

ORDINANCE NO. 030-05-152

AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS, ARTICLE III., ZONING DISTRICTS, PART 5.0., SPECIAL REGULATIONS FOR SPECIFIC LAND USE CLASSIFICATIONS AND STRUCTURES; REPEALING SECTION 5.11, BUSINESS FOR REPAIR TO MOTOR VEHICLES; AMENDING SECTION 5.7., AUTOMOBILE, TRUCK, TRAILER, MOTORCYCLE, BOAT, RECREATION VEHICLE SALES, DISPLAY, STORAGE OR REPAIR, INCLUDING REPAIR GARAGES, NEW AND USED CAR AGENCIES OR LOTS, CAR WASH; CREATING TWO SUBSECTIONS TO DISTINGUISH BETWEEN THE INDOOR AND OUTDOOR USES; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (SPONSORED BY CHARLES FARANDA, CITY MANAGER)

WHEREAS, the City Commission adopted its 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 (LDR); and

WHEREAS, Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain specific and detailed provisions necessary to regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open spaces; and

WHEREAS, the Land Development Regulations, Schedule A., Land Use Classifications, is being amended to distinguish between indoor and outdoor sales, display and storage of automobiles, trucks, trailers, motorcycles, boats and recreation vehicles, henceforth referred to as motorized and ancillary vehicles; and

WHEREAS, the Land Development Regulations do not provide special regulations for such motorized and ancillary vehicle uses; and

WHEREAS, the City Commission concludes it is in the public interest to amend the Land Development Regulations to provide guidance for motorized and ancillary vehicle uses; and

WHEREAS, at their duly noticed meeting and public hearing of April 29th, 2003, the City's Planning and Zoning Board, sitting as the Local Planning Agency (LPA) entered the Development Review Report on the proposed Ordinance into the record, adopted the findings and conclusions supporting the Ordinance's adoption, and recommended the City Commission adopt the Ordinance and incorporate it into the Land Development Regulations; and

WHEREAS, at their duly noticed meeting and public hearing of May 12th, 2003 the City Commission considered the record, adopted findings and conclusions, and approved the proposed Ordinance on first reading; and

WHEREAS, at their duly noticed meeting and public hearing of May 26th, 2003, the City Commission on second reading adopted the Ordinance incorporating revisions to the Land Development Regulations.

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

SECTION 1. Article III amendments. Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Section 5.7., as set forth below.

Sec. 5.7. Automobile, truck, trailer, motorcycle, boat, recreation vehicle sales, display, storage, or repairs, including repair garages, new and used car agencies or lots, car wash.

SECTION 2. Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Subsection 5.7.1., is created as set forth below.

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

SECTION 3. Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Sec. 5.11., is repealed as set forth below.

~~Sec. 5.11. Business for repair to motor vehicles.~~

~~Any special exception granted to any business which performs repair work of any kind to motor vehicles shall be subject to the following conditions:~~

~~5.11.1. All repair work shall be done inside the building wherein the business operates.~~

~~5.11.2. All storage of motor vehicle, parts and materials shall be inside the building wherein the business operates.~~

SECTION 4. Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Paragraph 5.7.1.A., is created as set forth below.

A. Any and all repair work shall be entirely conducted within the confines of the building wherein the business is licensed to operate.

SECTION 5. Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Paragraph 5.7.1.B., is created as set forth below.

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.

SECTION 6. Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Paragraph 5.7.1.C., is created as set forth below.

C. New and uses 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.

SECTION 7. Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Paragraph 5.7.1.D., is created as set forth below.

D. In C-3 zones where any portion of the property adjacent to RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 zoning

districts is equal to or less than three hundred fifty (350) feet from the front property line to the back property line of the C-3 zoned property, these uses are not permitted. Also, when any property line of any property zoned C-3 is 350 feet or less from, and does not run perpendicular to, a property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, or RM-22, these uses are not permitted.

SECTION 8. Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Subsection 5.7.2., is created as set forth below.

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.

SECTION 9. 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 10. Conflict. 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. Effective Date. This Ordinance shall take effect immediately upon its adoption.

DATED this 9th day of June, 2003.

PASSED on first reading this 12th day of May, 2003.

PASSED AND ADOPTED on second reading this 9th day of June, 2003.

M. Margaret Bates
PRESIDING OFFICER

ATTEST:
Quetta Higgins
CITY CLERK

FIRST READING

SECOND READING

MOTION
SECOND

Elfers
Bates

Elfers
Mirsky

M. BATES
W. ELFERS
T. JONES
L. MIRSKY
R. KAPLAN

Yes
Yes
Yes
Yes
Yes

Yes
Yes
Yes
Yes
Absent

CITY OF LAUDERHILL

Agenda Request

Meeting Date

Agenda Item

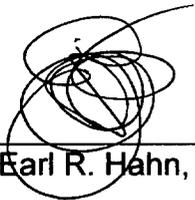
May 12th, 2003

Requested Action: Adopt an Ordinance amending the Land Development Regulations Article III., Part 5.0., Special Regulations on Specific Land Use Classifications, by repealing Section 5.11, Business for repair to motor vehicles, and amending Section 5.7., Automobile, truck, trailer, motorcycle, boat and recreation vehicles by creating two new subsections distinguishing between the sales, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes and the indoor sales, display, storage and maintenance, excluding repair garages and car washes automobile, truck, trailer, motorcycle, boat and recreation vehicles.

Summary Explanation & Recommendation: Earlier this year, the City Commission adopted an amendment to the Land Development Regulations, Schedule B, Permitted and Special Exception Uses, to distinguish between the outdoor sale, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes and the indoor sale, display, storage and maintenance, excluding repair garages and car washes automobile, truck, trailer, motorcycle, boat and recreation vehicles (hereinafter referred to as the outdoor and indoor sale of motor vehicles). Notwithstanding that amendment, the Land Development Regulations, Article III., Part 5.0., Special Regulations on Specific Land Use Classifications does not address indoor sales of motor vehicles and outdoor sales of motor vehicles is contained in two separate subsections. The proposed Ordinance merges the outdoor sales of motor vehicle provisions and creates regulations for indoor sales of motor vehicles.

At the April 29th, 2003 Planning and Zoning Board hearing, the Board forwarded the proposed Ordinance with a recommendation of approval. The Department concurs with the Board's recommendation.

Recommended By: _____


Earl R. Hahn, Director, Planning and Zoning Department

Approved By: _____


Chuck Faranda, City Manager

Exhibits Attached: Development Review Report



City of Lauderhill

Planning and Zoning Department

Agenda Item No. H.1.

DEVELOPMENT REVIEW REPORT

The matter before the City Planning and Zoning Board (Board) is two proposed Ordinance amending the Land Development Regulations and pertaining to automobile, truck, trailer, motorcycle, boat and recreation vehicle sales, display, storage and repair. The proposed Ordinances are before the Board because Land Development Regulations Article VII., Section 9., requires the Board to make a recommendation to the City Commission on Land Development Regulation amendments. *The Department recommends the Board forward to the City Commission the two proposed Ordinances with a recommendation of approval.*

I. BACKGROUND

At the February 25th, 2003 Planning and Zoning Board meeting, the Board forwarded to the City Commission with a recommendation of approval an amendment to Land Development Regulations, Schedule B, Permitted and Special Exception Uses, to distinguish between the outdoor sale, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes and the indoor sale, display, storage and maintenance, excluding repair garages and car washes automobile, truck, trailer, motorcycle, boat and recreation vehicles (hereinafter referred to as the outdoor and indoor sale of motor vehicles). Attachment A is a copy of the Development Review Report. Notwithstanding that amendment, the Land Development Regulations, Schedule A, Land Use Classifications, does not contain land use classifications for either the indoor or the outdoor sale of motor vehicles. It also does not contain specific regulations pertaining to such uses. Consequently, the Department is proposing two Ordinances to address these omissions.

II. PROPOSED AMENDMENT

Attachment B is the proposed Ordinance amending Land Development Regulations Schedule A., Land Use Classification, by repealing the classification for automobile and truck repair and replacing it with two new classifications: the outdoor sales, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes; and the indoor sales, display, storage and maintenance, excluding repair garages and car

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washes automobile, truck, trailer, motorcycle, boat and recreation vehicles.

