

ORDINANCE NO. 2019-001

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," BY AMENDING ARTICLE I, "ADMINISTRATION, REGULATIONS AND PROCEDURES," DIVISION 3, "IMPLEMENTATION PROCEDURES," SECTIONS 13-31, "LAND USE PLAN MAP AMENDMENTS," 13-33, "VARIANCES," 13-35, "SPECIAL LAND USE," 13-36, "ZONING MAP AMENDMENTS," 13-36.1, "PROCEDURES FOR ACCEPTANCE OR CONVEYANCE / VACATION / ABANDONMENT OF STREETS, ALLEYWAYS, ROADS, OR PUBLIC RIGHTS-OF-WAY," AND 13-36.2, "PROCEDURES FOR ACCEPTANCE OR CONVEYANCE / VACATION / ABANDONMENT OF SPECIFIC PURPOSE EASEMENTS;" BY AMENDING ARTICLE III, "ZONING REGULATIONS," DIVISION 2, "ZONING CLASSIFICATIONS AND GENERAL REQUIREMENTS," SECTION 13-321, "MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA DISPENSARIES;" AND DIVISION 3, "ZONING DISTRICT REGULATIONS AND TABLES," SECTIONS 13-349, "REZONING OF LAND TO PUD," AND 13-356, "SAME—REZONING OF LAND TO PCD," IN ORDER TO PROVIDE FOR PUBLIC NOTICE TO TENANTS OCCUPYING PARCELS, UNITS, OR PROPERTIES WITHIN THE SAME COMMERCIAL PROPERTY OR PLAZA AS THE PARCEL, UNIT, OR PROPERTY THAT IS THE SUBJECT OF CERTAIN REQUESTED COMMISSION ACTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, all applications for zoning, land use map amendments, special land uses, and vacation and abandonment of property interests are requested to be publicly noticed by a four by four (4' x 4') sign and all property owners within five hundred (500) feet are advised of the proposed changes; and

WHEREAS, to provide further transparency and notice to the City's residents and

business community, the City Commission gave direction to staff at its December 13, 2018, meeting to require the same notice given to property owners under the current provisions be provided to tenants occupying parcels, units, or properties within the same commercial property or plaza as the parcel, unit, or property under consideration; and

WHEREAS, the Planning and Zoning Board reviewed the changes to the notice requirements for development applications on January 9, 2019, and they voted to approve same; and

WHEREAS, the City Commission finds and determines that this additional public notice requirement meets the intent of the City Commission at the outset of these changes and is in the best interest of the residents and business community of the City of Coconut Creek.

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

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: That the City’s Code of Ordinances shall be amended by amending Chapter 13, “Land Development Code,” by amending Article I, “Administration, Regulations and Procedures,” Division 3, “Implementation Procedures,” Sections 13-31, “Land Use Plan Map Amendments,” 13-33, “Variances,” 13-35, “Special Land Use,” 13-36, “Zoning Map Amendments,” 13-36.1, “Procedures for Acceptance or Conveyance/Vacation/Abandonment of Streets, Alleyways, Roads, or Public Rights-of-Way,” and 13-36.2, “Procedures for Acceptance or Conveyance/Vacation/Abandonment of Specific Purpose Easements;” by amending Article III, “Zoning Regulations,” Division 2, “Zoning Classifications and General Requirements,” Section 13-321, “Medical Marijuana Treatment Centers and Medical Marijuana Dispensaries;” and Division 3, “Zoning District Regulations and Tables,” Sections 13-349, “Rezoning of Land to PUD,” and 13-356, “Same – Rezoning of Land to PCD,” to read as follows:

Chapter 13 - LAND DEVELOPMENT CODE

CODING: Words in ~~strike through~~ type are deletions from existing text.
Words in underline type are additions to existing text.
Asterisks (***) indicate existing text not shown.

Sec. 13-35. - Special land use.

