

ORDINANCE NO. 2003- 10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO ZONING; ADOPTING CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES, ENTITLED "ZONING"; ASSUMING JURISDICTION BY THE CITY COUNCIL OVER PLANNING AND ZONING DECISIONS; PROVIDING FOR CODIFICATION, ORDINANCES IN CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, under Article VIII, Section 8.3 of the City Charter, Chapter 33, of the Miami-Dade County code of ordinances, entitled "Zoning," shall remain in effect in the City until amended or repealed; and,

WHEREAS, the Mayor and City Council desire to apply the provisions of Chapter 33 of the Miami-Dade County code and to permanently assume jurisdiction over planning and zoning decisions.

BE IT ENACTED BY THE BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. Creation of Ordinance. Chapter 2 of the code of Ordinances of the City of Miami Gardens is created and entitled "Planning and Zoning Powers" to read as follows:

PLANNING AND ZONING POWERS

2.1 *Designation.* This section shall be designated and known as the City of Miami Gardens Planning and Zoning Powers Ordinance. This section shall be applicable to all City planning and zoning applications.

(a) Application and Enforcement of Miami-Dade County Zoning Code.

Chapter 33 of the Miami-Dade County Code, entitled "Zoning", and its parts (i.e., part 33A, Developments in Incorporated Areas Creating County Impact, etc.) shall be applied within the municipal boundaries of the City of Miami Gardens, as provided by Section 8.3 of the City Charter.

(b) Substitution of City Council for Community Zoning appeals Board and County Commission.

The City Council of the City of Miami Gardens assumes jurisdiction, and shall exercise the power, over planning and zoning decisions arising under chapter 33 of the Miami-Dade County Code. To effect this power, Chapter 33

is amended to substitute the City Council in the place and instead of the Community Zoning Appeals Board and the Board of County Commissioners so that all requests for district boundary changes, change in the zoning regulations applicable within the City, appeal of administrative decisions, special exceptions or unusual uses, new uses, and variances shall be decided by the City Council. The County staff shall perform application processing, review, hearing and administration functions for the City as may be provided by agreement between the City and the County.

(c) Zoning Compliance Review and Approval; Standards; Authority to Grant Variances, etc.

The City Council may delegate authority and responsibility to employees, contractors or boards to review and process all permit applications for zoning compliance and to show zoning approval by a stamp or mark with a signature on all copies of applications and plans pursuant to agreement between Miami-Dade County and the City of Miami Gardens, or as otherwise may be subsequently provided. The standards and criteria set for in Chapter 33 of the Miami-Dade County Code zoning code shall govern the performance of the duties delegated pursuant to this subsection.

(d) Appeals; Judicial Review.

Section 33-313 and Section 33-314, providing for appeals to the County Commission, shall be inapplicable with respect to an action taken before the City Council on an application for a development order. An applicant or any aggrieved party may seek judicial review of a final order of the City Council as provided by the Florida Statutes or the Florida Rules of Appellate Procedure.

Section 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed.

Section 3. Severability. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. Codification. This ordinance shall be codified and included in the City of Miami Gardens Code of Ordinances.

Section 5. Effective Date. The Miami-Dade County zoning Code in effect shall be applied under this ordinance. This ordinance shall take effect ten (10) days after adoption on second reading.

PASSED AND ADOPTED on first reading the 10 day of Sept., 2003

PASSED AND ADOPTED on second reading this 24 day of Sept., 2003.



Shirley Gibson, Mayor

ATTEST:


_____, Acting City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Hans Ottinot, Interim City Attorney

VOTE: 7-0

Mayor Shirley Gibson	<u> x </u> (Yes)	<u> </u> (No)
Vice Mayor Aaron 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 King	<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)