Attachment C is the proposed Ordinance amending the Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures by repealing Section 5.11., Business for repair to motor vehicles and amending Section 5.7. to provide specific regulations for the outdoors and indoor sales, storage and display of motorized and ancillary vehicles.

III. DATA & ANALYSIS

- A. 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 proposed Ordinance addresses the use of land by providing land use classifications and special regulations governing the indoor and outdoor sales of motor vehicles.
- B. 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. Article IV., Part 2.0., Section 2.4. requires the Board to consider and evaluate zoning changes 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.* This factor primarily addresses zoning district map amendments rather than "text" or regulatory amendments. Nonetheless, this factor can apply to some text amendments. The proposed Ordinances would apply to the Community Business, General Commercial, Warehouse Commercial and Light Industrial zoning districts. The character of the three commercial districts is generally the sales of good and services, the character of the industrial district is generally manufacturing, and the character of all four districts is display and storage ancillary to sales and manufacturing. These four districts are particularly suitable for the sales and storage of motorized and ancillary vehicles, both indoors and outdoors.

- b. *Conservation of the value of buildings and encouraging the most appropriate use of land and water throughout the City.* The proposed Ordinances conserves the value of buildings by allowing existing buildings to be converted for the indoor sales, display, storage and maintenance of motor vehicles. It encourages the most appropriate use of land by distinguishing between indoors and outdoors storage.
 - 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: Future Land Use Element Objective 1: Provide categories of land use that will accommodate the needs for housing, business, industrial, recreation, conservation, public facilities.
 - d. *The needs of the City for land areas for specific purposes to serve population and economic activities.* This factor primarily addresses zoning map amendments rather than "text" or regulatory amendments. Nonetheless, there is a need for land areas addressing storage of motor vehicles. The proposed Ordinance supplement the previously adopted Ordinance (See Attachment A) and encourages the indoors storage of motor vehicles by allowing those uses as a permitted use in the C-2, C-3, C-4 and I-1 zoning districts. In contrast, the outdoors storage of motor vehicle and repairs is allowed as a special exception use in the above-described districts. The outdoors storage of such uses requires paved open areas with lots of lighting, which can be visually repugnant. The indoors storage of such uses avoids these impacts. Further, many "luxury" car dealers favor indoors storage. Thus, the Ordinances may encourage "luxury" car dealers to relocate to the City.
 - e. *Whether there have been substantial changes in the character of development of areas in or near an area under consideration for rezoning.* This factor primarily addresses zoning map amendments rather than "text" or regulatory amendments.
 - 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.
2. 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 proposed Ordinance has been placed on the April 2003 regular meeting agenda of the Planning and Zoning Board, which is being held on April 29th, 2003.

3. 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 was properly advertised in the April 19th, 2003 edition of the Sun-Sentinel, a newspaper of general circulation within the County.

IV. ATTACHMENTS

- Attachment A:** Development Review Report and Ordinance amending Land Development Regulations Schedule B., Permitted and Special Exception Uses, by clarifying that automobile, truck, trailer, motorcycle, boat and recreation vehicle sales, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes as a special exception use in the Community Business, Warehouse Commercial and Light Industrial zoning districts refers to the outdoor sales, display and storage and by adding that the (indoors) sales, display, storage and maintenance of automobiles, trucks, trailers, motorcycles, boats and recreation vehicles, excluding repair garages and car washes are allowed in the Community Business, General Commercial and Warehouse Commercial and Light Industrial zoning district as a permitted use.
- Attachment B:** Proposed Ordinance amending Land Development Regulations Schedule A., Land Use Classification, by repealing the classification for automobile and truck repair and replacing it with two new classifications: the outdoor sales, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes; and the indoor sales, display, storage and maintenance, excluding repair garages and car washes automobile, truck, trailer, motorcycle, boat and recreation vehicles.
- Attachment C:** Proposed Ordinance amending the Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures by repealing Section 5.11., Business for repair to motor vehicles and amending Section 5.7. to provide specific regulations for the outdoors and indoor sales, storage

and display or motorized and ancillary vehicles.

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 City's Land Development Regulations, Schedule B., was recently amended to distinguish between the outdoor and indoor sales, display, storage and repair of motorized and ancillary vehicles. The Department further finds Ordinances were not prepared providing land use classifications and special regulations for such uses.
- B. The Department finds the proposed Ordinances address land use classifications and special regulations for such the outdoor and indoor sales, display, storage and repair of motorized and ancillary vehicles.
- C. The Department concludes the proposed Ordinance amending the Land Development Regulations is in conformance with the requirements specified in Land Development Regulations Article IV., Part 2.0., Section 2.4., Basis for Recommendations.
- D. The Department finds and concludes the proposed Ordinance amending the Land Development Regulations is consistent with the Comprehensive Plan.

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 recommend to the City Commission 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 recommend to the City Commission 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 recommend to the City Commission 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 item until the specified information is provided.

VII. RECOMMENDED ACTION

- A. Department recommendation. The Department recommends the Board move to forward the proposed Ordinance to the City Commission with a recommendation of approval.
- B. Board recommendation. Scheduled for April 29th, 2003.
- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled for May 12th, 2003 and second reading on May 26th, 2003.



ATTACHMENT A

City of Lauderhill

Planning and Zoning Department

Agenda Item No. G.3.

DEVELOPMENT REVIEW REPORT

The matter before the City Planning and Zoning Board (Board) is a proposed Ordinance amending the Land Development Regulations, Schedule B, Permitted and Special Exception Uses, pertaining to automobile, truck, trailer, motorcycle, boat and recreation vehicle sales, display, storage and repair. The matter is before the Board because Land Development Regulations Article VII., Section 9., requires the Board make a recommendation to the City Commission on Land Development Regulation amendments. *The Department recommends the Board forward to the City Commission the proposed Ordinances with a recommendation of approval.*

I. BACKGROUND

Land Development Regulations, Schedule B, Permitted and Special Exception Uses, allows automobile, truck, trailer, motorcycle, boat and recreation vehicle (hereinafter referred to as motor vehicles) sales, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes as a special exception use in the Community Business, Warehouse Commercial and Light Industrial zoning districts. It also is allowed as a special exception use in the General Commercial zoning district subject to Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures. Part 5.0. addresses lot width (former footnote 12) in relation to abutting residential uses and requires repair work and the storage of parts and materials to be conducted indoors. The Land Development Regulations do not distinguish between the indoor and outdoor sales, display and storage of such motor vehicles. The Department believes this distinction is significant.

The Department finds that by selling, displaying and storing the motor vehicles indoors, the product becomes similar to other retail products, such as furniture and appliances. Based on this finding the Department concludes that the indoor sales, display and storage of motor vehicles should be treated as any other retail product and allowed in the Community Business (C-2), General Business (C-3), Warehouse Commercial (C-4) and Light Industrial (I-1) zoning districts as a permitted use.

Consequently, the Department proposes to amend the Land Development Regulations in two ways. First, the Department proposes to amend the Land Development Regulations,

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Schedule B, Permitted and Special Exception Uses, by clarifying that automobile, truck, trailer, motorcycle, boat and recreation vehicle (outdoors) sales, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes as a special exception use in the Community Business, Warehouse Commercial and Light Industrial zoning districts refers to the outdoor sales, display and storage. Second, the Department proposes to amend the Land Development Regulations, Schedule B, Permitted and Special Exception Uses, to allow automobile, truck, trailer, motorcycle, boat and recreation vehicle (indoors) sales, display, storage and maintenance, excluding repair garages and car washes as a permitted use in the Community Business, General Commercial, Warehouse Commercial and Light Industrial zoning districts. It is intended that all sales, storage and display of motor vehicles will occur indoors, although it is understood that a motor vehicle may be taken outdoors for "testing" before purchasing or leasing such motor vehicle. It also is intended to allow the maintenance of motor vehicles associated with the sales, display and storage of such vehicle, such as vacuuming, but to prohibit any repair, whether minor or major.

On February 6th, 2003, the Department received a letter from an attorney supporting Ordinances distinguishing indoor from outdoor storage of motor vehicles and allowing the indoor storage of boats within the General Commercial zoning district and, specifically, along the State Road 7 corridor (See Attachment B). The current Land Development Regulations would not allow either the indoor or the outdoor storage of boats because the lot has a depth of less than 350 feet and abuts a designated residential district. The proposed Ordinance would allow the indoor storage of boats as a permitted use at the proposed SR-7 location.

