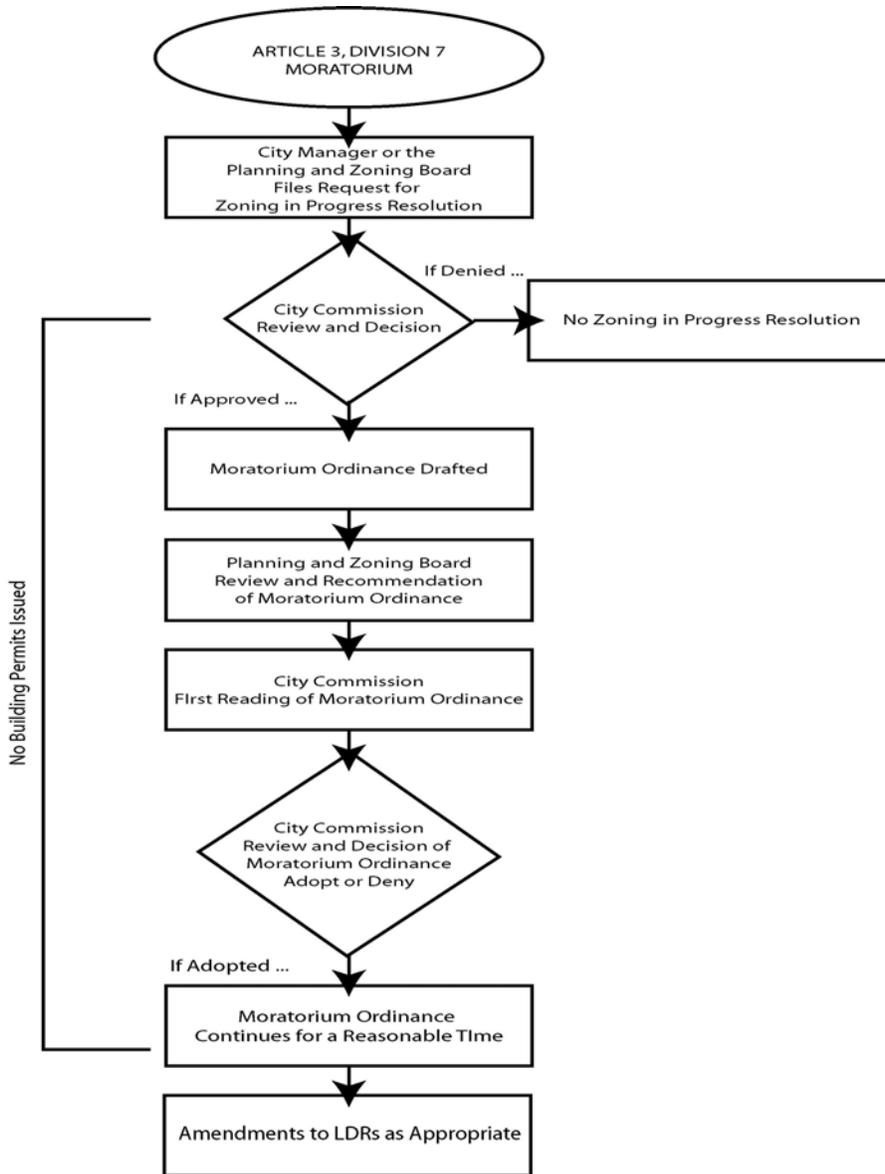


ARTICLE 3 – DEVELOPMENT REVIEW
Division 7– Moratorium

Section 3-701. Purpose and applicability.

The purpose of providing for a moratorium on development is to preserve the status quo for a reasonable time while the City develops and adopts a land use strategy to respond to new or recently perceived problems. The moratorium prevents developers and property owners from developing land under current land use rules that the community is in the process of changing. By so doing, a moratorium helps to accomplish the purpose of the new rules by preventing outdated development and allowing time to conduct a comprehensive growth management study which will be used to assist the City Commission in implementing needed changes to the se LDRs regulations.

