

RESOLUTION NO. 2003-42-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE ZONING APPLICATION SUBMITTED BY CAROLYN L. WALLACE (Z03-1) SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

I. RECITALS

WHEREAS, on December 3, 2003, the City Council, of the City of Miami Gardens, held a public hearing on Carolyn L. Wallace's application (03-1) for the following zoning request(s):

1. **Permit for Accessory Structure (utility shed) Setback 3.11' from the interior side (east) property line (7.5' required).**

PROPERTY ADDRESS: 2775 N.W. 163rd Street, Miami Gardens, Florida

WHEREAS, notice has been provided to all interested parties and a neighboring jurisdiction regarding the application; and

WHEREAS, the City Council has been advised by Miami-Dade County Department of Planning and Zoning that the subject application has been reviewed for applicable standards under Section 33-311(A)(14) (Alternative Side Development Option) or under Section 33-311(A)(4)(b) or (c) (Alternative Non-Use Variance) of the Miami-Dade County Code; and

WHEREAS, a public hearing of the City Council was advertised and held as required by law and all interested parties concerned in the matter were heard, and upon due and proper consideration having been given to the matter; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, THAT:

II. APPROVAL

1. Based upon substantial competent evidence provided by Miami-Dade County and staff, the request Permit for Accessory Structure (utility shed) Setback 3.11' from the interior side (east) property line on the property described hereinabove, is hereby approved subject to the following terms and conditions;

- a. That a site plan be submitted to and meet with the approval of the Director of Planning and Zoning upon submittal of an application for a building permit; said plan to include among other things but not limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

b. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Mrs. Carolyn Wallace," as prepared by C. Crawl, dated January 1, 2002 and consisting of 1 sheet, as it pertains to the variance related construction. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

c. That the use be established and maintained in accordance with approved plans.

d. That the applicant apply for an secure a building permit for the existing shed from the Building Department within 120 days of the expiration of the appeal period for this administrative adjustment, unless a time extension is granted by the City Council of the City of Miami Gardens.

e. That the existing shed located in the northeast corner of the property be screened from adjoining property by an opaque fence or wall at least six (6) feet in height and a hedge such as silver buttonwood, coco plum or golden dewdrop, 3'high at the time of planting.

f. That a Declaration of Use agreement in recordable form, limiting the property to single-family use be submitted prior to permit issuance.

III. SEVERABILITY AND EFFECTIVE DATE.

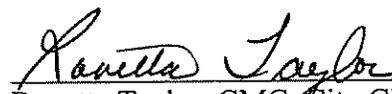
1. If any section, subsection, clause or provision of this Resolution is held invalid, the remainder shall not be affected by such invalidity. All Resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.
2. This Resolution shall become effective upon adoption.

PASSED and ADOPTED this 3rd day of December, 2003.



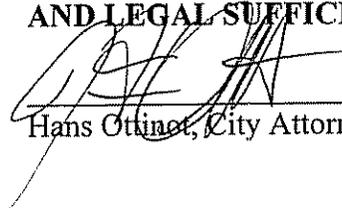
Shirley Gibson, Mayor

ATTEST:



Ronetta Taylor, CMC City Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**



Hans Ottinet, City Attorney

VOTE: 7-0

Councilman Bratton moved, and Councilwoman Pritchett seconded approval of the requested zoning modifications, and upon a roll call the vote was 7 -0 in favor:

Mayor Gibson	<u> </u> x <u> </u> yes	<u> </u> no
Vice Mayor Campbell	<u> </u> x <u> </u> yes	<u> </u> no
Councilman Bratton	<u> </u> x <u> </u> yes	<u> </u> no
Councilman Braynon	<u> </u> x <u> </u> yes	<u> </u> no
Councilwoman King	<u> </u> x <u> </u> yes	<u> </u> no
Councilwoman Pritchett	<u> </u> x <u> </u> yes	<u> </u> no
Councilwoman Watson	<u> </u> x <u> </u> yes	<u> </u> no