

RESOLUTION NO. 2006-3333

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS INSTITUTING AN ADMINISTRATIVE BUILDING MORATORIUM IN REGARD TO THE CONSTRUCTION OF NEW SINGLE FAMILY RESIDENCES AND ADDITIONS TO EXISTING SINGLE FAMILY RESIDENCES IN ALL THE SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS OF THE CITY; PROHIBITING THE ISSUANCE OF BUILDING PERMITS; ESTABLISHING MORATORIUM STUDY; DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING ON THIS RESOLUTION; REQUIRING PUBLIC HEARING ON PROPRIETY OF THE MORATORIUM BY CITY COUNCIL; ISSUING FURTHER RESOLUTIONS AS MAY BE DETERMINED BY CITY COUNCIL; EXCEPTION TO BUILDING PERMIT PROHIBITION; TERM OF MORATORIUM; EFFECTIVE DATE.

WHEREAS, there has been much discussion and debate over the past number of months regarding the construction of new single family residential structures and additions to existing single family residential structures that appear to be too large for the building sites they occupy; and,

WHEREAS, it is believed that the aforesaid new construction and improvements to existing single family residences are only the beginning of a trend that could increase as the older single family residences in the City are sold for demolition or reconstruction; and,

WHEREAS, the City Administration and the City Council are concerned that the construction of these larger structures (“McMansions”) within established neighborhoods, adjacent to long standing smaller single family residences, is contrary to the established “character” of the neighborhoods in which they are located; and,

WHEREAS, the City Manager has caused certain preliminary study and research materials to be presented to the City Council for review and discussion; and,

WHEREAS, it is both proper and appropriate for the City Manager to suggest that a comprehensive review and determination of any building and zoning issue be conducted in the public interest by the City Council; and,

WHEREAS, in conjunction with the review to be conducted by the City Council, it is also appropriate to provide limitations, restrictions and prohibitions in regard to the issuance of building permits for the activities under study, due to the potential detrimental impact upon the existing neighborhoods of the City; and,

WHEREAS, the proposed building and zoning review should encompass all of the issues, topics and areas of concern contained within Code of Ordinance Section 150-116(A), and comply with all the procedural requirements provided in the remaining subsections of Section 150-116; and,

WHEREAS, although the City Council is fully cognizant and respectful of the rights of the owners of single family residential properties in the City, the City Council has determined that the potential for severe and detrimental consequences to the existing single family zoning districts of the City is realistic and likely if the unregulated construction of “McMansions” within the City is permitted to continue, and that the institution of an Administrative Building Moratorium is both required and justified at this time in order for a proper review and study of the problem and related issues to be conducted:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:

Section 1: That the City Council of the City of Miami Springs hereby institutes an Administrative Building Moratorium for the construction of new single family residential structures and for additions to existing single family residential structures located within all the single family residential zoning districts of the City.

Section 2: That in accordance with the institution of the Administrative Building Moratorium by the City Council, no building permits shall be issued for the construction of new residential structures or for additions to existing residential structures in the single family zoning districts of the City until the termination of the moratorium.

Section 3: That during the Administrative Building Moratorium established for the single family zoning districts of the City, the City Council shall review, study, consider, discuss and debate the various issues, topics and areas of concern set forth in Code of Ordinance Section 150-116(A) as it relates to the construction of “McMansions” within the City. However, nothing contained herein shall be interpreted to be a restriction or limitation upon what issues, topics and areas of concern may be reviewed, studied, considered, discussed or debated by the City Council.

Section 4: That the City Clerk is hereby directed to schedule this Resolution for a Public Hearing before the City Council on October 23, 2006.

Section 5: That the City Council will conduct the aforesaid Public Hearing on the propriety of the Administrative Building Moratorium instituted by this Resolution, in accordance with the provisions of Code of Ordinance Section 150-116(E), at the October 23, 2006 Regular City Council Meeting following the adoption of this Resolution.

Section 6: That the City Council shall issue such further Resolutions as it may deem necessary and proper, and in the best interests of the City and its citizens, in regard to the provisions contained within Code of Ordinance Section 150-116 (F) (G) (H) (I) and (J) following the Public Hearing on this Resolution.

Section 7: That in addition to the provisions of Code Of Ordinance Section 150-118, and notwithstanding anything contained herein to the contrary, the City Council retains the authority to grant exceptions from the building permit prohibition established by this Resolution should the City Council determine, upon presentation by a building permit applicant, that the requested building permit is unrelated to the subject, issues, topics and areas of concern of the moratorium. The City Clerk shall place all requests for exemption upon an upcoming City Council regular agenda and provide an appropriate order on each request following City Council action.

Section 8: That the moratorium established by this Resolution shall remain in full force and effect unless and until reversed, modified, superseded or terminated by subsequent City Council Resolution.

Section 9: That this Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida, this 2nd day of October, 2006.

The motion to adopt the foregoing resolution was offered by Vice Mayor Youngs, seconded by Councilman Best, and on roll call the following vote ensued:

Vice Mayor Youngs	“aye”
Councilman Best	“aye”
Councilman Dotson	“aye”
Councilman Garcia	“aye”
Mayor Bain	“aye”



Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

APPROVED AS TO LEGALITY AND FORM:
Jan K. Seiden, City Attorney