

ORDINANCE No. 03-33

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA PROVIDING RECITALS; PROVIDING FINDINGS; GRANTING THE REQUEST FOR A REZONING FROM AU TO RU-1 ON A 0.69± ACRE PARCEL LOCATED AT 16910 NW 77TH COURT, JUST SOUTH OF NW 170TH STREET AND WEST OF NW 77TH COURT, AT THE EASTERN TERMINUS OF NW 169TH TERRACE; APPROVING THE SITE PLAN FOR A PHASED RESIDENTIAL DEVELOPMENT OF TWO (2) SINGLE-FAMILY HOMES; PROVIDING FOR CONDITIONS; PROVIDING FOR RECORDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 33-304 of the Code of the Town of Miami Lakes ("Town Code"), Marcus Gutierrez (the "Applicant") has applied to the Town Council of the Town of Miami Lakes ("Town Council") for rezoning from AU (Agricultural District) to RU-1 (Single Family Residential District) on a 0.69± acre site located at 16910 NW 77th Court); Application Z-02-03 (the "Property"); and

WHEREAS, the Applicant has provided maps and a legal description of the Property depicting the Property to be re-zoned attached as composite Exhibit "A" (Pages 1-3) and incorporated by reference herein; and

WHEREAS, pursuant to Section 33-311 (C) of the Code, the Applicant has provided the Town Council with site plans to be approved in conjunction with Application No. Z02-03, attached as composite Exhibit "B" and incorporated by reference herein; and

WHEREAS, Town Staff has reviewed the Application and has recommended approval in its report dated April 1, 2003 and incorporated by reference herein;

WHEREAS, the Town Council has been designated as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, the Town Council acting in its capacity as the Local Planning Agency has reviewed Application No. Z-02-03 and has determined that this Ordinance is consistent with the Town of Miami Lakes Comprehensive Development Master Plan; and

WHEREAS, the Town Council held a duly noticed first reading of this Ordinance on April 8, 2003 and held second reading of this Ordinance at a duly noticed quasi-judicial public hearing on April 10, 2003; and

WHEREAS, all interested persons have had the opportunity to be heard on the Applicant's requests.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, that:

Section 1. Recitals. The foregoing whereas clauses are hereby ratified and incorporated within this ordinance.

Section 2. Findings. The Town Council finds that Application No. Z-02-03 for re-zoning and site plan approval is “compatible” with the community as defined by Section 33-302(d) of the Town Code.

Section 3. Approval of Residential Rezoning. The Town Council hereby approves Application No.Z-02-03, a rezoning of the property legally described in Exhibit A from AU (Agricultural Use) to RU-1 (Single Family Residential District) subject to the conditions set forth in Section 5 below.

Section 4. Approval of Site Plan for Residential Development. The Town Council approves Site Plan No-02-03--a site plan for residential development attached as Exhibit B, in concert with the approval granted in Section 3 of this Ordinance, and subject to the conditions set forth in Sections 5 below.

Section 5. Conditions. Site plan approval shall comply with the following conditions that shall be binding upon the applicant, its successors, assigns and/or grantees:

1. Said approval and construction shall be in substantial compliance with the plans filed with the Town of Miami Lakes as part of this application as follows (dates represent the date the plans were signed and sealed):
 - a. Site/Landscape Plan by Armando Davila Architect, sheet A-1 (1 sheet total) dated February 10, 2003.
 - b. Ground Floor Plan by Armando Davila Architect, sheet A-2 (1 sheet total) dated February 10, 2003
 - c. Building Elevations by Armando Davila Architect, sheet A-3 (1 sheet total) dated February 10, 2003
2. Phase 2 of the development shall be constructed using similar architectural features utilized in phase 1 and the surrounding development and including similar materials and colors. ~~The applicant, successors or assigns shall notify (in writing) any purchaser of this requirement.~~

3. The chain link fence shall have a green vinyl covering.
- ~~3.~~ 4. The applicant, successors or assigns shall comply with all platting and subdivision requirements of Chapter 28 of the Miami-Dade County Code.
5. The perimeter hedge shall be 18 inches in height at planting, and shall be planted at a maximum average spacing of 30 inches on center.
4. 6. Site Plan Approval for this petition (Z-02-03) is contingent upon approval of a non-use variance permitting 25-foot lot frontages when the Town's Code requires 75 foot lot frontages as required by the site plan submitted.
7. The Applicant, its successors and assigns shall provide written notice of the foregoing conditions to any subsequent purchaser of the Property.

Failure to adhere to the terms and conditions of this ordinance shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of this ordinance. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town before they may commence construction or operation, and this ordinance may be revoked by the Town Council at any time upon a determination that the Applicant is in non-compliance with the Town Code.

