



CITY OF SUNRISE

AGENDA ITEM REQUEST

ORIGINATING DEPARTMENT: COMMUNITY DEVELOPMENT

ROUTING:

CITY MANAGER: _____ DATE: _____

CITY MANAGER APPROVAL TO BEGIN PROCEDURES.

SIGNATURE: _____

PURCHASING: _____ DATE: _____

PURCHASING APPROVAL: _____ SIGNATURE: _____

LEGISLATIVE AIDE: _____ DATE: _____

CITY ATTORNEY: _____ DATE: _____

ITEM REQUEST:

An Ordinance of the City of Sunrise, Florida amending Chapter 16 "Land Development Code," amending Article V "District Regulations" Section 16-80 "I-1 Light Industrial District" to allow automobile repair uses; Section 16-82 "Western Sunrise Area" to prohibit automobile repair uses; Article VII, Section 16-144 "Amount of Off-Street Parking" to provide standards for automobile repair uses; and, Article XVII "Definitions" Section 16-277 "Terms Defined" to add definitions for automobile repair uses; providing that all other provisions of the Code of Ordinances of the City of Sunrise, Florida, shall remain in full force and effect; providing for conflict; providing for severability; providing for inclusion in the City Code; and providing for an effective date.

FUNDING SOURCE: N/A

AMOUNT: N/A

MANAGEMENT & BUDGET DIRECTOR
SIGNATURE: _____

ATTACHED EXHIBITS:

1. Ordinance
 2. Public Notice display advertisement published in the Sun-Sentinel on October 13, 2009 and October 20, 2009.
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SUMMARY EXPLANATION/BACKGROUND INFORMATION/JUSTIFICATION:

Pursuant to Chapter 163.3174(4)(C), Florida Statutes, the City Commission (acting as the Local Planning Agency) is required to hold a duly advertised Public Hearing in order to review and make recommendations to the governing body as to the consistency of a proposed amendment to the City's Land Development Code with the adopted Comprehensive Plan. Staff recommends adoption of the proposed Land Development Code Amendment.

Pursuant to the request of the City Commission, this proposed Ordinance is to amend the Land Development Code to allow for automobile repair as a Special Exception use in the I-1 Light Industrial District; and to clarify certain provisions related to such uses.

There is no anticipated financial impact on the cost of residential housing as a result of the proposed Land Development Code revisions.

DEPARTMENT HEAD RECOMMENDATION:

APPROVAL

PERSON WITH ADDITIONAL INFORMATION:

NAME: Jo Sesodia, AICP
Assistant Director

PHONE: 954-746-3279

DEPARTMENT HEAD SIGNATURE: _____

Mark S. Lubelski, P.E.
Director of Community Development

CITY MANAGER RECOMMENDATIONS:

APPROVED FOR AGENDA PLACEMENT

SIGNATURE:

(CITY MANAGER)

SUNRISE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA AMENDING CHAPTER 16 "LAND DEVELOPMENT CODE," AMENDING ARTICLE V "DISTRICT REGULATIONS" SECTION 16-80 "I-1 LIGHT INDUSTRIAL DISTRICT" TO ALLOW AUTOMOBILE REPAIR USES; SECTION 16-82 "WESTERN SUNRISE AREA" TO PROHIBIT AUTOMOBILE REPAIR USES; ARTICLE VII, SECTION 16-144 "AMOUNT OF OFF-STREET PARKING" TO PROVIDE STANDARDS FOR AUTOMOBILE REPAIR USES; AND, ARTICLE XVII "DEFINITIONS" SECTION 16-277 "TERMS DEFINED" TO ADD DEFINITIONS FOR AUTOMOBILE REPAIR USES; PROVIDING THAT ALL OTHER PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF SUNRISE, FLORIDA, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS on July, 14, 2009 the City Commission did amend the City's Comprehensive Plan to permit auto repair uses in the industrial land use category (Ordinance 385-09-C); and

WHEREAS the City Commission desires to revise the Land Development Code to regulate auto repair uses; and

WHEREAS, the City's local planning agency has reviewed this Ordinance and recommended its approval to the City Commission; and

WHEREAS, the City Commission held a noticed public hearing, at which all citizens so desiring had an opportunity to be heard; and

WHEREAS, the City Commission finds that this Ordinance is consistent with the City's adopted Comprehensive Plan and

necessary for the preservation of the public health, safety and welfare of the City's residents.

