

ORDINANCE NO. O 2020-006

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;

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;

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

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 with Florida and Federal law;

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;

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, THAT:

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 All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.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 19<sup>TH</sup> DAY OF FEBRUARY, 2020.

PASSED ON SECOND READING THIS 4<sup>TH</sup> DAY OF MARCH, 2020.

  
\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:  
  
\_\_\_\_\_  
TOWN CLERK

APPROVED THIS 4<sup>TH</sup> DAY OF MARCH, 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.

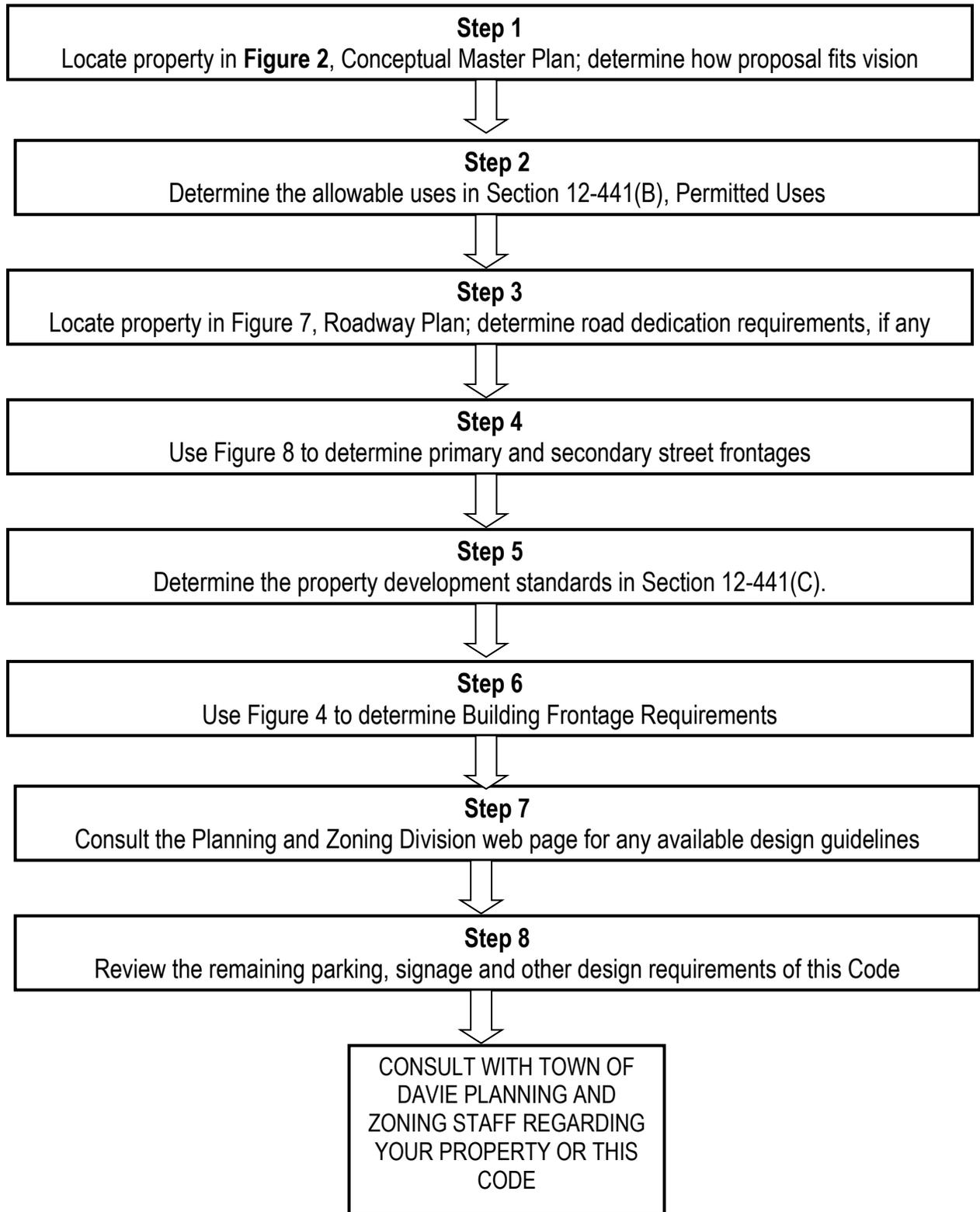
### **3. Conflicts**

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.

