

**ORDINANCE NO. 966**

**AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, ADOPTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS AND PLANS RELATING TO DEVELOPMENT, NOT TO INCLUDE FREESTANDING BUILDINGS OR RESIDENTIAL INFILL PROJECTS, IN THE CITY OF BROOKSVILLE PENDING THE ADOPTION OF DESIGN STANDARDS, REVIEW AND REVISIONS TO LAND DEVELOPMENT REGULATIONS, AND REVIEW AND REVISIONS TO THE COMPREHENSIVE PLAN RELATING TO NEW DEVELOPMENT WITHIN THE CITY AND PROVIDING FOR THE TERMINATION OR A POSSIBLE EXTENSION OF THE MORATORIUM BY RESOLUTION; PROVIDING FOR CONFLICTS, SEVERABILITY, NON-CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Brooksville intends to begin an intensive process of adopting design standards, amendments to land development regulations, and amendments to the Comprehensive Plan relating to development within the City; and

**WHEREAS**, in furtherance of its process of adopting design standards, amendments to land development regulations, and amendments to the Comprehensive Plan relating to development within the City, the City of Brooksville is in the process of scheduling a series of public hearings to receive input from residents, engineers, developers, members of the public and other interested parties as to design standards, amendments to land development regulations, and amendments to the Comprehensive Plan for new development within the City; and

**WHEREAS**, the City of Brooksville finds it in the best interests of its citizens to enact an ordinance declaring a temporary moratorium on the acceptance and processing of new development applications and plans relating to development in the City as a land-use tool to promote effective planning and to preserve the status quo during this process of creating design standards, amending land development regulations and the Comprehensive Plan; and

**WHEREAS**, the City of Brooksville finds that using this planning tool will prevent development inconsistent with its pending adoption of design standards and changes in the land development code and the Comprehensive Plan for the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA:**

**SECTION 1: MORATORIUM.**

The City of Brooksville hereby enacts a temporary moratorium on the acceptance and processing of new development applications and plans relating to development in the City of Brooksville for a period of six (6) months pending the completion of the adoption of design standards and changes in the land development code and the Comprehensive Plan for the City of Brooksville.

The City of Brooksville recognizes that not all applications and plans may be in conflict with the Comprehensive Plan changes or design standards and desires for the purpose of clarity to identify those applications and plans that are subject to and those which are exempt from this moratorium.

The following applications and plans shall be subject to the moratorium:

1. All privately initiated Comprehensive plan amendment applications.
2. Rezoning applications for residential single family, two-family or multifamily residential development.
3. Rezoning applications for mixed use development that contain residential uses.

The following applications and plans shall be exempt from the moratorium:

1. Comprehensive plan amendment applications that do not involve an increase in density or use.
2. Individual single family and two-family residential building applications on lots of record.
3. Site plans and building applications for free standing single commercial, industrial, or governmental buildings.

If the adoption of design standards and changes in the land development code and the Comprehensive Plan for the City are complete before the end of the six (6) month period, the moratorium may be lifted by the passage of a Resolution. Similarly, if the City's adoption of design standards and changes in the land development code and the Comprehensive Plan for the City are not complete before the end of the six (6) month period, the moratorium may be extended by the passage of a Resolution.

Property owners, and persons considering purchasing property in the City of Brooksville or in Hernando County with the intention of annexing into the City of Brooksville, (hereinafter "Persons") should not assume the stability of the City of Brooksville Land Development Regulations or Comprehensive Plan. Because of the potential for changes in the City of Brooksville Land Development Regulations, the City of Brooksville Comprehensive Plan, and

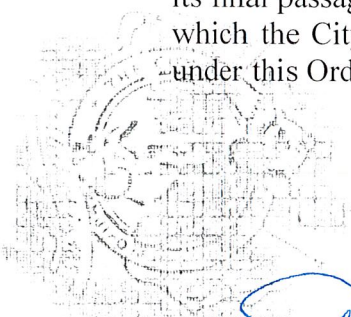
potential design standards applicable to development in the City of Brooksville, Persons should not make investment backed decisions as to land or development in the City of Brooksville or in Hernando County with an intention to annex into the City of Brooksville, based on current provisions of the City of Brooksville Land Development Regulations or the City of Brooksville Comprehensive Plan, and the current lack of design standards applicable to development. Such Persons are put on notice by this Ordinance of potential changes in the City of Brooksville Land Development Regulations and the City of Brooksville Comprehensive Plan, and the likelihood of the adoption of design standards applicable to development, and that any decisions as to property investments must be made at the person's own risk, and without the benefit of vested rights or estoppel.

**SECTION 2. CONFLICTS.** All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

**SECTION 3. SEVERABILITY.** In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance on which shall remain in full force and effect.

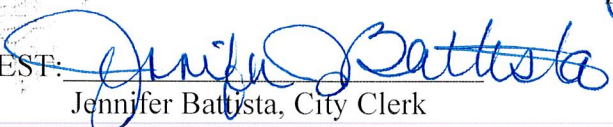
**SECTION 4. NON-CODIFICATION.** This ordinance shall not be codified.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption. A "zoning in progress" date is established as March 6, 2023, after which the City will refrain from accepting new applications for new development as provided under this Ordinance.




**CITY OF BROOKSVILLE  
Ordinance No. 966**

By:  \_\_\_\_\_  
Blake Bell, Mayor

ATTEST:   
Jennifer Battista, City Clerk

Approved on First Reading: March 6, 2023  
Notice published: March 10, 2023  
Approved on Second and Final Reading: March 20, 2023

APPROVED AS TO FORM AND CONTENT  
FOR THE RELIANCE OF THE CITY OF  
BROOKSVILLE ONLY:

  
Becky Vose, City Attorney, Vose Law Firm

VOTE OF CITY COUNCIL

Bell Aye  
Bailey Aye  
Bronson Aye  
Tanner Aye  
Thieryung Aye