

**ORDINANCE NO. XXX-XX-XXX**

**AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS PERTAINING TO FOOD DISTRIBUTION CENTER USES ALONG MARTIN LUTHER KING JR AVE./N.W. 31ST AVE.; AMENDING SCHEDULE H, NONCONFORMING LAND USE PROVISIONS TO ADD SECTION 1.17, AMORTIZATION PERIOD FOR SCRAP METAL PROCESSING PLANT USES LOCATED WITHIN THE COMMUNITY FACILITY ZONING DISTRICT 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 11<sup>th</sup>, 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, Approximately 203.12 acres of nonresidential land were annexed between the years 2001 to 2010 from Unincorporated Broward County to the City of Lauderhill along Broward Blvd, Sunrise Blvd, and Martin Luther King Jr Ave./N.W. 31st Ave; and

WHEREAS, Public Outreach meetings were held on both December 11, 2018 and December 13, 2018 in order to gain public input for a proposed SE CRA Corridor Plan along Broward Blvd, Sunrise Blvd, and Martin Luther King Jr Ave./N.W. 31st Ave; and

WHEREAS, the food distribution center uses are not included in the desired uses identified in the proposed SE CRA Corridor Plan along Broward Blvd, Sunrise Blvd, and Martin Luther King Jr Ave./N.W. 31st Ave; and

WHEREAS, from December 1, 2014 to September 28, 2020, there were approximately 1,005 Service Calls for a Food Distribution Center located at 1 NW 33rd Terrace. The Service calls included but were not limited to Assault With And Without a weapon, Child/ Elderly Abuse, Disturbance Nuisance- Unknown Weapon, Felony Warrant, Fight in progress, Larceny, Mentally Ill Person, Passing Out, Overdose, Theft, Trespassing, Suicide Attempt, and Vandalism.; and

WHEREAS, As a result of the numerous Service calls and Homeless population impeding into the surrounding residential properties, the City of Lauderhill sent out multiple letters proposing the installation of an iron rod security fence with heavy landscaping on the south side of 33rd terrace in order to buffer the properties from the Existing Food Distribution Center. As a result of an HOA meeting with Broward Estates on April 1, 2019, the City Received numerous letters of support for the mentioned 33rd Terrace Fence Proposal; and

WHEREAS, On August 26, 2019, the City Commission passed Resolution 19R-08-165 for the installation of a fence at 1 NW 33rd Terrace as recommended by the Evaluation Committee.

WHEREAS, On November 14, 2019 The City of Lauderhill's Planning and Zoning Division sent out letters to both Business Owners and Residents indicating that the Amortization of various uses discussed at the November 18, 2019 City Commission workshop; and

WHEREAS, On February 24, 2020, the Lauderhill City Commission approved ORD 200-02-106 (Exhibit I) Defining Food Distribution Center Uses within the City of Lauderhill and classifying them as a nonconforming uses within the Community Facility Zoning District as well as prohibiting them Citywide; and

WHEREAS, Policy 2.13.2, Nonconforming Uses, requires The City of Lauderhill to promote the elimination of nonconforming uses through process of Amortization; 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 proposed amortization of all food distribution center uses within the Community Facility Zoning District 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, the City Commission concludes that food distribution center uses should be prohibited uses within the Community Facility Zoning District as they do not further the general public welfare; and

WHEREAS, the City Commission concludes that food distribution center uses within the Community Facility Zoning District lawfully in existence as of December XX, 2020 should be

allowed to continue as a nonconforming use until December XX, 2025 but, thereafter, such use should no longer operate within the City; and

WHEREAS, this Ordinance makes food distribution center uses within the Community Facility Zoning District a prohibited use and provides a five-year amortization period for any such existing uses; and

WHEREAS, at their duly noticed regular meeting and public hearing of November XX, 2020, 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 November XX, 2020, 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 December XX, 2020, 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,** is amended as set forth below.

**Sec. 1.17. Amortization period for food distribution uses within Community Facility Zoning District:** Any food distribution uses within Community Facility Zoning District lawfully in existence as of December XX, 20XX and which under the terms of the Land Development Regulations, Schedule H. would be a nonconforming use shall be allowed to continue until December 9th, 2024. Thereafter, such use shall be prohibited. If a court of competent jurisdiction determines that the amortization period set forth in this section is invalid for any reason, and if the City Commission then revises this amortization period, then the commencement of the amortization period shall date back to the date of the passage of this legislation and shall be considered as a single amortization period.

**SECTION 5. 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 6. 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 7. Effective Date.** This Ordinance shall take effect immediately upon its passage and adoption.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

DRAFT