



## Legislation Details (With Text)

**File #:** TA2023-07002      **Version:** 1      **Name:** 1st rdg. Ord. #9712-23, TA2023-07002 - Rescinding Amendments to the CDC Pursuant to SB 250, City of Clearwater

**Type:** Planning Case      **Status:** Public Hearing

**File created:** 8/16/2023      **In control:** Planning & Development

**On agenda:** 9/21/2023      **Final action:**

**Title:** Continue to October 18, 2023: Approve amendments to the Community Development Code, rescinding certain previously adopted amendments determined to be null and void ab initio pursuant to Florida Senate Bill 250 (2023), and pass Ordinance 9712-23 on first reading.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 9712-23 Rescinding Portions of 9463-23, 2. TA2023-07002\_Staff Report

| Date      | Ver. | Action By            | Action | Result |
|-----------|------|----------------------|--------|--------|
| 9/21/2023 | 1    | City Council         |        |        |
| 9/18/2023 | 1    | Council Work Session |        |        |

**SUBJECT/RECOMMENDATION:**

**Continue to October 18, 2023:** Approve amendments to the Community Development Code, rescinding certain previously adopted amendments determined to be null and void ab initio pursuant to Florida Senate Bill 250 (2023), and pass Ordinance 9712-23 on first reading.

**SUMMARY:**

City Council approved Ordinance No. 9643-23 on April 4, 2023, making a variety of amendments to the Community Development Code. Subsequent to this approval, the Florida Legislature prepared Senate Bill 250, which the Governor signed into law on June 28, 2023. Senate Bill 250 places certain restrictions on municipalities entirely or partially within 100 miles of where either Hurricanes Ian or Nicole made landfall. More specifically, the bill states that municipalities may not “propose or adopt more restrictive or burdensome amendments to their comprehensive plan or land development regulations” prior to October 1, 2024, and applies this restriction retroactively to September 28, 2022. The bill further declares that any such amendment “shall be null and void *ab initio*”.

Portions of Ordinance No. 9643-23 may be “more restrictive or burdensome” and therefore are void and have no legal effect. Proposed Ordinance No. 9712-23 rescinds those sections of the Community Development Code, reverting to the codified language that existed prior to April 4, 2023 (i.e., when Ordinance No. 9643-23 was adopted).

The Planning and Development Department has determined that the proposed text amendments to the Community Development Code are consistent with and further the goals, objectives and policies of the Comprehensive Plan and the Community Development Code as outlined in the staff report.

The Community Development Board, in its capacity as the Local Planning Agency (LPA), will review the proposed amendments to the Community Development Code at its meeting on September 19, 2023. Staff will report its recommendation at the city council meeting.

**APPROPRIATION CODE AND AMOUNT: N/A**

**USE OF RESERVE FUNDS: N/A**