



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

OFFICIAL AGENDA

SPECIAL COMMISSION MEETING NORTH BAY VILLAGE 1700 KENNEDY CAUSEWAY, #132 NORTH BAY VILLAGE, FL 33141

JANUARY 15, 2013 – 7:30 P.M.

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PARTIES THAT IF ANY PERSON SHOULD DECIDE TO APPEAL ANY DECISION MADE AT THE FORTHCOMING MEETING OF THE COMMISSION OF NORTH BAY VILLAGE, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION OR A SIGN LANGUAGE INTERPRETER TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT (305) 756-7171 NO LATER THAN FOUR DAYS PRIOR TO THE PROCEEDING. IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS AT (800) 955-8771 (TDD) OR (800) 955-8700 (VOICE) FOR ASSISTANCE.

1. **CALL TO ORDER.**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PUBLIC HEARING:**
 - A. **A REQUEST BY JOAQUIN RAMIREZ FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A BOAT, JET SKI, KAYAK RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA. (CONTINUED FROM JANUARY 10, 2013 REGULAR COMMISSION MEETING)**
 - 1.) **Commission Action**

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Page 1 of 2
Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

5. VILLAGE ATTORNEY REPORT

- A. REQUEST FOR EXECUTIVE SESSION: MARK WEINSTEIN V. CITY OF NORTH BAY VILLAGE, MATTHEW SCHWARTZ, JAMES MCVAY, AND GUSTAVO CRUZ, CASE NO. 13-CV-20064-PCH, UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT MIAMI DIVISION.

6. ADJOURNMENT

RESOLUTION NO. _____

A RESOLUTION OF THE VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY JOAQUIN RAMIREZ FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A BOAT, JET SKI, KAYAK RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILALGE, 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 DENNIS KELLY)

WHEREAS, pursuant to Sections 152.098 of North Bay Village Code of Ordinances (the "Village Code"), Joaquin Ramirez has applied to North Bay Village for approval of a special use exception to operate a boat, jet ski, kayak rental business at the Commercial Marina at 7904 West Drive, Harbor Island, North Bay Village, Florida; 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 an application 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 Tuesday, December 18, 2012, at 7:30 P.M. at the North Bay Village Commission Chambers, The Lexi, 1700 Kennedy Causeway, #132, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request; and

HACU

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for Tuesday, January 8, 2013, at 7:30 P.M. at the North Bay Village Commission Chambers, The Lexi, 1700 Kennedy Causeway, #132, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

WHEREAS, the hearing was continued to a Special Village Commission Meeting on January 15, 2013; and

WHEREAS, the Commission has reviewed the application, and considered the recommendations 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 VILLAGE 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 for operating a boat, jet ski, kayak rental business at the commercial marina at 7904 West Drive will not substantially affect adversely the uses permitted in these regulations of adjacent property.

4A(2)

Section 3. Grant.

The special use request to permit a boat, jet ski, kayak rental business at 7904 West Drive North Bay Village, Florida is hereby granted.

Section 4. Conditions.

The special use exception is granted subject to the following conditions:

1. Access to the boat rental business and to the marina must be provided without restrictions.
2. Fueling or refueling the jet skis (personal watercraft) or other watercraft cannot be done by hand on-site but must be done only at an authorized or permitted fueling station consistent with Section 150.12(D). No storage of gasoline or motor fuels shall be allowed on the property involved in the rental of the jet skis (personal watercraft) or for the use of other watercraft.

150.12 - Marinas.

- (D) No marina within the limits of the city shall be permitted to obtain a license, or renewal of a license, unless the areas where boats, vessels, and houseboats are fueled, and, otherwise re-provisioned, are completely separate and apart from the sites for mooring the boats, vessels, or houseboats. Any line, pipe, or other conduit carrying inflammable fuel or other fluid shall be prohibited from running adjacent to any area used as a site for mooring a boat, vessel, or houseboat in the marina, and the City Manager shall be required to examine the facilities and to approve same as being safe before any license shall be issued or renewed
3. The hours of operation for this special use exception shall be confined to 10:00 am to 6:00 pm.
4. Required parking shall be 15 spaces dedicated to parking for employees, visitors and patrons of the marina.

The owner shall provide a legally binding agreement acceptable to the Village Attorney (e.g., covenant running with the land) that will dedicate 15 parking spaces for the exclusive use of the marina for as long as the marina is in existence.

The agreement shall run to the benefit of the Village and shall be binding upon any heirs, successors and assigns. The agreement may be terminated only upon agreement of the village manager or his designee, which may be granted upon termination of the special use exception activity or upon a finding that the use otherwise satisfies the off-street parking requirements established by the Code or Village Commission.

Termination of any parking arrangement or loss of provided parking without the provision of alternative parking arrangement to the Village shall terminate the approval.

5. When jet skis, kayaks and paddle boards are on-site and not in use, they shall remain secured in a manner which deters theft and prevents harm to the docks and other vessels.
6. All speed, noise and no-wake regulations within the Biscayne Bay Aquatic Preserve shall be adhered to.
7. The operations of jet skis (personal watercraft) shall adhere to the vessel regulations of Chapter 327 Florida Statutes.
8. Cost recovery charges 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.
9. This special use exception approval prohibits commercial vessels as stated in Section 152.30C(2)(e) and defined by Chapter 327.02 Florida Statutes.

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 motion to adopt the foregoing Resolution with the conditions outlined in the accompanying Staff Report was offered by _____, seconded by _____.

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps	_____
Vice Mayor Eddie Lim	_____
Commissioner Richard Chervony	_____
Commissioner Wendy Duvall	_____
Commissioner Jorge Gonzalez	_____

PASSED AND ADOPTED this ___ day of January, 2013.

Connie Leon-Kreps, Mayor

4A(5)

ATTEST:

Yvonne P. Hamilton, CMC
Village Clerk

**APPROVED AS TO FORM FOR THE USE OF
NORTH BAY VILLAGE:**

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
Village Attorney

North Bay Village Resolution: Special Use Exception by Joaquin Ramirez-Boat, Jet Ski, Kayak Rental-7904 West Drive.

HA(6)



Staff Report Special Use Exception Request

*Prepared for: North Bay Village
Village Commission*

Applicant: Joaquin Ramirez

*Request: Operate Boat Rental Business from the
Marina Located at 7904 West Drive*



Serving Florida Local Governments Since 1988

AA(7)

1/11/2013



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MEMORANDUM North Bay Village

DATE: January 13, 2013

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: *Dennis Kelly*
Dennis Kelly, Village Manager

SUBJECT: Introduction of Resolution

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Resolution:

A RESOLUTION OF THE VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY JOAQUIN RAMIREZ FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A BOAT, JET SKI, KAYAK RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILALGE, 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.

Accordingly, please place the item on the next available agenda.

DK:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

HA(8)

General Information

Owner/Applicant:	Joaquin Ramirez
Applicant Address:	7601 East Treasure Drive, North Bay Village
Site Address:	7904 West Drive, North Bay Village
Contact Person:	Joaquin Ramirez
Applicant/Contact Phone Number:	(305) 218-2249
E-mail Address	

Future Land Use Map Classification	Commercial and High Density Multi-Family Residential
Zoning District	General Commercial and RM-70
Use of Property	Condominium and Marina
Acreage	

Legal Description of Subject Property:

BAYSHORE YACHT & TENNIS CLUB CONDO
DESC HARBOR ISLAND
PB 44-72 LOTS 4 & 6 OR 10273-191

Item before the Village Commission:

This application was heard before the Planning & Zoning Board on December 18th and is for a special use exception, the operation of a boat rental business from the marina located at 7904 West Drive. This business will include rentals of boats, jet skis, kayaks and paddle boards. The operation of the applicant's business is extensive enough to be considered a material change of the marina operation as originally approved. After much discussion concerning the limited amount of parking on-site for the existing commercial units, the Planning and Zoning Board recommended approval by a 5-0 vote for the special exception use including all of the recommended staff conditions.

NOTE: For the purpose of this analysis, jet skis are included in the general category of personal watercraft and as such are governed by state regulations.

4A(9)



Description of the Situation

The applicant would like to:

- Lease 7 mooring spaces and 6 dock slips for a period of 24 months from the Bayshore Yacht & Tennis Center Marina
- Lease 14 parking spaces at the adjacent parking lot located at 7913 West Drive
- Rent out motor vessels (boats and jet skis) as well as kayaks and paddle boards
- Provide safety instruction classes
- Provide boat operating lessons
- Provide the option to hire a licensed captain.
- Provide sightseeing and fishing charters
- Provide guided jet ski tours (which will be the only rental of jet skis)
- Store jet skis, kayaks and paddle boards aboard a 60' aluminum hull boat docked at the marina
- Utilize two onsite employees; a dock master and a dock hand
- Utilize a 24 hour surveillance camera and tracking devices for security purposes

No overnight operations will take place for this requested business.

It appears that the docks and mooring spaces, from which the applicant wishes to rent watercraft, are in the CG Zoning District in which both the yacht club and marina are listed as special use exceptions. The boat rental business is an additional marina/commercial recreational special use exception for this location. As stated above it included several ancillary uses that are water related.

We have confirmed that the marina is a commercial marina which is a requirement to allow such a use. A tax receipt has been provided for the business license to verify that this is a commercial marina. A special use exception granting the right to operate a jet ski tour business at this location has been previously approved for this site. Jet ski rentals are also included in this special use approval request.

