

ORDINANCE NO. 2020-16

AN ORDINANCE OF THE CITY OF FORT MEADE, FLORIDA; ESTABLISHING A TEMPORARY MORATORIUM PROHIBITING THE PROCESSING OR ISSUANCE OF ANY COMPREHENSIVE PLAN AMENDMENTS, REZONINGS OR LAND USE APPROVALS, SITE PLAN APPROVALS, OR BUILDING PERMITS FOR THE DEVELOPMENT OR CONSTRUCTION OF ANY NON-RESIDENTIAL FACILITIES WITHIN THE CITY OF FORT MEADE; ENABLING THE CITY TO UNDERTAKE A THOROUGH ANALYSIS OF THE COMPREHENSIVE PLAN AND THE NON-RESIDENTIAL LAND DEVELOPMENT REGULATIONS WITHIN ALL NON-RESIDENTIAL ZONING DISTRICTS, INCLUDING, BUT NOT LIMITED TO THE IMPACT OF SAID DEVELOPMENT ON THE AVAILABILITY OF INFRASTRUCTURE, ACCESSIBILITY FOR EMERGENCY AND VEHICULAR TRAFFIC, PROTECTION AGAINST NOISE, ODOR, AIR AND WATER POLLUTION, AND THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE; ESTABLISHING A PURPOSE AND INTENT; MAKING CERTAIN FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT MEADE, FLORIDA THAT:

SECTION 1. PURPOSE, FINDINGS, AND INTENT. In adopting this Ordinance, the City Commission of Fort Meade (the "City Commission") hereby makes and expresses the following findings, purposes, and intent:

- (1) The City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law.
- (2) The City Commission has regulated zoning and land use since 1962 via its Charter and its Code of Ordinances.
- (3) The City Commission first adopted Land Development Regulations pursuant to § 163.3202, Fla. Stat., in 1990.
- (4) Pursuant to § 163.3180, Fla. Stat., the City Commission adopted Ordinance No. 91-15, which established a concurrency system and designated the City's Planning and Zoning Board the "local planning agency."

(5) Chapter 163 of Florida Statutes empowers the City Commission to prepare and enforce the Land Development Code for the implementation of the adopted Fort Meade Comprehensive Plan.

(6) The City Commission adopted Ordinance No. 97-2, Land Development Code, as amended from time to time, to implement the adopted Fort Meade Comprehensive Plan.

(7) The City has not done a thorough review of its Land Development Code since 2003.

(8) Recently, a number of major non-residential projects have been approved in Polk County and surrounding communities, including landfills, power plants, large industrial projects, and other non-residential developments.

(9) Beginning in 2014, a non-residential project within the City illegally shifted its intended use with no notice to the City, and began illegally disposing of biosolids and dewatered sludge directly into the City's sewer system, causing hundreds of thousands of dollars in damages.

(10) Another proposed non-residential project previously approved and assisted by the City was abandoned when it failed to timely secure necessary financing.

(11) In both instances, the City was significantly financially and environmentally harmed through the acts of others.

(12) While the City Commission has incorporated numerous changes to the development regulations within the past few years which impact non-residential development, a comprehensive review is required to study the impact of large-scale non-residential development on transportation, public safety, adequacy of public facilities; buffering and open space, the accessibility for emergency and public service vehicular traffic, the adequacy of drainage facilities, the adequacy of land use compatibility and needs assessment criteria; the impact to air and water quality; and impact on the availability of public infrastructure.

(13) The city requires time to review, consider, modify, process for adoption, and implement regulations pertaining to non-residential zoning districts, and to evaluate the extent that the existing zoning laws are effectively implementing the comprehensive plan, as well as determining the internal consistency of these regulations.

(14) It is appropriate for the city to maintain the status quo by limiting the processing of new development applications pending its consideration of new regulations, and to prevent the proliferation of non-conforming new construction that would obviate the effectiveness of new regulations.

(15) The City of Fort Meade has authority in accordance with the Florida Constitution, Chapter 163 and 166 of the Florida Statutes to enact regulations in the interest of the public health, safety, and welfare of its citizens

SECTION 2. MORATORIUM IMPOSED. The City Commission of the City of Fort Meade hereby declares a moratorium on the processing of comprehensive plan amendment, zoning and land use approvals related to non-residential projects, including but not limited to rezoning, conditional use permits, special exceptions, and site plan approval applications related to non-residential development within all non-residential zoning districts. During the pendency of this moratorium, the City of Fort Meade shall not process or approve any applications for permits, licenses or approvals for any property, entity, or individual for non-residential projects or developments so long as this ordinance is in effect.

SECTION 3. EXCEPTIONS. The following site plan applications shall be exempt from the moratorium, including applications for conventional single-family and two-family dwellings, applications for zero lot line development, applications for infill development on a plot less than an acre, and all residential development permitted within residential zoning districts.

SECTION 4. DURATION OF MORATORIUM. The moratorium imposed by this ordinance shall be effective from September 30, 2020, until April 27, 2021, unless rescinded sooner.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this Ordinance and shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative parts therein, and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be held valid as if this ordinance had been adopted without such unconstitutional, invalid or inoperative part therein and if this Ordinance or any provision thereof, shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the application thereof to any other person, property or circumstances.

SECTION 6. NON-CODIFICATION. The provisions of this Ordinance shall not be included and incorporated within the Code of Ordinances of the City of Fort Meade.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and approval as a non-emergency ordinance at two regular meetings of the City Commission.

PASSED ON FIRST READING this 10th day of September 2020.

PASSED ON SECOND READING this 22nd day of September 2020.

CITY OF FORT MEADE, FLORIDA


James Watts, Mayor

ATTEST:


Melissa Cannon, Deputy City Clerk

APPROVED:


Danielle Judd, City Manager

APPROVED AS TO FORM AND
LEGALITY:



Thomas A. Cloud, Esquire
City Attorney