

ORDINANCE NO. 210-03-106

AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS PERTAINING TO AUTOMOTIVE USE CLASSIFICATIONS WITHIN THE CITY OF LAUDERHILL; AMENDING LDR SCHEDULE A- LAND USE CLASSIFICATIONS; AMENDING LDR SCHEDULE B - ALLOWABLE USES; AMENDING ARTICLE I GENERAL PROVISIONS SEC. 1.5. - DEFINITIONS, GENERAL; AMENDING ARTICLE III- ZONING DISTRICTS, SECTION 5.7 - AUTOMOBILE, TRUCK, TRAILER, MOTORCYCLE, BOAT, RECREATION VEHICLE; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, DESORAE GILES-SMITH)

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

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

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

WHEREAS, Staff has identified a need to reclassify Automotive Related Uses and add provisions to the Land Development Regulations regarding Automotive Related Uses City Wide; and

WHEREAS, Land Development Regulations Article IV., Development Review Requirements, Part 2.0., pertains to zoning map amendments and zoning regulation amendments; and

WHEREAS, Zoning regulation amendments must be in conformance with the six (6) factors identified in Section 2.4., the procedural requirements of Section 2.9., and the public notice requirements of Section 2.10; and

WHEREAS, the Planning and Zoning Division concludes that the proposed Ordinance to reclassify Automotive Related Uses and add provisions to the Land Development Regulations regarding Automotive Related Uses City Wide is in compliance with the six (6) factors identified in Section 2.4., the procedural requirements of Section 2.9., and the public notice requirements of Section 2.10; and

WHEREAS, at their duly noticed regular meeting and public hearing of March 16, 2021, the City's Planning and Zoning Board, sitting as the Local Planning Agency (LPA), entered the Development Review Report on this Ordinance into the record, adopted the findings and conclusions supporting the Ordinance's adoption, and recommended the City Commission adopt the Ordinance; and

WHEREAS, at their duly noticed meeting and public hearing of March 29, 2021, the City Commission considered the record, adopted findings and conclusions, and approved this Ordinance on first reading; and

WHEREAS, at their duly noticed meeting and public hearing of April 12, 2021, the City Commission on second reading adopted this Ordinance;

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

SECTION 1: Amending LDR Schedule H. Land Development Regulations Schedule H., Land Use Classifications. That the City of Lauderhill Land Development Regulations, Schedule H, Land Use Classifications is hereby amended to read as set forth below:

Schedule A- Land Use Classifications

Automotive Sales, Car Rental (Indoor and Outdoor)- Display, sales or rental of new or used automobiles, trucks, motorcycles, recreation vehicles and trailers but where no repair, repainting or remodeling is done. Display includes the public or private exhibition or advertisement of motorized and ancillary vehicles or vehicular parts or materials. Storage means a place where motorized or ancillary vehicles or vehicular parts or materials are reserved or kept for future use.

Automotive Repair (Major)- An establishment engaged in the major repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, recreational vehicles, or mobile homes. Services include engine, transmission, or differential repair or replacement; body, fender, or upholstery work; and painting.

Automotive Repair (Minor) - An establishment engaged in light maintenance activities such as engine tune-ups; oil change or lubrication; carburetor cleaning; muffler replacement; brake repair; and tire shops. Vehicle parts are sold and are ordinarily installed on the premises.

Car Wash and Auto Detailing- An establishment (automatic or hand wash) intended for the exterior washing of automobiles within an enclosed building or permanent structure. The cleaning of the interior of motor vehicles, waxing of the exterior detail work of motor vehicles, drying and exterior detail work of motor vehicles if any, may be permitted if the Car Wash is operating as the primary use. Automatic Car wash shall be permitted as an accessory use to Gas or Service Stations.

Schedule B- Allowable Uses

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	Not Zoned
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	

Hotel or motel ¹	SE		SE	SE		P													
House of religious worship ¹	P	P	P	P	P	P/A	P		P/A	P/A	A ₂	A ²	P/A						
Jewelry store			P	P	P														
Junkyards ¹							SE												
Laboratories, research, film or testing							P												
Laundromat, self service			SE	SE															
Laundry and Dry cleaning, full service			P	P															
Libraries, Museums and cultural facilities	P		P						P	P					P				
Limousine service and taxi stand ¹							SE ₂												
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													

• 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
• Antenna support structure, freestanding	SE		SE		SE		SE		SE										
Tobacco store ¹			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, tube rides															SE				
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
I = 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.

