



Legislation Text

File #: ID 2018-320, **Version:** 1

TO: Mayor and City Commission

FROM: Samuel A. May, City Manager

DATE: July 3, 2018

MODIFICATIONS TO A NON-CONFORMING USE.

BACKGROUND: Article XXXI. - NONCONFORMING USE AND STRUCTURES, Section 31.3 provides: “No structure utilized for a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, unless the use is changed to one which complies with the provisions of this zoning code, or amendments thereto. Repairs, maintenance and improvement may be carried out in any one year in an amount not to exceed twenty-five (25) per cent of the assessed value as determined by the Broward County Property Appraiser of the structure for that year. However, such work shall not increase the cubical content of the building or structure, nor the floor area devoted to the nonconforming use, nor increase the number of dwelling units. Nothing in this article shall prevent compliance with applicable laws or resolutions relative to the safety and sanitation of a building or structure occupied by a nonconforming use.”

An owner of a non-conforming use has proposed the addition of a second level inside the existing building. The footprint of the building is not changed nor is the cubic content of the building. It does increase the floor area devoted to the non-conforming use.

The definition of floor area in the Zoning Code is: “Where a specified minimum "floor area" is required in the zoning ordinance for a dwelling, "floor area" shall mean the total gross area within the external perimeter of the exterior enclosing walls, including Florida rooms, sun rooms and utility rooms which are fully enclosed and directly accessible from the interior of the dwelling but excluding other utility rooms, unenclosed porches, terraces, breezeways, and carports or garages.” This does not appear to be appropriate for this situation.

Should a non-conforming use be allowed to expand when the footprint or cubic volume of the building is not expanded?

RECOMMENDATION: Consider the expansion of a non-conforming use where the cubic volume and foot print of the building with the use is not increased and provide direction as needed.

FISCAL IMPACT: N/A

CONTACT PERSON: Robert Massarelli, AICP, Development Services Director