

EXHIBIT "A"

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Sec. 12-21. Zoning districts.

For the purpose of this chapter, land and water areas in the Town of Davie are zoned in accord with zoning districts, which are designated as follows:

- Agriculture (AG) District.
- Suburban (S) District.
- Suburban Commercial (SC) District
- Urban Commercial (UC) District
- Freeway Business (FB) District.
- Business Park (BP) District.
- Transportation (T) District.
- Regional Activity Center-Academical Village (RAC-AV) District
- Neighborhood Conservation Districts:
 - Residential Single-Family:
 - RR Rural Ranches District.
 - A-1 Agricultural District.
 - R-1 Estate Dwelling District.
 - R-2 Low Density Dwelling District.

R-3 Low Density Dwelling District.
R-4 Low Medium Dwelling District.
R-5 Low Medium Dwelling District.
PRD Planned Residential Development District

Residential Multifamily:

RM-5 Low Medium Dwelling District.
RM-8 Medium Dwelling District.
RM-10 Medium Dwelling District.
RM-12 Medium High Dwelling District.
RM-16 Medium High Dwelling District.
RM-22 High Dwelling District.

Mobile Home:

MH-1 Mobile Home Residential District.
MH-3 Mobile Home Residential District.
MH-5 Mobile Home Residential District.
MH-8 Mobile Home Residential District.
MH-10 Mobile Home Residential District.

Commercial Conservation Districts:

Residential/Office District.
Office District.
Commerce Center District.
Neighborhood Business District.
Community Business District.
[Community Business Marine District](#)
Planned Business Center District.
Light Industrial District.
Medium Industrial District.
Planned Industrial Park District.
Heavy Commercial District.
Utilities District.
Neighborhood Community Facilities District.
Community Facilities District.
Planned Community Facilities District.
Recreation/Open Space District.
Commercial Recreation District.

The districts defined in the previous Town of Davie Zoning Ordinance are contained within the designations noted above.

Sec. 12-24. - Statement of purpose and intent of zoning districts.

The following sections specify the purpose and intent of the zoning districts established by this chapter:

- (A) *Agricultural (AG) District:* This district is intended to maintain, preserve and protect areas of the Town of Davie that are predominately in agricultural uses, and/or have historically demonstrated agriculture productivity. This district is designed to protect the agricultural industry from scattered residential development that displaces agricultural uses from substantial areas of productive agricultural land for a limited number of dwelling units by providing for lots on an acre in size or larger. This district is intended to maintain the rural character of the town and implement the Town of Davie Comprehensive Plan.
- (B) *Rural Ranches (RR) District:* This district is intended to protect areas of the Town of Davie, characterized by their rural or semi-rural, predominantly residential and very-low-density characteristics, from intrusive nonresidential uses and higher-density residential development which would be inconsistent with their established character. The district is also intended to permit continued agricultural and residential-agricultural use of land. The RR District implements the Agricultural and Residential one (1) dwelling unit per acre classifications of the Town of Davie Comprehensive Plan.
- (C) *Suburban (S) District:* The Suburban (S) District is intended to provide for open space living in the areas identified for residential densities of between two (2) and five (5) dwelling units per acre in the Town of Davie Comprehensive Plan. This district permits a variety of dwelling unit types to facilitate the provision of open space. The district is intended for use on large tracts and not as in-fill on properties less than ten (10) acres in areas surrounded by zoning of equal or lower density.
- (D) *Suburban Commercial (SC) District:* The Suburban Commercial (SC) District is intended for properties west of Pine Island Road where commercial uses are anticipated. It is intended to provide a less restrictive, more open form of commercial development in the western part of the Town of Davie that is compatible with the lower residential densities called for in that area.
- (E) *Urban Commercial (UC) District:* The Urban Commercial (UC) District is intended to provide for a mix of retail, office and residential uses in a medium to high-density environment. Areas so designated in the Town of Davie Comprehensive Plan will have some open space requirements to complement the higher densities permitted in the district.
- (F) *Freeway Business (FB) District:* The Freeway Business (FB) District is intended to be used to create an open type of mixed use business development with office, retail and residential uses in the same building. These uses are to be surrounded by substantial areas of open space. Employment of this district should reduce traffic by creating viable mixed use areas, provide a quality living environment, and access to open lands for recreation. The open space provided in this district will be a natural transition to lower density residential areas.
- (G) *Business Park (BP) District:* The Business Park (BP) District is intended to be used to promote modern campus types of industrial, office, distribution and service business areas where a wide variety of uses can be built in an attractive environment with substantial open areas on the periphery of the development.
- (H) *Transportation (T) District:* The Transportation (T) District is intended to implement the transportation category of the Future Land Use Plan. This district generally permits uses directly related to the development of transportation facilities and allows certain temporary uses that do not adversely affect, and may facilitate, the future development of a transportation use.

- (l) *Neighborhood Conservation Districts:* The Neighborhood Conservation Districts are intended for existing residentially zoned areas. They are designed to prevent these areas from becoming nonconforming as they would if they would be placed in the other districts in this chapter. These districts are also intended to provide for the minor infilling of existing neighborhoods consistent with their zoning and character at the time of the enactment of this chapter. Such neighborhoods are relatively uniform in character and are generally stable. The regulations permit future development consistent with existing neighborhood character. Areas identified as having a stable and fixed character will be allowed to continue to exist and develop under the general regulations governing their design and construction or under the actual subdivision plat previously approved.

Neighborhood Conservation Districts consist of four (4) general types: The Residential Single-Family, the Multifamily, the Mobile Home, and the existing Planned Residential Developments. The Single-Family type is generally for the single-family detached dwellings and is comprised of six (6) districts based upon lot size: A-1, R-1, R-2, R-3, R-4 and R-5. The Multifamily type is comprised of six (6) districts as follows: RM-5, RM-8, RM-10, RM-12, RM-16, and RM-22. The mobile home type is comprised of five (5) districts: MH-1, MH-3, MH-5, MH-8, and MH-10. Planned Residential Developments vary according to development site; however, all consist of a minimum density of three (3) dwelling units per acre. The A-1 District, while considered a residential dwelling district, does permit limited agricultural uses. For the limitations applying to agricultural uses in this district, see Article III (Use regulations).

- (1) *Agricultural (A-1) District:* The A-1 District is intended to implement the agricultural and residential one (1) unit per acre classifications of the Town of Davie Comprehensive Plan and to maintain, protect and encourage the continuance of a productive agricultural community in Davie by ensuring that developments are buffered from existing agricultural uses.
- (2) *Estate Dwelling (R-1) District:* The R-1 District is intended to implement the one (1) dwelling unit per acre residential classification of the Town of Davie Comprehensive Plan and to provide estate residential areas with most of the noncommercial agricultural uses permitted providing a transition from agricultural land to residential dwelling units.
- (3) *Low Density Dwelling (R-2 and R-3) Districts:* The R-2 and R-3 Districts are intended to implement the three (3) dwelling units per acre residential classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for low density dwelling districts in the town.
- (4) *Low Medium Density Dwelling (R-4, R-5 and RM-5) Districts:* The R-4, R-5 and RM-5 Districts are intended to implement the five (5) dwelling units per acre residential classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for a low-medium density single-family dwelling district.
- (5) *Medium Density Dwelling (RM-8 and RM-10) Districts:* The RM-8 and RM-10 Districts are intended to implement the ten (10) dwelling units per acre residential classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for medium density multiple family dwelling districts in the Town of Davie.
- (6) *Medium-High Density Dwelling (RM-12 and RM-16) Districts:* The RM-12 and RM-16 Districts are intended to implement the sixteen (16) dwelling units per acre residential classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for medium-high density multiple-family dwelling districts in the Town of Davie.
- (7) *High Density Dwelling (RM-22) District:* The RM-22 District is intended to implement the twenty-two (22) dwelling units per acre residential classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie

Comprehensive Plan by providing for a high density multiple-family dwelling district in the Town of Davie.