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

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. That section 16-80 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Subsections 16-80(d) through 16-80(m) are renumbered 16-80(e) through 16-80(n).

Section 3. That section 16-80 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Sec. 16-80 I-1 Light Industrial

(a) *Purpose.* The I-1 Light Industrial District is intended primarily for the manufacture, processing and assembly of articles and nonobjectionable products not involving the use of any materials, processes or machinery likely to cause undesirable effects upon nearby residential or business property or either ground or surface waters. All processing, service and storage shall be inside the building unless otherwise noted.

(b) *Permitted uses.*

(15) New automobile sales and service dealerships. The sale of trucks with not more than two (2) axles and the sale of used automobiles are allowed as ancillary uses to a new automobile dealership. ~~Individual auto repair shops are prohibited.~~

(c) *Special exception uses.* The following uses may be permitted in a district by the city commission in accordance with the requirements of Article III provided a particular use occupies no more than ten (10) contiguous acres;

- (1) All uses permitted in the OS Recreation/Open Space District (except as may be permitted in subsection (b)).
- ~~(2) [Reserved.]~~
- ~~(3)~~(2) Building contractor with any outdoor storage of equipment or materials.
- ~~(4)~~(3) Sports arenas, stadiums, skating rinks, skateboard parks, water slides, go-kart raceways, bowling alleys, and other outdoor and indoor amusements.
- ~~(5)~~(4) Athletic clubs and health spas.
- (5) Automobile repair, major and minor, (excluding motorcycle repair) provided that the use shall not be located adjacent to a residential district, even if separated by a street; and shall not be located on a site that is adjacent to a Broward County Trafficway. Outdoor storage of vehicles, equipment and parts shall be limited to an area located behind the principal building that is fully screened from public view by an eight (8) foot fence or wall and landscaping. Any parking provided for the temporary storage of vehicles shall be in addition to the minimum number of parking spaces required by Section 16-144(a)(22). All service doors and similar doors must conform to the provisions of section 16-140(3).
- (6) Automobile service uses, including gasoline station, minor auto repair, and service with related retail sales~~+,~~ or automatic car wash.
- (7) Canning or freezing plant.
- (8) Restaurants and fast food restaurants (for the primary use of the employees of the industrial area unless the site has direct access from a Broward County Trafficway in which case the primary use restriction is inapplicable).
- (9) Commercial radio, television, microwave transmission and relay stations and towers.
- (10) Brick, tile or terra cotta manufacturing.
- (11) Veterinary clinics and kennels.
- (12) Rental agencies (including truck rental/leasing but excluding automobile rental/leasing).
- (13) Outside storage of boats, trailers, vans or recreational vehicles. Shall not be located adjacent to residential district even if separated by a street. A ten-foot screening hedge or masonry wall shall be provided. If a masonry wall is provided, trees shall be planted along any wall facing a public street at a distance of every twenty-five (25) feet and in conformance with section 16-165(d).
- (14) Hotels or motels, subject to the criteria in section 16-79(d)(4) and provided sufficient flexibility exists for commercial uses as permitted by the Comprehensive Plan.
- (15) Off-site parking lots.
- (16) Parks.
- (17) Educational or vocational institutions.
- (18) Hospitals or clinics.
- (19) Libraries.

- (20) Governmental administration, services and maintenance facilities.
- (21) Police and fire facilities.
- (22) Public and private utilities.
- (23) Day care centers.
- (24) Community residential homes as defined in Article XVI.
- (25) One (1) dwelling unit per public school site as an accessory use.
- (26) Cemeteries and mausoleums.

(d) Uses not listed. Any use not covered by subsections (b) and (c) may be authorized by the Director of Community Development only if the use is similar to a listed use; otherwise an amendment to this chapter is required.

Section 4. That section 16-82 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Sec.16-82. Western Sunrise Area.

(a) The Western Sunrise Area is that portion of the city bounded by the Sawgrass Expressway on the west, Oakland Park Boulevard on the north, Flamingo Road on the east and I-595 on the south. Notwithstanding anything contained in any zoning district to the contrary, the following uses shall be prohibited in the Western Sunrise Area.

