

ORDINANCE #2008 – 25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING ORDINANCE 2005-01, WHICH ENACTED A MORATORIUM, AND ORDINANCE 2005-14, WHICH EXTENDED THE MORATORIUM UNTIL FINAL APPROVAL OF THE COMPREHENSIVE MASTER DEVELOPMENT PLAN, TO PROVIDE AN ADDITIONAL EXCEPTION FOR PERMIT APPLICATIONS SUBMITTED TO THE CITY PRIOR TO DECEMBER 1, 2008, TO BE REVIEWED AND PROCESSED BY THE CITY; 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 the City 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, on July 27, 2005, the City Council adopted Ordinance 2005-14, which extended the moratorium until the Council approves the CDMP consistent with Chapter 163, Florida Statutes; and,

WHEREAS, the approval of the CDMP has been the subject of legal challenges which has delayed the final approval of the CDMP by the City Council; and,

WHEREAS, given the unanticipated length of time it is taking to complete the review process of the CDMP as a result of the legal challenges, the City Council deems it fair and reasonable to amend the moratorium to exempt applications that have been submitted with the City prior to December 1, 2008.

WHEREAS, it is the recommendation of staff that the moratorium ordinance be amended to permit review of applications submitted to the City on or before December 1, 2008.

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 and amended by Ordinance 2005-14, to add the following exemption to those already provided for by Ordinances 2005-01 and 2005-14:

Applications submitted to the City on or before December 1, 2008.

Section 3. The City Council amends Ordinances 2005-01 and 2005-14 as provided herein, and hereby ratifies and confirms the remaining provisions of Ordinances 2005-01 and 2005-14.

Section 4. 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 5. 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 6. Effective Date.

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

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

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

PASSED AND ADOPTED upon first reading and public hearing this 10th day of December, 2008.

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

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

PASSED AND ADOPTED upon second reading and public hearing this 14th day of January, 2009.




JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JOHN J. HEARN, CITY ATTORNEY