

RESOLUTION NO. 2018-052

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, INVOKING THE ZONING IN PROGRESS DOCTRINE AND DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS CODE OF ORDINANCES, CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 3, "ZONING DISTRICT REGULATIONS AND TABLES," SECTIONS 13-360 THROUGH 13-362 TO PROVIDE FOR AMENDMENTS TO THE MAINSTREET REGIONAL ACTIVITY CENTER DESIGN STANDARDS FOR THE PURPOSE OF UPDATING SAME; CONTINUING THE ZONING IN PROGRESS UNTIL THE CITY AMENDS ITS LAND DEVELOPMENT CODE AS DESCRIBED HEREIN, OR UNTIL THE PASSAGE OF ONE HUNDRED AND EIGHTY (180) DAYS FROM THE DATE OF THIS RESOLUTION, WHICHEVER FIRST OCCURS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Coconut Creek is charged with the protection of the health, safety, and welfare of its residents; and

WHEREAS, there have been significant changes in the sustainable development industry pertaining to technology and design standards since the MainStreet Regional Activity Center (RAC) was first established; and

WHEREAS, the vision of the Coconut Creek downtown development has matured; and

WHEREAS, the City desires to put all interested parties on notice of pending legislation amending the City's regulations pertaining to the MainStreet RAC, Sections 13-360 through 13-362, to provide for updated regulations applicable to new development in that district; and

WHEREAS, the City Commission has determined that it is in the best interest of the residents of the City, in order to protect the general public health, safety, and welfare, to study and plan for new sustainable technologies and address new potential impacts on

the quality of life for residents and patrons of future development within the MainStreet RAC and the surrounding community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That 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: That the City invoke the Zoning in Progress doctrine, declaring the intention to amend its Land Development Code to provide for updated design standards within the MainStreet Regional Activity Center pursuant to the pending legislation doctrine set forth in *Smith v. City of Clearwater*, 383 So.2d 681 (Fla. 2nd DCA 1980).

Section 3: That this policy shall be in effect until the amendments to the Land Development Code are adopted by the City Commission or until passage of one hundred (180) days from the adoption of this Resolution, whichever occurs first.

Section 4: That City staff is directed to continue the preparation and processing of ordinances ("Pending Ordinances") that will provide for the regulation of development within the district described herein.

Section 5: That all affected property and business owners are hereby placed on notice with respect to the pending ordinances and the action being taken by the City.

Section 6: That the adoption of this Resolution shall be evidenced by placement of a notice in a newspaper of general circulation within the City in accordance with Chapter 50, Florida Statutes, within two (2) weeks after adoption of this Resolution. A copy of this Resolution shall also be posted at City Hall for a period of one hundred and eighty (180) days after its adoption.

Section 7: That if any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this Resolution.

Section 8: That this Resolution shall be in full force and effect immediately upon its adoption.

Adopted this 8th day of March, 2018.

Rebecca A. Tooley
Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May
Leslie Wallace May, City Clerk



Tooley	<u>Aye</u>
Rydell	<u>Aye</u>
Sarbone	<u>Aye</u>
Belvedere	<u>Aye</u>
Welch	<u>Aye</u>

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