



Agenda Item No.

DEVELOPMENT REVIEW REPORT

The matter before the City Commission is a proposed 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)

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

The Land Development Regulations presently does not define certain uses that are currently operating within the City of Lauderhill. As such the Planning and Zoning staff is defining both is adding a definition for Food Distribution Center Land Uses and also Scrap Metal Processing Plant Uses which are currently operating within the City of Lauderhill. Land Uses and their definitions are supposed to be codified in LDR Schedule A., Land Use Classifications. These land use classifications are then supposed to be listed in LDR Schedule B., Allowable Uses.

II. Proposed Ordinance

SECTION 1. Amending Schedule A., Land Use Classifications By Adding Food Distribution Center And Scrap Metal Processing Plant. (Attachment A)

SCHEDULE A. - LAND USE CLASSIFICATIONS

ADULT DAY CARE: A state licensed community care use which provides programs and services for adults who need a protective setting during the day. The basic services include, but are not limited to: social activities, self-care training, nutritional meals, a place to rest, and respite care.

ALCOHOLIC BEVERAGE ESTABLISHMENT: An establishment that is licensed by the State of Florida to sell alcoholic beverages. Alcoholic beverage establishments fall into one (1) of several categories:

- (1) *Bars and taverns:* Means any establishment devoted primarily to the retailing and consumption on premises of alcoholic beverages,
- (2) *Bottle clubs:* Means any establishment engaged in the business of catering to patrons who bring alcoholic beverages for consumption on the premises with a mixer or other beverage, ice, food, or container furnished by the establishment for a consideration, or in connection with the viewing of, entertainment for a consideration, or where admission to the premises is for a consideration.
- (3) *Hotel bar:* Means a bar or tavern operated in connection with a hotel with more than fifty (50) hotel rooms.
- (4) *Package store:* Means vendors licensed to sell all alcoholic beverages, but in sealed containers only, and for consumption off the premises. The sealed package must not be broken, and the contents must not be consumed in or on the premises, under a package store license.
- (5) *Restaurant:* See listing under restaurant for additional requirements.
- (6) *Restaurant bar:* Means a bar operated in connection with a restaurant.

AMPHITHEATRE: A public assembly use where tiers of seats rising around an indoor or outdoor court or stage is provided and where the use is intended for the viewing of entertainment events but that can be used for sporting events and other public gatherings, such as concerts or conventions. This land use also includes arenas movie theatres and performing arts centers. A major amphitheatre has five hundred (500) or more permanent seat while a minor amphitheatre has four hundred ninety-nine (499) permanent seats or less.

AMUSEMENT ROOM, GAME ROOM OR RECREATION CENTER: A commercial recreation use where the primary emphasis is on providing a place or facility for amusement, enjoyment, entertainment, play, recreation or any combination of same and that may include amusement devices. This land use shall not be construed to prohibit the activity authorized by Section 849.161(1)(a)(1), Florida Statutes, as may be amended from time to time or any games played in private homes or residences, bingo games, or a gambling establishment. Further, 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.

ANCILLARY SUPPORT USE: Studio use facilities designed to provide consumer services on the studio property and to reduce the need for off-site vehicle trips during business hours. Ancillary support uses include, but are not limited to, those facilities used for food services, banking services, hair salons, physical fitness, child care, commuter transportation, security, and the sale of sundries, studio merchandise and memorabilia if these uses are designed and operated to be available for employees and visitors, but are not available to the general public. Notwithstanding the above, banquet halls and indoor live entertainment are ancillary support services that may be made available to the general public.

ANIMAL HOSPITAL: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. An animal hospital may provide short term animal boarding not to exceed 7 days when incidental to such hospital use.

ATHLETIC COURT: A recreational use where an indoor or outdoor playing surface designed for formal athletic competition is provided, such as a basketball court, netball court, racquetball court, shuffleboard court, and tennis court. This land use may be classified as a commercial recreation use if primarily established for financial gain and if located within a commercial recreational zoning district.

ATHLETIC FIELD: A recreational use where a tract of land designed and developed with such improvements as is needed for formal athletic competition is provided, such as a baseball field, cricket field, football field, multi-purpose field and soccer field.

AUDITORIUM: A public assembly use maintained, used or intended to be used for the gathering of people as an audience. This land use includes conference or convention halls, exhibition halls, lecture halls and similar uses but not amphitheatres, banquet halls, dance halls, eating and drinking establishments, fraternal halls, houses of religious worship, libraries, museums, and stadiums.

AUTOMOBILE SALES: Display, sales or rental of new or used automobiles, trucks, motorcycles, recreation vehicles and trailers but where no repair, repainting or remodeling is done (see conditions Article III).

AUTOMOTIVE REPAIR: general automobile repairs and preventive maintenance including engine tuning and fluids, tire changing and repairing (but not including recapping), battery service, charging and replacement but not including repair or rebuilding, radiator cleaning and flushing, but not including repair or steam cleaning, lubrication, brake adjustment, replacement of brake cylinders, brake fluid lines, and brake shoes, front end and wheel alignment but shall not include straightening of automobile frames. All automobile repair and maintenance shall be conducted within an enclosed building (see conditions Article III).

AUTOMOTIVE WRECKING: An industrial use upon premises where the service is the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. An automotive wrecking use is a prohibited use.

BANDSHELL: A recreation use where an outdoor stand or platform, often roofed, with a concave, almost hemispheric wall at the rear that serves as a sounding board for a band or orchestra.

BANQUET HALL: A personal services use where the primary service is the temporary rental of any room or group of rooms, building or buildings, or portions thereof to any person to accommodate private events, functions or gatherings such as anniversaries, birthdays, graduation, weddings and similar celebrations but shall not include the use for religious worship more than five (5) days per calendar year. The sale of alcoholic beverages for on-premises consumption during the scheduled event and not open to the general public is allowed as an accessory and incidental use. This land use is allowed as a primary or principal use in some zoning districts and as an accessory use. This land use shall not be construed or interpreted to be a place of public assembly or a rental hall.

BATTING CAGE, PITCHING MACHINE, ARCHERY RANGE: A commercial recreation use where the primary emphasis is on providing a facility and services for hitting a baseball or target practice with bows and arrows (but excluding firearms). 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.

BILLIARD OR POOL PARLOR: A commercial recreation use where the primary emphasis is on providing a facility open to and for the use by the public or to members that contains two (2) or more billiard or pool tables, or combination thereof, regardless of size. 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.

BINGO PARLOR: A commercial recreation use where the primary emphasis is on providing a facility that is open to the general public for the conduct of bingo games. 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.

BLEACHERS: An outdoor grandstand without a roof and typically with tiered boards for seating and footboards and whose purpose is to allow people to sit and watch an event. For purpose of parking and determining the number of seats, one (1) seat equals eighteen (18) inches.

BOWLING ALLEY: A commercial recreation use where the primary emphasis is on providing a facility that is open to the general public and with one (1) or more bowling lanes, equipment and playing area. 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.

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.

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

CHILDCARE, EVENING: A childcare use provided during the evening hours and may encompass the hours of 6:30 p.m. on Monday to 6:30 a.m. on Saturday to accommodate parents who work evenings and late-night shifts. This land use does not include family day care homes or large family day care homes. Notwithstanding, any family day care homes or large family day care homes state licensed in 2012 for evening childcare may continue to operate as a legal non-conforming use provided the use is not abandoned for six (6) months or more.

CHILDCARE, WEEKEND: A childcare use provided between the hours of 6:30 a.m. on Saturday and 6:30 a.m. on Monday. This land use does not include family day care homes or large family day care homes. Notwithstanding, any family day care homes or large family day care homes state licensed in 2012 for weekend childcare may continue to operate as a legal non-conforming use provided the use is not abandoned for six (6) months or more.

