



Agenda Item No. G.2.

DEVELOPMENT REVIEW REPORT

The matter before the City Planning and Zoning Board (Board), sitting as the Local Planning Agency, is a proposed Ordinance amending the Land Development Regulations pertaining to Automobile Uses Classifications City Wide by amending LDR Schedule A- Land Use Classifications; Amending LDR Schedule B- Allowable Uses ; Amending Article I General Provisions Sec. 1.5. - Definitions, General; Amending Article III- Zoning Districts, Section 5.7 - Automobile, Truck, Trailer, Motorcycle, Boat, Recreation Vehicle.; Providing for Findings and Conclusions; Providing For Conflicts; Providing for an effective date (Requested by City Manager, Desorae Giles-Smith). *The Department recommends the Board enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted.*

I. BACKGROUND

Staff has identified a need to reclassify Automotive Related Uses and add provisions to the Land Development Regulations regarding Automotive Related Uses City Wide.

The objective of this ordinance amendment is to provide clear definitions and land development standards within the City of Lauderhill's Land Development Code for all Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses City Wide.

The proposed ordinance will additionally classify all Automotive Sales (Outdoor) Uses within the Community Commercial and General Commercial Zoning district as nonconforming uses. These uses shall be allowed to continue to operate pursuant Schedule H and are subject to all provisions concerning Discontinuance or abandonment of a nonconforming use. See provisions below:

Schedule H Section 1.6-

1.6.1. *If for any reason a nonconforming use of land ceases or is discontinued for a period of one (1) year or more, the building shall not thereafter be used for a nonconforming use.*

1.6.2. *If for any reason the nonconforming use of a building ceases or is discontinued for a period of one (1) year or more, the building shall not thereafter be used for a nonconforming use.*

1.6.3. *Any part of a building, structure or land occupied by a nonconforming use which is changed to or occupied by a conforming use shall not thereafter be used or occupied by a nonconforming use.*

II. PROPOSED AMENDMENTS

Below is the proposed Ordinance (**Attachment J**) amending the Land Development Regulations by amending LDR Schedule A- Land Use Classifications; Amending LDR Schedule B- Allowable Uses ; Amending Article I General Provisions Sec. 1.5. - Definitions, General; Amending Article III- Zoning Districts, Section 5.7 - Automobile, Truck, Trailer, Motorcycle, Boat, Recreation Vehicle:

Schedule A- Land Use Classifications

Automotive Sales, Car Rental (Indoor and Outdoor)- Display, sales or rental of new or used automobiles, trucks, motorcycles, recreation vehicles and trailers but where no repair, repainting or remodeling is done. 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.
Automotive Repair (Major)- An establishment engaged in the major repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, recreational vehicles, or mobile homes. Services include engine, transmission, or differential repair or replacement; body, fender, or upholstery work; and painting.

Automotive Repair (Minor) - An establishment engaged in light maintenance activities such as engine tune-ups; oil change or lubrication; carburetor cleaning; muffler replacement; brake repair; and tire shops. Vehicle parts are sold and are ordinarily installed on the premises.

Car Wash and Auto Detailing- An establishment (automatic or hand wash) intended for the exterior washing of automobiles within an enclosed building or permanent structure. The cleaning of the interior of motor vehicles, waxing of the exterior detail work of motor vehicles, drying and exterior detail work of motor vehicles if any, may be permitted if the Car Wash is operating as the primary use. Automatic Car wash shall be permitted as an accessory use to Gas

or Service Stations.

Schedule B- Allowable Uses

B-2. Uses Allowed in Non-residential Districts.