- (J) *Commercial Conservation Districts:* These districts are intended to preserve the character of existing nonresidential or commercial areas, neighborhoods and developments either in existence or under construction at the time of adoption of this chapter.

The district is the nonresidential or commercial version of the Neighborhood Conservation District. The district permits these areas to continue to develop in nonresidential or commercial uses but requires better landscaping and vehicular access control. The development standards are also intended to promote the upgrading of existing land uses.

- (1) *Residential/Office District.* The RO District is intended to implement the residential/office classification of the Town of Davie Comprehensive Plan by providing a buffer of professional offices and mixed residential and office development to surrounding residential areas. The intent of this district is to maintain the residential character of the neighborhood while permitting the development of professional offices.
- (2) *Office District.* The O District is intended to implement the office classification of the Town of Davie Comprehensive Plan by providing encouragement toward the development of a business and research office park with complimentary retail and service uses in an open and attractive manner.
- (3) *Commerce Center District.* The CC District is intended to implement the commerce/office classification of the Town of Davie Comprehensive Plan by providing for development of office, research, business and light industrial complexes at suitable locations throughout the town. A commerce center development may serve as a major source of employment and will complement the appearance and welfare of the town. This district contains regulations designed to promote flexibility in planning and design.
- (4) *Neighborhood Business (B-1) District.* The B-1 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to service the local neighborhood shopping and personal service needs of a limited surrounding residential area. Retail stores permitted herein are intended to include mainly convenience goods which are usually a daily necessity for a residential neighborhood.
- (5) *Community Business (B-2) District.* The B-2 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to service the shopping and limited service needs of several neighborhoods or the local community. Retail stores are intended to include convenience, fashion and durable goods.

(5.1) Community Business Marine (B-2M) District. The B-2M District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing limited commercial marine services as well as residential and other shopping and service needs in a manner which is not in conflict with commercial marine services. Compatible residential is also allowed by special permit.

- (6) *Planned Business Center (B-3) District.* The B-3 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to meet the shopping and service needs of large sections of the town or metropolitan areas. Such business generally requires considerable ground area, do not cater directly to pedestrians, and need a conspicuous and accessible location convenient for motorists.
- (7) *Light Industrial (M-1) District.* The M-1 District is intended to implement the industrial classification of the Town of Davie Comprehensive Plan by providing for light industrial uses, such as research, development or fabrication of products, which make use of

processes not likely to be objectionable to neighborhood properties because of noise, vibration, odors, smoke, air pollution, or other physical manifestations.

- (8) *Medium Industrial (M-2) District.* The M-2 District is intended to implement the industrial classification of the Town of Davie Comprehensive Plan by providing for medium industrial uses which, by their inherent nature or by virtue of the materials used, processes utilized or products produced, may involve some characteristics objectionable to or incompatible with residential areas. Hence, M-2 districts are not intended for locations abutting residential property.
- (9) *Planned Industrial Park (M-3) District.* The M-3 District is intended to implement the industrial classification of the Town of Davie Comprehensive Plan by providing for planned industrial parks which can accommodate light, medium or selected heavier industrial uses in an open, uncrowded and attractive manner through limitations on setbacks and coverage, and for other permitted uses. M-3 Districts are not intended for locations abutting residential property.
- (10) *Heavy Commercial (C1) District.* The C1 District shall be applicable only in those areas within the corporate boundaries of Davie that lie between the Florida Turnpike and the easternmost boundary of the town. This area shall be known as the Davie Industrial District. The C1 District is intended to implement intensive commercial development, certain repair and other services, wholesale, storage and warehouse uses, and sales of large or heavy machinery and equipment in lands designated commercial on the Land Use Plan. This district is not intended for application in residential areas and does not cater to pedestrian trade.
- (11) *Utilities (U) District.* The U District is intended to implement the utilities classification of the Town of Davie Comprehensive Plan by providing areas for the location and expansion of water, wastewater, communication and power facilities, and solid waste disposal sites.
- (12) *Neighborhood Community Facilities (NCF) District.* The NCF District is intended to implement the community facilities classification of the Town of Davie Comprehensive Plan by providing areas for location of community facilities in close proximity to residential neighborhoods. The NCF District may be applied to lands outside the community facilities classification as may be otherwise consistent with the Comprehensive Plan, [provided that any new NCF area must either be served by an existing central sewer system \(not an on-site disposal system\) at the time of such designation, or the extension of such service must be included in the 5-Year Capital Improvement Program with an identified funding source.](#)
- (13) *Community Facilities (CF) District.* The CF District is intended to implement the community facilities classification of the Town of Davie Comprehensive Plan by providing areas for location of community facilities. The CF District may be applied to lands outside the community facilities classification as may be otherwise consistent with the Comprehensive Plan, provided that any new CF area must either be served by an existing central sewer system (not an on-site disposal system) at the time of such designation, or the extension of such service must be included in the 5-Year Capital Improvement Program with an identified funding source.
- (14) (Reserved)
- (15) *Recreation/Open Space (RS) District.* The RS District is intended to implement the parks and recreation classification of the Town of Davie Comprehensive Plan by providing areas for the development of nonprofit active or passive recreational facilities and the preservation of open space.
- (16) *Commercial Recreation (CR) District.* The CR District is intended to implement the commercial recreation classification of the Town of Davie Comprehensive Plan by providing areas for the development of commercial recreational facilities.

Permitted Uses	RR	AG	S	A-1	R-1	R-2—5	RM-5	RM-8—22	MH-1—10
Student Rental Housing	N	N	N	N	N	N	N	N	N
Subdivision Facilities	N	N	N	N	N	N	P	P	P
Watchman's Quarters	*	*	N	*	N	N	N	N	N

(B) *Commercial, Office and Business Districts:*

COMMERCIAL, OFFICE AND BUSINESS DISTRICTS

Permitted Uses	SC & B-1	WT & B-2	UC & B-3	O	FB	CC	C1	RO	B-2M
Adult Arcade Amusement Center	N	N	*	N	N	N	N	N	N
Airports	*	*	*	*	*	*	*	*	*
Agricultural Use	*	*	*	*	N	*	N	*	N
Amusement Parks	N	N	N	N	N	N	N	N	N
Animal Hospital	*	*	*	N	N	N	*	N	N
Animal Kennel	N	N	N	N	N	N	P	N	N
Antique, Crafts Shops	P	P	P	N	N	N	N	N	N
Athletic/Health Clubs, Gyms	N	P	P	N	P	*	P	N	N
Art Gallery	P	P	P	P	P	N	N	N	N
Auction House	N	*	*	N	N	N	*	N	N
Banks, Financial	P	P	P	P	P	P	N	*	N
Bakery, Delicatessen	P	P	P	N	P	*	P	N	N
Barber, Beauty Shops	P	P	P	N	P	*	P	N	N
Bars, Lounges	N	*	*	N	*	*	*	N	N
Bingo Establishments	N	P	P	N	N	N	P	N	N
Boat Yards	N	N	N	N	N	N	P	N	N
Bookstores, Newsstand	P	P	P	N	P	*	P	N	N
Botanical Gardens	N	N	N	N	P	N	P	N	N
Bottled Fuel	N	N	N	N	N	N	P	N	N
Bowling, Skating	N	P	P	N	N	N	P	N	N
Cabinet/Carpentry Shops	N	N	N	N	N	N	*	N	N
Car Wash	N	P	P	N	N	N	P	N	N