Section 3-702. General Procedures



1
2 | **Section 3-7032. Zoning in progress request.**
3

4 | The City Manager or the Planning and Zoning Board may file a request with the City Commission for a
5 | Zoning in Progress Resolution. The request shall be made in writing and shall be accompanied by a City
6 | staff report summarizing the need for a revision to these LDRs regulations and the area or areas within the
7 | City that will be affected. Such report shall contain a determination concluding the need for a resolution of
8 | the City Commission declaring Zoning in Progress and for the adoption of a formal moratorium. The City
9 | Commission may consider a Zoning in Progress Resolution on its own initiative.
10

11 | **Section 3-7043. City Commission zoning in progress resolution review and decision.**
12

- 13 | A. The City Commission shall review the Zoning in Progress Resolution at the next available regularly
14 | scheduled meeting following the submittal of the Zoning in Progress Resolution request.
15
16 | B. The City Commission shall make preliminary findings and accordingly approve or deny the City
17 | Manager's proposed Zoning in Progress Resolution.
18
19 | C. Should the City Commission determine that a moratorium pending the preparation of a detailed and
20 | comprehensive analysis of the area in question is reasonably necessary or desirable, it shall:
21
22 | 1. Approve the City Manager's Zoning in Progress Resolution; and
23
24 | 2. Order a fixed time, not to exceed 90 days, within which City staff shall report to the Planning and
25 | Zoning Board and the City Commission with its report, a proposed ordinance, and
26 | recommendations relating to a potential moratorium.
27
28 | D. The Zoning in Progress Resolution shall be for a period not to exceed the first regularly scheduled City
29 | Commission meeting after one hundred twenty (120) days, unless an extension not exceeding forty
30 | (40) days is ordered pursuant to section F below.
31
32 | E. The City Commission on its own motion or otherwise may extend any Zoning in Progress Resolution
33 | for a longer period of time if reasonably necessary and the public interest requires.
34
35 | F. Should City staff be unable to report back to the City Commission within the time prescribed by its
36 | order, upon timely request by City staff and after public hearing on the need, the City Commission may
37 | extend the time limitation one time for a period not to exceed forty (40) days.
38
39 | G. Upon adoption of the City Manager's Zoning in Progress Resolution, the City Clerk shall publish the
40 | adopted resolution in a newspaper of general circulation published in the City of Coral Gables, or in
41 | Dade County, Florida, within ten (10) days following the date of adoption.
42

43 | **Section 3-7054. Effect of zoning in progress resolution.**
44

- 45 | A. During the period of time that the Planning and Zoning Board and City Commission are considering a
46 | moratorium ordinance, no permit(s) or development order(s) of any kind shall be issued if issuance
47 | would result in the nonconforming or unlawful use of the subject property should the moratorium or text
48 | amendment or zoning district change be finally enacted by the City Commission.
49
50 | B. During the period of time that the Planning and Zoning Board and City Commission are considering a
51 | moratorium ordinance, no permit(s) or development order(s) of any kind shall be issued if issuance
52 | would result in the nonconforming or unlawful use of the subject property should a moratorium
53 | ordinance be adopted by the City Commission.
54
55 | C. The period of time of such freeze on permits shall begin on the earlier of:
56

- 1 1. City Commission adoption of Zoning in Progress Resolution; or
- 2
- 3 2. Notice has been given as required by law of the initial public hearing before the Planning and
- 4 | Zoning Board on the amendment to these [LDRsregulations](#).
- 5

6 | **Section 3-7065. City Staff review, report and recommendation.**

- 7
- 8 A. In the event the City Commission determines a moratorium is necessary to give City staff sufficient
- 9 time to complete planning studies or other analysis prior to instituting an amendment to the
- 10 | [LDRsregulations](#), the City Commission, as part of the Zoning in Progress Resolution, shall direct City
- 11 staff to prepare a moratorium ordinance.
- 12
- 13 B. Within the time fixed by the City Commission, City staff shall first report to the Planning and Zoning
- 14 Board and then the City Commission with its ordinance and recommendations regarding the
- 15 moratorium and its scope.
- 16
- 17 C. City staff shall:
- 18
- 19 1. Provide a detailed report indicating the necessity for zoning changes.
- 20
- 21 2. Provide a recommendation as to whether the proposed moratorium ordinance should be approved,
- 22 approved with conditions, or denied.
- 23
- 24 3. Schedule the moratorium ordinance for hearing before the Planning and Zoning Board.
- 25
- 26 4. Provide notice of the Planning and Zoning Board hearing pursuant to Article 3, Division 3.
- 27
- 28
- 29

30 | **Section 3-7076. Planning and Zoning Board review and recommendation.**

31 The Planning and Zoning Board shall:

- 32
- 33
- 34 A. Review the proposed moratorium ordinance at a public hearing.
- 35
- 36 B. Make a written recommendation to the City Commission with regard to whether the proposed
- 37 moratorium ordinance should be approved, approved with conditions, or denied.
- 38

39 | **Section 3-7087. City Commission review and decision.**

- 40
- 41 A. Upon receipt of the report and recommendation of City staff and the Planning and Zoning Board, the
- 42 City Commission shall review the report and recommendations at two public hearings.
- 43
- 44 B. The City Commission shall read the moratorium ordinance by title, in full, on the first public hearing
- 45 following receipt of the City staff's and the Planning and Zoning Board's recommendation.
- 46
- 47 C. The City Commission shall hold a second public hearing and following the hearing adopt or deny the
- 48 proposed moratorium ordinance.
- 49
- 50 F. The City Commission may, upon request by City staff, amend the scope and timing of the moratorium
- 51 as needed.
- 52
- 53 | G. The City shall consider such amendments to these [LDRsregulations](#) as are appropriate in accordance
- 54 with the provisions in Article 3 Division 14.
- 55
- 56

1
2 | **Section 3-7098. Waivers.**
3

4 If the City Commission has provided for waivers in the ordinance adopting a moratorium, the City Manager
5 may grant a waiver of the moratorium where the applicant can show the following:
6

- 7 A. The proposed development complies with the existing land development regulations.
8
9 B. The proposed development satisfies the objective of the City Commission in ordering a moratorium.
10 For example, if the City Commission is considering increasing the minimum setback in a residential
11 zoning district by two (2) feet, and the applicant demonstrates that it complies with the proposed
12 modification to the setback, the City Manager may grant a waiver of the moratorium.
13
14 C. The waiver will not hinder the intent of the City Commission in its proposed amendment to these
15 [LDRs regulations](#).
16

17 | **Section 3-7109. Exemptions.**
18

19 Notwithstanding the adoption of a moratorium ordinance, the City Manager may authorize the issuance of
20 building permits for nondeleterious items including, but not limited to, fences, repairs and similar matters,
21 where he determines that such permit will not affect the outcome of the planning study; provided, however,
22 that with regard to any particular moratorium the City Commission may by ordinance increase or decrease
23 allowable exemptions and may by ordinance provide either a supplemental or exclusive procedure for
24 acting upon requests for exemptions. Such procedure may vest jurisdiction and responsibility for acting
25 upon requests for exemptions in the City Manager or any City administrative or quasi-judicial body or
26 board.
27

28 | **Section 3-7119. Variances, change of zoning or tentative plats during moratoria.**
29

30 During the existence of zoning in progress or any moratorium, no applications for variances, changes of
31 zoning, development orders or tentative plats within the affected area shall be acted upon by any City
32 agency, except as provided in Sections 3-708 and 3-709, or unless otherwise specifically provided by the
33 City Commission by ordinance with regard to a specific moratorium.
34