

ORDINANCE No. 2009-07-179

AN ORDINANCE ADOPTING A MORATORIUM ON THE PROCESSING OF REZONING APPLICATIONS TO MULTIFAMILY USES IN ALL ZONING DISTRICTS, PROVIDING FOR A TERM; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A STUDY(S); PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, recently the City has received a number of request to rezone single family zoned properties to multifamily, and

WHEREAS, City staff needs to have an opportunity to study this phenomenon to ensure that the City does not become over proliferated with multifamily uses, and

WHEREAS, the City Council has directed that City staff, initiate a comprehensive planning process to study the issue of multifamily housing in the City,

WHEREAS, the City Manager is requesting that the City Council issue a twelve (12) month moratorium on the processing of rezoning applications to multifamily uses in all zoning districts determine whether additional multifamily uses are necessary, if so, pursuant to what regulations.

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. ESTABLISHMENT OF MORATORIUM: A moratorium on the

processing of rezoning applications to multifamily uses in all zoning districts is hereby established for a period of twelve (12) months from the effective date of this ordinance. The moratorium is subject to the provisions of Section 3 herein. Except as otherwise provided herein, no department of the City shall process any rezoning applications with respect to such uses within the City, during the term of the moratorium established hereby.

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

- a) Development orders relating to lawfully existing multifamily uses;
- b) The approval of an application, a bonafide application for which was made six (6) months prior to the effective date hereof;
- c) Building permits for multifamily uses with approved site plans

SECTION 4: STUDY: The City Manager and such other departments of the City, as the City Manager shall deem appropriate shall undertake a study of multifamily uses and shall report back to the Mayor and City Council the results of any studies.

SECTION 5: CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

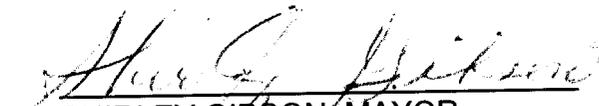
SECTION 6. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining

portions of this Ordinance.

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

PASSED ON FIRST READING ON THE 14th DAY OF JANUARY, 2009.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 28<sup>th</sup> DAY OF JANUARY, 2009.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA K. DICKENS, City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Vice Mayor Watson

SECONDED BY: Councilman Campbell

**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 Andre' Williams	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> X </u> (Yes)	<u> </u> (No)
Councilman Oliver Gilbert III	<u> X </u> (Yes)	<u> </u> (No)



## City of Miami Gardens Agenda Cover Memo

<b>Council Meeting Date:</b>	January 28, 2009		<b>Item Type:</b>	<b>Resolution</b>	<b>Ordinance</b>		<b>Other</b>	
					X			
<b>Fiscal Impact:</b>	Yes	No	<b>Ordinance Reading:</b>		<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		X			X			
			<b>Public Hearing:</b>		Yes	No	Yes	No
							X	
<b>Funding Source:</b>	General Fund		<b>Advertising Requirement:</b>		<b>Yes</b>		<b>No</b>	
							X	
<b>Contract/P.O. Required:</b>	Yes	No	<b>RFP/RFQ/Bid #:</b>					
		X						
<b>Sponsor Name</b>	Danny Crew, City Manager		<b>Department:</b>		Planning and Zoning			

**Short Title:**

AN ORDINANCE ADOPTING A MORATORIUM ON THE PROCESSING OF DEVELOPMENT ORDERS FOR MULTIFAMILY USES IN ALL ZONING DISTRICTS, INCLUDING BUT NOT LIMITED TO SITE PLANS, DEVELOPMENT APPLICATIONS, ZONING PERMITS AND ANY RELATED ACTIONS AND/OR APPROVALS FOR SUCH USES; PROVIDING FOR A TERM; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A STUDY(S); PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

**Background**

At the December 3, 2008 Zoning Hearing, City Staff provided Council with a presentation of multi-family housing projects within the City. As an outcome of that presentation, the City Council has directed that City staff initiate a comprehensive planning process to study the issue of multifamily housing. An element of this process is to conduct workshops where key stakeholders could participate in the discussion that will affect future land use. Staff is proceeding with assembling all of the information requested by Council for their consideration.

**Current Situation**

The City has recently received a number of requests to re-zone single family zoned properties to multifamily. In light of the information presented to Council, and their requests for a comprehensive study, Staff needs to have an opportunity to study this phenomenon to ensure that the City does not become over proliferated with multifamily uses. As a result, the City Manager is requesting that the City Council issue a twelve (12) month moratorium on the processing of development orders for multifamily uses in the all zoning districts, including but not limited to site plans, development applications, permits and any related actions and/or approvals for such uses within the districts to determine whether these uses should be permitted in the City and if so, pursuant to what regulations.

On January 7, 2009, the City Manager issued an Administrative Zoning Moratoria, pursuant to Section 33-323, *Administrative Zoning Moratoria* of the Zoning Code. The attached ordinance was approved on 1<sup>st</sup> reading at the January 14, 2009 City Council meeting. . The approval of the attached ordinance on 2<sup>nd</sup> reading formally adopts a moratorium on processing development orders for multi-family housing projects.

**Proposed Action:**

Staff recommends approval of the ordinance on 2<sup>nd</sup> reading, that formally adopts a moratorium on the processing of development orders for multi-family housing projects in the City of Miami Gardens.

**Attachment:**

None