



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 pre-existing golf course and golf driving range uses within the CR and S-1 zoning districts; amending Article III, zoning districts, to add Section 3.5.4.H.9 , Pre-Existing Golf Course And Golf Driving Range Uses ; Amending Article III, Zoning Districts, To Add Section 5.54, Pre-Existing Golf Course And Golf Driving Range Uses; 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 add provisions to the Land Development Regulations regarding the remediation of pre-existing golf course and golf driving range uses within the CR and S-1 zoning districts before said uses cease to operate in order to safely anticipate any future development.

The objective of this ordinance amendment is to amend Article III, Zoning Districts, to add Section 3.5.4.H.9, Pre-Existing Golf Course and Golf Driving Range Uses and to amend Article III, Zoning Districts, to add Section 5.54, Pre-Existing Golf Course and Golf Driving Range Uses.

## II. Proposed Ordinance

SECTION 1. Land Development Regulations (LDR), Article III, Zoning Districts, Section 3.5.4, Commercial Recreation (CR) zoning district, is amended to add Section 3.5.4.H.9 as provided below. (Attachment A)

H. Special *regulations*. The special regulations as set forth herein shall apply within the CR zoning district.

1. *Minimum zoning district size*. The minimum area that may be zoned CR district is five (5) acres, inclusive of areas required for public dedication. Notwithstanding the above, areas equal to or exceeding forty thousand (40,000) square feet may be zoned CR district if such property abuts an existing CR zoning district.

2. *Special permit*. Live entertainment, outdoors, shall be allowed as an accessory use through the special permit or promotional license process.

3. *Outside storage*. Vehicles, equipment and loose materials shall be stored in designated areas provided that such areas shall not be located along collector or arterial roadways. Such areas shall be screened or hidden behind an opaque fence or wall and landscaping and shall be substantially screened from view from abutting properties and the public right-of-way as viewed from ground level. Substantially screened means that at least seventy (70) percent of the use must be hidden from view.

4. *Underground utilities*. All utilities, including telephone, television cable and electrical systems, within the boundaries of the CR zoning district shall be installed underground. Primary facilities providing service to the site may be granted a waiver from the underground requirement. Appurtenances to the utility systems that are normally located above ground are exempted from the underground requirement; however, when located above ground they shall be screened in a manner approved by the Planning and Zoning Board or the Development Review Committee.

5. *Building relationship and design*. Individual buildings shall be related to each other in design, masses, materials, placement and connections so as to provide a visually and physically integrated development. Treatment of the sides and rear building elevations shall be consistent and compatible with the treatment applied to the front.

6. *Pedestrian facilities and amenities*.

a. There shall be an adequate amount of pedestrianways and landscaped space to limit pedestrian use of vehicular ways and to separate pedestrianways from general vehicular circulation.

b. The location and design of pedestrian ways shall emphasize desirable views, and provide convenient access and connectivity to abutting public pedestrianways.

c. A minimum five-foot wide sidewalk shall be installed in public rights-of-way or access easement along one (1) side of the entrance or access road.

d. There shall be a clearly delineated, safe, paved pedestrian pathway at least five-[feet] wide connecting the public sidewalk to the entrance of the principal building, from the principal building to the entrance of other buildings, and to parking areas.

7. *Bicycle facilities and amenities.* A bicycle rack, locker or shelter shall be provided and the number and location of such facilities and amenities shall be determined through the site plan or site plan modification process.

8. *Public transit facilities and amenities.*

a. Public transit facilities and amenities, such as bus bays, bus shelters and benches, shall be provided to serve an existing or proposed County public transit route when considered appropriate by the Broward County Mass Transit Division or the Department of Environmental and Engineering Services.

b. If the Broward County Mass Transit Division does not consider it appropriate to provide public transit facilities and amenities to serve an existing or proposed County public transit route, the Department of Environmental and Engineering Services may require such facilities and amenities to serve an existing or proposed City community bus route.

9. All pre-existing Golf course and golf driving range Uses within the CR Zoning District shall be required to conduct environmental activities necessary to investigate and remediate any pre-existing environmental conditions on the Property at the time said Use ceases to be operational as a golf course or golf driving range. A "No Further Action" determination or clearance documentation in related to such development from Broward County's Environmental and Consumer Protection Division shall be submitted to the Planning and Zoning Department within six (6) months from date of vacancy by property owner."

## SECTION 2.

Land Development Regulations (LDR), Article III, Zoning Districts to add SECTION 5.54 Pre-existing Golf Course and Golf Driving Range Uses provided below. (Attachment A).

### Section 5.54 Pre-existing Golf Course and Golf Driving Range Uses

5.54.1. All pre-existing Golf course and golf driving range Uses within the CR and S-1 Zoning Districts shall be required to conduct environmental activities necessary to investigate and remediate any pre-existing environmental conditions on the Property at the time said Use ceases to be operational as a golf course or golf driving range. A "No Further Action" determination or clearance documentation in related to such development from Broward County's Environmental and Consumer Protection Division shall be submitted to the Planning and Zoning Department within six (6) months from date of vacancy by property owner."

### 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 development regulation pertaining to both the CR and S-1 Zoning Districts.*

- B. Article IV, Part 2.0. standards. Article IV., Part 2.0., Section 2.4 addresses those factors to be considered when reviewing a 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 will require remediation for any pre-existing environmental conditions for all pre-existing Golf course and golf driving range Uses within the CR and S-1 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 land by ensuring that all pre-existing Golf course and golf driving range Uses within the CR and S-1 Zoning Districts are treated for any pre-existing environmental conditions before the Use ceases to operate.*

- 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 eliminate any pre-existing environmental conditions to better serve population and future economic activities.*

- 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 28, 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 Amendment to Ord. No. 190-07

#### **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 an amendment to Land Development Regulations (LDR), amending the Land Development Regulations and pertaining to pre-existing golf course and golf driving range uses within the CR and S-1 zoning districts; amending Article III, zoning districts, to add Section 3.5.4.H.9 , Pre-Existing Golf Course And Golf Driving Range Uses ; Amending Article III, Zoning Districts, To Add Section 5.54, Pre-Existing Golf Course And Golf Driving Range Uses.
  
- A. 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.
  
- B. 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.
  
- C. 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.