

ORDINANCE NO.: \_\_\_\_\_

(24-T-15)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLES 2 AND 4 OF THE ZONING AND LAND DEVELOPMENT REGULATIONS BY AMENDING THE PERMITTED USES RELATING TO SMOKE SHOPS AND ADULT USES EAST OF THE INTRACOASTAL WATERWAY.

WHEREAS, the City recognizes the need to regulate smoke shops to promote a mix of uses Citywide; and

WHEREAS, this proposed Ordinance is a continuation of the previous adopted Ordinance O-2023-16 and focuses on lands east of the Intracoastal Waterway, and amends the list of permitted uses in commercial zoning districts; and

WHEREAS, the proposed Ordinance amends the definition of “accessory uses” and adds “smoke shops” and “adult uses” as prohibited uses in all beach commercial zoning districts; and

WHEREAS, the Planning and Development Board, acting as the Local Planning Agency, held a public hearing on June 11, 2024, and recommended approval of these amendments to the City Commission; and

WHEREAS, the City Commission, following a public hearing, accepts the recommendations and finds them to be in the best interest of the residents and visitors of the City; and

WHEREAS, Section 166.041(3)(c), Florida Statutes, requires that the local governing body hold two advertised public hearings on the proposed Ordinance, and at least one hearing shall be held after 5:00 P.M., 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 the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are incorporated into this Ordinance.

Section 2: That Articles 2 and 4 of the Zoning and Land Development Regulations are hereby amended as follows<sup>1</sup>:

<sup>1</sup> Coding: ~~Struck through~~ words are deletions from existing text; underscored words are additions to existing text; and words that are shaded and underscored are changes between first and second readings.

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## ARTICLE 2: DEFINITIONS

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### § 2.2 Terms Defined.

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**ACCESSORY USES.** A use that is naturally and customarily incidental to, subordinate to, and subservient to the permitted principal use of the premise, that contributes to the comfort, convenience, or necessity of the principal use. Such uses shall be located on the same lot as the principal use with the exception of accessory off-street parking, which may be permitted within 700 feet of the principal use.

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## ARTICLE 4: SCHEDULE OF DISTRICT, USE AND SETBACK REGULATIONS

\* \* \*

### **§ 4.3.A. C-1 Low Intensity Commercial District.**

<u>District Purposes</u>	<u>Main Permitted Uses</u>	<u>Special Exception</u>	<u>Accessory Uses</u>	<u>Prohibited Uses</u>
<u>This district is intended to provide standards for the sale of goods and services near residential neighborhoods.</u>	<u>Amusement, outdoor (east of the Intracoastal Waterway only).</u>	<u>Day Care Facilities.</u>	<u>Any Use that is customarily associated with the Main Permitted Use or Special Exception. (See § 4.21)</u>	<u>Any use not listed as a Main Permitted Use or Special Exception.</u>  <u>East of Intracoastal waterway:</u>  <u>Smoke Shops</u>
	<u>Apts. on the second floor and above.*</u>	<u>Plant Nursery &amp; Garden Center.</u>		
	<u>Assembly of pre-manufactured parts for sale on the premises (See § 4.21).</u>	<u>School,** public or private.</u>		
	<u>Commercial Uses. Except for Self-Storage Facilities.</u>	<u>Service Station (east of the Intracoastal Waterway only)</u>		
	<u>Hotel (if located east of the intracoastal).</u>			
	<u>Offices.</u>			
	<u>Personal Services.</u>			
	<u>Places of worship, meeting halls and fraternal lodges.</u>			

	<u>Retail sales (indoor).</u> **			
	<u>Schools, recreational or cultural.</u>			
	<u>* Can not exceed 50% of the total floor area of the building.</u>			
	<u>** See Performance Standards § 4.3.J</u>			

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#### **§ 4.6 Regional Activity Center, Downtown and Beach Community Redevelopment, and Transit Oriented Corridor Districts.**

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#### **C. Beach Community Redevelopment Districts.**

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##### **b. Beach Resort Commercial District - BRT-25-C**

\* \* \*

##### **(1) Uses:**

##### **(a) Main permitted uses:**

\* \* \*

##### **(b) Special exception:**

\* \* \*

##### **(c) Accessory uses: Any use that is customarily associated with the main permitted uses, excluding Smoke Shops.**

##### **(d) Prohibited uses: Any other use not listed as a main permitted use, including Smoke Shops and Adult Uses.**

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##### **d. Beach Resort A1A Commercial District – BRT-25-A1A-C**

\* \* \*

(1) Uses:

(a) Main permitted uses:

\* \* \*

(b) Special exception:

\* \* \*

(c) Accessory uses: Any use that is customarily associated with the main permitted uses, excluding Smoke Shops.

(d) Prohibited uses: Any other use not listed as a main permitted use, including Smoke Shops and Adult Uses.

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**f. Broadwalk Historic District Commercial – BWK-25-HD-C**

\* \* \*

(1) Uses:

(a) Main permitted uses:

\* \* \*

(b) Special exception:

\* \* \*

(c) Accessory uses: Any use that is customarily associated with the main permitted uses, excluding Smoke Shops.

(d) Prohibited uses: Any other use not listed as a main permitted use, including Smoke Shops and Adult Uses.

\* \* \*

Section 3: That it is the intention of the City Commission and it is 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 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: 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 are repealed to the extent of such conflict.

Section 6: That the City Commission, pursuant to Section 166.041(3)(c), Florida Statutes, 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 7: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised \_\_\_\_\_, 2024.

Advertised \_\_\_\_\_, 2024.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM:

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DOUGLAS R. GONZALES  
CITY ATTORNEY