

ORDINANCE NO. 23-2241

AN ORDINANCE OF THE CITY OF LONGWOOD, FLORIDA, AMENDING ORDINANCE NO. 23-2236 TO ADD A NEW NON-CODIFIED SECTION 5 TO SUCH ORDINANCE ENTITLED "VESTING" RELATED TO THE LONGWOOD DEVELOPMENT CODE ARTICLE IX HARDSHIP RELIEF AND SPECIAL EXCEPTIONS TO ADDRESS SITUATIONS WHERE A COMMERCIAL LEASE FOR A CERTAIN LAND USE WAS SIGNED PRIOR TO THE ADOPTION OF ORDINANCE NO. 23-2236; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, on May 6, 2002, the City Commission of the City of Longwood enacted the Longwood Development Code (Ordinance 02-1599), as was amended from time to time, pursuant to the requirements of Chapter 163.3202, and Chapter 166.041, Florida Statutes; and

WHEREAS, Chapter 163.3174 (4) (c), Florida Statutes, requires the Land Planning Agency to review proposed land development regulations, or amendments thereto, for consistency with the adopted Plan, as may be amended; and

WHEREAS, the Land Planning Agency (LPA) held a public hearing on September 13, 2023 to consider the amendment of the Longwood Development Code; made certain findings of fact regarding said amendments, determined the proposed changes are consistent and recommended the proposed ordinance be enacted by the City Commission; and

WHEREAS, The City Commission adopted Ordinance No. 23-2236 related to the siting and proliferation of smoke shops, marijuana dispensaries, smoking lounges, and CBD establishments when located adjacent or in close proximity to other such uses; and

WHEREAS, two business owners approached the City Commission and stated that they had signed a lease for a business affected by the ordinance prior to its effective date; and

WHEREAS, the City Commission wishes to create a pathway for these and similarly affected business owners to operate as a legally non-conforming use; and

WHEREAS, the City Commission determines that this Ordinance is consistent with the Comprehensive Plan and in the best interest of the public health, safety and welfare.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LONGWOOD, FLORIDA, AS FOLLOWS:

SECTION 1. Longwood Ordinance No. 23-2236 shall be Amended only as follows to add a new Section 5 entitled Vesting. (Words that are ~~stricken out~~ are deletions; words that are underlined are additions; Articles, Sections, Subsections and Provisions not referenced in this ordinance are not modified):

“Section 5. VESTING. Where a business that would have been an allowable use prior to changes in this Ordinance would no longer be allowed due to changes made by this ordinance, and where that business can provide to the City on or before October 15, 2023 a copy of a commercial lease signed by both the tenant and property owner that is dated and executed prior to the effective date of this Ordinance, the business will be allowed to open and operate as a legally non-conforming use provided it complies with all other applicable ordinances, regulations and land development code provisions.”

SECTION 2. CONFLICTS. If any ordinance or part thereof is in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 3: CODIFICATION. Section 1 of this Ordinance shall not be codified.

SECTION 4: SEVERABILITY. The provisions of this Ordinance are declared to be separable and if any section, paragraph, sentence or word of this Ordinance or the application thereto any person or circumstance is held invalid, that invalidity shall not affect other sections or words or applications of this Ordinance. If any part of this Ordinance is found to be preempted or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such preempted or superseded part.

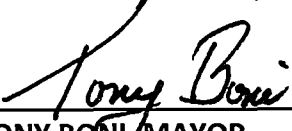
LAND PLANNING AGENCY HEARING: September 13, 2023

FIRST READING: September 18, 2023

SECOND READING AND ADOPTION: October 2, 2023


PASSED AND ADOPTED THIS 2nd DAY OF October, 2023

**CITY COMMISSION
CITY OF LONGWOOD, FLORIDA**



TONY BONI MAYOR

ATTEST:



MICHELLE LONGO, WMC, FCRM, CITY CLERK

Approved as to form and legality for the use and reliance of the City of Longwood, Florida, only.



DANIEL W. LANGLEY, CITY ATTORNEY