



Agenda Item No.

DEVELOPMENT REVIEW REPORT

The matter before the Planning and Zoning Board (Board), sitting as the Local Planning Agency (LPA), is a proposed Ordinance of the city of Lauderhill, Florida amending the Land Development Regulations (LDR) to amend Article III, Zoning Districts, Part 5, Special Requirements for Specific Land Use Classifications, adding Section 5.52, Small Box Discount Store/Dollar Stores; adding Section 5.53, Thrift Stores/Second-Hand Store to provide definitions and separation requirements. The proposed Ordinance is before the Board/LPA because LDR Article IV., Part 2.0., and Article VI., Section 4 requires the Board/LPA to make a recommendation to the City Commission on LDR amendments. *The Planning and Zoning Division recommends the Board forward the record to the City Commission with a recommendation the proposed Ordinance be adopted.*

I. BACKGROUND

Staff has identified a need to add provisions to the Land Development Regulations regarding Small Box Discount Store/Dollar Stores, Thrift Stores/Second-Hand Stores.

The objective of this ordinance amendment is to reduce the concentration of Small Box Discount Store/Dollar Stores, Thrift Stores/Second-Hand Stores throughout the City by separation standards. In addition, land use definitions have been developed for these specific uses.

II. Proposed Ordinance

SECTION 1. Land Development Regulations (LDR), Article III, Zoning Districts, Part 5, Special Requirements for Specific Land Use Classifications, is amended to add the following Sections 5.52 and 5.53 as set forth below. (Attachment A)

5.52. - Small Box Discount Store/Dollar Stores:

5.52.1. Definition. A retail sales use with a floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00.

5.52.2. Separation requirements: A Small Box Discount Store/Dollar Store is only allowed in the General Commercial Zoning District. A Small Box Discount Store/Dollar Store shall be located a minimum one mile radius from any other a Small Box Discount Store/Dollar Store as measured by the shortest airline distance between the nearest points on the plots where a Small Box Discount Store/Dollar Store is located or proposed to be located.

5.53. - Thrift Store/Second-Hand Store:

5.53.1. Definition. Any establishment open to the general public wherein one or more items of secondhand domestic articles are sold, such as clothing, shoes, furniture and other assorted items, the value of which is a fraction of the original cost. The following conditions apply to all such thrift stores:

1. Thrift Stores shall have one designated donation off area. The donation area shall be located at the rear of the store and not visible from the public right of way and or located entirely inside the thrift store. Donations can only be accepted at the designated donation areas.
2. Donation boxes or containers located outside the building are prohibited.
3. Merchandise or donations left outside are strictly prohibited.
4. The outdoor display and/or sale of merchandise is strictly prohibited.

5.53.2. Separation requirements: A Thrift Store/Second-Hand Stores is only allowed in the General Commercial Zoning District. A Thrift Store/Second-Hand Store shall be located a minimum one mile radius from any other Thrift Store/Second-Hand Store as measured by the shortest airline distance between the nearest points on the plots where a Thrift Store/Second-Hand Store is located or proposed to be located.

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 land uses in commercial areas.

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 proposes to regulate small box discount store/dollar stores, thrift stores/second-hand stores.

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 buildings by the regulation on the location of small box discount store/dollar stores, thrift stores/second-hand stores.

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 due to a proliferation of small box discount store/dollar stores, thrift stores/second-hand stores that there is a

need to regulate their locations relative to other small box discount store/dollar stores, thrift stores/second-hand stores.

- 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 June 2019 public hearing agenda, being held on June 25, 2019. 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 June 15, 2019, 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 Ord. No. 19O-07-

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 amendment to Land Development Regulations (LDR), amend Article III, adding Section 5.52, Small Box Discount Store/Dollar Stores; Article III, adding Section 5.53, Thrift Stores/Second-Hand Store
- B. 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.
- C. Staff finds the proposed Ordinance amending the LDR is scheduled for a duly noticed Board public hearing on June 25, 2019. At that public hearing, the Board will review and make a recommendation to the City Commission on the proposed Ordinance.
- D. 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 is scheduled on the agenda for the regular June, 2019 Board hearing, being held on June 25, 2019.
- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled on the agenda for the July 8, 2019 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 August 26, 2019 City Commission public hearing.