

ORDINANCE NO.2005-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING ORDINANCE 2005-01 WHICH ENACTED A MORATORIUM BY EXTENDING THE MORATORIUM UNTIL FINAL APPROVAL OF THE COMPREHENSIVE MASTER DEVELOPMENT PLAN; PROVIDING FOR EXCEPTIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on January 26, 2005, the City Council of the City of Doral enacted Ordinance 2005-01 which enacted a moratorium on the processing and review of applications for development orders and development permits, and applications for amendments to the City's Comprehensive Master Development Plan ("CMDP") within the corporate boundaries of the City; and

WHEREAS, the moratorium was enacted to allow staff the time to prepare and adopt its CMDP and to avoid continuing development which may be inconsistent with the ultimately adopted City CMDP; and

WHEREAS, the City Council has conducted numerous workshops and public hearing, has diligently worked and continues to work with landowners in addressing their concerns regarding the proposed CMDP; and

WHEREAS, the City will continue to have workshops and public hearings; and

WHEREAS, despite best efforts of the City, the CMDP will not be approved by the July 30, 2005 expiration of the moratorium; and

WHEREAS, it is the recommendation of staff that the moratorium ordinance be amended to extend the moratorium until the approval of the CMDP which is anticipated to be on or before October 31, 2005; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, THAT:

Section 1. The aforementioned "Whereas" clauses are hereby ratified and confirmed and incorporated herein.

Section 2. The City Council of the City of Doral hereby amends the moratorium adopted by Ordinance 2005-01 to extend the moratorium until final approval of the Comprehensive Master Development Plan as follows:

Section 4. The City Council of the City of Doral hereby declares that a moratorium shall be effective ~~through July 30, 2005~~ until Council approves the CDMP consistent with Chapter 163 of the Florida Statutes, unless otherwise modified by the City Council.

Section 3. Exceptions. In addition to the exemptions already provided for by Ordinance 2005-01, the following shall be excepted from the moratorium:

a. Projects that are located on property that the proposed Future Land Use Map does not propose a land use change or the proposed project is consistent with the proposed Future Land Use, or the change results in a previously approved decrease in density or intensity of use, and which project is deemed to be consistent by the Community Development Director or his/her equivalent position, and the City's Consultant with the goals, objectives and policies of the proposed Future Land Use Map and anticipated zoning designations. If the Community Development Director or his/her equivalent position or the City Consultant have any question as to whether the project is consistent with the goals, objectives and policies of the proposed Future Land Use Map and anticipated zoning designations, the project should not go forward until after the moratorium has ended.

Section 4. The City Council hereby ratifies and confirms the remaining provisions of Ordinance 2005-01.

Section 5. Conflicting Ordinances.

All prior ordinances or resolutions or parts thereof in conflict herewith are to the extent of said conflict, hereby determined to be of no force and effect during the time period of the moratorium.

Section 6. Severability.

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. Effective Date.

This Ordinance shall become effective immediately upon adoption by the City Council.

A motion to approve the application was offered by Councilwoman Ruiz , 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 | absent |
| Councilwoman Sandra Ruiz | yes |
| Councilmember Robert Van Name | yes |

If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

PASSED AND ADOPTED upon first reading this 14th day of July, 2005.

PASSED AND ADOPTED upon second reading this 27th day of July, 2005.



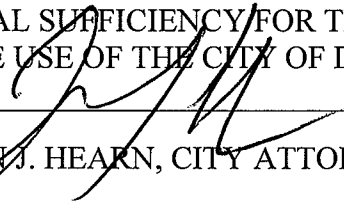
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE CITY OF DORAL:



JOHN J. HEARN, CITY ATTORNEY