II. PROPOSED AMENDMENT

Attachment A is the proposed Ordinance amending Land Development Regulations Schedule B., Permitted and Special Exception Uses, by clarifying that automobile, truck, trailer, motorcycle, boat and recreation vehicle (outdoors) sales, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes as a special exception use in the Community Business, Warehouse Commercial and Light Industrial zoning districts refers to the outdoor sales, display and storage. It also amends the Land Development Regulations, Schedule B, Permitted and Special Exception Uses, to allow automobile, truck, trailer, motorcycle, boat and recreation vehicle (indoors) sales, display, storage and maintenance, excluding repair garages and car washes as a permitted use in the Community Business, General Commercial, Warehouse Commercial and Light Industrial zoning districts.

III. DATA & ANALYSIS

- A. 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 proposed Ordinance addresses the use of land by identifying those zoning districts where the indoors and outdoors sales, storage, display, maintenance and repair of motor vehicles is allowed.
- B. 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. Article IV., Part 2.0., Section 2.4. requires the Board to consider and evaluate zoning changes 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.* This factor primarily addresses zoning district map amendments rather than "text" or regulatory amendments. Nonetheless, this factor can apply to some text amendments. The proposed Ordinance addresses the Community Business, General Commercial, Warehouse Commercial and Light Industrial zoning districts. The character of the three commercial districts is generally the sales of good and services, the character of the industrial district is generally manufacturing, and the character of all four districts is display and storage ancillary to sales and manufacturing. These four districts are particularly suitable for the sales and storage of motor vehicles, both indoors and outdoors.
 - b. *Conservation of the value of buildings and encouraging the most appropriate use of land and water throughout the City.* The proposed Ordinance conserves the value of buildings by allowing existing buildings to be converted for the indoor sales, display, storage and maintenance of motor vehicles. It encourages the most appropriate use of land by distinguishing between indoors and outdoors storage.
 - 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: Future Land Use Element Objective 1: Provide categories of land use that will accommodate the needs for housing, business, industrial, recreation, conservation, public facilities.

- d. *The needs of the City for land areas for specific purposes to serve population and economic activities.* This factor primarily addresses zoning map amendments rather than "text" or regulatory amendments. Nonetheless, there is a need for land areas addressing storage of motor vehicles. The proposed Ordinance encourages the indoors storage of motor vehicles by allowing those uses as a permitted use in the C-2, C-3, C-4 and I-1 zoning districts. In contrast, the outdoors storage of motor vehicle and repairs is allowed as a special exception use in the above-described districts. The outdoors storage of such uses requires paved open areas with lots of lighting, which can be visually repugnant. The indoors storage of such uses avoids these impacts. Further, many "luxury" car dealers favor indoors storage. Thus, the Ordinances may encourage "luxury" car dealers to relocate to the City.
 - e. *Whether there have been substantial changes in the character of development of areas in or near an area under consideration for rezoning.* This factor primarily addresses zoning map amendments rather than "text" or regulatory amendments.
 - 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.
2. 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 proposed Ordinance has been placed on the February 2003 regular meeting agenda of the Planning and Zoning Board, which is being held on February 25th, 2003.
3. 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 was properly advertised in the February 15th, 2003 edition of the Sun-

Sentinel, a newspaper of general circulation within the County.

IV. ATTACHMENTS

- Attachment A:** Proposed Ordinance amending Land Development Regulations Schedule B., Permitted and Special Exception Uses, by clarifying that automobile, truck, trailer, motorcycle, boat and recreation vehicle sales, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes as a special exception use in the Community Business, Warehouse Commercial and Light Industrial zoning districts refers to the outdoor sales, display and storage and by adding that the (indoors) sales, display, storage and maintenance of automobiles, trucks, trailers, motorcycles, boats and recreation vehicles, excluding repair garages and car washes are allowed in the Community Business, General Commercial and Warehouse Commercial and Light Industrial zoning distr as a permitted use.
- Attachment B:** February 3rd, 2003 letter from Attorney Ted P. Galatis to Planning and Zoning Director Earl Hahn.

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 City's Land Development Regulations do not clearly distinguish between the indoor and outdoor sales, display, storage and repair of motor vehicle.
- B. The Department finds it has received a letter requesting that the Land Development Regulations be amended to allow the indoor storage of boats as a permitted use for a property located on State Road 7 and zoned General Commercial district.
- C. The Department finds the indoor sales, display, storage and maintenance of motor vehicles, excluding repairs, is similar to the indoor display, sales, storage and maintenance of furniture and concludes the Land Development Regulations should be amended to treat those uses similarly.
- D. The Department finds the proposed Ordinance distinguishes between the indoor sales, display, storage and maintenance of motor vehicles, excluding repair garages

and the outdoor sales, display, storage and repair of motor vehicles, including repair garages and car washes.

- E. The Department concludes the proposed Ordinance amending the Land Development Regulations is in conformance with the requirements specified in Land Development Regulations Article IV., Part 2.0., Section 2.4., Basis for Recommendations.
- F. The Department finds and concludes the proposed Ordinance amending the Land Development Regulations is consistent with the Comprehensive Plan.

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 recommend to the City Commission 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 recommend to the City Commission 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 recommend to the City Commission 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 item until the specified information is provided.

VII. RECOMMENDED ACTION

- A. Department recommendation. The Department recommends the Board move to forward the proposed Ordinance to the City Commission with a recommendation of approval.
- B. Board recommendation. Scheduled on the February 25th, 2003 agenda.

- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled for March 31st, 2003 and second reading on April 14th, 2003.

ATTACHMENT A

ORDINANCE NO. ###-##-###

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS, SCHEDULE B., PERMITTED AND SPECIAL EXCEPTION USES; CLARIFYING THAT AUTOMOBILE, TRUCK, TRAILER, MOTORCYCLE, BOAT, RECREATION VEHICLE SALES, DISPLAY, STORAGE, OR REPAIR, INCLUDING REPAIR GARAGES, NEW AND USED CAR AGENCIES OR LOTS, AND CAR WASHES REFERS TO OUTDOOR SALES DISPLAY, STORAGE OR REPAIR; ADDING A LAND USE CLASSIFICATION FOR AUTOMOBILE, TRUCK, TRAILER, MOTORCYCLE, BOAT, RECREATION VEHICLE INDOOR SALES, DISPLAY, STORAGE, OR MAINTENANCE, EXCLUDING REPAIR GARAGES AND CAR WASHES IN THE COMMUNITY BUSINESS (C-2), GENERAL COMMERCIAL (C-3), WAREHOUSE COMMERCIAL (C-4) AND LIGHT INDUSTRIAL (I-1) ZONING DISTRICTS AS A PERMITTED USE; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE (SPONSORED BY MAYOR KAPLAN).

WHEREAS, the City Commission adopted its 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, the state planning agency determined the City's Comprehensive Plan was in-compliance with said Act; and

WHEREAS, the City has subsequently amended its Comprehensive Plan and the state planning agency has determined the amendments are 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

ATTACHMENT A

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, Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain specific and detailed provisions necessary to regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open spaces; and

WHEREAS, the Land Development Regulations Schedule B., Permitted and Special Exception Uses, do not distinguish between the indoors and outdoors sales, display, storage, repair or maintenance of automobiles, trucks, trailers, boats and recreation vehicles; and

WHEREAS, the Land Development Regulations should be amended to make such distinction; and

WHEREAS, at their duly noticed meeting and public hearing of February 25th, 2003 the City's Planning and Zoning Board, sitting as the Local Planning Agency entered the Development Review Report on the proposed Ordinance into the record, adopted the findings and conclusions supporting the Ordinance's adoption, and recommended the City Commission adopt the Ordinance and incorporate it into the Land Development Regulations; and

WHEREAS, at their duly noticed meeting and public hearing of March 31st, 2003 the City Commission on first reading entered the Development Review Report on the proposed Ordinance into the record, and adopted findings and conclusions; and

WHEREAS, at their duly noticed meeting and public hearing of April 14th, 2003, the City Commission on second reading adopted the Ordinance incorporating revisions to the Land Development Regulations.

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

SECTION 1. Schedule B. amendments. Land Development Regulations Schedule B., Permitted and Special Exception Uses, is amended as set forth in Exhibit 1.

ATTACHMENT A

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

SECTION 3. Conflict. 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 adoption.

DATE this _____ day of _____, 2003.

PASSED on first reading this _____ day of _____, 2003.

PASSED AND ADOPTED on second reading this _____ day of _____, 2003.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION
SECOND

FIRST READING

SECOND READING

ATTACHMENT A

M. BATES
W. ELFERS
T. JONES
L. MIRSKY
R. KAPLAN

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**EXHIBIT 1
LAND DEVELOPMENT REGULATIONS.**

Schedule B. Permitted and Special Exception Uses

2. Uses Permitted in Non-residential Districts

Land Use Category	CO-1	C-2	C-3	C-4	I-1	CR	S-1	CF	U-1
Auctions *			P						
Auditoriums and Convention Halls								P	
Automobile, Truck, Trailer, Motorcycle, Boat, Recreation Vehicle (<u>Outdoors</u>) Sales, Display, Storage, or Repair, including Repair Garages, New and Used Car Agencies or Lots, Car Wash *		SE	SE	SE	SE				
<u>Automobile, Truck, Trailer, Motorcycle, Boat, Recreation Vehicle (Indoors) Sales, Display, Storage, or Maintenance, excluding Repair Garages and Car Wash</u>		P	P	P	P				
Automobile Wrecking				SE	SE				
Bingo Parlor *		SE	SE						

Footnotes:

SE = Special exception

P = Permitted use

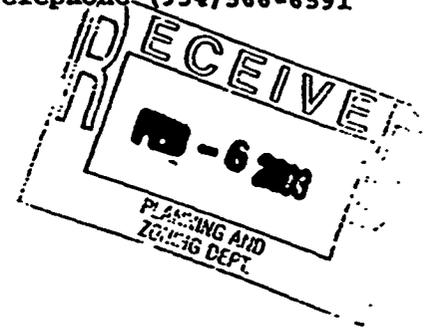
A = Accessory use

* See Article III., Zoning Districts, Part 5.0., Special Requirements for Specific Land Use Classifications and Structures for additional requirements.

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ATTACHMENT B
TED P. GALATIS
Attorney At Law

820 Oleander Drive
Plantation, FL 33317
Telephone (954) 566-6591



February 3rd, 2003

Mr Earl Hahn, Director
Planning & Zoning department
City of Lauderhill, FL
2000 City Hall Drive
Lauderhill, FL 33313

Dear Mr. Hahn:

This letter is a follow up to our telephone conversation of last Friday. You will remember that I told you that I represent Discipleship Broadcasting, Inc. the owner of the property located at 2647 (Lauderdale Community Church) and 2699 (Family Thrift Store) on North State Road 7 (US 441) in the City of Lauderhill, Florida. The owner is a Non-Profit entity under the provisions of the Internal Revenue Code and receives donations of personal property including furniture, clothing, household items among other things and on some occasions, boats and automobiles.

The portion of the buildings housing the aforementioned Church and Thrift store owned by Discipleship Broadcasting, Inc is adjacent and connected to stores housing four businesses including a furniture store, an insurance agency, a computer store, and a graphics design store.

Recently the owner of the adjacent property died and his widow desires to sell said property to my client who would purchase said property, provided one of the stores can be used to store and sell boats and automobiles within a store.

The property is located in a C-3 Zone which allows such usage upon special exception. Another section of the Code prohibits the use of the property for said purposes if the property lies within 350 feet of Certain designated multiple housing properties, which it so happens, is the circumstance that the Church finds itself. As you know there are apartments located behind the property that are approximately 290 feet from the front property line of the property.

The ordinance prohibiting such usage does not distinguish between sales, storage etc. that are intended to be conducted in open space versus those type of uses that would be conducted inside a building. The Code provisions therefore, would be manifestly unfair, as obviously two different scenarios require separate consideration.

You have indicated that your office has given this flaw some consideration over a long period of time and that perhaps the Code section should be

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either interpreted to not apply to the situation where the intended use will be carried on inside an enclosed building, or in the alternative, there should be an amendment to the said code provisions to distinguish between the two situations.

On behalf of my client, I respectfully request that you take under consideration my client's request to use one of the stores located within the property offered for sale and undertake whatever steps as are necessary to make it possible to use the property for indoor boat and automobile storage and sales.

In closing, I must tell you that my client would not be interested in purchasing the offered property unless special exception usage as aforementioned is obtained.

Yours Truly,



Ted P. Galatis

ATTACHMENT C

SECTION 3. Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Sec. 5.11., is repealed as set forth below.

~~Sec. 5.11. Business for repair to motor vehicles.~~

~~Any special exception granted to any business which performs repair work of any kind to motor vehicles shall be subject to the following conditions:~~

~~5.11.1. All repair work shall be done inside the building wherein the business operates.~~

~~5.11.2. All storage of motor vehicle, parts and materials shall be inside the building wherein the business operates.~~

SECTION 4. Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Paragraph 5.7.1.A., is created as set forth below.

A. Any and all repair work shall be entirely conducted within the confines of the building wherein the business is licensed to operate.

SECTION 5. Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Paragraph 5.7.1.B., is created as set forth below.

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.

SECTION 6. Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Paragraph 5.7.1.C., is created as set forth below.

C. New and uses 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.

ATTACHMENT C

SECTION 7. Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Paragraph 5.7.1.D., is created as set forth below.

- D. In C-3 zones where any portion of the property adjacent to RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 zoning districts is equal to or less than three hundred fifty (350) feet from the front property line to the back property line of the C-3 zoned property, these uses are not permitted. Also, when any property line of any property zoned C-3 is 350 feet or less from, and does not run perpendicular to, a property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, or RM-22, these uses are not permitted.

SECTION 8. Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Subsection 5.7.2., is created as set forth below.

- 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.

SECTION 9. 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 10. Conflict. 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. Effective Date. This Ordinance shall take effect immediately upon its adoption.

DATE this _____ day of _____, 2003.

PASSED on first reading this _____ day of _____, 2003.

ATTACHMENT C

PASSED AND ADOPTED on second reading this _____ day of _____,
2003.

PRESIDING OFFICER

ATTEST:

CITY CLERK

FIRST READING

SECOND READING

MOTION
SECOND

M. BATES
W. ELFERS
T. JONES
L. MIRSKY
R. KAPLAN

ATTACHMENT C

ORDINANCE NO. ###-##-###

AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS, ARTICLE III., ZONING DISTRICTS, PART 5.0., SPECIAL REGULATIONS FOR SPECIFIC LAND USE CLASSIFICATIONS AND STRUCTURES; AMENDING THE TITLE OF SECTION 5.7., AUTOMOBILE, TRUCK, TRAILER, MOTORCYCLE, BOAT, RECREATION VEHICLE SALES, DISPLAY, STORAGE OR REPAIR, INCLUDING REPAIR GARAGES, NEW AND USED CAR AGENCIES OR LOTS, CAR WASH; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE (SPONSORED BY THE CITY MANAGER).

WHEREAS, the City Commission adopted its 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 (LDR); and

WHEREAS, Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain specific and detailed provisions necessary to regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open spaces; and

WHEREAS, the Land Development Regulations, Schedule A., Land Use Classifications, is being amended to distinguish between indoor and outdoor sales, display and storage of automobiles, trucks, trailers, motorcycles, boats and recreation vehicles, henceforth referred to as motorized and ancillary vehicles; and

ATTACHMENT C

WHEREAS, the Land Development Regulations do not provide special regulations for such motorized and ancillary vehicle uses; and

WHEREAS, the City Commission concludes it is in the public interest to amend the Land Development Regulations to provide guidance for motorized and ancillary vehicle uses; and

WHEREAS, at their duly noticed meeting and public hearing of April 29th, 2003, the City's Planning and Zoning Board, sitting as the Local Planning Agency (LPA) entered the Development Review Report on the proposed Ordinance into the record, adopted the findings and conclusions supporting the Ordinance's adoption, and recommended the City Commission adopt the Ordinance and incorporate it into the Land Development Regulations; and

WHEREAS, at their duly noticed meeting and public hearing of May 12th, 2003 the City Commission considered the record, adopted findings and conclusions, and approved the proposed Ordinance on first reading; and

WHEREAS, at their duly noticed meeting and public hearing of May 26th, 2003, the City Commission on second reading adopted the Ordinance incorporating revisions to the Land Development Regulations.

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

SECTION 1. Article III amendments. Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Section 5.7., as set forth below.

