

ORDINANCE NO. 210-03-108

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA AMENDING VARIOUS SECTIONS OF THE LAND DEVELOPMENT REGULATIONS (LDR) AND THE CODE OF ORDINANCES PERTAINING TO MOBILE VENDORS, MOBILE FOOD VENDORS, AND HOME BASED BUSINESS REGULATIONS TO COMPLY WITH FLORIDA STATUTES, SECTION 477.0263; ADDING EXCEPTIONS PERTAINING TO COSMETOLOGY SERVICES; AMENDING LDR SCHEDULE A TO ADD DEFINITIONS FOR MOBILE VENDORS AND MOBILE FOOD VENDOR; AMENDING LDR SCHEDULE B, ALLOWABLE USES, TO ADD PROVISIONS REGARDING MOBILE VENDOR AND MOBILE FOOD VENDOR USES IN RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS; AMENDING LDR ARTICLE III TO ADD SECTION 5.56 SUPPLEMENTAL REGULATIONS FOR MOBILE VENDOR AND MOBILE FOOD VENDOR USES; AMENDING CITY CODE OF ORDINANCES, CHAPTER 12, SECTION 12-5 TO ADD PROVISIONS FOR MOBILE VENDOR AND MOBILE FOOD VENDOR USES; SECTION 12-9 TO ADD PROVISIONS REGARDING HOME BASED BUSINESS REGULATIONS; AMENDING CITY CODE OF ORDINANCE CHAPTER 14, SECTION 14-38 VENDING VEHICLES (A) TO ADD DEFINITIONS OF MOBILE VENDOR AND MOBILE FOOD VENDOR AND (B) TO ADD THAT SUPPLEMENTAL REGULATIONS OF (B) ARE SPECIFIC TO ICE CREAM VENDING VEHICLES; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, DESORAE GILES-SMITH)

WHEREAS, the City Commission has adopted a Comprehensive Plan as is required by the Local Government Comprehensive Planning and Land Development Regulation Act (Act), which Comprehensive Plan was subsequently determined to be in-compliance with said Act; and

WHEREAS, Section 163.3202, Florida Statutes, requires each municipality to adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan; and

WHEREAS, on June 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, Staff has identified a need to provide for definitions and regulations for the operation of Mobile Vendor and Mobile Food Vendor Uses City Wide; and

WHEREAS, Land Development Regulations Article IV., Development Review Requirements, Part 2.0., pertains to zoning map amendments and zoning regulation amendments; and

WHEREAS, Zoning regulation amendments must be in conformance with the six (6) factors identified in Section 2.4., the procedural requirements of Section 2.9., and the public notice requirements of Section 2.10; and

WHEREAS, the Planning and Zoning Division concludes that the proposed Ordinance to provide for definitions and regulations for the operation of Mobile Vendor and Mobile Food Vendor City Wide is in compliance with the six (6) factors identified in Section 2.4., the procedural requirements of Section 2.9., and the public notice requirements of Section 2.10; and

WHEREAS, at their duly noticed regular meeting and public hearing of March 16, 2021, the City's Planning and Zoning Board, sitting as the Local Planning Agency (LPA), entered the Development Review Report on this Ordinance into the record, adopted the findings and conclusions supporting the Ordinance's adoption, and recommended the City Commission adopt the Ordinance; and

WHEREAS, at their duly noticed meeting and public hearing of March 29, 2021, the City Commission considered the record, adopted findings and conclusions, and approved this Ordinance on first reading; and

WHEREAS, at their duly noticed meeting and public hearing of April 12, 2021, the City Commission on second reading adopted this Ordinance;

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

SECTION 1. Land Development Regulations (LDR) Schedule A, Allowable Land Uses is proposed to be amended to add definitions for Mobile Vendor and Mobile Food Vendor as provided below:

Mobile *Ice cream vendor* shall be considered any vendor operating from a vehicle which sells, or offers for sale, at least Ninety (90) ~~seventy-five (75)~~ percent of its inventory consisting solely of ice cream products or related frozen dessert products, as more particularly defined in Florida Statutes Chapter 503, as may be amended from time to time, and offers for sale no more than ten (10) ~~twenty-five (25)~~ percent of other prepackaged products or goods which are non-ice cream or non-related frozen dessert products.

Mobile Vendor: means any person, firm, corporation or other entity licensed by the State of Florida as applicable and Broward County, engaged in the selling or offering for sale any and all goods, wares, beverages, merchandise, or services from a mobile vehicle situated outside the public right of way.

Mobile Food Vendor: means any person, firm, corporation or other entity licensed by the State of Florida as applicable and Broward County, and registered within the City, engaged specifically in the sale of food or food products outdoors from a mobile vending vehicle situated outside the public right of way.

SECTION 2. Land Development Regulations LDR Schedule B., Allowable Land Uses, Section B-1., Uses Allowed in Residential districts and B-2. Uses Allowed in Non-Residential districts are proposed to be amended by adding Mobile Vendor and Mobile Food Vendor Uses as either Permitted or Special Permit Uses as provided below:

Land Use Category	RS-4	RS-4A	RS-5	RS-5A	RM-5	RM-8	RM-10	RT-15	RM-18	RM-22	RM-40	RM-45	RMH-50	RO
Medical Marijuana Health Care Establishment														
Mobile Ice Cream Vendor ¹	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mobile Vendor ¹	P	P	P	P	P	P	P	P	P	P	P	P	P	
Mobile Food Vendor ¹	EP	EP	EP	EP	EP	EP	EP	EP	PE	EP	EP	EP	EP	EP
Office (dental, medical, professional)														P

Footnotes:

SE = Special exception use

P = Permitted use

A = Accessory use

SP = Special permit

N = Non-conforming use

L = Promotional license

EP= Special Event Permit

Land Use Category	CO	CN	CG	CC	CW	CE	IL	PO	PL	PR	CR	S-1	CF	UT
Mixed use (with residential use) ¹	SE		SE	SE	P	P								
Mobile Ice Cream Vendor ¹	P	P	P	P	P	P	P	P	P	P	P	P	P	
Mobile Vendor ¹	EP	EP												
Mobile Food Vendor ¹	EP	EP												
Newspaper publishing and printing					P		P							

Footnotes:

SE = Special exception use

P = Permitted use

A = Accessory use

SP = Special permit

N = Nonconforming use

IL = Promotional license

EP= Special Event Permit

SECTION 3. Land Development Regulation Article III is proposed to be amended by adding Section 5.56. Mobile Vending, 5.56. (A). for Mobile Vendor provisions, and 5.56. (B). for Mobile Food Vendor provisions as provided below:

5.56.- Mobile Vendors, Mobile Food Vendors, and Ice Cream Vendor

A. Mobile Vendor- Shall operate only on private property within a residential zoning district and parked in a legal parking space not blocking the public Right of Way. Shall operate on commercially zoned property only with an approved Special Permit, Special Event Permit, or Promotional License. The Sale of Alcohol or Tobacco and/or Complementary Alcohol or Tobacco shall be prohibited.

B. Mobile Food Vendor- Shall operate on residentially zoned or, commercial zoned property only with an approved Special Permit, Special Event Permit, Or Promotional License. The Sale of Alcohol or Tobacco and/or Complementary Alcohol or Tobacco shall be regulated by the State of Florida Division of Alcoholic Beverages and Tobacco.

C. Ice cream vendor shall be considered any vendor operating from a vehicle which sells, or offers for sale, at least Ninety (90) percent of its inventory consisting solely of ice cream products or related frozen dessert products, as more particularly defined in Florida Statutes Chapter 503, as may be amended from time to time, and offers for sale no more than than ten (10) percent of other prepackaged products or goods which are non-ice cream or non-related frozen dessert products

SECTION 4. Code of Ordinances Chapter 12 Business Regulations, Article I In General, Section 12-5. Conducting business within the confines of a structure is proposed to be amended by adding a provision to distinguish between Mobile Vending and Mobile Food Vending vehicles and provision to be in conformance with LDR ART III. Sec. 5.56. and F.S. 477.0263 as provided below:

Sec. 12-5. - Conducting business within the confines of a structure.