- Adult entertainment uses
- Ambulance service
- Amusement recreation enterprises (outdoor)
- Animal grooming
- Automobile and boat sales, service and rental, unless the use is separated from any public street by an intervening land parcel(s) with a minimum depth of two hundred fifty (250) feet and a B-4 or B-5 zoning designation.
- Automobile parts as an accessory use
- Automobile repair, minor
- Automobile repair, major
- Automobile washing establishments
- Batting cages and similar facilities, indoor and outdoor
- Boat storage establishments (excluding marinas providing on site rentals)
- Bowling centers
- Building material sales
- Bus terminals
- Escort service
- Food storage lockers
- Furniture and domestic equipment rental establishments
- Furniture reupholstering, repair and stripping
- Funeral homes and crematoriums
- Go-cart racing, indoor and outdoor

Golf courses, miniature, indoor and outdoor
Golf driving range, indoor and outdoor
Greenhouses
Gun clubs and shooting galleries
Laundry and cleaning establishments that serve primarily
institutional customers or facilities that serve other
laundry and cleaning establishments
Laundry, coin operated
Massage service
Mobile home sales and rentals
Nightclubs
Pawn shops
Public baths
Recreation vehicle parks and sales and service
establishments
Repair shops primarily providing repair for household goods
and primarily dealing directly with the public
Schools - K through 12th grade
Schools - Vocational
Skating rinks (outdoor)
Shopping centers, unless they have a major tenant which
occupies at least fifteen thousand (15,000) square feet
of leasable area, retail sites which are too small to
accommodate a fifteen thousand (15,000) square foot store
shall be restricted to occupancy by a single tenant. For
the purpose of this regulation, a shopping center shall
be a group of two (2) or more commercial establishments
in one (1) building or a group of buildings for which
common parking is provided based on the total
requirements of all uses therein.
Storage establishments
Taxidermists
Trailer sales and rental establishments
Upholstering, cloth and canvas products fabrication,
including the fabrication of slipcovers, awnings and
similar products
Veterinary clinics and hospitals

Section 5. That section 16-144 of the Code of the City of
Sunrise, Florida, is hereby amended to read as follows:

Sec. 16-144. Amount of off-street parking.

(a) The off-street parking required by this article shall
be provided and maintained on the basis of the following minimum
requirements:

(22) *Automotive service uses:*

Automobile service stations, <u>major and minor repair shops</u> and quick-service establishments	1 space per employee, plus 3 spaces per service bay
Automobile washing establishments, attended	1 space per employee, plus 10 queuing spaces per bay in approach lane and 5 queuing spaces per bay in exit lane
Automobile washing establishments, self-service	3 queuing spaces per bay
Motor vehicle parts and accessory stores, including the installation of parts and accessories such as tires	1 space per 400 sq. ft. of gross floor area

Section 6. That the Code of the City of Sunrise, Florida is hereby amended to read as follows:

The following definitions are added alphabetically to existing Section 16-277 "Terms Defined" of the Code of the City of Sunrise, Florida:

Automobile. Any vehicle designed for carrying 10 passengers or less, that is used for the transportation of persons, and has a gross weight of less than 10,000 pounds, but excludes motorcycles and vehicles used to carry passengers for a fee.

Automobile repair, major. General automobile repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning; which can be accomplished entirely within an enclosed structure.

Automobile repair, minor. Simple automotive repair which can be accomplished entirely within an enclosed structure, including but not limited to minor motor tune-up and repair, quick service automotive parts, oil change, brakes and interior cleaning, upholstery, tire repair and replacement and muffler installation, but not including any operations listed under

Automobile repair, major or Automobile, Wrecking or Salvaging, or any other operation similar thereto.

Automobile services. Gasoline sales, automatic car wash, minor automobile repair only, and related retail sales.

Automobile, wrecking or salvaging. The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, dumping or recycling of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Section 7. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 9. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 10. Effective Date. This Ordinance shall be effective immediately upon its passage.

PASSED AND ADOPTED upon this first reading this ____ DAY OF _____, 2009.

PASSED AND ADOPTED upon this second reading this ____ DAY OF _____, 2009.

