

CITY OF HOMESTEAD, FLORIDA

ORDINANCE NO. 2013-06-16

**AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA,
GRANTING A REZONING OF AN APPROXIMATELY 9,800
SQ. FT. PARCEL FROM MULTIPLE APARTMENT DISTRICT
(R-3) TO RESTRICTED RETAIL COMMERCIAL DISTRICT
(B-1), FOR PROPERTY LOCATED AT 135 WEST MOWRY
DRIVE, AS LEGALLY DESCRIBED IN EXHIBIT "A;" AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, pursuant to Chapter 30 "Zoning," Article II "Administration," Division 2 "Procedure for Zoning Amendments, Special Exception Permits, Planned Unit Development Submittals, And Variances," Section 30-41 "Changes and Amendments" of the City Code of Ordinances ("City Code"), Hightop Investments LLC. (the "Applicant") has applied to the City of Homestead, Florida (the "City"), for approval of a rezoning from Multiple Apartment District (R-3) to Restricted Retail Commercial District (B-1), for property legally described in Exhibit "A" (the "Property") (Application 2013-01); and

WHEREAS, staff recommended approval of the requested rezoning in its report dated May 15, 2013; and

WHEREAS, public notice was provided in accordance with law; and

WHEREAS, the Planning and Zoning Board of the City, sitting as the Local Planning Agency, reviewed this request at its April 3, 2013 meeting, and voted to recommend approval; and

WHEREAS, the City Council finds that the proposed rezoning is consistent with the City's Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF HOMESTEAD, FLORIDA:**

Section 1. Findings. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Approval of Rezoning. Pursuant to Chapter 30 "Zoning," Article II "Administration," Division 2 "Procedure for Zoning Amendments, Special Exception Permits, Planned Unit Development Submittals, And Variances," Section 30-41 "Changes and Amendments" of the City Code, the rezoning from Multiple Apartment District (R-3) to Restricted Retail Commercial District (B-1) for the Property, described in Exhibit "A," is hereby Approved.

Section 3. Recording. The City, or the Applicant if so requested by the City Clerk, shall record this Ordinance at the Applicant's sole expense in the Public Records of Miami-Dade County, Florida.

Section 4. Effective Date. This Ordinance shall be effective immediately at adoption on second reading.

PASSED on first reading this 15th day of May, 2013.

PASSED AND ADOPTED on second reading this 19th day of June, 2013.

JON A. BURGESS
Vice Mayor

ATTEST:

ELIZABETH SEWELL, MMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND BENEFIT OF THE CITY ONLY:

WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, P.L.
City Attorney

Motion to adopt by Councilman Maldonado, seconded by Councilwoman Waldman.

FINAL VOTE AT ADOPTION

<i>Mayor Steven Bateman</i>	<u>ABSENT</u>
<i>Vice Mayor Jon Burgess</i>	<u>YES</u>
<i>Councilwoman Judy Waldman</i>	<u>YES</u>
<i>Councilwoman Patricia Fairclough-McCormick</i>	<u>ABSENT</u>
<i>Councilman Elvis Maldonado</i>	<u>YES</u>
<i>Councilman Stephen Shelley</i>	<u>YES</u>
<i>Councilman Jimmie L. Williams, III</i>	<u>ABSENT</u>

Exhibit "A"

LEGAL DESCRIPTION

LOT 16, BLOCK 2, BARBERS ADDITION TO HOMESTEAD, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 25, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.