

ORDINANCE NO. 23-24-22

AN ORDINANCE OF HIGHLANDS COUNTY, FLORIDA, PERTAINING TO THE IMPLEMENTATION OF A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING AND/OR CONSIDERATION OF ANY PETITION, APPLICATION OR REQUEST FOR DEVELOPMENT ORDER, OF ANY TYPE, INCLUDING BUT NOT LIMITED TO A ZONING CHANGE OR COMPREHENSIVE PLAN AMENDMENT, RELATED TO MOBILE HOME SUBDIVISIONS, MOBILE HOME PARKS, ANY SUBDIVISION WHICH ALLOWS MOBILE HOMES AND/OR INCLUDES MOBILE HOME STANDARDS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR A TEMPORARY MORATORIUM; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR NON-CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Highlands County, as provided in the Florida Constitution, Article VIII, Section 1(f) and Florida Statutes, Chapters 163 and 125, enjoys police power, land development and zoning authority, and the governmental and proprietary powers necessary to conduct county government and perform county functions, and the County may exercise any power for county purposes, except as expressly prohibited by law; and

WHEREAS, Highlands County has enacted land development regulations in the interest of the health, safety and welfare of its citizens, visitors and business residents; and

WHEREAS, the County's Code of Ordinances ("Code") contains various regulations related to mobile home standards, mobile home subdivisions, mobile home parks and residential subdivisions which allow for mobile homes; and

WHEREAS, such regulations have not been reviewed or changed in many years and the standards for considering zoning changes to allow for mobile home developments may not adequately assess the evolution of the surrounding areas and/or the specialized needs of mobile home developments; and

WHEREAS, the County is prepared to study the current Code with the intent of reviewing, updating and promulgating County land development and other regulations to provide more clear guidelines for mobile home development standards, mobile home subdivisions, mobile home parks and residential subdivisions which allow for mobile homes; and

WHEREAS, in order to protect the health, safety and welfare of its citizens, visitors and business residents, Highlands County desires to further research, review and consider certain existing mobile home development regulations and standards; and

WHEREAS, the imposition of a temporary moratorium, with certain exemptions, on the acceptance, processing and/or consideration of any petition, application or request for development order, of any type, including but not limited to a zoning change or comprehensive plan amendment, related to mobile home subdivisions, mobile home parks, any subdivision which allows mobile homes and/or includes mobile home standards, will allow the necessary time to research, review, study and prepare the appropriate regulations for Highlands County; and

WHEREAS, after conducting a public hearing, Highlands County finds that such a temporary moratorium serves a legitimate public purpose, is reasonable in time and is in the best interest of the health, safety and welfare of the citizens, visitors and business residents of Highlands County.

NOW THEREFORE, BE IT ORDAINED BY HIGHLANDS COUNTY, FLORIDA, after due notice and public hearing, that:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. Highlands County has complied with all requirements and procedures of the Florida law in processing this Ordinance. The above recitals are hereby adopted.

SECTION 2. TEMPORARY MORATORIUM.

A. Beginning on the Effective Date of this Ordinance, a temporary moratorium is hereby imposed on the acceptance, processing and/or consideration of any petition, application or request for development order, of any type, including but not limited to a zoning change or comprehensive plan amendment, related to mobile home subdivisions, mobile home parks, any subdivision which allows mobile homes and/or includes mobile home standards.

B. In order to protect the due process and other constitutional rights of applicants and the general public, any petitions or applications received prior to the effective date of this ordinance shall be tolled for the term of this moratorium and if this moratorium is lifted without change in the current mobile home development regulations, such a petition or application shall resume at no additional cost to the petitioner/applicant. If, however, the moratorium is lifted with changes to the current mobile home development regulations, such petition or application must be revised as necessary to conform with the newly adopted regulations and shall thereafter resume at no additional cost to the petitioner/applicant. Exempted from this Section are i) applications which have been determined to be complete and sufficient by the Planning and Zoning Division; ii) applications for site plan approval which are currently under review by the Engineering Department; and iii) developments which are under construction or have all approvals in place to start construction as of the Effective Date of this Ordinance.

C. This temporary moratorium shall be in effect through and including June 30, 2024, and shall automatically terminate unless lifted sooner through repeal of this Ordinance. This temporary moratorium may also be extended one time for a period not to exceed one hundred twenty (120) additional days, so long as the necessary public hearings are conducted and findings made that the issues giving rise to the need for the temporary moratorium established herein continue to exist and that reasonable progress is being made in the carrying out of a specific and prompt plan for corrective legislative action.

D. This temporary moratorium shall have no effect on any development approvals secured prior to the Effective Date of this Ordinance.

SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS. The County Administrator is hereby authorized and directed to take such actions as are deemed necessary and appropriate in order to implement the provisions of this Ordinance. The County Administrator may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such County employees as deemed effectual and prudent.

SECTION 4. SAVINGS CLAUSE. All prior actions of the of Highlands County, pertaining to the moratorium as set forth herein, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

SECTION 5. NON-CODIFICATION AND SCRIVENER'S ERRORS. The provisions of this Ordinance shall not be codified in the Highlands County Code of Ordinances. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the County Administrator and County Attorney, may be corrected.

SECTION 6. CONFLICTS. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 7. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or divisions of this ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this ordinance.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect immediately upon filing with the Department of State.

DONE AND ADOPTED this 20 day of February, 2024.



HIGHLANDS COUNTY, FLORIDA

By: Kevin Roberts
Kevin Roberts, Chairperson

ATTEST:

By: Jerome Kaszubowski
Jerome Kaszubowski, Clerk



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

February 21, 2024

Jerome Kaszubowski, Clerk
Highlands County
590 South Commerce Avenue
Sebring, Florida 33870-3867

Attention: Jill Shields

Dear Jerome Kaszubowski,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Highlands County Ordinance No. 23-24-22, which was filed in this office on February 20, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh