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RESOLUTION NO. 2013-90

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; PURSUANT TO SECTION 30-30.9, ENTITLED "AMENDMENT OR DELETION OF COVENANT PROVISIO OF RESOLUTION"; MODIFYING/RELEASING/DELETING CERTAIN PROVISIONS FROM RESOLUTION NOS. Z-198-80 ADOPTED IN 1980, AND Z-38-82, ADOPTED IN 1982, BY THE DADE COUNTY BOARD OF COUNTY COMMISSIONERS, WHICH REQUIRED THE RECORDATION OF A DECLARATION OF RESTRICTIONS AS CONDITION OF THEIR APPROVAL; AND AUTHORIZING THE RELEASE/DELETION OF THAT DECLARATION OF RESTRICTIONS AS RECORDED AT OFFICIAL RECORDS, BOOK 10973, PAGES 1003 THROUGH 1009, ON DECEMBER 31, 1980; FOR THE PROPERTY LOCATED AT 16215 SOUTH DIXIE HIGHWAY BEARING, FOLIO NUMBER 33-5028-002-0030, AND 9271 SW 164 STREET, BEARING FOLIO 33-5028-002-0070, AND THE ADJACENT PROPERTY, BEARING FOLIO 33-5028-002-0080, IN PALMETTO BAY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in 1980, South Motor Company of Dade County (South Motors), sought and was granted by the Dade County Board of County Commissioners, an unusual use variance (Z-198-80), which permitted, among other items, limited commercial usage on a RU-1, Residential Single Family District, zoned land, for the property located at 9271 SW 164 Street, bearing folio number 33-5028-002-007, together with folio number 33-5028-002-008; and,

WHEREAS, a condition of that approval required South Motors to record a declaration of restrictions, limiting the use of the property as prescribed in the resolution; and,

WHEREAS, the Declaration of Restrictions, as recorded at Official Record Book 10973, Pages 1003 through 1009, on December 31, 1980, required any request to rezone the property to first receive written consent from 9200, 9220, 9240, 9260, and 9280 SW 164 Street, together with 75% of the separate properties located within the adjoining area bounded by SW 164 Street, SW 168 Street, SW 90 Avenue, and SW 94 Avenue; and,

WHEREAS, in 1982, the Dade County Board of County Commissioners passed and adopted Resolution No. Z-38-82, which reaffirmed the 1980 resolution and corresponding Declaration of Restrictions; and,

WHEREAS, the Village incorporated in 2002, thus becoming the successor enforcing local governing body to the prior resolutions and declarations of restrictions; and in 2009, the Village largely rezoned all lands previously designated RU-1, Residential Single Family, by the Miami-Dade County to R-1, Residential Single Family; and,

1 **WHEREAS**, in the intervening years, South Motors collected the required written consent
2 as provided for in the declaration of restrictions; and, subsequently submitted to the Village of
3 Palmetto Bay, a zoning application for site plan modification, which included, among other items, a
4 request to rezone a portion of their property from R-1, Residential Single Family, to B-2, Business
5 District; and,
6

7 **WHEREAS**, the requisite signatures were submitted by South Motors to the Village as part
8 of their zoning application, which, in turn, were forwarded by the Village to Miami-Dade County's
9 Regulatory & Economic Resources Department, who concluded the requirements of the declaration
10 of restrictions were met; and,
11

12 **WHEREAS**, before South Motors' rezoning request can be adopted, the prior resolutions
13 and declaration of restrictions must be modified/released/deleted; and, until such time, the request
14 for site plan modification cannot proceed.
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16 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
17 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
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19 **Section 1.** **Recitals.** The above referenced recitals are true and correct and are
20 incorporated herein by this reference.
21

22 **Section 2.** **Confirmation.** The conclusion of Miami-Dade County's Regulatory &
23 Economic Resources Department is hereby confirmed and approved, as to the fulfillment of the
24 declaration of restrictions as recorded at Official Record Book 10973, Pages 1003 through 1009,
25 regarding the attainment of the required signatures, prior to modification/release/deletion of those
26 portions of Resolution No. Z-198-80, passed and adopted on September 4, 1980, and all portions of
27 Resolution No. Z-38-82 passed and adopted on February 4, 1982, that reference or require the
28 recordation of a declaration of restrictions.
29

30 **Section 3.** **Release.** All portions of Resolution No. Z-198-80, passed and adopted on
31 September 4, 1980, and all portions of Resolution No. Z-38-82, passed and adopted on February 4,
32 1982, that reference or require the recordation of a declaration of restrictions, are hereby deleted,
33 and hence forth be governed by this resolution. The Declaration of Restrictions recorded at Official
34 Record Book 10973, Pages 1003 through 1009, and as required by Resolutions Z-198-80 and Z-38-
35 82, is hereby authorized to be released and deleted.
36

37 **Section 4.** **Authorization.** The Village Council, acting in its capacity as the Village's
38 governing body, approves the actions contained herein.
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40 **Section 5.** **Effective Date.** This Resolution shall take effect immediately upon
41 enactment.
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1 PASSED and ENACTED this 16th day of December, 2013.

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3 First Reading: September 16, 2013

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5 Second Reading: December 16, 2013

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9 Attest: Meighan Alexander
10 Meighan Alexander
11 Village Clerk

Shelley Stanczyk
Shelley Stanczyk
Mayor

12
13 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
14 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

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16
17
18 John R. Herin, Jr.
19 Interim Village Attorney

20
21
22 FINAL VOTE AT ADOPTION:

23
24 Council Member Patrick Fiore YES

25
26 Council Member Tim Schaffer YES

27
28 Council Member Joan Lindsay YES

29
30 Vice-Mayor John DuBois YES

31
32 Mayor Shelley Stanczyk YES

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34
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36 This Resolution was filed in the Office of the Village Clerk on this 17 day of December, 2013.

37
38 Meighan Alexander
39 Meighan Alexander
40 Village Clerk
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