Permitted Uses	SC & B-1	WT & B-2	UC & B-3	O	FB	CC	C1	RO	B-2M
Catering (Food)	N	P	P	N	N	P	P	N	N
Communication Apparatus	*	*	*	*	*	*	*	*	N
Contractor, office only	P	P	P	P	N	P	P	P	N
Convenience Stores	P	P	P	N	*	N	P	N	N
Dance Halls, Clubs	N	P	P	N	P	N	P	N	N
Distribution Facilities	N	N	N	N	N	N	P	N	N
Dry Cleaning	*	*	*	N	N	*	P	N	N
Education, K—12	N	N	N	N	N	N	N	N	N
Education, adult public or non-profit	N	*	*	*	*	*	*	N	N
Education, adult for-profit	N	*	*	*	*	*	*	N	N
Farms	*	*	*	*	*	*	*	*	N
Florist, Plant Shop	P	P	P	N	P	*	P	N	N
Game Room, Arcade	N	P	P	N	N	N	P	N	N
Gift Shops	P	P	P	N	N	*	P	N	N
Golf Courses	N	P	P	N	P	N	N	N	N
Home Occupation	N	N	N	N	N	N	N	P	N
Hotels, Motels	N	N	*	N	P	*	N	N	N
Laboratories	N	N	N	P	P	P	P	N	N
Landscape Maintenance Contractors	N	N	N	N	N	N	P	N	N
Light Fabrication	N	N	N	P	N	P	P	N	N
Machine Shop	N	N	N	N	N	*	P	N	N
Marina	N	N	N	N	N	N	N	N	*
Medical Clinic, Doctor's Office	N	P	P	N	N	P	N	P	N
Mini Warehouse/Self Storage	N	N	N	N	N	*	*	N	N
Mobile Home Sales	N	*	*	N	N	N	P	N	N
Mortuary	P	P	P	P	P	P	P	N	N
Motion Picture Studio	N	N	N	N	N	P	P	N	N
Motor Fuel Pumps	N	*	*	N	*	N	*	N	N
Motorcycle Shop	N	N	*	N	N	N	N	N	N
Movers	N	N	N	N	N	N	P	N	N

Permitted Uses	SC & B-1	WT & B-2	UC & B-3	O	FB	CC	C1	RO	B-2M
Movie Theater, Performing Arts	N	P	P	N	P	N	N	N	N
Night Clubs	N	*	*	N	*	*	*	N	N
Nursery, Child Care Facility	*	*	*	N	*	*	N	P	N
Office	P	P	P	P	P	P	P	P	N
Office Equipment Sales	N	P	P	N	P	*	P	N	N
Parking Lot, Rental	N	P	P	N	*	N	N	N	N
Pawnshop	N	N	*	N	N	N	*	N	N
Personal Services	P	P	P	N	P	*	P	N	N
Pharmacy	N	P	P	N	P	*	P	N	N
Photographic Studio	P	P	P	N	P	P	P	N	N
Place of Public Assembly	N	*	*	N	*	*	*	N	N
Plant Nursery	P	P	P	P	P	N	P	P	N
Pool Rooms	N	P	P	N	N	N	P	N	N
Printer	N	P	P	N	P	P	P	N	N
Radio or TV Station	N	N	N	N	N	P	P	N	N
Real Estate Office	P	P	P	P	*	P	P	P	N
Repair Shop, Except Vehicle or Boat Repair	N	P	P	N	N	N	P	N	N
Research Facilities	N	N	N	P	P	P	P	N	N
Residential Uses	*	N	*	N	*	*	*	*	N
Restaurants, Fast Food	N	P	P	N	P	N	P	N	N
Restaurant, Other	*	P	P	N	P	*	*	N	N
Retail Sales Other	P	P	P	N	P	*	P	N	N
Sales Office	P	P	P	P	P	P	P	P	N
Service Stations	N	N	*	N	N	N	*	N	N
Sexually Oriented Business	N	N	*	N	N	N	N	N	N
Sheet Metal Shop	N	N	N	N	N	*	*	N	N
Special Residential Facilities	*	*	*	N	N	N	N	N	N
Sports Arena	N	N	N	N	N	N	N	N	N
Studios (Art, Music)	P	P	P	N	N	P	P	P	N
Tattoo Parlors	N	N	*	N	N	N	N	N	N

Permitted Uses	SC & B-1	WT & B-2	UC & B-3	O	FB	CC	C1	RO	B-2M
Vehicle Customizing	N	N	N	N	N	N	P	N	N
Vehicle, Boat, Truck, Repair Major	N	N	N	N	N	N	*	N	N
Vehicle Repair, Minor	N	*	*	N	N	N	P	N	N
Vehicle Towing	N	N	N	N	N	N	*	N	N
Vehicle Sales and Rental	N	N	*	N	N	*	*	N	N
Warehouse, Storage	N	N	*	N	*	*	*	N	N
Watchman's Apartment	*	N	*	N	N	*	*	N	N
Wholesale	N	P	P	N	N	P	P	N	N

(C) *Business Park and Industrial:*

BUSINESS PARK AND INDUSTRIAL

Permitted Uses	BP	M-1	M-2	M-3
Aiports	*	*	*	*
Acid, Explosives	N	N	N	N
Animal Kennel	N	*	*	*
Auction House	*	N	N	N
Brewing/Distilling of Malt Beverages or Liquors	N	N	N	N
Business Uses	P	*	*	*
Cement, Concrete, Lime	N	N	P	P
Educational (Adult)	*	*	*	*
Farms	*	*	*	*
Food Processing Facility	N	N	N	P
Foundry, Drop Forging	N	N	N	N
Gravel, Rock Mining	N	N	N	N
Incinerator (Medical, Solid Waste, Biohazardous)	N	N	N	N
Landfill/Trash, Garbage Disposal	N	N	N	N
Landscape Maintenance Contractor	N	P	P	P
Light Manufacturing	P	P	P	P
Machine Shop	N	N	P	P

Permitted Uses	BP	M-1	M-2	M-3
Marina	N	N	*	*
Medium Manufacturing	*	N	P	P
Mixed Use	N	*	*	*
Motor Freight Terminal	N	N	*	*
Motorcycle Shop	*	*	*	*
Movers	N	P	P	P
Office, Professional	P	*	*	*
Petroleum Storage, Refining, Distribution, etc.	N	N	N	N
Recycling, Scrap Metal Processing, and Automobile Wrecking Yard	N	N	N	*
Retail Sales	P	*	*	*
Sales of Construction Equipment	N	N	P	P
Sandblasting	N	N	N	P
Sexually Oriented Business	N	N	N	*
Slaughter Yards	N	N	N	N
Soaps, Detergent, Cleansing Materials Manufacturing	N	N	N	N
Stockyards, Rendering, Glue	N	N	N	N
Storage Yards	N	N	P	P
Taxi Service, Dispatch	N	P	P	P
Trash Transfer Station	N	N	N	N
Truck Stop	N	N	N	N
Vehicle, Boat, Truck, Repair, Major or Minor	N	P	P	P
Vehicle Towing/Storage	N	P	P	P
Vehicle Sales and Rental	*	*	*	*
Warehouse, Storage	*	*	*	*
Watchman's Apartment	*	*	*	*
Wholesale	P	P	P	P
Yacht Manufacturing and Repairs	N	N	*	N

(D) *Recreational, Community Facilities and Utilities Districts:*

RECREATIONAL, COMMUNITY FACILITIES AND UTILITIES DISTRICTS
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Permitted Uses	RS	CR	NCF	CF	U
Airports	*	*	*	*	*
Amusement, Theme Park Stadium	N	N	N	N	N
Drive-in Theater	N	N	N	N	N
Education, K-12	N	N		*	N
Education, adult public or non-profit	N	N	N	*	N
Education, adult for-profit	N	N	N	*	N
Flood Control	*	N	*	P	*
Governmental Buildings/Municipal Public Service Uses	N	N	N	P	P
Hospitals	N	N	N	P	N
Hotel, Motel	N	*	N	N	N
Incinerator (Medical, Solid Waste, Biohazardous)	N	N	N	N	N
Landfill/Trash, Garbage Disposal	N	N	N	N	N
Libraries, Museums	*	*	N	P	N
Mausoleums, Cemeteries	N	N	N	P	N
Nursery, Day Care, Preschool	N	N	*	*	N
Place of Public Assembly	*	N		*	N
Prisons, Jails, Detention	N	N	N	N	N
Power Plant, Substation	N	N	N	N	P
Public Park	P	P	P	P	P
Public Utility Maintenance Yard	N	N	N	N	P
Commercial Recreation	N	P	N	N	N
Special Residential Facilities	N	N	*	*	N
Solid Waste Transfer Site	N	N	N	N	P
Telecommunications Towers	*	*	*	*	*
Storage Yards	N	N	N	N	N
Waste Facilities	N	N	N	N	N
Watchman's Apartment	N	N	*	*	N
Water, Wastewater Treatment	N	N	N	N	P

Sec. 12-34. - Standards for specific uses.

