

ORDINANCE NO. 130-05-119

AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS AND PERTAINING TO FINANCIAL INSTITUTIONS AND CHECK CASHING/PAY DAY LOAN STORES; AMENDING SCHEDULE A, LAND USE CLASSIFICATIONS BY ADDING A LAND USE CLASSIFICATION AND DEFINITION FOR FINANCIAL INSTITUTION AND CHECK CASHING/PAY DAY LOAN STORE; AMENDING SCHEDULE B., ALLOWABLE USES BY ALLOWING WITHIN THE GENERAL COMMERCIAL AND COMMUNITY COMMERCIAL ZONING DISTRICTS CHECK CASHING/PAY DAY LOAN STORE AS A LEGAL, NON-CONFORMING USE; AMENDING ARTICLE III, PART 5.0.,SECTION 5.12 BY ADDING SPECIAL REGULATIONS FOR CHECK CASHING/PAY DAY LOAN STORES; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER CHARLES FARANDA)

WHEREAS, the City Commission has adopted a Comprehensive Plan as is required by the Local Government Comprehensive Planning and Land Development Regulation Act (Act), which Comprehensive Plan was subsequently determined to be in-compliance with said Act; and

WHEREAS, Section 163.3202, Florida Statutes, requires each municipality to adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan; and

WHEREAS, on June 11th, 1990, the City Commission implement its adopted Comprehensive Plan as is required by Section 163.3202, Florida Statutes, by adopting the City of Lauderhill Land Development Regulations (LDR); and

WHEREAS, Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain specific and detailed provisions necessary to regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open spaces; and

WHEREAS, the Land Development Regulations (LDR) Schedule B., Allowable Uses, Section 2., Uses Permitted in Non-residential districts, allows financial institutions as a permitted use in the Neighborhood Commercial (CN), General Commercial (CG), Community Commercial (CC) and Commercial Office (CO) zoning districts; and

WHEREAS, the LDR Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications, Section 3.2., Commercial zoning districts, Subsection 3.5., Commercial Entertainment (CE) zoning district, Paragraph B., Permitted principal uses and structures, allow financial institutions, such as automated teller machines, banks, check cashing, credit union, currency exchange, money transfer and savings and loans but excluding drive-through facilities; and

WHEREAS, other than the example listing of financial institutions in LDR Article III, Part 5.0., Subsection 3.5.2., Paragraph B, the LDR does not provide a definition for financial institutions; and

WHEREAS, the Center for Responsible Lending reported that on average, in America borrowers renew their loan eight (8) times before they are able to pay the loan in full and end up paying \$800.00 on an original \$325.00 loan; and

WHEREAS, mapping of payday lending locations by neighborhood characteristics and studies of payday lending use issued by regulators and academics document that these high cost loans disproportionately harm minority families and low to moderate-income borrowers; and

WHEREAS, the City of Lauderhill has a high proportion of minority and low to moderate-income families that may be disproportionately harmed by such uses; and

WHEREAS, payday lending presents a classic example of an industry that creates a financial drain on the local economy by exporting the capital generated from the fees outside of the local economy, thereby reducing the capital that could be available for circulation within the local economy; and

WHEREAS, the City's economy may be characterized as having a high proportion of small and minority businesses that need the circulation of local capital in order to prosper and the drain of financial resources from the local economy may be detrimental to the City's small and minority businesses; and

WHEREAS, on January 28th, 2013, the City Commission adopted Ordinance No. 130-01-102, which established a 120 moratorium on financial institutions engaged as "deferred presentment providers," "money services businesses," "check cashing stores", "petty loans", and "payday lending"; and

WHEREAS, at their duly noticed meeting and public hearing of May 7th, 2013, the City's Planning and Zoning Board, sitting as the Local Planning Agency (LPA), entered the Development Review Report on the proposed Ordinance into the record, adopted the findings and conclusions supporting the Ordinance's adoption, and recommended the City Commission adopt the Ordinance and incorporate it into the Land Development Regulations; and

WHEREAS, at their duly noticed meeting and public hearing of May 13th, 2013, the City Commission considered the record, adopted findings and conclusions, and approved the proposed Ordinance on first reading; and

WHEREAS, at their duly noticed meeting and public hearing of June 10th, 2013, the City Commission on second reading adopted the Ordinance incorporating revisions to the Land Development Regulations.

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

SECTION 1. Land use classification amended. The Land Development Regulations Schedule A., Land Use Classifications, is amended as set forth below.

CHECK CASHING/PAY DAY LOAN STORE: A commercial use engaged in the primary and principal business of and providing facilities for cashing checks, drafts, money orders and all other evidence of money for a fee, service charge or other consideration or in

providing for short-term loans (less than 45 days) to individuals in exchange for personal checks as collateral.

FINANCIAL INSTITUTION: A commercial use engaged in the primary and principal business of and providing facilities for financial and banking services to consumers or clients. Financial institutions include a state or federally chartered banks, savings and loan associations, saving banks, credit unions, lending companies, investment companies or industrial loan company and automatic teller machines. It does not include a check cashing/pay day loan store as defined herein or deferred presentment providers, money services businesses, and payday lending as defined in the Florida Statutes.

SECTION 2. **Schedule B.** The Land Development Regulations Schedule B., Allowable Uses, Section 2, Uses Allowed in Nonresidential Districts, is amended as set forth below.

SECTION 3. **Section 5.11 amended.** The Land Development Regulations

Sec. 5.11. Reserved Check cashing/pay day loan store.

5.11.1. Principal use. A check cashing/pay day loan store shall be a prohibited use; however, any check cashing/pay day loan stores with an existing Certificate of Use or any proposed check cashing/pay day loan store that has filed a Certificate of Use application before January 28th, 2013 shall be considered a legal, non-conforming use.

5.11.2. Accessory use. Any business operating check cashing/pay day loan serves shall be required to file a new Certificate of Use application and fee in order to continue operating said use after September 30th, 2013 and shall pay, if any, the applicable local business tax for said use.

