

RESOLUTION NO. 2003-43-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE ZONING APPLICATION SUBMITTED BY DAVID AND MARILYN ZINN (Z03-23) 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 David and Marilyn Zinn's application (03-23) for the following zoning request(s):

- 1. District Boundary Change from BU-1A to BU-3.**

PROPERTY ADDRESS: 18975 N.W. 2 Avenue, City of Miami Gardens, Florida.

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

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 upon the agreement of the applicant to provide a Declaration of Restrictions limiting the BU-3 uses permitted, which Declaration shall be attached to this Resolution as Exhibit "A";

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

II. APPROVAL

The request to permit a district boundary change from BU-1A to BU-3 on the property described hereinabove, is approved subject to the following terms and conditions;

- a. Applicant shall proffer a Declaration of Restrictions limiting the BU-3 uses permitted to open lot sales, storage and rental of new and/or used vehicles and ancillary vehicle maintenance in compliance with all BU-3 uses and other requirements in Chapter 33 of the Miami-Dade County Code, excluding such uses as lumber yards, gun shops, fertilizer stores and contractor's plants and storage yards and further limiting themselves to all the uses permitted in BU-1A and BU-1 zoning districts. Said Declaration shall be attached to this Resolution as Exhibit "A."

- b. Applicant's property requires platting in accordance with Chapter 28 of the Miami-Dade County Code and Applicant should contact the Florida Department of Transportation regarding any concerns on State Road 441.
- c. That the use be established and maintained in accordance with approved plans.
- d. The Applicant complies with all conditions and requirements of the Department of Environmental Resource Management (DERM).

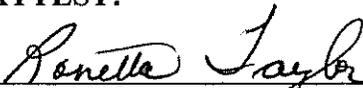
III. SEVERABILITY AND EFFECTIVE DATE.

- 1. If any section, subsection, clause of 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.

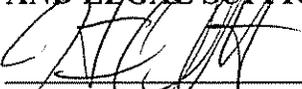
PASSED and ADOPTED this 3rd day of December, 2003.


 Shirley Gibson, Mayor

ATTEST:


 Ronetta Taylor, CMC, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


 Hans Ottino, City Attorney

VOTE: 7-0

Councilwoman Watson moved, and Council Braynon seconded approval of the requested zoning modifications, and upon a roll call the vote was 7 -0 in favor:

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