

ORDINANCE NO. 961

**AN ORDINANCE OF THE CITY OF SATELLITE BEACH,
BREVARD COUNTY, FLORIDA, IMPOSING MORATORIUM ON
MIXED USE IN THE COMMERCIAL ZONING DISTRICT;
PROVIDING FINDINGS; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City authorizes mixed use development as a conditional use in its commercial zoning district; and

WHEREAS, the City recently proposed textual amendments to its comprehensive plan to address this mixed use authorization; and

WHEREAS, the State of Florida, Department of Community Affairs (DCA), objected to the inclusion of the textual amendment authorizing mixed use absent the inclusion of "clear and concise policies on the residential uses permitted and the density at which the residential uses are allowed consistent with the future land use category adopted for property in the comprehensive plan;" and

WHEREAS, based upon said objection, there is an apparent inconsistency between the adopted code provision authorizing mixed use as a conditional use and the adopted comprehensive plan, absent the criteria contained in the objections by DCA; and

WHEREAS, from policy perspective, the City desires to allow mixed use as a conditional use in its commercial zoning district; and

WHEREAS, the City Council has forwarded the DCA objections to its comprehensive planning advisory board to provide suggested revisions to the proposed textual amendments regarding mixed use, which is anticipated to be presented to City Council on or before one year from the effective date of this Ordinance; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents to adopt this ordinance to maintain the status quo to allow for considered debate and discussion on this issue.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The foregoing findings are by this reference incorporated herein.

SECTION 2. No applications for mixed use shall be accepted for review and permitting for a period of up to twelve months after the adoption of this ordinance to provide

the City time to adopt revisions to its proposed textual amendment to its comprehensive plan, consider any objections, recommendations and comments by DCA thereto and thereafter adopt an ordinance incorporating such matters. In addition, no applications will be accepted prior to the adoption of this ordinance for mixed use, as mixed use as presently contained in the City's land development regulations is apparently inconsistent with the terms of the City's adopted comprehensive plan.

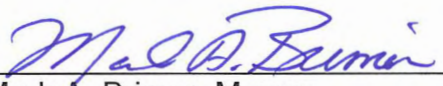
SECTION 3. Effective Date; Termination Date. This Ordinance shall take effect immediately upon its adoption, and shall terminate as provided herein.

SECTION 4. Severability Clause. In the event a court of competent jurisdiction shall hold or determine that any part of this Ordinance is invalid or unconstitutional, the remainder of the Ordinance shall not be affected thereby and it will be presumed that the City Council for the City of Satellite Beach did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Council would have enacted the remainder of this Ordinance without said invalid and unconstitutional provision thereby causing said remainder to remain in full force and effect.

SECTION 5. Repeal of Inconsistent Provisions. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

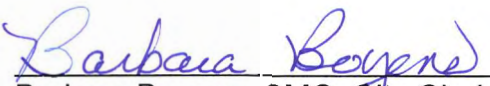
SECTION 6. Effective Date. This Ordinance shall become effective immediately upon its adoption.

SECTION 7. This Ordinance was duly passed on first reading at a regular meeting of the City Council on the 7th day of March 2007 and adopted on the second and final reading at the regular meeting of the City Council on the 21st day of March, 2007.



Mark A. Brimer, Mayor

ATTEST:



Barbara Boyers, CMG, City Clerk