1	ORDINANCE 16
2 3 4 5	AN ORDINANCE OF THE CITY OF BOYNTON BEACH, FLORIDA, ESTABLISHING A MORATORIUM ON THE
6 7	PROCESSING, APPROVAL OR ISSUANCE OF ANY NEW LICENSES, BUSINESS TAX RECEIPTS, DEVELOPMENT
8 9	ORDERS, CERTIFICATES OF USE OR PERMITS FOR GROUP HOMES IN THE JURISDICTIONAL BOUNDARIES OF THE
10 11 12	CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
13	WHEREAS, on November 10, 2016 the United States Departments of Justice and
14	Housing and Urban Development Released Updated Fair Housing Act Guidance on State
15	and Local Land Use Laws related to group housing; and
16	WHEREAS, on December 6, 2016 the City Commission adopted Resolution R16-164
17	which incorporated City Notice of Intent 2016-02 declaring the commencement of a study period
18	related to City zoning and use regulations concerning group homes; and
19	WHEREAS, the City Commission conducted a Public Hearing on December 19, 2016
20	regarding the purpose and scope of Notice of Intent 2016-02; and
21	WHEREAS, the City Commission found it in the public interest to clarify the scope and
22	effect of Notice of Intent 2016-02 and the Zoning In Progress that corresponds to the study
23	period, and adopted Resolution R16-165 reelecting those points of clarification; and
24	WHEREAS, based upon the facts and opinions expressed during the public hearing
25	referenced above and recommendations from City Administration and City Attorney, the City
26	Commission deems it necessary and to be in the best interests of the health, safety, and welfare of
27	the citizens and residents of the City of Boynton Beach, to establish a moratorium on the
28	processing and issuance of any licenses, business tax receipt, development orders, certificates of

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use or permits for a group home within the City of Boynton Beach, Florida until June 4, 2017;

20	1
30	and,

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, 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 Ordinance. These clauses

represent the legislative findings of the City Commission. It is the purpose and intent of this Ordinance to promote the health, safety and welfare of the residents and citizens of the City of Boynton Beach.

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

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

- A. Revisions to land use, zoning and life-safety requirements applicable to group homes that do not constitute intentional or de facto discrimination against prospective occupants of group homes.
- B. Modification of the City's reasonable accommodation procedures.
- C. Clarification of per occupant caps related to residential occupancy regulations.
- D. Inclusion of spacing or dispersal regulations related to group homes.
- E. Modification of proposed chronic nuisance regulations to group homes.

- During the Moratorium, the City will evaluate revisions to:
- Land Development Regulation Chapter 3, Articles II, III, IV, V
- Land Development Regulation Chapter 3, Section 3, Use Regulations,
- Land Development Regulation Chapter 3, Section 3-D, Use Matrix

Additional Sections of the Land Development Regulations may be included as the study progresses.

6	Section 3. If any clause, section, or other part or application of this Ordinance
7	shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such
8	unconstitutional or invalid part or application shall be considered as eliminated and so not
9	affecting the validity of the remaining portions or applications remaining in full force and
0	effect.
1	Section 4. All Ordinances or parts of Ordinances, Resolutions or part of
2	Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.
3	Section 5. This Ordinance shall take effect immediately upon its passage.
4	FIRST READING this day of, 2017.
5 6	SECOND, FINAL READING AND PASSAGE this day of
5 7	, 2017.
;	
	CITY OF BOYNTON BEACH, FLORIDA
	YES NO
	Mayor Stayon D. Grant
	Mayor – Steven B. Grant
	Vice Mayor – Mack McCray
	Commissioner – Justin Katz
	Commissioner – Christina L. Romelus
	Commissioner – Joe Casello
	VOTE
	A TENTE OF
	ATTEST:
	Judith A. Pyle, CMC
	City Clerk

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124	
125	(Corporate Seal)
126	
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