

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. 2024 - 004

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA AMENDING CHAPTER 10, ARTICLE 6, ENTITLED "RULES OF CONSTRUCTION AND DEFINITIONS", BY SPECIFICALLY AMENDING SECTION 10-6.2 ENTITLED "USE CATEGORIES AND USE TYPES DEFINED" OF THE CITY OF TAMARAC CODE OF ORDINANCES, BY AMENDING THE DEFINITION OF "AUTO TOWING" AND THE DEFINITION OF "AUTO WRECKING AND SALVAGE YARD" TO BE CONSISTENT WITH FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section (1)(f) of the Florida Constitution and Section 125.01, Florida Statutes, grants local municipalities broad home rule authority to adopt ordinances to provide for the health, safety, and welfare of the general public; and

WHEREAS, Article IV, Section 4.07 of the City Charter of the City of Tamarac ("City") empowers the City to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the City; and

WHEREAS, the Land Development Code defines Use Categories and Use Types; and

WHEREAS, Land Development Code regulations are not static, and should be updated to comply with Florida Statutes and account for the evolving needs of the business community; and

WHEREAS, businesses have indicated that Use Categories and Use Types definitions are not consistent with State Statutes and have placed their businesses at a competitive disadvantage with nearby businesses located outside of the City's

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jurisdictional boundaries; and

WHEREAS, the City of Tamarac is requesting the approval of a Text Amendment to Land Development Code to revise the "Auto Towing" definition to be consistent with Florida Statutes; and

WHEREAS, the City of Tamarac is requesting the approval of a Text Amendment to Land Development Code to revise the "Auto Wrecking and Salvage Yard" definition to be consistent with Florida Statutes and to provide a clear separation of an "Auto Towing" use from an "Auto Wrecking and Salvage Yard" use; and

WHEREAS, pursuant to the City-wide rezoning and revised Land Development Code adoption by the City Commission on July 12, 2018, Use Categories and Use Types Defined were added to provide definitions for Use Categories and Use Types; and

WHEREAS, Objective 1 of the Future Land Use Element, in the City's Comprehensive Plan, requires the City to administer and adopt appropriate land development code revisions, amending them as needed to respond to changing conditions; and

WHEREAS, this item supports Policy 1.4, of the City's Strategic Economic Development Element of the Comprehensive Plan, Plan "Adopt Pro-Growth, Development Friendly Business Programs" by updating the Use Categories and Use Types Defined in a manner that is responsive to the needs of the local business community; and

WHEREAS, the proposed amendment supports the City's Strategic Plan Goal #3 "Tamarac is Economically Resilient" by establishing land development use category and

use type definitions that are responsive to evolving business needs; and

WHEREAS, Section 10-5.4(D)(3) of the City's Land Development Code establishes criteria by which an amendment to the text of the Code may be considered; and

WHEREAS, the City believes that amending the use category and use type definitions will afford businesses within the City an opportunity to provide services in a manner similar to those in neighboring jurisdictions; and

WHEREAS, the Director of Community Development recommends approval of the ordinance; and

WHEREAS, the City Commission of the City of Tamarac deems it to be desirable and in the best interest of the citizens, businesses, and development stakeholders of the City of Tamarac to amend Chapter 10, Article 6, Section 10-6.2, entitled "Use Categories and Use Types Defined," to provide updated definitions for "Auto Towing", and "Auto Wrecking and Salvage Yard" to be consistent with Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA:

SECTION 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Chapter 10, Article 6, Section 10-6.2, entitled "Use Categories and Use Types Defined: is hereby amended to read as follows:

10-6.2 Use Categories and Use Types Defined

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**(D) Industrial Uses**

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(6) **Waste and Salvage.** Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location. The category includes uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products. Specific use types include, but are not limited to:

(a) Auto Towing. The removing of ~~an automobile~~ a vehicle or vessel of any kind, which is capable or incapable of being operated due to condition or lack of license or registration, by towing, carrying, hauling, or pushing from public or private property when such vehicle has been ordered to be impounded to a public or private impound lot. This shall include the sale of a vehicle or vessel at public sale for cash in compliance with Fla. Stat. § 713.78(6) and shall not include an "automobile servicing" use that has a tow truck and repair vehicles onsite.

(b) Auto Wrecking and Salvage Yard. Any lot upon which two or more ~~motor~~ vehicles or vessels of any kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale. This does not include vehicles or vessels incapable of being operated

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due to condition or lack of license or registration that have been towed, carried, hauled, or pushed from public or private property when such vehicle or vessel has been ordered to be impounded to a public or private impound lot.

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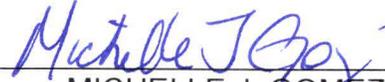
SECTION 3. Codification. It is the intention of the City Commission of the City of Tamarac that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Tamarac, Florida, and that the Sections of this ordinance may be renumbered, re lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

SECTION 4. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. Severability. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 6. Effective Date. This Ordinance shall become effective upon adoption.  
PASSED, FIRST READING this 14 day of June, 2023.

PASSED, SECOND READING this 14<sup>th</sup> day of FEBRUARY, 2024.

  
MICHELLE J. GOMEZ,  
MAYOR

RECORD OF COMMISSION VOTE: 1ST Reading

MAYOR GOMEZ	<u>No</u>
DIST 1: V/M BOLTON	<u>Yes</u>
DIST 2: COMM WRIGHT	<u>Yes</u>
DIST 3: COMM VILLALOBOS	<u>Yes</u>
DIST 4: COMM. DANIEL	<u>Yes</u>

RECORD OF COMMISSION VOTE: 2ND Reading

MAYOR GOMEZ	<u>NO</u>
DIST 1: COMM. BOLTON	<u>YES</u>
DIST 2: V/M. WRIGHT	<u>NO</u>
DIST 3: COMM VILLALOBOS	<u>YES</u>
DIST 4: COMM. DANIEL	<u>YES</u>

ATTEST:

  
KIMBERLY DILLON, CMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF TAMARAC ONLY:

  
HANS OTTINOT  
CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk on this 14<sup>th</sup> day of February 2024.

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