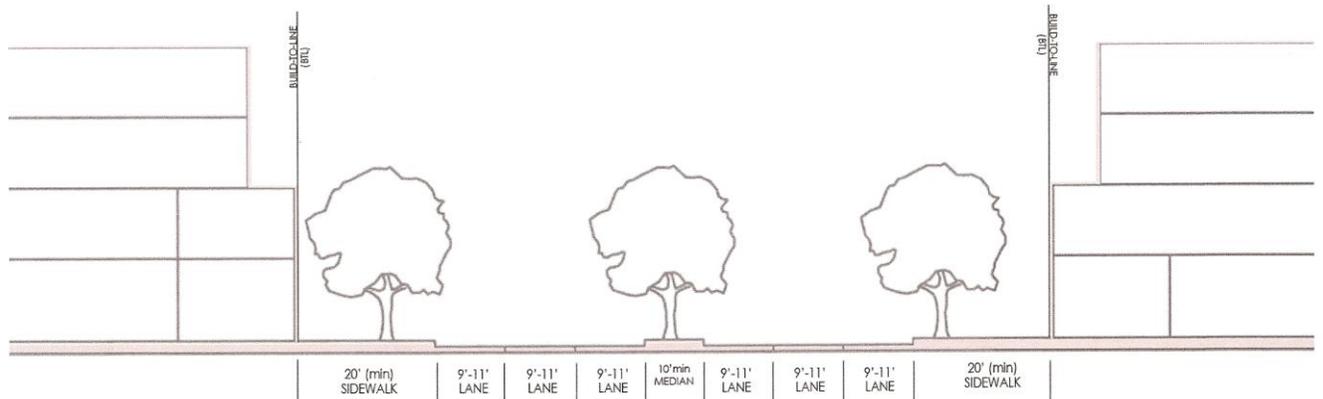


FIGURE 7. TOC PRIMARY ROADWAYS



2. Required dedications, construction of improvements.

- (1) Right-of-way shall be dedicated to the public as necessary to fulfill the street section requirements in section 12-442.
- (2) The developer of each development site shall be responsible for installing sidewalks and street trees within the right-of-way adjacent to the development site pursuant to the applicable street section(s) in section 12-442, Street Sections. The Town may permit payment in lieu of construction where it will be more efficient to undertake improvements on an areawide basis.

B. OPEN SPACE.

1. Generally.

Over time, the TOC area will be developed with a network of publicly accessible open spaces capable of serving a wide variety of purposes, including stormwater management, parks, trails and waterways. Whether through designated spaces on developed parcels or on public lands, the Town must ensure that no less than 120 acres of the TOC is reserved as open space. After completion of a Stormwater Master Plan, the Town will establish a mechanism for development of the necessary stormwater facilities and possibly public open spaces. This may provide landowners alternative options for meeting the minimum open space requirements, including the option to provide open space off-site. The following table indicates the types of public open spaces envisioned for the TOC.

Common Space Types	Kean Road	SR 7/US 441	Oakes Road	Orange Drive
Pedestrian Streets	✓	✓	✓	✓
Open space connections	✓	✓	✓	✓
Pocket parks	✓	✓	✓	✓
Plazas	✓	✓	✓	✓
Private open space	✓	✓	✓	✓
Landmark park	✓	---	---	---
Linear Water Front Park	---	✓	✓	---
Promenade	---	✓	---	---
Recreation/Ball field	✓	---	---	---

2. On-site Open Space.

The on-site open space requirement shall be as set forth in Section 12-441.C. The on-site open space requirement shall be reduced by 5 percent if at least 25 percent of the open space provided on site is designed as publicly-accessible open space utilizing any of the methods shown in **Figure 9**. Publicly-accessible open space must provide shade and seating areas and shall not be gated.

3. Off-site Open Space. (Reserved).

FIGURE 8. OPEN SPACE CONTIGUOUS TO BUILDINGS



C. PEDESTRIAN AMENITIES.

Pedestrian comfort and safety is critical to the success of the Transit Oriented Corridor. By focusing on the experience of the individual throughout the TOC districts, a more appropriate balance between pedestrian, bicycle and vehicular traffic can be realized. Streetscapes within the TOC must offer protection from the vehicular traffic as well as the elements. Understanding the diverse mix of uses within the TOC, it is also important to maintain adequate buffers to mitigate undesirable impacts on adjacent properties.

The following pedestrian amenities shall be uniform throughout the TOC. Additional studies shall be undertaken and developed with the approval of Town Council.

1. Trees.

A minimum of one canopy tree shall be planted within the First Lot Layer Frontage for each 30 feet of frontage line as depicted in **Figure 3**. With the approval of the Town and with legal agreements acceptable to the Town Attorney, a landowner may meet this requirement by installing street trees within the public right-of-way.

2. Lighting.

Reserved.

