



Agenda Item No.

## **DEVELOPMENT REVIEW REPORT**

The matter before the City Commission is a proposed Ordinance of The City Commission of Lauderhill, Florida amending the Land Development Regulations and pertaining to nonconforming sites within the City of Lauderhill amending Article III, zoning districts, Section 6.5; off-street parking standards and requirements; Amending Schedule G, Minimum Automobile Off-Street Parking Standards and Requirements, Section 1.1.5, General Requirements; Amending Schedule J, Landscape Installation, Irrigation and Maintenance Standards and Requirements, Section 3.2, Nonconforming Parking Lots; providing for findings and conclusions; providing for conflicts; providing for an effective date.

The proposed Ordinance is before the Board/LPA because LDR Article IV., Part 2.0., and Article VI., Section 4 requires the Board/LPA to make a recommendation to the City Commission on LDR amendments.

*The Planning and Zoning Division recommends the Board forward the record to the City Commission with a recommendation the proposed Ordinance be adopted.*

### **I. BACKGROUND**

Staff has identified a need to amend provision pertaining to nonconforming sites in order to address the needs of the property and business owners who are restricted as to site improvements as well as use changes and expansions, based on the nonconforming nature of the existing site and the limitations of such.

Where nonconformities exist at commercial and multifamily sites, such as off-street parking, loading, access, fences, walls, lighting, landscaping, or similar nonconformities, such nonconformities may continue and the site may be altered only as provided below.

No change shall be made in any nonconforming site which increases the nonconformity. Changes may be approved by the Planning and Zoning Director and confirmed by the Development Review Committee (DRC) by way of site plan modification.

The objective of this ordinance amendment is to amend Article III, zoning districts, Section 6.5; off-street parking standards and requirements; Amending Schedule G, Minimum Automobile Off-Street Parking Standards and Requirements, Section 1.1.5, General Requirements; Amending Schedule J, Landscape Installation, Irrigation and Maintenance Standards and Requirements, Section 3.2, Nonconforming Parking Lots;

## II. Proposed Ordinance

**SECTION 1.** Land Development Regulations (LDR), ART III, Zoning Districts, Section 6.5 off-street parking standards and requirements is amended as provided below

Section 6.5.1

~~E. Where a building or use which existed on December 11, 1984, is changed in use or occupancy, additional off-street parking facilities shall be provided to the extent that the off-street parking required by this section for the new use or occupancy exceeds the off-street parking which would have been required for the previous use or occupancy had the regulations of this section been applicable thereto. For the purposes of this section, a change of use or occupancy shall mean a change from one category under paragraph 1.1.3.~~

E. Where nonconformities exist at commercial and multifamily sites, such as off-street parking, loading, access, fences, walls, lighting, landscaping, or similar nonconformities, such nonconformities may continue and the site may be altered only as provided below.

a. No change shall be made to any nonconforming site improvement which increases the nonconformity. Changes which propose improvements which will have a greater impact on decreasing the nonconforming nature of the site than on increasing the nonconforming nature of the site may be approved by the Planning and Zoning Director and confirmed by the Development Review Committee (DRC) by way of site plan modification approval.

**SECTION 2.** Land Development Regulations (LDR), SCHEDULE G, Minimum Automobile Off-Street Parking Standards and Requirements, Section 1 Off-street parking and loading is amended as provided below

Section 1.1 General Requirements

~~Section 1.1.5. Where a building or use which existed on December 11, 1984, is changed in use or occupancy, additional off-street parking facilities shall be provided to the extent that the off-street parking required by this section for the new use or occupancy exceeds the off-street parking which~~

would have been required for the previous use or occupancy had the regulations of this section been applicable thereto. For the purposes of this section, a change of use or occupancy shall mean a change from one category under paragraph 1.1.3.

**SECTION 3. Land Development Regulations (LDR), Schedule J, Landscape Installation, Irrigation and Maintenance Standards and Requirements,**

**Section 3.2, Nonconforming Parking Lots Sites**

• **Sec. 3.2. - Nonconforming parking lots.**

Existing parking lots which do not comply with this section shall be required to conform at least fifty (50) percent (such determination to be made by the Planning and Zoning Director and confirmed by the Planning and Zoning Board) with the parking lot requirements of this Schedule when one (1) of the following conditions occur:

~~3.2.1. Any lot enlargement or additional paving.~~

~~3.2.2. Any alterations or additions which would contribute to a net increase of at least five (5) percent of gross floor area to the building which would result in an increase in the number of parking spaces as required by zoning ordinance that are assigned to that particular building and/or business.~~

~~3.2.3. Alterations of the interior of the building when the values of all repairs or construction as set forth on all permits issued by the City over any consecutive two (2) year period equals twenty five (25) percent or more of the assessed value of the property.~~

Where nonconformities exist at commercial and multifamily sites, such as off-street parking, loading, access, fences, walls, lighting, landscaping, or similar nonconformities, such nonconformities may continue and the site may be altered only as provided below.

a. No change shall be made to any nonconforming site improvement which increases the nonconformity. Changes which propose improvements which will have a greater impact on decreasing the nonconforming nature of the site than on increasing the nonconforming nature of the site may be approved by the Planning and Zoning Director and confirmed by the Development Review Committee (DRC) by way of site plan modification approval.

### **III. DATA & ANALYSIS**

A. Florida statutes. Section 163.3202, Florida Statutes, requires a local government to adopt land development regulations that implement their adopted Comprehensive Plan. Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain provisions addressing the use of land and water. Paragraph 163.3213(2)(b), Florida Statutes, defines a "Land development regulation" as an ordinance enacted by a local governing body for the regulation of any aspect of development, including a subdivision, building construction, landscaping, tree protection, or sign regulation or any other regulation concerning

the development of land. This term shall include a general zoning code, but shall not include a zoning map, an action which results in zoning or rezoning of land, or any building construction standard adopted pursuant to and in compliance with the provisions of Chapter 553.

*Staff concludes the proposed Ordinance is a land development regulation because it addresses specific land uses in commercial and multifamily residential areas.*

B. Article IV, Part 2.0. standards. Article IV, Part 2.0., Section 2.4, Basis for recommendations addresses those factors to be considered when reviewing zoning district amendments, and Sections 2.9 and 2.10 focus respectively on procedural and notice requirements.

1. **Amendment factors.** LDR Article IV., Part 2.0., Section 2.4., requires the Board and City Commission to consider and evaluate zoning changes in relation to all pertinent factors but with reference to six (6) specific factors. The proposed Ordinance is evaluated below against the six (6) identified factors.

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

*The proposed Ordinance is intended to provide relief for nonconforming sites to make site improvements provided that they do not result in a larger degree of nonconformity.*

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

*Staff concludes that the proposed Ordinance conserves the value of land by ensuring that nonconforming sites can make site improvements through the site plan modification process without the requirement that they meet full conformity to the code.*

c. The applicable portions of the adopted City Comprehensive Plan and programs such as land use, trafficways, recreation, schools, neighborhoods, drainage and housing and so forth.

*Staff finds the proposed Ordinance is generally consistent with Future Land Use Element (FLUE), Objective 2.20., Land Development Regulations, which provides in part "Maintain Land Development Regulations promoting well-planned, orderly, compatible, and attractive development."*

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

*Staff concludes that the proposed Ordinance will help to encourage property owners to make site improvements.*

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

*Staff concludes that this factor specifically applies to zoning district map and not zoning regulation amendments. Staff finds the proposed Ordinance is not a zoning district map amendment and, therefore, concludes that this factor does not apply to that Ordinance.*

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

*This Development Review Report includes data and analysis and written findings of fact and conclusions to support staff's recommendation on the proposed Ordinance.*

- 2. **Procedure.** LDR Article IV., Part 2.0., Section 2.9., addresses the procedure for zoning district map or zoning regulation amendments. It requires the Board to make a recommendation to the City Commission at a duly noticed public hearing on changes to the zoning district map and zoning regulations and for the Board to forward its recommendation to the City Commission.

