

ORDINANCE NO. 200-02-106

AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS PERTAINING TO A VARIETY OF USES; AMENDING SCHEDULE A., LAND USE CLASSIFICATIONS BY ADDING FOOD DISTRIBUTION CENTER AND SCRAP METAL PROCESSING PLANT; AMENDING SCHEDULE B., ALLOWABLE USES, SECTION 2., USES ALLOWED IN NONRESIDENTIAL DISTRICTS, BY ADDING FOOD DISTRIBUTION CENTER AND SCRAP METAL PROCESSING PLANT; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

WHEREAS, at their duly noticed meeting and public hearing of January 28, 2020 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 10, 2020, 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 February 24, 2020, 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. That Schedule A, Land Use Classifications, is hereby amended to read as follows:

SCHEDULE A. - LAND USE CLASSIFICATIONS

FITNESS CENTER, GYM, OR HEALTH AND WELLNESS SPA BUT EXCLUDING MASSAGE PARLOR: A commercial recreation use where the primary emphasis is on providing a facility with exercise equipment and amenities for members or nonmembers who engage in passive or active exercises and related activities performed for health (e.g., physical fitness, improved circulation or flexibility, weight control) and recreational purposes and associated services. This land use includes as accessory and incidental uses lockers, showers, saunas, whirlpools, swimming pools and similar uses.

A health and wellness spa may include such combination of services including massage, massage enhancements, waxing, hair removal enhancements, and facial services, skin care, manicure, pedicure, hair stylists. Health and wellness spa services are performed by State of Florida-licensed (Department of Business and Professional Regulation) barbers, cosmetologists, manicurists, pedicurists, physical therapists, physical therapists assistants, and estheticians and must be performed in a State of Florida-licensed salon/spa facility. A health and wellness spa facility must be two thousand eight hundred (2,800) gross square feet or larger.

This land use may be classified as a recreation use if not primarily established for financial gain and if located within a recreational zoning district or within a residential zoning district and intended to serve the residents of the residential development.

FOOD DISTRIBUTION CENTER: Any building or structure, or a portion thereof, of which the interior, or portion of the interior, is used to furnish meals to members of the public without cost or at a very low cost as a social service as defined herein. A food distribution center shall not be considered a restaurant.

GAMBLING ESTABLISHMENT: A commercial recreation use where the primary emphasis is on providing a place or facility where games of chance or skill are played and where any thing of value is waged, staked, hazarded, bet, won or lost. Characteristics associated with this land use include, but are not limited to: amusement devices; the provision of free drinks or food or both; the establishment or use of "odds" in forecasting an event, such as a sporting (e.g., dog and horse racing, baseball and football, etc.) event; and the playing of games, such as but not limited to baccarat, beat the banker, big injun, black jack, chemin de fer, chuck-a-luck, craps, fan-tan, faro, keno, klondike, monte, pai gow, panguingui, poker, roulette, seven-and-a-half, twenty-one, and similar games of chance or skill, This land use is prohibited within the City of Lauderhill but this land use shall not be construed to include games played by residents in their private homes or

dwellings, a bingo game, or game operated by the Florida Lottery or to prohibit the activity authorized by Section 849.161(1)(a)(1), Florida Statutes, as may be amended from time to time.

* * *

RETAIL SALES: A commercial use or activity upon premises and at a scale greater than home industry established primarily for financial gain wherein goods or merchandise are marketed, displayed, and sold in small quantities directly to the ultimate consumer and where such goods are available for immediate purchase and removal from the premises by the consumer. Retail sales use includes the marketing, display, storage, sales, and rental of goods and merchandise. Retail sales use excludes consignment shops, convenience stores, firearms, heavy equipment sales and rental, mobile food sales, pawnshops, pharmacies, restaurants, service stations, vehicular sales and repairs, and those retail sales uses specifically identified elsewhere. Four (4) types of retail sales uses are established:

- *Neighborhood-scale:* A retail sales use of less than ten thousand (10,000) square feet of gross floor area.
- *Community-scale:* A retail sales use of more than ten thousand (10,000) square feet of gross floor area and less than thirty thousand (30,000) square feet of gross floor area.
- *City-scale:* A retail sales use of more than thirty thousand (30,000) square feet of gross floor area and less than seventy-five thousand (75,000) square feet of gross floor area.
- *Regional-scale:* A retail sales use of more than seventy-five thousand (75,000) square feet of gross floor area.

SCRAP METAL PROCESSING PLANT: An establishment or place of business (indoors and/or outdoors) maintaining and operating machinery and equipment used to process scrap iron, steel, and other any other metals for the purposes of recycling and/or sales to the public. The business or use might also be commonly known and licensed as a secondhand dealer pursuant to Florida Statute Chapter 538, as amended from time to time.

SELF-SERVICE STORAGE FACILITY: Any real property designed and used for the purpose of renting or leasing individual storage space to tenants who are to have access to such space for the purpose of storing and removing

personal property. No individual storage space may be used for residential purposes.

Section 2. That Schedule B, Allowable Uses, Section 2., Uses Allowed in Non-residential Districts, is hereby amended to read as follows:

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

*[*Only Partial Schedule Shown to reflect only amendments, remainder of Schedule remains unchanged]*

Land Use Category	CO	CN	CG	CC	CW	CE	IL	PO	PL	PR	CR	S-1	CF	UT	<u>Not Zoned</u>

Essential utilities and services	P	P	P	P	P	P	P	P	P	P	A	P	P	P	
Food Distribution Center													N		
Financial institutions ¹															
• Walk-up	P	P	P	P	SE	P									
• Drive-through	SE		SE	SE											

Restaurants ¹															
• Sit Down/High Turnover Restaurant	P		P	P	P	P					P				
• Sit Down/High Turnover-Drive-Through Restaurant			SE	SE	SE										
• Sit Down/Low Turnover Restaurant	P		P	P	P	P					P				
• Fast Food/In-Line Restaurant			SE	SE	SE										

• Fast Food/Drive -Through ⁴			SE															
Retail sales ¹																		
• Neighborhood-scale	P	P	P	P	P	P							A					
• Community-scale			P	P	P	P												
• City-scale			SE	P														
• Regional-scale			SE	SE														
Scrap Metal Processing Plant																		N
Self-service storage facility ¹			SE	P				SE										

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 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.

Section 3. Findings and Conclusions. The Development Review Report prepared by the Planning and Zoning Division 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 4. 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 5. 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 5. Effective Date. This Ordinance shall take effect immediately upon its adoption.

DATED this ____ day of _____, 2020.

PASSED on first reading this ____ day of _____, 2020.

PASSED AND ADOPTED on second reading this ____ day of _____, 2020.

PRESIDING OFFICER

ATTEST:

CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
M. BATES	_____	_____
H. BERGER	_____	_____
R. CAMPBELL	_____	_____
D. GRANT	_____	_____
K. THURSTON	_____	_____