

RESOLUTION 2275-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING NOTICE TO THE PUBLIC OF A PENDING ORDINANCE AND DIRECTING STAFF TO DEVELOP AND PROCESS FOR ADOPTION AN ORDINANCE TO PROVIDE FOR CERTIFICATION OF COMPLIANCE OF AFFORDABLE HOUSING PROJECTS AND OTHER LAND DEVELOPMENT REGULATIONS ADDRESSING AFFORDABLE HOUSING, MIXED-USE AND MULTI-FAMILY PROJECTS.

WHEREAS, recent amendments to State Statutes as set forth in Chapter 2023-17, Laws of Florida will preempt some provisions of local comprehensive plans, zoning and land development regulation provisions for certain mixed-use projects and multi-family projects having at least 40 percent of residential units within a project being affordable housing units for at least a 30-year period; and

WHEREAS, Chapter 2023-17, Laws of Florida does not articulate how a proposed development is intended to evidence compliance with the affordable housing requirements necessary to benefit from the preemptions afforded under Chapter 2023-17, including prior to issuance of building permit or certificate of completion, or at any time during the minimum 30 years period provided for in Chapter 2023-17, Laws of Florida, or set forth any penalties for non-compliance and such should be required in order to ensure that the purpose of Chapter 2023-17, Laws of Florida is achieved;

WHEREAS, the City staff is directed to prepare and process an ordinance to create land development regulations to require evidence of and ensure compliance with the affordable housing criteria as needed for a development to benefit from the preemptions afforded under Chapter 2023-17, Laws of Florida and other land development regulations addressing affordable housing, mixed-use and multi-family projects; and

WHEREAS, the goal is to have such pending ordinance considered and adopted within six (6) months from the effective date of this Resolution; and

WHEREAS, the City wishes to place the public and all parties on notice that the City is considering land development regulation amendments addressing the aforesaid matters; and

WHEREAS, pursuant to the pending legislation doctrine (or pending ordinance doctrine) set forth in *Smith v. City of Clearwater*, 383 So. 2d 681 (Fla. 2d DCA 1980), the City declares and implements the pending ordinance doctrine concerning the zoning and land development regulations governing properties and proposed affordable housing projects, mixed-use projects and multi-family projects located within the City limits; and

WHEREAS, property owners and developers should be aware that provisions of the pending ordinance not yet adopted by the City may be applied to any proposed development and/or development order applications delayed until the adoption and effectiveness of such ordinance; thus property owners and developers should not rely on existing land development regulations in making investment and development related decisions; and

WHEREAS, the City Commission in good faith determines that this Resolution is in the best interest of the City and its residents and promotes the health, safety and welfare of the public.


NOW, THEREFORE, be it resolved by the City Commission of the City of Winter Park, Florida that:

SECTION 1. The above recitals constitute legislative findings of the City Commission and are incorporated herein as material provisions by this reference.

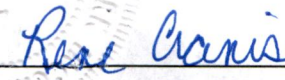
SECTION 2. The City staff is directed to prepare and process an ordinance to create land development regulations to require evidence of and ensure compliance with the affordable housing criteria as needed for a development to benefit from the preemptions afforded under Chapter 2023-17, Laws of Florida and other land development regulations addressing affordable housing, mixed-use and multi-family projects. The City hereby implements the "pending legislation doctrine" in regards to such pending ordinance, and property owners and developers are hereby placed on notice of the same and of the recitals set forth in this Resolution.

SECTION 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 28th day of June 2023.


Phillip Anderson, Mayor

ATTEST:


Rene Cranis, City Clerk