Land Use Category	CO	CN	CG	CC	CW	C E	IL	P O	PL	PR	CR	S- 1	CF	UT	Not Zoned
Accessory Uses ¹	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Adult day care	SE		SE		SE										
Alcoholic beverage establishment ¹															
• Bars and taverns	SE		SE	SE	P ²	P ₂									
• Hotel bar	SE		SE	SE											
• Package store			SE	SE											
• Restaurant bar	SE		P	P	P	P									
Amphitheatre, arena, movie theatres and performing arts center ¹															
• Minor with 499 seats or less						P			SE	P			P		
• Major with 500 seats or more						S E			SE	SE			SE		
Amusement room, game room, recreation center ¹			SE	P ²	SE	P ₂			P		SE	A			
Animal hospital			P	P										P	
Athletic courts (e.g., basketball, croquet, lawn bowling, handball, netball, tennis and shuffleboard)									P	P	P			P	
Athletic field, (e.g., baseball, cricket, croquet, football, lawn bowling, soccer, etc.)															
• Daytime use									P	P			P	P	
• Nighttime use (where field lights exceed a 25' height)									SE	SE					
Auctions ¹			P												
Auditoriums and convention halls						A ₂								P	
Automobile repair			SE			P									
Automotive Repair (Major) ¹			SE/A			P/A									
Automotive Repair (Minor) ¹			SE/A	A		P/A									
Automobile sales, car rental (outdoor) ¹			SE-N	SE-N		P									
Automobile sales, car rental (indoor) ¹			P/A	P/A	P ³	P									
Bandshell									SE	SE					
Banquet hall											A		A		
Batting Cage and pitching machines, archery range but excluding gun range									P	A		P			

Billiard or pool parlor			SE	SE	P	P			P		A			
Bingo parlor ^{Art. III, Sec. 5.8}			SE	SE		SE					A			SP
Boat ramp and docks														
• Maintenance									P	P	P			
• Recreation									P	P				
Bowling alley ¹			SE	SE	P	P								
Bulk storage of gas, oil and other fuels ¹								SE						
Camping, temporary									SE	A	A			
Car wash <u>and Auto Detailing</u> ¹			SE/A	SE/A										
Check cashing/Pay Day Loan Store			N	N										
Childcare ¹														
• Day		SE		SE					SE	SE				
• Evening		SE		SE					SE	SE				
• Weekend		SE		SE					SE	SE				
Clubs: Athletic (e.g., aquatic, golf, tennis, soccer), country, fraternal, private, social	SE	SE	SE	P	P						A ²		SE	
Commercial kennel (enclosed building)			SE	SE										
Commercial, radio, T.V., microwave and telecommunication towers	SE	SE	SE	SE	SE						SE	SE	P	
Community gardens ¹														P
Community service (outreach service)		SE												
Concession facilities										A	A			
Consignment shop			P	P	P									
Convenience stores ¹		P	SE	SE	SE									
Correctional and judicial facilities ¹			N	N									N	
Dance Hall								P						
Data processing and computer centers	P		P	P										
Diagnostic laboratory testing facility			P	P									P	
Distribution and Fulfillment Center ^{1,5}					SE		SE							
Domestic and Business Service ¹			SE	P		P								
Education ¹														
• College and university				SE		SE								SE
• Instructional	P	P	P	P	P ²	P ₂			A ²	A ²			SE	
• Pre-school	SE	P		SE									SE	