In addition to compliance with other regulations imposed by this chapter, the following standards are required of the specific uses enumerated below:

(G) *Communication Apparatus:* ~~(Reserved.)~~

- ~~(1) In all districts except the U district, radio, television, telephone or other communication transmitting, receiving or relay stations, structures and/or towers are limited to a maximum height of twenty-five (25) feet above grade. Dish antennae are limited to a maximum of four (4) feet in diameter, except that satellite dish antennae measuring in excess of four (4) feet in diameter may be permitted in accordance with the following:
 - ~~(a) In residential zoning districts a satellite dish antennae is considered an accessory structure to a permitted use and shall not be located in any required yard other than a rear yard.~~
 - ~~(b) In nonresidential zoning districts no satellite dish antennae may be located in any yard that abuts residentially zoned land or land designated residential on the town's future land use plan map.~~
 - ~~(c) Any person, firm or corporation desiring to erect a satellite dish antenna shall be required to fully screen such antenna from public view (neighbors, public streets, etc.) through the use of berms, walls, fences, shrubs, hedges, trees or any combination thereof; provided, that when walls and/or fences are used they shall not exceed six (6) feet in height on residentially zoned lands and eight (8) feet in height on nonresidentially zoned lands.~~
 - ~~(d) When a fence and/or wall is used to screen satellite dish antennae, twenty-five (25) percent of the length of the outboard view of such fence and/or wall shall contain plantings of shrubs, hedges or trees. Such screening shall consist of plant material which shall achieve a full cover appearance within six (6) months of planting. All screening shall be in conformance with Town Code requirements.~~
 - ~~(e) Antennas in excess of twelve (12) feet in diameter are permitted by special permit issued pursuant to Article X.~~~~
- ~~(2) In the CC district radio, television, telephone or other communication transmitting, receiving or relay stations, structures and/or towers are limited to a maximum height equal to the height of the adjacent building. Dish antennae are limited to a maximum of twelve (12) feet in diameter; antennae in excess of twelve (12) feet in diameter are permitted by special permit issued pursuant to Article X.~~
- ~~(3) In the U district radio, television, telephone or other communication transmitting, receiving or relay stations, structures and/or towers and dish antennae are permitted pursuant to the conceptual master land use plan associated with the zoning.~~

(M) *Helicopter Pad:* ~~The minimum parcel size for the location of a helicopter pad shall be five (5) acres. Helicopter pads shall be a minimum of one hundred (100) feet from all property lines. (Reserved)~~

(Z) *Special Residential Facilities:*

- (1) *Definitions.*

- (a) Special residential facility, Category 1, is a housing facility, sometimes referred to as a group home, which is licensed by the State of Florida Department of Elderly Affairs, Agency for Persons with Disabilities, Department of Juvenile Justice, Department of Children and Family Services or the Agency for Health Care Administration, for no more than ~~eight (8)~~six (6) individuals who require treatment, care, rehabilitation or education. This includes individuals who are elderly, dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others. The facility provides a family living environment including supervision and care necessary to meet the physical, emotional and social needs of the individuals. It may or may not provide education or training.
- (b) Special residential facility, Category 2, is a housing facility which is licensed by the State of Florida for nine (9) to fourteen (14) non-elderly individuals who require treatment, care, rehabilitation or education. This includes individuals who are dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others. The facility provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of the individuals. It may or may not provide education or training. There may be more than one (1) kitchen within the housing facility. There may be more than one (1) residential care facilities, Category 2, on a particular parcel of land.
- (c) Special residential facility, Category 3, is a housing facility which is not a residential care facility, Category 1 or 2 and which meets one (1) of the following below:
1. Any housing facility licensed by the State of Florida for more than fourteen (14) non-elderly individuals who require treatment, care, rehabilitation or education. This includes individuals who are dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others;
 2. Any housing facility licensed by the State of Florida for more than eight (8) unrelated elderly individuals;
 3. Government subsidized housing facilities entirely devoted to care of the elderly, dependent children, the physically handicapped, developmentally disabled or individuals not overtly of harm to themselves or others;
 4. Any not-for-profit housing facility for unrelated elderly individuals; or
 5. Any housing facility which provides a life-care environment. A life-care environment shall include, but is not limited to, creation of a life estate in the facility itself and provision of off-site or on-site medical care.
- (2) *Development standards.*
- (a) Density calculations.
1. Each Category 1 facility is considered 1 dwelling unit.
 2. Each Category 2 facility is considered 2 dwelling units.
 3. For a Category 3 facility, each sleeping room shall be counted as 0.5 dwelling units. A sleeping room shall be designed to accommodate no more than two (2) individuals.
- (b) Permitted districts. Special residential facilities, including amenities and accessory uses and structures customarily incidental and subordinate to such facilities, shall be allowed in zoning districts as follows:

1. Category 1 facilities: Allowed in any zoning district in which residential dwelling units are permitted.
 2. Category 2 facilities: Allowed in RR, AG, S, A-1, R-1 through R-5, all RM districts and NCF, CF and PCF districts. Allowed in any Regional Activity Center or Griffin Road Corridor district in which residential uses are allowed.
 3. Category 3 facilities:
 - a. Category 3 facilities owned or operated by a governmental agency or a charitable non-profit corporation are allowed only in CF and PCF districts.
 - b. All other Category 3 facilities are allowed in the Commercial Future Land Use category, the RS-3 district, any RM district, any Regional Activity Center district in which residential uses are allowed, and in any Griffin Road Corridor district in which residential uses are allowed.
- (c) Separation requirements.
1. A Category 1 facility shall be at least one thousand (1,000) feet from any other Category 1 facility, as measured in a straight line from the nearest point of the principal building of the establishment to the nearest point of the principal building of another such establishment.
 2. A Category 2 facility shall be at least one thousand two hundred (1,200) feet from any other Category 1, 2 or 3 facility as measured in a straight line from property line to property line and at least five hundred (500) feet from any single-family zoning district, as measured from property line to property line.
 3. A Category 3 facility shall be at least one thousand two hundred (1,200) feet from any other Category 1, 2 or 3 facility as measured in a straight line from property line to property line and at least five hundred (500) feet from any single-family zoning district, as measured from property line to property line.
 4. The separation requirements of paragraphs 1, 2 and 3 above shall not apply to facilities proposed to be located in the NCF, CF or PCF districts.
- (d) Vehicular access. Primary vehicular access to a Category 3 facility shall be directly from an arterial road or expressway (e.g, not a local or collector street). Town council may approve secondary or emergency access to a collector street provided that such access does not result in travel on local roads through residential areas.
- (3) *Site approval process.*
- (a) Category 1 facilities. Per Florida Statute, the sponsoring agency must notify the town administrator in writing at the time of occupancy that the home is licensed by the Florida Department of Health and Rehabilitative Services but otherwise such facility shall be considered a non-commercial use, and does not require a business tax receipt or other zoning approval.
 - (b) Category 2 facilities. Per Florida Statute, the sponsoring agency must notify the town administrator of the intention to issue a state license and indicate how the facility meets state requirements. Any new development of a Category 2 facility shall also require site plan approval in accordance with this chapter. When proposed for an area zoned for single or multi-family

residential, in addition to any failure to comply with Town Code requirements, the town may deny a facility location for reasons set forth in F.S. § 419.001.

