

**RESOLUTION 2023-033**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL SPRINGS, FLORIDA, ADOPTING A NOTICE OF INTENT FOR PENDING REGULATION CHANGES RELATED TO AFFORDABLE HOUSING DEVELOPMENT IN COMMERCIAL AND INDUSTRIAL DISTRICTS AS CONTAINED IN PETITION NUMBER LDA23-0004; DIRECTING STAFF TO DEVELOP AND PROCESS FOR ADOPTION AN ORDINANCE TO PROVIDE FOR THE CERTIFICATION OF COMPLIANCE WITH AFFORDABLE HOUSING PROJECTS, MIXED USE, AND MULTI-FAMILY PROJECTS, AND OTHER LAND DEVELOPMENT REGULATIONS IN COMMERCIAL AND INDUSTRIAL DISTRICTS; INVOKING THE PENDING LEGISLATION DOCTRINE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, recent amendments to State Statutes as set forth in Chapter 2023-17, Laws of Florida (the “Live Local Act or “Act”) 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**, the Live Local Act 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 the Act, including prior to issuance of building permit or certificate of completion, or at any time during the minimum 30 years period provided for in the Act, or set forth any penalties for non-compliance and such should be required in order to ensure that the purpose of the Act is achieved; and

**WHEREAS**, because the Act provides for housing to be placed in Commercial and Industrial Districts, City staff needs time to study, analyze, review, and consider appropriate mixed-use and multi-family regulations, including but not limited to regulations related to buffering, setbacks, and parking; and

**WHEREAS**, there are also potential adverse public health, safety, and welfare implications with establishing residential uses in the City’s Commercial and Industrial Districts, where odor, dust, noxious fumes, noise, and other pollutants and contaminants may exist, and therefore, the City requires time to study, analyze, review, and consider whether it should

implement additional regulations and/or review processes, including environmental review and testing, for those developments that will be located in the City's Commercial and Industrial Districts; and

**WHEREAS**, additionally, because the Act could dramatically increase the City's population by providing for additional unplanned residential development with the highest allowed density in the City, the City requires time to analyze, review, consider and modify, process for adoption, and implement potential changes to Comprehensive Plan and/or land development regulations to address the additional density and population growth, and its impact to, among other things, infrastructure, emergency and public service vehicular traffic, public safety, aesthetics, public welfare, and public facilities; and

**WHEREAS**, significantly, because mixed-use residential development has not been contemplated in the Industrial Districts, public infrastructure, including water and sewer infrastructure is very likely not sufficient to accommodate residential density, which could create a public safety hazard without proper analysis, consideration and review for sufficiency; and

**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 the Act and other land development regulations addressing affordable housing, mixed-use, and multi-family projects, including those described herein; 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 Commercial and Industrial districts; 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**, on August 16, 2023, the Director of Development Services issued a Notice of Intent Pending Regulation Change, Petition Number LDA23-0004, 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 with affordable housing projects and other land development regulations addressing affordable housing, mixed-use and multi-family projects; and

**WHEREAS**, the City Commission deems it to be in the best interests of the health, safety, and welfare of the citizens and residents of the City of Coral Springs to adopt the Notice of Intent;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CORAL SPRINGS, FLORIDA 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.

**SECTION 2.** The City of Coral Springs hereby adopts the Notice of Intent dated August 16, 2023, Number LDA23-0004, attached hereto as Exhibit "A," 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 with affordable housing projects and other land development regulations addressing affordable housing, mixed-use, and multi-family projects in Industrial and Commercial districts.

**SECTION 3.** 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 the Live Local Act and other land development regulations addressing affordable housing, mixed-use, and multi-family projects located in Commercial and Industrial districts, including those described herein. The City hereby invokes the "pending legislation doctrine" in regard

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.

**PASSED AND ADOPTED** this 16 day of August, 2023.

  
\_\_\_\_\_  
SCOTT BROOK, Mayor

ATTEST:

  
 FOR  
\_\_\_\_\_  
GEORGIA ELLIOTT, CMC, City Clerk

Unanimous ☒  
Motion /2<sup>nd</sup> \_\_\_\_\_

Yes No

___	___	MAYOR BROOK	___	___
___	___	VICE MAYOR CERRA	___	___
___	<input checked="" type="checkbox"/>	COMMISSIONER CARTER	___	___
<input checked="" type="checkbox"/>	___	COMMISSIONER METAYER BOWEN	___	___
___	___	COMMISSIONER SIMMONS	___	___

**NOTICE OF INTENT  
PENDING REGULATION CHANGE**

File number: LDA23-0004

I. Statement of Purpose

To impose a zoning in progress on any applications to the City for commercial and industrial districts that include affordable housing, mixed-use, and multi-family projects to provide time 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 the Live Local Act and other land development regulations addressing affordable housing, mixed-use, and multi-family projects.

II. Brief description of pending regulator change, including possible effect on development and existing code provisions which may require modification

Rewriting of land development regulations for commercial and industrial districts which may include, but are not limited to, the following: permitted uses, conditional uses, imposition of various requirements for the uses (e.g. setbacks, open space, parking requirements, architectural requirements, etc.) affordable housing, mixed-use, and multi-family projects.

III. Projected time frame for adoption of pending regulation

Six (6) months

IV. Recommended stage of the review process that the pending regulation would affect

All applications, of any form, for development and redevelopment within the City that include affordable housing, mixed-use, and multi-family projects located in commercial and industrial districts.

Filed with the City Clerk and City Attorney

Date:

By:

  
Julie Krolak,  
Director of Development Services

Date Posted: 8/16/2023

By:

  
City Clerk's Office



CC: Frank Babinec, City Manager  
John Hearn, City Attorney