

ORDINANCE NO. 2010-21-229

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY FLORIDA MEMORIAL UNIVERSITY, INC., FOR THE REZONING OF THE PROPERTY GENERALLY LOCATED AT 42ND AVENUE AND N.W. 156TH STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A," ATTACHED HERETO, FROM R-2, DUPLEX RESIDENTIAL AND R-15, MULTIPLE FAMILY RESIDENTIAL TO PD, PLANNED DEVELOPMENT; PROVIDING FOR A DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Memorial University, Inc. ("Applicant"), has filed an application with the City requesting a rezoning from R-2, Duplex Residential and R-15, Multiple Family Residential to PD, Planned Development for property generally located at 42nd Avenue and N.W. 156th Street, more particularly described on Exhibit "A" attached hereto ("Property"), and

WHEREAS, public hearings were held on this matter on July 7th and September 1st, and

WHEREAS, City Council considered the testimony of the Applicant, if any, and

WHEREAS, City Council also considered the testimony of the City's Planning and Zoning staff and well as the Staff Report attached hereto as Exhibit "B" and incorporated herein by reference, and

WHEREAS, City staff recommends approval of the Application, and

WHEREAS, City Council has reviewed the Application and approves same subject to the recording of a Declaration of Restrictive Covenants, and

WHEREAS, City staff has determined that the rezoning is consistent with the City's Comprehensive Development Master Plan,

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 paragraphs 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 of the City of Miami Gardens hereby approves the Application submitted by Florida Memorial University, Inc. for the rezoning of property generally located at 42nd Avenue and N.W. 156th Street, more particularly described on Exhibit "A" attached hereto from R-2, Duplex Residential and R-15, Multiple Family Residential to PD, Planned Development.

Section 3. APPROVAL OF DECLARATION OF RESTRICTIVE COVENANTS: The City Council of the City of Miami Gardens hereby approves the Declaration of Restrictive Covenants attached hereto as Exhibit "C."

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

PASSED ON FIRST READING ON THE 7<sup>th</sup> DAY OF JULY, 2010.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON THE 1<sup>ST</sup> DAY OF SEPTEMBER, 2010.

  
SHIRLEY GIBSON, MAYOR

**ATTEST:**

  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA K. DICKENS, CITY ATTORNEY

SPONSORED BY: DANNY CREW, CITY MANAGER

Moved by: Vice Mayor Campbell  
Second by: Councilwoman Pritchett

**VOTE:** 6-0

Mayor Shirley Gibson	<u>  X  </u> (Yes)	<u>      </u> (No)
Vice Mayor Aaron Campbell	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilwoman Felicia Robinson	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilman Oliver Gilbert III	<u>      </u> (Yes)	<u>      </u> (No)(recused)
Councilman Andre' Williams	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilwoman Sharon Pritchett	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilwoman Lisa Davis	<u>  X  </u> (Yes)	<u>      </u> (No)