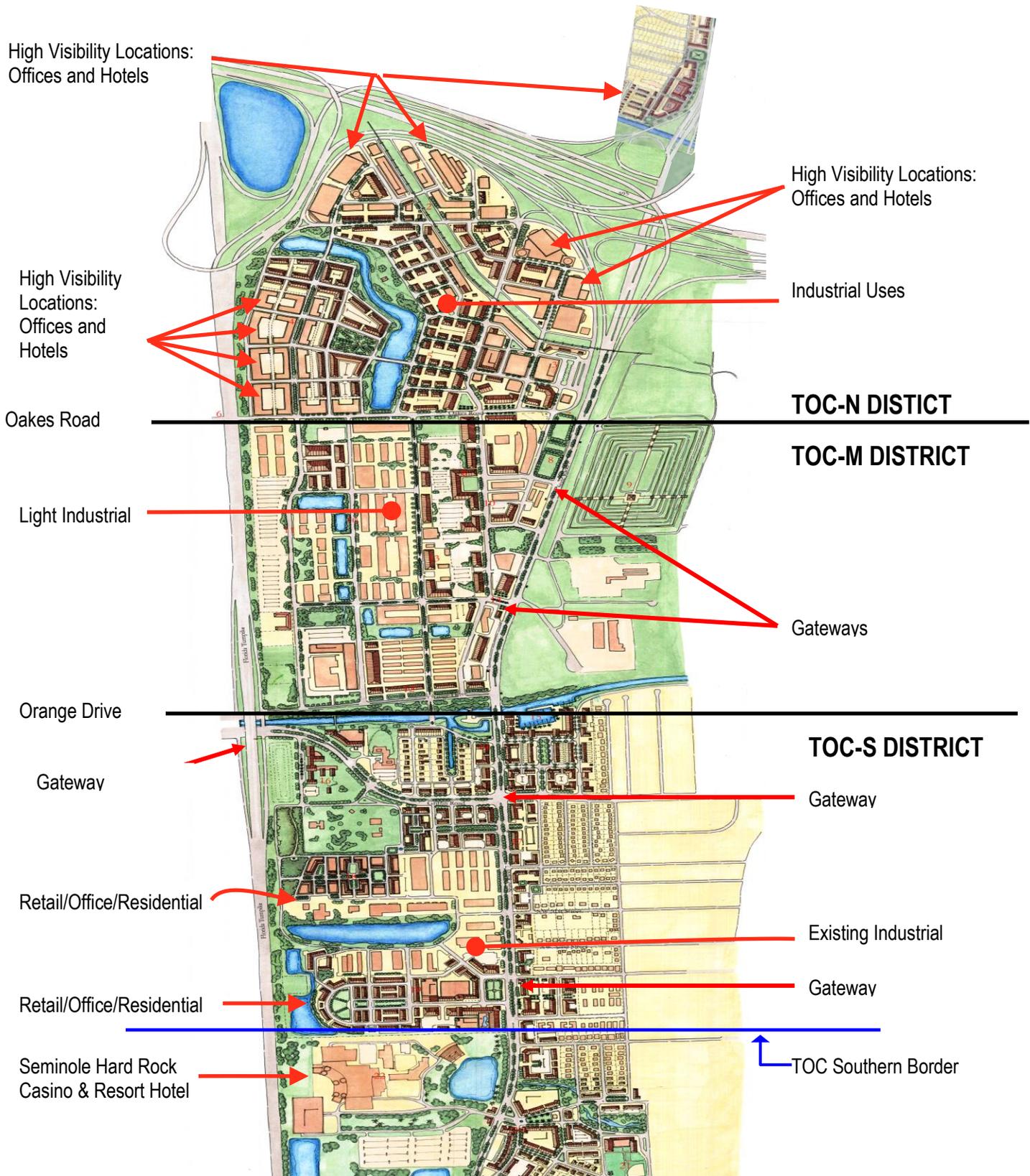
## **D. HOW TO USE THIS CODE**

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 23<sup>rd</sup> 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  
 P(#) = Permitted subject to corresponding table footnote

<b>PERMITTED USES</b>	<b>TOC-N</b>	<b>TOC-M</b>	<b>TOC-S</b>
<b>RESIDENTIAL (1)</b>			
Single Family Detached	N	N	N
Multiple-Family	P(2)	P(2)	P(2)
Special Residential Facilities	N	P	P
<b>LODGING</b>			
RV Parks/Campgrounds	N	N	N
Hotel	P	P	P
<b>COMMERCIAL, OFFICE AND BUSINESS</b>			
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
<b>INDUSTRIAL</b>			
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)
<b>COMMUNITY FACILITIES AND UTILITIES</b>			
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
<b>LOT AND SITE CHARACTERISTICS</b>			
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%
<b>DENSITY AND INTENSITY(4)</b>			
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
<b>BLDG. SETBACK/BUILD-TO LINE(6)</b>			
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
<b>BUILDING FRONTAGE TYPES ALONG PRIMARY STREETS(10)</b>			
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:

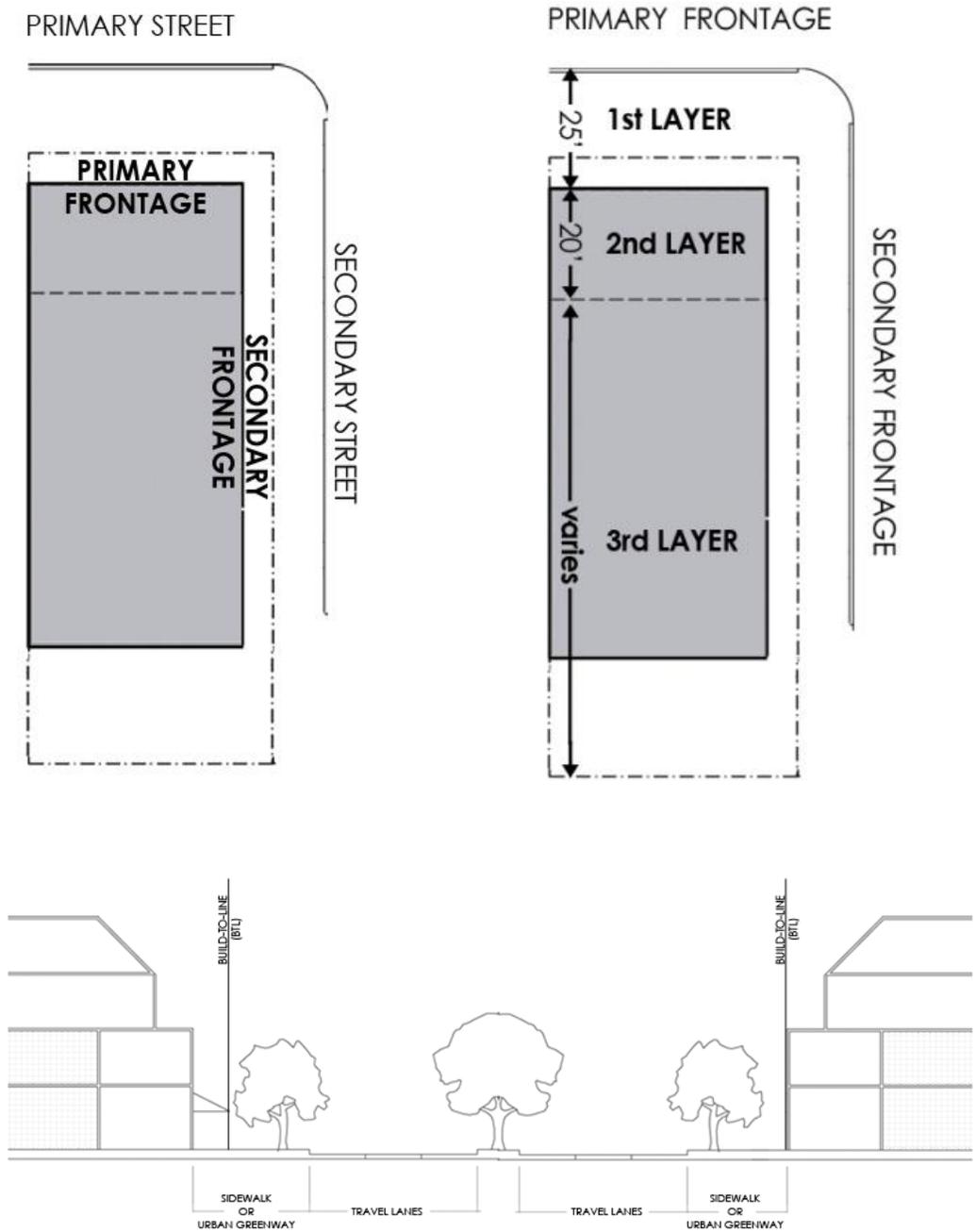
- (1) As measured along the front property line. Flag lots are not allowed.
- (2) Building Frontage refers to the width of the building façade along the property line. Where paved passageways are used to connect the public sidewalk with courtyards or parking lots in the interior of a parcel, up to 15 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.

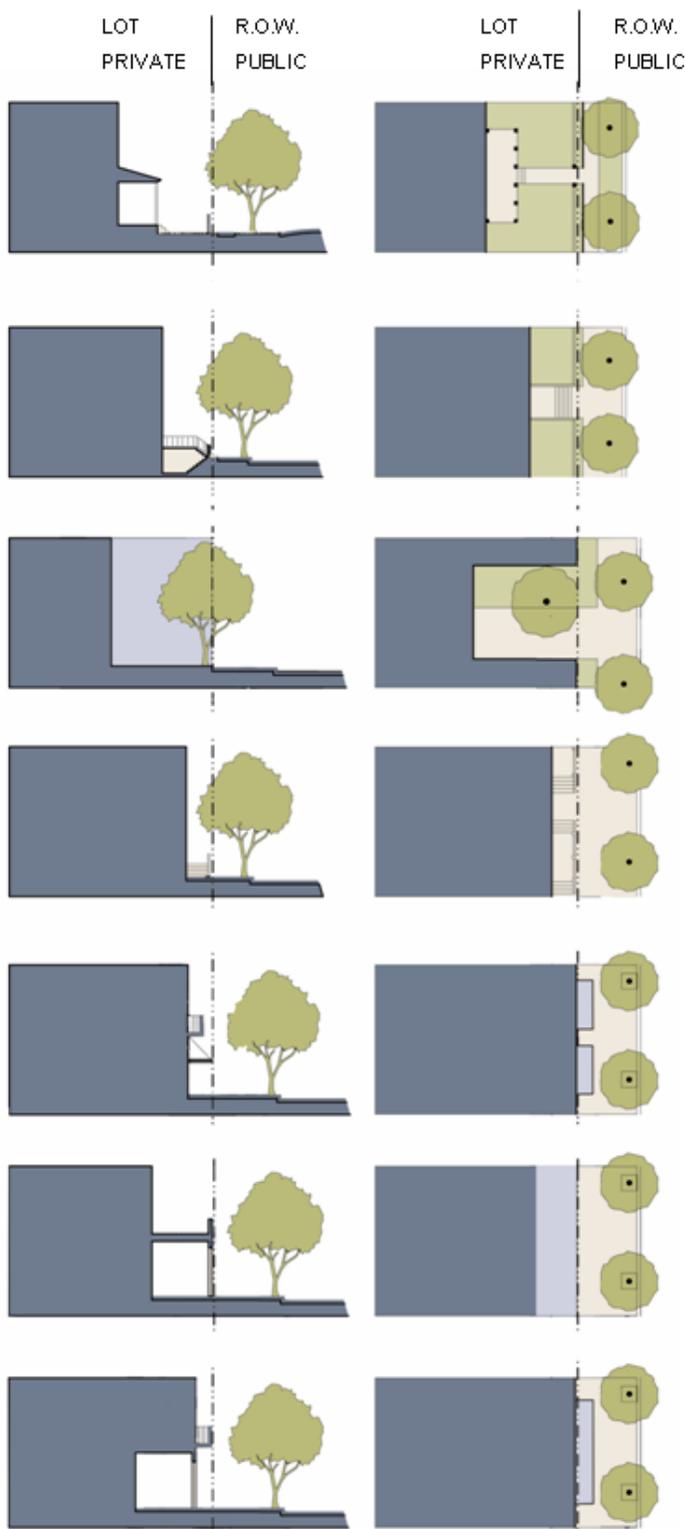
## **2. Allowable Encroachments into the Public Right-of-way.**