- (c) Category 3 facilities. Any new development shall require site plan approval in accordance with this chapter. The application shall include information necessary to show how the proposed facility complies with applicable state regulations, including a certificate of need, if applicable.
- (4) *Administration of bonus sleeping rooms.* As otherwise allowed by Article 5 of the Broward County Administrative Rules Document, the town council may allocate bonus sleeping rooms to a particular parcel of land by resolution where the landowner has filed a plat or plat note amendment indicating the intent to develop a special residential facility. The bonus sleeping rooms allocated by town resolution shall remain with the particular parcel of land until any of the following occur:
 - (a) The landowner abandons the special residential facility project and releases the bonus sleeping rooms in writing.
 - (b) The plat or replat associated with the special residential facility is not recorded within eighteen (18) months after county approval, or in the case of a plat note amendment, the plat note amendment is not approved by the county within eighteen (18) months of town approval.
 - (c) The finding of adequacy for the plat associated with the special residential facility expires.

The town council shall have the discretion to reassign any unused bonus sleeping rooms to subsequent applications based on the date of application.

- (5) *Existing uses.* A lawfully established special residential facility that conformed to the zoning requirements in effect at the time of the initial establishment shall not be considered a nonconforming use or nonconforming structure due to subsequently adopted provisions of this subsection (Z).

~~[(KK)]~~ Farms:

- (1) *Administrative determinations.*
 - (a) Any person who has not been granted an agricultural classification pursuant to F.S. § 193.461, and is claiming that a parcel of land or a portion of a parcel of land is a farm shall make application for an administrative determination. Requests for such a determination may be made to ~~either the building official or the code compliance official~~ the Town Administrator or designee.
 - (b) ~~Whichever official receives the written request shall forward a copy of the application to the other official. Both officials~~ The Town Administrator or designee shall ~~jointly~~ review the application and any supporting documents to determine whether the parcel is a farm and whether the activities taking place on the parcel are farm operations and activities in accordance with the criteria as set forth below in subparagraph (2). Within forty-five (45) calendar days after the receipt of a complete and sufficient application, the ~~officials~~ Town Administrator shall ~~jointly~~ either grant the application or respond to the applicant in writing the reason or reasons for denial. ~~If the code compliance official and the building official cannot agree as to whether the application should be granted, the decision will be deemed to be a denial. The decision shall be mailed by U.S. Mail to the address indicated on the application, return receipt requested.~~

- (c) If the applicant disagrees with the determination ~~of the officials~~, the decision may be appealed by notifying ~~either official~~ the Town Administrator in writing that the applicant is appealing the administrative decision. The notification shall be received no later than thirty (30) calendar days after the administrative decision is "rendered". If the notification is not received within thirty (30) days after rendition of the decision, the applicant is deemed to have waived the right to challenge the decision. For the purposes of this subparagraph, the term "rendered" means ten (10) calendar days after the date the decision was mailed. The time frame to seek an appeal shall be stayed until the final determination by the Broward County Value Adjustment Board if the applicant has appealed the decision of the classification of the applicant's property pursuant to F.S. § 193.461.
 - (d) Upon receipt of a timely notice of appeal, the appeal shall be assigned to a hearing officer. The procedures for conducting hearings shall be approved by a ~~Resolution of the town council and incorporated in the Town Code~~. The hearing shall be set no later than sixty (60) days from the date of the notice of appeal unless an extension of time is requested or agreed to by the applicant.
 - (e) The town attorney shall represent the town in the administrative hearing. The hearing officer shall determine whether the parcel is a farm and whether the activities taking place on the parcel are farm operations and activities in accordance with the criteria as set forth below in subparagraph (2) and the definitions of "farm" and "agricultural use" as set forth within section 12-503 of the Land Development Code and as provided in applicable statutes, or established case law.
 - (f) Nothing in this section prohibits the officials from reconsidering and reversing a denial of the administrative decision at any time prior to the start of the hearing before the hearing officer.
 - (g) The hearing officer shall, within forty-five (45) days of the hearing, issue a proposed order which shall include findings of fact and conclusions of law with respect to the claim of the applicant.
 - (h) The decision of the hearing officer is final. Appeal of the hearing officer's decision shall be by petition for writ of certiorari to the circuit court pursuant to the Florida Rules of Appellate Procedure, within thirty (30) days of the rendition of the hearing officer's findings.
- (2) *Criteria for farm claims.* The criteria set forth below shall be considered in both the administrative determination and in the hearing by the hearing officer. The applicant shall not be required to show that the applicant meets all of the criteria. However, the applicant shall be required to show that the applicant meets a sufficient number of the criteria under the particular circumstances for the officials or the hearing officer to determine that the applicant's property is a farm.
- (a) The general intent of the "Right to Farm Act" is to preserve productive land for agricultural purposes and to protect established farmers from the demands of sprawling urban development.
 - (b) The applicant can demonstrate that there are clearly identifiable farm products as defined in section 12-503 resulting from the farm operation.
 - (c) The proportion of the gross acreage of the land used for agricultural purposes and the intensity of that agricultural purpose as compared to any residential or other nonagricultural uses which are also present on the land.
 - (d) Whether the parcel in question is comparable to similar farm operations of the same type in the community which are classified as agricultural pursuant to

section F.S. § 193.461, or which have been determined to be a farm pursuant to the Town of Davie Land Development Code.

- (e) Whether a Schedule "F" or other Federal Income Tax return has been filed in connection with any farm income and expenditures.
 - (f) The length of time the land has been used for agriculture by the current operator and the level of agricultural activity achieved commensurate to this time period.
 - (g) The amount of time, effort and capitalization invested in the agricultural use of the land.
 - (h) Membership or involvement with agricultural associations, such as the Farm Bureau, the Nursery and Growers Association, breed societies or other organizations which may be specific to various forms of agriculture.
- (3) *Right to farm.* The Town's Code shall conform to F.S. § 823.14, the Florida Right to Farm Act, which prohibits a local government from the adoption of any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to F.S. § 193.461, where such activity is regulated through implemented best-management practices or interim measures developed by the department of environmental protection, the department of agricultural and consumer services, or water management districts and adopted under chapter 120 as part of a statewide or regional program.

(QQ) B-2M District uses.

(1) In the B-2M district, marinas are permitted pursuant to site plan approval provided that:

- (a) The following uses are prohibited: Commercial seafood offloading operations, fuel sales, boat or personal watercraft rental, salvage operations, boat manufacturing and major hull and engine repair.
- (b) Any retail sales shall be incidental to the marina use itself.
- (c) Boats need not be screened but all other outdoor storage areas shall be enclosed by an opaque fence or wall at least six feet in height.
- (d) Boats stored outside of an enclosed building shall be in operable condition.
- (e) All manufacturing and repair work shall follow the "Best Management Practices for Marine Facilities" published by Broward County.

- (f) Residential buildings lawfully established prior to September 1, 2014 shall be considered conforming uses and may be modified or expanded consistent with the development standards for the B-2M zoning district.
- (g) After September 1, 2014, new residential dwelling units may only be approved by way of a special permit pursuant to Article X of this chapter.

(RR) Airports.

- (1) Definitions. For purposes of this sub-section (RR), the following terms shall have the meanings set forth below:
 - (a) *Airport.* A facility used to facilitate the take-off and landing of aircraft, which may include accessory uses and structures such as administrative offices, runways, taxiways, communication and visual guidance systems and areas for the storage and maintenance of aircraft.
 - (b) *Airport, general aviation.* An airport encompassing all facets of civil aviation except air carriers holding a certificate of public convenience and necessity from the Federal Aviation Administration and large aircraft commercial operators or regularly scheduled commercial operators.
 - (c) *Airport, private.* An airport, publicly or privately owned, which is not a general aviation airport or agricultural airport as defined in this sub-section (RR), which is not open or available for use by the public but which may be made available to others by invitation of the owner or manager.
 - (d) *Airport, agricultural.* An airport on a parcel determined to be a farm pursuant to Section 193.461, Florida Statutes, restricted to the use of the landowner and the invited guests of the landowner, for the sole purpose of supporting a bona fide agricultural use on the same parcel, such as, but not limited to, aerial application of pesticide.
 - (e) *Heliport/helistop.* A facility used to facilitate the take-off and landing of helicopters, which may include accessory

uses and structures such as administrative offices and areas for the storage and maintenance of aircraft.

