



Agenda Item No.

DEVELOPMENT REVIEW REPORT

The matter before the City Planning and Zoning Board (Board), sitting as the Local Planning Agency, is a proposed Ordinance amending the Land Development Regulations and the Code of Ordinances pertaining to Mobile Vendors, Mobile Food Vendors, and amending the Code of Ordinances pertaining to Home Based Businesses, and to be consistent with Florida Statute, Section 477.0263 pertaining to Cosmetology services to be performed in a licensed salon; exceptions, amending LDR SCH A., Land Use Classifications to add definitions for, Mobile Ice Cream Vendor, Mobile Vendors and Mobile Food Vendor; amending LDR SCH B. Allowable Uses to add provisions for Mobile Vendor and Mobile Food Vendor Uses in Residential and Commercial zoning districts; amending LDR ART III. to add Section 5.56. supplemental regulations for Mobile Vendor and Mobile Food Vendor Uses; amending Code of Ordinances Chapter 12. Business Regulation, ART I. In General, Sec. 12-5 to add provisions for Mobile Vendor and Mobile Food Vendor Uses; Code of Ordinances Chapter 12. Business Regulation, ART I. In General, Sec. 12-9. Home-based Business Regulations to add provision to address F.S. Sec 477.0263; Code of Ordinances Chapter 14. Offenses and Miscellaneous Provisions, Sec. 14-38. Vending Vehicles (a). to add definitions of Mobile Vendor and Mobile Food Vendor and (b). to add provision that supplemental regulations of (b). are specific to Ice Cream Vending Vehicles; Providing for findings and conclusions; Providing for conflicts; Providing for an effective date (Requested by City Manager, Desorae Giles-Smith)

The proposed Text Amendment 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.

I. BACKGROUND

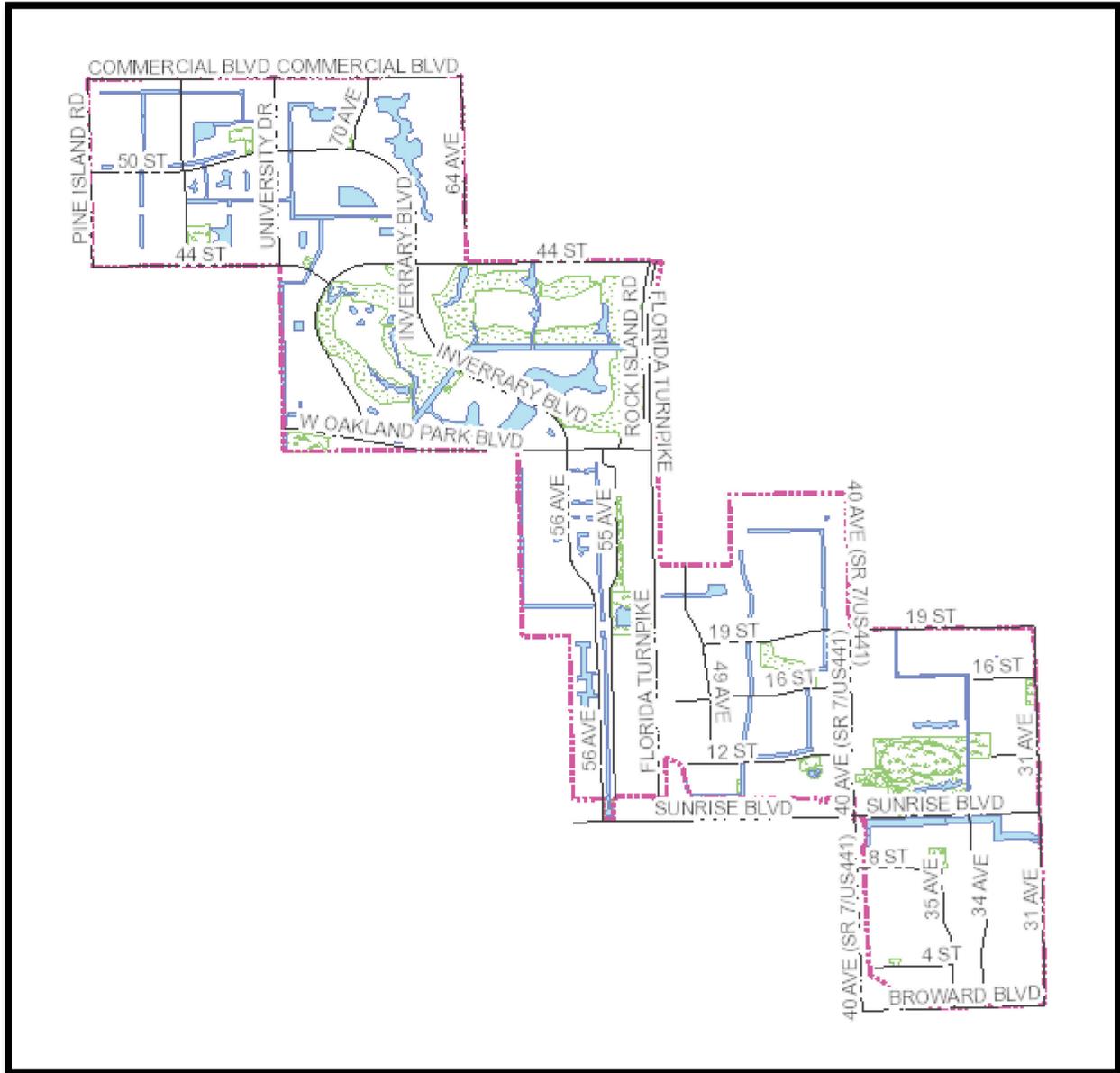
The proposed Ordinance amends the Land Development Regulations, and Code of Ordinances and provides for definitions and regulations for the operation of Mobile Vendor and Mobile Food Vendor Uses. The City of Lauderhill's Land Development and Code of Ordinances currently provide that Mobile Vendors are allowed only within the Commercial Warehouse (CW) and Commercial Entertainment (CE) zoning districts and in accordance with Code of Ordinances, Chapter 12, Art I Sections 12-5 and 12-6 Ice