Section 6. Recording. The Applicant shall be responsible for recording this ordinance in the Public Records of Miami-Dade County, Florida at its sole cost.

Section 7. Severability. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 8. Exclusion. This Ordinance shall be excluded from the Town of Miami Lakes Code.

Section 9. Effective Date. This Ordinance shall become effective upon adoption following second reading.

The foregoing Ordinance was offered by **Councilmember** Collins, who moved its adoption on first reading. The motion was seconded by **Councilmember** Simon, and upon being put to a vote; the vote was as follows (6-0)

Councilmember Mary Collins
 Councilmember Robert Meador, II
 Councilmember Michael Pizzi

Yes
Yes
Yes

Ordinance No. 03-33
 Page 3 of 4

Text added since first reading on the Ordinance is underlined. Text deleted since first reading is ~~stricken through~~.

Councilmember Nancy Simon	<u>yes</u>
Councilmember Peter Thomson	<u>yes</u>
Vice Mayor Roberto Alonso	<u>abs.</u>
Mayor Wayne Slaton	<u>yes</u>

PASSED AND ADOPTED on first reading this 8th day of April, 2003

The foregoing Ordinance was offered by Councilmember Collins, who moved its adoption on second reading. The motion was seconded by Councilmember Meador, and upon being put to a vote, the vote was as follows: (7-0)

Councilmember Mary Collins	<u>yes</u>
Councilmember Robert Meador, II	<u>yes</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>
Councilmember Peter Thomson	<u>yes</u>
Vice Mayor Roberto Alonso	<u>yes</u>
Mayor Wayne Slaton	<u>yes</u>

PASSED AND ADOPTED on second reading this 10th day of April, 2003.

Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:

Beatris M. Arguelles
BEATRIS M. ARGUELLES, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE TOWN OF MIAMI LAKES ONLY:

Min B. Weiss
WEISS, SEROTA, HELFMAN,
PASTORIZA & GUEDES, P.A.
TOWN ATTORNEY

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Miami-Dade County
Property Appraiser Public Access



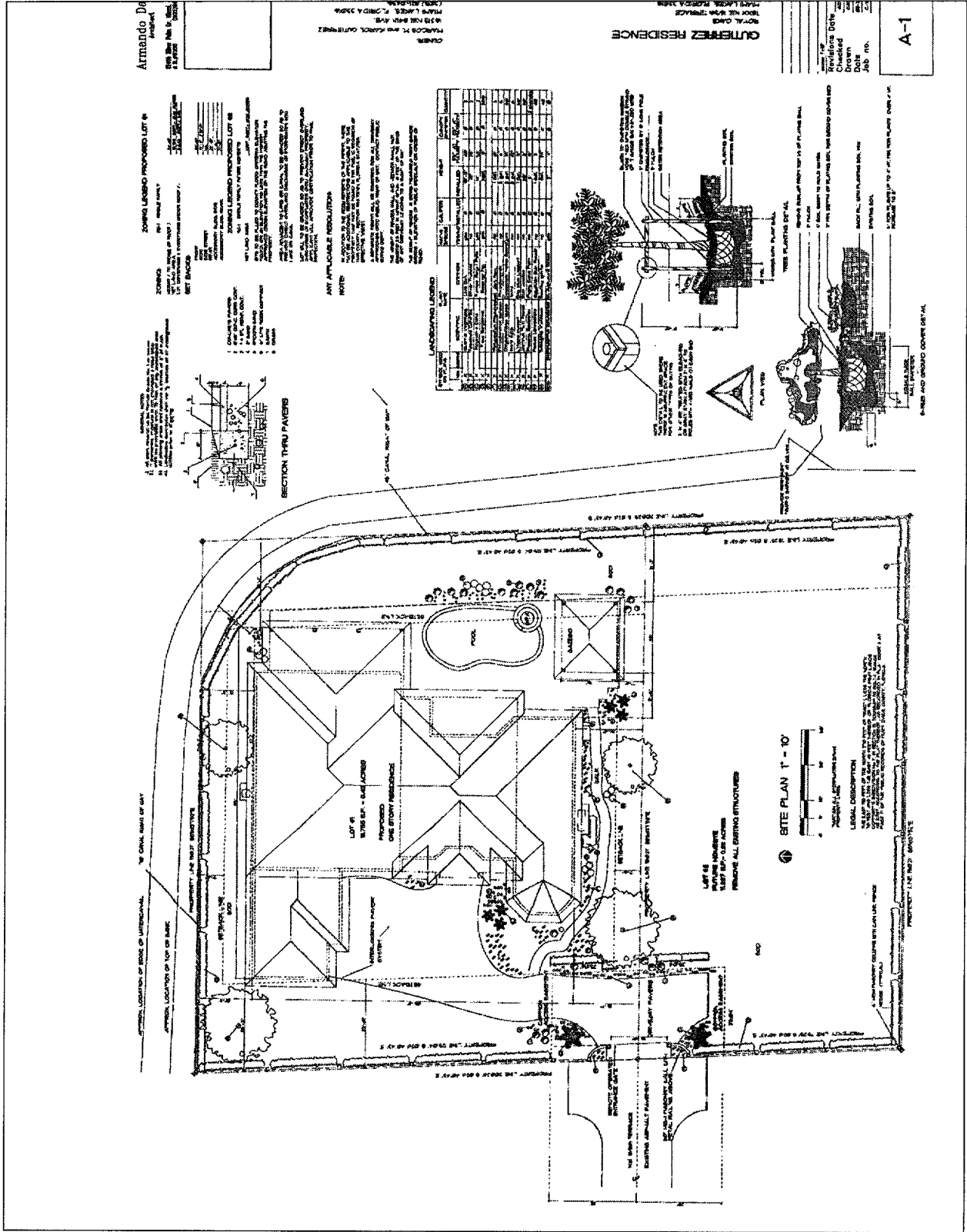
FOLIO NUMBER: 32-2015-001-0051
 ADDRESS: 16910 NW 77 CT
 MAILING ADDRESS: ROBT B MC COY & ALBERT J SQUIRE , 16910 NW 77 CT , HIALEAH FL , , 33016-3437
 CLUC: 0002 MULTIFAMILY- DUPLEX
 PRIMARY ZONE: 9000 AGRICULTURE
 BEDROOMS: 5 BATHS: 2
 FLOORS: 1 LIVING UNITS: 2
 ADJ SQUARE FOOTAGE: 1,683 LOT SIZE: 1 ACRES
 YEAR BUILT: 1927
 LEGAL DESCRIPTION: 15 52 40 .69 AC M/L SUB OF PB 2-17 E195FT OF N270FT OF TR 1 LESS N70FT & E45FT LOT SIZE IRREGULAR OR 9900-652
 SALE O/R: 099000652 SALE MONTH: 12 SALE YEAR: 1977 SALE AMOUNT: \$ 40,000

