

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP/(954) 797-1101

SUBJECT: Ordinance
ZB 7-1-01, Aguirre/Stone Harbor Inc., 3201 West State Road
84/Generally located on the north side of State Road 84 one-half mile
east of State Road 441.

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-1, LIGHT INDUSTRIAL DISTRICT (HACIENDA VILLAGE) TO M-2, MEDIUM INDUSTRIAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The applicant is requesting this rezoning to allow the property owner to further utilize the subject site and expand the existing boat building and repair business. More than half the site (7.47 acres) contains an existing boat building and repair business. The M-1, Light Industrial District (Hacienda Village) does not permit boat building and repairs, and the M-2, Medium Industrial District does permit such use. The permitted uses and conventional nonresidential development standards for the M-2, Medium Industrial District were specifically amended in order to accommodate this use by ZB(TXT)3-3-00. In addition, the applicant has offered voluntary deed restrictions that prohibit uses that are undesirable at this location. The request is not in conflict with Comprehensive Plan or any element thereof. The subject site meets the Land Development Code's conventional nonresidential development criteria for the M-2, Medium Industrial District. The current zoning is a defunct district of Hacienda Village which was annexed into the Town in 1984, and it is policy to rezone property so that it can be regulated by the current standards of the Town of Davie Land Development Code.

PREVIOUS ACTIONS: Town Council approved the request on its merits at its September 6, 2001 meeting (Motion carried 5-0).

CONCURRENCES: The Planning and Zoning Board recommended approval of the request at its August 22, 2001 meeting (Motion carried 5-0).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve

Attachment(s): Ordinance, Declaration of Restrictions, Land use map, Subject site map, Aerial

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-1, LIGHT INDUSTRIAL DISTRICT (HACIENDA VILLAGE) TO M-2, MEDIUM INDUSTRIAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from M-1, Light Industrial District (Hacienda Village) to M-2, Medium Industrial District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of the adoption of this ordinance.

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

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from M-1, Light Industrial District (Hacienda Village) to M-2, Medium Industrial District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That the owner has voluntarily executed an amended deed restriction on the property described in Section 1:

a. The amended declaration of restrictions is attached as Exhibit "B", hereto, and made a part hereof.

SECTION 3. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as M-2, Medium Industrial District.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. 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 _____,2001.

