

**RESOLUTION NO. 2016-004**

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY THE PROPERTY OWNER OF 1860 SOUTH TREASURE DRIVE FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.028(D) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CONSTRUCT A SINGLE-FAMILY RESIDENCE IN THE RM-40 ZONING DISTRICT; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY FRANK K. ROLLASON)**

**WHEREAS**, pursuant to Sections 152.028(D) and 152.098 of the North Bay Village Code of Ordinances (the "Village Code"), Stuart Chase has applied to North Bay Village for approval of a special use exception to construct a single-family residence at 1860 South Treasure Drive; and

**WHEREAS**, Section 152.098 and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon an application for a special use exception specified in Section 152.098; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for November 17, 2015, at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #300, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for January 12, 2016, at 7:30 P.M. at Village Hall, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their

comments to the Village Commission; and

**WHEREAS**, the Village Commission has reviewed the application, and considered the recommendations of the Planning and Zoning Board and comments from the public, and determined that the proposed use does not substantially affect adversely the subject property or adjacent properties.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.**

The above recitals are true and correct and incorporated into this Resolution by this reference.

**Section 2. Finding.**

1. In accordance with Section 152.098 of the Village Code, the Village Commission finds that the proposed special use exception for the construction of a single-family home in the RM-40 Zoning District will not substantially affect adversely the uses permitted in these regulations of adjacent property.

**Section 3. Grant.**

The special use request to permit the construction of a single-family home in the RM-40 Zoning District at 1860 South Treasure Drive North Bay Village, Florida is hereby granted.

**Section 4. Conditions.**

1. Building permits and related approvals for the single family home must be obtained from the Building Official prior to commencement of construction.
2. Impact fees must be paid prior to issuance of a building permit.

3. Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
4. Authorization or issuance of a special exception use or a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a special exception use or a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
5. All applicable state and federal permits must be obtained before commencement of construction.

**Section 5. Appeal.**

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

**Section 6. Violation of Conditions.**

Failure to adhere to the terms and conditions contained in this Resolution in Section 4, if any, shall be considered a violation of this Resolution and persons found violating the conditions shall be subject to the penalties prescribed by the Village Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Village Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Village at any time upon a determination that the Applicant is in non-compliance with the Village Code.

**Section 7. Effective Date.**

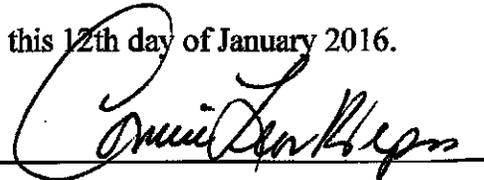
This Resolution shall become effective upon its adoption.

The motion to adopt the foregoing Resolution was offered by Commissioner Richard Chervony, seconded by Vice Mayor Jorge Gonzalez.

**FINAL VOTE AT ADOPTION:**

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Jorge Gonzalez	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Andreana Jackson	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

**PASSED AND ADOPTED** this 12th day of January 2016.



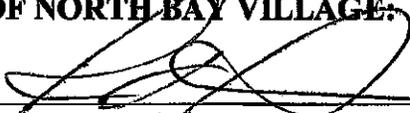
Connie Leon-Kreps, Mayor

**ATTEST:**



Yvonne P. Hamilton, CMC  
Village Clerk

**APPROVED AS TO FORM FOR THE USE OF  
OF NORTH BAY VILLAGE:**



Robert L. Switkes & Associates, P.A.  
Village Attorney

North Bay Village Resolution: Special Use Exception by the Jonas' of 1860 South Treasure Drive-Construction of Single-Family Home.