

RESOLUTION NO. 2004-04-55-Z-6

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE ZONING APPLICATION SUBMITTED BY NORA A. PATTERSON (Z03-270); SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

I. RECITALS

WHEREAS, on January 7, 2004, the City Council, of the City of Miami Gardens, held a public hearing on Nora A. Patterson, application (Z03-270) for the following zoning request(s):

- 1. Permit for an addition to a single-family residence setback a minimum of 12.5' from the rear (South) property line. (25' required)**

PROPERTY ADDRESS: 4430 NW 174th Drive, Miami Gardens, Florida

WHEREAS, notice has been provided to all interested parties and a neighboring jurisdiction regarding the application; and

WHEREAS, the City Council has been advised by Miami-Dade County Department of Planning and Zoning that the subject application has been reviewed for applicable standards under Section 33-311(A)(14) (Alternative Site Development Option for Single Family and Duplex Dwellings or under Section 33-311(A)(4)(b) (Non-use variances from other than airport regulations) or Section 33-311(A)(4)(c) (Alternative non-use variance standard) of the Miami-Dade County Code); and

WHEREAS, a public hearing of the City Council was advertised and held as required by law and all interested parties concerned in the matter were heard, and upon due and proper consideration having been given to the matter; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, THAT:

II. APPROVAL/DENIAL

1. Approval. Based upon substantial competent evidence provided by Miami-Dade County and staff, the zoning application (Z03-270) requests nos. 1 and 2 are hereby approved subject to the following terms and conditions;

- a. That a site plan be submitted to and meet with the approval of the Director of Planning and Zoning upon submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be

limited thereto, location of structure or structures, exists and entrances, drainage, walls, fences, landscaping, etc.

b. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Addition to Single Family Residence," as prepared by Donovan Pessoa, P.E, dated 9-16-03 and consisting of 3 sheets. Except as specified by any Zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require future public hearing action.

c. That the use be established and maintained in accordance with approved plans.

d. That the applicant obtains a building permit from the Building Department for the bedroom addition in the rear (south) setback area within 120 days of the expiration of the appeal period for this public hearing, unless a time extension is granted by the City of Miami Gardens.

e. That the applicant files and records a Declaration of Restriction indicating that the subject property is to remain a single family resident.

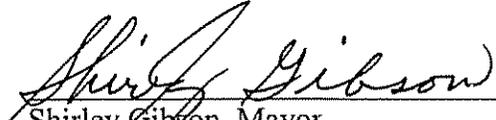
III. SEVERABILITY AND EFFECTIVE DATE.

Section: 2. Severability.

If any section, subsection, clause of provision of this Resolution is held invalid, the remainder shall not be affected by such invalidity. All Resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

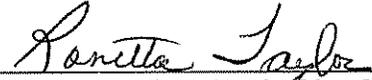
Section 3. Effective Date. This Resolution shall become effective upon adoption.

PASSED and ADOPTED this 7th day of January, 2004.



Shirley Gibson, Mayor

ATTEST:



Ronetta Taylor, CMC City Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**



Hans Ottinetti City Attorney
Mora A. Patterson Reso

VOTE: 6-0

Moved by Councilman Braynon

Seconded by Councilwoman Watson

Mayor Gibson	<u> </u> x yes	<u> </u> no
Vice Mayor Campbell	<u> </u> yes	<u> </u> no (not present)
Councilman Bratton	<u> </u> x yes	<u> </u> no
Councilman Braynon	<u> </u> x yes	<u> </u> no
Councilwoman King	<u> </u> x yes	<u> </u> no
Councilwoman Pritchett	<u> </u> x yes	<u> </u> no
Councilwoman Watson	<u> </u> x yes	<u> </u> no