

**ORDINANCE NO. 2005-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, PROVIDING FOR A MORATORIUM CONSISTENT WITH THE CITY CHARTER ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS, AND APPLICATIONS FOR AMENDMENTS TO THE CITY'S COMPREHENSIVE DEVELOPMENT MASTER PLAN, WITHIN THE CORPORATE BOUNDARIES OF THE CITY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Doral ("City") was incorporated as a municipality on June 24, 2003; and,

**WHEREAS**, since incorporation, the City has been using the Miami-Dade County Comprehensive Development Master Plan ("CDMP") as its interim adopted Comprehensive Plan while the City prepares its own CDMP; and,

**WHEREAS**, the City has historically been viewed as primarily an industrial/trade area, and currently has a population of 29,685;

**WHEREAS**, over the past several years the City has experienced a shift to residential, office and retail uses, and the recent conditions in the real estate market has resulted in unprecedented growth in the City; and,

**WHEREAS**, large areas of the City remain either undeveloped or designated in the current future land use map as industrial; and,

**WHEREAS**, the City expects the unprecedented growth to continue for several

years, with the City's population expected to exceed 48,000 within five to seven years; and,

**WHEREAS**, the unprecedented and rapid growth of the City has and will continue to create significant development-related problems related to schools, parks, traffic and roadways, and the delivery of municipal services; and,

**WHEREAS**, the City is developing a CDMP that will provide appropriate goals and objectives designed to address the expected continuing record development within the City; and,

**WHEREAS**, it is anticipated that portions of the City's future CDMP will differ from the County CDMP and that the continued processing of applications for certain development orders and permits under the County CDMP, and amendments to the current CDMP, may result in development inconsistent with the City's ultimately adopted City CDMP; and,

**WHEREAS**, the adoption of the moratorium on the processing of applications for certain development orders and permits and amendments to the current CDMP will provide the City time to prepare and adopt its own CDMP and avoid continuing development that may be inconsistent with the ultimately adopted City CDMP; and,

**WHEREAS**, the City expects to transmit its CDMP to the Florida Department of Community Affairs, pursuant to the procedures set forth in Chapter 163, Florida Statutes, in the Spring of 2005; and,

**WHEREAS**, upon the CDMP being effective, the City will enact land development regulations to implement the CDMP; and,

**WHEREAS**, the City requires time to complete the CDMP, transmit it to DCA, and

thereafter to have it become effective within the City, as well as to develop and implement the land development regulations necessary to implement the City's CDMP and to govern development within the City; and,

**WHEREAS**, given the volume of development currently underway within the City, the City Council believes that it is necessary to prevent any additional development that may be inconsistent with the City's ultimately adopted CDMP until such time as the City's CDMP is transmitted; and,

**WHEREAS**, the City Council of the City of Doral has determined that it is in the best interests of the citizens of the City of Doral to enact a moratorium on the processing of certain applications for development orders and development permits, as well as applications for amendments to the City's current CDMP within the City, as set forth hereinafter, to provide time for the City to transmit and develop its own municipal CDMP to govern new development within the City, subject to certain exemptions specified herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, 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 upon adoption hereof.

**Section 2.** **Moratorium Imposed.** The City Council of the City of Doral hereby declares a moratorium for the time period specified in Section 4, with certain exceptions delineated in Section 3, on the processing of the following applications:

- a. Variances which serve to change permitted uses and/or increase previously

approved density or intensity (square footage of non-residential building area) of development of a parcel as determined by City staff;