It shall be unlawful for any person, either directly or indirectly, to conduct any business or nonprofit enterprise within the corporate limits of the city other than within the confines of a permanent structure or approved mobile vending or mobile food vending vehicle and in conformance with LDR ART III. Sec. 5.56 and F.S. 477.0263. The outdoor display or storage of merchandise, equipment or supplies is strictly prohibited with the exception of:

- (1). Authorized temporary sales of seasonal items, including but not limited to Christmas trees or fireworks, sales and services associated with an approved special event permit;
- (2). Authorized temporary special automobile displays or sales by existing automobile dealerships;
- (3). Sale of landscape materials and supplies, provided a site plan or site plan modification development order has been issued and is in effect.

SECTION 5. Code of Ordinances Chapter 12. Business Regulations, Article I. In General, Section 12-9. - Certificate of use and local business tax receipt for home-based businesses is proposed to be amended by adding a provision to reference and therefore, be in conformance with Florida Statute F.S. 477.0263, Cosmetology services to be performed in a licensed salon; exception as provided below::

Sec. 12-9. - Certificate of use and local business tax receipt for home-based businesses.

Any person who is engaged in a personal profession or occupation and uses his own personal residence for that purpose shall apply for a certificate of use and local business tax receipt. Such applicant may list his home address as the place of business but, upon receipt of the certificate of use and local business tax receipt, must comply with the following conditions unless provided for by

Florida Statute F.S. 477.0263, Cosmetology services to be performed in a licensed salon; exception.

SECTION 6. Code of Ordinances Chapter 14. Offenses and Miscellaneous Provisions, Article II Offenses, Section 14-38.- Vending Vehicles, 14-38. (a). definitions is proposed to be amended by adding definitions for Mobile Vendor and Mobile Food Vendor, Section 14-38. (b). required equipment, is proposed to be amended to make existing required equipment regulations be specific to Ice Cream Vending Vehicles, and Section 14-38. (c). operation, is proposed to be amended to make existing operation regulations specific to Ice Cream Vending Vehicles as provided below:

(a). Definitions. For the purposes of this section:

Mobile Vendor: means any person, firm, corporation or other entity licensed by the State of Florida as applicable and Broward County, engaged in the selling or offering for sale any and all goods, wares, beverages, merchandise, or service from a mobile vehicle situated outside the public right of way.

Mobile Food Vendor: means any person, firm, corporation or other entity licensed by the State of Florida as applicable and Broward County, and registered within the City, engaged specifically in the sale of food or food products outdoors from a mobile vending vehicle situated outside the public right of way.

(b). Ice Cream vending vehicles, required equipment.

(c). Ice Cream Vending Vehicles, Operation.

SECTION 7. Findings and Conclusions. The Whereas clauses herein and the Development Review Report prepared by City staff is attached hereto, incorporated herein, and is hereby adopted as the findings of fact and conclusions of law to support the Ordinance amending the Land Development Regulations.

SECTION 8. 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 9. Codification. The provisions of this Ordinance shall become and be made a part of the City of Lauderhill, Florida Land Development Regulations; sections of this Ordinance may be renumbered

or re-lettered to accomplish such intention; and the word "ordinance" may be changed to "article," "part," "section," or other appropriate word.

SECTION 10. Effective Date. This Ordinance shall take effect upon adoption.

DATED this _____ day of _____, 2021.

PASSED on first reading this _____ day of _____, 2021.

PASSED AND ADOPTED on second reading this _____ day of _____, 2021.

PRESIDING OFFICER

ATTEST:

CITY CLERK

FIRST READING

SECOND READING

MOTION
SECOND

M. DUNN
D. GRANT
L. MARTIN
S. MARTIN
K. THURSTON

