

ORDINANCE No. 2008-21-157

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ESTABLISHING A PROCEDURE FOR COMPLYING WITH SECTION 718.616, FLORIDA STATUTES, RELATING TO CONVERSION OF BUILDINGS TO CONDOMINIUM OWNERSHIP; PROVIDING FOR ADMINISTRATION; PROVIDING FOR REVIEW REQUIREMENTS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE, PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 718.616, Florida Statutes, when a building is converted to a residential condominium, developers are required to obtain a letter from the municipality acknowledging that the municipality has been notified of the proposed creation of a residential condominium by conversion, and

WHEREAS, the City is required, in accordance with Section 718.616, Florida Statutes, to confirm compliance with applicable zoning regulations, and

WHEREAS, in order for the City to comply with Section 718.616, Florida Statutes, the City will expend administrative time and will incur administrative costs, and

WHEREAS, it is appropriate for the City to establish review requirements for condominium conversions,

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. ADOPTION OF ORDINANCE: The City Council of the City of Miami Gardens hereby adopts an Ordinance regarding the City's review of

condominium conversions in accordance with Sections 718.616 and 718.618, Florida Statutes.

**Section 1. Purpose**

In order to implement Florida Statutes 718.616 and 718.618, the City of Miami Gardens shall review conversion of buildings to condominium ownership. It is the City's intent to ensure that condominium conversions within the City of Miami Gardens meet the requisite zoning requirements as determined by the City.

**Section 2. Review Requirements**

The Planning and Zoning Department shall administer condominium conversion reviews based upon the following:

A. Limited Site Plan Review

In order for a condominium conversion to be reviewed by the City, the following documentation must be submitted by the Applicant:

1. Three sets of plans as described below along with the applicable application and fee.
2. An updated sign and sealed survey for the entire property.
3. A complete site plan showing all improvements including parking layout, zoning data, site tabulation along with number of units, square footage of each unit for commercial/industrial spaces, lot coverage, etc.
4. A complete landscaping site plan complying with landscaping requirements, including landscaping tabulations with species, planting size, caliper, etc.

B. Review by Development Review Committee

Staff review shall include, but not be limited to, a review by the Development Review Committee including the Planning and Zoning Department, the Building Department, the Public Works Department, the Police Department, the City Attorney and the City Manager's Office.

**Section 3. Permits**

Building permits for site improvements such as paving, re-striping, landscaping, etc., shall be submitted to the Building Department. The issuance of any and all permits necessary to effectuate the foregoing landscaping and parking improvements are subject to compliance with applicable permitting regulations including, but not limited to, compliance with regulations established in or enforced by the City.

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 ON THE 28<sup>th</sup> DAY OF MAY, 2008.

PASSED ON SECOND READING ON THE 11<sup>th</sup> DAY OF JUNE, 2008.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Vice Mayor Watson  
SECOND BY: Councilman Bratton

VOTE: 7-0

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 Oliver Gilbert, III	<u>  X  </u> (Yes)	<u>    </u> (No)
Councilwoman Sharon Pritchett	<u>  X  </u> (Yes)	<u>    </u> (No)
Councilman André Williams	<u>  X  </u> (Yes)	<u>    </u> (No)

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# City of Miami Gardens

1515-200 NW 167<sup>th</sup> Street  
Miami Gardens, Florida 33169



Mayor Shirley Gibson  
Vice Mayor Barbara Watson  
Councilman Melvin L. Bratton  
Councilman Aaron Campbell Jr.  
Councilman Oliver Gilbert III  
Councilwoman Sharon Pritchett  
Councilman André Williams

## Agenda Cover Page

Date: June 11, 2008

Fiscal Impact: No  Yes

(If yes, explain in Staff Summary)

Funding Source: State of Florida

Contract/P.O. Requirement: Yes  No

Sponsor Name/Department: Planning and Zoning

Public hearing

Ordinance

1st Reading

Advertising requirement:

Quasi-Judicial

Resolution

2nd Reading

Yes  No

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## Background

The City needs to adopt procedures to implement statutory requirements that provide for the conversion of buildings to condominium ownership. Draft requirements for applicants desiring to convert buildings to condominiums are attached. The proposed fees associated with such an application will be considered as a separate item by resolution after the second reading of this ordinance.

## Recommendation

Adopt an ordinance establishing City procedures to review condominium conversion applications in compliance with Florida Statutes.

Attachments:

Ordinance

Condominium Conversion Requirements