Specific Village regulations have been included with this staff report to demonstrate what requirements need to be met in order for this special use exception to be approved.

HA(10)



Adjacent Future Land Use Map Classifications and Zoning Districts

North:	Future Land Use Map Classification:	High Density Multi-Family Residential
	Zoning District:	RM-70
	Existing Land Use:	Condominium
East:	Future Land Use Map Classification:	High Density Multi-Family Residential
	Zoning District:	RM-70
	Existing Land Use:	Condominium
South:	Future Land Use Map Classification:	Commercial
	Zoning District:	General Commercial
	Existing Land Use:	Restaurant
West:	Future Land Use Map Classification:	None
	Zoning District:	Biscayne Bay
	Existing Land Use:	Biscayne Bay

Consistency with the Comprehensive Plan:

The boat rental business use including the various water related sub-uses is allowed both under the Future Land Use Element of the Village's Comprehensive Plan and the Commercial General Zoning District. The special use exception is therefore consistent with the City's Comprehensive Plan.

4A(11)



Consistency with Land Development Code (LDC):

Marinas are allowed under Section 152.030(C)(2)(f) which reads as follows:

152.030(C)

Special uses permitted. Uses permitted upon approval of the City Commission in accordance with the provisions pertaining to use exceptions.

(1) Fast order food establishments.

(2) Marinas, provided that the following provisions are adhered to:

- a) No docks or piers, including mooring piles, catwalks, and other appurtenances, shall be constructed closer than ten feet to any adjacent property line.
- b) In no case shall a dock or pier project more than ten percent into the width of any waterway.
- c) Where a marina is constructed separately from any other use, 50 square feet of landscaped open space shall be required per boat slip, 50 percent of which shall be pervious area.
- d) Fire prevention and fire control equipment shall be provided as required by Chapter 3805.5 through 3807.26 of the South Florida Building Code.
- e) In conjunction with the dockage of moorage of vessels, the following water-related activities, vessels and structures are prohibited:
 1. Commercial vessels.
 2. Haul-out facilities for major boat repair or overhaul work.
 3. Unscreened storage of boating supplies or accessories in the required front yard setback area.
 4. Permanent live-aboard vessels except as required for work or security purposes.
- f) All the requirements, standards, and regulations of §§ 150.01 through 150.03, 150.10 through 150.12 and 150.15 through 15.21 of the City Code shall be complied with.

HALIZ



Section 152.098, Use Exceptions, provides the authority for the Village Commission to approve, conditionally approve, or disapprove special use exception applications. Exceptions as set forth below:

§ 152.098 - Use exceptions.

- A. In order to provide for adjustment in the relative locations of uses and buildings of the same or of different classifications; to promote the usefulness of these regulations as instruments for fact-finding, interpretation, application, and adjustment; and to supply the necessary flexibility to their efficient operation, special use exceptions are permitted by these regulations.

- B. The City Commission may permit the following buildings and uses as special exceptions, provided there are clear indications that such exceptions will not substantially affect adversely the uses permitted in these regulations of adjacent property.
 - (1) Day nursery.
 - (2) Religious institution.
 - (3) Private or commercially operated swimming pools or tennis courts, when not a permitted accessory use, and commercial recreational facilities.
 - (4) Exposition center, civic center, art gallery.
 - (5) Golf course, marina.
 - (6) Public buildings and facilities.
 - (7) Public utilities or public service uses, and appurtenances thereto.
 - (8) Structural alterations to special uses, after these uses are approved by the City Commission.
 - (9) Other special uses as may be enumerated in specific zoning districts.
 - (10) Reserved.

HA(13)



Potential Impacts Upon Adjacent Properties:

The primary factors associated with a boat rental use that would most likely affect nearby properties are the capability of the facility to accommodate parking during the peak periods of demand and the noise created by the vessels. Following is the Staff analysis of the impacts of the proposed use on adjacent properties:

- A. **Parking.** The Applicant has an agreement with the property owner to lease 14 parking spaces. We understand that at one time these parking spaces, and others in the same parking lot, were considered to be counted towards the parking requirement for the residential and commercial units that were part of the original development approval. Upon investigation subsequent to the Planning Board meeting, we have determined that the Bayshore Yacht and Tennis Club terminated the use of the separate parking lot in 2009. On its face, the elimination of the spaces needed to meet the property's parking requirement appears to be in violation of the provisions of Section 152.041(2), which specifically prohibit such actions.

We are finalizing our research and will be providing additional information regarding the parking proposed by the applicant and the relationship of that parking lot to the Bayshore Yacht and Tennis Club property as soon as possible.

151.26 - Off-street parking regulations.

- (A) Owners and operators of apartments licensed by the City and of hotels or motels licensed by the City are prohibited from requiring tenants or guests of those licensed establishments from requiring the payment of any additional rent or charge for one parking space for each apartment on the premises where the apartments were required to provide spaces for off-street parking under the ordinances in effect at the time the apartments or hotels were constructed.
- (B) The owner and operator of every apartment, hotel, and motel licensed by the City shall be required to provide at least one parking space as a part of the lease or room rental for each tenant or guest leasing or renting the facilities where the apartment, hotel, or motel was constructed in accordance with the provisions of the City Code and the ordinances of the City requiring at least one off-street parking space for each apartment, hotel, or motel room.
- (C) It shall be unlawful for any owner and operator of an apartment, hotel, or motel licensed by the City to make any additional charge or require additional rental for the first parking space referred to in the preceding divisions of this section or to reduce the rental or charges to any tenant or guest not utilizing the parking spaces.



- (D) It shall be unlawful for any person, firm, or corporation to interfere with, or block ingress, egress, or the interior drive of any parking area constructed in accordance with the off-street parking provisions of the zoning ordinance of the City which are currently in effect or which were in effect at the time the off-street parking plan was approved by the City.
- (E) It shall be unlawful for any person, firm, or corporation owning, leasing, or occupying the premises which incorporate an off-street parking area authorized under the provisions of the Zoning Code of the City to permit interference with ingress, egress, or the interior drive of the off-street parking area.
- (F) Any person, firm, or corporation owning or operating an apartment, hotel, or motel licensed by the City that is in compliance with the provisions of divisions (A), (B) and (C) above is hereby authorized to designate individual parking spaces in the approved off-street parking area of the premises for individual tenants, guests, or units, and it shall be unlawful for any person, firm, or corporation, not so designated or otherwise authorized to use the parking spaces that have been so designated by appropriate sign stating
- (G) Any person violating the provisions of this section shall be subject to the maximum penalty provided by the Charter.

Number of spaces needed.

The applicant has stated that three (3) jet skis will be stored atop one of the larger vessels docked at the marina. The current parking requirement is one parking space for each dock or mooring space based on occupancy of one vessel per dock. Further, in the case of jet skis, the Village Commissioners have ruled that one parking space must be provided for each two rental jet skis. Therefore, to accommodate the 13 docking spaces and the three jet skis, 15 parking spaces must be provided.

As a result, the applicant must secure the use of one more parking space than the 14 referenced above in order to ensure that customers and employees will not create a parking problem for the adjacent properties. The applicant and property owner have stated that parking for the marina will be located across the street, behind a locked gate, only opened when employees or customers arrive.

4A(15)



B. Safety and Noise Impacts. All vessels operating within the state waters of Florida are governed by state statute. Chapter 327.60(2)(d) which states that a local government cannot "discriminate against personal watercraft" so there are limits as to how to regulate personal watercraft.

Chapter 327 – VESSEL SAFETY

327.60 Local regulations; limitations.—

- (2) Nothing in this chapter or chapter 328 shall be construed to prevent the adoption of any ordinance or local regulation relating to operation of vessels, except that a county or municipality shall not enact, continue in effect, or enforce any ordinance or local regulation:
- (a) Establishing a vessel or associated equipment performance or other safety standard, imposing a requirement for associated equipment, or regulating the carrying or use of marine safety articles;
 - (b) Relating to the design, manufacture, installation, or use of any marine sanitation device on any vessel;
 - (c) Regulating any vessel upon the Florida Intracoastal Waterway;
 - (d) Discriminating against personal watercraft

Noise is a valid concern of vessels operating in state waters of Florida and is also governed by state statute. This includes personal watercraft and is specifically dealt with in Chapter 327.65(1).

327.65 Muffling devices.

- (1) The exhaust of every internal combustion engine used on any vessel operated on the waters of this state shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. The use of cutouts is prohibited, except for vessels competing in a regatta or official boat race, and for such vessels while on trial runs.

HA(16)



Recommendation:

Based upon the foregoing analysis and findings, Staff recommends that the application be **approved** with the following stipulations:

1. Access to the boat rental business and to the marina must be provided without restrictions.
2. Fueling or refueling the jet skis (personal watercraft) or other watercraft cannot be done by hand on-site but must be done only at an authorized or permitted fueling station consistent with Section 150.12(D). No storage of gasoline or motor fuels shall be allowed on the property involved in the rental of the jet skis (personal watercraft) or for the use of other watercraft.

150.12 - Marinas.