Cream vending vehicles are permitted City wide and in accordance with Code of Ordinances, Chapter 12, ART I, Section 12-5 and 12-6. . The need has been identified to allow and expand these uses and to provide regulations for said uses. The amendments proposed could expand the way in which Lauderhill residents and business owners are able access services and goods as well as promote their communities and businesses.

This proposed text amendment allows for licensed Mobile Vendor Uses, such as mobile groomers or mobile carwashes, to operate on private property within residential zoning districts. This proposed text amendment provides for mobile vendors and mobile food vendors to be able to operate within commercial zoning districts, only through an approved; (special event permit, or promotional license).

The proposed Ordinance also amends the provisions for Home-based Businesses in order to gain conformance with The State Florida Administrative Code. There is a need to bring the City of Lauderhill into conformity with the State of Florida, F.S. 477.0263. Cosmetology, cosmetology services to be performed in a licensed salon; exception. This statute allows licensed cosmetologists to perform these services in a location other than a licensed salon without the need for a commercial salon license. . The Lauderhill Code of Ordinance, Home Based Business regulations do not currently provide for this. This proposed text amendment would bring Chapter 12 Article I Section 12-9 of the City's Code of Ordinances into conformance with F.S. 477.0263.

See Subject Area below, City Wide:



II. P R O P O S E D O R D I N A N C E

SECTION 1. Land Development Regulations (LDR) Schedule A, Allowable Land Uses is proposed to be amended to add definitions for Mobile Vendor and Mobile Food Vendor as provided below:

Mobile *Ice cream vendor* shall be considered any vendor operating from a vehicle which sells, or offers for sale, at least Ninety (90) ~~seventy-five (75)~~ percent of its inventory consisting solely of ice cream products or related frozen dessert products, as more particularly defined in Florida Statutes Chapter 503, as may be amended from time to time, and offers for sale no more than ten (10) ~~twenty-five (25)~~ percent of other prepackaged products or goods which are non-ice cream or non-related frozen dessert products.