• Primary and secondary, Public schools	SE			SE			SE							SE		
• Primary and secondary, charter and private schools ¹	SE		SE											SE		
• Remedial		P	SE											P		
• Training	P	P	P	P	SE	SE ₂	SE		A ²	A ²				P		
Essential utilities and services	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	
Food Distribution Center														N		
Financial institutions ¹																
• Walk-up	P	P	P	P	SE	P										
• Drive-through	SE		SE	SE												
Firearm and ammunitions sales ¹			SE													
Fishing											P					
Fitness center, gym, health and wellness spa	SE		P	P	P	P	SE	A	P			A	P	P		
Flea market ¹																
Freestanding and mobile vendors					P ²	P ₂										
Funeral establishments ¹			SE	SE												
Gas or service stations ¹			SE	SE												
Golf course and golf driving range									P	P	P ²					
Golf course, Mini ¹			P	P		P							P	P	P	
Government administration services, maintenance building and outdoor storage of equipment and vehicles ¹	P	SE	P	SE			P						P	P	P	
Grocery store			P	P												
Helipad, Heliport ¹							SE							SE		
Holiday sales ¹			SE/L	SE/L	SE/L	P			SE	SE						
Horticulture (i.e., garden store, nurseries and greenhouses) ¹			A													
Hospitals														SE		
Hotel or motel ¹	SE		SE	SE		P										
House of religious worship ¹	P	P	P	P	P	P/A	P		P/A	P/A	A ²	A ²	P/A			
Jewelry store			P	P	P											
Junkyards ¹							SE									
Laboratories, research, film or testing							P									
Laundromat, self service			SE	SE												
Laundry and Dry cleaning, full service			P	P												

Libraries, Museums and cultural facilities	P		P						P	P				P		
Limousine service and taxi stand ¹						SE ₂										
Live entertainment ¹																
• Indoors			SE	SE	P	P			P	P	P			P		
• Outdoors	SP		SP	SP	SP	P	SP	SE	SP	SE	SP	SP	SP			
Manufacturing ¹																
• Brewery, Microbrewery (Taproom Included)					P		P									
• Compounding, processing and storage			SE				SE									
• Assembly, and repair					P		P									
• Stamping, dyeing, shearing, punching of metal not over 1/8-inch of thickness					P		P									
Medical Marijuana Treatment Center																
Medical Marijuana Health Care Establishment	SE		SE	SE	SE		SE									
Medical Marijuana Dispensing Center																
Mental health facility ¹	P		P	P												
Minor food outlet																
Mixed use (with residential use) ¹	SE		SE	SE	P		P									
Newspaper publishing and printing					P		P									
Offices ¹																
• Business and professional	P	P	P	P	P		P									
• Government	SE	SE	SE	SE	SE		P ₂							P	P	
• Medical with non-controlled substance practitioner	P		P	P	P		A ₂									
• Medical with controlled substance practitioner	SE		SE	SE	SE											
• Medical after hours	SE		SE	SE	SE											
Open space (e.g., natural land, water bodies, greenways and other pathways)							P		P	P	P			P	P	
Outdoor storage ¹							SE		A ₂	A ²	A ²					
Parking facility			SE	SE			A				A					
Pattern making							P									
Personal services ¹	A	P	P	P	P		P							A		
Pest control services ¹				SE	P		P									
Pharmacy ¹																
• Walk-up			P	P												

• Drive-through			SE	SE														
Public parks administration	P		P	P	P		A		P	P	P	P	P					
Public safety facilities and services (Police, Fire, Emergency, Lifeguard)	P		P	P	P	P	P		A	A							P	
Public transit ¹	SP	SP	SP	SP	SP	A	SP					SP	SP					
Publishing, lithography, engraving shop					P		P											
Recycling facility							SE											
Refuse area; dumpster enclosure ¹	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Restaurants ¹																		
• Sit Down/High Turnover Restaurant	P		P	P	P	P						P						
• Sit Down/High Turnover-Drive-Through Restaurant			SE	SE	SE													
• Sit Down/Low Turnover Restaurant	P		P	P	P	P						P						
• Fast Food/In-Line Restaurant			SE	SE	SE													
• Fast Food/Drive -Through ⁴			SE															
Retail sales ¹																		
• Neighborhood-scale	P	P	P	P	P	P						A						
• Community-scale			P	P	P	P												
• City-scale			SE	P														
• Regional-scale			SE	SE														
Scrap Metal Processing Plant																		N
Self-service storage facility ¹			SE	P			SE											
Sexually oriented businesses ¹							P											
Skating rink but excluding skateboarding			SE	SE		P			P	P								
Small appliance repair		P	P		P													
Small engine repair			P		P													
Special residential facilities (Category 3) ¹			SE														SE	
Specialty food store			P	P	P													
Stadiums ¹																		
• Minor 499 seats or less									P	P								
• Major 500 seats or more									SE	SE								
Street and transportation corridors	P		P	P	P		P					P	P	P				
Studios ¹																		
• Studio office use			SE		SE		P											