CLUBS, ATHLETIC, COUNTRY, FRATERNAL, PRIVATE, SOCIAL: A commercial recreation use where the primary emphasis is on providing a facility and services, catering primarily to its members, families and guests, and organized and operated primarily for fraternal, social or recreational purposes. This land use typically operates in conjunction with another principal use, such as a golf course, and allows as accessory and incidental uses such uses as food and beverage service.

COMMERCIAL KENNEL (ENCLOSED BUILDING): Located in an enclosed building in which household pets such as dogs, birds, ferrets, snakes or similar animals, are boarded or trained for a fee for temporary periods not exceeding thirty (30) days. May not be used for animal breeding or raising animals for sale.

COMMERCIAL RECREATION: Profit oriented amusements; commercial operation of sports and recreational services; commercial marinas; bingo parlor; athletic exercise and physical fitness facilities.

COMMUNITY GARDEN: Land, both managed and maintained by a public or private nonprofit organization and used for the cultivation, donation, or sale of edible produce, such as fruits, vegetables, and herbs, and for the benefit of the surrounding community.

CONSIGNMENT SHOP: A retail sales use engaged in accepting donated merchandise or purchasing used merchandise (such as books, clothing, decorative objects, furniture, household appliances, musical instruments, shoes and sporting goods) for resale to the general public and whereby merchandise is brought to the establishment and processed by marking, cleaning, sorting, and storing as a major part of the principal use. This land use does not include heavy equipment sales and rental, jewelry store, junkyard, metal and precious metals dealer, mobile collection center, recycling facility, or vehicular parts.

CONVENIENCE STORE: A commercial retail sales use where the primary emphasis is on providing for the benefit of persons living in the surrounding neighborhoods a limited variety and inventory of groceries, household items, periodicals, tobacco products, and self-service food and beverages necessary or desirable for everyday living and secondarily on providing for the convenience needs of persons in drive-by vehicular traffic. A land use shall be classified as a convenience store if it meets at least half of the below described characteristics:

- It has a size of two thousand five hundred (2,500) gross square feet or less if located on a collector or local roadway and a size of five thousand (5,000) gross square feet or less if located on an arterial roadways;
- It offers a limited variety of fresh fruits and vegetables and frozen fruit and vegetables;
- It offers a limited variety of fresh meat, poultry and seafood products and a limited variety of such frozen products;
- Alcoholic beverages, tobacco products, lottery tickets, pre-packaged snack foods and beverages account for thirty-five (35) percent or more of annual sales;
- It does not have self-opening doors upon entry and exist;
- It does not provide for five (5) or more push carts;
- It has two (2) cash registers or less; and
- It has two (2) employees or less per shift.

CORRECTIONAL AND JUDICIAL FACILITIES: A community facility use operated or sponsored or supervised or funded, in whole or in part, by a federal, state or county agency responsible for correctional or judicial services, such as but not limited to, the U.S. Department of Justice, the Florida Department of Corrections, the Florida Department of Juvenile Justice, the Florida Department of Law Enforcement, the Florida Parole Commission, the Florida Judicial Branch, and the Broward County Sheriff. This includes, but is not limited to correctional facilities, detention facilities, probation and parole offices, administrative offices, and courthouses, but does not include the City Police Station.

DIAGNOSTIC LABORATORY TESTING FACILITY: A medical facility use upon premises that provides diagnostic testing and laboratory services, such as X-rays, magnetic resonance imaging, blood testing, ultrasound, and similar medical services to patients referred by medical doctors outside of the diagnostic facility. A diagnostic laboratory testing facility does not include a medical office where practitioners diagnose or treat their patients.

DOMESTIC AND BUSINESS SERVICE: Window cleaning, floor waxing, office cleaning and janitorial services; Septic tank service; Catering service; Linen, work clothing and uniform supply when laundry facilities are not located on the same premises; Maintenance, distribution and erection of display boards, signs, posters and related materials; Other domestic and business services of a similar nature.

EDUCATION, COLLEGE AND UNIVERSITY: An educational use where public or private post-secondary courses in multiple disciplines (such as general, business, professional, religious and scientific) are offered and where completion of the courses result in the receipt of an associate, bachelors, masters or doctoral degrees.

EDUCATION, INSTRUCTIONAL: An educational use for the express purpose of imparting specific knowledge or skills through short, intensive direct instruction from an expert to students individually or in groups. Illustrative examples are fine arts instruction (e.g., arts, dance, drama, and music), sports and competitive activities instruction (e.g., baseball, basketball, football, golf, gymnastics, netball, tennis, soccer, and swimming) martial arts instruction (e.g., karate, kung fu), cheerleading instruction, exercise and physical fitness instruction, and etiquette instruction. Instructional education does not include general education, remedial education or any substitute for or supplement to primary and secondary school education.

Instructional education is further distinguished from primary and secondary education and training education by the following characteristics:

- They do not serve food and do not allow students to bring food to the facility;
- They do not offer classes lasting longer than two (2) hours; and
- They do not have individual students on premises for more than two (2) hours in one (1) day.

EDUCATION, PRE-SCHOOL: An educational use for the daytime instruction of pre-school age children not yet receiving primary education and which includes nursery school and kindergarten. This land use does not include child care uses.

EDUCATION, PRIMARY AND SECONDARY, PUBLIC SCHOOLS: An educational use where instruction at the elementary, junior, or senior high school levels is provided in the branches of learning and study required to be taught in the public schools of the State of Florida. This land use does not include adult or child care, or pre-school education but allows remedial education as an accessory use.

EDUCATION, PRIMARY AND SECONDARY, CHARTER AND PRIVATE SCHOOLS: An educational use where instruction at the elementary, junior or senior high school levels is provided in branches of learning and study approved by, in the case of a charter school, the School Board of Broward County, Florida, or in the case of a private school, by the State and applicable accrediting agency. This land use does not include adult or child care, or pre-school education but allows remedial education as an accessory use.

EDUCATION, REMEDIAL: An educational use intended to provide supplemental training or tutoring for students receiving primary and secondary education on an individual basis. This land use does not include child care.

Remedial education is further distinguished from primary and secondary education and training education by the following characteristics:

- They do not serve food and do not allow students to bring food to the facility;
- They do not offer classes lasting longer than two (2) hours; and
- They do not have individual students on premises for more than two (2) hours in one (1) day.

EDUCATION, TRAINING: An educational use for the express purpose of imparting vocational and technical training in a variety of technical subjects and trades and that often leads to job-specific certification. Illustrative examples are apprenticeship training programs, aviation and flight training instruction, computer repair training (but not computer programming, software packages, computer operations), cosmetology training, electronic equipment repair training, modeling, nursing training (except academic), real estate schools and secretarial, stenographic and basic office skills training. School training does not include general education, remedial education or any substitute for or supplement to primary and secondary school education.

Training schools are further distinguished from primary and secondary schools and instructional schools by the following characteristics:

- Students are age seventeen (17) or older;
- Students are not attending or assigned to the training use in lieu of primary or secondary school education; and
- Students are taught individually or in groups of no more than thirty (30) students per instructor.

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.

FINANCIAL INSTITUTION, DRIVE-THROUGH: A financial institution with one (1) or more drive-through lanes but not including one (1) or more drive-through lanes with an unmanned or stand alone automatic telling machine or machines.

FISHING: A recreational use providing for the catching of fish through the use of sports or similar equipment but excluding nets.

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.

GOLF COURSE AND DRIVING RANGE: A commercial recreation use where the primary emphasis is on providing either a tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards or a tract of land for driving golf balls and which may include as accessory and incidental uses a clubhouse, pro shop and shelters. 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.