- (D) No marina within the limits of the city shall be permitted to obtain a license, or renewal of a license, unless the areas where boats, vessels, and houseboats are fueled, and, otherwise re-provisioned, are completely separate and apart from the sites for mooring the boats, vessels, or houseboats. Any line, pipe, or other conduit carrying inflammable fuel or other fluid shall be prohibited from running adjacent to any area used as a site for mooring a boat, vessel, or houseboat in the marina, and the City Manager shall be required to examine the facilities and to approve same as being safe before any license shall be issued or renewed
3. The hours of operation for this special use exception shall be confined to 10:00 am to 6:00 pm.
4. Required parking shall be 15 spaces dedicated to parking for employees, visitors and patrons of the marina.

The owner shall provide a legally binding agreement acceptable to the Village Attorney (e.g., covenant running with the land) that will dedicate 15 parking spaces for the exclusive use of the marina for as long as the marina is in existence.

The agreement shall run to the benefit of the Village and shall be binding upon any heirs, successors and assigns. The agreement may be terminated only upon agreement of the village manager or his designee, which may be granted upon



termination of the special use exception activity or upon a finding that the use otherwise satisfies the off-street parking requirements established by the Code or Village Commission.

Termination of any parking arrangement or loss of provided parking without the provision of alternative parking arrangement to the Village shall terminate the approval.

5. When jet skis, kayaks and paddle boards are on-site and not in use, they shall remain secured in a manner which deters theft and prevents harm to the docks and other vessels.
6. All speed, noise and no-wake regulations within the Biscayne Bay Aquatic Preserve shall be adhered to.
7. The operations of jet skis (personal watercraft) shall adhere to the vessel regulations of Chapter 327 Florida Statutes.
8. Cost recovery charges 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.
9. This special use exception approval prohibits commercial vessels as stated in Section 152.30C(2)(e) and defined by Chapter 327.02 Florida Statutes.

327.02 Definitions of terms used in this chapter and in chapter 328.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(5) "Commercial vessel" means:

- (a) Any vessel primarily engaged in the taking or landing of saltwater fish or saltwater products or freshwater fish or freshwater products, or any vessel licensed pursuant to s. 379.361 from which commercial quantities of saltwater products are harvested, from within and without the waters of this state for sale either to the consumer, retail dealer, or wholesale dealer.
- (b) Any other vessel, except a recreational vessel as defined in this section.



- (34) "Recreational vessel" means any vessel:
- (a) Manufactured and used primarily for noncommercial purposes; or
 - (b) Leased, rented, or chartered to a person for the person's noncommercial use.



10. If it is determined that the adjacent off-site parking lot is no longer required parking for the Bayshore Yacht and Tennis Club Condominium prior special use exceptions for this property shall be restricted to parking located at the off-site parking lot.

Submitted by:

James L. LaRue

James L. LaRue, AICP
Planning Consultant

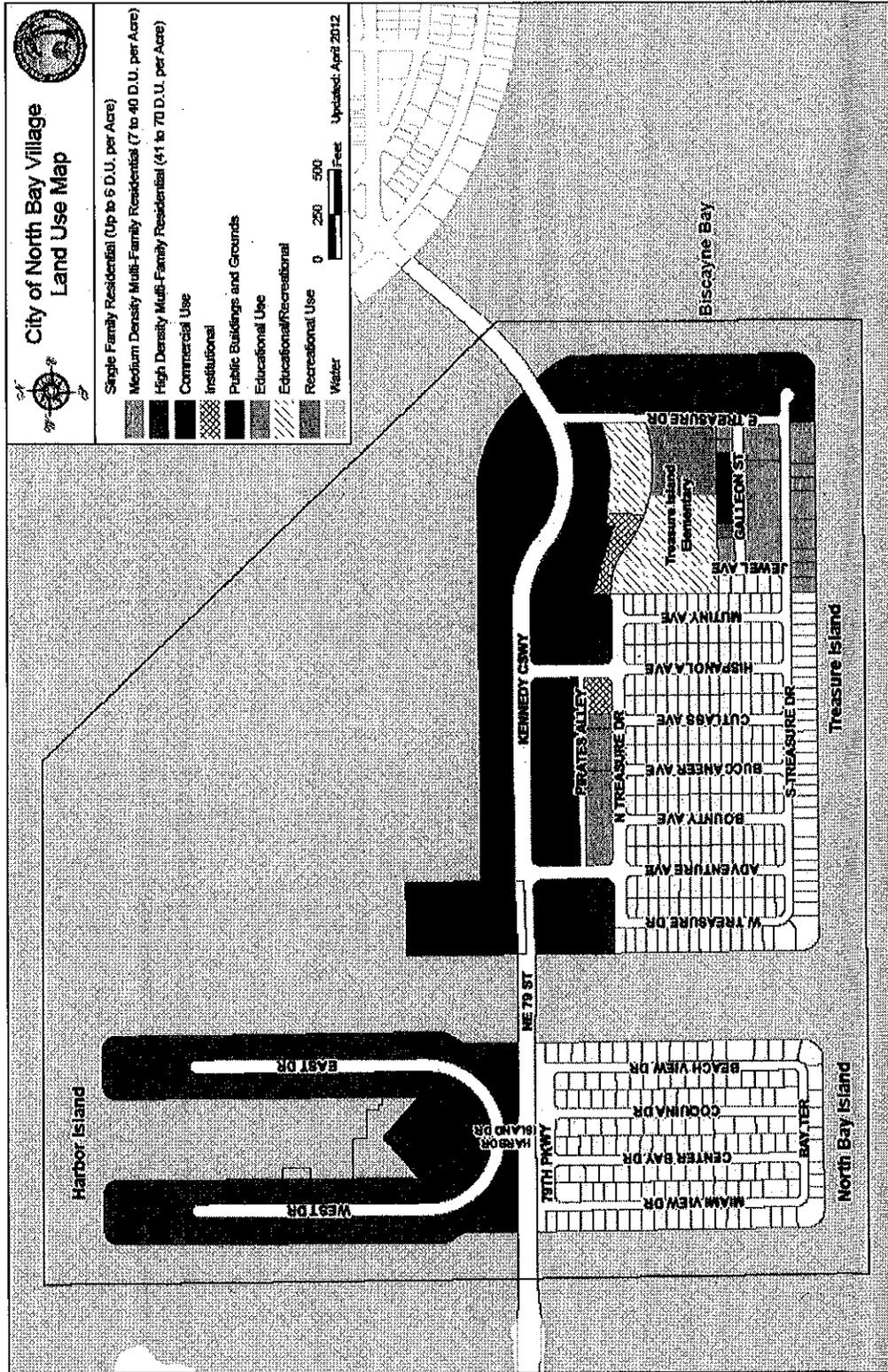
December 26, 2012

Hearing: Village Commission, January 8, 2013

Attachments: Future Land Use Map
Zoning Map
Aerial photographs



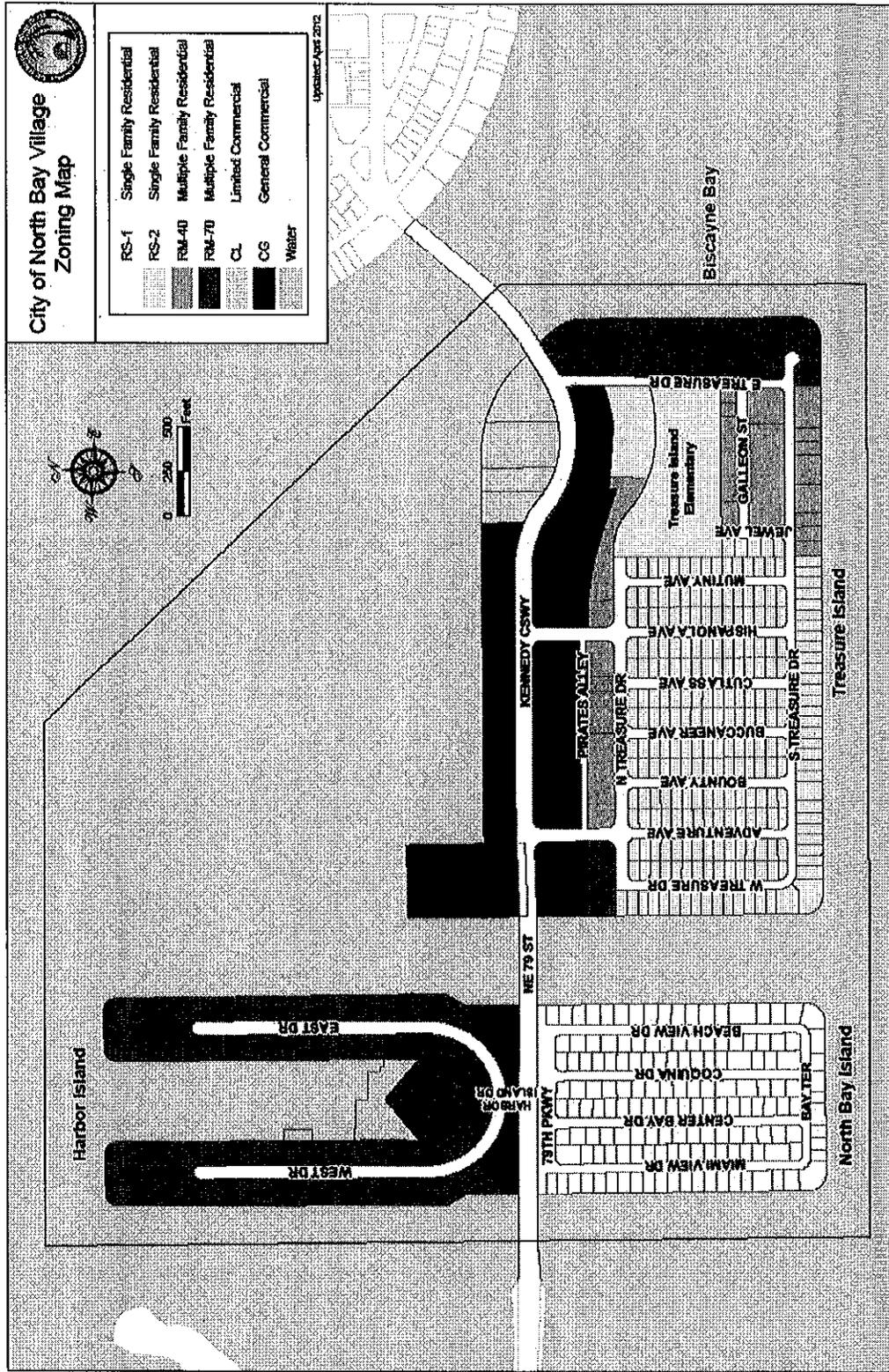
**FUTURE LAND USE
SUBJECT SITE AND ENVIRONS**