• Studio operations			SE		SE		P											
• Studio production/post-production use			SE		SE		P											
• Studio property			SE		SE		P											
• Studio use			SE		SE		P											
• Support use			SE		SE		P											
Supermarkets ¹			P		P													
Swimming pool ¹	P		P		P		P		A			P ²	P ²		A		P	
Tattoo parlors							P											
Telecommunication facility ¹																		
• Antenna and equipment	P		P		P		P		P		P	SE	P		P		P	
• Antenna support structure, freestanding	SE		SE	SE	SE		SE		SE									
Tobacco store ¹			P		P		P		P									
Tool, die and gauge shops							P		P									
Transformer and electrical switching station																		P
Veterinary services			P		P													
Warehouse/storage building							P		P									
Water play areas, water slide, tube rides															SE			
Welding shop ¹							SE		SE									
Wholesale establishments									P									

Footnotes:

- SE = Special exception use
- P = Permitted use
- A = Accessory use
- SP = Special permit
- N = Nonconforming use
- I = Promotional license

¹ = See Article III, Zoning Districts, Part 5.0, Special Regulations for Specific Land Use Classifications and Structures for additional requirements.

² = See the specific zoning district regulations in Article III, Part 3.0, for special regulations regarding this specific land use.

³ = These uses will sunset and expire on December 31, 2019 and will no longer be allowed in this district.

⁴ = Fast food/drive-through restaurant is not permitted in the General Commercial (CG)/Transect Overlay Zone zoning district along Rt. 441/SR7.

⁵ = Permitted Use within the Arts and Entertainment Overlay District.

Art I Sec 1.5-

~~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.~~

~~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 (3) 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.~~

~~Automobile 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.~~

Art III Sec 5.7

Sec. 5.7. – Automobile, truck, trailer, motorcycle, boat, recreation vehicle: Repair, Sales, and

Carwash Uses

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

- ~~A.—Any and all repair work shall be entirely conducted within the confines of the building wherein the business is licensed to operate.~~
- ~~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.~~
- ~~C.—Car washes may utilize as accessory uses awnings, canopies or other non-permanent structures to provide shaded areas for conducting detailing and other such operations that occur out of doors provided receipt of a development order from the Community Appearance Committee is first obtained. The awnings, canopies or other non-permanent structures shall be allowed in the setback area and shall be removed and stored or otherwise secured in the event of a tropical storm, hurricane or other emergency event.~~
- ~~D.—New and used 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.~~
- ~~E.—This land use is prohibited in the General Commercial zoning district if the land use is located on property that abuts property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 zoning districts or that abuts a water body zoned PO district and if the land use is located on property with a depth equal to or less than three hundred fifty (350) feet. This land use also is prohibited in the General Commercial zoning district if the land use is located on property where the front or rear property lines are three hundred fifty (350) feet or less from property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 districts. Notwithstanding the above, this land use may be allowed if:
 - ~~1.—The premises were improved for a vehicular related use;~~
 - ~~2.—A substantial portion of the improvements (i.e., at least the main building) still exist; and~~
 - ~~3.—The existing improvements are substantially utilized in the operation of the land use.~~~~

~~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.~~

5.7.1- Automotive Repair (Major)

- A. All repair work shall be entirely conducted within the confines of the building wherein the business is licensed to operate.
- B. Business shall store all motorized and ancillary vehicles, parts, and materials inside the building wherein the business is licensed to operate.
- C. This land use is prohibited in the General Commercial zoning district if the land use is located on property that abuts property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18,

and RM-22 zoning districts or that abuts a water body zoned PO district and if the land use is located on property with a depth equal to or less than three hundred fifty (350) feet. This land use also is prohibited in the General Commercial zoning district if the land use is located on property where the front or rear property lines are three hundred fifty (350) feet or less from property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 districts. Notwithstanding the above, this land use may be allowed if:

1. The premises were improved for a vehicular related use;
2. A substantial portion of the improvements (i.e., at least the main building) still exist; and
3. The existing improvements are substantially utilized in the operation of the land use.