Sec. 5.7. Automobile, truck, trailer, motorcycle, boat, recreation vehicle ~~sales, display, storage, or repairs, including repair garages, new and used car agencies or lots, car wash.~~

SECTION 2. Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Subsection 5.7.1., is created as set forth below.

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

ORDINANCE NO. 030-05-151

AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS, SCHEDULE A., LAND USE CLASSIFICATIONS; REPEALING THE LAND USE CLASSIFICATION FOR AUTOMOBILE AND TRUCK REPAIR; ADDING A LAND USE CLASSIFICATION FOR AUTOMOBILE, TRUCK, TRAILER, MOTORCYCLE, BOAT, RECREATION VEHICLE (OUTDOORS) SALES, DISPLAY, STORAGE OR REPAIR, INCLUDING REPAIR GARAGES, NEW AND USED CAR AGENCIES OR LOTS, CAR WASHES; ADDING A LAND USE CLASSIFICATION FOR AUTOMOBILE, TRUCK, TRAILER, MOTORCYCLE, BOAT, RECREATION VEHICLE (INDOORS) SALES, DISPLAY, STORAGE OR MAINTENANCE, EXCLUDING REPAIR GARAGES AND CAR WASHES; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (SPONSORED BY CHARLES FARANDA, CITY MANAGER)

WHEREAS, the City Commission adopted its 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, Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain specific and detailed provisions necessary to regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open spaces; and

WHEREAS, Paragraph 163.3202(2)(h), Florida Statutes, requires the land development regulations contain specific and detailed provisions necessary to ensure safe and convenient onsite traffic flow, considering needed vehicle parking; and

WHEREAS, the City Commission adopted Ordinance No., which amended Land Development Regulations Schedule B., Permitted and Special Exception Uses, to distinguish between the indoors and outdoors sales, display, storage, repair or maintenance of automobiles, trucks, trailers, boats and recreation vehicles (hereinafter called motorized and ancillary vehicles); and

WHEREAS, the Land Development Regulations Schedule A., Land Use Classifications, do not include a classification distinguishing indoor from outdoor sales, display and storage of motorized and ancillary vehicles; and

WHEREAS, the City Commission concludes Schedule A should be amended to make such distinction; and

WHEREAS, at their duly noticed meeting and public hearing of April 29th, 2003, the City's Planning and Zoning Board, sitting as the Local Planning Agency (LPA) entered the Development Review Report on the proposed Ordinance into the record, adopted the findings and conclusions supporting the Ordinance's adoption, and recommended the City Commission adopt the Ordinance and incorporate it into the Land Development Regulations; and

WHEREAS, at their duly noticed meeting and public hearing of May 12th, 2003 the City Commission considered the record, adopted findings and conclusions, and approved the proposed Ordinance on first reading; and

WHEREAS, at their duly noticed meeting and public hearing of May 26th, 2003, the City Commission on second reading adopted the Ordinance incorporating revisions to the Land Development Regulations.

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

SECTION 1. Classification repealed. Land Development Regulations Schedule A., Land Use Classifications, The Land Use Classification for Automobile and Truck Repair is hereby deleted and repealed in its entirety.

~~AUTOMOBILE AND TRUCK 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.~~

SECTION 2. New classification for outdoor vehicle sales. Land Development Regulations Article I., General Provisions, Part 1.0., General,

Section 1.5., Definitions, general, is amended to add a new definition as set forth below:

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 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.

SECTION 3. New classification for indoor vehicle sales. Land Development Regulations Article I., General Provisions, Part 1.0., General, Section 1.5., Definitions, general, is amended to add a new definition as set forth below:

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.

SECTION 4. 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 Land Development Regulations.

SECTION 5. Conflict. 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 6. Effective Date. This Ordinance shall take effect immediately upon its adoption.

DATED this 9th day of June, 2003.

PASSED on first reading this 12th day of May, 2003.

PASSED AND ADOPTED on second reading this 9th day of June, 2003.

M. Margaret Bates
PRESIDING OFFICER

ATTEST:

Judith Higgins
CITY CLERK

	FIRST READING	SECOND READING
MOTION	<u>Elfers</u>	<u>Elfers</u>
SECOND	<u>Bates</u>	<u>Mirsky</u>
M. BATES	<u>Yes</u>	<u>Yes</u>
W. ELFERS	<u>Yes</u>	<u>Yes</u>
T. JONES	<u>Yes</u>	<u>Yes</u>
L. MIRSKY	<u>Yes</u>	<u>Yes</u>
R. KAPLAN	<u>Yes</u>	<u>Absent</u>

CITY OF LAUDERHILL

Agenda Request

Meeting Date

Agenda Item

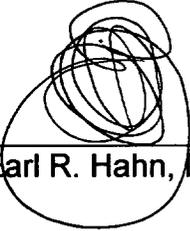
May 12th, 2003

Requested Action: Adopt an Ordinance amending the Land Development Regulations Schedule A., Land Use Classification, by repealing the classification for automobile and truck repair and replacing it with two new classifications: the outdoor sales, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes; and the indoor sales, display, storage and maintenance, excluding repair garages and car washes automobile, truck, trailer, motorcycle, boat and recreation vehicles.

Summary Explanation & Recommendation: Earlier this year, the City Commission adopted an amendment to the Land Development Regulations, Schedule B, Permitted and Special Exception Uses, to distinguish between the outdoor sale, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes and the indoor sale, display, storage and maintenance, excluding repair garages and car washes automobile, truck, trailer, motorcycle, boat and recreation vehicles (hereinafter referred to as the outdoor and indoor sale of motor vehicles). Notwithstanding that amendment, the Land Development Regulations, Schedule A, Land Use Classifications, does not contain land use classifications for either the indoor or the outdoor sale of motor vehicles. Consequently, the proposed Ordinance defines and distinguishes between the indoor and outdoor sales of motor vehicles.

At the April 29th, 2003 Planning and Zoning Board hearing, the Board forwarded the proposed Ordinance with a recommendation of approval. The Department concurs with the Board's recommendation.

Recommended By: _____


Earl R. Hahn, Director, Planning and Zoning Department

Approved By: _____


Chuck Faranda, City Manager

Exhibits Attached: Development Review Report



City of Lauderhill

Planning and Zoning Department

Agenda Item No. H.1.

DEVELOPMENT REVIEW REPORT

The matter before the City Planning and Zoning Board (Board) is two proposed Ordinance amending the Land Development Regulations and pertaining to automobile, truck, trailer, motorcycle, boat and recreation vehicle sales, display, storage and repair. The proposed Ordinances are before the Board because Land Development Regulations Article VII., Section 9., requires the Board to make a recommendation to the City Commission on Land Development Regulation amendments. *The Department recommends the Board forward to the City Commission the two proposed Ordinances with a recommendation of approval.*

I. BACKGROUND

At the February 25th, 2003 Planning and Zoning Board meeting, the Board forwarded to the City Commission with a recommendation of approval an amendment to Land Development Regulations, Schedule B, Permitted and Special Exception Uses, to distinguish between the outdoor sale, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes and the indoor sale, display, storage and maintenance, excluding repair garages and car washes automobile, truck, trailer, motorcycle, boat and recreation vehicles (hereinafter referred to as the outdoor and indoor sale of motor vehicles). Attachment A is a copy of the Development Review Report. Notwithstanding that amendment, the Land Development Regulations, Schedule A, Land Use Classifications, does not contain land use classifications for either the indoor or the outdoor sale of motor vehicles. It also does not contain specific regulations pertaining to such uses. Consequently, the Department is proposing two Ordinances to address these omissions.

II. PROPOSED AMENDMENT

Attachment B is the proposed Ordinance amending Land Development Regulations Schedule A., Land Use Classification, by repealing the classification for automobile and truck repair and replacing it with two new classifications: the outdoor sales, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes; and the indoor sales, display, storage and maintenance, excluding repair garages and car

"Celebrating 40 Years of Excellence"

washes automobile, truck, trailer, motorcycle, boat and recreation vehicles.

Attachment C is the proposed Ordinance amending the Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures by repealing Section 5.11., Business for repair to motor vehicles and amending Section 5.7. to provide specific regulations for the outdoors and indoor sales, storage and display of motorized and ancillary vehicles.

