

ORDINANCE No. 08-01-137

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING A MORATORIUM ON THE PROCESSING OF DEVELOPMENT ORDERS FOR RELIGIOUS AND NONRELIGIOUS ASSEMBLY USES IN ALL RESIDENTIAL ZONING DISTRICTS, INCLUDING BUT NOT LIMITED TO SITE PLANS, DEVELOPMENT APPLICATIONS, PERMITS AND ANY RELATED ACTIONS AND/OR APPROVALS FOR SUCH USES WITHIN THE RESIDENTIAL DISTRICT; PROVIDING FOR A TERM; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A STUDY(S); PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

1 WHEREAS, the City Attorney has made a determination that various provisions in
2 the Miami-Dade Zoning Code are either unconstitutional or are violative of the Religious
3 Land Use Institutionalized Persons Act, because the standards utilized by the Code are
4 not clear and ascertainable, and

5 WHEREAS, the Miami-Dade County Code is made applicable to the City by virtue
6 of Section 8.3 of the City's Charter, and

7 WHEREAS, the City Manager has directed that City staff conduct a study of the
8 regulations and to make changes where necessary to ensure that the regulations pass
9 legal muster and to determine whether all assembly uses, including religious and
10 nonreligious assembly, in Residential Districts should continue, and

11 WHEREAS, the City is currently drafting it's own Zoning Code and expects to be
12 able to cure some of the problems with the Miami-Dade County Zoning Code, and

13 WHEREAS, the City Manager and City Attorney are requesting that the City
14 Council issue a twelve (12) month moratorium on the processing of development orders

15 for assembly uses in the Residential Zoning District, including but not limited to site plans,
16 development applications, permits and any related actions and/or approvals for such uses
17 within the district to determine whether these uses should be permitted in the City and if so,
18 pursuant to what regulations.

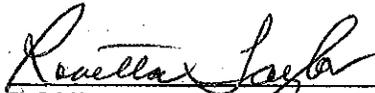
19 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
20 OF MIAMI GARDENS, FLORIDA as follows:

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

24 SECTION 2. ESTABLISHMENT OF MORATORIUM: A moratorium on the
25 processing and permitting of development orders for religious and nonreligious assembly
26 uses in the Residential Zoning District, including but not limited to site plans, development
27 applications, permits and any related actions and/or approvals for such uses within the
28 Residential Zoning District is hereby established for a period of twelve (12) months from
29 the effective date of this ordinance. The moratorium is subject to the provisions of
30 Section 3 herein. Except as otherwise provided herein, no department of the City shall
31 issue any permits, development orders, or undertake the review and approval of any site
32 plans, building permits, or development plans with respect to such uses within the City,
33 during the term of the moratorium established hereby.

34 SECTION 3. EXEMPTION: The moratorium established hereby shall not apply to
35 the following:

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RONETTA TAYLOR, CMC, CITY CLERK

PREPARED BY: SONJA K. DICKENS, City Attorney

SPONSORED BY: SONJA K. DICKENS, CITY ATTORNEY AND DANNY O. CREW, CITY MANAGER

MOVED BY: Vice Mayor Watson
SECOND BY: Councilman Campbell

VOTE: 6-0

Mayor Shirley Gibson	<u> x </u> (Yes)	<u> </u> (No)
Vice Mayor Barbara Watson	<u> x </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> x </u> (Yes)	<u> </u> (No)
Councilman Aaron Campbell	<u> x </u> (Yes)	<u> </u> (No)
Councilman Andre' Williams	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> x </u> (Yes)	<u> </u> (No)
Councilman Oscar Braynon, II	<u> </u> (Yes)	<u> </u> (No) Not present

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36 a) Development orders, including but not limited to site plans, development
37 applications, permits and any related actions and/or approvals for existing religious or
38 nonreligious assembly uses in all Residential Districts;

39 b) The approval of an application, a bonafide application for which was made six
40 (6) months prior to the effective date hereof.

41 SECTION 4: STUDY: The City Manager and City Attorney, as well as such other
42 departments of the City, as the City Manager shall deem appropriate shall undertake a
43 study of assembly uses in the Residential Zoning District and shall report back to the
44 Mayor and City Council the results of any studies.

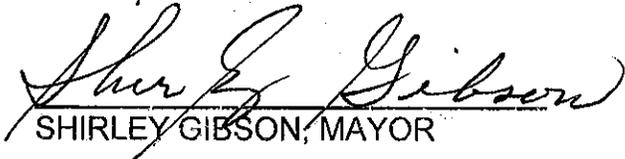
45 SECTION 5: CONFLICT: All ordinances or Code provisions in conflict herewith
46 are hereby repealed.

47 SECTION 6 SEVERABILITY: If any section, subsection, sentence, clause,
48 phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by
49 any court of competent jurisdiction, such portion shall be deemed a separate, distinct and
50 independent provision and such holding shall not affect the validity of the remaining
51 portions of this Ordinance.

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

PASSED ON FIRST READING ON THE 12th DAY OF DECEMBER 2007.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI
GARDENS AT ITS REGULAR MEETING HELD ON THE 9th DAY OF JANUARY, 2008.


SHIRLEY GIBSON, MAYOR

ATTEST: