

ORDINANCE No. 2017-07

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING THE ESTABLISHMENT OF AN EIGHT-MONTH MORATORIUM ON THE APPLICATION OF THE CITY OF DORAL WORKFORCE HOUSING PROGRAM, CODIFIED IN SECTIONS 74-886–74-893 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; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the “City”) has established the provision of workforce housing as a policy in its Comprehensive Plan; and

WHEREAS, the City Council, via Ordinance 2016-63, approved regulations for the development of workforce housing in the City, Codified in Article XVII., “Workforce Housing,” in Chapter 74, “Miscellaneous and Supplementary District Regulations,” (sections 74-886 through Sections 74-893) of the City’s Land Development Code (the “Workforce Housing Ordinance”); and

WHEREAS, the Mayor and the City Council have requested the establishment of an eight (8)-month moratorium on the application of the Workforce Housing Ordinance (the “Moratorium”) for the purpose of providing 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, on March 22, 2017, the City Council conducted a duly advertised public hearing for the Moratorium and considered all comments received from residents and interested stakeholders; 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 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.

Section 3. Term. The moratorium imposed by this Section is temporary and, unless lifted earlier or extended by the City Council, shall automatically cease eight (8) 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, whichever 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. 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 10. Effective Date. This Ordinance shall become effective upon adoption.

The foregoing Ordinance was offered by Councilmember Rodriguez 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	Absent/Excused
Vice Mayor Pete Cabrera	Yes
Councilwoman Christi Fraga	Not Present at Time of the Vote
Councilwoman Claudia Mariaca	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING this 22 day of March, 2017.

PASSED AND ADOPTED on SECOND READING this 24 day of May, 2017.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, CMC
CITY CLERK

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



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