

ORDINANCE NO. 240-02-109

AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR) AMENDING SCHEDULE A, LAND USE CLASSIFICATIONS TO AMEND DEFINITIONS OF "CHECK CASHING" and "PAY DAY LOAN STORE"; AMENDING ARTICLE III., ZONING DISTRICTS, PART 5.0., SPECIAL REGULATIONS FOR SPECIFIC LAND USE CLASSIFICATIONS, SECTION 5.11, CHECK CASHING; AMENDING SCHEDULE B, ALLOWABLE USES, SCHEDULE B-2, NON-RESIDENTIAL DISTRICTS TO ADD CHECK CASHING ACCESSORY USE DESIGNATIONS IN PERMITTED ZONING DISTRICTS; AMENDING CITY CODE OF ORDINANCES SECTION 12-53, LOCAL BUSINESS TAX, TO ADD RATE FOR NON-CONFORMING PAY DAY LOAN STORE USE; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, DESORAE GILES-SMITH)

WHEREAS, the City previously adopted text changes in 2013 via Ordinance 130-05-119 thereby prohibiting check cashing and pay day loan stores as principal uses, with all existing uses prior to January 28, 2013 to be considered a legal, non-conforming use and also expressing the intent that said services were to continue to be permitted as an accessory use only in the CC and CG zoning districts; and

WHEREAS, due to a clerical error, the Accessory Use designation was inadvertently never added to Schedule B-2 to show that check cashing services were to continue to be permitted solely as an Accessory Use in the CC and CG zoning districts if it was not already a pre-existing use; and

WHEREAS, city staff wishes to amend the Land Development Regulations to reflect the intent of the changes to continue to allow new Accessory Uses but also to clarify that any new uses would still be limited to the CC and CG zoning districts and would not be permitted in convenience stores unless it was an already pre-existing use; and

WHEREAS, at their duly noticed meeting and public hearing of January 30, 2024, the City's Planning and Zoning Board, sitting as the Local Planning Agency (LPA) entered the Development Review Report on the proposed Ordinance and all other relevant and substantial competent evidence into the record, and forwarded the record to the City Commission with the recommendation that the proposed Ordinance be adopted; and

WHEREAS, at their duly noticed meeting and public hearing of February 26, 2024, the City Commission considered the record, adopted findings and conclusions, and approved the proposed Ordinance on first reading; and

WHEREAS, at their subsequently duly noticed meeting and public hearing of March 25, 2024, 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. Schedule A amended. Land Development Regulations Schedule A, Land Use Classifications, is hereby amended to read as set forth below:

Schedule A- Land Use Classifications.

...

CAR WASH AND AUTO DETAILING: An establishment (automatic or hand wash) intended for the exterior washing of automobiles within an enclosed building or permanent structure. The cleaning of the interior of motor vehicles, waxing of the exterior detail work of motor vehicles, drying and exterior detail work of motor vehicles if any, may be permitted if the car wash is operating as the primary use. Automatic car wash shall be permitted as an accessory use to gas or service stations.

~~**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 forty five (45) days) to individuals in exchange for personal checks as collateral. This does not include pay day loan stores.~~

CHILDCARE, DAY: A child care use provided during the hours of 6:30 a.m. and 6:30 p.m. on Monday through Friday.

PAY DAY LOAN STORE: A commercial use providing for short-term loans (less than forty-five (45) days) to individuals in exchange for personal checks as collateral.

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SECTION 2. Section 5.11 amended. Land Development Regulations Article III, Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications, Section 5.11, Check cashing, is hereby amended to read as set forth below:

Sec. 5.11 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 28, 2013 shall be considered a legal, non-conforming use.

5.11.2. *Accessory use.* Any business operating check cashing/~~pay day loan serves [service]~~ services shall be permitted as an accessory use only within the CC and CG zoning districts. However, no such accessory use is permitted within a convenience store unless the accessory use was already in operation as a non-conforming use at said location prior to January 28, 2013. Pay day loan services are prohibited as both a principal and accessory use, unless they were a pre-existing non-conforming use. ~~required to file a new certificate of use application and fee in order to continue operating said use after September 30, 2013 and shall pay, if any, the applicable local business tax for said use.~~

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SECTION 3. Schedule B-2 amended. Land Development Regulations Schedule B, Allowable Uses, is hereby amended to read as set forth below:

SCHEDULE B- ALLOWABLE USES

B-2. Uses Allowed in Nonresidential Districts.

SCHEDULE B. - ALLOWABLE USES

Land Use Category	CO	CN	CG	CC	CW	CE	IL	PO	PL	PR	CR	S-1	CF	UT	Not Zoned
Accessory Uses ¹	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
...															
Car wash			SE/A	SE/A											
Check cashing/ Pay Day Loan Store ¹			<u>N A</u>	<u>N A</u>											
Childcare ¹															
• Day	SE			SE					SE	SE					
...															
Pattern making							P								
<u>Pay Day Loan Store</u>			<u>N</u>	<u>N</u>											
Personal services ¹	A	P	P	P	P	P					A				
...															

...

Footnotes:

SE = Special exception use

P = Permitted use

A = Accessory use

SP = Special permit

N = Nonconforming use

L = Promotional license

EP = Special Event Permit

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 land use.

3 = These uses will sunset and expire on December 31, 2019 and will no longer be allowed in this district.

4 = Fast food/drive-through restaurant is not permitted in the General Commercial (CG)/Transect Overlay Zone zoning district along Rt. 441/SR7.

5 = Permitted Use within the Arts and Entertainment Overlay District.

SECTION 4. Section 12-53 amended. City Code of Ordinances, Section 12-53, Local business taxes is hereby amended to read as set forth below:

Sec. 12-53. Local business taxes.

The amount assessed as local business taxes which must be paid in order to obtain a local business tax receipt for each category or combination of various trades, professions, businesses, and accessory uses are hereby fixed as follows:

(6) Car Wash (automobile), each stall, lane, or drive thru
.....\$121.55 each

(7) Check cashing facility, store, franchise, or pay day loan store.....\$351.78

SECTION 5. Findings and Conclusions. The Development Review Report prepared by the Planning and Zoning Department is attached hereto, is incorporated herein, and are hereby adopted as the findings of fact and conclusions of law to support the Ordinance amending Land Development Regulations.

SECTION 6. 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 7. 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 8. Effective Date. This Ordinance shall take effect immediately upon its adoption.

DATED this ____ day of _____, 2024.

PASSED on first reading this _____ day of _____, 2024.

PASSED AND ADOPTED on second reading this ____ day of _____, 2024.

PRESIDING OFFICER

ATTEST:

CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
M. DUNN	_____	_____
D. GRANT	_____	_____
L. MARTIN	_____	_____
S. MARTIN	_____	_____
K. THURSTON	_____	_____