GOLF COURSE, MINI: A commercial recreation use where the primary emphasis is on providing a novelty version of golf played with a putter and a golf ball on a miniature course, typically with artificial playing surfaces and obstacles, such as bridges, tunnels and moving devices. This land use includes as accessory and incidental uses concession facilities.

GOVERNMENT OWNED USE: Owned and occupied by city, county, state or federal government.

GROCERY STORE: A commercial retail sales use devoted to the sale of food products for home preparation and consumption, which typically offer other home care and personal care products, and which are substantially larger in size and carry a broader range of merchandise than convenience stores. A land use shall be classified as a grocery store if it meets at all of the below described characteristics: it has a size between five thousand (5,000) and twenty-five thousand (25,000) gross square feet; it is located on a collector or arterial roadway; it offers a variety of fresh fruits and vegetables and frozen fruit and vegetables; it offers a variety of fresh meat, poultry and seafood products and a variety of such frozen products; it has self-opening doors upon entry and exit; it provides for five (5) or more push carts; it has at least three (3) cash registers; and at least fifty (50) percent of sales is in food products intended for off-premise preparation and consumption.

HELIPAD: A facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for fueling, maintenance, parking, repair and storage of helicopters.

HELIPORT: A facility designated for the take off and landing of helicopters, including all necessary passenger and cargo terminals and operation facilities, such as fueling, maintenance, parking, repair and storage of helicopters.

HOLIDAY SALES: The short-term outdoor display, storage and sale of trees and plants around December 25 and fireworks around the Independence Day and New Year's Day holidays. The short-term outdoor display, storage and sale of other holiday-related merchandise around other recognized holidays (e.g., Valentine's Day, Easter, Mother's Day, Father's Day, Halloween and Thanksgiving Day), shall be allowed through the promotional license process.

HOME GARDEN: An accessory use to a single or multi-family residential dwelling consisting of an area of land on the exterior of a structure and used to plant, cultivate, and harvest fruit, vegetables, plants (excluding marijuana/cannabis) and flowers solely for the benefit of the property's residents or guests.

HOME OCCUPATION: Small-scale business which is conducted in the operator's principal residence, and, due to its small-scale nature, will have no negative impact upon the residential neighborhood.

HORTICULTURE: An accessory use to a retail sales use in which plants are grown for sale or their products for use in any business, and in which customarily incidental products may be sold. Examples include nurseries with greenhouses and garden stores.

HOUSE OF RELIGIOUS WORSHIP: A public assembly use where the primary emphasis is on providing a place where persons regularly gather for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. This land use includes as accessory uses administrative offices, childcare incidental to and coinciding with the delivery of worship services, religious training, prayer meetings, and special events, such as bagel breakfast and spaghetti dinner. This land use excludes administrative or business offices not in the same location as the house of religious worship, except where located in commercial zoning districts, community care uses, educational uses, facilities where food is dispensed or meals are served or consumed, and residential uses, including dormitories.

JEWELRY STORE: A retail sales use that principally specializes in the sale of new objects that are worn for personal adornment (such as bracelets, cuff links, necklaces, rings and watches), which objects typically include precious metals and stones (such as diamonds, emeralds and rubies). A jewelry store may as an accessory and incidental use purchase used jewelry from estate sales or from customers provided the jewelry is not substantially modified and is sold at retail on the premises.

JUNKYARD: An industrial use upon premises involving the storage or sale of used and discarded materials, including but not limited to appliances, building materials, household furnishings, machinery, metal, vehicles, equipment or parts thereof. A junkyard is a prohibited use; however, existing approved junkyards may continue to operate as a legal, non-conforming use.

LARGE FAMILY DAY CARE HOME: An accessory residential use consistent with Article III., Part 5.0., Subsection 5.46.3, where weekday child care between 7:00 a.m. and 6:00 p.m. is regularly provided for children from at least two (2) unrelated families, where a payment, fee, or grant for any of the children receiving care is received, whether or not operated for profit.

LAUNDROMAT, SELF SERVICE: Facility for washing and drying personal clothing by automated machines. Customers operate the machines located in the customer service area and staff of business is involved primarily in the maintenance of the facility and the machines.

LAUNDRY AND DRY CLEANING, FULL SERVICE: Laundry; Dry cleaning; Rug cleaning; Dying apparel and household fabrics; Linen, work clothing and uniform supply when laundry facilities are located on the same premises. No Cleaning equipment is located in the customer service area and cleaning is done entirely by the staff of business.

LIBRARY: A public assembly use where the primary emphasis is on providing a facility that serves as a repository for a collection of literary, musical, artistic, or reference materials, such as books, manuscripts, recordings, films, paintings, etc., and which materials are kept for public use or temporarily loaned to patrons.

LIVE ENTERTAINMENT, INDOOR: A commercial recreation use established for the purpose of allowing the performance of a musical, theatrical, dance, cabaret, comedy or similar act by one (1) or more persons, including a disk jockey, or for the purpose of allowing dancing by patrons and guests within a completely enclosed building. This land use includes such uses as a dance hall, dinner theatre, nightclub, and similar facility. 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. A live entertainment (indoors) use shall not be interpreted to include any "sexually oriented business" or an alcoholic beverage establishment.

LIVE ENTERTAINMENT (OUTDOORS): A use whereby a musical, theatrical, dance, cabaret or comedy act is performed by one (1) or more persons, including a disk jockey, within any partially enclosed building structure or open space area. Live entertainment (outdoors) use does not include "adult entertainment establishment or use."

MANUFACTURING: Processing of materials; Boat yards; Excludes agricultural processing establishments, junkyards and mining; Includes research and testing laboratory.

MEDICAL MARIJUANA DISPENSING CENTER: A use involving acquiring, possessing, transferring, transporting, selling, distributing, delivering, or dispensing of marijuana, products containing marijuana, related supplies, or educational materials. Medical marijuana dispensing centers are not allowed to operate in the City of Lauderhill.

MEDICAL MARIJUANA DISPENSING CENTERS, as defined herein, is the building or structure where medical cannabis, as well as cannabis delivery devices is dispensed.

MEDICAL MARIJUANA ESTABLISHMENTS: Medical marijuana establishments are regulated under state law (F.S. Ch. 381.986). Medical marijuana related businesses that involve growing, processing or dispensing medical marijuana must be associated with a state licensed medical marijuana treatment center (MMTC). The state licensed MMTC will not be allowed to operate in the City of Lauderhill excluding the operation of medical marijuana health care establishments.

MEDICAL MARIJUANA HEALTH CARE ESTABLISHMENT: A physician's office where the primary medical services offered is the processing of physician certifications to qualify patients for the use of medical marijuana, patient care, and ordering of medical marijuana for qualified patients. Exterior advertising or signage or documentation from the Florida Department of Health may be used in determining if a physician's office will be classified as a medical marijuana health care establishment. The State of Florida defines qualified physicians as those that hold an active, unrestricted license as an allopathic physician under Chapter 458 or as an osteopathic physician under Chapter 459 and is in

compliance with the physician's education requirements of SB 8-A (2017) and is not employed by or associated with a licensed MMTC.