HA(21)



**ZONING
SUBJECT SITE AND ENVIRONS**



4/A(22)



**AERIAL PHOTOGRAPH
SUBJECT SITE AND ENVIRONS**



miamidade.gov

Property Information Map



Aerial Photography - 2009

This map was created on 5/1/2012 9:35:03 AM for reference purposes only.

Web Site © 2002 Miami-Dade County. All rights reserved.

Summary Details:

Folio No.:	23-3209-026-0001
Property:	
Mailing Address:	REFERENCE ONLY

Property Information:

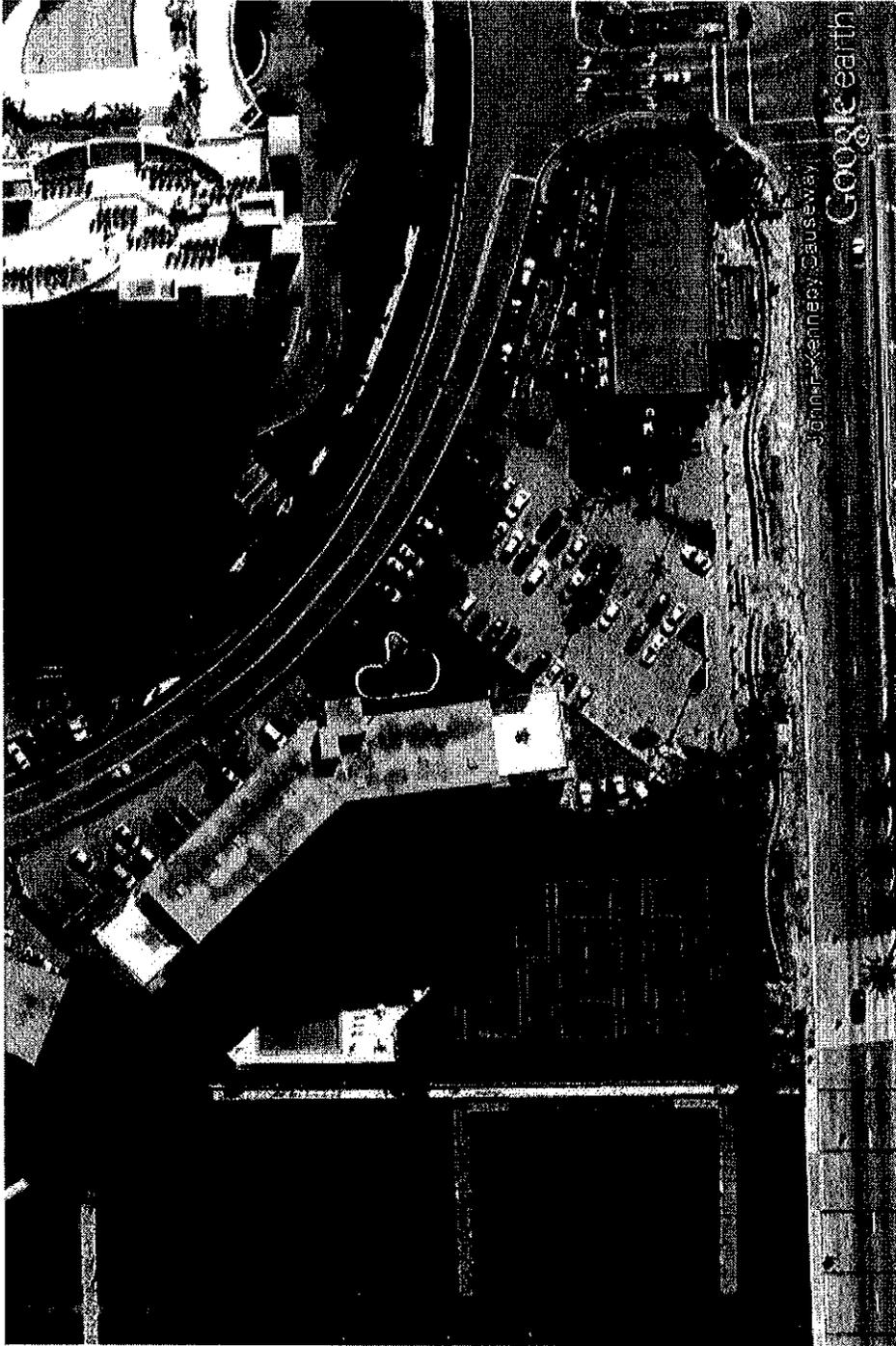
Primary Zone:	8200 ARTERIAL BUSINESS
CLUC:	0000 REFERENCE ONLY
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	0
Year Built:	0
Legal Description:	BAYSHORE YACHT & TENNIS CLUB CONDO DESC HARBOR ISLAND PB 44-72 LOTS 4 & 6 OR 10273-191

Assessment Information:

Assessment Information:	INFORMATION NOT AVAILABLE
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HA(23)





Google earth
feet
meters

100
400

A

HA(24)





HAC(25)





Date: January 3rd, 2013

From: Joaquin Ramirez

To: City Of North Bay Village & James G. LaRue

Subject: Captain Joe's Boat Rentals Request of "Special Use Exception"

Please note we've been provided with the required amount of parking spots (15 spots) needed to run our business. As per the parking concerns brought up during the Planning & Zoning Board meeting, its clear that is a separate matter which does not pertain to our request for Special Use Exception.

Although we sympathize with the Magic Grooming & Pet Resort Owner and Residents of the Bayshore Yacht and Tennis Club Condominium with their parking situation, this is clearly a civil matter between the above named and the property owner of the parking lot.

We have comply and submitted all the necessary paper work requested and required by the City of North Bay Village and have waited two months to attain a Certificate of Use/Occupations Permit in order to properly run a business which we strongly believe compliments the City of North Bay Village and its residents.

Having said that, we look forward to the Scheduled Commission Meeting on January 8th, 2013.

Best Regards,

Joaquin Ramirez

4A(26)

Yvonne Hamilton

From: Maria Garcia [mariagarcia.bayshore415@yahoo.com]
Sent: Monday, December 17, 2012 1:02 PM
To: Yvonne Hamilton
Subject: Hearing 12/18/2012 Marina 7904 West Dr.,

Yvonne,

I would like to request agenda and all attachments from Planning and Zoning and Regular Commission meetings pertaining to the Hearing regarding Bayshore Yacht and Tennis Club Marina, located at 7904 West Dr. Kindly, please email me the information at your earliest convenience.

First of all, I would like to see restrictions being imposed by the City (no boathouses, no live aboards, clean up after hurricanes, etc)

Also, I would like to see measurements the City will take against the marina owner if a hurricane wipes out the marina and the cleaning of debris is not performed within a "reasonable time" (within a year or so, for example). It is in the best interest of the unit owners and residents of Bayshore that a measure is imposed "apriori" of granting occupancy to the rental of slips to motor boats and sail boats. Otherwise, the City has no recourse against the marina owner, - since DERM is in charge of allowing a new marina to be constructed after destruction and they do not have any power to "make" the owner clean up unless a new permit to reconstruct the marina is requested. In the meantime, FIVE YEARS go by and the debris and sunken boats created a horrific water view that devaluated the prices of our properties.

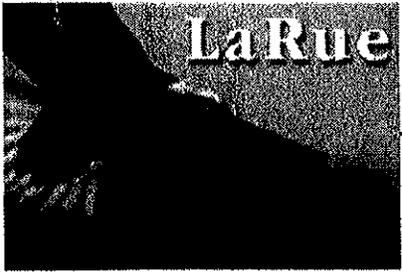
It has been our experience at Bayshore Condominium to see that the debris were not cleaned out for years after Hurricane Wilma hit South Florida in October of 2005. There was a half way "sunken" boat sitting on the bottom of the marina half way "sunken" for over FIVE YEARS !!. Even after Rick Nielsen, then President of the Condominium sent a letter to the City of North Bay Village, nothing was accomplished by the City. It took Mr. Coletta over five years to clean the Marina !! . It is not fair to the rest of us living in the adjacent CONDOMINIUM property of 163 residential units... that the make mistake is repeated twice.

