

PROPOSED TEXT AMENDMENT FOUR-FIFTHS VOTE

Sec. 3-9. - Waiver of distance procedure.

Any person whose location or place of business does not meet the distance restrictions in subsection 3-7(b) and who is applying to the State of Florida, Division of Alcoholic Beverages and Tobacco for a license may have this distance waived in the following manner:

(1) A request for waiver may be initiated by filing an application in writing for such waiver in the office of the department of planning and development.

(2) The department of planning and development shall refer such application to the city planning board for review and report after conferring with affected city departments. Such recommendation and report shall be forwarded to the city commission within ninety (90) days of the receipt of a complete application.

(3) Upon receipt of the report from the planning board, the city commission shall conduct a public hearing thereon giving at least fifteen (15) days notice thereof in a newspaper having general circulation in the city.

~~(4) In case, however, that the planning board recommends disapproval of the application for waiver, such waiver shall not be granted by the city commission except by four-fifths vote thereof.~~

~~(54)~~ Before consideration of a request for waiver by the city commission pursuant to this section, notice by mail shall be given pursuant to section 22-1432 of the City Code.

~~(65)~~ Before any action is taken upon any application as provided in this section, either by the planning board or the city commission, the applicant shall deposit with the city a fee established by the city commission by resolution to cover the approximate cost of the procedure and such sum is not refundable in any event.

Sec. 22-76. - Procedure for the review and approval of conditional uses.

The application for conditional use with the application for site plan review, when not exempt in accordance with the requirements of section 22-75, shall be reviewed as a unit in accordance with the requirements of section 22-58 except that:

(1) The city commission shall hold a public hearing in accordance with the provisions of section 1432 prior to acting on the application for conditional use.

~~(2) In the event the city planning board disapproved the application for conditional use or in case of a protest against said application signed by twenty (20) per cent of the owners~~

~~within five hundred (500) feet of the area included in said application, such application shall not be approved except by a four-fifths vote by the city commission.~~

(32) In permitting a conditional use or the modification of an existing conditional use, the city commission may impose, in addition to those standards and requirements expressly specified in this chapter, any condition which it finds to be necessary to protect the best interest of the surrounding property of the city.

Sec. 22-128. - Amendment procedures.

The following procedure shall apply to amendment of the text of the zoning ordinance or the zoning atlas:

(1) The department of planning and development shall refer the application to the city planning board together with a staff report which notes any inconsistency between the proposed amendment and the comprehensive plan or this chapter.

(2) The city planning board will review the proposed amendment within forty-five (45) days of the filing except that it may provide for a reasonable extension of time within which to consider the amendment upon a showing of good cause.

(3) The city planning board will recommend approval, modified approval or disapproval of the proposed amendment, and its recommendations with the proposed amendment shall then be submitted to the city commission. Prior to acting on the proposed amendment, the city commission will hold a public hearing in accordance with the provisions of section 22-1432.

(4) In the event the city planning board recommends disapproval, ~~or in case of a protest against any said proposed change signed by twenty (20) per cent of the owners of either the lots included in such proposed change or those within five hundred (500) feet of the area included in such proposed change~~ such amendment shall not become effective except by a four-fifths vote by the city commission.