(c) *Additional application requirements.* The applicant shall obtain a list with addresses of all property owners within five hundred (500) feet of the boundary lines of the property under consideration. The list shall be certified by the County Property Appraiser, an abstract or title company, or an attorney. Commercial tenants occupying properties within the same commercial property or plaza as the parcel, unit, or property under consideration shall be included in the notice requirements. Proof of notice to a commercial tenant shall be done by posting notice on the main public entrance to the tenancy. A dated photograph of all postings shall be submitted to the Sustainable Development Department by the applicant the day the notice was posted.

Sec. 13-36. - Zoning map amendments.

(c) *Additional application requirements for zoning map amendments.* Applicants shall post a four-foot by four-foot (4" x 4") sign on the property proposed for amendment fourteen (14) days prior to the public hearing. The sign shall be facing all road frontages and setback five (5) feet from the property line. A dated photograph of all signs shall be submitted to the Sustainable Development Department by the applicant the day the sign is posted. The applicant shall obtain a list with addresses of all property owners within five hundred (500) feet of the boundary lines of the property under consideration. The list shall be certified by the County Property Appraiser, an abstract or title company, or an attorney. Commercial tenants occupying properties within the same commercial property or plaza as the parcel, unit, or property under consideration shall be included in the notice requirements. Proof of notice to a commercial tenant shall be done by posting notice on the main public entrance to the tenancy. A dated photograph of all postings shall be submitted to the Sustainable Development Department by the applicant the day the notice was posted.

Sec. 13-36.1. - Procedures for acceptance or conveyance/vacation/abandonment of streets, alleyways, roads, or public rights-of-way.

(d) *Additional application requirements.* Applicants shall post a four-foot by four-foot (4" x 4") sign on the property proposed for acquisition or conveyance fourteen (14) days prior to the public hearing. The sign shall be facing all road frontages and setback five (5) feet from the property line. A dated photograph of all signs shall be submitted to the Sustainable Development Department by the applicant the day the sign is posted. The applicant shall obtain a list with addresses of all property owners within

five hundred (500) feet of the boundary lines of the property under consideration. The list shall be certified by the County Property Appraiser, an abstract or title company, or an attorney. Commercial tenants occupying properties within the same commercial property or plaza as the parcel, unit, or property under consideration shall be included in the notice requirements. Proof of notice to a commercial tenant shall be done by posting notice on the main public entrance to the tenancy. A dated photograph of all postings shall be submitted to the Sustainable Development Department by the applicant the day the notice was posted.

Sec. 13-36.2. - Procedures for acceptance or conveyance/vacation/abandonment of specific purpose easements.

(f) *Procedures for applications for conveyance/vacation/abandonment of a specific purpose easement.*

(1) Upon receipt of an application for conveyance/vacation/abandonment of a specific purpose easement, together with fees therefore, the Department of Sustainable Development shall review same for completeness and for compliance with the requirements of this section. If the application is incomplete, the Department of Sustainable Development will forward a notice of incompleteness to the applicant specifying the data missing from the application received. As soon as practicable, thereafter, the Department of Sustainable Development shall proceed as follows:

- a. Forward copies of the application and supporting materials to members of the DRC for their review and comment.
- b. Set a date for public hearing thereon to be held by the Planning and Zoning Board, and refer the matter to the Board by providing a summary of the original application at a scheduled meeting.
- c. Applicants shall post a four-foot by four-foot (4" x 4") sign on the property proposed for acquisition or conveyance fourteen (14) days prior to the public hearing. The sign shall be facing all road frontages and setback five (5) feet from the property line. A dated photograph of all signs shall be submitted to the Sustainable Development Department by the applicant the day the sign is posted. The applicant shall obtain a list with addresses of all property owners within five hundred (500) feet of the boundary lines of the property under consideration. The list shall be certified by the County Property Appraiser, an abstract or title company, or an attorney. Commercial tenants occupying properties within the same commercial property or plaza as the parcel, unit, or property under consideration shall be included in the notice requirements. Proof of notice to a commercial tenant shall be done by posting notice on the main public entrance to the tenancy. A dated photograph of all postings shall be submitted to the Sustainable Development Department by the applicant the day the notice was posted.

