

ORDINANCE No. 2018-04

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A THREE-MONTH EXTENSION TO THE EXISTING MORATORIUM ON THE APPLICATION OF THE CITY OF DORAL WORKFORCE HOUSING PROGRAM, CODIFIED IN SECTION 74-886-893 OF THE LAND DEVELOPMENT CODE; PROVIDING FOR VESTED RIGHTS; PROVIDING FOR APPEALS; PROVIDING FOR MODIFICATIONS OF VESTED DEVELOPMENTS; REQUIRING EXHAUSTION OF ADMINISTRATIVE REMEDIES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, On May 24, 2017 the City of Doral (the “City”) approved Ordinance 2017-07, which enacted an eight-month moratorium on the application of the Workforce Housing Ordinance (the “Moratorium”); and

WHEREAS, the purpose of this Ordinance is to extend the Moratorium to provide the City sufficient time to prepare a Housing Master Plan to evaluate the City’s housing stock and needs, analyze existing legislative mandates, and propose policies to address workforce housing and other related local housing issues; and

WHEREAS, the City has conducted numerous workshops and public meetings and has diligently worked work with residents, landowners, developers and other interested stakeholders in the development of the master plan; and

WHEREAS, it is the recommendation of staff that the moratorium ordinance be extended in order to finalize the workforce housing study that is scheduled for completion prior to April 25, 2018; and

WHEREAS, the Mayor and City Council finds that adoption of this Ordinance is in the best interest of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:**

Section 1. Recitals. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Moratorium Imposed. During the time that this Ordinance is in effect as specified herein, there shall be a moratorium upon processing and approval of applications for workforce housing pursuant to the City's Workforce Housing Ordinance for the purpose of providing staff and consulting team with sufficient time to prepare the City's Housing Master Plan. The purpose of this plan is to evaluate the City's housing stock and needs, analyze existing legislative mandates, and propose policies to address workforce housing and other related local housing issues.

Section 3. Term. The Moratorium is hereby extended for a period of three (3) months from the date of approval of this Ordinance. It is temporary and, unless lifted earlier or extended by the City Council, shall automatically cease four (4) months from the date of adoption of this Ordinance. This moratorium will also be lifted upon the adoption of new workforce house regulations in the City, the formulation of which shall be expeditiously pursued.

Section 4. Vested Rights. Nothing in this Ordinance shall be construed or applied to abrogate the vested right of a property owner to complete a development where the property owner can demonstrate each of the following:

- (1) A governmental act of development approval obtained prior to the effective date of this Ordinance;
- (2) Upon which the owner has detrimentally relied, in good faith, by making substantial expenditures; and

- (3) That it would be highly inequitable to deny the sign owner the right to complete the development.

Any property owner claiming to have vested rights under this section that has been denied a development order/permit must file an application with the City Council for a vested rights determination within ninety (90) days of the effective date of this section or the date of the denial, which ever is later. The application shall be accompanied by a fee of \$500.00 and contain a sworn statement as to the basis upon which the vested rights are asserted, together with documentation required by the City and other documentary evidence supporting the claim. The City Council shall hold a public hearing on the application and based upon the evidence submitted shall make a determination as to whether the sign owner has established vested rights.

Section 5. Appeals. Appeals from final decisions by the City Council under Sections (3) of this Ordinance shall be by the filing of a notice of appeal in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County in accordance with the Florida Rules of Appellate Procedure for the review of the rulings of commissions or boards.

Section 6. Modification to vested development. Within one hundred (120) days of a final determination of vested rights under Section (4), a property owner shall have the right to file an application requesting a modification to the vested development, notwithstanding the moratorium imposed by this section. In considering the applications, the City Council shall apply all established criteria and land development regulations then in effect, including applicable concurrency regulations, and zoning in progress. This right

to apply for modification does not in any manner vest any rights, and such application shall be considered a new application subject to de novo proceedings.

Section 7. Exhaustion of administrative remedies. No property owner claiming that this section as applied constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights may pursue such claim in court unless he/she/it has first exhausted the administrative remedies provided in this section.

Section 8. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 9. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith are repealed to the extent of such conflict.

Section 10. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 11. Effective Date. This Ordinance shall become effective upon adoption.

The foregoing Ordinance was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Councilmember Mariaca upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Ana Maria Rodriguez	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Claudia Mariaca	Yes

PASSED AND ADOPTED on FIRST READING this 17 day of January, 2018.

PASSED AND ADOPTED on SECOND READING this 21 day of March, 2018.

ATTEST:



CONNIE DIAZ, CMC
CITY CLERK



JUAN CARLOS BERMUDEZ, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY