

ORDINANCE NO. 2010-30-238

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY MISHKAN T'HILLAH WORSHIP CENTER FOR THE REZONING OF THE PROPERTY LOCATED AT 2801 N.W. 167TH N.W. TERRACE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A," ATTACHED HERETO, FROM R-1, SINGLE FAMILY RESIDENTIAL TO NC, NEIGHBORHOOD COMMERCIAL; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Mishkan T'Hillah Worship Center. ("Applicant"), has filed an application with the City requesting a rezoning from R-1, Single Family Residential, to NC, Neighborhood Commercial for property located at 2801 N.W. 167TH Terrace, more particularly described on Exhibit "A" attached hereto ("Property"), and

WHEREAS, public hearings were held on this matter on September 1, 2010 and October 6, 2010, 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 denial of the Application, and

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

WHEREAS, City staff has determined that the rezoning is consistent with the Future Land Use Designation of the City's Comprehensive Development Master Plan ("CDMP"), but that it could potentially impact Objective 1.2 of the CDMP, which provides that the Neighborhood designation should protect single family homes from encroachment or intrusion from incompatible uses,

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 Mishkan T'Hillah Worship Center. For a rezoning from R-1, Single Family Residential, to NC, Neighborhood Commercial for property located at 2801 N.W. 167TH Terrace, more particularly described on Exhibit "A" attached hereto ("Property"), and

Section 3. CONFLICT: All ordinances or code provisions in conflict herewith are hereby repealed.

Section 4. 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 5. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 1st DAY OF SEPTEMBER, 2010.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON THE 6th 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: Councilman Gilbert
Second by: Councilman Williams

VOTE: 5-0

Mayor Shirley Gibson	<u> </u> (Yes)	<u> </u> (No) (not present)
Vice Mayor Aaron Campbell	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Lisa Davis	<u> X </u> (Yes)	<u> </u> (No)
Councilman Oliver Gilbert III	<u> X </u> (Yes)	<u> </u> (No)
Councilman Andre' Williams	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> X </u> (Yes)	<u> </u> (No)