

**RESOLUTION NO. 2016-18**

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BAYSHORE YACHT & TENNIS CLUB CONDOMINIUM ASSOCIATION FOR SITE PLAN APPROVAL, PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES, TO CONSTRUCT A PARKING LOT AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

WHEREAS, pursuant to Section 152.109(C)(9) of the North Bay Village Code of Ordinances (the "Village Code"), Bayshore Yacht & Tennis Club Condominium Association has applied to North Bay Village for Site Plan Approval to construct Parking Lot at 7904 West Drive, Harbor Island, North Bay Village, Florida; and

WHEREAS, Section 152.105(C) and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon an application for Site Plan approval.

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for March 1, 2016 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request with conditions; and

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for March 22, 2016 at 7:30 p.m. at Village Hall, 1666 Kennedy Causeway, #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. Finding.**

In accordance with Section 152.105(9) of the Village Code, the Village Commission finds that the proposed Site Plan for construction of a parking lot at an existing mixed use commercial and multifamily residential property:

- A. Protects against and minimizes any undesirable effects upon contiguous and nearby property.
- B. Reduces an existing nonconformity related to insufficient on-site parking.
- C. Provides sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood.
- D. Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.

**Section 3. Grant.**

The Site Plan to construct a surface parking lot at 7904 West Drive, North Bay Village, Florida, as attached and incorporated herein as Exhibit "A" entitled "Bayshore Yacht & Tennis" as submitted for hearing on February 3, 2016 and consisting of sheets A1, A2 and L1, is hereby approved.

**Section 4. Conditions.**

The Site Plan is approved with the condition that the following items are met prior to issuance of a Building Permit:

- 1) Submittal of an irrigation plan which meets Miami-Dade Chapter 18A requirements.
- 2) Parking spaces shall be made available only to residents of the Bayshore Yacht and Tennis Club and their guests.
- 3) Payment of any applicable impact fees.
- 4) 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.
- 5) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 6) Approval of this site plan 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 approval 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.
- 7) 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.**

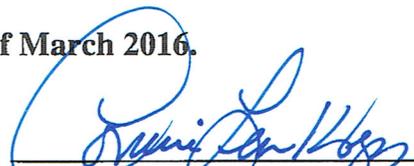
This Resolution shall become effective upon its adoption.

The foregoing Resolution was offered by Vice Mayor Jorge Gonzalez, who moved for its adoption. This motion was seconded by Commissioner Richard Chervony, and upon being put to a vote, the vote was as follows:

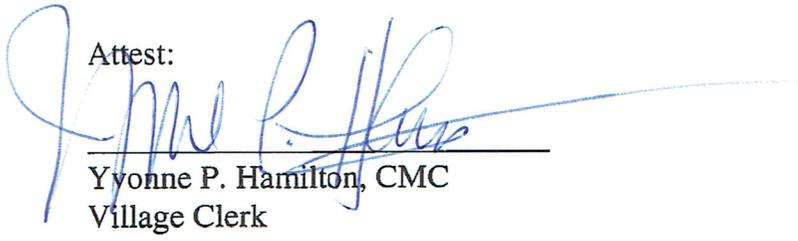
**FINAL VOTE AT ADOPTION:**

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Jorge Gonzalez	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Andreana Jackson	<u>No</u>
Commissioner Eddie Lim	<u>Yes</u>

**PASSED AND ADOPTED this 22<sup>nd</sup> day of March 2016.**

  
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Mayor Connie Leon-Kreps

Attest:



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Yvonne P. Hamilton, CMC  
Village Clerk

**APPROVED AS TO FORM:**



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

North Bay Village Resolution: 7904 West Drive/Site Plan Approval/Parking Lot Construction.