

RESOLUTION NO. 2016-33

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO OPERATE A LIMITED COMMERCIAL PARKING LOT AT 1335 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR TEMPORARY WAIVER; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

WHEREAS, pursuant to Section 152. of the North Bay Village Code of Ordinances (the "Village Code"), and upon information and belief, Sakura intends to request to North Bay Village for approval of a Special Use Exception to operate a limited commercial parking lot, on a temporary basis in the CG (General Commercial) Zoning District at 1335 Kennedy Causeway; 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 a request 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 April 5, 2016, at 7:30 P.M. at 1666 Kennedy Causeway, #101, North Bay Village, Florida and the Planning and Zoning Board reviewed this request, 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 April 12, 2016 at 7:30 P.M. at the 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

WHEREAS, Section 110.04 of the Village Code requires an applicant to satisfy sums owed and due to the Village by the applicant prior to obtaining a business tax receipt or other license; and

WHEREAS, temporarily waiving the requirement that Sakura has to pay all sums owed and due to the Village prior to receiving a Business Tax Receipt for the purposes of operating a limited commercial parking lot for Bayshore Yacht and Tennis Club residents will alleviate some parking issues created by Bayshore's nonconforming use and is necessary to protect the health, safety, and general welfare of North Bay Village; and

WHEREAS, the Village Commission has reviewed this request, and considered the recommendation 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 to operate a limited commercial parking lot, on a temporary basis, at 1335 Kennedy Causeway in the CG (General Commercial) Zoning District will not substantially affect adversely the uses permitted in these regulations of adjacent property.

2. **Section 3. Grant.**

The Special Use Exception request to operate a limited commercial parking lot, on a temporary basis, at 1335 Kennedy Causeway in the CG (General Commercial) Zoning District, at 1335 Kennedy Causeway, North Bay Village, Florida is hereby granted with the following conditions:

1. This approval is only valid for 18 months. Commission may grant a renewal if requested by Sakura.
2. This approval will no longer valid once a building permit is issued for construction of any structures on this property.
3. Sakura must request a Business Tax Receipt (BTR) for operation of the proposed commercial parking lot. BTR application shall meet applicable Village standards (subject to the temporary waiver described below) and written agreements shall be provided by applicant for the businesses to whom the parking is being provided. Written agreements must be approved, as to form, by the Village Attorney.
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. Approval of this special use exception does not in any way create a right on the part of Sakura to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if Sakura 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.
6. 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, Sakura, 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. Temporary waiver.

Sakura, only for the purposes of operating a limited commercial parking lot for Bayshore Yacht and Tennis Club residents under this Resolution, is hereby temporarily exempted from the requirement of having to pay all sums owed and due to the Village *prior to* receiving a business tax receipt or other license; however, after obtaining a business tax receipt, Sakura must still pay all sums owed and due to the Village and otherwise satisfy all of the requirements under Section 110.04.

Section 7. Effective Date.

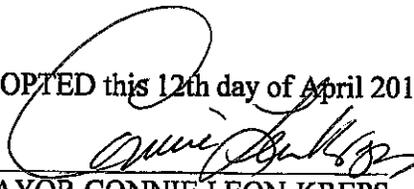
This Resolution shall become effective upon its adoption.

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

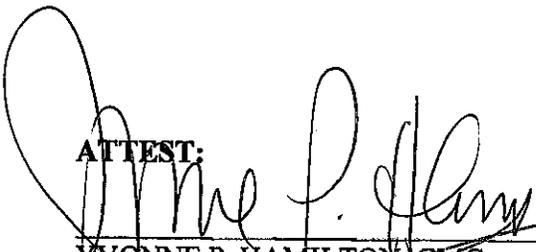
FINAL VOTE ADOPTION:

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

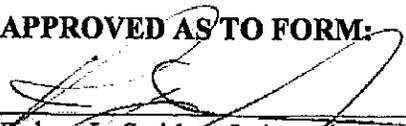
PASSED and ADOPTED this 12th day of April 2016.


MAYOR CONNIE LEON-KREPS

ATTEST:


YVONNE P. HAMILTON, EMC
Village Clerk

APPROVED AS TO FORM:


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

North Bay Village Resolution: 1335 Kennedy Causeway Development-Special Use Exception for Commercial Parking Lot.