

ATTACHMENT B

**Procedures for the Establishment of a Building
Moratorium (Article 5.2)**

§ 5.2. Procedures for the Establishment of a Building Moratorium.

A. Whenever it shall appear that it is in the public interest to make a comprehensive determination as to whether existing zoning districts and regulations applying to a portion of the area of the city are appropriate, and it further appears that the said existing zoning districts and regulations may be detrimental to the said area, using the criteria set forth herein, should they continue to remain applicable and building permits are issued predicated thereon, the City Commission, upon recommendation of the City Manager or his/her designee, shall request at a public meeting that the Planning and Development Board consider a building moratorium for the delineated area in question.

B. At its meeting, the Planning and Development Board shall consider the propriety of a building moratorium and shall recommend either approval or denial of the building moratorium to the City Commission. The Planning and Development Board's determination shall be predicated upon the reasonable necessity for a detailed comprehensive analysis of the area in question and the probability of detriment to the character of the area by the continued application of the existing zoning districts and regulations, taking into account the following criteria:

1. The existence of overcrowded and deficient schools;
2. Insufficient parks, open space and recreational facilities;
3. Congested streets and thoroughfares;
4. Limited availability and deficiency of public transportation facilities;
5. Polluted air and/or water supplies;
6. Inadequate wastewater collection and/or treatment;
7. Excessive noise levels;
8. Improper land use distribution;
9. Inadequate or marginal utility services; or
10. Any other factor which has a deleterious effect on the quality of life of the residents of the area.

C. Upon receiving the Planning and Development Board's recommendation, the City Commission shall determine whether a building moratorium is reasonably necessary based upon the criteria set forth in B above and the Board's recommendation. Should the City Commission determine that a building moratorium is reasonably necessary, it shall pass and adopt an ordinance to that effect. The ordinance shall establish the time frame for the building moratorium and direct that no permits be issued within the affected area(s). The ordinance shall also set forth a fixed time within which the City Manager or the Director of the Department of Planning and Development Services shall report back to the City Commission with his/her recommendations relating to the appropriate zoning districts and regulations for the affected areas. The said time limitation shall be a reasonable one, predicated upon the time needed for a comprehensive analysis of the area(s).

D. Should the City Manager or the Director be unable to report back to the City Commission within the time prescribed by its moratorium ordinance, upon timely request by the City Manager

or the Director and after public hearing on the need therefore, the City Commission may, by ordinance, reasonably extend the time limitation.

E. Upon notification by the City Manager or the Director of the Department of Planning and Development Services that he/she is prepared to submit his/her recommendations relating to the affected area, a public hearing will be held by the City Commission at the earliest practicable time, after reasonable notice by publication in a newspaper of general circulation in the city. After the public hearing, the City Commission shall make its determination as to whether the zoning districts and regulations shall remain the same or shall be considered for rezoning. Should the City Commission determine that the zoning districts and regulations shall remain the same, it shall immediately pass an ordinance terminating the building moratorium. Should the City Commission determine that the applicable zoning districts and regulations should be changed, or new districts or regulations should be created, it shall pass an ordinance initiating the actions required elsewhere within this code for such changes. In such a circumstance, notwithstanding the provisions of Section 5.4.1 of the Zoning and Land Development Regulations, zoning in progress shall begin at the time of passage of the resolution.

F. Upon the completion of the consideration of all zoning district changes relating to the affected area, the City Commission shall pass an ordinance terminating the building moratorium.

G. Notwithstanding the passage and adoption of any building moratorium ordinance, the City Manager may in his/her discretion, authorize the issuance of building permits for nondeleterious items including, but not limited to, fences, repairs, utilities, maintenance and like matters.

H. During the existence of any building moratorium, no applications for Variances, Special Exceptions or Zoning district changes, within the affected area, shall be acted upon by any city agency, except as provided by the City Commission in its moratorium ordinance.

I. If a building permit has been issued for any proposed building, structure, or other improvement in an area of the city that is subsequently placed under a moratorium pursuant to the terms of this article, and no actual construction or substantial land development has been initiated prior to the initial establishment of the said moratorium by the City Commission, said permit shall be revoked unless the said building permit comes within the terms of G. above. In the event of revocation, any permit fees paid to the city shall be refunded in full.

(Ord. O-2001-15, passed 5-16-2001; Am. Ord. O-2009-39, passed 12-2-2009; Am. Ord. O-2011-14, passed 5-4-11)