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RESOLUTION NO. R-95-96

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, APPROVING AN APPLICATION FOR A VARIANCE (CD 95-30V) SEEKING RELIEF FROM THE FOLLOWING SECTIONS OF THE CODE OF ORDINANCES; SECTION 24-80(C)(1), TO PERMIT ONE (1) PARKING SPACE PER 67 SQUARE FEET OF CUSTOMER SERVICE AREA FOR A TOTAL OF TWELVE (12) VS. ONE (1) PARKING SPACE PER 40 SQUARE FEET FOR A TOTAL OF TWENTY (20); AND SECTION 24-83(B)(1), TO PERMIT TWO (2) CURB CUTS ON NORTHEAST 19TH TERRACE HAVING A CENTERLINE TO CENTERLINE SEPARATION OF 39 FEET VS. 50 FEET; ON REAL PROPERTY LOCATED AT 1940 NORTHEAST 45TH STREET, OAKLAND PARK, FLORIDA, AS SUBMITTED BY BERNARD McMAHON/MOM'S KITCHEN; APPROVAL OF CITY COMMISSION SUBJECT TO CONDITION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is in the best interest of the citizens and residents of the City of Oakland Park, Florida, to approve the application for a Variance (CD 95-30V) to Sections 24-80(C)(1) and 24-83(B)(1), of the Code of Ordinances of the City of Oakland Park, Florida;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, THAT:

1           Section 1. The City Commission of the City of Oakland  
2 Park, Florida, hereby determines that a hardship exists and  
3 approves a variance (CD 95-30) from Section 24-80(C)(1), to permit  
4 one (1) parking space per 67 square feet of customer service area  
5 for a total of twelve (12) vs. one (1) parking space per 40 square  
6 feet for a total of twenty (20) and Section 24-83(B)(1), to permit  
7 two (2) curb cuts on Northeast 19th Terrace having a centerline to  
8 centerline separation of 39 feet vs. 50 feet on real property  
9 located at 1940 Northeast 45th Street, Oakland Park Florida, as  
10 submitted by Bernard McMahon/Mom's Kitchen.

11  
12           Section 2. The approval of the City Commission is  
13 subject to the following condition:

14           The proposed restaurant shall limit its hours of  
15 operation from 6:00 a.m. to 2.:00 p.m. If the hours of  
16 operation are expanded, the variance shall be  
reconsidered by the City commission.

17           Section 3. If any clause, section, or other part of this  
18 Resolution shall be held by any court of competent jurisdiction to  
19 be unconstitutional or invalid, such unconstitutional or invalid  
20 part shall be considered as eliminated and shall in no way affect  
21 the validity of the other provisions of this Resolution.

22           Section 4. All Resolutions or parts of Resolutions in  
23 conflict herewith are hereby repealed to the extent of such  
24 conflict.  
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1                   Section 5. This Resolution shall become effective upon  
2 its passage and adoption.

3  
4 PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF OAKLAND  
5 PARK, FLORIDA, THIS 20TH DAY OF SEPTEMBER, 1995.

6  
7 CITY OF OAKLAND PARK, FLORIDA

8  
9 BY: Layne Dallett Walls  
10 LAYNE DALLETT WALLS, MAYOR

11 ARNST YES

12 SPROC YES

13 STEVENS YES

14 WILSON YES

15 WALLS YES

16 ATTEST:

17 Carol Gold  
18 CAROL GOLD  
19 CITY CLERK

20 24-80C1.83B 9/20/94 SM