Mayor Roger B. Wishner

Authentication:

Felicia M. Bravo
City Clerk

FIRST READING

SECOND READING

MOTION: _____
SECOND: _____

MOTION: _____
SECOND: _____

ALU: _____
ROSEN: _____
SCUOTTO: _____
SOFIELD: _____
WISHNER: _____

ALU: _____
ROSEN: _____
SCUOTTO: _____
SOFIELD: _____
WISHNER: _____

Approved by the City Attorney
As to Form and Legal Sufficiency _____
Stuart R. Michelson

SUNRISE CITY CODE NOTICE OF PROPOSED AMENDMENT

The City of Sunrise proposes to adopt by ordinances the following amendments to Chapter 16 "Land Development Code":

DEVELOPMENT REVIEW PROCEDURES

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA AMENDING CHAPTER 16 "LAND DEVELOPMENT CODE," ARTICLE III "DEVELOPMENT REVIEW PROCEDURES" SECTION 16-31 "SITE PLAN;" AMENDING SECTION 16-32 "SITE PLAN ADJUSTMENTS;" AMENDING SECTION 16-34 "PLAT OR SUBDIVISION;" AMENDING SECTION 16-35 "CONSUMER PROTECTION PROVISIONS;" AMENDING SECTION 16-36 "SPECIAL EXCEPTION USES;" AMENDING SECTION 16-39 "MASTER DEVELOPMENT PLAN;" AMENDING SECTION 16-40 "REVIVAL OF ABANDONED CONSTRUCTION PROJECTS;" CREATING A NEW SECTION 16-43 "ENGINEERING PERMITS FOR PROJECTS WITHIN THE UTILITY SERVICE AREA OUTSIDE THE CORPORATE CITY LIMITS;" CREATING A NEW SECTION 16-44 "MINIMUM REQUIREMENTS FOR ENGINEERING PLAN SUBMITTALS;" AMENDING SECTION 16-48 "BOARD OF ADJUSTMENT;" AMENDING SECTION 16-49 "PLANNING AND ZONING BOARD;" AND AMENDING CHAPTER 2 "ADMINISTRATION" ARTICLE III "BOARDS, COMMITTEES, COMMISSIONS, COUNCILS" DIVISION 6 "PLANNING AND ZONING BOARD" SECTION 2-186 "CREATED; TERM; QUORUM; RULES OF CONDUCT;" AMENDING CHAPTER 16 "LAND DEVELOPMENT CODE" ARTICLE XVII "DEFINITIONS," SECTION 16-277 "TERMS DEFINED;" FOR THE PURPOSE OF UPDATING AND CLARIFYING THE PROVISIONS OF THE LAND DEVELOPMENT CODE; PROVIDING THAT ALL OTHER PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF SUNRISE, FLORIDA, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

AUTOMOBILE REPAIR USES

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA AMENDING CHAPTER 16 "LAND DEVELOPMENT CODE," AMENDING ARTICLE V "DISTRICT REGULATIONS" SECTION 16-80 "I-1 LIGHT INDUSTRIAL DISTRICT" TO ALLOW AUTOMOBILE REPAIR USES; SECTION 16-82 "WESTERN SUNRISE AREA" TO PROHIBIT AUTOMOBILE REPAIR USES; ARTICLE VII, "OFF-STREET PARKING AND LOADING" SECTION 16-144 "AMOUNT OF OFF-STREET PARKING" TO PROVIDE STANDARDS FOR AUTOMOBILE REPAIR USES; AND, ARTICLE XVII "DEFINITIONS" SECTION 16-277 "TERMS DEFINED" TO ADD DEFINITIONS FOR AUTOMOBILE REPAIR USES; PROVIDING THAT ALL OTHER PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF SUNRISE, FLORIDA, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Commission, in its capacity as the Local Planning Agency, will hold a public hearing on these ordinances on Tuesday, October 27, 2009 in the Commission Chambers at 10770 West Oakland Park Boulevard, 1st Floor, Sunrise, Florida, commencing at 6:15 p.m., in order to make recommendations to the local governing body (City Commission) regarding the proposed amendments. Upon the close of the Local Planning Agency hearing, a public hearing will be held by the Sunrise City Commission at 6:30 p.m., or as soon thereafter as the Local Planning Agency hearing adjourns.

The proposed ordinances may be inspected at the Community Development Department, 10770 West Oakland Park Boulevard, 1st Floor, Sunrise, Florida 33351, between the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday. Persons with disabilities requiring accommodations in order to participate should contact the City Commission Office at (954) 746-3250 at least 24 hours in advance to request such accommodations.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that for such purposes, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Fla. Stat. § 286.0105.

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