SECTION 4. Findings and Conclusions. The Whereas clauses herein and the Development Review Report prepared by City staff is attached hereto, incorporated herein, and is hereby adopted as the

findings of fact and conclusions of law to support the Ordinance amending the Land Development Regulations.

SECTION 5. Conflict. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 6. Codification. The provisions of this Ordinance shall become and be made a part of the City of Lauderdale, Florida Land Development Regulations; sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and the word "ordinance" may be changed to "article," "part," "section," or other appropriate word.

SECTION 7. Effective Date. This Ordinance shall take effect upon adoption.


DATED this 10th day of June, 2013.

PASSED on first reading this 13th day of May, 2013.

PASSED AND ADOPTED on second reading this 10th day of June, 2013.



PRESIDING OFFICER

ATTEST:


CITY CLERK

	FIRST READING	SECOND READING
MOTION	<u>Benson</u>	<u>Benson</u>
SECOND	<u>Thurston</u>	<u>Thurston</u>
M. BATES	<u>Absent</u>	<u>Absent</u>
H. BENSON	<u>Yes</u>	<u>Yes</u>
H. BERGER	<u>Yes</u>	<u>Yes</u>
K. THURSTON	<u>Yes</u>	<u>Yes</u>
R. KAPLAN	<u>Yes</u>	<u>Yes</u>



City of Lauderhill, FL

Suites 141-142
5581 West Oakland Park
Blvd.
Lauderhill, FL

File Details

File Number: 12R-0407

File ID: 12R-0407	Type: Ordinance	Status: Agenda Ready
Version: 1	Reference:	In Control: P & Z Department
		File Created: 04/30/2013
File Name: Check cashing and pay day loan stores		Final Action: 06/10/2013

Title: ORDINANCE NO. 130-05-119: AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS AND PERTAINING TO FINANCIAL INSTITUTIONS AND CHECK CASHING/PAY DAY LOAN STORES; AMENDING SCHEDULE A, LAND USE CLASSIFICATIONS BY ADDING A LAND USE CLASSIFICATION AND DEFINITION FOR FINANCIAL INSTITUTION AND CHECK CASHING/PAY DAY LOAN STORE; AMENDING SCHEDULE B., ALLOWABLE USES BY ALLOWING WITHIN THE GENERAL COMMERCIAL AND COMMUNITY COMMERCIAL ZONING DISTRICTS CHECK CASHING/PAY DAY LOAN STORE AS A LEGAL, NON-CONFORMING USE; AMENDING ARTICLE III, PART 5.0.,SECTION 5.12 BY ADDING SPECIAL REGULATIONS FOR CHECK CASHING/PAY DAY LOAN STORES; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER CHARLES FARANDA)

Notes: Development Review Report will be added later. The Planning and Zoning Board will consider the Ordinance at their May 7, 2013 meeting.

Sponsors:	Enactment Date:
Attachments: Check cashing report and attachments.pdf, Exhibit 1 is check cashing in Schedule B2 .doc, Financial Institutions Ordinance.pdf	Enactment Number:
Contact:	Hearing Date:
* Drafter: ehahn@lauderdale-fl.gov	Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Commission	05/13/2013					

Text of Legislative File 12R-0407

ORDINANCE NO. 130-05-119: AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS AND PERTAINING TO FINANCIAL INSTITUTIONS AND CHECK CASHING/PAY DAY LOAN STORES; AMENDING SCHEDULE A, LAND USE CLASSIFICATIONS BY ADDING A LAND USE CLASSIFICATION AND DEFINITION FOR FINANCIAL INSTITUTION AND CHECK CASHING/PAY DAY LOAN STORE; AMENDING SCHEDULE B., ALLOWABLE USES BY ALLOWING WITHIN THE GENERAL COMMERCIAL AND COMMUNITY COMMERCIAL ZONING DISTRICTS CHECK CASHING/PAY DAY LOAN STORE AS A LEGAL, NON-CONFORMING USE; AMENDING ARTICLE III, PART 5.0.,SECTION 5.12 BY ADDING SPECIAL REGULATIONS FOR CHECK CASHING/PAY DAY LOAN STORES; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER CHARLES FARANDA)

Request Action:

Adopt the Ordinance.

Need:

There is a need to lift the moratorium on financial institutions engaged as “deferred presentment providers,” “money services businesses,” “check cashing stores”, “petty loans”, and “payday lending” by adopting an ordinance regulating check cashing/pay day loan stores.

Summary Explanation/ Background:

On January 28th, 2013, the City Commission adopted Ordinance No. 130-01-102, which established a 120 moratorium on financial institutions engaged as “deferred presentment providers,” “money services businesses,” “check cashing stores”, “petty loans”, and “payday lending”. Staff found that the Land Development Regulations do not define the land uses “financial institution” or “check cashing/pay day loan” store and concluded there is a need to define these land uses and distinguish one use from the other. Staff found that as a primary or principal use the City has five existing check cashing/pay day loan stores and two more that filed a Certificate of Use application before the moratorium went into effect. Staff also found that the some banks and some other land uses provide check cashing and pay day loan services as an accessory or ancillary use. Staff believes additional check cashing stores as primary uses are not needed and finds the City of Plantation has prohibited check cashing stores as a primary use but allows them as accessory uses. The proposed Ordinance prohibits check cashing cashing/pay day loan stores as a primary or principal use but allows existing stores to continue operating as a legal non-conforming use. The proposed Ordinance also allows check cashing/pay day loan stores as an accessory or ancillary use.

Attachments:

Development Review Report

Cost Summary/ Fiscal Impact:

Staff finds this Ordinance does not require the budgeting and expenditure of City funds.

Estimated Time for Presentation:

Between 5 and 10 minutes.