Mobile Vendor: means any person, firm, corporation or other entity licensed by the State of Florida as applicable and Broward County, engaged in the selling or offering for sale any and all goods, wares, beverages, merchandise, or services from a mobile vehicle situated outside the public right of way.

Mobile Food Vendor: means any person, firm, corporation or other entity licensed by the State of Florida as applicable and Broward County, and registered within the City, engaged specifically in the sale of food or food products outdoors from a mobile vending vehicle situated outside the public right of way.

SECTION 2. Land Development Regulations LDR Schedule B., Allowable Land Uses, Section B-1., Uses Allowed in Residential districts and B-2. Uses Allowed in Non-Residential districts are proposed to be amended by adding Mobile Vendor and Mobile Food Vendor Uses as either Permitted or Special Permit Uses as provided below:

Land Use Category	RS-4	RS-4A	RS-5	RS-5A	RM-5	RM-8	RM-10	RT-15	RM-18	RM-22	RM-40	RM-45	RMH-50	RO
Medical Marijuana Health Care Establishment														
Mobile Ice Cream Vendor ¹	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mobile Vendor ¹	P	P	P	P	P	P	P	P	P	P	P	P	P	
Mobile Food Vendor ¹	EP	EP	EP	EP	EP	EP	EP	EP	PEPE	EP	EP	EP	EP	EP
Office (dental, medical, professional)														P

Footnotes:

SE = Special exception use

P = Permitted use

A = Accessory use

SP = Special permit

N = Non-conforming use

L = Promotional license

EP= Special Event Permit

Land Use Category	CO	CN	CG	CC	CW	CE	IL	PO	PL	PR	CR	S-1	CF	UT
Mixed use (with residential use) ¹	SE		SE	SE	P	P								
Mobile Ice Cream Vendor ¹	P	P	P	P	P	P	P	P	P	P	P	P	P	
Mobile Vendor ¹	EP	EP												
Mobile Food Vendor ¹	EP	EP												
Newspaper publishing and printing					P		P							

Footnotes:

SE = Special exception use

P = Permitted use

A = Accessory use

SP = Special permit

N = Nonconforming use
HL = Promotional license
EP= Special Event Permit

SECTION 3. Land Development Regulation Article III is proposed to be amended by adding Section 5.56. Mobile Vending, 5.56. (A). for Mobile Vendor provisions, and 5.56. (B). for Mobile Food Vendor provisions as provided below:

5.56.- Mobile Vendors, Mobile Food Vendors, and Ice Cream Vendor

A. Mobile Vendor- Shall operate only on private property within a residential zoning district and parked in a legal parking space not blocking the public Right Of Way. Shall operate on commercially zoned property only with an approved Special Permit, Special Event Permit, or Promotional License. The Sale of Alcohol or Tabaco and/or Complementary Alcohol or Tabaco shall be prohibited.

B. Mobile Food Vendor- Shall operate on residentially zoned or, commercial zoned property only with an approved Special Permit, Special Event Permit, Or Promotional License. The Sale of Alcohol or Tabaco and/or Complementary Alcohol or Tobacco shall be regulated by the State of Florida Division of Alcoholic Beverages and Tobacco.

C. Ice cream vendor shall be considered any vendor operating from a vehicle which sells, or offers for sale, at least Ninety (90) percent of its inventory consisting solely of ice cream products or related frozen dessert products, as more particularly defined in Florida Statutes Chapter 503, as may be amended from time to time, and offers for sale no more than than ten (10) percent of other prepackaged products or goods which are non-ice cream or non-related frozen dessert products

SECTION 4. Code of Ordinances Chapter 12 Business Regulations, Article I In General, Section 12-5. Conducting business within the confines of a structure is proposed to be amended by adding a provision to distinguish between Mobile Vending and Mobile Food Vending vehicles and provision to be in conformance with LDR ART III. Sec. 5.56. and F.S. 477.0263 as provided below:

Sec. 12-5. - Conducting business within the confines of a structure.