5.7.2 Automotive Repair (Minor)

- A. All repair work shall be entirely conducted within the confines of the building wherein the business is licensed to operate.
- B. Business shall store all motorized and ancillary vehicles, parts, and materials inside the building wherein the business is licensed to operate.
- C. This land use is prohibited in the General Commercial zoning district if the land use is located on property that abuts property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 zoning districts or that abuts a water body zoned PO district and if the land use is located on property with a depth equal to or less than three hundred fifty (350) feet. This land use also is prohibited in the General Commercial zoning district if the land use is located on property where the front or rear property lines are three hundred fifty (350) feet or less from property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 districts. Notwithstanding the above, this land use may be allowed if:
 4. The premises were improved for a vehicular related use;
 5. A substantial portion of the improvements (i.e., at least the main building) still exist; and
 6. The existing improvements are substantially utilized in the operation of the land use.
- D. This land use shall be allowed as an accessory use to Retail Sales establishments but shall be limited to battery check/installation, light bulb check/installation, check engine light diagnostics, and fuse check/installation.

5.7.3 Automotive Sales, Car Rental (Indoor) –

- A. The maintenance of motorized and ancillary vehicles is permitted but the repair (major or minor) of motorized and ancillary vehicles is not permitted. Maintenance shall mean cleaning, vacuuming, disposing and replacing fluids and related filters.

A separate Special Exception may be filed for a Sales Service Center for Accessory Major and Minor Automotive Repair within the Community Commercial, Commercial Warehouse, and General Commercial Zoning District. A Sales Service Center for Accessory Major and Minor Automotive Repair shall be a permitted use within the Light Industrial Zoning District.

5.7.4 Automotive Sales, Car Rental (Outdoor) –

A. New and used 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.

A separate Special Exception may be filed for a Sales Service Center for Accessory Major and Minor Automotive Repair within the Community Commercial, Commercial Warehouse, and General Commercial Zoning District. A Sales Service Center for Accessory Major and Minor Automotive Repair shall be a permitted use within the Light Industrial Zoning District.

5.7.5 Car Wash and Auto Detailing

A. Car washes may utilize as accessory uses awnings, canopies or other non-permanent structures to provide shaded areas for conducting detailing and other such operations that occur out of doors provided receipt of a development order from the Community Appearance Committee is first obtained. The awnings, canopies or other non-permanent structures shall be allowed in the setback area and shall be removed and stored or otherwise secured in the event of a tropical storm, hurricane or other emergency event.

B. This land use is prohibited in the General Commercial zoning district if the land use is located on property that abuts property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 zoning districts or that abuts a water body zoned PO district and if the land use is located on property with a depth equal to or less than three hundred fifty (350) feet. This land use also is prohibited in the General Commercial zoning district if the land use is located on property where the front or rear property lines are three hundred fifty (350) feet or less from property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 districts. Notwithstanding the above, this land use may be allowed if:

1. The premises were improved for a vehicular related use;

2. A substantial portion of the improvements (i.e., at least the main building) still exist; and
3. The existing improvements are substantially utilized in the operation of the land use.