ASSESSMENT YEAR:	2002	ASSESSED VALUE:	\$ 123,610
LAND VALUE:	\$ 82,800	HOMESTEAD EXEMPTION:	\$ 0
BUILDING VALUE:	\$ 40,810	WIDOW EXEMPTION:	\$ 0
MARKET VALUE:	\$ 123,610	TOTAL EXEMPTIONS:	\$ 0
		TAXABLE VALUE:	\$ 123,610

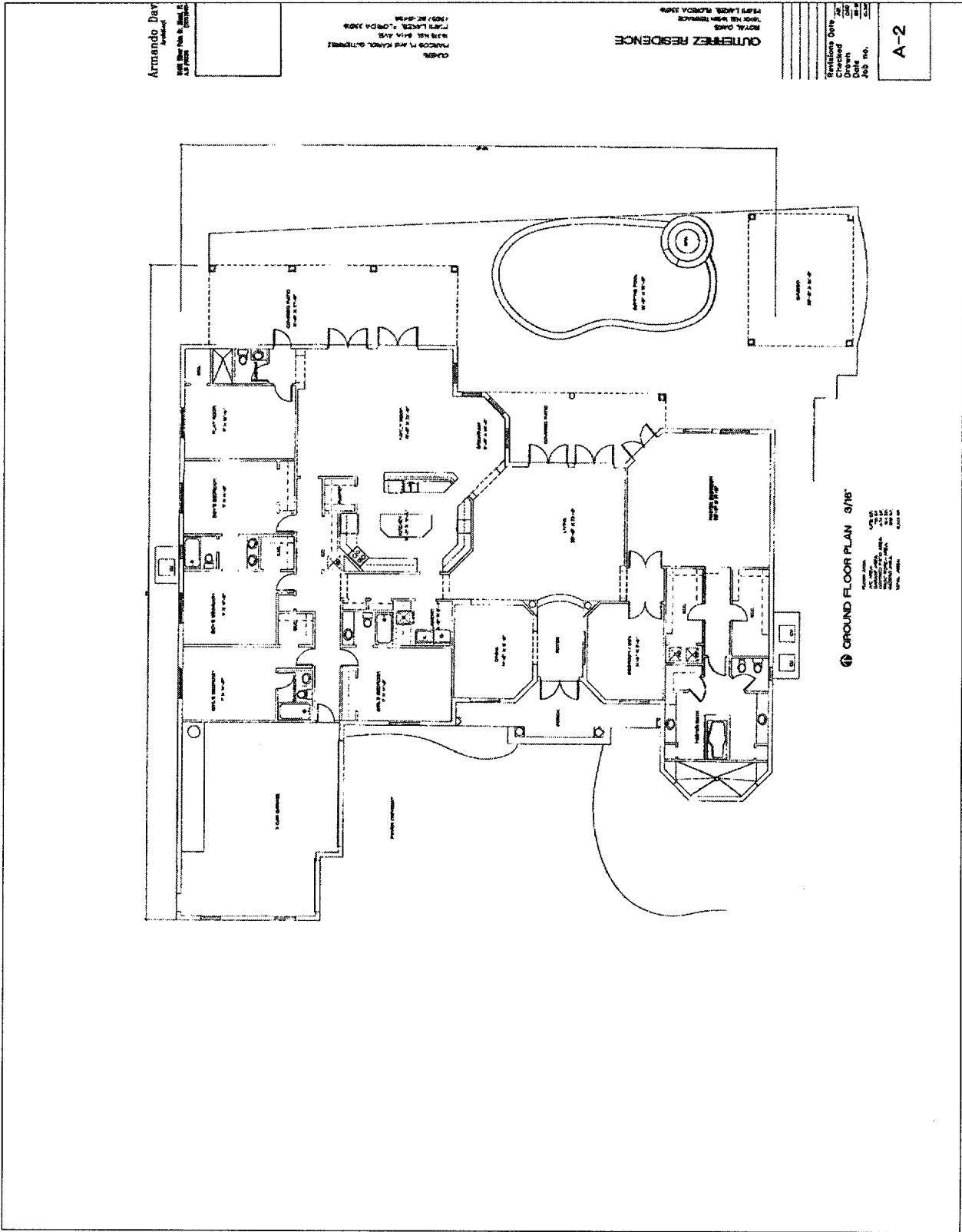
ASSESSMENT YEAR:	2001	ASSESSED VALUE:	\$ 99,349
LAND VALUE:	\$ 62,100	HOMESTEAD EXEMPTION:	\$ 0
BUILDING VALUE:	\$ 37,249	WIDOW EXEMPTION:	\$ 0
MARKET VALUE:	\$ 99,349	TOTAL EXEMPTIONS:	\$ 0
		TAXABLE VALUE:	\$ 99,349

EXHIBIT "B"

Miami Lakes Town Council
April 1, 2003
Petition Z-02-03



Miami Lakes Town Council
 April 1, 2003
 Petition Z-02-03



ARMANDO DEV
 Architect

OWNER
 MARCOS M. AND KAYLA GUTIERREZ
 3435 NW 15th Ave
 MIAMI LAKES, FL 33143

GUTIERREZ RESIDENCE
 3435 NW 15th Ave
 MIAMI LAKES, FL 33143

Project No.	2003-001
Revision	01
Checked	AS
Drawn	AS
Date	03/27/03
Plot No.	001

A-2

GROUND FLOOR PLAN 3/16"
