

ORDINANCE 06-2023

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, DECLARING A MORATORIUM PERTAINING TO APPLICATIONS FOR PERMITS TO CONSTRUCT OR REPAIR SEAWALLS; PROVIDING THAT THE MORATORIUM SHALL BE IN EFFECT FOR A PERIOD NOT TO EXCEED ONE YEAR TO ENABLE THE TOWN TO ADOPT ANY NEW OR REVISED REGULATIONS PERTAINING TO SEAWALLS; PROVIDING FOR WAIVERS FOR THE PROCESSING OF APPLICATIONS FOR PERMITS FOR SEAWALLS; PROVIDING FOR THE AREA WHICH IS SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission has such powers and authority as is set forth in the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission finds that it is necessary to enact a moratorium on permits for the construction or repair of seawalls in the town to enable the Town Manager and staff to evaluate whether to recommend the adopt amendments to the land development regulations governing seawalls; and

WHEREAS, the Town Commission finds that a moratorium is necessary and appropriate so that the Town Manager and staff are provided with sufficient time to evaluate the sufficiency of the Town's existing land development regulations and to consider new land development regulations; and

WHEREAS, the Town Commission finds that it may be necessary to enact new regulations, or to revise existing regulations to manage the anticipated new development and/or redevelopment; and

WHEREAS, the Town Commission finds that it is appropriate and necessary to direct the Town Manager to direct the Community Development Department to study, and as necessary and appropriate, prepare new or revised regulations pertaining to the construction and/or repair of seawalls in the town; and

WHEREAS, the Town Commission finds and declares that the enactment of this moratorium ordinance furthers the public's health safety, and general welfare.

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 Town Commission's legislative findings and intent regarding the necessity of a moratorium.

SECTION 2. Moratorium Declared. The Town Commission hereby imposes a moratorium upon the processing or issuance of any applications for the repair or construction of seawalls for the earlier time of one calendar year; until the Town Manager has concluded that the staff has concluded its study and is not recommending any new regulations; or until the Town Commission has adopted new regulations. This moratorium is of a temporary nature so as to allow the study to be completed in a careful but expeditious manner, and for sufficient time for the adoption of any new or revised regulations for seawalls which are deemed appropriate to further the public's health, safety, morals, and general welfare.

SECTION 3. Issuance of Permits Withheld. During the period of the moratorium, the Town Manager is directed *not* to process or issue any applications for the construction or repair of seawalls in the town. During the period the permits are withheld, the Town Manager is directed to direct and administer his staff to study the necessity of the adoption of new or revised regulations pertaining to the repair or construction of seawalls in the town.

SECTION 4. Area Affected by the Moratorium. This Ordinance shall apply to all properties in the Town which are located as depicted on Exhibit "A" which is attached hereto and incorporated herein.

SECTION 5. Waiver. The Town Commission may grant a waiver to the processing of applications or issuance of permits in exigent circumstances such as where a property owner demonstrates extreme hardship or where there are circumstances that warrant the issuance of a permit for the safety of property owners, or their properties. Exigent circumstances cannot be based upon financial hardship alone.

SECTION 6. Repeal of Laws In Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. Effective Date. This ordinance shall take effect upon the Mayor's execution.

EXHIBIT "A" Properties

