

ORDINANCE NO. _____

(21-T-02)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE ZONING AND LAND DEVELOPMENT REGULATIONS TO ESTABLISH DISTANCE SEPARATION REQUIREMENTS RELATING TO PACKAGE STORES; PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, numerous discussions have ensued among City staff and the City Commission regarding the establishment of distance requirements and use regulations for package stores within the City; and

WHEREAS, based upon those discussions, the Department of Development Services, Division of Planning and Urban Design Staff reviewed the current Zoning and Land Development Regulations and has determined that the regulations relating to package stores should be revised to establish distance separation requirements for such uses; and

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

WHEREAS, on February 9, 2021, the Planning and Development Board, acting as the City's local planning agency, reviewed the proposed text amendment at a duly noticed public hearing and 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 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:

Coding: Underlined text are additions to existing text; text that is ~~struck through~~ is text that has been removed from existing text.

Section 1: That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Article 3, Section 3.23 entitled “Distance Separation Requirements” of the Zoning and Land Development Regulations is amended as follows:

ARTICLE 3: GENERAL PROVISIONS

* * *

* * *

§3.23 Distance Separations Requirements.

* * *

* * *

I. The distance separation requirements for package stores ≤ 9000 square feet shall be 2,500 linear feet between a package store ≤ 9000 square feet and another package store ≤ 9000 square feet.

All distance separation shall be measured linearly, from closest property line to closest property line, by an actual or imaginary straight line upon the ground or in the air. Any other provision of this Code to the contrary notwithstanding, there shall be no variances of the above distance requirements granted for any reason.

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.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE ZONING AND LAND DEVELOPMENT REGULATIONS TO ESTABLISH DISTANCE SEPARATION REQUIREMENTS RELATING TO PACKAGE STORES.

Section 7: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2021.

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

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

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance of
the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES
CITY ATTORNEY