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).

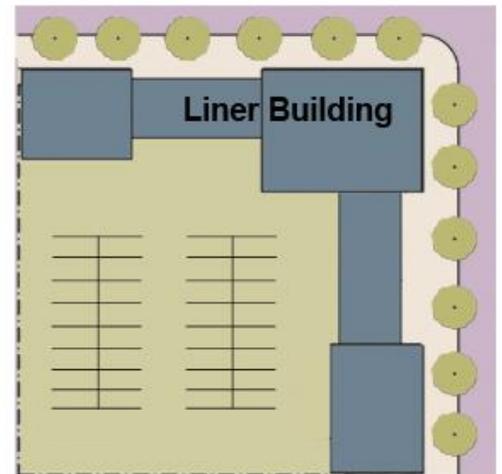
##### a. Surface Parking.

(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.

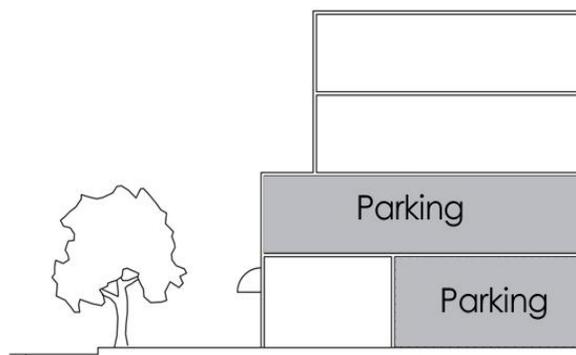
- (2) **Wrapped Surface Parking.** A wrapped surface parking lot is created by placing a narrow building(s) between the parcel's street frontage(s) and the parking lot. Except for driveway access, the parking lot is to be located behind the liner buildings and no portion of the parking lot is to be readily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

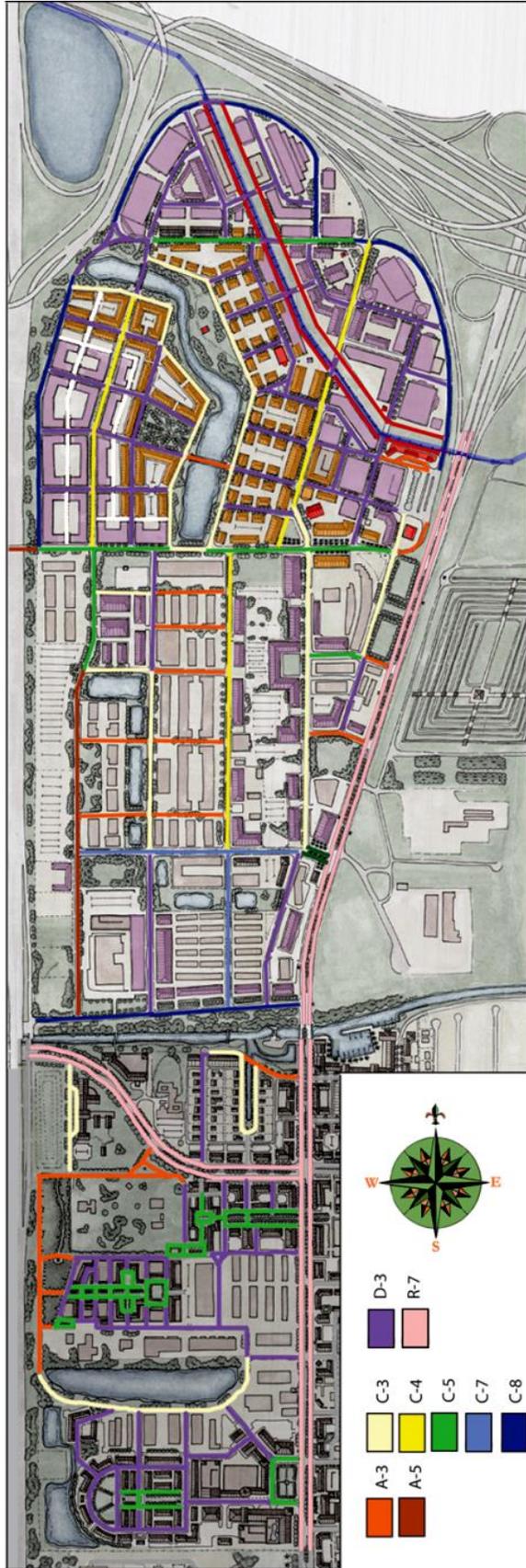
## **SECTION 12-442 STREETS AND PUBLIC SPACES**