III. DATA & ANALYSIS

- A. 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 proposed Ordinance addresses the use of land by providing land use classifications and special regulations governing the indoor and outdoor sales of motor vehicles.
- B. 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. Article IV., Part 2.0., Section 2.4. requires the Board to consider and evaluate zoning changes 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.* This factor primarily addresses zoning district map amendments rather than "text" or regulatory amendments. Nonetheless, this factor can apply to some text amendments. The proposed Ordinances would apply to the Community Business, General Commercial, Warehouse Commercial and Light Industrial zoning districts. The character of the three commercial districts is generally the sales of good and services, the character of the industrial district is generally manufacturing, and the character of all four districts is display and storage ancillary to sales and manufacturing. These four districts are particularly suitable for the sales and storage of motorized and ancillary vehicles, both indoors and outdoors.

- b. *Conservation of the value of buildings and encouraging the most appropriate use of land and water throughout the City.* The proposed Ordinances conserves the value of buildings by allowing existing buildings to be converted for the indoor sales, display, storage and maintenance of motor vehicles. It encourages the most appropriate use of land by distinguishing between indoors and outdoors storage.
 - 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: Future Land Use Element Objective 1: Provide categories of land use that will accommodate the needs for housing, business, industrial, recreation, conservation, public facilities.
 - d. *The needs of the City for land areas for specific purposes to serve population and economic activities.* This factor primarily addresses zoning map amendments rather than "text" or regulatory amendments. Nonetheless, there is a need for land areas addressing storage of motor vehicles. The proposed Ordinance supplement the previously adopted Ordinance (See Attachment A) and encourages the indoors storage of motor vehicles by allowing those uses as a permitted use in the C-2, C-3, C-4 and I-1 zoning districts. In contrast, the outdoors storage of motor vehicle and repairs is allowed as a special exception use in the above-described districts. The outdoors storage of such uses requires paved open areas with lots of lighting, which can be visually repugnant. The indoors storage of such uses avoids these impacts. Further, many "luxury" car dealers favor indoors storage. Thus, the Ordinances may encourage "luxury" car dealers to relocate to the City.
 - e. *Whether there have been substantial changes in the character of development of areas in or near an area under consideration for rezoning.* This factor primarily addresses zoning map amendments rather than "text" or regulatory amendments.
 - 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.
2. 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 proposed Ordinance has been placed on the April 2003 regular meeting agenda of the Planning and Zoning Board, which is being held on April 29th, 2003.

3. 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 was properly advertised in the April 19th, 2003 edition of the Sun-Sentinel, a newspaper of general circulation within the County.

IV. ATTACHMENTS

- Attachment A:** Development Review Report and Ordinance amending Land Development Regulations Schedule B., Permitted and Special Exception Uses, by clarifying that automobile, truck, trailer, motorcycle, boat and recreation vehicle sales, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes as a special exception use in the Community Business, Warehouse Commercial and Light Industrial zoning districts refers to the outdoor sales, display and storage and by adding that the (indoors) sales, display, storage and maintenance of automobiles, trucks, trailers, motorcycles, boats and recreation vehicles, excluding repair garages and car washes are allowed in the Community Business, General Commercial and Warehouse Commercial and Light Industrial zoning district as a permitted use.
- Attachment B:** Proposed Ordinance amending Land Development Regulations Schedule A., Land Use Classification, by repealing the classification for automobile and truck repair and replacing it with two new classifications: the outdoor sales, display, storage and -repair, including repair garages, new and used car agencies or lots, and car washes; and the indoor sales, display, storage and maintenance, excluding repair garages and car washes automobile, truck, trailer, motorcycle, boat and recreation vehicles.
- Attachment C:** Proposed Ordinance amending the Land Development Regulations Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures by repealing Section 5.11., Business for repair to motor vehicles and amending Section 5.7. to provide specific regulations for the outdoors and indoor sales, storage

and display or motorized and ancillary vehicles.

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 City's Land Development Regulations, Schedule B., was recently amended to distinguish between the outdoor and indoor sales, display, storage and repair of motorized and ancillary vehicles. The Department further finds Ordinances were not prepared providing land use classifications and special regulations for such uses.
- B. The Department finds the proposed Ordinances address land use classifications and special regulations for such the outdoor and indoor sales, display, storage and repair of motorized and ancillary vehicles.
- C. The Department concludes the proposed Ordinance amending the Land Development Regulations is in conformance with the requirements specified in Land Development Regulations Article IV., Part 2.0., Section 2.4., Basis for Recommendations.
- D. The Department finds and concludes the proposed Ordinance amending the Land Development Regulations is consistent with the Comprehensive Plan.

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 recommend to the City Commission 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 recommend to the City Commission 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 recommend to the City Commission 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 item until the specified information is provided.

VII. RECOMMENDED ACTION

- A. Department recommendation. The Department recommends the Board move to forward the proposed Ordinance to the City Commission with a recommendation of approval.
- B. Board recommendation. Scheduled for April 29th, 2003.
- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled for May 12th, 2003 and second reading on May 26th, 2003.



ATTACHMENT A

City of Lauderhill

Planning and Zoning Department

Agenda Item No. G.3.

DEVELOPMENT REVIEW REPORT

The matter before the City Planning and Zoning Board (Board) is a proposed Ordinance amending the Land Development Regulations, Schedule B, Permitted and Special Exception Uses, pertaining to automobile, truck, trailer, motorcycle, boat and recreation vehicle sales, display, storage and repair. The matter is before the Board because Land Development Regulations Article VII., Section 9., requires the Board make a recommendation to the City Commission on Land Development Regulation amendments. *The Department recommends the Board forward to the City Commission the proposed Ordinances with a recommendation of approval.*

I. BACKGROUND

Land Development Regulations, Schedule B, Permitted and Special Exception Uses, allows automobile, truck, trailer, motorcycle, boat and recreation vehicle (hereinafter referred to as motor vehicles) sales, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes as a special exception use in the Community Business, Warehouse Commercial and Light Industrial zoning districts. It also is allowed as a special exception use in the General Commercial zoning district subject to Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures. Part 5.0. addresses lot width (former footnote 12) in relation to abutting residential uses and requires repair work and the storage of parts and materials to be conducted indoors. The Land Development Regulations do not distinguish between the indoor and outdoor sales, display and storage of such motor vehicles. The Department believes this distinction is significant.

The Department finds that by selling, displaying and storing the motor vehicles indoors, the product becomes similar to other retail products, such as furniture and appliances. Based on this finding the Department concludes that the indoor sales, display and storage of motor vehicles should be treated as any other retail product and allowed in the Community Business (C-2), General Business (C-3), Warehouse Commercial (C-4) and Light Industrial (I-1) zoning districts as a permitted use.

Consequently, the Department proposes to amend the Land Development Regulations in two ways. First, the Department proposes to amend the Land Development Regulations,

"Celebrating 40 Years of Excellence"

Schedule B, Permitted and Special Exception Uses, by clarifying that automobile, truck, trailer, motorcycle, boat and recreation vehicle (outdoors) sales, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes as a special exception use in the Community Business, Warehouse Commercial and Light Industrial zoning districts refers to the outdoor sales, display and storage. Second, the Department proposes to amend the Land Development Regulations, Schedule B, Permitted and Special Exception Uses, to allow automobile, truck, trailer, motorcycle, boat and recreation vehicle (indoors) sales, display, storage and maintenance, excluding repair garages and car washes as a permitted use in the Community Business, General Commercial, Warehouse Commercial and Light Industrial zoning districts. It is intended that all sales, storage and display of motor vehicles will occur indoors, although it is understood that a motor vehicle may be taken outdoors for "testing" before purchasing or leasing such motor vehicle. It also is intended to allow the maintenance of motor vehicles associated with the sales, display and storage of such vehicle, such as vacuuming, but to prohibit any repair, whether minor or major.

On February 6th, 2003, the Department received a letter from an attorney supporting Ordinances distinguishing indoor from outdoor storage of motor vehicles and allowing the indoor storage of boats within the General Commercial zoning district and, specifically, along the State Road 7 corridor (See Attachment B). The current Land Development Regulations would not allow either the indoor or the outdoor storage of boats because the lot has a depth of less than 350 feet and abuts a designated residential district. The proposed Ordinance would allow the indoor storage of boats as a permitted use at the proposed SR-7 location.