~~5.7.3~~ ~~5.7.6~~ *Commercial Warehouse/Commerce Park Special Overlay zoning district.*

A. *Findings, conclusions and intent.* The City Commission makes the following findings, conclusions and intent:

1. The finding that before March 28th, 2005, vehicular-related uses were allowed within the zoning district as a special exception use; and
2. The finding that before February 25th, 2002, a special exception use development order for a vehicular related use at a specific location could be transferred from one owner to another; and
3. The finding that Ordinance No. 020-02-109 provides that effective February 25th, 2002, a special exception use development order for a vehicular related use cannot be transferred from one person to another; and
4. The finding that Ordinance No. 050-03-120 provides that effective March 28th, 2005, any vehicular-related use within the CP-O zoning district is a prohibited use; and
5. The conclusion that an internal inconsistency exists between the CP-O zoning district and the CW zoning district because the CW zoning district allows indoor and outdoor vehicular related uses, including auto wrecking, while the CP-O zoning district prohibits such use; and
6. The conclusion that to resolve the internal inconsistency, the CW zoning district provisions must be amended to prohibit vehicular related uses, including auto wrecking services; and
7. The finding that three vehicular related use businesses are operating at a location where a special exception use development order was issued to allow such use at such location; however, all three businesses operate a use that was prohibited by the development order. A fourth vehicular related use business is operating at a location different from that authorized in the special exception use development order but within the same building; and
8. The finding the City issued an occupational license to each of these four businesses before April 1st, 2000, effectively allowing the operation of the vehicular related uses, and the finding the City subsequently has granted annually a renewal of the occupational license for each business; and
9. The conclusion that case law provides that a land use is not vested simply because the local government has mistakenly issued an occupational license for the use; and
10. The conclusion that terminating these long-standing business on the mistaken issuance or renewal of an occupational license would create significant hardship, financial loss, and lost jobs, and that additional time should be granted to allow for the relocation of the businesses from the district; and
11. The intent of this Subsection is to allow those businesses along NW 38th Avenue to continue to operate as legal nonconforming uses until September 30th, 2017 can make significant investments, that these investments would be lost if the City immediately terminates the business, and that these businesses should be provide additional time to relocate.

- B. *Legal nonconforming use amortization.* Any person operating an illegal non-conforming vehicular related use within the CW/CP-O zoning district or any successor zoning district who was issued an occupational license before April 1st, 2000 and who has annually received a renewal of their occupational license shall be classified as a legal nonconforming vehicular related use and shall be allowed to continue to operate at the currently licensed location until September 30th, 2017, provided conformance with one of the following factors is established:
1. The person was granted a special exception use development order to operate a vehicular related use at a specific location but is now operating at a different business address; or
 2. The person is operating a vehicular related use pursuant at the location specified in an effectively transferred special exception use development order for a vehicular related use but the person is operating a specific vehicular related use outside the scope of the development order.

(Ord. No. 01O-01-03, § 12, 1-29-01; Ord. No. 03O-05-152, §§ 1, 2, 4—8, 6-9-03; Ord. No. 07O-02-113, §§ 1—3, 4-9-07; Ord. No. 07O-08-144, § 1, 9-10-07; Ord. No. 10O-05-129, § 1, 6-14-2010; Ord. No. 12O-06-128, §§ 1, 2, 7-9-2012; Ord. No. 14O-08-132, §§ 1, 2, 9-15-2014)

Editor's note— Formerly Schedule B, § 2, note (12).

III. DATA & ANALYSIS

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

The Department concludes the applicable Land Development Regulations (LDR) include: Article IV., Part 2.0, Section 2.4., on criteria, Section 2.9 on procedural requirements and Section 2.10 on public notice requirements; and Article III., Part 2.0., Sections 2.3 and 2.4 and Schedule B on permitted and special exception uses.

- A. Florida statutes. Section 163.3202, Florida Statutes, requires a local government to adopt land development regulations that implement their adopted Comprehensive Plan. Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain provisions addressing the use of land and water.

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

The proposed Ordinance is a land development regulation that addresses the use of land and water, specifically, it pertains to all Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses within the City of Lauderhill. Thus, the Department concludes the proposed Ordinance is consistent with the above-identified state statutory requirements.