Master Plan:

Goal 1: Clean, Green Sustainable Environment

- Increase mass transit ridership
- Reduce City energy consumption
- Reduce water consumption

Goal 2: Safe and Secure City of Lauderhill

- Crime in lower 50% in Broward
- Residents feel safe in neighborhood
- Reduce emergency fatalities

Goal 3: Open Spaces and Active Lifestyle for all ages

- Increase participation in youth sports
- Add new park land and amenities
- Increase attendance at cultural programs and classes

Goal 4: Growing Local Economy, Employment and Quality of Commercial Areas

- Increase commercial tax base
- Increase employment in Lauderhill businesses
- Decrease noxious and blighted uses in commercial areas

Goal 5: Quality Housing at all Price Ranges and Attractive Communities

- Neighborhood signs and active HOAs
- Housing & streets improved, litter reduced
- Increase proportion of single family homes and owner occupied housing

Goal 6: Efficient and Effective City Government, Customer Focused & Values Diversity

- Improves City efficiency
- Increase use of Information Technology
- Increases residents perception of Lauderhill as an excellent place to live



Agenda Item No. G.2

DEVELOPMENT REVIEW REPORT

The matter before the Planning and Zoning Board (Board), sitting as the Local Planning Agency (LPA), is a proposed Ordinance amending the Land Development Regulations (LDR) and pertaining to check cashing and pay day loan stores. The proposed Ordinance is before the Board/LPA because LDR Article IV., Part 2.0., and Article VI., Section 4 requires the Board/LPA to make a recommendation to the City Commission on LDR amendments. *The Planning and Zoning Division recommends the Board forward the record to the City Commission with a recommendation the proposed Ordinance be adopted.*

I. BACKGROUND

On January 28th, 2013, the City Commission adopted Ordinance No. 130-01-102, which established a 120 moratorium on financial institutions engaged as "deferred presentment providers," "money services businesses," "check cashing stores", "petty loans", and "payday lending" (See Attachment A). Staff found that the Land Development Regulations do not define the land uses "financial institution" or "check cashing/pay day loan" store and concluded there is a need to define these land uses and distinguish one use from the other.

Staff found that as a primary or principal use the City has five existing check cashing/pay day loan stores and two more that filed a Certificate of Use application before the moratorium went into effect (See Attachment B). Staff also found that the some banks and some other land uses provide

check cashing and pay day loan services as an accessory or ancillary use. Staff believes additional check cashing stores as primary uses are not needed and finds the City of Plantation has prohibited check cashing stores as a primary use but allows them as accessory uses (See Attachment C). The proposed Ordinance prohibits check cashing cashing/pay day loan stores as a primary or principal use but allows existing stores to continue operating as a legal non-conforming use. The proposed Ordinance also allows check cashing/pay day loan stores as an accessory or ancillary use.

II. PROPOSED ORDINANCE

Attachment D is a proposed Ordinance of the City Commission of Lauderdale County, Florida amending the Land Development Regulations and pertaining to financial institutions and check cashing/pay day loan stores; amending Schedule A., Land Use Classifications, by adding a land use classification and definition for check cashing/pay day loan store and financial institution; amending Schedule B., Allowable Uses, Section 2, Uses Allowed in Nonresidential Districts by allowing within the General Commercial (CG) and Community Commercial (CC) zoning district check cashing/pay day loan stores as a legal, nonconforming use; amending Article III, Part 5.0., Section 5.11. by adding special regulations for check cashing/pay day loan stores; providing for findings and conclusions; providing for conflicts; providing for codification; providing for an effective date (Requested by City Manager Charles Faranda).

III. DATA & ANALYSIS

- A. Florida statutes. Section 163.3202, Florida Statutes, requires a local government to adopt land development regulations that implement their adopted Comprehensive Plan. Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain provisions addressing the use of land and water. Paragraph 163.3213(2)(b), Florida Statutes, defines a "Land development regulation" as an ordinance enacted by a local governing body for the regulation of any aspect of development, including a subdivision, building construction, landscaping, tree protection, or sign regulation or any other regulation concerning the development

of land. This term shall include a general zoning code, but shall not include a zoning map, an action which results in zoning or rezoning of land, or any building construction standard adopted pursuant to and in compliance with the provisions of chapter 553.

Staff concludes the proposed Ordinance is a land development regulation because it addresses specific uses that can be developed on land.

B. Article IV, Part 2.0. standards. Article IV., Part 2.0 addresses zoning district map amendments. Section 2.4 pertains to those factors to be considered when reviewing a zoning district map or Land Development Regulation amendment, and Sections 2.9 and 2.10 focus respectively on procedural and notice requirements.

1. **Amendment factors.** LDR Article IV., Part 2.0., Section 2.4., requires the Board and City Commission to consider and evaluate zoning changes in relation to all pertinent factors but with reference to six (6) specific factors. The proposed Ordinance is evaluated below against the six (6) identified factors.

a. *The character of the district and its peculiar suitability for particular uses.* The particular uses addressed by this Ordinance are financial institutions and check cashing/pay day loan stores. Financial institutions are commercial uses that generally are suitable in the Neighborhood Commercial (CN), Commercial Office (CO), Community Commercial (CC), General Commercial (CG), and Commercial Entertainment zoning districts but not in the Commercial Warehouse (CW) zoning district. Although check cashing/pay day loan stores are a type of financial institution, because of their documented effect on lower income communities, they are no longer deemed suitable in any zoning district as a primary or principal use. The proposed Ordinance prohibits check cashing/pay day loan stores as a principal use but allows existing stores to continue as a legal, non-conforming

use. The proposed Ordinance also allows check cashing/pay day loan stores services as an accessory use.

- b. *Conservation of the value of buildings and encouraging the most appropriate use of land and water throughout the City.* Staff concludes that the proposed Ordinance neither conserves nor destroys the value of building because the ordinance addresses land uses and not buildings. Staff concludes it encourages the appropriate use of land and water by allowing existing check cashing/payday loan stores to continue operating but to prohibit the opening of new ones.
- c. *The applicable portions of the adopted City Comprehensive Plan and programs such as land use, trafficways, recreation, schools, neighborhoods, drainage and housing and so forth.* Staff finds the proposed Ordinance is generally consistent with Future Land Use Element (FLUE), Objective 2.20., Land Development Regulations, which provides in part "Maintain Land Development Regulations ... promoting well-planned, orderly, compatible, and attractive development."
- d. *The need of the City for land areas for specific purposes to serve population and economic activities.* Staff finds there are five existing check cashing/payday loan stores operating in the City and two more with pending certificate of use applications. Based on the documented impacts of these facilities, staff believes there is no longer a need for any additional check cashing/pay day loan stores that are principal uses. In addition, the need for such services can be addressed by other primary uses, such as financial institutions, that provide this service as a secondary or ancillary use.
- e. *Whether there have been substantial changes in the character of development in or near an area under consideration for rezoning.* Staff concludes that this

factor specifically applies to zoning district map and not zoning regulation amendments. Staff finds the proposed Ordinance is not a zoning district map amendment and, therefore, concludes that this factor does not apply to that Ordinance.

f. *The facts and opinions presented to the Planning and Zoning Board through hearings.* This Development Review Report includes data and analysis and written findings of fact and conclusions to support staff's recommendation on the proposed Ordinance.