(2) General provisions.

(a) All airports, as defined in Section 12-503, whether for public or private use, shall comply with the provisions of this section. Airports of any type which are not specifically indicated as a permitted use in this sub-section (RR) are hereby prohibited.

(b) This section is not intended to regulate the use of remote-controlled or unmanned aircraft for non-commercial purposes or any incidental use of aircraft by a public agency for purposes of ensuring public safety or providing emergency medical response.

(c) In addition to any Town Code requirements, all airports shall be required to comply with applicable state and federal requirements relating to registration, site approval, licensing and inspection.

(d) No airport shall be established in any manner which would adversely impact airspace at any existing public, private or military airport.

(3) General Aviation airports. General aviation airports shall be prohibited within the municipal boundaries of the Town of Davie.

(4) Heliport/helistop: Allowed only by way of a special permit pursuant to Article X, in the CF or RAC-AV zoning districts, on a minimum five (5) acre lot, as an accessory use to a public emergency service agency or a hospital which is subject to a "certificate of need" pursuant to Chapter 408, Florida Statutes.

(5) Agricultural airport. Allowed only in the AG zoning district on a minimum 20 acre lot.

(6) Private airport. Private airports shall be prohibited within the municipal boundaries of the Town of Davie.

Sec. 12-54. - Nonresidential performance standards.

This section contains the basic standards applicable to all nonresidential uses. They are shown district-by-district and govern those nonresidential uses permitted in section 12-32 for the district in question. The standards in this section regulate the maximum intensities permitted in each district. Nonresidential uses are regulated on landscape surface ratios (LSR) and floor area ratios (FAR) or height restrictions in the Commercial Conservation Districts. These intensities may not be achievable if the site is limited by the provisions of division 3, Site Capacity Analysis, of this article for natural resource protection.

KEY TO TABLE OF NONRESIDENTIAL PERFORMANCE STANDARDS

(Refers to Table 12-54)

Minimum Landscape Surface Ratio (LSR) is the minimum proportion of the site which must be devoted to vegetation.

ZONING DISTRICT and DEVELOPMENT OPTION	Min. Landscape Storage Ratio	Max. Floor Area Ratio	Min. Lot Area
<hr/>			
SUBURBAN COMMERCIAL (SC)			
Retail	0.40	0.19	4 ac.
Office	0.40	0.25	3 ac.
Mixed with Office	0.50	0.28	3 ac.
Mixed with Residential	0.50	0.36	3 ac
URBAN COMMERCIAL (UC)			
Retail	0.35	0.21	10 ac.
Office	0.35	0.28	8 ac.
Mixed with Office	0.30	0.30	10 ac.
Mixed with Residential	0.30	0.30	10 ac.

Maximum Floor Area Ratio (FAR) is the maximum proportion of floor area to site. This number may be reduced because of resource limitations. (See section 12-56).	Minimum Lot Area is the smallest permissible lot size allowed for this zoning district.
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TABLE 12-54. NONRESIDENTIAL PERFORMANCE STANDARD

ZONING DISTRICT and DEVELOPMENT OPTION	Min. LSR	Max. FAR	Min. Lot Area
<hr/>			
NEIGHBORHOOD CONSERVATION			
A-1	—	—	35,000 s.f.
AGRICULTURAL (AG)			
Agriculture	—	—	43,560 s.f.
SUBURBAN COMMERCIAL (SC)*			
Retail	0.40	0.19	4 ac.
Office	0.40	0.25	3 ac.
Mixed with Office	0.50	0.28	3 ac.
Mixed with Residential	0.50	0.36	3 ac.
URBAN COMMERCIAL (UC)*			
Retail	0.35	0.21	10 ac.
Office	0.35	0.28	8 ac.
Mixed with Office	0.30	0.30	10 ac.
Mixed with Residential	0.30	0.30	10 ac.

COMMERCIAL CONSERVATION	Min. LSR	Max. Height	Min. Lot Area
RO	0.30	25'	17,500 s.f.
O	0.30	45'	5 ac.
CC	0.30	45'	2 ac.
B-1	0.30	25'	35,000 s.f.
B-2	0.30	25'	52,500 s.f.
B-3*	0.30	35'	1 ac.
<u>B-2M</u>	<u>0.30</u>	<u>25'</u>	<u>52,500 s.f.</u>
M-1	0.20	35'	35,000 s.f.
M-2	0.20	35'	35,000 s.f.
M-3*	0.20	35'	1 ac.
C1	0.20	35'	1 ac.
U*	0.30	(a)	1 ac.

NCF	0.40	25'	1 ac.
CF	0.30	35'	35,000 s.f.
PCF*	0.40	25'	1 ac.
RS	0.65	25'	17,500 s.f.
CR	0.40	35'	35,000 s.f.

FREeway BUSINESS (FB)* (minimum site area: 20 acres)	Min. LSR	Max. FAR	Min. Lot Area
Retail	0.40	0.19	10 ac.
Office	0.40	0.25	10 ac.
Mixed	0.60	0.60	10 ac.
BUSINESS PARK (BP)* (minimum site area: 20 acres)			
Office—Industrial	0.30	0.31	1 ac.
Industrial—Warehousing	0.30	0.45	1 ac.

(a) Thirty (30) feet for buildings; three hundred (300) feet for radio, television, telephone or other communication tower.

* All land included for the purpose of development within these Districts are subject to master plan review, in accordance with section 12-375, Master Planned Developments.

(Ord. No. 90-4, § 7, 2-21-90; Ord. No. 91-33, 9-4-91; Ord. No. 2001-030, § 1, 6-20-01; Ord. No. 2002-35, § 1, 10-16-02)

Sec. 12-55. - Scale of nonresidential development.

Nonresidential development shall be in keeping with the scale required for that district. The scale is specified for groupings of buildings in shopping centers, parks or campus settings, and for individual uses or buildings. The types of scale and their standards are defined in this section.

Commentary: This section is intended to govern the size and scope of development within each district to levels that conform to the intended character of the districts. For example, the Urban Commercial (UC) District will be limited to a maximum of regional scale uses, in keeping with the purpose of the district to provide a range of sites for retail, office and mixed uses in the downtown areas of the Town of Davie.

TABLE 12-55. SCALE OF NONRESIDENTIAL DEVELOPMENT

Maximum Size in Square Feet

Scale of Development	Center/ Park/Campus	Individual Building	Applicable Districts
Regional	300,000+	N/A	UC, FB, BP
Community	100,000—300,000	100,000	B-3, M-1, M-2, M-3, CF, PCF, RS, CR
Neighborhood	30,000—100,000	40,000	SC, O, CC, C1, B-1, B-2, B-2M
Convenience	Less than 30,000	8,000	RO, NCF,
Building	not permitted	5,000	U

Sec. 12-243. - Other sign standards.

(D)(2) *Real estate signs:*

- (a) Only one (1) real estate sign may be located adjacent to each separate street frontage of a lot, except as provided in (d) below. However, when the street frontage of a lot exceeds one thousand two hundred (1,200) lineal feet, one (1) sign per twelve hundred (1200) lineal feet or fraction thereof may be permitted. Real estate signs shall be located entirely within the property to which the signs apply and shall not be directly illuminated. Real estate signs shall be removed within seven (7) days after a deed has been recorded for the same or a lease signed for the rental or lease of the property. Real estate signs shall not exceed the following maximum area requirements:
1. ~~For the SC, UC, FB, and Commercial Conservation districts: thirty-two (32) square feet. Areas developed for single-family, duplex and single-family attached dwellings: four (4) square feet.~~
 2. For all other districts: ~~four (4)~~[thirty-two \(32\)](#) square feet.