A medical marijuana health care establishment is a physician's office where the primary medical services offered is diagnosis of a qualifying medical condition and the processing of physician certifications, (which means a qualified physician's authorization for a qualified patient to receive marijuana and related devices); patient care; and ordering of medical marijuana for qualified patients. Medical marijuana health care establishment, as defined herein, are only permitted by special exception as an accessory use for a hospital licensed by the Agency for Health Care Administration (ACHA) and licensed medical offices that provides care and treatment for debilitating medical conditions as determined by a licensed Florida physician as defined in the Florida Constitution, for the treatment of a debilitating medical condition such as cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient. A personal caregiver may acquire, transport, and administer marijuana to a qualified patient, and a qualified patient as defined in the Florida Constitution may possess and consume medical marijuana. Retail sales of medical marijuana are prohibited;

MEDICAL MARIJUANA TREATMENT CENTER: (MMTC) per F.S. Ch. 381.986. An establishment licensed by the State of Florida Department of Health to engage in the cultivation, preparation, wholesale storage, distribution, transfer, processing and dispensing of medical marijuana and medical marijuana products and related supplies and which does not allow on-site consumption of marijuana or marijuana products. The state licensed MMTC will not be allowed to operate in the City of Lauderhill.

MENTAL HEALTH FACILITY: A community facility and medical facility use where the primary emphasis is on outpatient services for the care, treatment, habilitation, or rehabilitation of the mentally ill, the developmentally disabled, or substance abusers, including any area facility, licensable facility, private facility, residential facility, state facility, 24-hour facility, and Veteran's Administration facility, and where the use and its professional employees are legally operating with a license, permit or other written authority issued by the appropriate government entity.

METALS AND ELECTRONICS DEALER: An industrial use upon premises involving the purchase of scrap metals (such as aluminum, copper, iron and steel), precious metals (such as gold, platinum and silver) and their alloys, electronic equipment (such as cellular telephones) and its subsequent processing or sale. This is a prohibited land use; however, existing owners of such use may continue to operate until September 30, 2015. Thereafter, such use shall become an illegal and prohibited use.

MICROBREWERY, BREWERY, INCLUDING A TAPROOM: This land use classification includes a brewery or microbrewery, including a taproom that produces of beer and sells up to seventy-five (75) percent or more of its beer off-site. Microbreweries sell to the public by one (1) or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer through carry-outs and/or on-site taproom and does not operate significant food services

MINOR FOOD OUTLET: Any retail establishment that sells groceries and may offer food service to the public, but neither business activity is a major retail function based on allocated space (the shelf space for those items does not exceed twelve (12) linear feet) and no other food is sold by the minor food outlet, or gross sales.

MOBILE COLLECTION CENTER: A mechanical depository, trailer or structure used for the collection and temporary storage of donated merchandise (e.g., Salvation Army bin) or recyclable goods (such as aluminum, electronic equipment, paper and plastic products), regardless of whether the merchandise is sold on the premises or transferred or delivered elsewhere for disposition. This is a prohibited land use.

MUSEUM: A public assembly use where the primary emphasis is on providing a facility that serves as a repository for a collection of cultural, historical, natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended and designed to be used by the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of gifts and goods.

NEWSPAPER PUBLISHING AND PRINTING: Commercial and job printing services; Newspaper publishing and printing.

NONCOMMERCIAL AMUSEMENT FACILITY: Nonprofit oriented amusements; Noncommercial operation of sports and recreational services; Noncommercial marinas; Nonprofit clubs including golf, country, yacht, fraternal and related facilities.

NURSING/CONVALESCENT HOME: Provides lodging and long-term skilled nursing care for aged, chronically ill or convalescent patients; as defined by Florida Statutes.

OFFICE, BUSINESS: An office use upon premises where business services are performed, such as:

- Advertising, marketing and public relation services;
- Auditing and bookkeeping services;
- Credit reporting services;
- Detective and protective services;
- Insurance services;
- Legal services (e.g., paralegal, notary, court reporting but excluding law offices);
- Mailing and printing services;
- Modeling and talent agency services;
- Payroll services;
- Photographic services;
- Publishing, editing, and writing services;
- Real estate services;

- Tax preparation services;
- Translation and interpretation services;
- Travel services; and
- Surveying and mapping services.

OFFICE, GOVERNMENT: An office use upon premises where the administration of general governmental services are conducted but excluding any correctional, cultural, detention, educational, institutional, judicial, and public safety services.

OFFICE, MEDICAL (WITH CONTROLLED SUBSTANCE PRACTITIONER): Any office use upon premises where medical, chiropractic, or dental services are performed, by either a single health care practitioner or a group of health care practitioners providing primary or emergency care services and where one (1) or more of the practitioners has authority or is licensed to administer, dispense, distribute, manufacture, prepare or prescribe any substance named or described in Schedule II of F.S. § 893.03.

OFFICE, MEDICAL (WITH NON-CONTROLLED SUBSTANCE PRACTITIONER): Any office use upon premises where medical, chiropractic, or dental services are performed, by either a single health care practitioner or a group of health care practitioners providing primary or emergency care services and where none of the practitioners has authority or is licensed to administer, dispense, distribute, manufacture, prepare or prescribe any substance named or described in Schedule II of F.S. § 893.03.

OFFICE, MEDICAL AFTER HOURS: Any medical office use upon premises that operates between 7:01 p.m. and 6:59 a.m.

OFFICE, PROFESSIONAL: Any office use upon premises where professional services are conducted, such as:

- Accounting, tax preparation, bookkeeping and payroll services;
- Architectural services;
- Building inspection services;
- Computer programming, system design and related services;
- Engineering services;
- Environmental consulting services;
- Human resources consulting and management services;
- Industrial design services;

- Interior design services;
- Landscape architectural services;
- Legal services.

A professional use may be characterized as one requiring specialized knowledge and completion of intensive post-secondary educational studies typified by receipt of a bachelor, master or doctorate degree.

OPEN SPACE: A passive recreational use where land or water or both is intended to provide primarily for outdoor recreational use, natural resource protection, or visual relief to developed areas. This land use includes, but is not limited to, botanical gardens, canals, greenways (e.g., bikeways, pedestrian ways, etc.), lakes, multi-purpose trails, and similar passive recreational uses but excludes bridle trails. This land use may allow as an accessory use benches, boat docks and ramps, exercise and jogging stations, and picnic shelters.

OUTDOOR SEATING: Any partially enclosed building, structure, or open space where more than one (1) chair, one (1) or more benches or tables is situated, whether temporary or permanent.

OUTDOOR STORAGE: A light industrial or heavy commercial use primarily involving the keeping of personal or business property outside of an enclosed building for a period greater than twenty-four (24) hours but within a fully enclosed screened area designed and maintained so as not to be visible at street level from abutting property or rights-of-way. Typically stored property includes items that have a large size, mass, or volume and that are not easily moved or carried, such as: personal recreation vehicles and boats; recyclable materials, such as paper and plastic; construction materials, such as asphalt, bricks, and gravel; and business vehicles, such as bucket trucks and cement trucks. Outdoor storage does not include other uses defined herein, such as automotive wrecking and junkyard. It also does not include outdoor storage incidental or accessory to a new and used vehicular dealers. Through the special exception use process, the Board of Adjustment may provide for additional screening.

PAIN MANAGEMENT CLINIC: A community facility, medical facility use upon premises that advertise in any medium for any type of pain-management services, or employ a physician who is primarily engaged in the treatment of pain by prescribing or dispensing of controlled substances as identified in Schedule II, III, or IV in Section 893.03, and as further amended by Sections 893.035 or 893.0355, Florida Statutes. A physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists beyond the usual course of the disease or the injury that is the cause of the pain or more than ninety (90) days after surgery. A pain management clinic does not include:

- A health care practitioner when administering a controlled substance directly to a patient if the amount of the controlled substance is adequate to treat the patient during that particular treatment session;
- A pharmacist or health care practitioner when administering a controlled substance to a patient or resident receiving care as a patient at a hospital, nursing home, ambulatory surgical center,

hospice, or intermediate care facility for the developmentally disabled which is licensed in this state;

- A health care practitioner when administering a controlled substance in the emergency room of a licensed hospital in this state; and
- A medical office use where the majority of physicians who provide services upon the premises primarily provide surgical services.