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

Art I Sec 1.5-

~~Automobile, truck, trailer, motorcycle, boat, recreational vehicle (indoors) sales, display, storage or maintenance, excluding repair garages and car washes: Automobile, truck, trailer, motorcycle, boat and recreational vehicle sales, display and storage shall have the meaning prescribed above for outdoors sales, display and storage, except that such sales, display, storage and maintenance must be within an enclosed building. Maintenance shall mean cleaning, vacuuming, disposing and replacing fluids and related filters. See Article III., Part 5.0. for the special regulations governing this classification.~~

~~Automobile, truck, trailer, motorcycle, boat, recreational vehicle (outdoors) sales, display, storage or repair, including repair garages, new and used car agencies or lots, car washes: Automobile, truck, trailer, motorcycle, boat and recreational vehicle refers to all types of motorized vehicles (including but not limited to tractors, lifts, personal watercrafts, airplanes, golf carts and go carts) and ancillary vehicles (including but not limited to campers, trailers and gliders) and vehicular parts and materials. Sales includes the outdoor or indoor sale, lease, and rental of three (3) or more motorized or ancillary vehicles or vehicular parts or materials. Display includes the public or private exhibition or advertisement of motorized and ancillary vehicles or vehicular parts or materials. Storage means a place where motorized or ancillary vehicles or vehicular parts or materials are reserved or kept for future use. Repair means fixing, rebuilding, reconditioning, refinishing, replacing, painting or repainting and welding of all types of motorized or ancillary vehicles or vehicular parts or materials, including but not limited to the engine, body, frame, fender, bumper, glass, muffler, wheels and brakes, cooling and heating systems, electrical system, fuel and exhaust systems, mechanical system, upholstery, and installing any alarm, radio, stereo, television, video, and cellular phone or other equipment but excluding dismantling or salvage. See Article III., Part 5.0. for the special regulations governing this classification.~~

~~Automobile repair: Repair of automobile and truck bodies, ignition systems and radiators; automobile and truck painting and refinishing and repair and replacement of glass; general and specialized related vehicle repairs, including travel trailers, motorcycles, tractors, and similar automotive repairs.~~

Art III Sec 5.7

Sec. 5.7. – Automobile, truck, trailer, motorcycle, boat, recreation vehicle: Repair, Sales, and Carwash Uses

~~5.7.1. (Outdoors) Sales, display, storage or repairs, including repair garages, new and used car agencies and lots, car wash.~~

- ~~A. Any and all repair work shall be entirely conducted within the confines of the building wherein the business is licensed to operate.~~
- ~~B. Repair garages and car washes shall store all motorized and ancillary vehicles, parts, and materials inside the building wherein the business is licensed to operate.~~
- ~~C. Car washes may utilize as accessory uses awnings, canopies or other non permanent structures to provide shaded areas for conducting detailing and other such operations that occur out of doors provided receipt of a development order from the Community Appearance Committee is first obtained. The awnings, canopies or other non permanent structures shall be allowed in the setback area and shall be removed and stored or otherwise secured in the event of a tropical storm, hurricane or other emergency event.~~
- ~~D. New and used car agencies may sell, display and store those motorized and ancillary vehicles ready for sale outside. Those motorized and ancillary vehicles that are not ready for sale, those motorized and ancillary vehicles being repaired, and all parts and materials must be stored inside the building wherein the business is licensed to operate.~~
- ~~E. This land use is prohibited in the General Commercial zoning district if the land use is located on property that abuts property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 zoning districts or that abuts a water body zoned PO district and if the land use is located on property with a depth equal to or less than three hundred fifty (350) feet. This land use also is prohibited in the General Commercial zoning district if the land use is located on property where the front or rear property lines are three hundred fifty (350) feet or less from property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 districts. Notwithstanding the above, this land use may be allowed if:
 - ~~1. The premises were improved for a vehicular related use;~~
 - ~~2. A substantial portion of the improvements (i.e., at least the main building) still exist; and~~
 - ~~3. The existing improvements are substantially utilized in the operation of the land use.~~~~