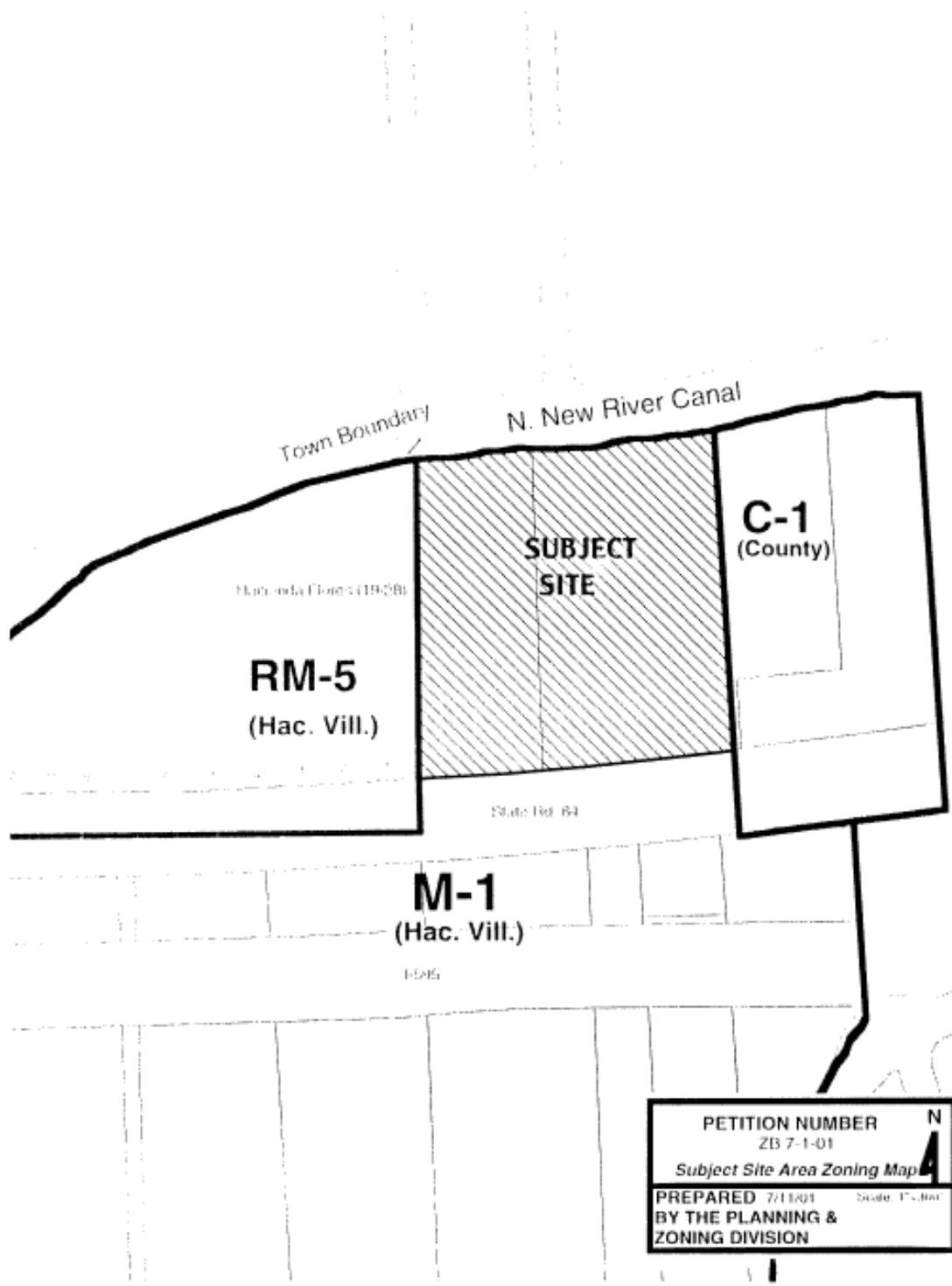
PASSED ON SECOND READING THIS _____ DAY OF _____,2001.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001.



PETITION NUMBER
ZB 7-1-01
Subject Site Area Zoning Map

PREPARED 7/11/01 Scale: 1"=100'
BY THE PLANNING &
ZONING DIVISION



DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned Stone Harbor, Inc., being the owner(s) of that certain real property located in the Town of Davie, Broward County, Florida, and described on Exhibit "A" attached hereto and made a part hereof, voluntarily makes the following Declaration of Restrictions covering the above-described property, specifying that this Declaration of Restrictions shall constitute a covenant running with the land and that this declaration shall constitute a covenant running with the land and that this declaration shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime, shall be for the benefit for the Town of Davie, Florida.

1. The following Business Park and Industrial General Uses shall not be conducted on the above described property: Auction House, Processing Facilities or storage of Cement, Concrete, Lime, and Petroleum Refining.

2. These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration of Restrictions may be amended or removed only by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors in title or assigns. Any amendment to this Declaration of Restrictions or termination hereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarants or their successors in title or assigns from applying to the Town of Davie, Florida, for modification of this Declaration of Restrictions or termination hereof.

3. Invalidation of any one portion of this Declaration of Restrictions or any portion of this document by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

4. This Declaration of Restrictions is executed for the purpose of protecting the health, safety and welfare of the citizens of the Town of Davie, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 2001 .