3. Street Furniture.

Reserved.

D. WALLS, SCREENING, AND BUFFERING.

In order to protect the public spaces and adjacent mixed uses within the TOC from potentially negative impacts, new development shall provide the following:

1. Landscape Buffers.

Landscape Buffers in the first lot layer shall be used to screen parking or vehicle storage in the second or third lot layers. Landscape buffers may be interrupted by pedestrian walkways as needed to provide access to public right-of-ways.

Bermed Landscape Buffers in the first lot layer shall be used to screen parking or vehicle storage and Light Industrial uses. These buffers may maintain access to parking from public sidewalks or passages where appropriate.

Walls with Bermed Landscape Buffers in the first lot layer shall be used to screen vehicle storage and Medium Industrial (M-2) or Planned Industrial Park (M-3) uses. These buffers shall not maintain access to and from public sidewalks or passages.

2. Walls.

Walls shall be utilized when necessary to screen views and mitigate industrial related and potentially negative impacts on adjacent properties from the public realm. In TOC districts where property frontages allow the use of a wall to maintain a consistent urban form, the wall shall be subject to the regulations of this Division. Emphasis on frontages that utilize walls shall be based on the quality of the design and construction. Structural and aesthetic articulation shall be required.

Walls shall be designed, installed and maintained to reduce the visual impact of large, undifferentiated frontages. Articulation and/or fenestration shall be used to visually minimize the scale and length of frontage walls. No blank walls will be permitted along frontages within the TOC.

Frontage walls, where permitted, shall not exceed eight (8) feet in height unless designed to screen Medium Industrial (M-2) or Planned Industrial Park (M-3) uses. Frontage walls that extend for a distance greater than 100 linear feet, shall use an indented wall plane of 6-8 feet in depth and 30-40 feet in length per 100 linear feet of wall. The spaces created by indented walls shall be utilized for additional landscaping or streetscape amenities such as benches or integrated bus shelters.

SECTION 12-443. DESIGN VARIATIONS, ADMINISTRATIVE RELIEF.

A. Purpose and Intent.

The TOC districts differ from many other zoning districts within the town because of its emphasis on design principles, and because it seeks to combine different use types within buildings and development sites rather than separate them, and to encourage an urban intensity of development and form. In order to accomplish this, several areas of the TOC districts have specific, prescribed development standards, rather than minimums and maximums, to define the urban form of future development. Given this level of specificity throughout an area as large in breadth as the TOC districts, requests for variation from the standards and requirements can occasionally be expected in order to account for the variation in conditions within the TOC districts, and the difficulty of accounting for them in a design-specific regulation. Requests for variation can also be expected to facilitate design interpretations and alternatives that work as well, or better, than the prescribed standard. Finally, some aspects of site development and design have not been prescribed or because the sheer size and variation of conditions and objectives within the TOC districts made this prohibitive. In some such cases, the intent of the regulations may be executed with slight variation based on the specifics of the site, adjacent street and uses, and development proposal. For all of these reasons, the variance process of section 12-309 has been supplanted by a design-based variation process that shifts the focus of review from hardship to design and logistics issues. However, variances still apply to code provisions not specific to the TOC districts, and to the intensity standards of the TOC districts.

B. Procedure.

1. The town council is authorized to approve variations to the standards and requirements of this Division, provided that variations from the intensity standards of this Division are subject to the variance process.
2. Design variations associated with site plan and site plan modifications shall be considered as part of such site plan or modification applications.
3. Submittal requirements shall be established administratively.
4. The town council shall evaluate each request for design variation based upon the criteria set forth in this section, and may approve, approve with conditions, or deny such request after conducting an advertised, quasi-judicial public hearing pursuant to the requirements applicable to site plan approval.

C. Standard of Review.

The town council shall use the following criteria to base decisions to approve, approve with conditions, or deny requests for design variation:

1. Whether the request is for a reasonable accommodation of design flexibility that results in the same or better design consistent with the intent and principles of this Division that govern the standard for which variation is requested; or,
2. Whether the variation is appropriate to accommodate site conditions not anticipated in these regulations, or to reconcile conflicting requirements, provided the request is generally consistent

with the intent and principles of the this Division that govern the standard for which variation is requested.

SECTION 12-444. NONCONFORMITIES.

A. Nonconforming uses.

Despite any provision to the contrary in Section 12-441.B, any use of a parcel of land which was lawfully established prior to January 1, 2020 shall be considered a permitted use and shall not be subject to Section 12-40 provided that the use is not expanded beyond the boundaries of the parcel as established prior to January 1, 2020. The use may be expanded within the boundaries of the parcel as established prior to December 31, 2021, such as through the addition of new buildings, structures and storage areas, provided that such additions comply with the design standards of this Division, utilizing the Design Variation provision of Section 12-443 if needed.

