

ORDINANCE No. 05-43-81

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, EXTENDING THE MORATORIUM ON THE PROCESSING OF SITE PLANS, BUILDING PERMITS, DEVELOPMENT APPLICATIONS AND ORDERS, AND THE ISSUANCE OF CERTIFICATES OF USE OR OCCUPANCY FOR THE PROPERTIES GENERALLY LOCATED AT THE INTERSECTION OF NW 27th AVENUE AND N.W. 183RD STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; EXPANDING THE MORATORIUM TO INCLUDE BUILDING, PLUMBING, MECHANICAL AND ELECTRICAL PERMITS FOR THE IMPROVEMENT OF EXISTING BUILDING ELEMENTS THAT ARE ASSOCIATED WITH THE CITY OF MIAMI GARDENS FAÇADE GRANT PROGRAM FUNDED BY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; PROVIDING FOR A TERM; PROVIDING FOR EXCEPTIONS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the pursuant to Ordinance No. 2005-16-54, the City of Miami Gardens imposed a moratorium on the processing of site plans, building permits, development orders, and certificates of use and occupancy for the property generally located the intersection of NW 27th Avenue and N.W. 183rd Street, more particularly described on Exhibit "A" attached hereto ("Defined Area"), and

WHEREAS, the City is still in the process of completing a comprehensive review and study of the impact of development in the Defined Area, to define land use mixes, densities, intensities and amenities for the Defined Area, and

WHEREAS, the initial time period for the moratorium was six months, and

WHEREAS, the City has hired planning consultants, held several meetings and is working with the consultant to develop a master development plan for the defined area, and

WHEREAS, after the overall master plan is developed, the detailed zoning and design code criteria and standards will need to be developed, and

WHEREAS, the moratorium should be extended in order to permit the City to complete and agree upon the master plan concepts and then prepare and adopt the accompanying regulations to implement the town center master plan, and

WHEREAS, City staff is recommending that the moratorium be expanded to include building, plumbing, mechanical and electrical permits for the improvement of

existing building elements that are associated with the City of Miami Gardens Façade Grant Program funded by Community Development Block Grant funds,

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 established pursuant to Ordinance No. 2005-16-54 is hereby extended for a period of one hundred and eighty (180) days from the effective date of this ordinance. The moratorium covers the processing of all site plans, development applications and orders, building permits, certificates of occupancy, and certificates of use in the Defined Area, shown on Exhibit "A" attached hereto, subject to the provisions of Section 3 herein. Except as otherwise provided herein, no department of the City shall issue any certificates of use or occupancy, development orders, or undertake the review and approval of any site plans, building permits, or development plans with respect to such uses within such area, during the term of the moratorium established hereby.

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

a) Building, plumbing, mechanical and electrical permits for the repair of existing building elements.

b) Certificates of use or occupancy for the re-establishment or continuation of a specific occupancy or use legally existing and previously licensed at the location to which a certificate of occupancy and certificate of use will be applicable.

c) The renewal of a previously existing building, plumbing, mechanical or electrical permits for new construction.

d) The approval of a plat or site plan, a bonafide application for which was made sixty (60) days prior to the effective date of Ordinance No. 2005-16-54.

e) Building, plumbing, mechanical and electrical permits for the improvement of existing building elements that are associated with the City of Miami Gardens Façade Grant Program funded by Community Development Block Grant funds.

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

SECTION 6. 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 7. 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 8. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 12th DAY OF OCTOBER, 2005.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, AT ITS REGULAR MEETING HELD ON THE 14th DAY OF DECEMBER, 2005.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK
Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Vice Mayor Braynon

SECONDED BY: Councilman Harvard

VOTE: 7-0

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| Mayor Shirley Gibson | <u> x </u> (Yes) | <u> </u> (No) |
| Vice Mayor Oscar Braynon II | <u> x </u> (Yes) | <u> </u> (No) |
| Councilman Melvin L. Bratton | <u> x </u> (Yes) | <u> </u> (No) |
| Councilman Aaron Campbell Jr | <u> x </u> (Yes) | <u> </u> (No) |
| Councilman Ulysses Harvard | <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) |

SKD/bfc