II. PROPOSED AMENDMENT

Attachment A is the proposed Ordinance amending Land Development Regulations Schedule B., Permitted and Special Exception Uses, by clarifying that automobile, truck, trailer, motorcycle, boat and recreation vehicle (outdoors) sales, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes as a special exception use in the Community Business, Warehouse Commercial and Light Industrial zoning districts refers to the outdoor sales, display and storage. It also amends the Land Development Regulations, Schedule B, Permitted and Special Exception Uses, to allow automobile, truck, trailer, motorcycle, boat and recreation vehicle (indoors) sales, display, storage and maintenance, excluding repair garages and car washes as a permitted use in the Community Business, General Commercial, Warehouse Commercial and Light Industrial zoning districts.

III. DATA & ANALYSIS

- A. 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 proposed Ordinance addresses the use of land by identifying those zoning districts where the indoors and outdoors sales, storage, display, maintenance and repair of motor vehicles is allowed.
- B. 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. Article IV., Part 2.0., Section 2.4. requires the Board to consider and evaluate zoning changes 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.* This factor primarily addresses zoning district map amendments rather than "text" or regulatory amendments. Nonetheless, this factor can apply to some text amendments. The proposed Ordinance addresses the Community Business, General Commercial, Warehouse Commercial and Light Industrial zoning districts. The character of the three commercial districts is generally the sales of good and services, the character of the industrial district is generally manufacturing, and the character of all four districts is display and storage ancillary to sales and manufacturing. These four districts are particularly suitable for the sales and storage of motor vehicles, both indoors and outdoors.
 - b. *Conservation of the value of buildings and encouraging the most appropriate use of land and water throughout the City.* The proposed Ordinance conserves the value of buildings by allowing existing buildings to be converted for the indoor sales, display, storage and maintenance of motor vehicles. It encourages the most appropriate use of land by distinguishing between indoors and outdoors storage.
 - 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: Future Land Use Element Objective 1: Provide categories of land use that will accommodate the needs for housing, business, industrial, recreation, conservation, public facilities.

- d. *The needs of the City for land areas for specific purposes to serve population and economic activities.* This factor primarily addresses zoning map amendments rather than "text" or regulatory amendments. Nonetheless, there is a need for land areas addressing storage of motor vehicles. The proposed Ordinance encourages the indoors storage of motor vehicles by allowing those uses as a permitted use in the C-2, C-3, C-4 and I-1 zoning districts. In contrast, the outdoors storage of motor vehicle and repairs is allowed as a special exception use in the above-described districts. The outdoors storage of such uses requires paved open areas with lots of lighting, which can be visually repugnant. The indoors storage of such uses avoids these impacts. Further, many "luxury" car dealers favor indoors storage. Thus, the Ordinances may encourage "luxury" car dealers to relocate to the City.
 - e. *Whether there have been substantial changes in the character of development of areas in or near an area under consideration for rezoning.* This factor primarily addresses zoning map amendments rather than "text" or regulatory amendments.
 - 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.
2. 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 proposed Ordinance has been placed on the February 2003 regular meeting agenda of the Planning and Zoning Board, which is being held on February 25th, 2003.
3. 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 was properly advertised in the February 15th, 2003 edition of the Sun-

Sentinel, a newspaper of general circulation within the County.

IV. ATTACHMENTS

- Attachment A: Proposed Ordinance amending Land Development Regulations Schedule B., Permitted and Special Exception Uses, by clarifying that automobile, truck, trailer, motorcycle, boat and recreation vehicle sales, display, storage and repair, including repair garages, new and used car agencies or lots, and car washes as a special exception use in the Community Business, Warehouse Commercial and Light Industrial zoning districts refers to the outdoor sales, display and storage and by adding that the (indoors) sales, display, storage and maintenance of automobiles, trucks, trailers, motorcycles, boats and recreation vehicles, excluding repair garages and car washes are allowed in the Community Business, General Commercial and Warehouse Commercial and Light Industrial zoning distr as a permitted use.
- Attachment B: February 3rd, 2003 letter from Attorney Ted P. Galatis to Planning and Zoning Director Earl Hahn.

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 City's Land Development Regulations do not clearly distinguish between the indoor and outdoor sales, display, storage and repair of motor vehicle.
- B. The Department finds it has received a letter requesting that the Land Development Regulations be amended to allow the indoor storage of boats as a permitted use for a property located on State Road 7 and zoned General Commercial district.
- C. The Department finds the indoor sales, display, storage and maintenance of motor vehicles, excluding repairs, is similar to the indoor display, sales, storage and maintenance of furniture and concludes the Land Development Regulations should be amended to treat those uses similarly.
- D. The Department finds the proposed Ordinance distinguishes between the indoor sales, display, storage and maintenance of motor vehicles, excluding repair garages

and the outdoor sales, display, storage and repair of motor vehicles, including repair garages and car washes.

- E. The Department concludes the proposed Ordinance amending the Land Development Regulations is in conformance with the requirements specified in Land Development Regulations Article IV., Part 2.0., Section 2.4., Basis for Recommendations.
- F. The Department finds and concludes the proposed Ordinance amending the Land Development Regulations is consistent with the Comprehensive Plan.

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 recommend to the City Commission 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 recommend to the City Commission 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 recommend to the City Commission 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 item until the specified information is provided.

VII. RECOMMENDED ACTION

- A. Department recommendation. The Department recommends the Board move to forward the proposed Ordinance to the City Commission with a recommendation of approval.
- B. Board recommendation. Scheduled on the February 25th, 2003 agenda.

- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled for March 31st, 2003 and second reading on April 14th, 2003.

ATTACHMENT A

ORDINANCE NO. ###-##-###

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS, SCHEDULE B., PERMITTED AND SPECIAL EXCEPTION USES; CLARIFYING THAT AUTOMOBILE, TRUCK, TRAILER, MOTORCYCLE, BOAT, RECREATION VEHICLE SALES, DISPLAY, STORAGE, OR REPAIR, INCLUDING REPAIR GARAGES, NEW AND USED CAR AGENCIES OR LOTS, AND CAR WASHES REFERS TO OUTDOOR SALES DISPLAY, STORAGE OR REPAIR; ADDING A LAND USE CLASSIFICATION FOR AUTOMOBILE, TRUCK, TRAILER, MOTORCYCLE, BOAT, RECREATION VEHICLE INDOOR SALES, DISPLAY, STORAGE, OR MAINTENANCE, EXCLUDING REPAIR GARAGES AND CAR WASHES IN THE COMMUNITY BUSINESS (C-2), GENERAL COMMERCIAL (C-3), WAREHOUSE COMMERCIAL (C-4) AND LIGHT INDUSTRIAL (I-1) ZONING DISTRICTS AS A PERMITTED USE; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE (SPONSORED BY MAYOR KAPLAN).

WHEREAS, the City Commission adopted its 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, the state planning agency determined the City's Comprehensive Plan was in-compliance with said Act; and

WHEREAS, the City has subsequently amended its Comprehensive Plan and the state planning agency has determined the amendments are 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

ATTACHMENT A

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, Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain specific and detailed provisions necessary to regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open spaces; and

WHEREAS, the Land Development Regulations Schedule B., Permitted and Special Exception Uses, do not distinguish between the indoors and outdoors sales, display, storage, repair or maintenance of automobiles, trucks, trailers, boats and recreation vehicles; and

WHEREAS, the Land Development Regulations should be amended to make such distinction; and

WHEREAS, at their duly noticed meeting and public hearing of February 25th, 2003 the City's Planning and Zoning Board, sitting as the Local Planning Agency entered the Development Review Report on the proposed Ordinance into the record, adopted the findings and conclusions supporting the Ordinance's adoption, and recommended the City Commission adopt the Ordinance and incorporate it into the Land Development Regulations; and

WHEREAS, at their duly noticed meeting and public hearing of March 31st, 2003 the City Commission on first reading entered the Development Review Report on the proposed Ordinance into the record, and adopted findings and conclusions; and

WHEREAS, at their duly noticed meeting and public hearing of April 14th, 2003, the City Commission on second reading adopted the Ordinance incorporating revisions to the Land Development Regulations.

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

SECTION 1. Schedule B. amendments. Land Development Regulations Schedule B., Permitted and Special Exception Uses, is amended as set forth in Exhibit 1.

ATTACHMENT A

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

SECTION 3. Conflict. 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 adoption.

DATE this _____ day of _____, 2003.

