

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE FOLLOWING SECTIONS OF CHAPTER 12, LAND DEVELOPMENT CODE: ARTICLE III, USE REGULATIONS, SEC. 12-32, PERMITTED USES; SEC. 12-33, GENERAL REGULATIONS; SEC. 12-34, STANDARDS FOR SPECIFIC USES; ARTICLE IV, DISTRICT PERFORMANCE STANDARDS AND CAPACITY ANALYSIS; ARTICLE V, DEVELOPMENT STANDARDS; ARTICLE VI, SITE LANDSCAPING; CREATING THE FOLLOWING DIVISIONS WITHIN ARTICLE VI: DIVISION 1, LANDSCAPING, DIVISION 2, PREVENTION OF TREE ABUSE, DIVISION 3, TREE PRESERVATION, REMOVAL AND RELOCATION; AND DIVISION 4, CLEARING AND GRUBBING OF LAND; AMENDING ARTICLE VII, PARKING; AMENDING ARTICLE VIII, SIGNS, LIGHTING; AMENDING ARTICLE X, PLANNING AND DEVELOPMENT; ARTICLE XI, DEVELOPMENT REVIEW PROCEDURES; ARTICLE XII, SUBDIVISIONS AND SITE PLANS; ARTICLE XIII, SPECIAL PLANNING AREAS AND DISTRICTS, DIVISION 11, REGIONAL ACTIVITY CENTER, SEC. 12-438.15. - SUPPLEMENTAL REGULATIONS (CONCERNING DRIVE-THROUGH BUSINESSES); ARTICLE XIV, DEFINITIONS; REPEALING CHAPTER 26 VEGETATION; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, at a public hearing on April 13, 2016, the Planning and Zoning Board reviewed this ordinance and made a recommendation to Town Council; and

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

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

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

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

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

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

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

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

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

SECTION 6. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2016

PASSED ON SECOND READING THIS _____ DAY OF _____, 2016

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2016