DIVISION 6. - TEMPORARY USE PERMITS

Sec. 12-318. - Procedures for securing temporary use permit.

(A) *Applications.* Applications for temporary use shall be submitted to the town administrator or his or her designee along with an application fee as established by resolution of the town council. Applications should be submitted no less than sixty (60) calendar days prior to the proposed commencement of a temporary use. Applications not submitted within this timeframe may be denied by the town administrator or his or her designee without further review.

- (B) *Review.* The town administrator or his or her designee shall conduct a review of temporary use applications, solicit reviews by the development review committee and other town staff as appropriate to the particular application, and prepare a recommendation to the town council for approval, approval with conditions or denial.
- (C) *Decision.* ~~Other than as provided in paragraph (D) below, temporary~~Temporary use permits shall be subject to approval by the town council. Where necessary to ensure public safety or to prevent negative impacts to surrounding properties or public facilities, the town council may establish conditions of approval, such as, but not limited to limits on hours of operation, limits on duration of the use, provision of insurance coverage, cash bonds, such as to ensure removal of structures or site clean-up, and limits on use of lighting.
- ~~(D) *Recurring Seasonal Sales.* Where a seasonal sales application has been approved by town council for at least two (2) consecutive years, the town administrator shall have the authority to approve subsequent applications consistent with the previous council approval, provided that the town council has been given an opportunity to require a formal town council review. Within ten (10) days of receiving a notice from the town administrator of an intent to approve a particular seasonal sales application, any council member may require a formal town council review at the next available town council meeting.~~

DIVISION 4. - DESIGN STANDARDS AND REQUIREMENTS

Sec. 12-330. - Improvements required.

- ~~(A) An applicant shall construct, prior to issuance of any building permit, all roadway and drainage improvements for those public and private rights of way lying within or adjacent to the proposed development and necessary for traffic safety, including, but not limited to, the following: pavement, rock base, fill, curbs, gutters, sidewalks, bikeways, guardrails, shoulder areas, swales, roadside recovery areas, bridges, drainage outlets, catch basins, drainage pipes, culverts, drainage ditches, headwalls, endwalls, rip rap, traffic control signs, and roadway markings, street name signs, identification signs, public street lighting, left and right turn lanes, median openings and traffic separators.~~
- ~~(B) Such improvements shall be in accordance with the applicable portions of the following: Minimum Standards Applicable to Public Rights of Way under Broward County Jurisdiction, the Manual for Uniform Minimum Standards for the Design, Construction, and Maintenance of Streets and Highways (the "Green Book"), the Grading and Drainage Regulations, and Standards and Drainage Design Criteria and Standards of the South Florida Water Management Division and local drainage district, and the Manual of Uniform Traffic Control Devices.~~
- ~~(C) An applicant shall construct, prior to issuance of any building permit, all infrastructure necessary to serve the proposed development, including, but not limited to, water and wastewater distribution and collection systems, fire services and hydrants.~~
- ~~(D) All utility improvements shall be in accordance with the design standards for water and sewer as set forth by the environmental quality control board, the state health department and the Town of Davie.~~

The applicant for any new development which will increase the demand for public services shall be responsible for providing the following prior to issuance of a certificate of occupancy or equivalent:

- (A) Dedication of right-of-way, as more particularly set forth in Section 12-333.

(B) All roadway and drainage improvements for those public and private rights-of-way lying within or adjacent to the proposed development and necessary for traffic safety, including, but not limited to, the following: pavement, rock base, fill, curbs, gutters, sidewalks, bikeways, guardrails, shoulder areas, swales, roadside recovery areas, bridges, drainage outlets, catch basins, drainage pipes, culverts, drainage ditches, headwalls, endwalls, rip-rap, traffic-control signs, and roadway markings, street name signs, identification signs, public street lighting, left- and right-turn lanes, median openings and traffic separators. Such improvements shall be in accordance with the applicable portions of the following: Minimum Standards Applicable to Public Rights-of-Way under Broward County Jurisdiction, the Manual for Uniform Minimum Standards for the Design, Construction, and Maintenance of Streets and Highways (the "Green Book"), the Grading and Drainage Regulations, and Standards and Drainage Design Criteria and Standards of the South Florida Water Management Division and local drainage district, and the Manual of Uniform Traffic Control Devices.

(C) All infrastructure necessary to serve the proposed development, including, but not limited to, water and wastewater distribution and collection systems, fire services and hydrants. All such improvements shall be in accordance with the design standards required by the State Health Department, Broward County and the Town of Davie, as applicable.

Sec. 12-331. - Access to development.

- (A) Every lot or parcel shall be served from a publicly dedicated street; provided, however, that a developer may retain as private a local street or a collector non-trafficway street if the following conditions are met:
- (1) Public right-of-way is not required in order to serve adjacent development that is shown on the town land use plan;
 - (2) A permanent access easement is granted for service and emergency vehicles and for maintenance of public and semipublic utilities;
 - (3) A reciprocal easement for ingress and egress is granted all residents of the development;
 - (4) Homeowners' associations shall provide for the operation and maintenance of common facilities; and
 - (5) Design criteria for private streets shall comply with all applicable regulations for public streets.
- (B) Where development borders on or contains right-of-way for a railroad, expressway, drainage canal or waterway, a street may be required approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land and in compliance with all provisions of this section.
- (C) Reserve strips controlling access to streets shall be prohibited unless dedicated to the public.
- (D) New half or partial streets shall not be permitted unless the half or partial street constitutes adequate public access to the development in accordance with applicable design standards. Whenever a tract borders on an existing half or partial street the other part of the street shall be dedicated within such tract.

- (E) In the AG, A-1, and R-1 zoning district, all access points shall provided pursuant to section 12-289 of the Rural Lifestyle Regulations.
- (F) In lands governed by the Rural Lifestyle Regulations, developments where there is no connecting access through adjacent communities or to adjacent streets and are less than twenty (20) dwelling units may utilize a public road right-of-way at a 40-foot minimum cross-section with sidewalks required on one side.

Sec. 12-332. - Arrangement of streets.

- (A) At all section lines and one-quarter section lines an eighty-foot right-of-way shall be provided by the developer unless otherwise designated on the [County trafficways plan](#) or the Town's Local Road Master Plan. Where other public uses conflict with this requirement, the developer shall provide a sufficient right-of-way width in a location as determined by the engineering department. Where deviation from the grid pattern requirement of this provision is requested, alternative designs will be permitted if approved by the development review committee, upon a finding that substantially equivalent protection of public safety can be achieved without adhering to the grid pattern requirement.
- (B) The pattern of streets in new subdivisions shall provide for the continuation of existing streets properly aligned from adjoining areas or for their proper projection where adjoining land is not subdivided. Where street extensions into adjacent undeveloped land are necessary to ensure a coordinated street system, provisions for such future street or streets shall be made.
- (C) The arrangement of streets in new subdivisions or developments shall facilitate and coordinate with the desirable future platting of adjoining unplatted property of a similar character, and provide for local circulation and convenient access to neighborhood facilities.
- (D) Local residential streets shall be arranged so as to discourage their use by through-traffic. Residential streets shall not connect with industrial areas except in cases where it is unavoidable and ascertained so by the development review committee.
- (E) In the AG, A-1 and R-1 zoning district, culs-de-sac shall be limited to a maximum of twenty (20) percent except as provided for in section 12-288.

Sec. 12-333. - Right-of-way required.

An applicant will be required to dedicate right-of-way in addition to the right-of-way requirements of Tables I, II, III and IV below in the following situations:

- (1) If proposed access from the development to an existing dedicated and accepted street does not meet the total right-of-way requirement for a complete road;_
- (2) If the development has a greater impact on an existing road than that for which the roadway width had previously been designed;_
- (3) If the development abuts or contains an existing street of inadequate right-of-way width; and
- (4) If the development abuts or contains a trafficways corridor as designated in the Broward County Trafficways Plan.
- (5) If the development abuts or contains a street identified in the Town's Local Road Master Plan, as adopted by resolution.

