

**ORDINANCE NO. 2011-001**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING ARTICLE 115, "INDUSTRIAL DISTRICTS: PERMITTED, PROHIBITED, SPECIAL EXCEPTION USES, AND CONDITIONS OF USE" OF THE LAND DEVELOPMENT CODE TO ALLOW OUTDOOR STORAGE OF PASSENGER VEHICLES, TRAILERS AND TRACTOR-TRAILERS AS A SPECIAL EXCEPTION USE IN THE I-G ZONING DISTRICT AND PROVIDING FOR CONDITIONS OF USE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Commission of the City of Dania Beach ("City Commission") finds it periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in order to update regulations and procedures to implement municipal goals and objectives; and

**WHEREAS**, Article VII, Section 2, of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of it; and

**WHEREAS**, Objective V of the Future Land Use Element of the City of Dania Beach Comprehensive Plan provides that the City of Dania Beach will maintain land development regulations and zoning regulations to implement the City's Comprehensive Plan; and

**WHEREAS**, Section 100-60(d) of the Land Development Code provides that the Industrial General (I-G) zoning district shall permit medium-intensity industrial uses, including some shipping-related business uses, subject to compliance with location requirements and performance standards necessary to protect single-family residential zoning districts; and

**WHEREAS**, following review and analysis of the zoning district regulations for the I-G zoning district, Community Development Department staff propose to amend the district regulations in order to allow for outdoor storage of passenger vehicles, trailers and tractor-trailers as a special exception use within the I-G district, and in accordance with performance standards and conditions intended to ensure compatibility of such uses with surrounding development; and

**WHEREAS**, the City Commission finds that the proposed amendment to permit the outdoor storage of passenger vehicles, trailers and tractor-trailers as a special exception use within the I-G district, subject to performance standards and conditions, is consistent with the intent of the zoning district and its regulations of light and medium-intensity industrial uses; and

**WHEREAS**, the Planning and Zoning Board, sitting as the City’s Local Planning Agency, has reviewed this Ordinance, and has determined that it is consistent with the City’s Comprehensive Plan; and

**WHEREAS**, pursuant to Section 166.041 (3)(c), Florida Statutes, notice has been given by publication in a newspaper of general circulation in the City, notifying the public of this proposed Ordinance and of the time and dates of the public hearings; and

**WHEREAS**, two (2) public hearings before the City Commission were held pursuant to the published notice described above; and

**WHEREAS**, the City Commission finds that adoption of this Ordinance through its police powers will protect the public health, safety, and welfare of the residents of the City, and furthers the purpose, goals, objectives, and policies of the City’s Comprehensive Plan;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:**

**Section 1.** That the preceding “Whereas” clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

**Section 2.** That Article 115, “Industrial Districts: Permitted, Prohibited, Special Exception Uses, and Conditions of Use” of the City of Dania Land Development Code is amended to read as follows:

**Section 115-40. Schedule of permitted uses.**

**Legend**

P – permitted

A – permitted accessory use only

#, # – (ex: 1,2) permitted subject to the conditions of use numbered 1 and 2 found in sec. 115-50

SE – permitted special exception use only, pursuant to article 630

SE(#, #) =(ex:1,2): permitted as a special exception only, and subject to conditions of use numbers 1 and 2 found in sec. 115-50.

\* \* \*

USES	IROM	IROM-AA	IROC	IRO	IG	IR	PEDD	MA-1
<b>LIGHT INDUSTRIAL USES</b>								
Outdoor storage of passenger vehicles, trailers, and tractor-trailers	NP	NP	NP	NP	SE (74, 78)	NP	NP	NP

\*\*\*

**Sec. 115-50. Conditions of use.**

74 Conditions of use: on-site parking and storage of vehicles shall not be visible from the public right-of-way.

\*\*\* \*\*

- 78 a. Use shall not be permitted within the Community Redevelopment Area.
- b. A five foot (5') wide perimeter landscaped buffer shall be required on all sides of the property.
- c. Use must be separated from any arterial roadway by a minimum of 500 feet.
- d. Outdoor activities and movement of vehicles shall be permitted only between the hours from 7:00 a.m. to 7:00 p.m.

\*\*\*

**Section 3.** That if any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

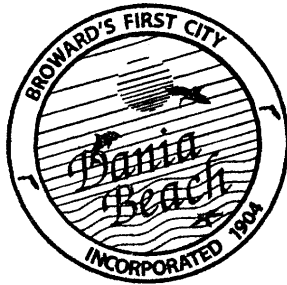
**Section 4.** That all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**Section 5.** That this Ordinance shall take effect immediately at the time of its passage and adoption.

**PASSED** on first reading on December 14, 2010.


**PASSED AND ADOPTED** on second reading on January 11, 2011.

  
 LOUISE STILSON, CMC  
 CITY CLERK



  
 C. K. McELYEA  
 MAYOR-COMMISSIONER

APPROVED AS TO FORM AND CORRECTNESS:

  
 THOMAS J. ANSBRO  
 CITY ATTORNEY