

CITY OF MARGATE, FLORIDA

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING AUTOMOBILE USES AT 1690 BANKS ROAD AND 1700 BANKS ROAD; PROVIDING FOR NEGATING PETITIONER'S OFFER TO PROHIBIT AUTO USES; PROVIDING FOR AN EFFECTIVE DATE.

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**WHEREAS**, on December 1, 2005, the City Commission of the City of Margate approved Ordinance RZ-1-2005 to rezone the properties located at 1690 Banks Road and 1700 Banks Road, from M-1A Industrial Park to M-1 Light Industrial; and

**WHEREAS**, at the September 13, 2005 Planning and Zoning Board meeting, the rezoning application for 1690 Banks Road and 1700 Banks Road was reviewed. At those meetings, the applicant made a representation that although the requested M-1 Light Industrial zoning district allowed auto uses such as sales, repair, body shop, and painting, the property owner would voluntarily prohibit auto uses at 1690 Banks Road and 1700 Banks Road if the rezoning was approved; and

**WHEREAS**, Section 3.3 of the Margate Zoning Code provides that any representation made before any city board, administrative board or the city commission in the application for a variance, special exception, conditional use or request for any other permit shall be deemed a condition of the granting of the permit. Should any representation be false or should said representation not be continued as represented, same shall be deemed a violation of the permit and a violation of this section; and

**WHEREAS**, on March 29, 2016, the property owner of 1690 Banks Road and 1700 Banks Road submitted a written affidavit requesting permission to utilize automobile uses at 1690 Banks Road and 1700 Banks Road. The supporting affidavit includes a provision that there will be no automobiles outside of the building with "Auto for Sale" signs; and

**WHEREAS**, on April 20, 2016 and again on May 10, 2016, the City Commission denied the property owner's request to utilize automobile uses at 1690 Banks Road and 1700 Banks Road.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

**SECTION 1:** That all "WHEREAS" clauses set forth above are confirmed as being true and correct and are incorporated in this Resolution.

**SECTION 2:** That the City Commission of the City of Margate, Florida, approves auto uses at 1690 Banks Road and 1700 Banks Road by negating the voluntary restriction by the property owner to include auto uses at the aforementioned locations.

**SECTION 3:** That all representations by the applicant are incorporated as part of the conditions for this Resolution.

**SECTION 4:** That this Resolution shall become effective immediately upon its passage.

PASSED, ADOPTED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
JOSEPH J. KAVANAGH  
CITY CLERK

\_\_\_\_\_  
MAYOR TOMMY RUZZANO

RECORD OF VOTE

Caggiano \_\_\_\_\_  
Simone \_\_\_\_\_  
Peerman \_\_\_\_\_  
Schwartz \_\_\_\_\_  
Ruzzano \_\_\_\_\_