Division 1 Western Theme District.

Sec. 12-391. - Signage.

Regulations are hereby enacted for all areas within the Western Theme District which shall supplement, and be cumulative to, the sign regulations of any zoning area situate within the district.

- (1) Signage in the Western Theme District shall be required to maintain a western theme character and style.
- (2) A-frame signs, banners, bunting and flags are permitted in the Western Theme District. Such signs and other advertising instruments are intended for the purpose of advertising special sale items and special events. Such signs and other advertising instruments shall be in the character and style of the adopted western theme in design. Such signs shall not require a permit. A-frame signs shall not exceed four (4) feet in height or three (3) feet in width. Such signs shall not be located in the public right-of-way area nor interrupt pedestrian movement. There shall be no more than one (1) A-frame sign per business. A-frames are encouraged which have shapes that reflect the business usage. All nonconforming A-frame signs not adhering to these sign dimensions shall be removed by August 31, 1997.
- (3) Directional entrance and exit signs are not to exceed twelve (12) inches by thirty-six (36) inches per face and may not contain any text, logo, picture or other advertising besides the words "entrance" or "exit."
- (4) Roof signs are prohibited.
- (5) ~~Bus bench signs are prohibited.~~[\(Reserved\)](#)
- (6) Ground signs are subject to a five-foot minimum setback from all property lines.
- (7) Ground signs in the Western Theme District shall not be permitted on lots with less than fifty (50) feet of street frontage. Ground signs shall be limited to one (1) sign per two hundred (200) feet of street frontage or portion thereof per property and shall contain the identification and address of the business or building only. They shall not exceed six (6) feet in height above the elevation of the nearest adjacent street and shall have a maximum of thirty-two (32) square feet of sign face.

- (8) Boardwalk signs in the Western Theme District shall be so constructed and installed as to assure that a seven-foot clearance is maintained along the boardwalk over which it is to be installed. The length of the sign shall not exceed sixty-five (65) percent of the width of the boardwalk and shall be mounted under the canopy of the boardwalk perpendicular to the face of the building.
- (9) For buildings which are placed fifteen (15) feet or less from the front property line and which may visually hinder the signage of an adjacent building, such property owner shall allow the adjacent property owner whose building is set back further (not to the recommended setback line of this district) to place a wall sign not to exceed twelve (12) inches by thirty-six (36) inches on the side of the former building to allow better street visibility.
- (10) Wall murals are to be encouraged in this district to promote the western theme and art in public places. The Site Plan Committee shall review and approve all wall murals. Murals can be commercialized as long as the commercialized portion of wall space does not exceed more than two (2) percent of the total wall mural space. The commercialized portion of wall murals shall not be counted towards sign coverage limitation requirements of the property at which the wall mural is to be placed. In addition, the commercialized portion of the wall mural may reference services and products other than those found at the business at which the mural is located as long as it is integrated into the design of the mural.

Sec. 12-503. - Definitions.

Density. The number of dwelling units per acre expressed in terms of "gross" and "net" density. Unless otherwise specified, permitted densities enumerated herein are expressed as gross densities.

Density, gross (GD). The quotient of the total number of dwelling units divided by the gross site area of the site.

Density, net (ND). The quotient of the total number of dwelling units divided by the net site area of the site.

School K-12 shall mean public, private or parochial schools, including charter schools, for kindergarten through the 12th grade.

Site area, gross. Land occupied or intended to be occupied by a building or use and accessory uses together with all yards, open spaces, easements, setbacks or similar areas, inclusive of dedicated roadways.

Site area, net. Land occupied or intended to be occupied by a building or use and accessory uses together with all yards, open spaces, easements, setbacks or similar areas exclusive of dedicated rights-of-way.

Sec. 12-571. - Purpose.

The purpose of this article is to establish guidelines and criteria for a housing assistance program(s) and ensure that future housing developments contribute to the attainment of providing owner occupied housing or rental housing that is affordable to very low, low and moderate income households within the Town of Davie. It is further the purpose of this article to require certain residential developments ~~of ten (10) or more units~~ to provide inclusionary units, which may include bonus density units, or payment of an in-lieu fee to the affordable housing trust fund.

Sec. 12-578. Payment of fee in lieu of inclusionary units.

A.

~~The requirements of this article may also be~~ The inclusionary unit requirement of Section 12-573 may satisfied by developer by paying an “in lieu” fee to the Town to be deposited into the town's affordable housing trust fund.

B.

~~The fee paid to the town shall be calculated at a rate of nine dollars (\$9.00) per gross square foot per residential unit up to one thousand six hundred (1,600) square feet per residential unit. Example: A developer wishes to develop twenty five (25) units of three thousand five hundred (3,500) square feet each. The developer shall develop five (5) affordable units and receive bonus density consideration as outlined in section 12-574 of this article. However, a developer may also satisfy the requirements of this article by making in lieu of construction of affordable units, a payment into the affordable housing trust fund. In this example of a development of twenty five (25) units, the developer would make a payment into the affordable housing trust fund of nine dollars (\$9.00) per square foot × 1,600 square feet × 25 units equaling three hundred sixty thousand dollars (\$360,000.00). For the purposes of this section square footage shall be calculated as the sum of the areas within the unit measured from the exterior faces of the exterior walls or from the centerline of walls separating units plus open roofed over areas. The open roofed over areas that~~

~~are paved, such as porches and similar spaces, shall be calculated by multiplying their floor area by a factor of 0.50.~~

~~The “in lieu” fee shall be established by resolution of the Town Council based on either the typical production cost for affordable units or the average affordability gap within the regional housing market. The “in lieu” fee methodology shall be reviewed periodically and may be adjusted as needed based on current or projected market conditions.~~

C.

~~The fee shall be paid to the town at the time of issuance of a certificate of occupancy.~~

~~The “in lieu” fee shall be paid in one of the following methods:~~

- ~~1. Single lump sum, paid prior to the issuance of a certificate of occupancy for the first new residential unit.~~
- ~~2. For-sale units only: Incremental payments, pro-rated on a building-by-building basis as established at the time of site plan approval.~~
- ~~3. Rental units only: Incremental payments, based on an agreement acceptable to the Town Attorney, providing for graduated payments based on expected project income within a period of no more than three (3) years after issuance of a certificate of occupancy.~~
- ~~4. Other such agreement approved pursuant to Section 12-579 (alternative compliance).~~

D.

~~The fee shall be reviewed on an annual basis and may be adjusted annually by resolution of the town council based upon the increase in the costs of construction, labor and land costs. Any adjustment will be based on the annual percentage change in the median sales price for the existing type of unit provided by the Florida Association of Realtors for the Fort Lauderdale Metropolitan Statistical Area which includes the Town of Davie. The fee shall be reviewed periodically and may be adjusted by resolution of the Town Council based on housing market conditions and affordable housing assistance strategies.~~

Sec. 12-579. Alternative compliance and submittal of proposed developers agreement for approval by the town council.

A.

While a provision of the required inclusionary housing units "on-site" is the preferred form of compliance, the Town of Davie may allow other forms of compliance which may include, but are not limited to, the donation of land for affordable housing development, the donation of funding sufficient to develop the required inclusionary units, or the rehabilitation of existing residential units. To exercise this provision, a proposal in the form of a developer's agreement must be

submitted to the town administrator or his designee for review and recommendation to the town council.

B.

In other cases, where compliance with the ordinance is impractical, the applicant may petition, through a developer's agreement process explaining why the applicant cannot meet the requirements of the ordinance and how they intend to mitigate. The town council shall be empowered to make a quasi-judicial determination that substantial evidence exists to grant relief from the provisions of this article. Any council approval must be sought by a developer prior to the DRC committee review.