RESOLUTION NO. 2016-009

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE INSTALLATION OF FIVE NEW BOATLIFTS ON EXISTING DOCKS AT 7601 EAST TREASURE DRIVE, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. ***(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)***

WHEREAS, Kirk Lofgren, of Ocean Consulting, Inc., on behalf of Grand View Palace Yacht Club, Inc., has applied to North Bay Village for permission to install five (5) new boatlifts on existing docks at the Grandview Palace Business Marina at 7601 East Treasure Drive, Treasure Island, North Bay Village, Florida, in the RM-70, High Density Multiple-Family Residential Zoning District; and

WHEREAS, Sections 150.11(C)(D) and (F) of the North Bay Village Code of Ordinances requires all applications for construction of boatlifts to be approved by the Village Commission; and.

WHEREAS, in accordance with Section 150.11(F) of the Village Code, a public hearing by the Village Commission was noticed for Tuesday, February 24, 2015 at 7:30 p.m. at Village Hall, 1666 Kennedy Causeway, Suite 101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

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. Findings.

In accordance with Section 150.11(F) of the Village Code, the Village Commission, having considered the testimony and evidence in the record presented by all parties, finds that the boatlifts are safe and environmentally compatible

Section 3. Grant.

In accordance with Section 150.11(A) of the North Bay Village Code of Ordinances, approval is granted to install five (5) boatlifts at the marina at 7601 East Treasure Drive in accordance with the Site Plan submitted to the Village Clerk's Office on January 30, 2015.

Section 4. Conditions.

Approval is granted with the condition that the following items are met prior to issuance of a Building Permit:

1. Verification of the 5 foot height restriction at the time of building permit issuance.
2. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.
3. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
4. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit 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.
5. Authorization or issue of 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 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 results in a violation of federal or state law.

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 Terms and Conditions.

Failure to adhere to the terms and conditions contained in this Resolution in Section 4 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 Vice Mayor Jorge Gonzalez, seconded by Commissioner Eddie Lim.

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps	Yes
Vice Mayor Jorge Gonzalez	Yes
Commissioner Richard Chervony	No
Commissioner Wendy Duvall	Yes
Commissioner Eddie Lim	Yes

PASSED and ADOPTED this 23rd day of February 2016.

MAYOR CONNIE LEON-KREPS

ATTEST:

YVONNE P. HAMILTON, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: Installation of Five (5) Boatlifts at 7601 E. Treasure Drive Marina