~~5.7.2. (Indoors) Sales, display, storage or maintenance, excluding repair garages and car wash. The maintenance of motorized and ancillary vehicles is permitted but the repair of motorized and ancillary vehicles is prohibited.~~

5.7.1- Automotive Repair (Major)

- A. All repair work shall be entirely conducted within the confines of the building wherein the business is licensed to operate.
- B. Business shall store all motorized and ancillary vehicles, parts, and materials inside the building wherein the business is licensed to operate.

- C. This land use is prohibited in the General Commercial zoning district if the land use is located on property that abuts property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 zoning districts or that abuts a water body zoned PO district and if the land use is located on property with a depth equal to or less than three hundred fifty (350) feet. This land use also is prohibited in the General Commercial zoning district if the land use is located on property where the front or rear property lines are three hundred fifty (350) feet or less from property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 districts. Notwithstanding the above, this land use may be allowed if:
1. The premises were improved for a vehicular related use;
 2. A substantial portion of the improvements (i.e., at least the main building) still exist; and
 3. The existing improvements are substantially utilized in the operation of the land use.

5.7.2 Automotive Repair (Minor)

- A. All repair work shall be entirely conducted within the confines of the building wherein the business is licensed to operate.
- B. Business shall store all motorized and ancillary vehicles, parts, and materials inside the building wherein the business is licensed to operate.
- C. This land use is prohibited in the General Commercial zoning district if the land use is located on property that abuts property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 zoning districts or that abuts a water body zoned PO district and if the land use is located on property with a depth equal to or less than three hundred fifty (350) feet. This land use also is prohibited in the General Commercial zoning district if the land use is located on property where the front or rear property lines are three hundred fifty (350) feet or less from property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 districts. Notwithstanding the above, this land use may be allowed if:
4. The premises were improved for a vehicular related use;
 5. A substantial portion of the improvements (i.e., at least the main building) still exist; and
 6. The existing improvements are substantially utilized in the operation of the land use.
- D. This land use shall be allowed as an accessory use to Retail Sales establishments but shall be limited to battery check/installation, light bulb check/installation, check engine light diagnostics, and fuse check/installation.

5.7.3 Automotive Sales, Car Rental (Indoor) –

- A. The maintenance of motorized and ancillary vehicles is permitted but the repair (major or minor) of motorized and ancillary vehicles is not permitted. Maintenance shall mean cleaning, vacuuming, disposing and replacing fluids and related filters. A separate Special Exception may be filled for a Service Center for Major and Minor Automotive Repair.

5.7.4 Automotive Sales, Car Rental (Outdoor) –

- A. New and used car agencies may sell, display and store those motorized and ancillary vehicles ready for sale outside. Those motorized and ancillary vehicles that are not ready for sale, those motorized and ancillary vehicles being repaired, and all parts and materials must be stored inside the building wherein the business is licensed to operate.
- B. This land use is prohibited in the General Commercial zoning district if the land use is located on property that abuts property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 zoning districts or that abuts a water body zoned PO district and if the land use is located on property with a depth equal to or less than three hundred fifty (350) feet. This land use also is prohibited in the General Commercial zoning district if the land use is located on property where the front or rear property lines are three hundred fifty (350) feet or less from property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 districts. Notwithstanding the above, this land use may be allowed if:
 - 1. The premises were improved for a vehicular related use;
 - 2. A substantial portion of the improvements (i.e., at least the main building) still exist; and
 - 3. The existing improvements are substantially utilized in the operation of the land use.

5.7.5 Car Wash and Auto Detailing

- A. Car washes may utilize as accessory uses awnings, canopies or other non-permanent structures to provide shaded areas for conducting detailing and other such operations that occur out of doors provided receipt of a development order from the Community Appearance Committee is first obtained. The awnings, canopies or other non-permanent structures shall be allowed in the setback area and shall be removed and stored or otherwise secured in the event of a tropical storm, hurricane or other emergency event.
- B. This land use is prohibited in the General Commercial zoning district if the land use is located on property that abuts property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 zoning districts or that abuts a water body zoned PO district and if the land use is located on property with a depth equal to or less than three hundred fifty (350) feet. This land use also is prohibited in the General Commercial zoning district if the land use is located on property where the front or rear property lines are three hundred fifty (350) feet or less from property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 districts. Notwithstanding the above, this land use may be allowed if:
 - 1. The premises were improved for a vehicular related use;
 - 2. A substantial portion of the improvements (i.e., at least the main building) still exist; and
 - 3. The existing improvements are substantially utilized in the operation of the land use.

