

CITY OF NORTH MIAMI
ADMINISTRATIVE ORDER 2015-01
MORATORIUM ON GRANTING AN APPROVAL OR PERMIT CONTRARY TO
PROPOSED AMENDMENT TO CITY'S COMPREHENSIVE PLAN

WHEREAS, on August 4, 2015, the City of North Miami ("City") Planning Commission, after a duly noticed public meeting, approved amendments to the North Miami Comprehensive Plan ("Comprehensive Plan") with enumerated conditions, in accordance with Section 3-1106A, Land Development Regulations ("LDRs"); and

WHEREAS, Section 3-1106A3, LDRs, provides that whenever the Planning Commission votes to recommend approval of a proposed amendment to the Comprehensive Plan, the City Manager shall issue an Administrative Order setting forth the proposed amendment and establishing a moratorium during which any City employee, board or department is prohibited from granting an approval or building permit which would be prohibited, or prohibited without variances, in the event that the proposed amendment is enacted by the Mayor and City Council; and

WHEREAS, Section 3-1106A3, LDRs, further provides the Administrative Order shall be effective until the proposed amendment is enacted or rejected by the City Council, or shall be deemed expired in the event the City Council fails to: (1) transmit the proposed amendment to the Florida Department of Economic Opportunity ("EOC"); or (2) reject the amendment within ninety (90) days after a favorable recommendation by the Planning Commission; or (3) fails to enact or reject the amendment within one hundred twenty (120) days after receiving comments on the proposed amendment from the EOC; and

WHEREAS, Section 3-1106A4, LDRs, also provides that no Administrative Order shall affect any project which has a validly issued building permit, zoning approval, or has completed an application meeting all submission requirements for City approval, Board of Adjustment approval, or building permit approval prior to a vote by the Planning Commission in favor of the proposed amendment; and

WHEREAS, the City is considering the proposed amendment pursuant to the Community Planning Act, under Chapter 163, Florida Statutes (2014), and applicable Rules of the Florida Administrative Code, to reflect changes in state requirements and to further update the overarching goals, objectives and policies reflecting the City's priorities; and

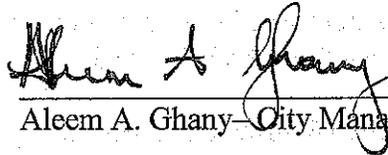
WHEREAS, the proposed amendment to the Comprehensive Plan is voluminous and unable to be set forth in this Administrative Order, but is incorporated by reference and available for review in its entirety; and

WHEREAS, pursuant to Section 3-1106A3, LDRs, the City Manager is duly authorized to issue this Administrative Order.

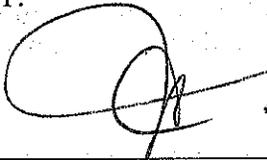
THEREFORE, BE IT HEREBY ORDERED:

1. Each and every City employee, City board or department is hereby prohibited from granting an approval or building permit for any use which would be prohibited, with or without variances, in the event that the proposed amendment to the Comprehensive Plan is enacted by the City Council (a complete copy of the proposed Comprehensive Plan is available for review online or at the Community Planning and Development Department.
2. This moratorium shall not apply to any project which has a validly issued building permit, variance approval, or has a completed application meeting all submission requirements submitted for City approval, Board of Adjustment variance approval, or building permit approval prior to the August 4, 2015 vote of the Planning Commission in favor of the proposed amendment to the Comprehensive Plan.
3. This moratorium shall remain in effect until the proposed amended Comprehensive Plan is adopted or rejected by the City Council. In the event that the City Council fails to enact or reject the proposed Comprehensive Plan within ninety (90) days after a favorable recommendation by the Planning Commission, this Administrative Order shall be deemed expired and shall be without further effect.

ENTERED INTO on this _____ day of August, 2015.

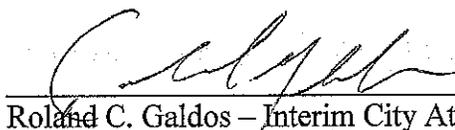

Aleem A. Ghany – City Manager

ATTEST:



Michael A. Etienne, Esq. – City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


Roland C. Galdos – Interim City Attorney