2. **Procedure.** LDR Article IV., Part 2.0., Section 2.9., addresses the procedure for zoning district map or zoning regulation amendments. It requires the Board to make a recommendation to the City Commission at a duly noticed public hearing on changes to the zoning district map and zoning regulations and for the Board to forward its recommendation to the City Commission.

Staff has placed the proposed Ordinance on the Planning and Zoning Board regular April 2013 public hearing agenda, being held on May 7th, 2013. At that duly noticed public hearing, the Board will consider the proposed Ordinance, this Development Review Report, all other relevant and substantial competent evidence presented at the hearing, make a recommendation, and forward to the City Commission their recommendation on the proposed Ordinance and all supporting evidence.

3. **Amendment notice.** LDR Article IV., Part 2.0., Section 2.10., addresses public notice. Subsection 2.10.1., requires a change in zoning be published in a newspaper of general circulation in Broward County at least 10 days prior to the date of the hearing.

Staff has caused a legal notice of the Planning and Zoning Board public hearing to be published in the Sun-Sentinel, a newspaper of general circulation within the City and Broward

County, on or before April 27th, 2013 or at least 10 days before the public hearing date. The proposed Ordinance is identified within the published legal notice. Proof of publication is on file with the PZD and is included herein by reference. Thus, the PZD concludes the proposed Ordinance has been duly noticed consistent with the standards and requirements of LDR Article IV., Part 2.0., Section 2.10.

IV. ATTACHMENTS

- Attachment A: Ordinance No. 130-01-102
- Attachment B: Inventory of Check Cashing Stores
- Attachment C: Check Cashing Stores Banned, Sun-Sentinel, April 12, 2000
- Attachment D: Proposed Ordinance

V. FINDINGS AND CONCLUSIONS

Based upon the information contained in this Development Review Report, the following findings of fact and conclusions of law are offered:

- A. On January 28th, 2013, the City Commission adopted Ordinance No. 130-01-102, which established a 120 moratorium on financial institutions engaged as "deferred presentment providers," "money services businesses," "check cashing stores", "petty loans", and "payday lending".
- B. The Land Development Regulations do not define the land uses categories "financial institution" or "check cashing/pay day loan store." Staff concludes the LDR should be amended to provide definitions for these land uses.
- C. Staff finds that LDR Article IV., Part 2.0., Section 2.4., requires a proposed LDR amendment be evaluated against six (6) specific

factors. Staff finds the proposed Ordinance has been evaluated against the six (6) identified factors and concludes the proposed Ordinance generally is in conformance and furthers those factors.

- D. Staff finds the proposed Ordinance amending the LDR is scheduled for a duly noticed Board public hearing on May 7th, 2013. At that public hearing, the Board will review and make a recommendation to the City Commission on the proposed Ordinance.
- E. Staff finds the proposed Ordinance has been published in the legal notice section of the Sun-Sentinel, a newspaper of general circulation within the County, at least 10 days before the Board public hearing.

VI. ALTERNATIVE ACTIONS

The Board/LPA has one of the following alternative actions at its disposal:

- A. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted.
- B. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support the Board's recommendation, and forward the record to the City Commission with the recommendation that the proposed Ordinance not be adopted.
- C. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support any necessary conditions, and forward the record to the City Commission with the recommendation that the proposed Ordinance be adopted with conditions.

- D. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, identify any additional data and analysis needed to support the proposed Ordinance, and forward the record to the City Commission with the recommendation that the proposed Ordinance be tabled for up to six months in order to allow staff time to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VII. RECOMMENDED ACTION

- A. PZD recommendation. Staff recommends the Planning and Zoning Board enter into the record this Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted.
- B. Planning and Zoning Board recommendation. Scheduled for the May 7th, 2013 meeting.
- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled on the agenda for the May 13th, 2013 City Commission public hearing. If approved or approved with conditions on first reading, the adoption hearing on the proposed Ordinance is tentatively scheduled on the agenda for the June 10th, 2013 City Commission public hearing.

ATTACHMENT A

ORDINANCE NO. 130-01-102

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA IMPOSING A 120 DAY MORATORIUM ON THE ESTABLISHMENT, LOCATION, LICENSING, PERMITTING, MAINTENANCE OR CONTINUATION OF FINANCIAL INSTITUTIONS ENGAGED AS "DEFERRED PRESENTMENT PROVIDERS," "MONEY SERVICES BUSINESSES," "CHECK CASHING STORES," "PETTY LOANS," AND "PAYDAY LENDING" AS DEFINED BY THE FLORIDA STATUTES, AND SIMILAR USES; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

WHEREAS, the City Commission has adopted a Comprehensive Plan as is required by the Local Government Comprehensive Planning and Land Development Regulation Act (Act), which Comprehensive Plan was subsequently determined to be in-compliance with said Act; and

WHEREAS, Section 163.3202, Florida Statutes, requires each municipality to adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan; and

WHEREAS, on June 11th, 1990, the City Commission implement its adopted Comprehensive Plan as is required by Section 163.3202, Florida Statutes, by adopting the City of Lauderhill Land Development Regulations (LDR); and

WHEREAS, Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain specific and detailed provisions necessary to regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open spaces; and

WHEREAS, the Land Development Regulations (LDR) Schedule B., Allowable Uses, Section 2., Uses Permitted in Non-residential districts, allows financial institutions as a permitted use in the Neighborhood Commercial (CN), General Commercial (CG), Community Commercial (CC) and Commercial Office (CO) zoning districts; and