ARTICLE III. - ZONING REGULATIONS

DIVISION 2. - ZONING CLASSIFICATIONS AND GENERAL REQUIREMENTS

Sec. 13-321. - Medical marijuana treatment centers and medical marijuana dispensaries.

(d) *Special land use.* No special land use shall be issued hereunder unless and until the premises/business and applicant have been granted special land use approval by the city commission.

(1) *Application.* In addition to the standard development approval application requirements and meeting all of the requirements for a special land use, pursuant to section 13-35, "Special Land Use," an application for a special land use hereunder shall:

r. Include, in addition to obtaining and providing the list of all property owners within five hundred (500) feet of the proposed special land use, as required by section 13-35, "Special Land Use," a certification, along with a copy of the notice, which certifies that notice of a public hearing was sent to those property owners and posted upon the main public entrances to occupied tenancies within the same commercial property or plaza as the commercial parcels, units, or properties under consideration no later than fourteen (14) days prior to each and every public hearing.

DIVISION 3. - ZONING DISTRICT REGULATIONS AND TABLES

Sec. 13-349. - Rezoning of land to PUD.

(h) Applications for amendments to the PUD requiring action by the planning and zoning board and the city commission shall pay the required fee set forth in section 13-81. Applicants shall be required to prepare and post a four-foot by four-foot sign on the property proposed for amendment. The required format for public hearing signage shall be included within the zoning map amendment application. The sign shall be installed fourteen (14) days prior to the public hearing and shall be posted on the property proposed amendment facing all road frontages setback ten (10) feet from the property line.

Signs shall be posted on the property proposed for amendment facing all road frontages setback ten (10) feet from the property line. A dated photograph of all signs shall be submitted to the development services department by the applicant.

The applicant shall obtain a list with addresses of all property owners within five hundred (500) feet of the boundary lines of the property under consideration. The list shall be certified by the County Property Appraiser, an abstract or title company, or an attorney. Commercial tenants occupying properties within the same commercial property or plaza as the parcel, unit, or property under consideration shall be included in the notice requirements. Proof of notice to a commercial tenant shall be done by posting notice on the main public entrance to the tenancy. A dated photograph of all postings shall be submitted to the Sustainable Development Department by the applicant the day the notice was posted.

Sec. 13-356. - Same—Rezoning of land to PCD.

- (h) Applications for amendments to the PCD requiring action by the planning and zoning board and the city commission shall pay the required fee set forth in section 13-81. Applicants shall be required to prepare and post a four-foot by four-foot sign on the property proposed for amendment. The required format for public hearing signage shall be included within the zoning map amendment application. The sign shall be installed fourteen (14) days prior to the public hearing and shall be posted on the property proposed for amendment facing all road frontages setback ten (10) feet from the property line.

Signs shall be posted on the property proposed for amendment facing all road frontages setback ten (10) feet from the property line. A dated photograph of all signs shall be submitted to the development services department by the applicant.

The applicant shall obtain a list with addresses of all property owners within five hundred (500) feet of the boundary lines of the property under consideration. The list shall be certified by the County Property Appraiser, an abstract or title company, or an attorney. Commercial tenants occupying properties within the same commercial property or plaza as the parcel, unit, or property under consideration shall be included in the notice requirements. Proof of notice to a commercial tenant shall be done by posting notice on the main public entrance to the tenancy. A dated photograph of all postings shall be submitted to the Sustainable Development Department by the applicant the day the notice was posted.

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 24TH DAY OF JANUARY, 2019.

PASSED SECOND READING THIS 14TH DAY OF FEBRUARY, 2019.

Joshua Rydell, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Welch	<u>Absent</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>

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