

RESOLUTION NO. 04-52(z)

ZONING APPLICATION 04-6-VPB-1 (03-365)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF ROSINA VILLAVICENCIO FOR ALTERNATIVE SITE DEVELOPMENT ORDER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made applications 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 June 14, 2004; and,

WHEREAS, the mayor and village council finds, based on substantial competent evidence in the record, that 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 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 June 14, 2004 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 Rosina Villavicencio. The property is single family residence, zoned EU-M, located at 8305 SW 162 Street.

2. The applicant is requesting approval to allow a swimming pool to setback 54' (75' required) from the front (south) property line and 8' (20' required) from the interior side (west) property line and a tennis court setback 8' (20' required/10' previously approved) from the interior side (west) property line.
3. The village council adopts the portions of the cover sheet to, and the county recommendation, entitled 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 the portions of the county recommendation, entitled Pertinent Requirements/Standards-Alternative Site Development for Single Family and Duplex Dwellings, Non-Use Variances from other than Airport Regulations 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 complies with the ASDO or Non-Use Variance Standards Section 33-311(A)(14) or Section 33-311 (A)(4)(b).

Section 4. Order.

1. The application for alternative site development order is granted subject to the following conditions:
 - a. That the site plan will be presented to and meet the approval of the village Community Development Director, upon consultation with the village manager, 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, wall, fences, landscaping, etc.
 - b. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Courthouse" as prepared by Strang Architecture, Inc., consisting of 1 sheet and dated, signed and sealed 1/27/04. 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 a ficus or equal hedge, 3' high at the time of planting, spaced 2' on center be provided along the entire west property line to buffer the adjacent property to the west, and street trees of the type Live Oak, Mahogany or equal, 12' high at the time of planting, spaced 35' on center be provided along the front (south) and side street (east) property lines.

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.

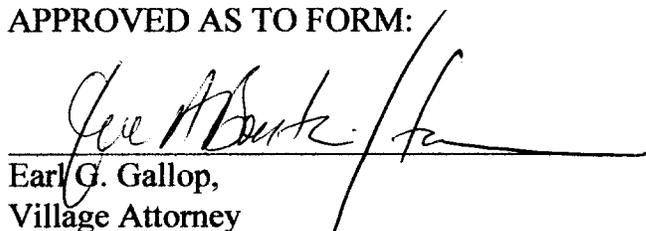
PASSED and ADOPTED this 14th day of June, 2004.

Attest:


Meighan Pier
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Earl G. Gallop,
Village Attorney

FINAL VOTE AT ADOPTION:

Mayor Eugene P. Flinn, Jr. YES

Vice-Mayor Linda Robinson YES

Council Member Ed Feller YES

Council Member Paul Neidhart YES

Council Member John Breder YES

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