

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST, MADE BY FRANMAR PROPERTIES OF SOUTH FLORIDA LLC FOR PROPERTY LOCATED AT 2171, 2181, AND 2191 SW 42nd STREET IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT “A”, A COPY OF WHICH IS ATTACHED AND INCORPORATE BY REFERENCE INTO THIS ORDINANCE, TO REZONE THE SUBJECT SITE FROM M-2 (GENERAL MANUFACTURING AND INDUSTRIAL, A BROWARD COUNTY ZONING DISTRICT, TO IROM-AA (INDUSTRIAL RESEARCH, OFFICE AND MARINE DISTRICT AND INDUSTRIAL RESEARCH, OFFICE AND MARINE AIRPORT APPROACH DISTRICT) (APPLICATION NO. RZ-081-23), A CITY OF DANIA BEACH ZONING DISTRICT, SUBJECT TO CERTAIN RESTRICTIONS, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 13, 2023, via Broward Delegation, and City of Dania Beach Ordinance 2022-005 Approved on January 11, 2022, the property located at 2171-2191 SW 42nd Street (hereinafter “the Property” or “Parcel”), was incorporated into the City of Dania Beach from Broward County; and

WHEREAS, on January 23, 2024, the City updated the City’s Comprehensive Plan, Future Land Use Map, in order to make the newly annexed Property consistent with the future land use of the area; and

WHEREAS, the City’s Comprehensive Plan at the Future Land Use Map (FLUM), designates the Property identified in Exhibit “A” as Industrial; and

WHEREAS, the Applicant now seeks to bring the Property into compliance with the City’s Land Development Regulations, and Zoning Map, as the Broward county zoning designations are no longer applicable to the Property; and

WHEREAS, pursuant to Chapter 28, entitled “Land Development Code,” (LDC) of Part 6, entitled “Development Review Procedures and Requirements,” Article 645 “Rezoning” of the City Code of Ordinances (the “City Code”), Franmar Properties of South Florida LLC (the “Applicant”) has applied to the City of Dania Beach (the “City”) for approval of a Rezoning (RZ-081-23) from M-2 to IROM-AA for property generally located at 2171, 2181, and 2191 SW 42nd Street, as legally described in Exhibit “A;” a copy of which is made a part of and incorporated into this Ordinance by this reference; and

WHEREAS, the City Planning and Zoning Board, sitting as the Local Planning Agency (the “LPA”), held a duly advertised public hearing on December 20, 2023, and determined that the proposed rezoning is consistent with the goals and objectives of the City of Dania Beach Comprehensive Plan, and therefore, recommended approval of the proposed Rezoning (RZ-081-23) request; and

WHEREAS, the rezoning of the parcel to IROM-AA is consistent with the City’s FLUM; and

WHEREAS, the City Commission is required to conduct two (2) duly noticed public hearings in accordance with law; and

WHEREAS, the City Commission finds that the approval of the proposed Rezoning (RZ-081-23) will protect the public health, safety, and welfare of the residents of the City, and further the purpose, goals, objectives, and policies of the Comprehensive Plan.

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

Section 1. That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct, and they are made a part of a specific part of this Ordinance.

Section 2. That pursuant to Chapter 28 “Land Development Code,” Part 6 “Development Review Procedures and Requirements,” Article 645 “Rezoning” of the City Code, the Rezoning request (RZ-081-23) from M-2 to IROM-AA, for the Property generally located at 2171, 2181, and 2191 SW 42nd Street, as legally described in Exhibit “A,” is approved.

Section 3. That issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or deferral agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to first obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Section 4. 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 5. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 6. That this Ordinance shall be effective 10 days after passage.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____, 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION:

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD.J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

PARCEL 1

LOT 5, BLOCK 1, LESS THE SOUTH 15 FEET, RAVENSWOOD PARK, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 30, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PARCEL 2 AND 3

LOTS 6 AND 7, BLOCK 1, "RAVENSWOOD PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

EXHIBIT A

Proposed Lots for Rezoning