### **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**



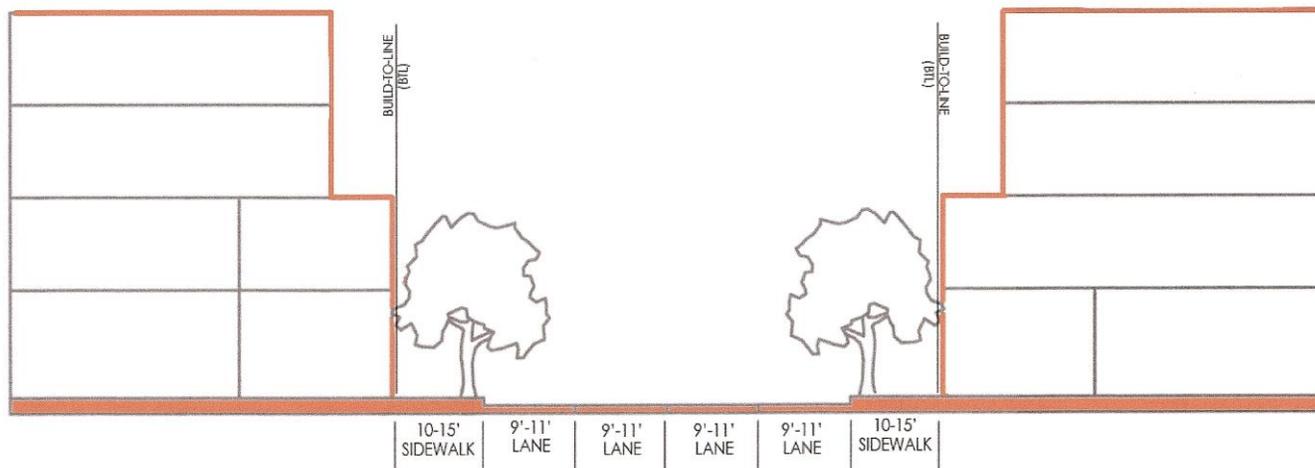
**DESCRIPTION OF ROADWAY SCHEME**

- 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

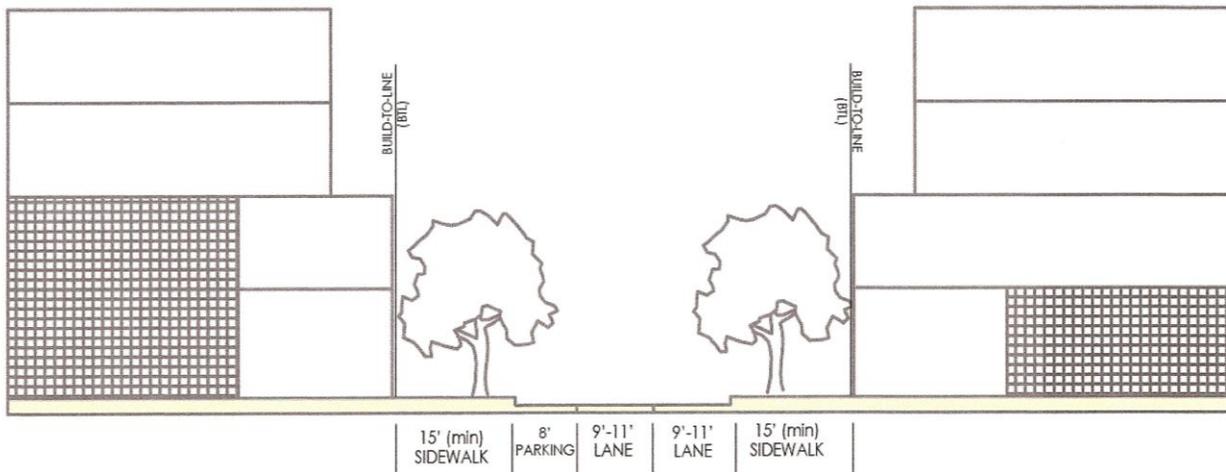
Connecting roadways without on-street parking and no median. A minimum of one sidewalk shall be provided on all Connectors.