WHEREAS, the LDR Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications, Section 3.2., Commercial

zoning districts, Subsection 3.5., Commercial Entertainment (CE) zoning district, Paragraph B., Permitted principal uses and structures, allow financial institutions, such as automated teller machines, banks, check cashing, credit union, currency exchange, money transfer and savings and loans but excluding drive-through facilities; and

WHEREAS, other than the example listing of financial institutions in LDR Article III, Part 5.0., Subsection 3.5.2., Paragraph B, the LDR does not provide a definition for financial institutions; and

WHEREAS, the Center for Responsible Lending reported that on average, in America borrowers renew their loan eight (8) times before they are able to pay the loan in full and end up paying \$800.00 on an original \$325.00 loan; and

WHEREAS, mapping of payday lending locations by neighborhood characteristics and studies of payday lending use issued by regulators and academics document that these high cost loans disproportionately harm minority families and low to moderate-income borrowers; and

WHEREAS, the City of Lauderhill has a high proportion of minority and low to moderate-income families that may be disproportionately harmed by such uses; and

WHEREAS, payday lending presents a classic example of an industry that creates a financial drain on the local economy by exporting the capital generated from the fees outside of the local economy, thereby reducing the capital that could be available for circulation within the local economy; and

WHEREAS, the City's economy may be characterized as having a high proportion of small and minority businesses that need the circulation of local capital in order to prosper and the drain of financial resources from the local economy may be detrimental to the City's small and minority businesses; and

WHEREAS, Section 560.402, Florida Statutes defines a deferred presentment provider (a/k/a payday lenders) as a person who engages in a deferred presentment transaction (i.e., payday loans), which is one where currency or a payment instrument in exchange of a person's check and an agreement to hold that person's check for a period of time prior to

presentment, deposit, or redemption is provided; and

WHEREAS, Section 560.103(22), Florida Statutes, defines "Money services business" as any person located in or doing business in this state, from this state, or into this state from locations outside this state or country who acts as a payment instrument seller, foreign currency exchanger, check casher, or money transmitter; and

WHEREAS, Section 560.103(6), Florida Statutes, defines "Check casher" as a person who sells currency in exchange for payment instruments received, except travelers checks; and

WHEREAS, the City does not have complete records showing the location of all check cashing establishments and deferred payment providers; and

WHEREAS, an internet search for payday advance loans and check cashing establishments and the City's business tax receipt database shows the City has eight (8) such establishments, these being: (1) The Check Cashing Store at 5566 West Oakland Park Boulevard; (2) Check Cashing & Loans, Inc. at 1355B North State Road 7; (3) ACE Cash Express at 1651 North State Road 7; (4) Fast Track Debt Relief at 6951 W. Commercial Boulevard; (5) New Millennium HC, Inc. at 7421 NW 38th Court; (6) Primerica at 5950 W. Oakland Park Boulevard; (7) Advance America at 7400 West Commercial Boulevard; and (8) Cash A Check at 1162 N. State Road 7; and

WHEREAS, the above list does not include other businesses identified through a windshield survey, such as Flamingo Liquors at 3101 Broward Boulevard and Kingston Market at 4120 NW 21st Street, that advertise check cashing services but are not listed as such in the City's business license database; and

WHEREAS, the Planning and Zoning staff has recently received and approved three new Certificate of Use applications for check cashing or payday lending establishments, these being: Amscot in the Shoppes of Inverrary on West Oakland Park Boulevard; Emerald Check Cashing at 4244 NW 12 Street; and Check 'n Go at Universal Plaza, 5454 North University Drive; and

WHEREAS, the City Attorney has opined that although Section 494.00797(1), Florida Statutes, prohibits municipalities from enacting and

enforcing ordinances, resolutions, and rules regulating financial or lending activities, including ordinances, resolutions, and rules disqualifying persons from doing business within a municipality based upon lending interest rates or imposing reporting requirements or any other obligations upon persons regarding financial services or lending practices of persons or entities, and any subsidiaries or affiliates thereof, this section does not apply to a municipalities home rule power to adopt zoning regulations governing same; and

WHEREAS, the City Commission of Lauderhill, Florida has a responsibility to protect the economic health, welfare and safety of their residents and businesses and may authorize the adoption of a moratorium as a result of an emergency situation or as a temporary protective measure to prevent vesting of rights under the Land Development Regulations; and

WHEREAS, it is the City Commission's desire to continue to allow legally established financial institutions to operate during the moratorium period; and

WHEREAS, the City Commission concludes that based upon the findings listed in the above described whereas clauses, it would be in the best interests of the public to impose a 120 day moratorium in order to allow City Administration the opportunity to investigate the findings, research the issues, and bring back proposed policy recommendations on regulating financial institutions engaged as "deferred presentment providers," "money services businesses," "check cashing stores", "petty loans", and "payday lending"; and

WHEREAS, at their duly noticed meeting and public hearing of January 14th, 2013, the City Commission considered the record, adopted findings and conclusions, and approved the proposed Ordinance on first reading; and

WHEREAS, at their duly noticed meeting and public hearing of January 28th, 2013, the City Commission on second reading adopted the Ordinance.

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

Section 1. The aforementioned whereas clauses are hereby ratified, confirmed and incorporated herein.

Section 2. The City Commission of the City of Lauderhill, Florida hereby declares a one hundred twenty (120) day moratorium on the establishment, location, operation, licensing, permitting, maintenance or continuation of financial institutions engaged as "deferred presentment providers," "money services businesses," "check cashing stores", "petty loans", and "payday lending" and similar uses as defined by the Florida Statutes.

Section 3. The City Commission of the City of Lauderhill, Florida hereby declares that this moratorium shall be effective through May 27th, 2013 unless otherwise extended by the City Commission.

Section 4. The City Commission of the City of Lauderhill, Florida hereby declares that this moratorium is necessary in order to preserve the public health, safety and general welfare.

Section 5. All prior ordinances or resolutions or parts thereof in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

Section 6. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

DATED this 28th day of January, 2013.

