

LAND USE AND ZONING COMMITTEE AMENDMENT

The Land Use and Zoning Committee offers the following amendment to File No. 2026-472:

- (1) On **page 1, line 5**, **strike** "CONCERNING" and **insert** "GRANTING";
- (2) On **page 1, line 30**, after "COMMITTEE;" **insert** "PROVIDING FOR NOTICE;";
- (3) On **page 3, lines 1-2**, **strike** "This Resolution is the final action of the Council."
- (4) On **page 3, line 1**, after "adopted." **insert** "Based on the competent substantial evidence in the record of proceedings, including the Planning and Development Department Staff Report, the evidence presented during the Land Use and Zoning Committee meeting and the record of the Planning Commission, the appeal is granted. The Planning Commission Final Order denying Application E-26-20 and AD-26-21 is overturned, and Application E-26-20 and AD-26-21 is approved. Pursuant to Section 166.033, *Florida Statutes*, the council hereby finds:

(1) The Resolution shall serve as written notice to the appellant/applicant, Hay Ave, LLC (c/o Michael Herzberg).

(2) Based on a review and application of the standards and criteria set forth in Sections 656.131(c) and 656.109(h), *Ordinance Code*, pertaining to Zoning Exceptions and Administrative Deviations, and the

competent and substantial evidence in the record of proceedings, Application for Zoning Exception E-26-20 seeking to allow building trades contractor with outside storage including overnight truck parking, and Administrative Deviation AD-26-21, seeking to: a) reduce the minimum width of a driveway from twelve (12) feet wide to ten (10) feet wide, b) reduce the uncomplimentary land use buffer width from ten (10) feet wide along the east property boundary to five (5) feet wide, c) reduce the uncomplimentary land use buffer width from ten (10) feet wide along west property boundary to zero (0) feet wide, and d) reduce the uncomplimentary land use buffer trees along the east property boundary from six (6) required to four (4) trees, and the west property boundary from nine (9) required to seven (7) trees, in the Commercial Community/General-2 (CCG-2) Zoning District sufficiently demonstrates a basis for granting the request. This Resolution is the final action of the Council."

- (5) On **page 3, line 2½, insert** a new Section 2 to read as follows:

"Section 2. Notice. Legislative Services is hereby directed to mail a copy of this Resolution, as adopted, to the appellant/applicant for Application for Exception E-26-20 and Administrative Deviation AD-26-21, and any other parties to this matter who testified before the Land Use and Zoning Committee, or who otherwise filed a qualifying written statement as defined in Section 656.140(c), *Ordinance Code*.";

- (6) Renumber the remaining Section;
- (7) On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

Office of General Counsel

Legislation Prepared By: Terrence L. Harvey

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