A pain management clinic is a prohibited use.

PARKING FACILITY: An off-street, hard-surfaced, ground level open area, or structure or portion thereof composed of one or more levels, used exclusively for the temporary parking or storage of operable passenger automobiles, motorcycles, and commercial vehicles. Where the parking facility is a structure consisting of more than one level, the ground floor level must be occupied by commercial uses.

PERSONAL SERVICES: A commercial use or activity upon premises and at a scale greater than home industry, established primarily for financial gain and for the provision of frequent or recurrent needed nonmedical services of a business, domestic or personal nature. It does not include mobile collection centers and those services specifically identified elsewhere.

- Personal services includes: installation, maintenance and repairs of business machines, computers, printers, typewriters, and similar specialized business equipment; repairs of household goods, such as bicycles, furniture and re-upholstery, musical instruments, radios, small electrical appliances, small engine repair (less than ten (10) horsepower), and televisions; locksmiths; renting or leasing of small miscellaneous merchandise, products or goods; barber shops, hair and nail salons; clothing rental, dry cleaning pick-up, garment, leather alteration and repair; body wrapping for weight loss or cellulite reduction; self-service laundromat, and shoe repairs.

- Personal services includes massage services by persons who are licensed as a massage therapist under Chapter 480 of the Florida Statutes and performed under one of the following situations:

1. A massage of the upper body or feet and lower legs while fully clothed and seated in a chair or salon station.
2. A massage administered in a hospital, medical clinic or in the office of a physician, chiropractor, osteopath, nurse, or physical therapist licensed by the State of Florida.
3. A massage administered in a nursing home, convalescent care facility, assisted living facility, progressive care facility, life care facility, or as part of a licensed home health care program (such as hospice, for example).
4. A massage administered at an organized public event, such as a health fair or sporting event, which is open for participation or viewing by the general public.
5. A massage administered in a health and wellness spa facility 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.

- Personal services does not include funeral home services, tattoo services, massage services except as described above or any sexually oriented business.

PEST CONTROL SERVICES: A personal services use operating upon premises, and pertaining to the regulation, management or extermination of a species defined as a pest, usually because it is perceived to be detrimental to a person's health, the ecology, or the economy. Typical pest species include but are not limited to ants, bees and wasps, fleas and ticks, lawn bugs, mice and rats, roaches, spiders, and other Florida bugs.

PHARMACY: A commercial retail sales use where the specialty is the compounding, dispensing, storing or sale of medicinal drugs or where prescriptions are filled or dispensed on an outpatient basis and operating with a pharmacy permit issued by the Florida Board of Pharmacy as required by F.S. § 465.022. It shall be illegal for any pharmacy to compound, cultivate, dispense, distribute, fill, possess, store, sell or use medical marijuana (cannabis).

PHARMACY, DRIVE-THROUGH: A pharmacy with one (1) or more drive-through lanes.

PUBLIC TRANSPORTATION TERMINAL: Passenger transportation by rail or highway; Services related to public transportation; Incidental maintenance facilities.

RECYCLING FACILITY: An industrial use upon premises involving the indoor sorting, dismantling, baling or packaging and temporary indoor storage of used or discarded materials and the subsequent sale or processing for use as new materials or products. This land use does not include automotive wrecking, consignment shops, metal and precious metals dealer, and salvage yards.

REFUSE AREA: An accessory use intended for the collection and temporary storage of garbage and recycling materials that typically includes such structures as a dumpster, dumpster enclosure, trash compactor and recycling bin.

RENTAL HALL: A personal services use involving the rental of a room or group of rooms, building or buildings, or portions thereof to any person primarily to accommodate an event, function or gathering; such as an athletic event (e.g., boxing or wrestling match), an entertainment event (e.g., concert or play), a religious gathering (e.g., prayer and worship services) and similar functions that is open to the general public or to group membership. The sale of alcoholic beverages for on-premises consumption during the scheduled event is prohibited unless a temporary license for the sale of alcoholic beverages is received. This land use shall not be construed or interpreted to be a public assembly use and is prohibited as a primary or principal use and as an accessory use to a banquet hall. This land use may be allowed, through the discretionary special event permit process, as an accessory or incidental use within the local park and regional park zoning districts.

RESTAURANT: Any building, place, or structure, or any room or division in a building, place, or structure where food or beverages is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption. A restaurant does not include:

- Any place maintained and operated by a public or private school, college, or university for the use of students and faculty or temporarily to serve such events as fairs, carnivals, and athletic contests;
- Any eating place maintained and operated by a church or a religious, nonprofit fraternal, or nonprofit civic organization for the use of members and associates or temporarily to serve such events as fairs, carnivals, or athletic contests;
- Any vehicle where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises or roadways;
- Any eating place located on a common carrier, such as an airplane, train, bus, or watercraft;
- Any eating place maintained by a hospital, nursing home, sanitarium, special residential facility, adult day care center, or other similar place that is regulated under s. 381.007;
- Any minor food outlet;
- Any place of business where the food available for consumption is limited to ice, beverages with or without garnishment, popcorn, or prepackaged items sold without additions or preparation;
- Any theater or performing arts center, if the primary use is as a theater or performing arts center and if patron service is limited to food items customarily served to the admittees of theaters or performing arts center;
- Any vending machine that dispenses any food or beverages.

RESTAURANT, SIT DOWN, LOW TURNOVER: A restaurant located in-line in a multi-tenant structure or a freestanding structure. Such restaurant shall not have a drive through facility or exterior walk-up window or counter. Take-out service is permitted. An eating establishment with average table turnover rates of one (1) hour, or longer. Generally, these uses do not serve breakfast, some serve lunch, and all serve dinner: in addition, wait service is provided, usually tables are cloth covered, and usually napkins are cloth as well. These uses do not have drive-through windows, generally do not have a significant amount of moderately priced or inexpensive entrees, do not usually have a significant amount of take-out business, and usually do not have extended early morning (i.e. 2:00 a.m.) operating hours.

RESTAURANT, SIT DOWN, HIGH TURNOVER: A restaurant located in-line in a multi-tenant structure or a freestanding structure. Such restaurant shall not have a drive through facility or exterior walk-up window or counter. Take-out service is permitted. An eating establishment where average table turnover rates are less than one (1) hour. Except for those specializing in breakfast meals, these restaurants usually have extended operating hours. These restaurants often have portions of meals or entrees pre-prepared without any reference to a particular menu order: however, at least some portion of the meals are prepared as a result of a menu order. Take-out service is usually significant. Entrees are usually moderately priced or inexpensive. The high turnover, sit-down restaurant industry has a significant

amount of franchised or "chain" operations. In addition, a significant amount of high turnover, sit-down restaurants are small in size and do not have a broad range of food types offered for consumption, are theme oriented, or offer food items from menus which are standardized throughout the state, southeast region, or the country. Rarely are tables covered with cloth, and additionally, cloth napkins are rare. If a particular restaurant could reasonably be classified as a high turnover, sit-down restaurant or a low turnover, sit-down restaurant; it shall be presumed to be a high turnover, sit-down restaurant for purposes of this zoning code.

RESTAURANT, SIT DOWN, HIGH TURNOVER WITH DRIVE-THROUGH: (See Article III, Section 5 for additional requirements.)

