

ORDINANCE No. 2005-16-54

AN ORDINANCE ESTABLISHING A MORATORIUM ON THE PROCESSING OF SITE PLANS, BUILDING PERMITS, DEVELOPMENT ORDERS, AND THE ISSUANCE OF CERTIFICATES OF USE OR OCCUPANCY FOR THE PROPERTIES GENERALLY LOCATED AT THE INTERSECTION OF NW 27th AVENUE AND N.W. 183RD STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A TERM; PROVIDING FOR A STUDY; PROVIDING FOR DIRECTIONS TO THE CITY MANAGER; PROVIDING FOR EXCEPTIONS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has initiated a Comprehensive Development Master Plan to develop a vision for the City, and

WHEREAS, the City of Miami Gardens, is in the process of developing a town center concept for the area generally located at the intersection of NW 27th Avenue and N.W. 183rd Street, more particularly described on Exhibit "A" attached hereto ("Defined Area"), and

WHEREAS, the City is in the process of completing a comprehensive review and study of the impact of development in the Defined Area, to define land use mixes, densities, intensities and amenities for the Defined Area, and

WHEREAS, the City desires to implement transit oriented development standards in the Defined Area to ensure a more efficient use of land, and

WHEREAS, it is incumbent on the City to ensure that the redevelopment of the Defined Area conforms to the City's goals and wishes, and

WHEREAS, the City Manager advises that there is an urgent need to undertake a study of the Defined Area, and

WHEREAS, City Staff has already began to meet with consultants concerning the City's goals and objectives as it relates to the Defined Area, and

WHEREAS, it is appropriate to place a moratorium on the processing of site plans, building permits, development orders, and certificates of use and occupancy in the Defined Areas, subject to adequate protections for private property rights,

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. MORATORIUM: There is hereby established a moratorium on the processing of any and all site plans, development orders, building permits, certificates of occupancy, and certificates of use in the Defined Area, shown on Exhibit "A" attached hereto, subject to the provisions of Section 4 herein. Except as otherwise provided herein, no department of the City shall issue any certificates of use or occupancy, development orders, or undertake the review and approval of any site plans, building permits, or development plans with respect to such uses within such area, during the term of the moratorium established hereby.

SECTION 3. TERM: The moratorium established hereby shall be for a period of one hundred eighty (180) days from the effective date hereof.

SECTION 4. EXEMPTION: The moratorium established hereby shall not apply to the following:

- a) Building, plumbing, mechanical and electrical permits for the repair of existing building elements
- b) Certificates of use or occupancy for the re-establishment or continuation of a specific occupancy or use legally existing and previously licensed at the location to which a certificate of occupancy and certificate of use will be applicable.

c) The renewal of a previously existing building, plumbing, mechanical or electrical permits for new construction.

d) The approval of a plat or site plan, a bonafide application for which was made sixty (60) days prior to the effective date hereof.

SECTION 5. STUDY AND CITY MANAGER: The City Manager is hereby authorized and directed to coordinate with the City's consultant, as well as such other departments of the City, as the City Manager shall deem appropriate to provide for a study to determine the most appropriate uses for the defined geographic area, defined in Exhibit "A" attached hereto in light of the City's future re-development plans for the area. The City Manager shall report back to the Mayor and City Council the results of the study.

SECTION 6. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 7. 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 8. 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 9. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 6TH DAY OF

Ordinance No. 2005-16-54

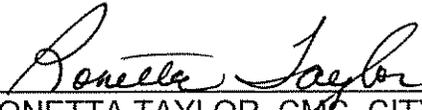
APRIL, 2005.

PASSED ON SECOND READING ON THE 27th DAY OF APRIL, 2005.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 27TH DAY OF APRIL, 2005.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Councilman Braynon
SECONDED BY: Councilwoman Watson

VOTE: 5-0

Mayor Gibson	<u> </u> (Yes)	<u> </u> (No)	Out of town
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> </u> (Yes)	<u> </u> (No)	Not present
Councilwoman Sharon Pritchett	<u> x </u> (Yes)	<u> </u> (No)	
Councilwoman Barbara Watson	<u> x </u> (Yes)	<u> </u> (No)	

SKD/bfc

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