

ORDINANCE No. 2004-16-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ESTABLISHING A FEE FOR THE REVIEW AND APPROVAL OF COMMUNITY DEVELOPMENT DISTRICTS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, community development districts may be established pursuant to Chapter 190, Florida Statutes, and

WHEREAS, community development districts are local units of special-purpose government that perform certain specialized functions for the delivery of urban community development services and are utilized to manage and finance basic services for community developments, and

WHEREAS, pursuant to 190.05(1), Florida Statutes, community developmental districts over 1,000 acres are to be approved pursuant to Chapter 120, Florida Statutes, and

WHEREAS, for development districts over 1,000 acres, §190.05(b)(1), Florida Statutes, requires a petitioner to pay a filing fee of \$15,000.00 to each county and municipality the boundaries of which are contiguous with, or contain all or a portion of the land proposed for the district, and

WHEREAS, pursuant to §190.05(2), Florida Statutes, community development districts of less than 1,000 acres, are to be approved by the county in which the proposed district is located, upon the approval of the municipality in which the proposed district is located, and

WHEREAS, Section 190.05(2), Florida Statutes, does not provide for a filing fee for the review of petitions for community development district of less than 1,000 acres,

and

WHEREAS, the City Manager recommends that due to the staff time and administrative costs involved with processing such petitions for community development districts, that a filing fee be collected to offset said costs, and

WHEREAS, the City Manager recommends that a fee of \$15,000.00 per application be established, and

WHEREAS, the City Council would like to adopt the recommendation of the City Manager,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. ESTABLISHMENT OF FEE: The City Council hereby establishes a filing fee of \$15,000.00 for petitions to establish community development districts in the City of Miami Gardens.

SECTION 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this

Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 6 EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING IN FULL ON THE 25<sup>TH</sup> DAY OF August, 2004.

PASSED ON SECOND READING BY TITLE ONLY THE 7<sup>th</sup> DAY OF September, 2004.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 7<sup>th</sup> DAY OF September, 2004.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA K. KNIGHTON, ESQ.  
City Attorney

MOVED BY: Councilman Bratton  
SECONDED BY: Vice Mayor Campbell

SPONSORED BY: City Manager Crew

VOTE: 6-1

Mayor Gibson	<u>x</u> (Yes)	<u>   </u> (No)
Vice Mayor Campbell	<u>x</u> (Yes)	<u>   </u> (No)
Councilman Melvin L. Bratton	<u>x</u> (Yes)	<u>   </u> (No)
Councilman Oscar Braynon, II	<u>x</u> (Yes)	<u>   </u> (No)
Councilwoman Audrey J. King	<u>x</u> (Yes)	<u>   </u> (No)
Councilwoman Sharon Pritchett	<u>   </u> (Yes)	<u>x</u> (No)
Councilwoman Barbara Watson	<u>x</u> (Yes)	<u>   </u> (No)

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