*Staff has placed the proposed Ordinance on the Planning and Zoning Board regular January 2020 public hearing agenda, being held on January 28, 2020. At that duly noticed public hearing, the Board will consider the proposed Ordinance, this Development Review Report, all other relevant and substantial competent evidence presented at the hearing, make a recommendation, and forward to the City Commission their recommendation on the proposed Ordinance and all supporting evidence.*

- 3. **Amendment notice.** LDR Article IV., Part 2.0., Section 2.10., addresses public notice. Subsection 2.10.1., requires a change in zoning be published in a newspaper of general circulation in Broward County at least 10 days prior to the date of the hearing.

*The PZD has caused a legal notice of the Planning and Zoning Board public hearing to be published in the Sun-Sentinel, a newspaper of general circulation within the City and Broward County, on or before January 18, 2020, or at least 10 days before the public hearing date. The proposed Ordinance is identified within the published legal notice. Proof of publication is on file with the PZD and is included herein by reference. Thus, the PZD concludes the proposed Ordinance has been duly noticed consistent with the standards and requirements of LDR Article IV., Part 2.0., Section 2.10.*

## **IV. ATTACHMENTS**

Attachment A: Proposed Text Amendment

## **V. FINDINGS AND CONCLUSIONS**

Based upon the information contained in this Development Review Report, the following findings of fact and conclusions of law are offered:

- A. Staff has proposed Ordinance of The City Commission of Lauderhill, Florida amending the Land Development Regulations and pertaining to nonconforming sites within the City of Lauderhill amending Article III, zoning districts, Section 6.5; off-street parking standards and requirements; Amending Schedule G, Minimum Automobile Off-Street Parking Standards and Requirements, Section 1.1.5, General Requirements; Amending Schedule J, Landscape Installation, Irrigation and Maintenance Standards and Requirements, Section 3.2, Nonconforming Parking Lots; providing for findings and conclusions; providing for conflicts; providing for an effective date.
- B. Staff finds that LDR Article IV., Part 2.0., Section 2.4., requires a proposed LDR amendment be evaluated against six (6) specific factors. Staff finds the proposed Ordinance has been evaluated against the six (6) identified factors and concludes the proposed Ordinance generally is in conformance and furthers those factors.
- C. Staff finds the proposed Ordinance amending the LDR is scheduled for a duly noticed Board public hearing on January 28, 2020. At that public hearing, the Board will review and make a recommendation to the City Commission on the proposed Ordinance.
- D. Staff finds the proposed Ordinance has been published in the legal notice section of the Sun-Sentinel, a newspaper of general circulation within the County, at least 10 days before the Board public hearing.

## **VI. ALTERNATIVE ACTIONS**

The Board/LPA has one of the following alternative actions at its disposal:

- A. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted.
- B. Enter into the record the Development Review Report and all other substantial

competent evidence presented at the hearing, amend the findings and conclusions contained herein to support the Board's recommendation, and forward the record to the City Commission with the recommendation that the proposed Ordinance not be adopted.

- C. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support any necessary conditions, and forward the record to the City Commission with the recommendation that the proposed Ordinance be adopted with conditions.
- D. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, identify any additional data and analysis needed to support the proposed Ordinance, and forward the record to the City Commission with the recommendation that the proposed Ordinance be tabled for up to six months in order to allow staff time to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

## **VII. RECOMMENDED ACTION**

- A. PZD recommendation. Staff recommends the Planning and Zoning Board enter into the record this Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted.
- B. Planning and Zoning Board recommendation. The proposed Ordinance was scheduled on the agenda for the regular January, 2020 Board hearing, held on January 28, 2020. The Planning and Zoning Board voted to approve and forward the proposed Ordinance to the February 10, 2020 City Commission public hearing.
- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled on the agenda for the February 10, 2020 City Commission public hearing. If approved or approved with conditions on first reading, the adoption hearing on the proposed Ordinance is tentatively scheduled on the agenda for the February 24, 2020 City Commission public hearing.