PASSED on first reading this 14th day of January, 2013.

PASSED AND ADOPTED on second reading this 28th day of January, 2013.



PRESIDING OFFICER

ATTEST:

Andrea Andu
CITY CLERK

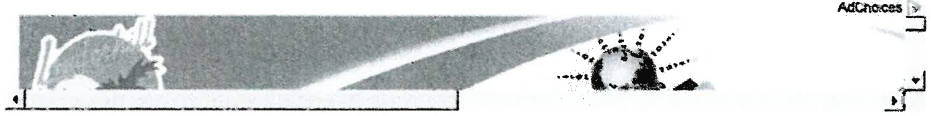
	FIIRST READING	SECOND READING
MOTION	Bates	Benson
SECOND	Thurston	Bates
M. BATES	Yes	Yes
H. BENSON	Yes	Yes
H. BERGER	Yes	Yes
K. THURSTON	Yes	Yes
R. KAPLAN	Yes	Yes

ATTACHMENT B

INVENTORY OF CHECK CASHING STORES

Name	Address	Zoning District	Date Opened
Cash-A-Check	1162 NW 40 Avenue	Commercial General	03/31/1997
Check N Go Florida	5454 NW 76 Avenue	Commercial General	12/05/2012
Ace Cash Express, Inc. # 3397	1651 NW 40 Avenue	Commercial General	12/15/2001
Check Cashing & Loans, Inc.	1355 NW 40 Avenue, Unit A	Community Commercial	05/17/2011
The Check Cashing Store	5566 W. Oakland Pk Blvd	Commercial General	10/18/1994
Amscot	5521 W. Oakland Pk Blvd	Commercial General	Pending
Amscot	5421 NW 76 Avenue	Commercial General	Pending
Total: 5 existing and 2 pending			

Source: City of Lauderhill Business Tax Receipt Database (April 2013).
Prepared by: Planning and Zoning Division



Home | News | Broward | Palm Beach | Sports | Entertainment | Travel | Lifestyle | Business | Health |

Opinion | Video |

ATTACHMENT C

Home > Collections > Plantation

Ads By Google

Quick Cash Advance
Approvals In 2 Minutes Online. Bad Credit OK & No References!
Florida.quick-casher.com

Payday Loans
Check out our Rates. Easy as 1-2-3. We are ready to lend \$100-\$1000!
www.PayDayMax.com

Payday Loans - (2 Minute)
\$250-\$1000 Approvals In 2 Minutes! "Bad Credit OK & No References"
CashCorner.com

Check-cashing Stores Banned

April 12, 2000 | By SEAN CAVANAGH Staff Writer

PLANTATION — Got to cash a check, fast? Can't go to a bank?

Well, you can't go to Plantation, either. The city has taken steps to ban check-cashing operations by closing a loophole in zoning rules that didn't clearly define what the businesses were.

Ads By Google

Payday Loans

Check out our Rates. Easy as 1-2-3. We are ready to lend \$100-\$1000!
www.PayDayMax.com



The requested p

Payday Loans - (2 Minute)

\$250-\$1000 Approvals In 2 Minutes! "Bad Credit OK & No References"
www.CashCorner.com

City Director of Planning Marcia Berkley said she isn't aware of any check-cashing businesses currently in Plantation. But the City Council on April 5 decided to define what businesses will be allowed along State Road 7, an area the city is trying to revitalize.

City Attorney Don Lunny and Berkley said they interpret city codes as forbidding check-cashers. But because many types of businesses cash checks, the city officials wanted to make sure there was no gray area about what was allowed, and what wasn't.

"There hadn't been any requests for check-cashing stores before now," Berkley said. "It was never clearly defined."

At least one request, however, had come to the city since it began the process of changing zoning laws along State Road 7, Berkley said. The new ordinance spells out that check-cashers are businesses "engaged in the primary and principal business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money for a fee, service charge or other consideration."

The rule was targeting businesses that cash checks as a secondary service to customers, like grocery stores, Lunny said.

"If you have a Publix, and you happen to cash checks, it would not apply to you," Lunny said. "We're talking about check cashing, as their primary operation."

One landowner the change could affect is James Batmasian, who owns and rents about 270,000 square feet of property in the Four Corners commercial area, at the intersection of State Road 7 and Broward Boulevard. When officials began discussions in November of banning certain kinds of businesses -- which has continually seen stores and shops come and go -- Batmasian and his attorney, Emerson Allsworth, objected.

Batmasian said he was already losing money trying to find tenants, and making regulations more restrictive would hurt him. The landowner could not be reached for comment.

Steve Gabrilove, who owns three check-cashing stores in Broward, says cities like Plantation are misguided and elitist if they believe keeping the businesses out would make their communities more upscale.

Related Articles

- Walmart expands check-cashing services
August 8, 2011
- Reform Check Cashing Operations
June 14, 1931
- Authorities Scrutinize Check Firms Abuses Uncovered In...
June 9, 1991
- Check-cashers Cut Corners For Clients
October 13, 1986
- Tellers To Take \$3 For Cashing Payroll Checks
August 28, 2001

Find More Stories About

Plantation

ATTACHMENT D

ORDINANCE NO. 130-05-###

AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR) AND PERTAINING TO FINANCIAL INSTITUTIONS AND CHECK CASHING/PAY DAY LOAN STORES; AMENDING SCHEDULE A., LAND USE CLASSIFICATIONS, BY ADDING A LAND USE CLASSIFICATION AND DEFINITION FOR CHECK CASHING/PAY DAY LOAN STORE AND FINANCIAL INSTITUTION; AMENDING SCHEDULE B., ALLOWABLE USES, SECTION 2, USES ALLOWED IN NONRESIDENTIAL DISTRICTS BY ALLOWING WITHIN THE GENERAL COMMERCIAL (CG) AND COMMUNITY COMMERCIAL (CC) ZONING DISTRICTS CHECK CASHING/PAY DAY LOAN STORES AS A LEGAL, NONCONFORMING USE; AMENDING ARTICLE III, PART 5.0., SECTION 5.11. BY ADDING SPECIAL REGULATIONS FOR CHECK CASHING/PAY DAY LOAN STORES; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE (REQUESTED BY COMMISSIONER HOWARD BERGER)