Kindly, please provide a copy of this email to the City Manager, City Planner and the members of Planning and Zoning Board and the Mayor, Vice-Mayor and Commissioners of North Bay Village to be placed in the files referenced above.

Awaiting your response, I remain. Thank you.

Maria Garcia
Bayshore Yacht and Tennis Club
7904 West Dr, #817
North Bay Village, FL 33141

HA(27)



Memorandum

To: Joaquin Ramirez (Captain Joe)
From: James G. LaRue
Date: December 28, 2012
Subject: **Boat Rental Special Use Exception**

As you know, there were concerns presented at the Planning & Zoning Board meeting about the lack of parking at the Bayshore Yacht and Tennis Club for existing uses at that site. Upon investigation, subsequent to the Planning & Zoning Board meeting, it appears that at some point in the past, the property owner separated the parking spaces in the remote lot from the residential uses. In fact, he may also be leasing spaces within the parking garage. On their face, these actions appear to be in violation of the provisions of §151.26 and §152.041(2), which specifically prohibit such acts. The Village is investigating the prior relationship of the parking lot to the entire site as it is not clear whether the parking lot is required to fulfill parking requirements for the existing uses at the Bayshore Yacht and Tennis Club Condominium.

Based upon the above facts, we have requested that the Village Commission defer your special exception use request to the February 12th scheduled Commission meeting. This will give staff time to determine whether there is adequate and sufficient parking available to serve your proposed special exception use request. You may wish to obtain from the owner a current parking inventory of all spaces on site and also the total number of parking spaces in the separate lot across the street and provide any evidence of a legal separation of the parking lot from the Yacht and Tennis Club site plan approval. Please call me if there are any questions

CC: Dennis Kelly, Village Manager
Jenice Rosado, Deputy Village Manager
Yvonne Hamilton, Village Clerk
Nina Boniske, Village Attorney
Kathryn Mehaffey, Assistant Village Attorney
Al Coletta, Property Owner



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

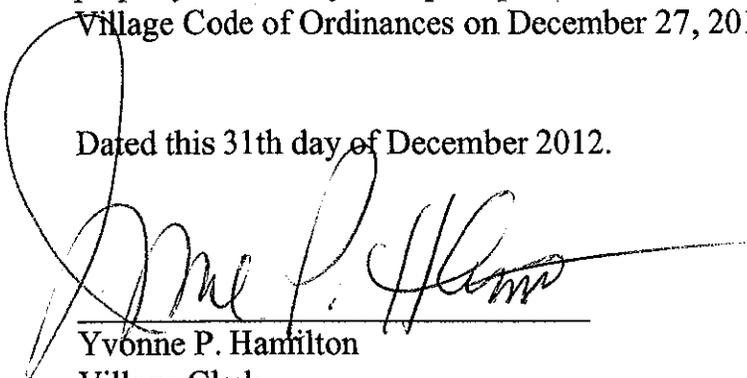
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

Re: Joaquin Ramirez
7904 West Drive (Marina)
Harbor Island
North Bay Village, FL 33141

Request for Site Plan Approval to operate a Boat Rental Business
at the Marina at 7904 West Drive

I, Yvonne P. Hamilton, Village Clerk, hereby certify that the attached Notice of Public Hearing was mailed to property owners and residents within 300 feet of the property of the subject request pursuant to Section 152.096(A)(2) of the North Bay Village Code of Ordinances on December 27, 2012.

Dated this 31th day of December 2012.



Yvonne P. Hamilton
Village Clerk

(North Bay Village Commission Meeting-1/8/2013)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

4A(29)



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

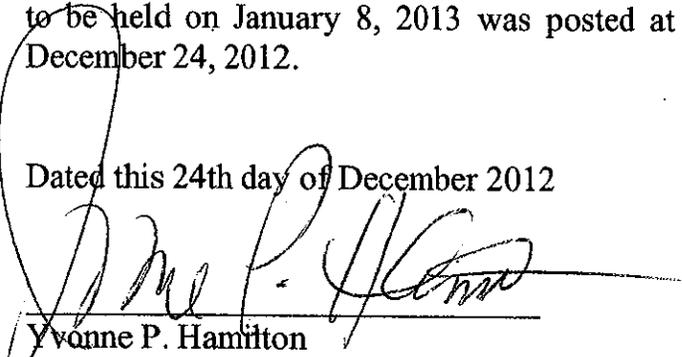
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

Re: Joaquin Ramirez
7904 West Drive (Marina)
Harbor Island
North Bay Village, FL 33141

Request for Site Plan Approval to operate a Boat Rental Business
at the Marina at 7904 West Drive

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing
to be held on January 8, 2013 was posted at the above-referenced property on
December 24, 2012.

Dated this 24th day of December 2012


Yvonne P. Hamilton
Village Clerk

(North Bay Village Commission Meeting-1/8/2013)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

4A(30)



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

NORTH BAY VILLAGE **NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JANUARY 8, 2013** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, IN THE COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING:

1. A REQUEST BY JOAQUIN RAMIREZ FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A BOAT, JET SKI, KAYAK RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA.

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1700 KENNEDY CAUSEWAY, #132, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

4A(31)

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 604-2489 (VOICE), (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(December 24, 2012)

OWNER/OCCUPANT
7904 WEST DR., APT 103
N. BAY VILLAGE, FL
33141

OWNER/OCCUPANT
7904 WEST DR., APT 104
N. BAY VILLAGE, FL
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OWNER/OCCUPANT
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N. BAY VILLAGE, FL 33141

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4A(33)

www.avery.com
1-800-GO-AVERY

OWNER/OCCUPANT
7904 WEST DR., APT 704
N. BAY VILLAGE, FL 33141

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OWNER/OCCUPANT
7904 WEST DR., APT 501
N. BAY VILLAGE, FL 33141

HA(34)

OWNER/OCCUPANT
7904 WEST DR., APT 917
N. BAY VILLAGE, FL 33141

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N. BAY VILLAGE, FL 33141

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7904 WEST DR., APT 1015
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1017
N. BAY VILLAGE, FL 33141

Indigo Lofts Development, LLC
C/O Scott Greenwald
7301 S.W. 57th Court, #565
Miami, FL 33143

OWNER/OCCUPANT
7904 WEST DR., APT 1016
N. BAY VILLAGE, FL 33141

BUSINESS OWNER
7904 WEST DR., STE 3
N. BAY VILLAGE, FL 33141

BUSINESS OWNER
7904 WEST DR., STE 4
N. BAY VILLAGE, FL 33141

BUSINESS OWNER
7904 WEST DR., STE 2
N. BAY VILLAGE, FL 33141

BAYSHORE YACHT &
TENNIS CLUB CONDO
7904 WEST DR., OFFICE
N. BAY VILLAGE, FL 33141

Shell Gas Service
C/O NV FAA LC
1345 Kennedy Causeway
N. Bay Village, FL 33141

Business Owner
1335 Kennedy Causeway
N. Bay Village, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 316
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 100
N. BAY VILLAGE, FL
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OWNER/OCCUPANT
7910 WEST DR., APT 202
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 203
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 204
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 205
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 206
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 207
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 208
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 209
N. BAY VILLAGE, FL 33141

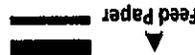
OWNER/OCCUPANT
7910 WEST DR., APT 210
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 211
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 212
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 214
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 215
N. BAY VILLAGE, FL 33141



OWNER/OCCUPANT
7910 WEST DR., APT 216
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 301
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 302
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 303
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 304
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 305
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 306
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 307
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 308
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 309
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
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N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 311
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 312
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 314
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 315
N. BAY VILLAGE, FL 33141



4A(39)

Owner/Occupant
360 Harbor Island Drive, #5
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #9
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #8
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #1
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #12
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #14
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #6
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #2
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #11
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #10
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #3
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #4
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #13
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #7
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1406
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1521
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH21
North Bay Village, FL 33141

Owner/Occupant
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North Bay Village, FL 33141

Owner/Occupant
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North Bay Village, FL 33141

Owner/Occupant
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Owner/Occupant
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North Bay Village, FL 33141

Owner/Occupant
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Owner/Occupant
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Owner/Occupant
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North Bay Village, FL 33141

Owner/Occupant
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North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH4
North Bay Village, FL 33141

HA(40)



Owner/Occupant
7900 Harbor Island Drive, #1526
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #708
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1511
North Bay Village, FL 33141

Owner/Occupant
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Owner/Occupant
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North Bay Village, FL 33141

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Owner/Occupant
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Owner/Occupant
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North Bay Village, FL 33141

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Easy Peel® Labels
Use Avery® Template 5160®
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Owner/Occupant
7900 Harbor Island Drive, #811
North Bay Village, FL 33141

Owner/Occupant
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7900 Harbor Island Drive, #1212
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH25
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7900 Harbor Island Drive, #625
North Bay Village, FL 33141

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North Bay Village, FL 33141

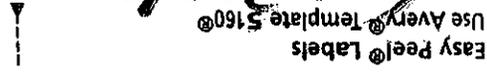
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Owner/Occupant
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Owner/Occupant
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Owner/Occupant
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Owner/Occupant
7914 Harbor Island Drive, #205
North Bay Village, FL 33141

NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JANUARY 8, 2013** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, IN THE COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING:

1. A REQUEST BY MANUEL MARTINEZ/SUBWAY ON BEHALF OF PUBLIC STORAGE FOR A SPECIAL USE EXCEPTION, PURSUANT TO SECTIONS 152.030(C)(1) AND 152.098 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO OPERATE A FAST ORDER FOOD ESTABLISHMENT (SUBWAY) AT 1570 - 79th STREET CAUSEWAY, LOTS 19 THROUGH 21 & W1/2 OF LOT 22 & S75FT OF E1/2 LOT 22 & S75FT OF LOT 23 & S75FT OF W1/2 OF LOT 24 BLOCK 1 OF COMMERCIAL ADDITION TO TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, WITHIN THE CG, GENERAL COMMERCIAL ZONING DISTRICT.
2. A REQUEST BY JOAQUIN RAMIREZ FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A BOAT, JET SKI, KAYAK RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA.
3. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 32 "DEPARTMENTS AND BOARDS" OF THE VILLAGE CODE OF ORDINANCES TO CHANGE THE "YOUTH SERVICES BOARD" TO "YOUTH AND EDUCATION SERVICES BOARD" AND TO REVISE THE REQUIREMENTS AND DUTIES OF THE BOARD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1700 KENNEDY CAUSEWAY, #132, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 604-2489 (VOICE), (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE R. HAMILTON, CMC
VILLAGE CLERK
(December 19, 2012)



CITY OF SUNNY ISLES BEACH SPECIAL CITY COMMISSION MEETING NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City Commission of the City of Sunny Isles Beach, Florida, in the David P. Samsom Commission Chambers, Sunny Isles Beach Government Center, 18070 Collins Avenue, Sunny Isles Beach, Florida on Tuesday, January 8, 2013 at 6:30 p.m., to consider the following Zoning application:

Application: Jade Signature a/k/a Jade 4
Location: 16876 & 16901 Collins Avenue
Public Hearing #: Z2012-18

Summary:

The Applicant is requesting site plan approval for a fifty-five (55) story condominium building with 223 dwelling units located at 16876 and 16901 Collins Avenue. The Applicant is requesting a Transfer of Development Rights (TDR) in the amount of 149,477 square feet of development rights and 81 units from private TDR Bank accounts. Further, the Applicant is requesting approval of a mural and graphics for a temporary construction fence.

Requests:

1. Pursuant to Section 265-18 of the City of Sunny Isles Beach Land Development Regulations, the Applicant is requesting a site plan approval for a fifty five (55) story condominium building with 223 dwelling units and 646,978 square feet of Floor Area Ratio (FAR).
2. Pursuant to Section 265-23 of the City of Sunny Isles Beach Land Development Regulations, the Applicant is requesting to approve the utilization of TDRs from a private TDR Bank account in the amount of 149,477 square feet of development rights and 81 dwelling units for the condominium project.
3. Pursuant to Section 265-63.3 (G) of the City of Sunny Isles Beach Land Development Regulations, the Applicant is requesting the use of graphics and murals on a temporary construction fence.

The plans reviewed are on file, and may be examined, in the City Clerk's Office and are entitled "Jade 4", prepared by ADD, Inc. Architecture + Design and Herzog & De Meuron as design Consultants consisting of 40 sheets stamped date received November 26, 2012; the survey entitled "Boundary & Topographic Survey", prepared by Fortin, Leavy, Skiles, Inc., consisting of 2 sheets stamped date received November 26, 2012; the Civil Plan prepared by VSN Engineering, Inc. consisting of 7 sheets stamped date received November 26, 2012; and, the landscape plans by Raymond Jungles, Inc. consisting of 8 sheets stamped date received November 26, 2012.

Legal: Parcel 1. All that part of the North 100 feet of the South 300 feet of Lot 1, of TATUM'S OCEAN PARK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 10 at Page 64 of the Public Records of Miami-Dade County, Florida, extending from the Erosion Control Line of the Atlantic Ocean, said line recorded in Plat Book 134 at Page 47 of the Public Records of Miami-Dade County, Florida to the East right of way of State Road A-1-A (formerly State Road 140), as said road is shown on a Plat thereof, recorded in Plat Book 47 at Page 101, of the Public Records of Miami-Dade County, Florida.

Parcel 2. All that part of the North 100 feet of the South 200 feet of Lot 1, of TATUM'S OCEAN PARK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 10 at Page 64 of the Public Records of Miami-Dade County, Florida, extending from the Erosion Control Line of the Atlantic Ocean, said line recorded in Plat Book 134 at Page 47 of the Public Records of Miami-Dade County, Florida to the East right of way of State Road A-1-A (formerly State Road 140), as said road is shown on a Plat thereof, recorded in Plat Book 47 at Page 101, of the Public Records of Miami-Dade County, Florida.

Parcel 3. The Southerly 100 feet of Lot 1, TATUM'S OCEAN PARK SUBDIVISION, according to the plat thereof, as recorded in Plat Book 10 at Page 64 of the Public Records of Miami-Dade County, Florida, said property described as follows:

Bounded on the West by the East right of way line of Ocean Boulevard (State Road A-1-A and State Road 140), said road recorded in Plat Book 47 at Page 101 of the Public Records of Miami-Dade County, Florida; bounded on the East by the Erosion Control Line of the Atlantic Ocean, said line recorded in Plat Book 134 at Page 47 of the Public Records of Miami-Dade County, Florida; bounded on the North by the Northerly line of the Southerly 100 feet of Lot 1; bounded on the South by the Southerly line of referenced Lot 1.

Size of Property: 2.487 acres (108,317 sq ft)
Zone: Mixed-Use Resort

All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, City of Sunny Isles Beach, 18070 Collins Avenue, Sunny Isles Beach, Florida, 33160. The courts have ruled that it is improper to contact a City Commission member individually, either orally or in writing about any zoning applications. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any zoning hearing may be continued at this meeting and under such circumstances, additional legal notice would not be provided. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the City Clerk at (305) 792-1703. Please refer to the hearing number when making an inquiry. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the City Manager at 305-792-1701, no later than 48 hours prior to the proceeding; if hearing impaired, please telephone the TDD line at 305-792-1690 for assistance.

4A(56)



Staff Report Special Use Exception Request

*Prepared for: North Bay Village
Planning & Zoning Board*

Applicant: Joaquin Ramirez

*Request: Operate Boat Rental Business from the
Marina Located at 7904 West Drive*

LARUE Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-5366

Serving Florida Local Governments Since 1988

4A (57)

General Information

Owner/Applicant:	Joaquin Ramirez
Applicant Address:	7601 East Treasure Drive, North Bay Village
Site Address:	7904 West Drive, North Bay Village
Contact Person:	Joaquin Ramirez
Applicant/Contact Phone Number:	(305) 218-2249
E-mail Address	

Future Land Use Map Classification	Commercial and High Density Multi-Family Residential
Zoning District	General Commercial and RM-70
Use of Property	Condominium and Marina
Acreage	

Legal Description of Subject Property:

BAYSHORE YACHT & TENNIS CLUB CONDO
DESC HARBOR ISLAND
PB 44-72 LOTS 4 & 6 OR 10273-191

Item before the Planning & Zoning Board:

The application to be heard before the Planning & Zoning Board is for a special use exception, the operation of a boat rental business from the marina located at 7904 West Drive. This will include rentals of boats, jet skis, kayaks and paddle boards. The operation of the applicant's business is extensive enough to be considered a material change of the marina operation as originally approved.

NOTE: For the purpose of this analysis, jet skis are included in the general category of personal watercraft and as such are governed by state regulations.



Description of the Situation

The applicant would like to:

- Lease 7 mooring spaces and 6 dock slips for a period of 24 months from the Bayshore Yacht & Tennis Center Marina
- Lease 14 parking spaces at the adjacent parking lot located at 7913 West Drive
- Rent out motor vessels (boats and jet skis) as well as kayaks and paddle boards
- Provide safety instruction classes
- Provide the option to hire a licensed captain.
- Provide sightseeing and fishing charters
- Utilize two onsite employees; a dock master and a dock hand
- Utilize a 24 hr surveillance camera and tracking devices for security purposes

No overnight operations will take place for this requested business.

It appears that the docks and mooring spaces, from which the applicant wishes to rent watercraft, are in the CG Zoning District in which both the yacht club and marina are listed as special use exceptions. The boat rental business is an additional marina/commercial recreational special use exception for this location. As stated above it included several ancillary uses that are water related.

We have confirmed that the marina is a commercial marina which is a requirement to allow such a use. A tax receipt has been provided for the business license to verify that this is a commercial marina. A special use exception granting the right to operate a jet ski tour business at this location has been previously approved for this site. Jet ski rentals are also included in this special use approval request.

Specific Village regulations have been included with this staff report to demonstrate what requirements need to be met in order for this special use exception to be approved.