 SCALE: 1/8" = 1'-0"
 DATE: 03/27/03
 DRAWN BY: AS
 CHECKED BY: AS

ARMARDO BAY RESIDENCE

ARCHITECT: JAMES W. HARRIS, ARCHITECT
 1300 N.W. 10TH AVENUE, SUITE 200
 MIAMI, FLORIDA 33136
 (305) 872-0976

CLIENT: PARSONS REAL ESTATE DEVELOPMENT
 1300 N.W. 10TH AVENUE, SUITE 200
 MIAMI, FLORIDA 33136
 (305) 872-0976

DATE: 03/18/03

SCALE: 1/8" = 1'-0"

PROJECT NO.: 03-001

QUINTERO RESIDENCE

ARCHITECT: JAMES W. HARRIS, ARCHITECT
 1300 N.W. 10TH AVENUE, SUITE 200
 MIAMI, FLORIDA 33136
 (305) 872-0976

CLIENT: PARSONS REAL ESTATE DEVELOPMENT
 1300 N.W. 10TH AVENUE, SUITE 200
 MIAMI, FLORIDA 33136
 (305) 872-0976

DATE: 03/18/03

SCALE: 1/8" = 1'-0"

PROJECT NO.: 03-001

WEST (FRONT) ELEVATION 3/18'

WEST (FRONT) ELEVATION 3/18'

SOUTH (SIDE) ELEVATION 3/18'

SOUTH (SIDE) ELEVATION 3/18'

NORTH (SIDE) ELEVATION 3/18'

NORTH (SIDE) ELEVATION 3/18'

EAST (REAR) ELEVATION 3/18'

EAST (REAR) ELEVATION 3/18'