

RESOLUTION NO. 03-37

ZONING APPLICATION 03-4-VPB-1 (Z03-34)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING REQUEST #1 OF THE APPLICATION OF TINA AND LORENZO FERNANDEZ FOR ALTERNATIVE SITE DEVELOPMENT ORDER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made applications numbered 1 and 2¹ for alternative site development order and for alternative non-use variance, as described in the Miami-Dade Department of Planning and Zoning Recommendation to the Village of Palmetto Bay, which is attached to this resolution; and,

WHEREAS, the village council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Southwood Middle School on April 15, 2003; and,

WHEREAS, the mayor and village council finds, based on substantial competent evidence in the record, that the request #1 of the application for alternative site development order is consistent with the Miami-Dade County comprehensive plan and the applicable land development regulations; and,

WHEREAS, based on the foregoing finding, the mayor and village council determined to grant request #1 of the applications, as provided in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. A hearing on the present applications was held on April 15, 2003 in accordance with ordinance. no. 02-03, entitled "Quasi-judicial hearing procedures." Pursuant to the hearing, the village council makes the following findings of fact, conclusions of law and order.

Section 2. Findings of fact.

1. The applicant is Tina and Lorenzo Fernandez. The property is single family residence located at 16152 S.W. 73 Place.
2. The applicant requests approval to permit a covered terrace addition to a single family residence setback 13' from the rear (west) property line. The

¹ During the hearing request no 2 was withdrawn by applicant and the withdrawal was unanimously approved by village council.

request (Request #1) is further described in the attached county recommendation.

3. The village council adopts by reference the portions of the cover sheet to, and the county recommendation, entitled Introduction-Requests Previous Zoning Hearings on the Property; Enforcement History; Introduction-Requests, Summary of Requests, Location, Size, Impact, Zoning Hearings History, Comprehensive Development Master Plan (CDMP), Neighborhood Characteristics, Site and Buildings and Neighborhood Services as its findings of fact.

Section 3. Conclusions of law.

1. The village council adopts by reference the portions of the county recommendation, entitled Pertinent Requirements/Standards-Alternative Site Development Option for Single Family and Duplex Dwellings and Alternative non-use variance standard; and Analysis as its conclusions of law.
2. The village council further concludes that the application for alternative site development order is consistent with the Miami-Dade County comprehensive plan and comply with the applicable land development regulation, §33-311(A)(14)(Alternative Site Development Option) or under §33-311(A)(4)(c) (Alternative Non-Use Variance).

Section 4. Order.

1. The application for alternative site development order is granted subject to the conditions, as follows:
 - a. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, 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 "Additions to the Residence of: Mr. & Mrs. Lorenzo Fernandez," as prepared by Robert A. Richard Assoc., consisting of a floor and elevation plan, dated 1/10/03, a site plan dated 2/14/03 and shadow sketch dated 1/17/03, except as herein modified to delete the chickee hut. 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 the approved plan.

- d. That the applicants apply for and obtain a building permit for the metal shed from the Building Department within 120 days after final public hearing approval of this application, unless said metal shed is removed from the site before any Building permit is issued.
- e. Applicant agrees not to request to rezone (subdivide) the property during the tenure of applicant's ownership and any future property owner would have to come before the Council prior to seeking to rezone the property.

Section 5. Record.

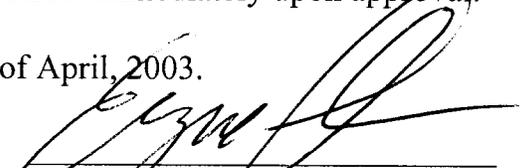
The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicant's representatives to the Miami-Dade County Department of Planning and Zoning in connection with the applications, the county recommendation and attached cover sheet and documents, the testimony of sworn witnesses and documents presented at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the village clerk.

Section 6. This resolution shall take effect immediately upon approval.

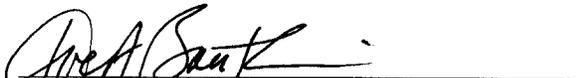
PASSED and ADOPTED this 15th day of April, 2003.

Attest:


 Meighan Pier
 Village Clerk


 Eugene P. Flinn, Jr.
 Mayor

APPROVED AS TO FORM:


 Earl G. Gallop,
 Village Attorney



FINAL VOTE AT ADOPTION:

- Council Member Ed Feller YES
- Council Member Paul Neidhart YES
- Council Member John Breder YES
- Vice-Mayor Linda Robinson YES
- Mayor Eugene P. Flinn, Jr. YES

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