Adjacent Future Land Use Map Classifications and Zoning Districts

North:	Future Land Use Map Classification:	High Density Multi-Family Residential
	Zoning District:	RM-70
	Existing Land Use:	Condominium
East:	Future Land Use Map Classification:	High Density Multi-Family Residential
	Zoning District:	RM-70
	Existing Land Use:	Condominium
South:	Future Land Use Map Classification:	Commercial
	Zoning District:	General Commercial
	Existing Land Use:	Restaurant
West:	Future Land Use Map Classification:	None
	Zoning District:	Biscayne Bay
	Existing Land Use:	Biscayne Bay

Consistency with the Comprehensive Plan:

The boat rental business use including the various water related sub-uses is allowed both under the Future Land Use Element of the Village's Comprehensive Plan and the Commercial General Zoning District. The special use exception is therefore consistent with the City's Comprehensive Plan.



4A(60)

Consistency with Land Development Code (LDC):

Marinas are allowed under Section 152.030(C)(2)(f) which reads as follows:

152.030(C)

Special uses permitted. Uses permitted upon approval of the City Commission in accordance with the provisions pertaining to use exceptions.

(1) Fast order food establishments.

(2) Marinas, provided that the following provisions are adhered to:

- a) No docks or piers, including mooring piles, catwalks, and other appurtenances, shall be constructed closer than ten feet to any adjacent property line.
- b) In no case shall a dock or pier project more than ten percent into the width of any waterway.
- c) Where a marina is constructed separately from any other use, 50 square feet of landscaped open space shall be required per boat slip, 50 percent of which shall be pervious area.
- d) Fire prevention and fire control equipment shall be provided as required by Chapter 3805.5 through 3807.26 of the South Florida Building Code.
- e) In conjunction with the dockage of moorage of vessels, the following water-related activities, vessels and structures are prohibited:
 1. Commercial vessels.
 2. Haul-out facilities for major boat repair or overhaul work.
 3. Unscreened storage of boating supplies or accessories in the required front yard setback area.
 4. Permanent live-aboard vessels except as required for work or security purposes.
- f) All the requirements, standards, and regulations of §§ 150.01 through 150.03, 150.10 through 150.12 and 150.15 through 15.21 of the City Code shall be complied with:



Section 152.098, Use Exceptions, provides the authority for the Village Commission to approve, conditionally approve, or disapprove special use exception applications. Exceptions as set forth below:

§ 152.098 - Use exceptions.

- A. In order to provide for adjustment in the relative locations of uses and buildings of the same or of different classifications; to promote the usefulness of these regulations as instruments for fact-finding, interpretation, application, and adjustment; and to supply the necessary flexibility to their efficient operation, special use exceptions are permitted by these regulations.
- B. The City Commission may permit the following buildings and uses as special exceptions, provided there are clear indications that such exceptions will not substantially affect adversely the uses permitted in these regulations of adjacent property.
 - (1) Day nursery.
 - (2) Religious institution.
 - (3) Private or commercially operated swimming pools or tennis courts, when not a permitted accessory use, and commercial recreational facilities.
 - (4) Exposition center, civic center, art gallery.
 - (5) Golf course, marina.
 - (6) Public buildings and facilities.
 - (7) Public utilities or public service uses, and appurtenances thereto.
 - (8) Structural alterations to special uses, after these uses are approved by the City Commission.
 - (9) Other special uses as may be enumerated in specific zoning districts.
 - (10) Reserved.



Potential Impacts Upon Adjacent Properties:

The primary factors associated with a boat rental use that would most likely affect nearby properties are the capability of the facility to accommodate parking during the peak periods of demand and the noise created by the vessels. Following is the Staff analysis of the impacts of the proposed use on adjacent properties:

- A. **Parking.** The Applicant has an agreement with the property owner to lease 14 parking spaces. We understand that at one time these parking spaces, and others in the same parking lot, were considered to be counted towards the parking requirement for the residential units that were part of the original development approval. At some point in the past the property owner separated the parking spaces in the lot from the residential units. The Village is investigating the prior relationship of the parking lot to the entire site.

Number of spaces needed.

The applicant has stated that three (3) jet skis will be stored atop one of the larger vessels docked at the marina. The current parking requirement is one parking space for each dock or mooring space based on occupancy of one vessel per dock. Further, in the case of jet skis, the Village Commissioners have ruled that one parking space must be provided for each two rental jet skis. Therefore, to accommodate the 13 docking spaces and the three jet skis, 15 parking spaces must be provided.

As a result, the applicant must secure the use of one more parking space than the 14 referenced above in order to ensure that customers and employees will not create a parking problem for the adjacent properties.



B. Safety and Noise Impacts. All vessels operating within the state waters of Florida are governed by state statute. Chapter 327.60(2)(d) which states that a local government cannot "discriminate against personal watercraft" so there are limits as to how to regulate personal watercraft.

Chapter 327 – VESSEL SAFETY

327.60 Local regulations; limitations.—

- (2) Nothing in this chapter or chapter 328 shall be construed to prevent the adoption of any ordinance or local regulation relating to operation of vessels, except that a county or municipality shall not enact, continue in effect, or enforce any ordinance or local regulation:
 - (a) Establishing a vessel or associated equipment performance or other safety standard, imposing a requirement for associated equipment, or regulating the carrying or use of marine safety articles;
 - (b) Relating to the design, manufacture, installation, or use of any marine sanitation device on any vessel;
 - (c) Regulating any vessel upon the Florida Intracoastal Waterway;
 - (d) Discriminating against personal watercraft

Noise is a valid concern of vessels operating in state waters of Florida and is also governed by state statute. This includes personal watercraft and is specifically dealt with in Chapter 327.65(1).

327.65 Muffling devices.

- (1) The exhaust of every internal combustion engine used on any vessel operated on the waters of this state shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. The use of cutouts is prohibited, except for vessels competing in a regatta or official boat race, and for such vessels while on trial runs.



Recommendation:

Based upon the foregoing analysis and findings, Staff recommends that the application be **approved** with the following stipulations:

1. Access to the boat rental business and to the marina must be provided without restrictions.
2. Fueling or refueling the jet skis (personal watercraft) or other watercraft cannot be done by hand on-site but must be done only at an authorized or permitted fueling station consistent with Section 150.12(D). No storage of gasoline or motor fuels shall be allowed on the property involved in the rental of the jet skis (personal watercraft) or for the use of other watercraft.
3. The hours of operation for this special use exception shall be confined to 10:00 am to 6:00 pm.
4. Required parking shall be 15 spaces dedicated to parking for employees, visitors and patrons of the marina.

The owner shall provide a legally binding agreement acceptable to the Village Attorney (e.g., unity of title or long-term lease with the applicant) that will dedicate 15 parking spaces for the exclusive use of the marina for as long as the marina is in existence.

Termination of any parking arrangement or loss of provided parking without the provision of alternative parking arrangement to the Village shall terminate the approval.

5. When jet skis, kayaks and paddle boards are on-site and not in use, they shall remain secured in a manner which deters theft and prevents harm to the docks and other vessels.
6. All speed, noise and no-wake regulations within the Biscayne Bay Aquatic Preserve shall be adhered to.



7. The operations of jet skis (personal watercraft) shall adhere to the vessel regulations of Chapter 327 FS.
8. Cost recovery charges 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.
9. This special use exception approval prohibits commercial vessels as stated in Section 152.30C(2)(e).

Submitted by:

