

ORDINANCE No. 2005-31-69

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN APPLICATION SUBMITTED BY MARCIAL RODRIGUEZ TO APPROVE A ZONING DISTRICT CHANGE FROM BU-2, SPECIAL BUSINESS TO RU-TH, TOWNHOUSE, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTHWEST 170TH TERRACE AND NORTHWEST 14TH AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE EXECUTION OF A DECLARATION OF RESTRICTIVE COVENANTS AS SHOWN ON EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Marcial Rodriguez ("Applicant") has filed an application with the City of Miami Gardens to approve a zoning district change from BU-2 Special Business to RU-TH, Townhouse, for property generally located at the Southeast corner of Northwest 170th Terrace and Northwest 14th Avenue, more particularly described on Exhibit "A" attached hereto, and

WHEREAS, City staff has reviewed the Application and is recommending that the City Council approve the Applicant's request, and

WHEREAS, a public hearing has been held on this matter, and

WHEREAS, the City Council has reviewed the Application and approved the same,

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. APPROVAL: The City Council for the City of Miami Gardens hereby approves the Application submitted by Marcial Rodriguez for a zoning district change from BU-2 Special Business to RU-TH, Townhouse for property generally located at the Southeast corner of

Northwest 170th Terrace and Northwest 14th Avenue, more particularly described on Exhibit "A" attached hereto.

SECTION 3. DECLARATION OF RESTRICTIONS: The Declaration of Restrictions attached hereto as Exhibit "B" shall be recorded in the Public Records of Miami-Dade County.

SECTION 4. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 5. 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 6. 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 7. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 1ST DAY OF JUNE, 2005.

PASSED ON SECOND READING ON THE 7TH DAY OF SEPTEMBER, 2005.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON THE 7TH DAY OF SEPTEMBER, 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: Councilwoman Watson
SECONDED BY: Councilman Campbell

VOTE: 5-1

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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) | |
| Councilwoman Audrey J. King | <u> </u> (Yes) | <u> </u> (No) | Not present |
| Councilwoman Sharon Pritchett | <u> </u> (Yes) | <u> x </u> (No) | |
| Councilwoman Barbara Watson | <u> x </u> (Yes) | <u> </u> (No) | |

SKD/bfc

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