

RESOLUTION NO. 2014 - 46

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, INVOKING THE ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS CHAPTER 13 LAND DEVELOPMENT REGULATIONS TO PROVIDE FOR AMENDMENTS TO THE MASTER BUSINESS LIST FOR THE PURPOSE OF REGULATING USES INVOLVING THE USE OF E-CIGARETTES AND OTHER VAPOR PRODUCING DEVICES; DIRECTING THE SUSTAINABLE DEVELOPMENT STAFF TO PROCESS ANY APPLICATION FOR ANY USE INVOLVING THE ON-SITE CONSUMPTION OF E-CIGARETTES OR OTHER VAPOR PRODUCING DEVICES SUBJECT TO THE PROVISIONS OF CHAPTER 13-35 SPECIAL LAND USE; CONTINUING THE POLICY UNTIL THE CITY AMENDS ITS DEVELOPMENT REGULATIONS WITH RESPECT TO THE USE OF E-CIGARETTES AND OTHER VAPOR PRODUCING DEVICES IN PUBLIC PLACES AND/OR COMMERCIAL ESTABLISHMENTS THAT CATER TO THE ON-SITE USE OF SAME, OR UNTIL THE PASSAGE OF ONE HUNDRED EIGHTY (180) DAYS FROM THE DATE OF THIS RESOLUTION, WHICHEVER FIRST OCCURS; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Commission of the City of Coconut Creek is charged with the protection of the health, safety, and welfare of its residents;

**WHEREAS**, the rise in popularity and use of e-cigarettes and other vapor producing devices has resulted in the establishment of businesses heretofore not specifically addressed within Chapter 13 of the City's Code of Ordinances;

**WHEREAS**, the City's Code of Ordinances does not specifically address these uses; therefore, the City invoked the Zoning in Progress doctrine at its June 26, 2014 City Commission meeting and instructed appropriate staff to draft regulations relating to the use of e-cigarettes and other vapor producing devices in public places and commercial establishments that cater to the on-site use of same;

**WHEREAS**, it is in the best interest of the residents of the City to establish

regulations within the City's special land-use category to provide for permitted locations and appropriate regulations with respect to compatibility, distance requirements and safeguards for commercial establishments catering to the on-site use of e-cigarettes and other vapor producing devices; and

**WHEREAS**, the City desires to put business owners and other interested parties on notice of pending legislation amending the City's Zoning Code to provide for regulations pertaining to the use of e-cigarettes and other vapor producing devices in public places and commercial establishments and the inclusion as special land uses all commercial establishments catering to the on-site use of e-cigarettes and other vapor producing devices.

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

**Section 1:** That the City invoke the Zoning in Progress doctrine declaring the intention to amend its land development regulations to provide for regulation of the use of e-cigarettes and other vapor producing devices in public places and commercial establishments involved in catering to the on-site use of same.

**Section 2.** That the City Commission wishes to place all parties on notice that it is considering amending its land development regulations and City ordinances to provide for regulation of the use of e-cigarettes and other vapor producing devices in public places and commercial establishments and the amendment of the special land-use category regulations for commercial establishments catering to the on-site use of any e-cigarettes or other vapor producing devices.

**Section 3.** That pursuant to the pending legislation doctrine set forth in *Smith v. City of Clearwater* 383 So. 2d 681(Fla. 2nd DCA, 1980), City staff shall accept all applications for zoning permits for the uses set forth herein as a special land-use under the existing regulations set forth in Chapter 13-35.

**Section 4.** That this policy shall be in effect until the land development

regulations or amendments to the land development code are adopted by the City Commission or until passage of 180 days from the adoption of this resolution, whichever occurs first.

**Section 5.** That City staff is directed to continue the preparation and processing of ordinances ("Pending Ordinances") that will provide for the regulation of the uses described herein as special land uses under the City's Code of Ordinances.

**Section 6.** That all affected property and business owners are placed on notice with respect to the pending ordinances and the action being taken by the City.

**Section 7.** That the adoption of this resolution shall be evidenced by placement of a notice in a newspaper of general circulation within the City in accordance with Chapter 50, Florida Statutes, within two weeks after adoption of this resolution. A copy of this resolution shall also be posted at City Hall for a period of 180 days after its adoption

**Section 8:** That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 24th day of July, 2014.

  
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Lisa K. Aronson, Mayor

ATTEST:

  
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Leslie Wallace May, MMC  
City Clerk

Aronson	<u>Absent</u>
Tooley	<u>Aye</u>
Sarbone	<u>Aye</u>
Belvedere	<u>Aye</u>
Welch	<u>Aye</u>