

HIGHLANDS COUNTY BOARD OF COUNTY COMMISSIONERS
Tuesday, July 02, 2024
9:15 AM
600 S. Commerce Ave. Sebring, FL 33870
AGENDA

**1 ADDENDUM TO THE REGULAR AGENDA OF THE HIGHLANDS COUNTY BOARD OF
COUNTY COMMISSIONERS**

2 REGULAR SESSION BEGINS AT 9:00 A.M.

3 PUBLIC HEARING

- 3.A *Request adoption of ordinance 23-24-34, amending Highlands County Ordinance 23-24-22, 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.*

Sherry G. Sutphen, County Attorney

Cynthia Kramer, Planning and Zoning Manager

There is no fiscal impact.

[ORDINANCE 23-24-34 MH Moratorium_EXTENSION.SGS.docx](#)

[Ord 23-24-34 aff.pdf](#)

**HIGHLANDS COUNTY
COUNTY COMMISSION AGENDA ITEM**

DATE OF ACTION REQUEST: July 2, 2024

PRESENTER: Sherry G. Sutphen, County Attorney
Cynthia Kramer, Planning and Zoning Manager

SUBJECT/TITLE: Request adoption of ordinance 23-24-34, amending Highlands County Ordinance 23-24-22, 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.

STATEMENT OF ISSUE

At the Regular Board Meeting held on June 18, 2024, the Board voted 5-0 to direct the County Attorney and County Administrator to draft the appropriate mechanism to extend the temporary moratorium on mobile home development which is set to expire on July 1, 2024. The focus group of County staff members designated to work on the new mobile home regulations worked diligently to make proposed revisions to the County's Code within the time frames provided in Ordinance 23-24-22; however, because additional time was requested by the County Planning & Zoning Commission in order for County staff to receive additional input from affected community members, an extension of the temporary moratorium will be necessary in order to adequately meet the goals and objectives of the County with respect to its mobile home standards and regulations.

The proposed Ordinance sets forth an extension of the temporary moratorium retroactively from July 1, 2024, through and including September 30, 2024. A notice of public hearing for consideration of Ordinance 23-24-34, was published on the 21 day of June 2024, in the Highlands News-Sun.

RECOMMENDED ACTION

Move to adopt ordinance 23-24-34, Amending Highlands County Ordinance 23-24-22, to allow for an extension of the 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.

FISCAL IMPACT

There is no fiscal impact.

Attachments: [ORDINANCE 23-24-34 MH Moratorium_EXTENSION.SGS.docx](#)
[Ord 23-24-34 aff.pdf](#)

ORDINANCE NO. 23-24-34

AN ORDINANCE OF HIGHLANDS COUNTY, FLORIDA, AMENDING HIGHLANDS COUNTY ORDINANCE 23-24-22, PERTAINING TO THE 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 AMENDMENT TO HIGHLANDS COUNTY ORDINANCE 23-24-22, SECTION 2, EXTENDING 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, on February 20, 2024, the County adopted Ordinance 23-24-22, imposing 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; and

WHEREAS, with the temporary moratorium set to expire on July 1, 2024, a focus group of County staff members worked diligently to make proposed revisions to the County's Code related to mobile home standards, mobile home subdivisions, mobile home parks and residential

subdivisions which allow for mobile homes; however, because additional time was requested by the County Planning & Zoning Commission in order for County staff to receive additional input from affected community members, an extension of the temporary moratorium is necessary in order to adequately meet the goals and objectives of the County with respect to its mobile home standards and regulations; and

WHEREAS, the County is still committed to promulgating County land development and other regulations which include more clearly stated guidelines for mobile home development standards, mobile home subdivisions, mobile home parks and residential subdivisions which allow for mobile homes; and

WHEREAS, after conducting a public hearing, Highlands County finds that the extension of the 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. AMENDING HIGHLANDS COUNTY ORDINANCE 23-24-22, SECTION 2, EXTENDING TEMPORARY MORATORIUM. Highlands County Ordinance 23-24-22, Section 2 is hereby amended as follows:

A. The 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 is hereby **EXTENDED retroactively from July 1, 2024, through and including September 30, 2024.** This temporary moratorium extension shall automatically terminate and have no further force and/or effect on October 1, 2024, unless lifted sooner through repeal of Ordinance 23-24-22, and this Ordinance 23-24-34.

B. This temporary moratorium may be extended in the best interest of the County, 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.

C. All remaining portions of Ordinance 23-24-22, not changed hereby, shall remain in full force and effect.

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 extension of the temporary 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 2nd day of July 2024.

HIGHLANDS COUNTY, FLORIDA

By: _____
Kevin Roberts, Chairperson

ATTEST:

By: _____
Jerome Kaszubowski, Clerk

AFFIDAVIT OF PUBLICATION

Highlands News Sun

Published Daily

Sebring, Highlands County, Florida

Case No. County Ordinance No. 23-24-34

STATE OF FLORIDA
COUNTY OF HIGHLANDS

Before the undersigned authority, Janet Emerson, personally appeared who on oath says that she is the Classified Advertising Legal Clerk of Highlands News Sun, a newspaper published at Sebring in Highlands County, Florida; that the attached copy or reprint of the advertisement, to the right, being a Public Notice, was published in said newspaper by print in the issues of or by publication on the newspaper's website, if authorized, on:

June 21, 2024

Affiant further says that the Highlands News Sun newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

SIGNED:


Janet Emerson

Sworn to and subscribed before me this 21st day of June 2024 by Janet Emerson, who is personally known to me.


Nancy Y. Whirley, Customer Service Supervisor, Notary Number: HH 293555
Notary expires: July 26, 2026

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BOARD OF COUNTY COMMISSIONERS (HNS)
600 S COMMERCE AVE
SEBRING, FL 33871-1926



NANCY Y. WHIRLEY
Notary Public
State of Florida
Comm# HH293555
Expires 7/26/2026

NOTICE OF PUBLIC HEARING
TO CONSIDER COUNTY
ORDINANCE NO. 23-24-34

NOTICE IS HEREBY GIVEN TO
WHOM IT MAY CONCERN:

NOTICE is hereby given that the Highlands County Board of County Commissioners will hold a public hearing to for the purpose of considering enactment of the following ordinance on July 2, 2024, at 9:00 a.m. or as soon thereafter as possible, in the County Commissioners' Board Room of the Government Center, 600 South Commerce Avenue, Sebring, Florida:

ORDINANCE 23-24-34

AN ORDINANCE OF HIGHLANDS COUNTY, FLORIDA, AMENDING HIGHLANDS COUNTY ORDINANCE 23-24-22, PERTAINING TO THE 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 AMENDMENT TO HIGHLANDS COUNTY ORDINANCE 23-24-22, SECTION 2, EXTENDING 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.

A copy of the ordinance is available for inspection in the office of the County Administrator, 600 South Commerce Avenue, Sebring, Florida 33870. All interested persons may appear and be heard at the time and place specified above. Any person who might wish to appeal any decision made by the Board of County Commissioners of Highlands County, Florida, in public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

The Board of County Commissioners of Highlands County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discriminatory policy involves every aspect of the Board's functions, including one's access to, participation, employment or treatment in its programs or activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act or Section 286.26, Florida Statutes, should contact Sheri Bennett, ADA Coordinator, at (863) 402-6509 (voice), 863-402-6508 (TTY), or via Florida Relay Service 711, or by e-mail: hrcmanager@sbcc.org. Requests for CART or interpreter services should be made at least 24 hours in advance to permit coordination of the service.

BOARD OF COUNTY COMMISSIONERS
OF HIGHLANDS COUNTY, FLORIDA
By: Kevin J. Roberts, Chairman
June 21, 2024