

FREQUENTLY ASKED QUESTIONS (FAQ) MUNICIPAL MORATORIUM

Question:

What is a Moratorium on and/or for Development?

In general, a moratorium stops the municipality from processing new application(s) related to the issuance of development permits and development orders for a period of time. This includes, but is not to be limited to, the issuance of building or construction permits; preliminary development plan approvals; rezonings; annexations; land use modifications; comprehensive plan amendments; planned unit development applications and/or major modifications of same; certain conditional uses; and certain variances.

Application(s) received prior to the effective date of the moratorium may be held in abeyance.

Question:

What is the procedure to adopt an ordinance invoking a moratorium?

- (1) Moratorium must be adopted by Ordinance.*
- (2) Notice and Hearing Requirements provided by §166.041, Florida Statutes (2024).*
- (3) Consideration by Local Planning Agency (i.e., TOD Planning and Zoning Board).*
- (4) Transmittal Public Hearing (i.e., 1st Reading and Transmittal Public Hearing)*

Pursuant to Florida Law and applicable Charter requirement(s), if any, additional procedural requirement(s) may be applicable; however, the aforementioned requirements provide the generally applicable requirements.

Question:

Have other jurisdictions enacted a moratorium and/or suspension on and/or for Development?

- (1) Alachua County, Florida (2020):*

Ordinance No. 2020 (October 13, 2020) – 6 month Temporary Moratorium

(Analyze the impacts of new development and prepare/adopt amendments to Comprehensive Plan and Code of Ordinances to address development)

(Invoked “Zoning in Progress” or “Pending Ordinance Doctrine”)

- (2) Orange County, Florida (2024):*

Ordinance No. 2024-10 (May 21, 2024) – 6 month Temporary Suspension

(Prepare Amendments to Comprehensive Plan/Revisioning and LDC Amendments)

- (3) City of Zephyrhills, Florida (2023):*

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Ordinance No. 1461-23 (June 26, 2023) – 12 month moratorium
(Due to substantial growth and City’s need to expand its Water Use Permit)

Ordinance No. 1479-24 (May 13, 2024) – 12 month extension of Moratorium
(Nearing Maximum Daily Usage and need for WUP Expansion)

(4) City of Bonita Springs, Florida (2017):

Ordinance No. 17-12 (June 21, 2017) – 11 month Temporary Moratorium
(Plan/Prepare for Visioning Services pursuant to RFQ and plan for Future Growth)

Question:

What about pending application(s) and/or projects?

Pending Ordinance Doctrine.

The doctrine holds that a building permit or development order application established on or after the date when a local government has publicly declared its intent to change its zoning scheme may be denied or held until after the enactment of the new zoning ordinance.

Example of Ordinance Provision.

From and after the effective date of this Ordinance, no permit shall be issued where an amendment to the ULDC is pending before the City Commission, which amendment, if adopted, would make illegal the use authorized by the permit.

From and after the effective date of this Ordinance, a valid and current local development order shall be required prior to the issuance of any building permit to authorize development or a change of use. No development or change of use shall be made or continued without a lawful building permit; and no development permit shall be issued where an amendment to the ULDC is pending before the City Commission or Planning Board, which amendment, if adopted, would make nonconforming the development authorized by the development order or permit.

Subject to applicable Florida law, an amendment to the ULDC shall be considered “pending” within the meaning of this rule so long as there is active and documented efforts on the part of the City which, in the normal course of municipal action, culminates in the requisite amendment to the ULDC; and, at a minimum, the City’s planning and zoning board must be aware of and have documented such efforts.