

**RESOLUTION NO. 2011 - 073**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, GRANTING AN ARTICLE 135 APPEAL MADE BY GERALD CALABRESE TO NOT REQUIRE A SITE PLAN MODIFICATION TO INSTALL FENCE LIGHTING THAT IS IN CONFORMITY WITH ARTICLE 95 (LIGHTING STANDARDS); AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE THEREFOR.**

**WHEREAS**, On February 28, 2006, Gerald Calabrese, ("Applicant"), owner of 13810 East Palomino Drive, Southwest Ranches, Florida, 33330, submitted an application for a fence permit for zoning review; and

**WHEREAS**, the permit was denied upon first review because the fence was shown in a roadway easement; and

**WHEREAS**, the second submission for a fence permit for zoning review showed light fixtures on the top of each fence column; and

**WHEREAS**, the permit was returned to Applicant for corrections and with instructions that any lighting must conform to Article 95 of the Uniform Land Development Code (ULDC), and with comments related to non-compliance with required sight distance triangles; and

**WHEREAS**, on April 25, 2008, Applicant submitted a site plan for the entire site, including the fence that was permitted in March 2006, but the plans failed to contain a specific lighting detail; and

**WHEREAS**, when the Applicant built the fence, the Applicant installed lighting on the caps of each column; and

**WHEREAS**, the Applicant believed that the lighting was approved as part of his building permit; and

**WHEREAS**, the Town's Planning Department, however, disagreed and opined that since the entire site obtained site plan approval, the lighting could only be approved pursuant through a specific detail on the site plan and that the Applicant would have to submit a site plan modification; and

**WHEREAS**, in accordance with Article 35 of the Town's Code, on June 8, 2011, the Applicant appealed the Town's Planning Department's decision; and

**WHEREAS**, on June 23, 2011, at a properly noticed quasi-judicial public hearing, the Town Council reviewed the petition and all evidence presented; and

**WHEREAS**, the Town Council, having considered the Applicant's appeal, evidence submitted, criteria set forth in the Town's Unified Land Development Code, the analysis of Town Staff, and comments from other interested parties, upon a motion duly made and acted upon, determined the Applicant has met the criteria for appeals of an administrative decision and is entitled to relief pursuant to Section 135-030 of the Town's Code, and therefore voted to not require the Applicant to submit a site plan modification, as further set forth herein.

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1.** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

**Section 2.** That upon reviewing the testimony and the evidence submitted at a duly noticed quasi-judicial public hearing held on June 23, 2011, and having considered the Applicant's appeal, evidence submitted, criteria set for in the Town's Unified Land Development Code, the analysis of Town Staff, and comments from other interested parties, the Town Council of the Town of Southwest Ranches finds that the Applicant has met the criteria for appeals of an administrative decision and is entitled to relief pursuant to Section 135-030. Accordingly, the Town Council shall not require the Applicant to submit a site plan modification to install the fence column lighting, provided that the Applicant complies with the following stipulated conditions:

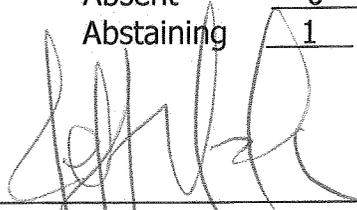
- A) All required building permits must be obtained for the lights on the fence columns.
- B) All lighting shall comply with the standards enumerated in Article 95 (Lighting Standards) of the Town's Unified Land Development Code.

**Section 5.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 23rd day of June 2011, on a motion to approve made by Council Member Breitkreuz and seconded by Vice Mayor Fisikelli.

Nelson	<u>YES</u>
Fisikelli	<u>YES</u>
Breitkreuz	<u>YES</u>
Jablonski	<u>YES</u>
McKay	<u>ABSTAIN</u>

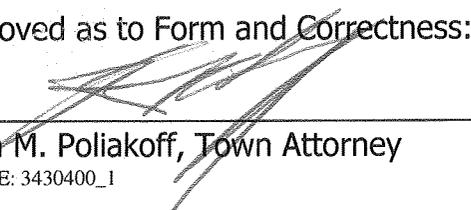
Ayes	<u>4</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>1</u>

  
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Jeff Nelson, Mayor

ATTEST:

  
\_\_\_\_\_  
Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:

  
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Keith M. Poliakoff, Town Attorney  
ACTIVE: 3430400\_1