B. Nonconforming structures.

Nonconforming buildings and structures shall not be modified so as to increase the level of nonconformity but shall otherwise not be subject to the provisions of Section 12-39.



TOWN OF DAVIE
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
Phone: 954.797.1103 • www.davie-fl.gov

MEMORANDUM

TO: Planning and Zoning Board

FROM: Matthew Coyle, Planner II

THROUGH: David Quigley, Planning & Zoning Manager 

DATE: December 30, 2019

SUBJECT: Ordinance to amend the Comprehensive Plan; Future Land Use Element (LATXT19-266)

BACKGROUND

On August 19, 2009 Town Council amended the Future Land Use Element of the Comprehensive Plan by adding the Transit Oriented Corridor (TOC) Land Use Category and new policies related to the TOC. Policy 13.1-3 included a maximum residential density of 32 units per gross acre in the TOC. The proposed amendment would eliminate the 32 units per acre cap. A similar "units per acre" provision was eliminated from the Regional Activity Center in 2010 because it was found to conflict with the overall design and redevelopment goals of the land use designation.

RECOMMENDATION

Find that the proposed ordinance is consistent with and furthers the Town's comprehensive plan and make such recommendation to Town Council.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING POLICY 13.1-3 OF THE FUTURE LAND USE ELEMENT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN TRANSIT ORIENTED CORRIDOR LAND USE DISTRICT; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3177(6)(a) requires that local governments comprehensive plans include a future land use element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land; and

WHEREAS, Section 163.3184(2)(a) comprehensive plan amendments adopted by local governments shall follow the expedited state review process; and

WHEREAS, at a public hearing on January 8, 2020, the Planning and Zoning Board reviewed this ordinance and made a recommendation to Town Council; and

WHEREAS, following proper notice to the public and after having received input and participation from interested members of the public and staff, and having considered the recommendation of the Planning and Zoning Board, the Town Council finds this proposed ordinance consistent with its Comprehensive Plan, as amended, as well as Florida and Federal law; and

WHEREAS, the Town Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the Town's residents; and

WHEREAS, the Town Council has held two advertised public hearings in accordance with Florida Statutes; and

WHEREAS, the Town Council deems it to be in the best interest of the citizens and residents of the Town of Davie to adopt the proposed amendments to the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. The Town of Davie Comprehensive Plan, is hereby amended as set forth in Exhibit “A” (new language is underlined, deleted language is struck through).

SECTION 3. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2020

PASSED ON SECOND READING THIS ____ DAY OF _____, 2020

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2020

Approved as to Form and Legality:

TOWN ATTORNEY

EXHIBIT A

OBJECTIVE 13.1: TRANSIT ORIENTED CORRIDOR USE

The Town shall maintain a Transit Oriented Corridor (TOC) designation for the area between SR7/441 to the east, the Florida turnpike to the West and the Town boundaries to the north and south. Redevelopment and development of this area shall be consistent with the adopted Town of Davie State Road 7/441 Corridor Master Plan (Resolution #2005-236). Nothing in this land use plan amendment will impair or diminish the rights of existing landowners or their successors or assigns to continue the use and enjoyment of their properties consistent with the current land use existing at the time of adoption.

....

Policy 13.1-3: Residential use is a required component within a Transit Oriented Corridor. The location of residential uses shall be incorporated into a mixed-use project or mixed use building with the location of residential uses consistent with those identified within the SR 7/441 Corridor Master Plan. Exclusively residential buildings, not part of an overall mixed-use project, shall be discouraged unless supporting commercial and office is within 1000' linear feet. The TOC through implementing regulations of agreements shall ensure that an appropriate balance of residential and non-residential uses occur in a manner to support each other.

~~Maximum residential density shall not exceed 32 units per gross acre, and no more than a total~~ A maximum of 3,428 residential dwelling units ~~shall be~~ are permitted within the SR7/441 TOC during the planning horizon of 2015. The future planning horizon of 2015+ shall provide for an additional 3,000 residential units, consistent with the ultimate build-out plan depicted in the SR7/441 Corridor Master Plan and the ULI Regional Market Study. However, in the event the residential dwelling units or any other uses are requested before the 2015 planning horizon, Town Council will hear such request and determine, based upon the SR7/441 Corridor Master Plan, whether to move this planning horizon forward. In no case, shall the planning horizon be reviewed before the necessary concurrency requirements have been addressed.

A total of 15% of the residential units shall be provided as affordable housing. Affordable housing shall be encouraged as bonus density consistent with Broward County Planning Council Administrative Rules Document, Article 8. The Town shall create a mechanism to ensure that affordable housing, required as part of this land use plan category, shall remain affordable in the future. The intent of the affordable housing is to ensure that those affordable units are integrated into a development proposal and not easily identified by location or design within the overall community. The affordable housing requirement of this land use category may be included within an overall housing master plan.