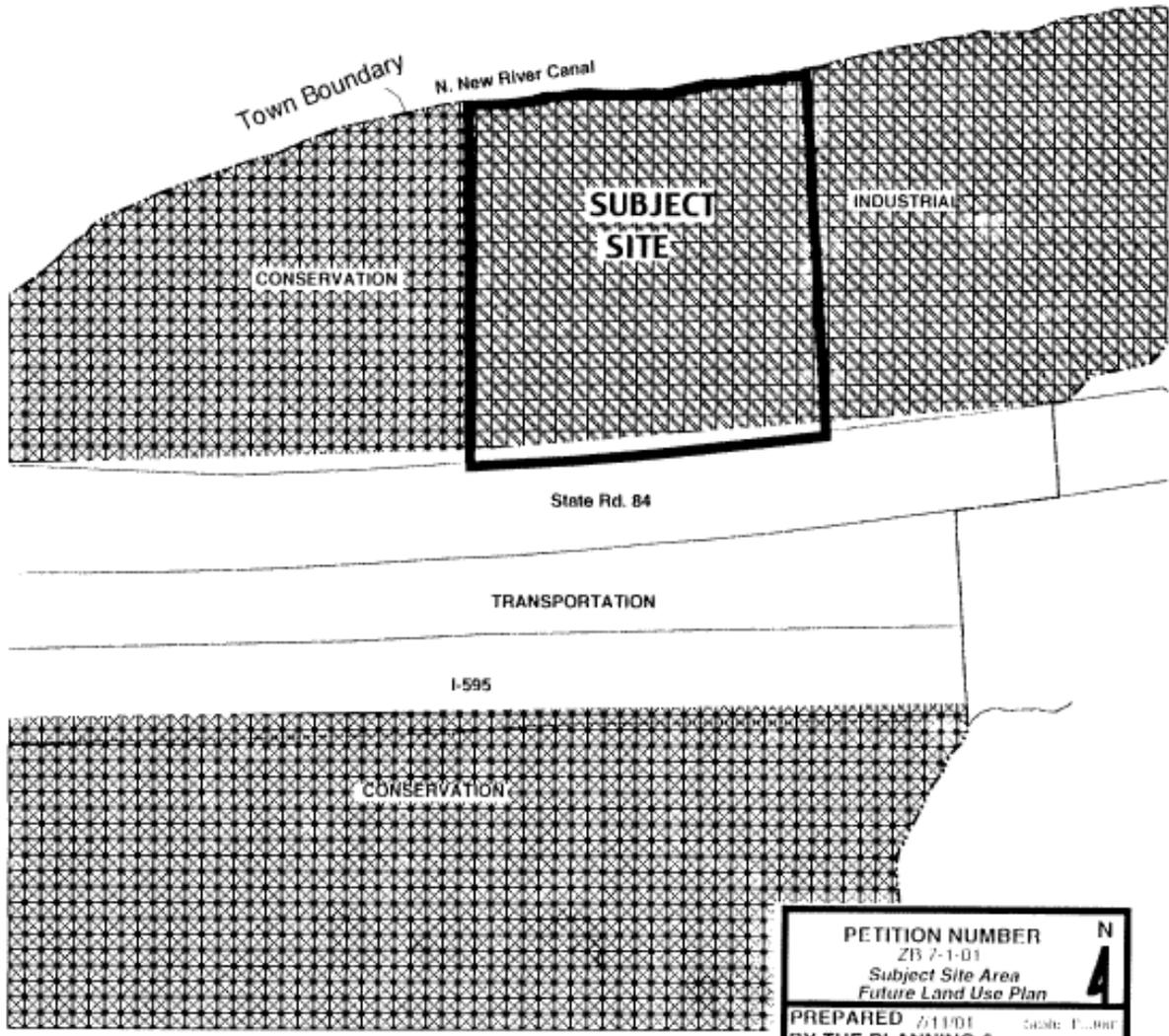
Signed, sealed and delivered

BY: _____

Witness

PRINT: _____

Witness





SUBJECT SITE

STATE RD. 84

I-595

N
↑
DATE FLOWN
JANUARY 1998
SCALE: nts
ZB 7-1-01