



Staff Report

**File #:** LN-64

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY

Meeting Date: JANUARY 27, 2021

CLUB OR LODGE - DISTRICTS PERMITTED

<b>Request:</b>	Text Amendment
<b>P&amp;Z#</b>	NA
<b>Owner:</b>	NA
<b>Project Location:</b>	NA
<b>Folio Number:</b>	NA
<b>Land Use Designation:</b>	NA
<b>Zoning District:</b>	NA
<b>Commission District:</b>	NA
<b>Agent:</b>	NA
<b>Project Planner:</b>	Daniel Keester-O’Mills

**Summary:**

The Development Services Department has prepared an amendment to Chapter 155 which amends the zoning districts where a “Lodge or Club” may be permitted. A lodge or club is considered in the Comprehensive Plan as a Community Facility. Community Facilities are permitted in both Commercial and Industrial land uses, however, “Community Facilities” is broadly defined as uses intended to serve a public purpose to promote health, safety and welfare. Other examples of community facilities include: Schools, day cares, churches, clinics, nursing homes, governmental administration, libraries and civic centers. Given his broad definition and intent to serve the community, the Zoning regulations should be aimed to direct the appropriate uses in compatible zoning districts. The zoning regulations have a number of institutional uses, including a “Lodge or Club” and finds that such establishments are better located in commercial zoning districts.

Staff is therefore recommending that the use be struck from the Zoning Code section §155.4211 and Appendix A: Consolidated Use Table, as permitted in I-1 (General Industrial) and a special exception use in O-IP (Office Industrial Park) zoning districts. Staff additionally recommends that this proposed text amendment be declared “Zoning in Progress,” and staff will defer relevant applications in accordance with the applicable standards of the Zoning Code (*155.2309 Review of Applications for Permits and Development Orders with Regard to Zoning in Progress*).

The review standards for approving a Text Amendment have been included for your reference:

**C. Text Amendment Review Standards**

The advisability of amending the text of this Code is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. Is consistent with the comprehensive plan;
  - Staff finds that the proposed amendment is consistent with the comprehensive plan.
  - Policy 01.01.15: The City will continue to differentiate on the adopted Future Land Use and Zoning Maps, the commercial and industrial land use categories and zoning designations which are consistent with but more specific than the County’s Commerce land use category in regard to intensity, permitted uses and compatibility with adjacent and surrounding land uses.
  - Policy 01.03.01: Eliminate or reduce nonconforming uses which are inconsistent with the land development regulations and the designations of the Future Land Use Plan map.
  - Policy 01.07.06: Through ongoing updates to the land development regulations revise prohibited and permitted uses in the mixed use, commercial, industrial and non-residential zoning districts.
2. Does not conflict with any provision of this Code or the Code of Ordinances ;
  - Staff finds that the proposed amendment would not be in conflict with any provision of the City’s Zoning Code or Code of Ordinances.
3. Is required by changed conditions;
  - Staff finds that the proposed amendment is required, due to changing conditions, as Clubs and Lodges, are non-residential uses that serve the community.
4. Addresses a demonstrated community need;
  - Lodges or Clubs, such as fraternal organizations and not-for-profit organizations, should be more closely located to the residential areas that they serve & commercial zoning districts are typically close to residential areas than industrial zoning districts.
5. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;
  - Staff finds that the proposed amendment is consistent with the purpose and intent of the commercial zoning districts. Industrial zoning districts are intended to accommodate a wide range of industrial uses (manufacturing, assembly, fabrication, distribution, warehouse, research and development). Commercial zoning districts were established to provide a wide range of office, retail, service and related uses to meet household and business needs.
6. Would result in a logical and orderly development pattern; and
  - Staff finds that the proposed amendment would result in a more logical and orderly development pattern, so that this community facility use (“Lodge or Clubs”) would be permitted in closer proximity to residential areas.
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
  - Staff finds that the proposed amendment would not result in adverse impacts of the environment.

Below is a copy of the proposed code amendment:

**155.4211. INSTITUTIONAL: OTHER INSTITUTIONAL USES**

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**C. Lodge or Club**

**1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														P	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
		P		S		P							P	P	P	

**2. Definition**

A lodge or club consists of a building or facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership. This use shall not include a nightclub, sexually oriented business, or an establishment that exists primarily for the purpose of selling or accommodating the consumption of alcoholic beverages.

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Appendix A - attached

**Staff Conditions:**

Given the information provided to the Board, as the finder of fact, the Development Services Department provides the following recommendation, and alternative motions, which may be revised or modified at the Board's discretion.

Alternative Motion I

Recommend approval of the text amendment to the City Commission for their consideration.

Alternative Motion II

Table this application for additional information as requested by the Board.

Alternative Motion III

Recommend denial as the Board finds that the request is not consistent with the Future Land Use Goals, Objectives and Policies, or having sufficiently addressed the review standards for a code amendment as listed in this report.

Staff recommends Alternative Motion #1

