

30 and,

31 **WHEREAS**, the Commission deems it in the best interest of the City and its residents to
32 undertake during the moratorium the review and revision of the zoning and use regulations as
33 they relate to group housing within the City of Boynton Beach to find the proper means of
34 protecting the legal rights of group home occupants while preserving the integrity of the City's
35 zoning plan; and,

36 **WHEREAS**, the Commission has legal authority to initiate the review process by
37 declaration of a moratorium; and,

38 **WHEREAS**, pursuant to Article VII, Section 2 of the Florida Constitution and Chapter
39 166 of the Florida Statutes, the City of Boynton Beach is authorized and required to protect the
40 public health, safety and welfare of its citizens and has the power and authority to enact
41 regulations for valid governmental purposes that are not inconsistent with general or special law;
42 and,

43 **WHEREAS**, the public health, safety and welfare is a legitimate public purpose
44 recognized by the courts of the State of Florida.

45 **WHEREAS**, based upon the above facts, the City Commission deems it necessary and
46 to be in the best interests of the health, safety, and welfare of the citizens and residents of the
47 City, to impose a moratorium on the processing and approval of any new applications for a group
48 home or the issuance of any new licenses, business tax receipts, development orders, certificates
49 of use or permits for uses that involve the group homes until June 4, 2017.

50 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF**
51 **THE CITY OF BOYNTON BEACH, FLORIDA THAT:**

52 **Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as
53 being true and correct and are hereby made a specific part of this Ordinance. These clauses
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55 represent the legislative findings of the City Commission. It is the purpose and intent of this
56 Ordinance to promote the health, safety and welfare of the residents and citizens of the City of
57 Boynton Beach.

58 **Section 2.** The City Commission hereby declares a moratorium which shall run from
59 the commencement of the City’s declaration of Zoning In Progress (December 6, 2016) to June
60 4, 2017 during such time the City will suspend the processing or approval of any applications or
61 the issuance of any new licenses, business tax receipts, development orders, certificates of use or
62 permits for group homes. The moratorium may be extended by the City Commission by
63 subsequent ordinance should additional time be needed by the City for the adoption of
64 appropriate land development regulations. Nothing herein shall be interpreted or applied to
65 prohibit the submission of or review of an application for reasonable accommodation during the
66 moratorium period.

67 **GENERAL DESCRIPTION OF POSSIBLE AMENDMENTS TO LAND DEVELOPMENT**
68 **REGULATIONS (LDR)**

- 69
- 70 A. Revisions to land use, zoning and life-safety requirements applicable to group homes
 - 71 that do not constitute intentional or de facto discrimination against prospective
 - 72 occupants of group homes.
 - 73 B. Modification of the City’s reasonable accommodation procedures.
 - 74 C. Clarification of per occupant caps related to residential occupancy regulations.
 - 75 D. Inclusion of spacing or dispersal regulations related to group homes.
 - 76 E. Modification of proposed chronic nuisance regulations to group homes.
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78 During the Moratorium, the City will evaluate revisions to:

- 79 Land Development Regulation Chapter 3, Articles II, III, IV, V
80 Land Development Regulation Chapter 3, Section 3, Use Regulations,
81 Land Development Regulation Chapter 3, Section 3-D, Use Matrix

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83 Additional Sections of the Land Development Regulations may be included as the study
84 progresses.
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(Corporate Seal)