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

### C-3 Local Roads Limited Parking

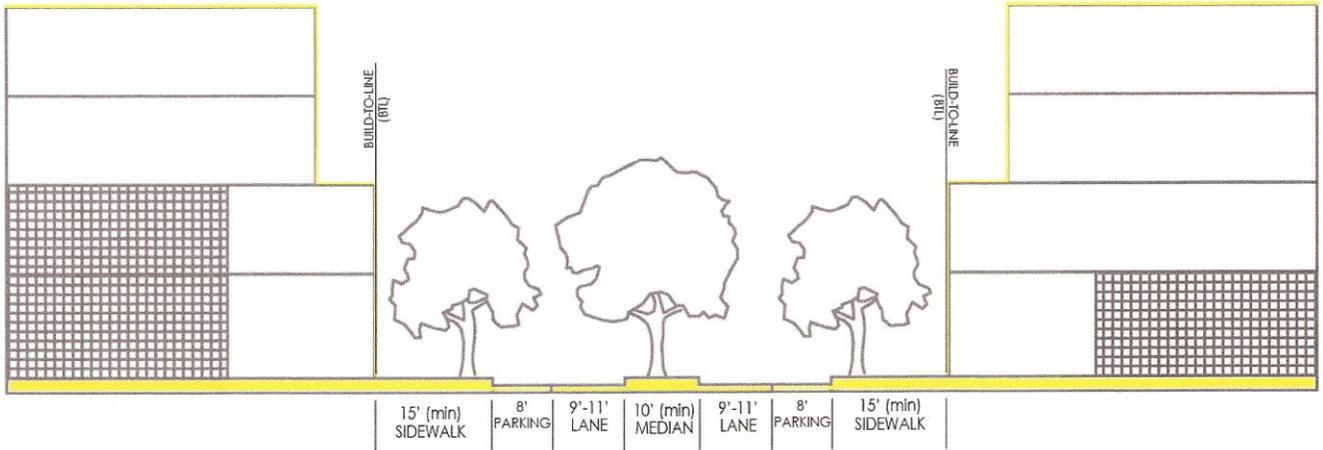
Local roadways with on-street parking on one side and no median. A minimum of one sidewalk shall be provided on all Local Roads.



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

**C-4 Local Divided On-Street Parking**

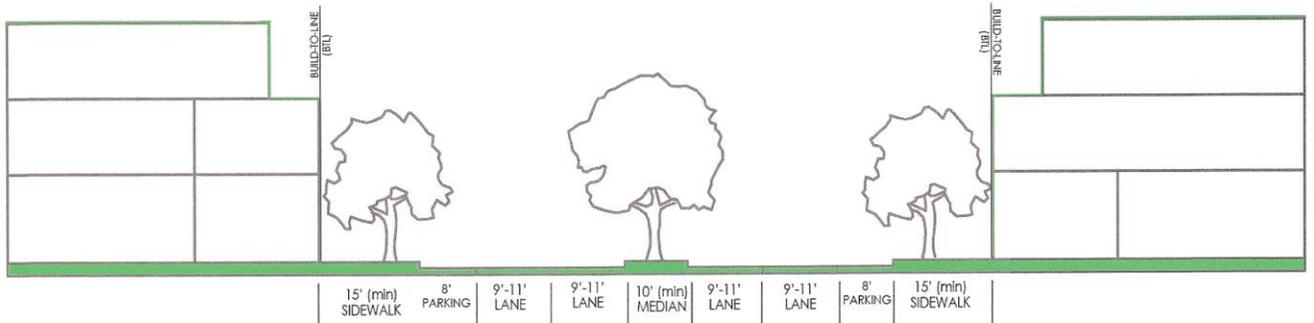
Local roadways with on-street parking on both sides and a median. Sidewalks shall be provided on all Local Roads.



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

**C-5 Primary Divided Roads On-Street Parking**

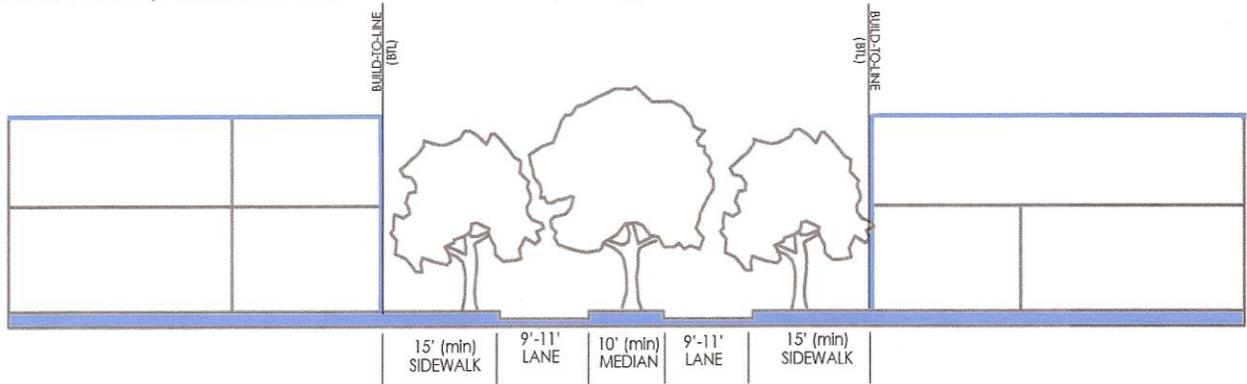
Main Roads with on-street parking on both sides and a median. Sidewalks shall be provided on all Primary Roads.



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

### C-7 Local Divided

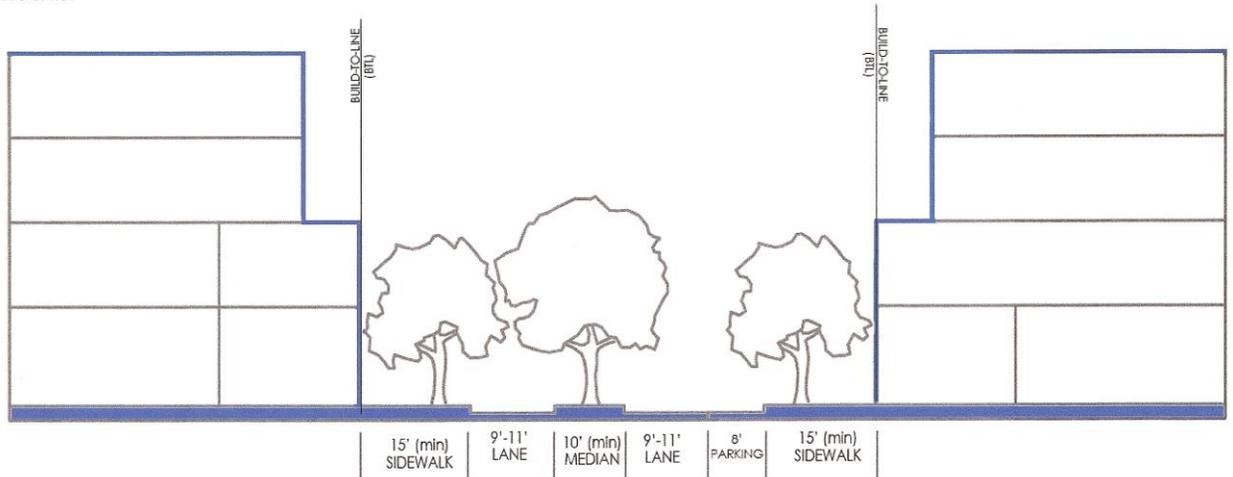
Local roadways with a median and no on-street parking. Sidewalks shall be provided on all Local Divided Roads.



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

### C-8 Local Divided Limited Parking

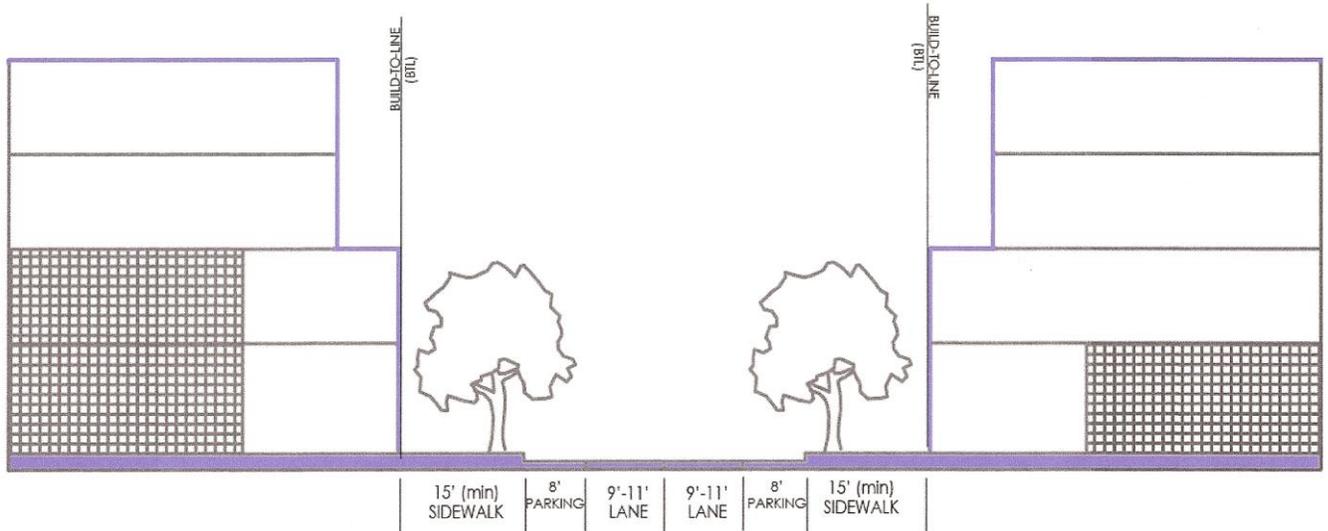
Local roadways with a median and on-street parking on one side. Sidewalks shall be provided on all Local Divided Roads.



