

## **RESOLUTION NO. 108-11-24**

### **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, DECLARING ZONING IN PROGRESS FOR PROPERTIES LOCATED IN THE PARK AVENUE DOWNTOWN DISTRICT; 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**, in 2022, the Town Commission enacted amendments to the Land Use Element of its Comprehensive Plan, and implemented those amendments by rezoning properties within the Park Avenue Downtown District (PADD);

**WHEREAS**, in 2022 the Town Commission revised the Town's Land Development Regulations (LDRs) governing the development and redevelopment of properties within the PADD; and

**WHEREAS**, in early 2024, two owners of properties within the PADD proposed to redevelop their properties within the PADD and requested waivers to increase the density and height of buildings within the PADD based upon certain provisions of the amended Comprehensive Plan and LDRs; and

**WHEREAS**, based upon certain waivers, the two property owners proposed to develop two predominately residential projects of 500 and 595 units, at heights of 16 stories, and with densities of more than 200 units per acre on properties of approximately 2 acres and 3 acres; and

**WHEREAS**, the maximum building height established in the PADD is 12 stories and the average maximum density for properties in the core sub-district of the PADD is to be not greater than an average of 48 units per acres; and

**WHEREAS**, the two projects also propose 16,830 and 16,309 square feet of non-residential uses; and

**WHEREAS**, on October 19, 2024 the Town Commission held a workshop, the purpose of which was to evaluate how the amendments to the Comprehensive Plan and the LDRs were being applied to properties within the PADD; and

**WHEREAS**, Town Commission's workshop also sought to evaluate, given the waivers proposed, the consistency of the two proposed projects with objectives and policies of the Comprehensive Plan and the purpose and intent of the PADD; and

**WHEREAS**, consistent with public health and safety standards, Fla. Stat. § 163.4180 requires that developers demonstrate that there will be adequate sanitary sewer capacity available to serve new development; and

**WHEREAS**, the Seacoast Utility Authority (Seacoast), the sanitary sewer provider for properties within the PADD has reported that based upon the waivers sought by the two projects to increase densities on their respective properties, there is not sufficient wastewater capacity for the two projects; and

**WHEREAS**, even if the two properties were to be developed without waivers at the maximum density of 48 units per acre, established by the Comprehensive Plan, there may not be enough wastewater capacity within the PADD for the redevelopment of the two properties; and

**WHEREAS**, if the redevelopment of the two projects proceeds as proposed there will not be adequate wastewater capacity for other properties within the PADD to redevelop at the density established by the Comprehensive Plan unless wastewater capacity is increased by constructing a new lift station to serve the PADD; and

**WHEREAS**, the developers of the two projects have not proposed to make available land on their properties for a lift station to meet the needs of the development they have proposed on their properties; and

**WHEREAS**, the height and density proposed by the two projects may not be consistent with the objectives and policies of the Town's Comprehensive Plan; and

**WHEREAS**, the height and density of the two projects may not meet the purpose and intent of Section 78-70 of the PADD; and

**WHEREAS**, the proposed development of 1,075 residential units on 5.42 acre by the two projects within the PADD would use 73% of the residential units allocated within the 32.13 acres of the PADD; and

**WHEREAS**, the redevelopment of the two properties as proposed may substantially restrict redevelopment by other property owners within the PADD to redevelop their properties; and

**WHEREAS**, the Town Commission finds that it is necessary to enact zoning in progress to evaluate the land development regulations which were previously established, including the density, height, and Floor Area Ratios within the PADD; and

**WHEREAS**, the Town Commission finds that zoning in progress is necessary to provide the Town's staff to study the wastewater capacity and the needs of properties within the PADD to determine whether any amendments to the LDRs are necessary; and

**WHEREAS**, court decisions have upheld zoning in progress as a valid and necessary tool available to local governments to further the public 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, and represent the Town Commission's legislative findings and intent which necessitates zoning in progress.

**SECTION 2. Issuance of Development Permits Withheld.** The Town Commission hereby imposes zoning in progress and directs the Town Manager to direct staff to suspend review of pending applications, to not to accept, review, or process new applications and not to issue permits for pending applications within the PADD so that the Town can study the LDRs and the wastewater capacity available to properties within the PADD. The Community Development Department in cooperation with the Town Attorney is hereby authorized to re-evaluate the LDRs, including density, height, and Floor Area Ratios within the PADD for to ensure that the LDRs are consistent with Objectives and Policies of the Comprehensive Plan and the purpose and intent as set forth in § 78-70 of the PADD.

**SECTION 3. Term of the Zoning in Progress.** The term of this zoning in progress is temporary and shall extend for six months unless terminated earlier, or extended by further action of the Town Commission. The Town Commission reserves the right to extend zoning in progress as it deems necessary in furtherance of the public health, safety and general welfare.

**SECTION 4. Effective Date.** This Resolution shall take effect immediately upon its execution.