

ORDINANCE NO. _____

(15-T-14)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA AMENDING THE ZONING AND LAND DEVELOPMENT REGULATIONS TO REDUCE THE TIMEFRAMES FOR THE RE-ESTABLISHMENT OF A LAWFUL NONCONFORMING USE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 3.12 of the Zoning and Land Development Regulations sets forth the regulations relating to nonconforming structures and uses; and

WHEREAS, Section 3.12 A. currently provides that if a nonconforming use is discontinued for a period of six months or more, any further use of said building shall be conformity with the regulations of the applicable zoning district unless otherwise approved by the Planning and Development Board pursuant to division G. of this section within 48 months of the abandonment; and

WHEREAS, currently a lawful nonconforming use is reestablished as a Special Exception; and

WHEREAS, on February 4, 2015, the City Commission requested that City staff reevaluate the current regulations relating to the reestablishment of legal conforming uses; and

WHEREAS, in evaluating the current provisions, City Staff determined that as the City moves forward toward a common vision of increasing citywide property values, the continuous return of these no longer appropriate uses can impede the City's progress towards such vision; and

WHEREAS, City Staff determined that reducing the length of time for businesses to re-establish its lawful nonconforming use by right from six (6) to three (3) months will reduce the number of uses that have been determined no longer appropriate; and

WHEREAS, upon further review, Staff also determined reducing the timeframe to re-establish uses via a Special Exception from 48 months to 24 months, further reinforces the City's vision; and

WHEREAS, the Zoning and Land Development Regulations provide that an application for a zoning text change of regulatory controls may be filed; and

(Coding: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions).

WHEREAS, City Staff brought forth the above text amendment changes to Section 3.12 of the Zoning and Land Development Regulations to the Planning and Development Board; and

WHEREAS, on April 9, 2015, the Planning and Development Board reviewed the proposed text amendment at a duly noticed public hearing and have forwarded its recommendation of approval to the City Commission; and

WHEREAS, the City Commission following review and public hearing, accepts such recommendations as set forth herein and finds them to be in the best interest of the citizens of Hollywood; and

WHEREAS, Section 166.041(3)(c)(2), Florida Statutes, requires that the local governing body shall hold two advertised public hearings on the proposed ordinance and at least one hearing shall be held after 5:00 PM, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day;

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

Section 1: That Article 3, Section 3.13 entitled “Nonconforming Structures and Uses” of the Zoning and Land Development Regulations is hereby created as follows:

ARTICLE 3: GENERAL PROVISIONS

* * *

§ 3.12 Nonconforming Structures and Uses.

It is the purpose and intent of the regulations within this section to provide procedures whereby lawful nonconforming structures and uses, as herein defined, may be maintained, enlarged or modified where such maintenance, enlargement or modification will not have a detrimental effect upon other persons or property within the vicinity, and in so doing to bring such uses and structures up to present city standards to the maximum possible extent.

A. Nonconforming use. The lawful nonconforming use of a building may be continued, although such use does not conform to the regulations of the applicable zoning district within which the building is located. Any such use may be changed to a use of the same or more restrictive nature as determined by the Director of the Department of Planning and Development Services and extended throughout the building, provided no structural alterations, except those required by law, are made therein and the cubical contents of the building are not enlarged. If such nonconforming use is discontinued for a period of ~~six~~ three months or more, any further use of said building shall be in conformity with the regulations of the applicable zoning district unless otherwise approved by the Planning and Development Board pursuant to

division G. of this section within 48 24 months of the abandonment. A lawful nonconforming use is reestablished by the approval of a Special Exception of the Planning and Development Board.

Section 2: That it is the intention of the City Commission and it is hereby ordained that the provisions of this section shall be made a part of the Zoning and Land Development Regulations, and the sections of the Regulations may be renumbered to accomplish such intention.

Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4: That all sections or parts of sections of the Zoning and Land Development Regulations, all regulations or parts of regulations, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That the City Commission, pursuant to Section 166.041(3)(c) F.S., elects, by a majority plus one vote, to conduct the second reading prior to 5:00 p.m. at a regularly scheduled City Commission public hearing.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2015.

PASSED on first reading this _____ day of _____, 2015.

PASSED AND ADOPTED on second reading this _____ day of _____, 2015.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY