

ORDINANCE #2024-1

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, EXTENDING AND/OR READOPTING THE TEMPORARY MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR NEW MULTI-FAMILY, MIXED-USE, AND COMMERCIAL DEVELOPMENTS FOR ONE HUNDRED EIGHTY (180) DAYS OR 90 DAYS AFTER THE ADOPTION OF AN IMPACT FEE ORDINANCE, WHICHEVER IS EARLIER; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR THE EXTENDED TERM; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 2, 2023, the Town Council adopted **Ordinance No. 2023-6**, which imposed a temporary moratorium on the issuance of all new building permits for multi-family, mixed-use, commercial, and single-family residential developments within the jurisdiction; and

WHEREAS, the purpose of the moratorium is to allow the Town to complete a comprehensive study to identify the potential impacts of new development on public facilities and services and establish an appropriate fee structure to help defray the costs of new infrastructure necessitated by such development (the “Impact Fee Feasibility Study”); and

WHEREAS, due to the complexity of the study and the need for thorough data analysis, the Impact Fee Feasibility Study has not yet been completed; and

WHEREAS, the Town finds that additional time is necessary to complete the study and develop a town-wide impact fee program in accordance with state law; and

WHEREAS, pursuant to **Ordinance No. 2023-6**, the temporary moratorium may be extended upon a finding by the Town Council following public comment that good cause or excusable neglect exists, the harm to the public infrastructure and facilities from the issuance of building permits for new multi-family, mixed-use, and commercial developments continues to exist, and a new impact fee ordinance has not been enacted; and

WHEREAS, the Town Council finds that issuing building permits for new multi-family, mixed-use, and commercial developments without a finalized impact fee structure would burden existing infrastructure and harm the community; and

WHEREAS, the Town Council also finds that continued responsible development is essential to the Town’s future, and there is thus good cause for imposing the moratorium as a vehicle for protecting the public health, safety, and welfare; and

WHEREAS, the Town Council has the authority to adopt this Ordinance by virtue of the Town’s home rule authority under Section 166.021(4), Florida Statutes, and its general police power; by virtue of Section 163.31801, Florida Statutes, which recognizes the critical importance of properly adopted impact fee ordinances to offset the impacts on public facilities and

infrastructure from new development; and based on the inherent authority conferred by general law with respect to comprehensive planning.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE:

SECTION 1. Recitals and legislative findings. The above recitals and legislative findings are ratified and made a part of this Ordinance.

SECTION 2. Renewed term. The moratorium imposed by **Ordinance No. 2023-6** shall be extended and/or readopted and shall remain in effect for a period of one hundred eighty (180) days after the effective date of this Ordinance, or until ninety (90) days after the adoption of a new impact fee ordinance, whichever is earlier.

SECTION 3. Modification. This extended and/or readopted moratorium shall not apply to the issuance of building permits for single-family residential developments.

SECTION 4. Severability. If any section, subsection, clause, or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.

SECTION 5. Non-codification. The provisions of this Ordinance shall not be included or incorporated within the Code of Ordinances of the Town of Eatonville.

SECTION 6. Effective date; expiration; repeal. This Ordinance shall become effective immediately upon approval by the Town Council and shall stand repealed as set forth in Section 2 above. The Town Council may also repeal this Ordinance at any time.

Upon motion duly made and carried, the foregoing Ordinance was approved upon its first reading on _____, 2024.

Upon motion duly made and carried, the foregoing Ordinance was approved upon its second reading on _____, 2024.

Attest:

TOWN OF EATONVILLE

Veronica King,
Town Clerk

Angie Gardner, Mayor

Approved as to Form:

Clifford B. Shepard, Town Attorney