It shall be unlawful for any person, either directly or indirectly, to conduct any business or nonprofit enterprise within the corporate limits of the city other than within the confines of a permanent structure or approved mobile vending or

mobile food vending vehicle and in conformance with LDR ART III. Sec. 5.56 and F.S. 477.0263 . The outdoor display or storage of merchandise, equipment or supplies is strictly prohibited with the exception of:

- (1). Authorized temporary sales of seasonal items, including but not limited to Christmas trees or fireworks, sales and services associated with an approved special event permit;
- (2). Authorized temporary special automobile displays or sales by existing automobile dealerships;
- (3). Sale of landscape materials and supplies, provided a site plan or site plan modification development order has been issued and is in effect.

SECTION 5. Code of Ordinances Chapter 12. Business Regulations, Article I. In General, Section 12-9. - Certificate of use and local business tax receipt for home-based businesses is proposed to be amended by adding a provision to reference and therefore, be in conformance with Florida Statute F.S. 477.0263, Cosmetology services to be performed in a licensed salon; exception as provided below::

Sec. 12-9. - Certificate of use and local business tax receipt for home-based businesses.

Any person who is engaged in a personal profession or occupation and uses his own personal residence for that purpose shall apply for a certificate of use and local business tax receipt. Such applicant may list his home address as the place of business but, upon receipt of the certificate of use and local business tax receipt, must comply with the following conditions unless provided for by Florida Statute F.S. 477.0263, Cosmetology services to be performed in a licensed salon; exception.

SECTION 6. Code of Ordinances Chapter 14. Offenses and Miscellaneous Provisions, Article II Offenses, Section 14-38.- Vending Vehicles, 14-38. (a). definitions is proposed to be amended by adding definitions for Mobile Vendor and Mobile Food Vendor, Section 14-38. (b). required equipment, is proposed to be amended to make existing required equipment regulations be specific to Ice Cream Vending Vehicles, and Section 14-38. (c). operation, is proposed to be amended to make existing operation regulations specific to Ice Cream Vending Vehicles as provided below:

- (a). Definitions. For the purposes of this section:

Mobile Vendor: means any person, firm, corporation or other entity licensed by the State of Florida as applicable and Broward County, engaged in the selling or offering for sale any and all goods, wares, beverages, merchandise, or service

from a mobile vehicle situated outside the public right of way.

Mobile Food Vendor: means any person, firm, corporation or other entity licensed by the State of Florida as applicable and Broward County, and registered within the City, engaged specifically in the sale of food or food products outdoors from a mobile vending vehicle situated outside the public right of way.

- (b). Ice Cream vending vehicles, required equipment.
- (c). Ice Cream Vending Vehicles, Operation.

III. DATA & ANALYSIS

Data means factual information used as a basis for reasoning, discussion or calculation. Data must be based upon professionally reliable sources and the most recently available data should be used. Analysis involves an examination of the data, any assumptions, any employed methodologies, any applicable regulations, and deducing findings of facts and conclusions needed in order to make a recommendation.

The Department concludes the applicable Land Development Regulations (LDR) and Code of Ordinances Sections include: LDR Article IV., Part 2.0, Section 2.4., on criteria, Section 2.9. on procedural requirements and Section 2.10 on public notice requirements; and LDR SCH A on definitions, LDR SCH B on allowable use, LDR ART III on supplement regulations, Code Chapter 12. on business regulations, and Code Chapter 14 on offenses and miscellaneous provisions.

- 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.

The LDR is one of the documents adopted to implement the Comprehensive Plan.

The proposed Ordinance is a land development regulation that addresses the use of land and water, specifically, it pertains to allowable uses within residential and commercial zoning districts. Thus, the Department concludes the proposed Ordinance is consistent with the above-identified state statutory requirements.

- B. LDR. Land Development Regulations Article IV., Development Review

Requirements, Part 2.0., pertains to zoning map amendments and zoning regulation amendments. It requires a zoning regulation amendment 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.

1. **Factors.** Article IV., Part 2.0., Section 2.4 requires the Board to consider and evaluate zoning regulation amendments in relation to all pertinent factors, but with reference to six (6) specific factors. These six (6) factors are addressed below in relation to the proposed Land Development Regulations amendment.