RESTAURANT, FAST FOOD IN-LINE: A restaurant located within a multi-tenant structure. Such restaurant shall not have a drive-through facility or exterior walk-up window or counter. Take-out service is permitted. An eating establishment whose principal business is the sale of food and beverages in a ready-to-eat state (usually prepared without any reference to a specific menu order) for consumption on premises or for carry out and consumption off-premise, and whose principal method of operation is food which is packaged for delivery in paper, plastic, metallic foil, or disposable containers, and where service is provided over-the-counter with no waiting table service. Usually menus are posted in plain view at the area where the order is taken and this area is different than the area where food is consumed. If a particular restaurant could reasonably be classified as either a fast food restaurant or a high turnover, sit-down restaurant: it shall be deemed a fast food restaurant for purposes of this zoning code. (See Article III, Section 5 for additional requirements.)

RESTAURANT, FAST FOOD WITH OR WITHOUT DRIVE-THROUGH: A restaurant located in a freestanding structure that includes a drive-through service. An eating establishment whose principal business is the sale of food and beverages in a ready-to-eat state (usually prepared without any reference to a specific menu order) for consumption on premises or for carry out and consumption off-premise, and whose principal method of operation is food which is packaged for delivery in paper, plastic, metallic foil, or disposable containers, and where service is provided over-the-counter with no waiting table service. Usually menus are posted in plain view at the area where the order is taken and this area is different than the area where food is consumed. Drive-through service is common. If a particular restaurant could reasonably be classified as either a fast food restaurant or a high turnover, sit-down restaurant, it shall be deemed a fast food restaurant for purposes of this zoning code. (See Article III, Section 5 for additional requirements.)

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.

SEXUALLY ORIENTED BUSINESS: An "adult arcade," an "adult bookstore," an "adult motion picture theater," a "semi-nude lounge," or a "sex paraphernalia store," as those terms are defined in Section 12-192 of the City of Lauderhill Code of Ordinances.

SKATING RINK: A commercial recreation use wherein the primary emphasis is on providing a facility, whether indoor or outdoor, that is designed for persons riding in-line skates, roller skates, or ice skates but not skateboards.

SPECIAL RESIDENTIAL FACILITIES: A state licensed community care use which provides a living environment for unrelated individuals who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. The residents are limited to the special needs population. The three (3) types of special residential facilities include:

- *Category 1:* A special residential facility for six (6) or fewer residents.
- *Category 2:* A special residential facility for seven (7) to fourteen (14) residents.
- *Category 3:* A special residential facility for more than fourteen (14) residents.

This land use includes adult family care homes, assisted living facilities, community residential homes as defined in F.S. ch. 419, and nursing homes. It does not include adult day care, childcare or residential treatment uses.

SPECIALTY FOOD STORE: A commercial retail sales use primarily engaged in the sale of a single food category (such as meat and seafood markets, produce markets and stands, dairy stores, candy and nut stores, and retail bakeries) or engaged in selling food products associated with a particular nationality, religious observation, dietary practice or cuisine. A land use shall be classified as a specialty food store if it has the following characteristics:

- Specialty food products represent at least seventy (70) percent of the cost of the inventory; and

- Alcoholic beverages, tobacco products, lottery tickets, pre-packaged snack foods and beverages account for thirty-five (35) percent or less of annual sales.

In addition, as a pre-condition to the issuance or annual re-issuance of a Certificate of Use or Local Business Tax Receipt, the operator shall provide substantial competent evidence of compliance with the two (2) above-described requirements.

STADIUM: A public assembly use wherein the primary emphasis is on providing a facility with tiers of seats or bleachers rising around an athletic field, intended for the viewing of athletic events but that can be used for entertainment and other public gatherings, such as concerts or conventions. A major stadium has five hundred (500) or more permanent seats while a minor stadium has four hundred ninety-nine (499) permanent seats or less.

STUDIO OFFICE USE: Studio use facilities in which the occupants conduct their primary work activity at a desk or non-technical work station, either within a private office or in an open area, together with facilities used for office related support functions including, but not limited to, conference rooms, reception and waiting rooms, files, copying, coffee rooms, bathrooms, and which are not otherwise designated for studio production/post production use, support use or ancillary support use.

STUDIO OPERATIONS: Activities related to the physical production (on sound stages, outdoor sets, television facilities and other locations), recording, broadcasting, transmission or editing (including special effects and music) of motion pictures, television and radio programming, video recordings, audio recordings, publications and any evolution of the foregoing, including maintenance and repair and construction of sets used in production which are not buildings intended for permanent occupancy.

STUDIO PRODUCTION/POST-PRODUCTION USE: Studio use facilities primarily used for (1) filming, video and audio taping, recording, publication or transmission, visual or aural special effects or both; and (2) processing, screening, editing or otherwise converting films, video or audio tapes, or other material into products for sale, licensing, transmission or distribution.

STUDIO PROPERTY: The property where the studio use is located.

STUDIO USE: Facilities primarily for the acquisition, creation, development, production (on sound stages, outdoor sets, television facilities and other locations), reproduction, recording, transmission, reception, publicizing, merchandising, marketing, promotion, licensing, sales, leasing, financing, distribution and other exploitation of visual, print or aural works or both, products, services, rights and communications. Examples of such works include, but are not limited to, motion pictures, television and radio programming, video recordings, audio recordings, publications and any evolution of the foregoing, as well as the management and administration thereof. Studio use facilities include those designated for studio office use, studio production/post-production use, support use, ancillary support use and related parking. Studio use shall not include the printing of books, magazines, newspapers or other materials except as otherwise related to studio use.

SUPERMARKET: A commercial retail sales use devoted to the sale of food products for home preparation and consumption, which typically offer other home care and personal care products, and which are substantially larger in size and carry a broader range of merchandise than a grocery store. A land use shall be classified as a supermarket if it meets at least half of the below described characteristics:

- It has a minimum size of twenty-five thousand (25,000) gross square feet;

- It has meat, fresh produce, dairy, and baked goods departments along with shelf space reserved for canned and packaged goods as well as for various nonfood items such as household cleaners, pharmacy products, and pet supplies;
- It uses extensive advertisements in newspaper and other media;
- It present elaborate in-store displays of products; and
- It is supplied by the distribution center of its parent company.

SUPPORT USE: Studio use facilities primarily used for storage, utilities, central heating and cooling, set manufacturing, and equipment maintenance and repair.

TEMPORARY FOOD SERVICE EVENT: Any event of thirty (30) days or less in duration where food is prepared, served, or sold to the general public.

TOBACCO STORE: A commercial retail sales use where the primary or principal use is the sale of tobacco products and the use has a retail tobacco products dealer permit under Section 569.003, Florida Statutes.

TUBE RIDE: A commercial recreation or recreation use that may consist of an area of land together with an area of water where persons ride on a floating device.

UTILITIES: Services essential for the public health and welfare, including electricity, telephone, water, sewer and gas.

WATER PLAY AREA: A commercial recreation or recreation use that typically includes an area of land developed with water related play facilities, such as cranks, valves, nets, spray features and similar facilities.

WATER SLIDE: A commercial recreation or recreation use that may consist [of] an area of land together with a ladder, platform and chute elevated on one end and where the use of water in the chute facilitates the descent of persons.

WELDING SHOP: The use of land or building or structure where pieces of metal are joined by applying heat, sometimes with pressure and sometimes with an intermediate or filler metal having a high melting point.

WHOLESALE SALES: Sales which are made to retail establishments which are located off the property whereon the business which is selling the product is located.

SECTION 2.

Amending Schedule B., Allowable Uses, Section 2., Uses Allowed In Nonresidential Districts, By Adding Food Distribution Center And Scrap Metal Processing Plant. (Attachment A).