B. LDR. Land Development Regulations Article IV., Development Review Requirements, Part 2.0., pertains to zoning map amendments and zoning regulation amendments. It requires a zoning regulation amendment be in conformance with the six (6) factors identified in Section 2.4., the procedural requirements of Section 2.9., and the public notice requirements of Section 2.10.

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

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

Staff concludes that the proposed Ordinance meets the intent of the above criteria as provides clear definitions and land development standards for all Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses within the City of Lauderhill and therefore helps to maintain the character of all zoning districts.

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

Staff concludes that the proposed Ordinance Conserves the value of buildings and encouraging the most appropriate use of land and water throughout the City by providing clear definitions and land development standards for all Automotive Sales, Car Rental uses,

Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses within the City of Lauderhill.

c. *The applicable portions of the adopted City Comprehensive Plan and programs such as land use, trafficways, recreation, schools, neighborhoods, drainage and housing, and so forth.* The proposed Ordinance is consistent with the following Comprehensive Plan provisions:

- Goal 1 Future Land Use Element: The City Commission shall provide for a distribution of land use by type, density, and intensity to meet the needs of the current and future resident and seasonal population in a manner that; promotes compatible development, redevelopment, and urban infill; promotes a land use pattern that supports a multimodal transportation system, with an emphasis on pedestrian-ways and walkability; protects and improves the natural and physical characteristics of the City; and, ensures the timely, cost-effective provision of public facilities and services.
- Policy 1.20.2 Protection Of Residential Areas: The Lauderhill Land Development Regulations shall protect, whenever possible, existing and planned residential areas, including single-family neighborhoods, from disruptive land uses and nuisances.

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

Staff concludes that the proposed Ordinance will provide for clear definitions and land development standards for all Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses within the City of Lauderhill which will help serve the population and help grow the local economy.

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

The above standard does not apply as this would be a City-Wide Text Amendment and not focused on a certain area within the City of Lauderhill.

- 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. **Procedure.** The LDR Article IV., Part 2.0., Section 2.9 addresses the procedure for zoning regulation amendments. It requires the Board to make a recommendation to the City Commission at a duly noticed public hearing on changes to zoning regulations and for the Board to forward its recommendation to the City Commission. The Department has interpreted this provision to apply to LDR amendments consistent with state law.
3. **Public notice.** The LDR Article IV., Part 2.0., Section 2.10 addresses public notice. Subsection 2.10.1 requires a change in zoning be published in a newspaper of general circulation in Broward County at least 10 days prior to the date of hearing. Notice of the proposed Ordinance changing the LDR was advertised in the Sun-Sentinel, a newspaper of general circulation within the County. Proof of publication is provided with the agenda package and is included herein by reference.

IV. ATTACHMENTS

Exhibit A – Proposed 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. The Department finds the proposed Ordinance is in Compliance with the Goals, Objectives, and Policies of the Futures Land Uses Element of the Comprehensive Plan as it provides clear definitions and land development standards for all Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses within the City of Lauderhill.

- B. The Department concludes the proposed Ordinance amending the LDR is in conformance with the standards and requirements specified in Land Development Regulations Article IV., Part 2.0., Section 2.4., Basis for Recommendations.
- C. The Department finds the proposed Ordinance amending the LDR have been duly noticed and concludes it is in conformance with the public notice requirements.

VI. ALTERNATIVE ACTIONS

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

- A. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted.
- B. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support the Board's recommendation, and forward the record to the City Commission with a recommendation that the proposed Ordinance be denied.
- C. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support any necessary conditions, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted with conditions.
- D. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing and table the proposed Ordinance until the specified information is provided.

VII. RECOMMENDED ACTION

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

- B. Board recommendation. The proposed Ordinance is scheduled for March 16, 2021 Planning and Zoning Board regular meeting.
- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled March 29, 2021 and second reading on April 12, 2021.