- a. *The character of the district and its peculiar suitability for particular uses.*

The proposed amendment affects the existing residential districts and commercial districts city-wide. The proposed amendment allows for mobile vendors and mobile food vendors to operate and to allow for home-based cosmetology businesses, as required by F.S. 477.0263.

The amendment would expand the way in which Lauderhill residents are able access services and goods. The proposed amendment provides for mobile vendors and mobile food vendors to be able to operate within commercial zoning districts, only through an approved special permit, special event permit, or promotional license.

The division concludes that Mobil Vendor and Mobile Food Vendor Uses are suitable City-Wide when provided for through Broward County licensing and City LDR and Code regulations.

- b. *Conservation of the value of buildings and encouraging the most appropriate use of land and water throughout the City.*

The proposed Ordinance encourages the appropriate use of land by allowing residents to access residential and personal services while remaining on private residential property. Staff concludes that this is an appropriately use of land.

- 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. The proposed Ordinance is consistent with the following Comprehensive Plan provisions:

Goal 1. Future Land Use Element
Objective: 1.20 Land Development Regulations

Policy: 1.20.7 Innovative Land Development Regulations, The City shall initiate amendments to the Land Development Regulations as needed. The Department concludes the proposed Ordinance is consistent with the City's Comprehensive Plan.

- d. *The needs of the City for land areas for specific purposes to serve population and economic activities.*

The Department concludes that the proposed Ordinance will serve the residential population City-wide by increasing their access to services and goods, by allowing for people to work and earn money from home, and by providing for enhanced quality of life by allowing for mobile vendors and mobile food vendors at community and business events.

- e. *Whether there have been substantial changes in the character of development of areas in or near an area under consideration for rezoning.*

The Division concludes that this factor specifically applies to zoning district map amendments 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 this Ordinance.

- f. *The facts and opinions presented to the Planning and Zoning Board through hearings.*

This Development Review Report represents the Department's written findings of facts, conclusions, and recommendations on the proposed Ordinance.

2. **Procedure.** The LDR Article IV., Part 2.0., Section 2.9 addresses the procedure for zoning regulation amendments. It requires the Board to make a recommendation to the City Commission at a duly noticed public hearing on changes to zoning regulations and for the Board to forward its recommendation to the City Commission. The Department has interpreted this provision to apply to LDR amendments consistent with state law.

3. **Public notice.** The 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 hearing. Notice of the proposed Ordinance changing the LDR was advertised in the Sun-Sentinel, a newspaper of general circulation within the County. Proof of publication is provided with the agenda package and is included herein by reference.

IV. ATTACHMENTS

Exhibit A – Proposed Ordinance

Exhibit B – F.S. 477.0263

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. The Department finds the proposed Ordinance pertaining to Mobile Vendor and Mobile Food Vendor Uses and Home-based Business provisions is in Compliance with the Goals, Objectives, and Policies of the Conservation Element of the Comprehensive Plan.
- B. The Department finds the proposed Ordinance pertaining to Mobile Vendor and Mobile Food Vendor Uses and Home-based Business provisions would bring the City of Lauderhill into conformance with Florida Statute, F.S. 477.0263.
- C. The Department concludes the proposed Ordinance amending the LDR and the Code of Ordinances is in conformance with the standards and requirements specified in Land Development Regulations Article IV., Part 2.0., Section 2.4., Basis for Recommendations.
- D. The Department finds the proposed Ordinance amending the LDR and the Code of Ordinances have been duly noticed and concludes it is in conformance with the public notice requirements.

VI. ALTERNATIVE ACTIONS

The Board 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 a recommendation that the proposed Ordinance be denied.
- 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 a 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 and table the proposed Ordinance until the specified information is provided.

VII. RECOMMENDED ACTION

- A. Department recommendation. The Department recommends the Board 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 amending the LDR and Code of Ordinances be adopted.
- B. Board recommendation. The proposed Ordinance is scheduled for the March 16th, 2021 Planning and Zoning Board regular meeting.
- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled April 26, 2021. Second reading of the proposed Ordinance is tentatively scheduled May 10, 2021.