

ORDINANCE NO. 2010-01-209

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, EXTENDING THE MORATORIUM ON PROCESSING DEVELOPMENT ORDERS FOR MULTI-FAMILY HOUSING PROJECTS THROUGH APRIL 28, 2010; PROVIDING FOR EXCEPTIONS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 7, 2009, Ordinance No. 2009-07-179 was adopted implementing a formal moratorium on processing development orders for multi-family housing projects for twelve (12) months, and

WHEREAS, during the period of the moratorium, Staff analyzed the City's multiple family housing developments and presented findings and recommendations to the City Council, and

WHEREAS, the City Council endorsed those recommendations, and

WHEREAS, City Staff and its consultants are developing a new Zoning Code, and

WHEREAS, zoning-related recommendations of the multiple family housing analysis are being incorporated into the City's new zoning code which will allow the moratorium to be lifted, and

WHEREAS, the first reading of the new Zoning Code is anticipated to be on January 6, 2010, and

WHEREAS, in order to keep the current moratorium in effect until the new zoning code is adopted, it is necessary to extend the moratorium,

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 paragraphs 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. 2009-07-179 on the processing of development orders for multi-family housing projects shall be extended through April 28, 2010. 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. CONFLICT: All Ordinances or Code provisions in conflict herewith are hereby repealed.

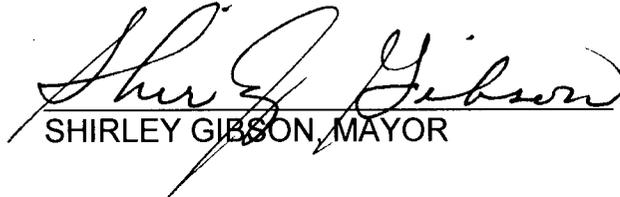
Section 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not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

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

PASSED ON FIRST READING ON THE 9TH DAY OF DECEMBER, 2009.

PASSED ON SECOND READING ON THE 13TH DAY OF JANUARY,
2010.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF
MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 13TH DAY OF
JANUARY, 2010.


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: Vice Mayor Gilbert
Second by: Councilman Bratton

VOTE: 6-0

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Oliver Gilbert III	<u> X </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> X </u> (Yes)	<u> </u> (No)
Councilman Aaron Campbell	<u> </u> (Yes)	<u> </u> (No)(not present)
Councilman Andre' Williams	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Barbara Watson	<u> X </u> (Yes)	<u> </u> (No)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	January 13, 2010		Item Type:	Resolution	Ordinance	Other	
					X		
Fiscal Impact:	Yes	No	Ordinance Reading:	1st Reading		2nd Reading	
		X				X	
			Public Hearing:	Yes	No	Yes	No
				X			
Funding Source:	NA		Advertising Requirement:	Yes		No	
				X			
Contract/P.O. Required:	Yes	No	RFP/RFQ/Bid #:	NA			
		X					
Sponsor Name	Dr. Danny Crew, City Manager		Department:	Planning and Zoning			

Short Title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, EXTENDING THE MORATORIUM ON PROCESSING DEVELOPMENT ORDERS FOR MULTI-FAMILY HOUSING PROJECTS THROUGH APRIL 28, 2010; PROVIDING FOR EXCEPTIONS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

Background

On January 7, 2009, the City Manager issued an Administrative Zoning Moratoria regarding multiple family housing development orders, pursuant to Section 33-323, *Administrative Zoning Moratoria* of the Zoning Code. On January 28, 2009, Ordinance No. 2009-07-179 was adopted implementing a formal moratorium on processing development orders for multi-family housing projects for 12 months.

During the period of the moratorium, staff analyzed the city's multiple family housing developments and presented findings and recommendations to the City Council. The City Council endorsed those recommendations which staff and its planning consultant have incorporated into the new zoning code.

On December 9, 2009, the City Council adopted on first reading an ordinance to extend the moratorium on multiple family housing development orders through April 28, 2010.

**ITEM I-1) ORDINANCE
SECOND READING/PUBLIC HEARING
Moratorium for Multi-Family Housing Projects**

Current Situation

Once the City's new zoning code is adopted, the moratorium can be lifted. The first reading of the new zoning code will have occurred at the Zoning Meeting on January 6, 2010. In order to keep the multiple family development order moratorium in effect until the new code is adopted, it is necessary to extend the current moratorium by ordinance.

Proposed Action:

Staff recommends adoption on second reading of an ordinance to extend the moratorium on processing development orders for multiple family development projects through April 28, 2010.

Attachment:

None