- b. Site Plan approvals;
- c. Zoning District boundary changes;
- d. Tentative Plats;
- e. Waivers of Plat;
- f. Unusual Uses;
- g. Developments of Regional Impact;
- h. Notices of Proposed Change to Developments of Regional Impact which serve to change permitted uses and/or increase previously approved density or intensity (square footage of non-residential building area) of development of parcel as determined by City staff;
- i. CDMP Land Use Map Amendments filed with Miami-Dade County or the City of Doral after January 1, 2005;
- j. CDMP Text Amendments filed with Miami-Dade County or the City of Doral after January 1, 2005;
- k. Special Exceptions which serve to change permitted uses and/or increase previously approved density or intensity (square footage of non-residential building area) of development of parcel as determined by City staff;
- l. Planned Unit Developments and Traditional Neighborhood Developments;
- m. Developments of County-wide Impact;
- n. Amendments to any of the applications listed in this Section 2, unless

exempted under section 3 hereinafter; and,

- o. Any application for a development order or permit not specifically listed which City staff determines will increase either the previously approved density or intensity (square footage of non-residential building area) of the development, or results in a change or addition to the permitted uses on a parcel.

**Section 3.** The City Council hereby determines that the following shall be exempt from the moratorium:

- a. All applications exempt from the City's zoning authority by the City Charter;
- b. All applications relating solely to day care and educational facilities;
- c. The following applications:
  - 1 Building Permits;
  - 2 Certificates of Use and Occupancy;
  - 3 Site Plan Applications previously approved by the City Council, Community Zoning Appeals Board 9 or the Board of County Commissioners for Miami-Dade County and which have not expired;
  - 4 Tentative Plat Applications previously approved by the City Council, Community Zoning Appeals Board 9, or the Board of County Commissioners for Miami-Dade County;
  - 5 Community Development Districts;

- 6 Entrance Features;
- 7 Extension of Approved Concurrency;
- 8 Release of Final Plat for recordation;
- 9 Applications determined by City staff and confirmed in writing prior to first reading of this ordinance to be technically sufficient;
- 10 Lake Excavations pursuant to previously approved site plans;
- 11 Additional parking facilities and places of assembly that do not result in an increase in the density or intensity (square footage of non-residential building area) of use for, and which are ancillary to, the primary uses on the Property;
- 12 The following applications, so long as they do not result in an increase in previously approved density or intensity (square footage of non-residential building area) of use as determined by City staff:
  - i. Final Plat;
  - ii. Amendment to a Final Plat;
  - iii. Amendment to an approved Tentative Plat;
  - iv. Waivers of Plat;
  - v. Applications for amendments to approved Site Plans.
  - vi. Notices of Proposed Change to Developments of Regional Impact.

**Section 4.** The City Council of the City of Doral hereby declares that the moratorium shall be effective through August 1, 2005, unless otherwise modified by the City Council.

**Section 5.** All Ordinances or parts of Ordinances in conflict herewith are and the same are repealed to the extent of such conflict.

**Section 6.** If any Section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 7.** This Ordinance shall become effective immediately upon its passage and adoption.

The foregoing Ordinance was offered by Vice Mayor Cabrera, who moved its adoption. The motion was seconded by Councilman Van Name and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	yes
Vice Mayor Peter Cabrera	yes
Councilmember Michael DiPietro	yes
Councilwoman Sandra Ruiz	yes
Councilmember Robert Van Name	yes

PASSED AND ADOPTED upon first reading this 12<sup>th</sup> day of January, 2005.

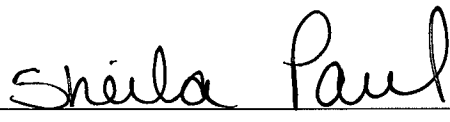
The foregoing Ordinance was offered by Vice Mayor Cabrera, who moved its adoption. The motion was seconded by Councilwoman Ruiz and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	yes
Vice Mayor Peter Cabrera	yes
Councilmember Michael DiPietro	yes
Councilwoman Sandra Ruiz	yes
Councilmember Robert Van Name	yes


PASSED AND ADOPTED upon second reading this 26<sup>th</sup> day of January, 2005.

  
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JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
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SHEILA PAUL, CMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
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JOHN J. HEARN, CITY ATTORNEY