

CITY OF ORLANDO COUNCIL AGENDA ITEM

ARG/ORD 21
2ND RD # 2
(12-2)

Items Types:

Hearings/Ordinances/2nd Read

District: ALL**Contract ID:****Exhibits:** Yes**Grant Received by City?:** No**For Meeting of:**

September 21, 2020

From:**Document Number:****On File (City Clerk) :** Yes**Draft Only:** No**Subject:**

Ordinance No. 2020-44 Amending the Land Development Code to allow for the Re-Establishment of Non-Conforming Uses with a Conditional Use Permit (LDC2020-10006) (Economic Development)

Summary:

The attached ordinance will amend the Land Development Code to allow the re-establishment of non-conforming uses with a Conditional Use Permit. It is proposed if a non-conforming use is discontinued for more than six months, it may be re-established, subject to review and consideration as a Conditional Use in accordance with Chapter 65, Part 2D. Any required conditional use application, permits, and construction must be completed within a two-year timeframe, such that the use is fully reestablished within two years. A non-conforming use may not be re-established if it was discontinued for more than two years.

The Municipal Planning Board recommended approval of the Land Development Code Amendment on July 21, 2020. The City Council approved the July MPB minutes on the Council agenda on August 10, 2020, and approved the first reading of the ordinance on September 8, 2020.

Fiscal & Efficiency Data: N/A**Recommended Action:**

Adoption of the attached ordinance upon second reading and hearing, and authorizing the Mayor and City Clerk to execute the same, subject to final review and approval by the City Attorney.

Agenda Item attachment(s) on file in the City Clerks Office.

Note: All agenda items must be in the City Clerk's office by Noon Friday, six(6) business days prior to the regular Monday City Council meeting.

Contact: Katy Magruder, Planner II, 407-246-3355, Kathleen.Magruder@orlando.gov and Sarah Taitt, Assistant City Attorney II

Approved By:**Department**

Budget Outside Routing Approval

City Clerk

Date and Time

9/10/2020 11:50 AM

9/10/2020 12:46 PM

ATTACHMENTS:

Name:	Description:	Type:
<input type="checkbox"/> Ordinance 2020-44 Re-establishment of Nonconforming Uses (2).pdf	Ordinance NO 2020-44	Backup Material

City Council Meeting: 9-21-2020

"Enhance the quality of life in the City by delivering public services in a knowledgeable, responsive and financially responsible manner."

ORDINANCE NO. 2020-44

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, RELATING TO
3 NONCONFORMING USES; AMENDING CHAPTER 58,
4 PART 7D, AND CHAPTER 65, PART 2D, LAND
5 DEVELOPMENT CODE, TO ALLOW FOR THE RE-
6 ESTABLISHMENT OF NONCONFORMING USES WITH A
7 CONDITIONAL USE PERMIT; PROVIDING LEGISLATIVE
8 FINDINGS, AND FOR SEVERABILITY, CODIFICATION,
9 CORRECTION OF SCRIVENER'S ERRORS, AND AN
10 EFFECTIVE DATE.
11

12 **WHEREAS**, section 163.3202(1), Florida Statutes, requires that the city of
13 Orlando, Florida (the "city"), adopt or amend and enforce land development regulations
14 that are consistent with and implement the city's adopted comprehensive plan; and
15

16 **WHEREAS**, section 163.3202(3), Florida Statutes, encourages the use of
17 innovative land development regulations and requires that all land development
18 regulations be combined into a single land development code for the city; and
19

20 **WHEREAS**, from time to time, amendments and revisions to the city's adopted
21 comprehensive plan (the "Growth Management Plan"), progress in the field of planning
22 and zoning, or changes to state law make it necessary or desirable to amend the land
23 development regulations of the city; and
24

25 **WHEREAS**, at its regularly scheduled meeting of July 21, 2020, the Municipal
26 Planning Board recommended to the City Council of the City of Orlando, Florida (the
27 "Orlando City Council"), that the provisions of this ordinance are consistent with the
28 applicable provisions of the city's adopted Growth Management Plan, are in the best
29 interest of the public health, safety, and welfare, are in harmony with the purpose and
30 intent of the Land Development Code of the City of Orlando, Florida (the "Land
31 Development Code"), will not result in disorderly and illogical development patterns, and
32 will not result in incompatible land uses; and
33

34 **WHEREAS**, the Orlando City Council hereby finds and determines that this
35 ordinance is consistent with the applicable provisions of the city's adopted Growth
36 Management Plan, is in the best interest of the public health, safety, and welfare, is in
37 harmony with the purpose and intent of the city's Land Development Code, will not result
38 in disorderly and illogical development patterns, and will not result in incompatible land
39 uses; and
40

41 **WHEREAS**, the Orlando City Council hereby finds and declares that this ordinance
42 is in the best interest of the public health, safety, and welfare.
43

44 **NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF**
45 **ORLANDO, FLORIDA, AS FOLLOWS:**

ORDINANCE NO. 2020-44

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SECTION 3. CODIFICATION. The city clerk and the city attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 4. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 5. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this 8 day of SEPTEMBER, 2020.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 8 day of SEPTEMBER, 2020.

DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this 21 day of SEPTEMBER, 2020.

BY THE MAYOR OF THE CITY OF ORLANDO, FLORIDA:



Mayor

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:



City Clerk


Stephanie Herdovia

Print Name

ORDINANCE NO. 2020-44

135 APPROVED AS TO FORM AND LEGALITY
136 FOR THE USE AND RELIANCE OF THE
137 CITY OF ORLANDO, FLORIDA:

138 
139 _____
140 Assistant City Attorney

141 
142 _____
143 Print Name

City Council Meeting: 9-21-2020
Item: 12-2 Documentary: 200921202

Orlando Sentinel

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ORANGE County, Florida

Sold To:

City of Orlando - CU00118969
400 S Orange Ave, Fl 2
Orlando, FL, 32801-3360

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Orlando, FL, 32801-3360

**State Of Illinois
County Of Cook**

Before the undersigned authority personally appeared Jeremy Gates, who on oath says that he or she is an Advertising Representative of the ORLANDO SENTINEL, a DAILY newspaper published at the ORLANDO SENTINEL in ORANGE County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of 11150-Public Hearing Notice, September 21, 2020 at 2:00 p.m., proposed ordinance #2020-44 was published in said newspaper in the issues of Sep 08, 2020.

Affiant further says that the said ORLANDO SENTINEL is a newspaper Published in said ORANGE County, Florida, and that the said newspaper has heretofore been continuously published in said ORANGE County, Florida, each day and has been entered as periodicals matter at the post office in ORANGE County, Florida, in said ORANGE County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Jeremy Gates

Signature of Affiant

Name of Affiant

Sworn to and subscribed before me on this 10 day of September, 2020,
by above Affiant, who is personally known to me (X) or who has produced identification ().



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped

6758410

Orlando Sentinel

NOTICE OF PROPOSED ENACTMENT

On Monday September 21, 2020, the Orlando City Council will consider proposed ordinance #2020-44, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO NONCONFORMING USES; AMENDING CHAPTER 58, PART 7D, AND CHAPTER 65, PART 2D, LAND DEVELOPMENT CODE, TO ALLOW FOR THE RE-ESTABLISHMENT OF NONCONFORMING USES WITH A CONDITIONAL USE PERMIT; PROVIDING LEGISLATIVE FINDINGS, AND FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE. A public hearing on this ordinance will be held during Council's regular meeting beginning at 2:00 p.m. In response to the COVID-19 pandemic and social distancing efforts, members of the public are advised to check the following city website for up-to-date information on any changes to the manner in which the meeting will be held and the location. All pertinent information about meeting access and participation instructions will be available on orlando.gov/councilmeeting at least 3 days prior to the meeting. Interested parties are invited to watch the meeting live and may participate by providing public comment during the meeting or submitting written public comment in advance regarding the proposed ordinance. The opportunity to provide public comment is available until the designated public comment portion of the item is closed. This meeting may be viewed live on Orange TV channel 488, on the city's website at orlando.gov/watchonline or the city's YouTube page. Written public comment must include your name, address, phone number and topic. Comments are limited to a maximum of 700 words per item and may be submitted by one of the following: (1) online at orlando.gov/councilcomment; (2) email to cityclerk@orlando.gov; (3) mail to City Clerk, Public Comment, City of Orlando, 400 S. Orange Ave., Orlando FL 32801; or (4) drop off to the 1st floor security station at City Hall. Written public comment received by 9 a.m. on Monday, September 21 are distributed to Council and attached to the related agenda item for public viewing. Appellants and Parties to Appeals and Quasi-Judicial Hearings must submit their documentary evidence and presentations to orlando.gov/councilcomment by 5 p.m. on Wednesday, September 16. Documentary evidence and presentations received by 5 p.m. September 16 are distributed to Council and attached to the related agenda item for public viewing. Items received after the deadline will not be considered at the meeting. All items received are public record. The proposed ordinance may be inspected online at orlando.gov. Anyone who desires to appeal an official decision made at this meeting, if an appeal is permitted by law, may need to obtain a verbatim record of the proceedings that includes the testimony and evidence upon which the appeal is based. The City of Orlando is committed to reasonably accommodating the communication needs of persons with disabilities. Persons with disabilities who need reasonable accommodations to participate in this meeting, contact no later than 24 hours in advance of the meeting, the City Clerk's Office at

Orlando Sentinel

407.246.2251 or cityclerk@orlando.gov.

OS9/8/2020

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