ORDINANCE No. 2005-28-66

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN APPLICATION SUBMITTED BY GUZMAN HOMES, LLC, TO APPROVE A ZONING DISTRICT BOUNDARY CHANGE FROM GU, INTERIM TO RU-TH, TOWNHOUSE, FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTHWEST 188TH STREET AND NORTHWEST 37TH 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, Guzman Homes, LLC ("Applicant") has filed an application with the City of Miami Gardens to approve a zoning district boundary change from GU, Interim to RU-TH, Townhouse, for property generally located at the Northeast corner of Northwest 188th Street and Northwest 37th 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 Guzman Homes, LLC, for a zoning district boundary

change from GU, Interim to RU-TH, Townhouse for property generally located at Northeast corner of Northwest 188th Street and Northwest 37th 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SECTION 4: CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.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 6th DAY OF JULY, 2005.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON THE 6TH DAY OF JULY, 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: Councilman Braynon
SECONDED BY: Councilwoman Watson

VOTE: 4-2

Mayor Gibson	x (Yes)	___(No)
Vice Mayor Campbell	x (Yes)	___(No)
Councilman Melvin L. Bratton	___(Yes)	___(No) Not present
Councilman Oscar Braynon, II	x (Yes)	___(No)
Councilwoman Audrey J. King	___(Yes)	x (No)
Councilwoman Sharon Pritchett	___(Yes)	x (No)
Councilwoman Barbara Watson	x (Yes)	___(No)

SKD/bfc

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