~~5.7.3~~ ~~5.7.6~~ *Commercial Warehouse/Commerce Park Special Overlay zoning district.*

A. *Findings, conclusions and intent.* The City Commission makes the following findings, conclusions and intent:

1. The finding that before March 28th, 2005, vehicular-related uses were allowed within the zoning district as a special exception use; and
2. The finding that before February 25th, 2002, a special exception use development order for a vehicular related use at a specific location could be transferred from one owner to another; and
3. The finding that Ordinance No. 020-02-109 provides that effective February 25th, 2002, a special exception use development order for a vehicular related use cannot be transferred from one person to another; and
4. The finding that Ordinance No. 050-03-120 provides that effective March 28th, 2005, any vehicular-related use within the CP-O zoning district is a prohibited use; and
5. The conclusion that an internal inconsistency exists between the CP-O zoning district and the CW zoning district because the CW zoning district allows indoor and outdoor vehicular related uses, including auto wrecking, while the CP-O zoning district prohibits such use; and
6. The conclusion that to resolve the internal inconsistency, the CW zoning district provisions must be amended to prohibit vehicular related uses, including auto wrecking services; and
7. The finding that three vehicular related use businesses are operating at a location where a special exception use development order was issued to allow such use at such location; however, all three businesses operate a use that was prohibited by the development order. A fourth vehicular related use business is operating at a location different from that authorized in the special exception use development order but within the same building; and
8. The finding the City issued an occupational license to each of these four businesses before April 1st, 2000, effectively allowing the operation of the vehicular related uses, and the finding the City subsequently has granted annually a renewal of the occupational license for each business; and
9. The conclusion that case law provides that a land use is not vested simply because the local government has mistakenly issued an occupational license for the use; and
10. The conclusion that terminating these long-standing business on the mistaken issuance or renewal of an occupational license would create significant hardship, financial loss, and lost jobs, and that additional time should be granted to allow for the relocation of the businesses from the district; and
11. The intent of this Subsection is to allow those businesses along NW 38th Avenue to continue to operate as legal nonconforming uses until September 30^h, 2017 can make significant investments, that these investments would be lost if the City immediately terminates the business, and that these businesses should be provide additional time to relocate.

B. *Legal nonconforming use amortization.* Any person operating an illegal non-conforming vehicular related use within the CW/CP-O zoning district or any successor zoning district who was issued an occupational license before April 1st, 2000 and who has annually received a renewal of their occupational license shall be classified as a legal nonconforming vehicular related use and shall be allowed to continue to operate at the currently licensed location until September 30th, 2017, provided conformance with one of the following factors is established:

1. The person was granted a special exception use development order to operate a vehicular related use at a specific location but is now operating at a different business address; or
2. The person is operating a vehicular related use pursuant at the location specified in an effectively transferred special exception use development order for a vehicular related use

but the person is operating a specific vehicular related use outside the scope of the development order.

SECTION 2. Findings and Conclusions. The Development Review Report prepared by the Planning and Zoning Department is attached hereto, is incorporated herein, and are hereby adopted as the findings of fact and conclusions of law to support the Ordinance amending the Land Development Regulations.

SECTION 3. Conflicts. 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 4. Effective Date. This Ordinance shall take effect immediately upon its passage and adoption.

DATED this _____ day of _____, 2021.

PASSED on first reading this _____ day of _____, 2021.

PASSED AND ADOPTED on second reading this _____ day of _____, 2021.

PRESIDING OFFICER

ATTEST:

CITY CLERK

FIRST READING

SECOND READING

MOTION
SECOND

M. DUNN
D. GRANT
L. MARTIN
S. MARTIN
K. THURSTON