WHEREAS, the City Commission has adopted a Comprehensive Plan as is required by the Local Government Comprehensive Planning and Land Development Regulation Act (Act), which Comprehensive Plan was subsequently determined to be in-compliance with said Act; and

WHEREAS, Section 163.3202, Florida Statutes, requires each municipality to adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan; and

WHEREAS, on June 11th, 1990, the City Commission implement its adopted Comprehensive Plan as is required by Section 163.3202, Florida Statutes, by adopting the City of Lauderhill Land Development Regulations (LDR); and

WHEREAS, Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain specific and detailed

ATTACHMENT D

provisions necessary to regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open spaces; and

WHEREAS, the Land Development Regulations (LDR) Schedule B., Allowable Uses, Section 2., Uses Permitted in Non-residential districts, allows financial institutions as a permitted use in the Neighborhood Commercial (CN), General Commercial (CG), Community Commercial (CC) and Commercial Office (CO) zoning districts; and

WHEREAS, the LDR Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications, Section 3.2., Commercial zoning districts, Subsection 3.5., Commercial Entertainment (CE) zoning district, Paragraph B., Permitted principal uses and structures, allow financial institutions, such as automated teller machines, banks, check cashing, credit union, currency exchange, money transfer and savings and loans but excluding drive-through facilities; and

WHEREAS, other than the example listing of financial institutions in LDR Article III, Part 5.0., Subsection 3.5.2., Paragraph B, the LDR does not provide a definition for financial institutions; and

WHEREAS, the Center for Responsible Lending reported that on average, in America borrowers renew their loan eight (8) times before they are able to pay the loan in full and end up paying \$800.00 on an original \$325.00 loan; and

WHEREAS, mapping of payday lending locations by neighborhood characteristics and studies of payday lending use issued by regulators and academics document that these high cost loans disproportionately harm minority families and low to moderate-income borrowers; and

WHEREAS, the City of Lauderhill has a high proportion of minority and low to moderate-income families that may be disproportionately harmed by such uses; and

WHEREAS, payday lending presents a classic example of an industry that creates a financial drain on the local economy by exporting the capital generated from the fees outside of the local

ATTACHMENT D

economy, thereby reducing the capital that could be available for circulation within the local economy; and

WHEREAS, the City's economy may be characterized as having a high proportion of small and minority businesses that need the circulation of local capital in order to prosper and the drain of financial resources from the local economy may be detrimental to the City's small and minority businesses; and

WHEREAS, on January 28th, 2013, the City Commission adopted Ordinance No. 130-01-102, which established a 120 moratorium on financial institutions engaged as "deferred presentment providers," "money services businesses," "check cashing stores", "petty loans", and "payday lending"; and

WHEREAS, at their duly noticed meeting and public hearing of May 7th, 2013, the City's Planning and Zoning Board, sitting as the Local Planning Agency (LPA), entered the Development Review Report on the proposed Ordinance into the record, adopted the findings and conclusions supporting the Ordinance's adoption, and recommended the City Commission adopt the Ordinance and incorporate it into the Land Development Regulations; and

WHEREAS, at their duly noticed meeting and public hearing of May 13th, 2013, the City Commission considered the record, adopted findings and conclusions, and approved the proposed Ordinance on first reading; and

WHEREAS, at their duly noticed meeting and public hearing of June 10th, 2013, the City Commission on second reading adopted the Ordinance incorporating revisions to the Land Development Regulations.

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

SECTION 1. Land use classification amended. The Land Development Regulations Schedule A., Land Use Classifications, is amended as set forth below.

CHECK CASHING/PAY DAY LOAN STORE: A commercial use engaged in the primary and principal business of and providing facilities for

ATTACHMENT D

cashing checks, drafts, money orders and all other evidence of money for a fee, service charge or other consideration or in providing for short-term loans (less than 45 days) to individuals in exchange for personal checks as collateral.

FINANCIAL INSTITUTION: A commercial use engaged in the primary and principal business of and providing facilities for financial and banking services to consumers or clients. Financial institutions include a state or federally chartered banks, savings and loan associations, saving banks, credit unions, lending companies, investment companies or industrial loan company and automatic teller machines. It does not include a check cashing/pay day loan store as defined herein or deferred presentment providers, money services businesses, and payday lending as defined in the Florida Statutes.

SECTION 2. **Schedule B.** The Land Development Regulations Schedule B., Allowable Uses, Section 2, Uses Allowed in Nonresidential Districts, is amended as set forth below.

SECTION 3. **Section 5.11 amended.** The Land Development Regulations

Sec. 5.11. Reserved Check cashing/pay day loan store.

5.11.1. Principal use. A check cashing/pay day loan store shall be a prohibited use; however, any check cashing/pay day loan stores with an existing Certificate of Use or any proposed check cashing/pay day loan store that has filed a Certificate of Use application before January 28th, 2013 shall be considered a legal, non-conforming use.

5.11.2. Accessory use. Any business operating check cashing/pay day loan serves shall be required to file a new Certificate of Use application and fee in order to continue operating said use after September 30th, 2013 and shall pay, if any, the applicable local business tax for said use.

ATTACHMENT D

SECTION 4. Findings and Conclusions. The Whereas clauses herein and the Development Review Report prepared by City staff is attached hereto, incorporated herein, and is hereby adopted as the findings of fact and conclusions of law to support the Ordinance amending the Land Development Regulations.

SECTION 5. Conflict. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 6. Codification. The provisions of this Ordinance shall become and be made a part of the City of Lauderhill, Florida Land Development Regulations; sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and the word "ordinance" may be changed to "article," "part," "section," or other appropriate word.

SECTION 7. Effective Date. This Ordinance shall take effect upon adoption.

DATE this _____ day of _____, 2013.

PASSED on first reading this _____ day of _____, 2013.

PASSED AND ADOPTED on second reading this _____ day of _____, 2013.

