

ORDINANCE NO. 04-05-21

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA; RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN, AS ADOPTED BY THE CITY OF MIAMI GARDENS CHARTER; ACTING UPON SMALL-SCALE AMENDMENT APPLICATIONS FILED IN APRIL 2003 CYCLE TO AMEND, MODIFY, ADD TO OR CHANGE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

WHEREAS, Pursuant to Chapter 163, Part 2, Florida Statutes and Chapters 9J-5, 9j-11, and 9j-12, Florida Administrative Code, the Comprehensive Development Master Plan ("CDMP") for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners in November 1988; and

WHEREAS, Section 2-116.1 of the Code of the Miami-Dade County, Florida (the "County Code") provides procedures for amending the CDMP which comply with requirements of the Florida Statutes and Administrative Code referenced above; and

WHEREAS, pursuant to Section 8.03 of the City of Miami Gardens Charter, the CDMP and the County Code are the City's CDMP and City Code respectively; and

WHEREAS, Young Women's Christian Association of Greater Miami and Dade County and Carlos Rodriguez have submitted applications for amendment to the CDMP (the "Applications"); and

WHEREAS, the City Council acting as the Local Planning Agency ("LPA") conducted a duly noticed public hearing on February 11, 2004, to address the Application; and

WHEREAS, at the Conclusion of the foregoing public hearing the LPA passed and adopted LPA Resolution No. 2004-01-01 recommending the transmittal of the Applications to the City Council; and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the City Council, in conjunction with a particular zoning action, finds such preexisting zoning uses to be inconsistent with the CDMP based upon planning activity or study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the City; and

WHEREAS, any application for zoning or other land use approval involves the application of the City's overall land use policies to the particular request under consideration; and

WHEREAS, the City's overall land use policies include, but are not limited to the CDMP in its entirety and the City's land development regulations; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS;

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by references as if they fully set forth herein.

Section 2. Transmittal. The City Council having considered the following Application requesting amendment to the CDMP hereby direct the City Manager or City Clerk to transmit the Application to the Florida Department of Community Affairs and to all other agencies pursuant to Chapter 163.3184, Florida Statutes, along with all other materials required by Chapter 9j-11, F.A.C.

1. Applicant: Young Women's Christian Association of Greater Miami and Dade County, Inc.

Location: Property is located at the southwest corner of NW 199 Street and NW 37 Avenue.

Land Use: From: "Low-Density Residential"

Plan Map: To: "Business and Office"

2. Applicant: Carlos Rodriguez, Juan J. Mayol, Jr. Esq., and Felix Lasarte, Esq.

Location (size): Property is located at the southwest corner of NW 167 Street and NW 44th Court

Land Use: From: "Low-Density Residential"

Plan Map: To: "Business and Office"

Section 3. DCA Review. The City Council hereby requests the DCA review all transmitted applications pursuant to Chapter 163.3184(6), Florida Statutes.

Section 4. Reservation of Right. The City Council hereby reserves its right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt the Applications and proposals following receipt of notice of comments by DCA, and following one or more final public hearings by the City all as authorized by Chapter 163.3184, Florida Statutes.

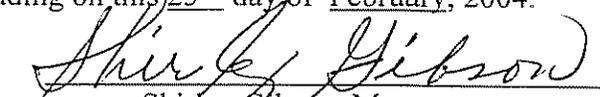
Section 5. Inclusion into the Code. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the City of Miami Gardens as an addition thereto and the sections of this Ordinance may be renumbered to conform to any uniformed numbering system.

Section 6. Severability. The provisions of this Ordinance are declared to be severable and if nay section, sentence, clause of phrase of this Ordinance shall for any reason by held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. Effective Date. The effective date of these plan amendments shall be: the date a final order is issued by the Department of Community Affairs finding the amendments to be in compliance in accordance with Chapter 163.3184, Florida Statutes.

PASSED on first reading this 11th day of February, 2004.

PASSED AND ADOPTED on second reading on this 25th day of February, 2004.



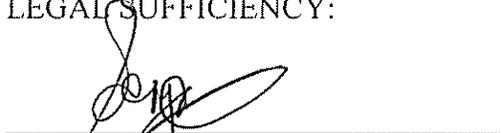
Shirley Gibson, Mayor

Attest:



Ronetta Taylor, CMC
City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Sonja K. Knighton
City Attorney

MOVED BY: Vice Mayor Campbell

SECONDED BY: Councilman Bratton

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) |