

ORDINANCE No. 2009-01-173

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, EXTENDING THE MORATORIUM ON PROCESSING OF DEVELOPMENT APPLICATIONS FOR ASSEMBLY USES IN 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 ZONING DISTRICTS FOR AN ADDITIONAL TWELVE (12) MONTH PERIOD; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A STUDY(S); PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 9, 2008, the City Council adopted Ordinance No. 08-01-137 to place a 12-month moratorium on the processing of development orders for assembly uses in residential zoning districts, and

WHEREAS, the original moratorium was put in place for a 12-month period to allow for completion and adoption of the City's new Zoning Code, and

WHEREAS, the City is still in the process of adopting its new Zoning Code and requires additional time in order to do so, and

WHEREAS, City staff is requesting that the moratorium be extended for an additional 12-month period to allow for completion and adoption of the City's new Zoning Code,

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. EXTENSION OF MORATORIUM: The moratorium approved in accordance with Ordinance No. 08-01-137 on the processing of applications for development orders and site plan review approval relating to assembly uses within the City shall be extended for an additional period of 12 months (365 days from December 10, 2008) for assembly uses in residential neighborhoods. No Department of the City shall issue any permits, development orders or undertake the review and approval of any site plans with respect to such uses within the City during the term of the moratorium established hereby.

SECTION 3. STUDY AND CITY MANAGER: The City Manager is hereby authorized and directed to coordinate with the City's consultant as well as other departments of the City as the Manager shall deem appropriate to conduct necessary studies of assembly uses in residential districts within the City of Miami Gardens. The City Manager shall report back to the Mayor and City Council with the results of any studies.

SECTION 4. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 5. 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 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 10TH DAY OF DECEMBER, 2008.

PASSED ON SECOND READING ON THE 7TH DAY OF JANUARY, 2009.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 7TH DAY OF JANUARY, 2009.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Councilman Gilbert
SECOND BY: Councilman Bratton

VOTE: 6-0

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Barbara Watson	<u> </u> (Yes)	<u> </u> (No) (not present)
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 167th Street
Miami Gardens, Florida 33169



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

Public Assembly Moratorium Extension – Second Reading

Date: January 7, 2009

Fiscal Impact: No Yes

Public hearing

Quasi-Judicial

Ordinance

Resolution

1st Reading

2nd Reading

Advertising requirement:

Yes - Notice No

Sponsor Name/Department: City Manager/Planning and Zoning

Ordinance Title

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Staff Summary

This is the second reading of an ordinance to extend a moratorium on the processing of development applications for public assembly uses. The first reading was on December 3, 2008.

Recommendation

Recommend adoption on second reading.

Attachment: Moratorium Extension Ordinance

**ITEM 9-A) ORDINANCE
SECOND READING/PUBLIC HEARING
Extending Moratorium on Assembly Uses**