PASSED on first reading this _____ day of _____, 2003.

PASSED AND ADOPTED on second reading this _____ day of _____, 2003.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION
SECOND

FIRST READING

SECOND READING

ATTACHMENT A

**M. BATES
W. ELFERS
T. JONES
L. MIRSKY
R. KAPLAN**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**EXHIBIT 1
LAND DEVELOPMENT REGULATIONS**

Schedule B. Permitted and Special Exception Uses

2. Uses Permitted in Non-residential Districts

Land Use Category	CO-1	C-2	C-3	C-4	I-1	CR	S-1	CF	U-1
Auctions *			P						
Auditoriums and Convention Halls								P	
Automobile, Truck, Trailer, Motorcycle, Boat, Recreation Vehicle (Outdoors) Sales, Display, Storage, or Repair, including Repair Garages, New and Used Car Agencies or Lots, Car Wash *		SE	SE	SE	SE				
Automobile, Truck, Trailer, Motorcycle, Boat, Recreation Vehicle (Indoors) Sales, Display, Storage, or Maintenance, excluding Repair Garages and Car Wash		P	P	P	P				
Automobile Wrecking				SE	SE				
Bingo Parlor *		SE	SE						

Footnotes:

SE = Special exception

P = Permitted use

A = Accessory use

* See Article III., Zoning Districts, Part 5.0., Special Requirements for Specific Land Use Classifications and Structures for additional requirements.

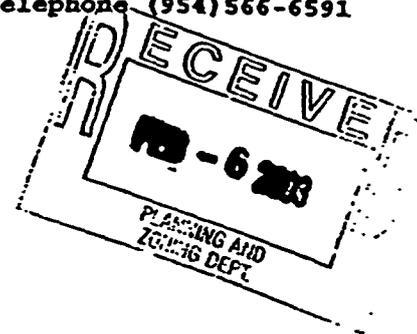
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ATTACHMENT B
TED P. GALATIS
Attorney At Law

820 Oleander Drive
Plantation, FL 33317
Telephone (954) 566-6591

February 3rd, 2003

Mr Earl Hahn, Director
Planning & Zoning department
City of Lauderhill, FL
2000 City Hall Drive
Lauderhill, FL 33313



Dear Mr. Hahn:

This letter is a follow up to our telephone conversation of last Friday. You will remember that I told you that I represent Discipleship Broadcasting, Inc. the owner of the property located at 2647 (Lauderdale Community Church) and 2699 (Family Thrift Store) on North State Road 7 (US 441) in the City of Lauderhill, Florida. The owner is a Non-Profit entity under the provisions of the Internal Revenue Code and receives donations of personal property including furniture, clothing, household items among other things and on some occasions, boats and automobiles.

The portion of the buildings housing the aforementioned Church and Thrift store owned by Discipleship Broadcasting, Inc is adjacent and connected to stores housing four businesses including a furniture store, an insurance agency, a computer store, and a graphics design store.

Recently the owner of the adjacent property died and his widow desires to sell said property to my client who would purchase said property, provided one of the stores can be used to store and sell boats and automobiles within a store.

The property is located in a C-3 Zone which allows such usage upon special exception. Another section of the Code prohibits the use of the property for said purposes if the property lies within 350 feet of Certain designated multiple housing properties, which it so happens, is the circumstance that the Church finds itself. As you know there are apartments located behind the property that are approximately 290 feet from the front property line of the property.

The ordinance prohibiting such usage does not distinguish between sales, storage etc. that are intended to be conducted in open space versus those type of uses that would be conducted inside a building. The Code provisions therefore, would be manifestly unfair, as obviously two different scenarios require separate consideration.

You have indicated that your office has given this flaw some consideration over a long period of time and that perhaps the Code section should be

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either interpreted to not apply to the situation where the intended use will be carried on inside an enclosed building, or in the alternative, there should be an amendment to the said code provisions to distinguish between the two situations.

On behalf of my client, I respectfully request that you take under consideration my client's request to use one of the stores located within the property offered for sale and undertake whatever steps as are necessary to make it possible to use the property for indoor boat and automobile storage and sales.

In closing, I must tell you that my client would not be interested in purchasing the offered property unless special exception usage as aforementioned is obtained.

Yours Truly,



Ted P. Galatis

ATTACHMENT B

ORDINANCE NO. ###-##-###

AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS, SCHEDULE A., LAND USE CLASSIFICATIONS; REPEALING THE LAND USE CLASSIFICATION AUTOMOBILE AND TRUCK REPAIR; ADDING A LAND USE CLASSIFICATION FOR AUTOMOBILE, TRUCK, TRAILER, MOTORCYCLE, BOAT, RECREATION VEHICLE (OUTDOORS) SALES, DISPLAY, STORAGE OR REPAIR, INCLUDING REPAIR GARAGES, NEW AND USED CAR AGENCIES OR LOTS, CAR WASHES; ADDING A LAND USE CLASSIFICATION FOR AUTOMOBILE, TRUCK, TRAILER, MOTORCYCLE, BOAT, RECREATION VEHICLE (INDOORS) SALES, DISPLAY, STORAGE OR MAINTENANCE, EXCLUDING REPAIR GARAGES AND CAR WASHES; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE (SPONSORED BY THE CITY MANAGER).

WHEREAS, the City Commission adopted its 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, Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain specific and detailed provisions necessary to regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open spaces; and

ATTACHMENT B

WHEREAS, Paragraph 163.3202(2)(h), Florida Statutes, requires the land development regulations contain specific and detailed provisions necessary to ensure safe and convenient onsite traffic flow, considering needed vehicle parking; and

WHEREAS, the City Commission adopted Ordinance No., which amended Land Development Regulations Schedule B., Permitted and Special Exception Uses, to distinguish between the indoors and outdoors sales, display, storage, repair or maintenance of automobiles, trucks, trailers, boats and recreation vehicles (hereinafter called motorized and ancillary vehicles); and

WHEREAS, the Land Development Regulations Schedule A., Land Use Classifications, do not include a classification distinguishing indoor from outdoor sales, display and storage of motorized and ancillary vehicles; and

WHEREAS, the City Commission concludes Schedule A should be amended to make such distinction; and

WHEREAS, at their duly noticed meeting and public hearing of April 29th, 2003, the City's Planning and Zoning Board, sitting as the Local Planning Agency (LPA) entered the Development Review Report on the proposed Ordinance into the record, adopted the findings and conclusions supporting the Ordinance's adoption, and recommended the City Commission adopt the Ordinance and incorporate it into the Land Development Regulations; and

WHEREAS, at their duly noticed meeting and public hearing of May 12th, 2003 the City Commission considered the record, adopted findings and conclusions, and approved the proposed Ordinance on first reading; and

WHEREAS, at their duly noticed meeting and public hearing of May 26th, 2003, the City Commission on second reading adopted the Ordinance incorporating revisions to the Land Development Regulations.

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

SECTION 1. Classification repealed. Land Development Regulations Schedule A., Land Use Classifications, is repealed as set forth below.

~~AUTOMOBILE AND TRUCK REPAIR: Repair of automobile and truck bodies, ignition systems and radiators; Automobile and truck painting and refinishing~~

ATTACHMENT B

~~and repair and replacement of glass; General and specialized related vehicle repairs including travel trailers, motorcycles, tractors and similar automotive repairs.~~

SECTION 2. New classification for outdoor vehicle sales. Land Development Regulations Article I., General Provisions, Part 1.0., General, Section 1.5., Definitions, general, is amended to add a new definition as set forth below.

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 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.

SECTION 3. New classification for indoor vehicle sales. Land Development Regulations Article I., General Provisions, Part 1.0., General, Section 1.5., Definitions, general, is amended to add a new definition as set forth below.

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

ATTACHMENT B

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.

SECTION 4. 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 Land Development Regulations.

SECTION 5. Conflict. 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 6. Effective Date. This Ordinance shall take effect immediately upon its adoption.

DATE this _____ day of _____, 2003.

PASSED on first reading this _____ day of _____, 2003.

PASSED AND ADOPTED on second reading this _____ day of _____, 2003.

PRESIDING OFFICER

ATTEST:

CITY CLERK

FIRST READING

SECOND READING

ATTACHMENT B

MOTION
SECOND

M. BATES
W. ELFERS
T. JONES
L. MIRSKY
R. KAPLAN