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

Land Use Category	CO	CN	CG	CC	CW	CE	IL	PO	PL	PR	CR	S-1	CF	UT	<u>Not Zoned</u>
Accessory Uses ¹	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Adult day care	SE		SE		SE										
Alcoholic beverage establishment ¹															
• Bars and taverns	SE		SE	SE	P ²	P ²									
• Hotel bar	SE		SE	SE											
• Package store			SE	SE											
• Restaurant bar	SE		P	P	P	P									
Amphitheatre, arena, movie theatres and performing arts center ¹															
• Minor with 499 seats or less						P			SE	P			P		
• Major with 500 seats or more						SE			SE	SE			SE		
Amusement room, game room, recreation center ¹			SE	P ²	SE	P ²			P		SE	A			
Animal hospital			P	P									P		
Athletic courts (e.g., basketball, croquet, lawn bowling, handball, netball, tennis and shuffleboard)									P	P	P		P		

• Maintenance								P	P	P					
• Recreation									P	P					
Bowling alley ¹			SE	SE	P	P									
Bulk storage of gas, oil and other fuels ¹								SE							
Camping, temporary								SE	A	A					
Car wash			SE	SE											
Check cashing/Pay Day Loan Store			N	N											
Childcare ¹															
• Day	SE			SE					SE	SE					
• Evening	SE			SE					SE	SE					
• Weekend	SE			SE					SE	SE					
Clubs: Athletic (e.g., aquatic, golf, tennis, soccer), country, fraternal, private, social	SE		SE	SE	P	P					A ₂		SE		
Commercial kennel (enclosed building)			SE	SE											
Commercial, radio, T.V., microwave and telecommunication towers	SE	SE	SE	SE	SE							SE	SE	P	
Community gardens ¹														P	

Community service (outreach service)		SE																
Concession facilities									A	A								
Consignment shop			P	P	P													
Convenience stores ¹		P	SE	SE	SE													
Correctional and judicial facilities ₁			N	N											N			
Dance Hall							P											
Data processing and computer centers	P		P	P														
Diagnostic laboratory testing facility			P	P											P			
Domestic and Business Service ¹			SE	P		P												
Education ¹																		
• College and university				SE		SE									SE			
• Instructional	P	P	P	P	p ²	p ²			A ²	A ²					SE			
• Pre-school	SE	P		SE											SE			
• Primary and secondary, Public schools	SE			SE			SE								SE			
• Primary and secondary, charter and private schools ¹	SE		SE												SE			

• Remedial		P	SE											P		
• Training	P	P	P	P	SE	SE ₂	SE		A ²	A ²				P		
Essential utilities and services	P	P	P	P	P	P	P	P	P	P	A	P	P	P		
<u>Food Distribution Center</u>														<u>N</u>		
Financial institutions ¹																
• Walk-up	P	P	P	P	SE	P										
• Drive-through	SE		SE	SE												
Firearm and ammunitions sales ¹			SE													
Fishing											P					
Fitness center, gym, health and wellness spa	SE		P	P	P	P	SE		P		A	P	P			
Flea market ¹																
Freestanding and mobile vendors					p ²	p ²										
Funeral establishments ¹			SE	SE												
Gas or service stations ¹			SE	SE												
Golf course and golf driving range									P	P	P ²					
Golf course, Mini ¹			P	P		P						P	P	P		
Government administration services, maintenance building	P	SE	P	SE			P					P	P	P		

Live entertainment ¹																		
• Indoors			SE	SE	P	P			P	P	P					P		
• Outdoors	SP		SP	SP	SP	P	SP	SE	SP	SE	SP	SP	SP					
Manufacturing ¹																		
• Brewery, Microbrewery (Taproom Included)						P			P									
• Compounding, processing and storage			SE						SE									
• Assembly, and repair						P			P									
• Stamping, dyeing, shearing, punching of metal not over 1/8 - inch of thickness						P			P									
Medical Marijuana Treatment Center																		
Medical Marijuana Health Care Establishment	SE		SE	SE	SE				SE									
Medical Marijuana Dispensing Center																		
Mental health facility ¹	P		P	P														
Minor food outlet																		
Mixed use (with residential use) ¹	SE		SE	SE	P	P												
Newspaper publishing and						P			P									

printing																		
Offices ¹																		
• Business and professional	P	P	P	P	P	P												
• Government	SE	SE	SE	SE	SE	P ²										P	P	
• Medical with non-controlled substance practitioner	P		P	P	P	A ²												
• Medical with controlled substance practitioner	SE		SE	SE	SE													
• Medical after hours	SE		SE	SE	SE													
Open space (e.g., natural land, water bodies, greenways and other pathways)							P		P	P	P					P	P	
Outdoor storage ¹								SE	A ²	A ²	A ²							
Parking facility			SE	SE		A					A							
Pattern making								P										
Personal services ¹	A	P	P	P	P	P										A		
Pest control services ¹				SE	P		P											
Pharmacy ¹																		
• Walk-up			P	P														
• Drive-through			SE	SE														

Public parks administration	P		P	P	P		A		P	P	P	P	P		
Public safety facilities and services (Police, Fire, Emergency, Lifeguard)	P		P	P	P	P	P		A	A			P		
Public transit ¹	SP	SP	SP	SP	SP	A	SP				SP	SP			
Publishing, lithography, engraving shop					P		P								
Recycling facility							SE								
Refuse area; dumpster enclosure ₁	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
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											
<u>Scrap Metal Processing Plant</u>															<u>N</u>
Self-service storage facility ¹			SE	P			SE								
Sexually oriented businesses ¹							P								
Skating rink but excluding skateboarding			SE	SE		P			P	P					
Small appliance repair		P	P		P										
Small engine repair			P		P										
Special residential facilities (Category 3) ¹			SE										SE		
Specialty food store			P	P	P										
Stadiums ¹															
• Minor 499 seats or less									P	P					
• Major 500 seats or more									SE	SE					
Street and transportation corridors	P		P	P	P		P				P	P	P		
Studios ¹															
• Studio office use			SE		SE		P								

• Studio operations			SE		SE		P										
• Studio production/post-production use			SE		SE		P										
• Studio property			SE		SE		P										
• Studio use			SE		SE		P										
• Support use			SE		SE		P										
Supermarkets ¹			P	P													
Swimming pool ¹	P		P	P	P	A			P ²	P ²	A	P					
Tattoo parlors					P												
Telecommunication facility ¹																	
• Antenna and equipment	P		P	P	P	P	P	SE	P	P		P	P	P			
• Antenna support structure, freestanding	SE		SE	SE		SE	SE	SE									
Tobacco store ¹		P	P	P	P	P											
Tool, die and gauge shops					P		P										
Transformer and electrical switching station																P	
Veterinary services			P	P													
Warehouse/storage building					P		P										
Water play areas, water slide,											SE						

tube rides																			
Welding shop ¹					SE		SE												
Wholesale establishments							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 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.

(Ord. No. 93-144, §§ 2, 3, 6-14-93; Ord. No. 93-160, § 2, 1-31-94; Ord. No. 94-124, § 2, 6-27-94; Ord. No. 94-177, § 1, 11-28-94; Ord. No. 94-158, § 2, 2-13-95; Ord. No. 95-115, § 5, 3-27-95; Ord. No. 95-127, § 3, 6-12-95; Ord. No. 95O-155, § 2, 9-26-95; Ord. No. 95O-157, § 1, 9-26-95; Ord. No. 96O-102, § 2, 2-26-96; Ord. No. 96O-118, § 1, 5-28-96; Ord. No. 96O-134, § 1, 8-26-96; Ord. No. 96O-155, § 1, 11-12-96; Ord. No. 97O-133, § 1, 9-8-97; Ord. No. 97O-9-144, § 1, 9-29-97; Ord. No. 97O-9-152, § 1, 11-10-97; Ord. No. 98O-5-122, § 1, 5-27-98; Ord. No. 99O-1-104, § 1, 1-25-99; Ord. No. 99O-1-105, § 1, 1-25-99; Ord. No. 99O-2-111, § 1, 3-8-99; Ord. No. 99O-4-125, § 1, 5-10-99; Ord. No. 99O-4-126, § 1, 4-26-99; Ord. No. 99O-4-120, § 1, 4-26-99; Ord. No. 99O-8-135, § 1, 10-25-99; Ord. No. 99O-11-157, § 1, 12-13-99; Ord. No. 00O-1-8, § 1, 2-14-00; Ord. No. 00O-5-24, § 1, 6-12-00; Ord. No. 00O-5-26, § 1, 6-12-00; Ord. No. 00O-9-70, § 1, 10-30-00; Ord. No. 01O-01-02, § 1, 1-29-01; Ord. No. 01O-01-03, § 1, 1-29-01; Ord. No. 01O-06-35, § 1(Exh. 1), 8-27-01; Ord. No. 01O-09-56, § 1(Exh. 1), 9-24-01; Ord. No. 02O-07-144, § 1, 8-26-02; Ord. No. 03O-01-104, § 1, 2-24-03; Ord. No. 03O-02-123, § 1, 3-