PRESIDING OFFICER

ATTEST:

CITY CLERK

ATTACHMENT D

FIRST READING

SECOND READING

MOTION
SECOND

M. BATES
H. BENSON
H. BERGER
K. THURSTON
R. KAPLAN

Prepared: 04-25-13
Revised:

EXHIBIT 1
SCHEDULE B., ALLOWABLE USES

B-2. Uses Allowed in Non-residential districts.

<u>Land Use Category</u>	<u>CO</u>	<u>CN</u>	<u>CG</u>	<u>CC</u>	<u>CW</u>	<u>IL</u>	<u>CR</u>	<u>S-1</u>	<u>CF</u>	<u>UT</u>
Bulk storage of gas, oil and other fuels ¹						SE				
Check cashing/Pay Day Loan Store ¹			<u>N</u>	<u>N</u>						
Childcare ¹										
• Day	SE			SE	SE					
• Evening	SE			SE	SE					
• Weekend	SE			SE	SE					
Clubs: Athletic (e.g., aquatic, golf, tennis, soccer), country, fraternal, private, social	SE		SE	SE	SE			P	SE	
Commercial, radio, T.V., microwave and telecommunication towers	SE	SE	SE	SE	SE		SE	SE	P	
Communication facilities	P	P	P	P	P	P	P	P		
Community service (outreach service)		SE								
Consignment shop			P	P	P					
Convenience stores ¹		P	SE	SE						
Correctional and judicial facilities ¹			<u>N</u>	<u>N</u>					<u>N</u>	
Data processing and computer centers	P		P	P						
Diagnostic laboratory testing facility			P	P					P	
Drive-in banks	SE		SE	SE						
Dry cleaning ¹										
• Establishment for direct service to customer			P	P	P					
• Plants						P				
Education ¹										
• College and university				SE					SE	
• Instructional	SE		P	P	SE				SE	
• Pre-school	SE	P		SE	SE				SE	
• Primary and secondary	SE			SE	SE	SE			SE	

EXHIBIT 1
SCHEDULE B., ALLOWABLE USES

<u>Land Use Category</u>	<u>CO</u>	<u>CN</u>	<u>CG</u>	<u>CC</u>	<u>CW</u>	<u>IL</u>	<u>CR</u>	<u>S-1</u>	<u>CF</u>	<u>UT</u>
• Remedial		P							P	
Essential utilities	P	P	P	P	P	P	A	P	P	P
Financial institutions ¹	P	P	P	P	SE					
Firearm and ammunitions sales ¹			SE							
Fitness center, gym, health spa	SE		P	P	SE	SE	A	P		
Flea market ¹					SE					
Funeral establishments ¹			SE	SE						
Gas or service stations ¹			SE	SE						
Golf course and golf driving range							P ²			
Government administration services, maintenance building and outdoor storage of equipment and vehicles ¹	P	SE	P	SE	SE	P		P	P	P
Grocery store			P	P						

Footnotes:

SE = Special exception use

P = Permitted use

A = Accessory use

SP = Special permit

N = Nonconforming use

L = Promotional license

¹ = See Article III, Zoning Districts, Part 5.0, Special Regulations for Specific Land Use Classifications and Structures for additional requirements.

² = See the specific zoning district regulations in Article III., Part 3.0. for special regulations regarding this specific and use..

EXHIBIT 1
SCHEDULE B., ALLOWABLE USES

B-2. Uses Allowed in Non-residential districts.

<u>Land Use Category</u>	<u>CO</u>	<u>CN</u>	<u>CG</u>	<u>CC</u>	<u>CW</u>	<u>IL</u>	<u>CR</u>	<u>S-1</u>	<u>CF</u>	<u>UT</u>
Bulk storage of gas, oil and other fuels ¹						SE				
Check cashing/Pay Day Loan Store ¹			N	N						
Childcare ¹										
• Day	SE			SE	SE					
• Evening	SE			SE	SE					
• Weekend	SE			SE	SE					
Clubs: Athletic (e.g., aquatic, golf, tennis, soccer), country, fraternal, private, social	SE		SE	SE	SE			P	SE	
Commercial, radio, T.V., microwave and telecommunication towers	SE	SE	SE	SE	SE		SE	SE	P	
Communication facilities	P	P	P	P	P	P	P	P		
Community service (outreach service)		SE								
Consignment shop			P	P	P					
Convenience stores ¹		P	SE	SE						
Correctional and judicial facilities ¹			N	N					N	
Data processing and computer centers	P		P	P						
Diagnostic laboratory testing facility			P	P					P	
Drive-in banks	SE		SE	SE						
Dry cleaning ¹										
• Establishment for direct service to customer			P	P	P					
• Plants						P				
Education ¹										
• College and university				SE					SE	
• Instructional	SE		P	P	SE				SE	
• Pre-school	SE	P		SE	SE				SE	
• Primary and secondary	SE			SE	SE	SE			SE	

EXHIBIT 1
SCHEDULE B., ALLOWABLE USES

<u>Land Use Category</u>	<u>CO</u>	<u>CN</u>	<u>CG</u>	<u>CC</u>	<u>CW</u>	<u>IL</u>	<u>CR</u>	<u>S-1</u>	<u>CF</u>	<u>UT</u>
• Remedial		P							P	
Essential utilities	P	P	P	P	P	P	A	P	P	P
Financial institutions ¹	P	P	P	P	SE					
Firearm and ammunitions sales ¹			SE							
Fitness center, gym, health spa	SE		P	P	SE	SE	A	P		
Flea market ¹					SE					
Funeral establishments ¹			SE	SE						
Gas or service stations ¹			SE	SE						
Golf course and golf driving range							P ²			
Government administration services, maintenance building and outdoor storage of equipment and vehicles ¹	P	SE	P	SE	SE	P		P	P	P
Grocery store			P	P						

Footnotes:

SE = Special exception use

P = Permitted use

A = Accessory use

SP = Special permit

N = Nonconforming use

L = Promotional license

¹ = See Article III, Zoning Districts, Part 5.0, Special Regulations for Specific Land Use Classifications and Structures for additional requirements.

² = See the specific zoning district regulations in Article III., Part 3.0. for special regulations regarding this specific and use..