

ORDINANCE NO. 170-01-100

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL IMPOSING A 120 DAY MORATORIUM ON THE RECEIPT, PROCESSING, CONSIDERATION OR ISSUANCE OF PERMITS, CERTIFICATES OF USE, OR DEVELOPMENT ORDERS FOR GROUP HOMES (SOBER HOMES) WITHIN THE CITY OF LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

WHEREAS, on November 10, 2016 the United States Departments of Justice and Housing and Urban Development Released Updated Fair Housing Act Guidance on State and Local Land Use Laws related to group housing; and

WHEREAS, City Planning and Zoning staff and Legal staff require time to study the Guidance to determine if revisions should be made to the City Land Development Regulation to address provisions of the Guidance, the scope of which is addressed in the attached Notice of Intent; and

WHEREAS, based upon the above facts and recommendations from City Administration, the City Commission deems it necessary and to be in the best interests of the health, safety, and welfare of the citizens and Residents of the City of Lauderhill, to impose moratorium on processing, consideration, and the approval of any new applications or the issuance Of any building permits, engineering permits, certificate of use or development orders for group homes within the City of Lauderhill, Florida for 120 days from the date of passage and adoption of this Ordinance; and

WHEREAS, the Commission deems it timely and in the best interest of the City and its residents to undertake review and revision of the zoning regulations as they relate to group housing within the City of Lauderhill; and

WHEREAS, the Commission has authority to initiate the review process by resolution and issuance of a Notice of Intent; and

WHEREAS, the Notice of Intent attached to this Resolution as Exhibit "A" represents a formal announcement of said planning activities, and the period during which time all applications related to the siting and

placement of group homes within the City of Lauderhill will not be accepted or processed; and

WHEREAS, this Notice of Intent will be in effect from the date of adoption and thereafter for 120 days, unless otherwise terminated or extended by the City Commission by subsequent Resolution following public hearing; and

WHEREAS, the Commission intends that this Resolution constitute zoning in progress and the commencement of a temporary moratorium as a means of temporarily suspending the processing, consideration, and the approval of any new applications or the issuance of any building permits, engineering permits, certificates of use or development orders for group homes within the City of Lauderhill, Florida for 120 days from the date of passage and adoption of this Ordinance; and

WHEREAS, pursuant to Article VII, Section 2 of the Florida Constitution and Chapter 166 of the Florida Statutes, the City of Lauderhill is authorized and required to protect the public health, safety and welfare of its citizens and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the public health, safety and welfare is a legitimate public purpose recognized by the courts of the State of Florida;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The City Commission of the City of Lauderhill, Florida does hereby issue the Notice of Intent attached hereto as Exhibit A.

Section 3. That this Resolution shall become effective city-wide immediately upon passage.

Section 4. The Notice of Intent shall be posted and copies provided as requested.

Section 5. No application for a development activity, permit, or Business Tax Receipt, that is defined within the scope of the study shall be accepted or processed by the City, following the date of adoption of this Resolution during the study period.

Section 6. The City Commission requests that the city administration address in its study the issues as identified in the Notice of Intent attached hereto as Exhibit "A".

Section 7. This Ordinance shall take effect immediately upon its passage.

DATED this ____ day of _____, 2017.

PASSED on first reading this _____ day of _____, 2017.

PASSED AND ADOPTED on second reading this _____ day of _____, 2017.

PRESIDING OFFICER

ATTEST:

CITY CLERK

| | FIRST READING | SECOND READING |
|-------------|---------------|----------------|
| MOTION | _____ | _____ |
| SECOND | _____ | _____ |
| M. BATES | _____ | _____ |
| H. BENSON | _____ | _____ |
| H. BERGER | _____ | _____ |
| K. THURSTON | _____ | _____ |
| R. KAPLAN | _____ | _____ |