

RESOLUTION NO. _____-10-23

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, DECLARING ZONING IN PROGRESS PERTAINING TO THE DEVELOPMENT OF REGULATIONS FOR AFFORDABLE OR WORKFORCE HOUSING TO IMPLEMENT THE LIVE LOCAL ACT, INCLUDING SPECIFICALLY SECTION 166.04151(7), FLORIDA STATUTES; PROVIDING THAT WHILE ZONING IN PROGRESS IS IN EFFECT THE TOWN'S COMMUNITY DEVELOPMENT DEPARTMENT SHALL NOT ACCEPT, REVIEW, PROCESS OR CONSIDER ANY APPLICATIONS FOR THE APPROVAL OF DEVELOPMENT ORDERS OR BUILDING PERMITS, ASSOCIATED WITH AFFORDABLE OR WORKFORCE HOUSING INCLUDING THOSE PROPOSED UNDER THE LIVE LOCAL ACT, FLA. STAT. §166.04151 (7), WHETHER THEY ARE REQUESTED TO BE ISSUED ADMINISTRATIVELY OR OTHERWISE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the Florida Constitution and Chapter 166, Florida Statutes, the Town Commission of the Town of Lake Park (Town) has the home rule powers and authority to govern development within the Town; and

WHEREAS, with the adoption of this resolution, the Town Commission hereby declares zoning in progress to be in effect and directs the Community Development Department (Department) in consultation with the Town Attorney to consider, study and prepare regulations addressing affordable and workforce housing in the Town, including regulations which may govern proposals to develop properties under Fla. Stat. §166.04151(7), known as the Live Local Act (the Act); and

WHEREAS, the Town Commission finds that zoning in progress is necessary to provide the Town Attorney and the Department with adequate time to review the Town's existing zoning and land development regulations and to consider regulations that would implement the Comprehensive Plan and the Act in furtherance of the public's health, safety and welfare; and

WHEREAS, the Act has pre-empted local control regarding affordable and workforce housing in certain aspects, and requires the development of mechanisms for the town to track and monitor the number of units developed under the Act; and

WHEREAS, the Act contains many ambiguities and little guidance to local governments regarding its implementation, administration, monitoring, and other matters; and

WHEREAS, the Act provides for tax exemptions for developers of affordable or workforce housing units, and the implications of the ad valorem taxes the town may receive are not clear, and thus there is the potential for adverse impacts on the ad valorem taxes the town may collect in any given fiscal year; and

WHEREAS, the Act must be reconciled with Policy 1.1 of the Comprehensive Plan Future Land Use Element which requires that the Town's Land Development Regulations be amended as necessary to regulate the use and intensity of land development consistent with this element to ensure the compatibility of adjacent land uses" and to encourage redevelopment, renewal or renovation, that maintains or improves existing neighborhoods and commercial areas"; and

WHEREAS, the Act authorizes the locations of residential structures without regard to the compatibility of development with surrounding properties as set forth in the Town's Comprehensive Plan and Land Development Regulations and for the impacts of height, density or intensity on adjacent existing properties, resulting in expected serious land use conflicts, impacts on and the cost of providing public services; and

WHEREAS, the Act allows eligible affordable and workforce housing units to be constructed in existing commercial, industrial, and mixed use zoning districts of the Town, which is not consistent with existing policies of the Town's Comprehensive Plan, including specifically Future Land Use Element **Policy 5.4** that requires that the Town utilize such techniques as distance requirements, buffering, landscaping, lower-intensity development, and scale-down requirements to provide appropriate transitions between high density uses and zoning districts having different intensities, densities, and functions; and

WHEREAS, in order to implement the Act, and ensure compliance and consistency with the Comprehensive Plan, and to meet the Town's existing Land Development Regulations, the Department and Town Attorney need adequate time to consider and prepare new regulations and comprehensive plan policies, and to amend existing regulations as may be necessary to implement the Act; and

WHEREAS, court decisions have upheld zoning in progress as a valid and necessary tool available to local governments to further the public's health, safety, morals, and general welfare; and

WHEREAS, during the zoning in progress period, the commission directs that the Department, in consultation with the Town Attorney, study and develop for the commission's consideration appropriate changes to the Land Development Code and Comprehensive Plan to insure an affordable and workforce housing program is established to implement the Act in a way to address the needs of the Town's residents and businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AS FOLLOWS:

SECTION 1. Legislative Findings and Intent. The whereas clauses are incorporated herein, are true and correct, and represent the Commission's legislative findings and intent regarding the necessity of zoning in progress.

SECTION 2. Issuance of Development Permits Withheld. During the period of zoning in progress, the Department of Community Development is directed **not** to process or issue any applications for development permits or orders, amendments to site plans, or other zoning applications, whether administratively or otherwise, for applications submitted under the "Live Local Act," codified at Fla. Stat. §166.04151(7).

SECTION 3. Applicability. This Resolution shall apply to all properties within the corporate limits of the Town and to any applications which seek to use the Act.

SECTION 4. Zoning in Progress Declared. The Town Commission hereby imposes zoning in progress upon the acceptance, processing, consideration or issuance of any applications for development orders, permits, or any application associated with affordable or workforce housing including those proposed under the Live Local Act, Fla. Stat. §166.04151 (7), until the Department of Community Development and the Town Attorney have concluded a study and the Commission has adopted such amendments to the Town's Comprehensive Plan and its LDRs as it deems necessary and appropriate to further the public's health, safety, and general welfare.

SECTION 5. This zoning in progress is of a temporary nature to allow the Town Attorney and Department of Community Development to study and complete in a careful, but expeditious manner, regulations and procedures to provide for affordable and workforce housing, including under Fla. Stat. §166.04151 (7), and shall expire on September 30, 2024, or whenever the Town Commission establishes such regulations and procedures as it deems necessary to further the health safety and general welfare of the Town's residents and businesses, whichever comes sooner.

SECTION 6. Effective Date. This Resolution shall take effect immediately upon its execution.