### 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.

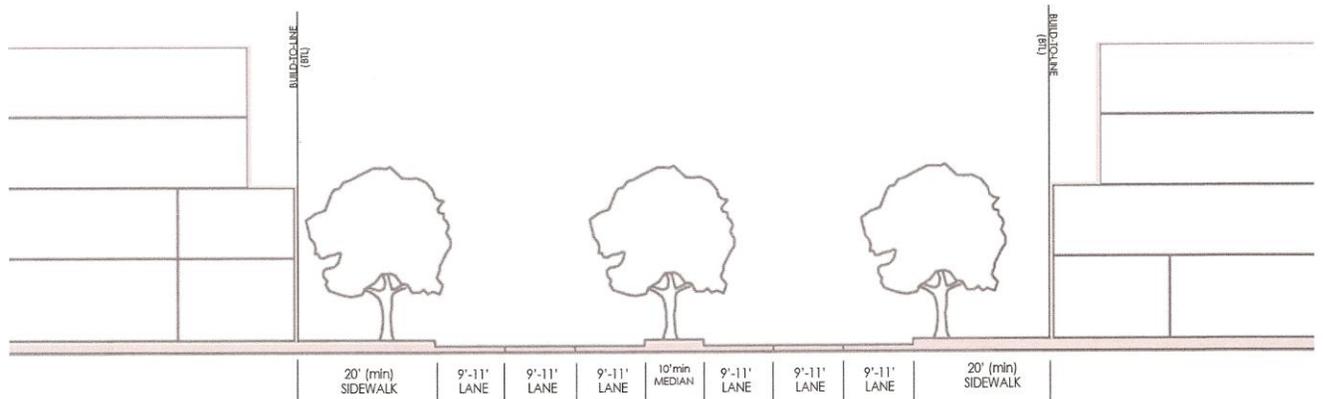


FIGURE 7. TOC PRIMARY ROADWAYS



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.

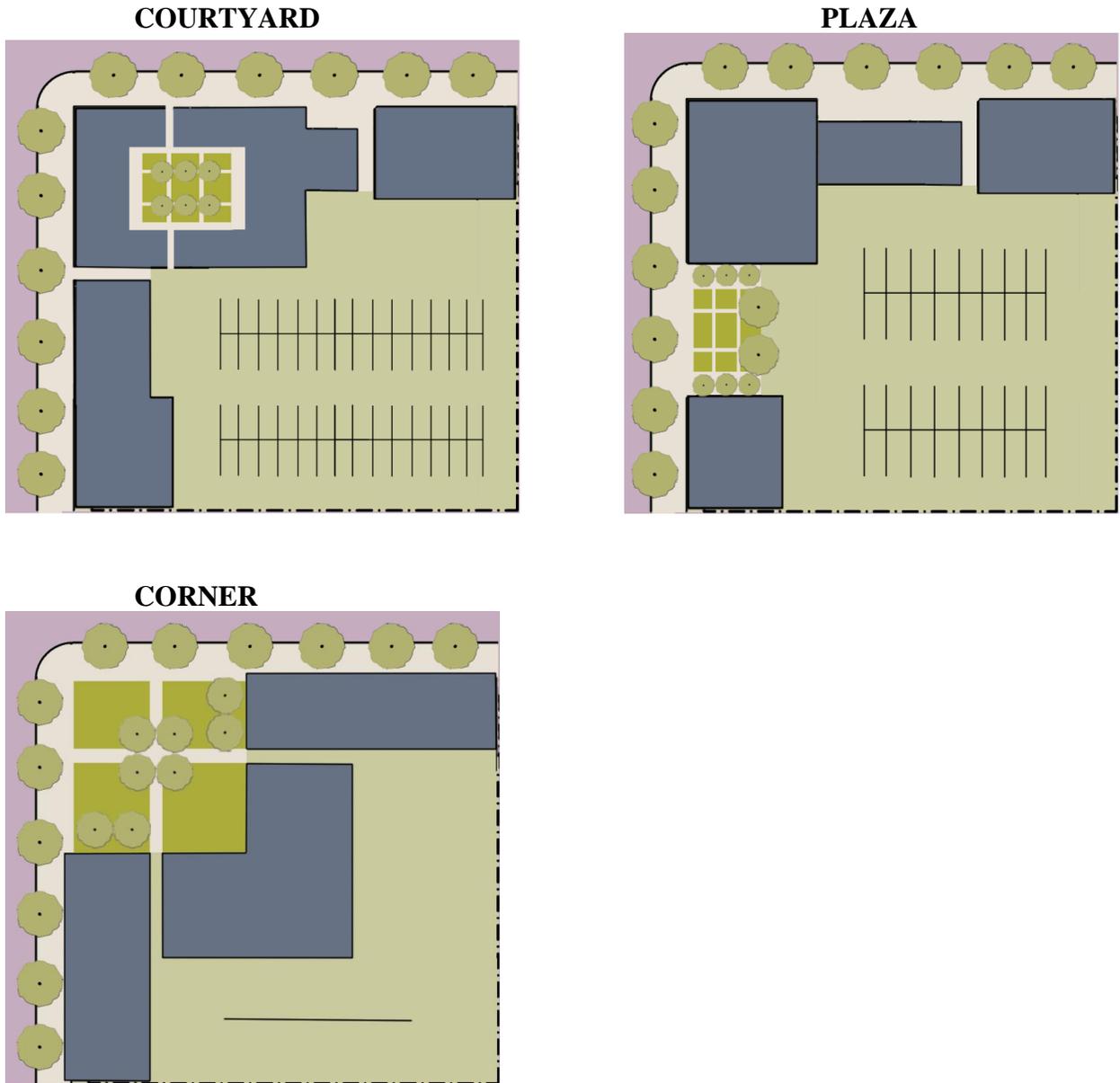
Common Space Types	Kean Road	SR 7/US 441	Oakes Road	Orange Drive
Pedestrian Streets	✓	✓	✓	✓
Open space connections	✓	✓	✓	✓
Pocket parks	✓	✓	✓	✓
Plazas	✓	✓	✓	✓
Private open space	✓	✓	✓	✓
Landmark park	✓	---	---	---
Linear Water Front Park	---	✓	✓	---
Promenade	---	✓	---	---
Recreation/Ball field	✓	---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

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.