31-03; Ord. No. 03O-02-124, §§ 1, 2, 3-31-03; Ord. No. 03O-03-127, §§ 1, 2, 4-14-03; Ord. No. 03O-03-128, §§ 1, 2, 4-14-03; Ord. No. 03O-05-148, § 2, 6-9-03; Ord. No. 03O-06-159, § 1, 6-30-03; Ord. No. 03O-06-160, § 1, 6-30-03; Ord. No. 03O-06-162, § 1, 6-30-03; Ord. No. 03O-06-161, § 1, 6-30-03; Ord. No. 03O-08-171, §§ 1, 2, 10-27-03; Ord. No. 03O-11-200, § 1, 12-8-03; Ord. No. 04O-01-106, § 1, 2-9-04; Ord. No. 04O-04-131, § 1, 5-10-04; Ord. No. 04O-04-134, § 1, 5-10-04; Ord. No. 04O-07-148, §§ 1, 2, 8-30-04; Ord. No. 07O-02-113, § 4(Exh. 1), 4-9-07; Ord. No. 07O-06-127, § 2(Exh. 1), 6-25-07; Ord. No. 08O-02-104, § 1(Exh. 1), 2-25-08; Ord. No. 08O-08-130, § 1(Exh. 1), 9-8-08; Ord. No. 08O-08-131, § 1(Exh. 1), 9-8-08; Ord. No. 08O-10-156, § 2(Exh. 1), 11-24-08; Ord. No. 08O-11-159, § 1(Exh. 1), 12-8-08; Ord. No. 09O-03-115, § 2(Exh. 1), 3-30-09; Ord. No. 09O-07-132, §§ 2(Exh. 1), 3(Exh. 2), 8-31-09; Ord. No. 09O-07-133, § 2(Exh. 1), 8-31-09; Ord. No. 10O-01-101, § 1(Exh. 1), 2-8-2010; Ord. No. 01O-04-115, § 1(Exh. 1), 4-26-2010; Ord. No. 10O-05-122, § 1(Exh. 1), 6-14-2010; Ord. No. 10O-05-124, § 5(Exh. 1), 6-14-2010; Ord. No. 10O-05-125, § 4(Exh. 1), 6-14-2010; Ord. No. 10O-05-126, § 1, 6-14-2010; Ord. No. 10O-05-128, § 1, 6-14-2010; Ord. No. 11O-01-104, § 1(Exh. 1), 1-31-2011; Ord. No. 11O-01-105, § 4(Exh. 1), 1-31-2011; Ord. No. 11O-04-119, § 2(Exh. 1), 4-25-2011; Ord. No. 11O-06-135, § 1(Exh. 1), 6-27-2011; Ord. No. 11O-06-138, § 1(Exh. A), 6-27-2011; Ord. No. 12O-06-123, § 2(Exh. 1), 7-9-2012; Ord. No. 12O-06-127, § 2(Exh. 1), 7-9-2012; Ord. No. 12O-09-147, § 3(Exh. 1), 9-24-2012; Ord. No. 12O-09-148, § 3(Exh. 1), 9-12-2012; Ord. No. 13O-01-103, §§ 6(Exh. 1), 7(Exh. 2), 1-28-2013; Ord. No. 13O-01-104, §§ 3(Exh. 1), 4(Exh. 2), 1-28-2013; Ord. No. 13O-01-106, § 5(Exh. 1), 1-28-2013; Ord. No. 13O-03-109, §§ 1(Exh. 1), 2(Exh. 2), 4-8-2013; Ord. No. 13O-05-119, § 2(Exh. 1), 6-10-2013; Ord. No. 13O-05-120, § 2(Exh. 1), 6-10-2013; Ord. No. 13O-08-133, § 1(Exh. 1), 10-28-2013; Ord. No. 13O-09-149, § 1, 12-9-2013; Ord. No. 14O-02-105, § 10, 3-31-2014; Ord. No. 14O-05-120, §§ 3(Exh. 1), 4(Exh. 2), 7-14-2014; Ord. No. 14O-08-133, § 1, 9-15-2014; Ord. No. 14O-12-161, § 10(Exh. 1), 1-12-2015; Ord. No. 15O-05-118, §§ 4, 5, 6-8-2015; Ord. No. 15O-06-124, § 4, 7-13-2015; Ord. No. 15O-08-129, §§ 10, 11(Exhs. 2, 3), 9-11-2015; Ord. No. 15O-10-146, § 4, 11-9-2015; Ord. No. 16O-02-108, § 3, 3-14-2016; Ord. No. 16O-02-109, § 1, 3-14-2016; Ord. No. 16O-04-111, § 1(Exh. 1), 4-25-2016; Ord. No. 16O-09-145, § 1, 10-31-2016; Ord. No. 16O-09-146, § 6, 10-31-2016; Ord. No. 17O-09-142, § 1, 11-13-2017; Ord. No. 18O-04-109, § 2, 5-14-2018; Ord. No. 18O-07-125, § 2, 8-27-2018; Ord. No. 19O-08-114, § 4, 9-12-2019; Ord. No. 19O-08-116, § 2, 9-12-2019)

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 development regulation pertaining to both Schedule A and Schedule B of the City of Lauderhill's Land Development Code.

B. Article IV, Part 2.0. standards. Article IV., Part 2.0., Section 2.4 addresses those factors to be considered when reviewing a zoning district amendments, 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 proposed Ordinance will provide definitions for both Food Distribution Center Uses and Scrap Metal Processing Plant Uses which establishing where said uses are permit through the City of Lauderhill.

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 conserves the value of land by ensuring that definitions for both Food Distribution Center Uses and Scrap Metal Processing Plant Uses as well as establishing that the Uses are to be considered Nonconforming Uses within the Community Facility Zoning Districts and Areas Not Zoned within the City of Lauderhill.

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 concludes that the proposed Ordinance will help better serve the population and future economic activities.

- 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 January 2020 public hearing agenda, being held on January 28, 2020. 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.

The PZD 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 January 28, 2020, 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: Proposed Amendment to LDR

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. Staff has proposed an Ordinance Of The City Commission Of Lauderdale, 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).

- A. 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.
- B. Staff finds the proposed Ordinance amending the LDR is scheduled for a duly noticed Board public hearing on January 28, 2020. At that public hearing, the Board will review and make a recommendation to the City Commission on the proposed Ordinance.
- C. 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. The proposed Ordinance was scheduled on the agenda for the regular January, 2020 Board hearing, held on January 28, 2020. The Planning and Zoning Board voted to approve and forward the proposed Ordinance to the February 10, 2020 City Commission public hearing.
- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled on the agenda for the February 10, 2020 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 February 24, 2020 City Commission public hearing.