James L. LaRue
James L. LaRue, AICP
Planning Consultant

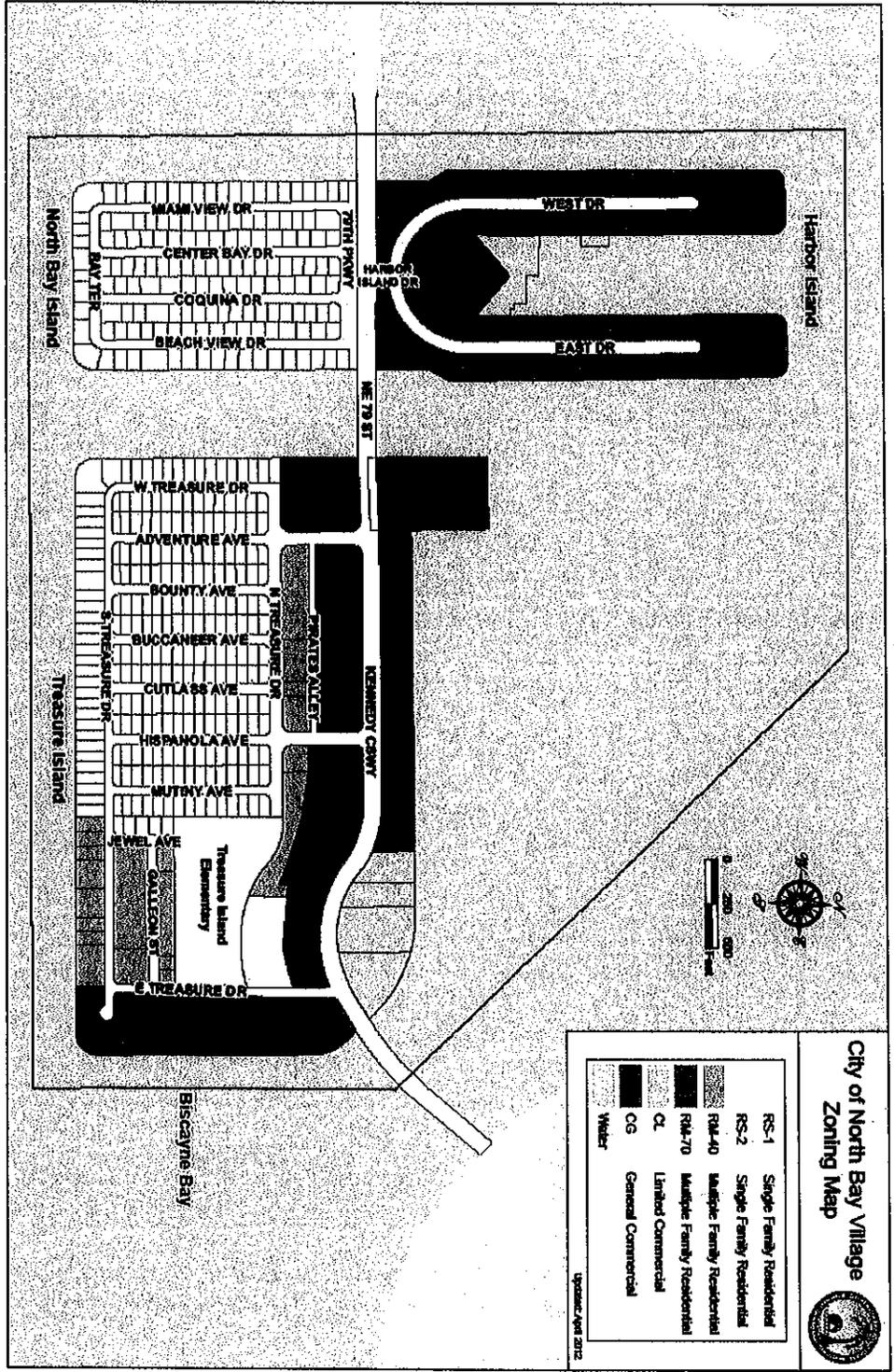
December 13, 2012

Hearing: Planning & Zoning Board, December 18, 2012

Attachments: Future Land Use Map
Zoning Map
Aerial photographs



ZONING
SUBJECT SITE AND ENVIRONS



4A(68)

4A(69)

**AERIAL PHOTOGRAPH
SUBJECT SITE AND ENVIRONS**

miamidade.gov



Property Information Map



Aerial Photography - 2009

This map was created on 5/1/2012 9:35:03 AM for reference purposes only.
Web Site © 2002 Miami-Dade County. All rights reserved.

0 139 ft

Summary Details:

File No.:	23-3209-026-0001
Property:	REFERENCE ONLY
Mailing Address:	

Property Information:

Primary Zone:	E200 ARTERIAL BUSINESS
CLUC:	0000 REFERENCE ONLY
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj. Sq Footage:	0
Lot Size:	0
Year Built:	0
Legal Description:	BAYSHORE YACHT & TENNIS CLUB CONDO DESC HARBOR ISLAND PB 44-72 LOTS 4 & 6 OR 10273-191

Assessment Information:

INFORMATION NOT AVAILABLE



Staff Report
Special Use Exception

Applicant's Name: Joaquin Ramirez
Boat Rental Business



4A(70)

Staff Report
Special Use Exception

Applicant's Name: Joaquin Ramirez
Boat Rental Business



Google earth



4A(71)



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

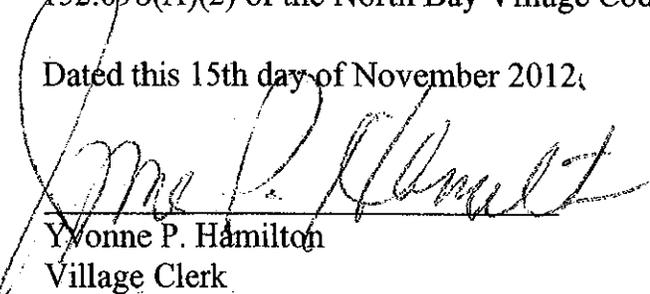
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

Re: Joaquin Ramirez
7904 West Drive (Marina)
Harbor Island
North Bay Village, FL 33141

Request for Site Plan Approval to operate a Boat Rental Business
at the Marina at 7904 West Drive

I, Yvonne P. Hamilton, Village Clerk hereby certify that the petition filed hereto attached for the above-referenced property is complete as per Section 152.096(A)(2) of the North Bay Village Code of Ordinances.

Dated this 15th day of November 2012,


Yvonne P. Hamilton
Village Clerk

(December 18, 2012 Planning & Zoning Board Meeting)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

4A(72)



City of North Bay Village

1700 Kennedy Causeway, Suite 132 North Bay Village, FL 33141
(305) 756-7171 Fax (305) 756-7171 Website-www.nbvillage.com

2012

APPLICATION FOR PUBLIC HEARINGS:

Hearings and Notices: - All petitions for amendments, changes or supplements to these regulations for variances, special use exceptions, Site Plan Approval, Extension of Approved Site Plans, for Building Height Bonus Approval, or for an amendment, change or supplement to the Comprehensive Plan; district zoning map, or petitions appealing an administrative decision shall be considered at Public Hearings before the Planning & Zoning Board and, thereafter, the City Commission. Notice of Public Hearings before the Planning & Zoning Board and the City Commission shall be given by publishing and posting on the property (which is the subject of the request), the time, the place and the nature of the hearing at least 10 days before the hearing. The City Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: JOAQUIN RAMIREZ Phone: 305-218-2249

Mailing Address: 7601 E. TREASURE DR., NORTH BAY VILLAGE
FL 33141 APT 2119

Legal Description of Property: CU-12-BAYSHORE YATCH & TENNIS CLUB
Existing Zoning: COMMERCIAL Lot Size: 2,475 SF Folio: 23-3209-026-1750 CONDO

Type of Request: TO OPERATE AT THE MARINA
LOCATED AT 7904 WEST DRIVE

Reason for Request: (Attach additional Pages if necessary)

SPECIAL USE EXCEPTION PURSUANT TO
SECTION 152.098 OF THE CITY CODE

All applications shall be submitted to the City Clerk on or before the deadline implemented by the City.

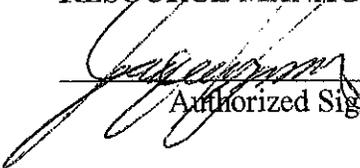
Filing Fees - All persons, firms, or corporations petitioning the Planning & Zoning Board and the City Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the City Clerk shall be deemed a condition precedent to the consideration of such petition, conditional use permit or amendment.

**APPLICATION FOR HEARING
BEFORE THE PLANNING & ZONING BOARD AND
CITY COMMISSION
PAGE 2 OF 2**

I, (We), the undersigned, am (are) the (owner, tenant, agent, attorney) (designate one) of the subject property herein described. I (We) acknowledge and agree that during the consideration of the application before the Planning & Zoning Board and staff of the City of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the City until after a Public Meeting is held by the City Commission and the City Commission has voted favorable on the proposed petition.

I, (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning & Zoning Board and the City Commission Pursuant to the City Code Section 152.096. Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Planning & Zoning Board and the City Commission revoked.

(NOTE: ALL NEW AND SUBSTANTIAL IMPROVEMENTS MUST COMPLY WITH THE FLORIDA BUILDING CODE, DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT (DERM), AND FEMA (FLOOD) REGULATIONS).



Authorized Signature

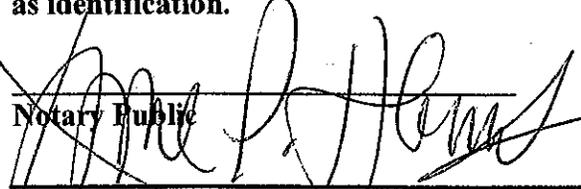
JOAQUIN RAMIREZ

Print Name

(In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's position in the corporation and embossed with the corporate seal.)

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Sworn to and subscribed to before me this 15th day of November 2012
by Joaquin Ramirez
who is personally known to me or who has produced Driver license
as identification.



Notary Public (Notary Seal)

Office Use Only:
Date Submitted: 11/15/12 Fee Paid: \$ 2000.00
Tentative Meeting Date: 12/20/12 Cash or Check # _____
Date Paid: 11/15/12

4A(74)



Administrative Offices
1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

CITY OF NORTH BAY VILLAGE LOCAL BUSINESS TAX APPLICATION FORM

City of North Bay Village Local Business Tax Section To apply in person: 1700 Kennedy Causeway, Suite 132 To mail: 1700 Kennedy Causeway, Suite North Bay Village, FL 33141 Phone: (305) 756-7171, Fax: (305) 756-7722	OFFICE USE ONLY
	Date Submitted: <u>11/15/12</u> Local Business Tax Receipt #: _____ Section Code: _____ _____ County State License _____ Corporation / Fictitious Name _____ LLC _____ Clerk: _____ Approved By: _____ Building & Zoning Department Date: _____

1. BUSINESS INFORMATION: (See instructions at the bottom page)

- a. Business Name: CAPTAIN JOE'S BOAT RENTAL
- b. Business Address: 7904 WEST DRIVE / "BAY SHORE MARINA"
- c. Office _____ Store _____ Restaurant _____ Home / Apt. MARINA
- d. Mailing Address: 7601 E TREASURE DR. APT 2119
- e. Corporation / Owner's Name: CAPT JOE'S BOAT RENTAL / JOAQUIN RAMIREZ
- f. President's Name: JOAQUIN RAMIREZ
- g. Federal Employer ID: 65-1016992
- h. Commencement Date: 12/1/2012 Phone #: (305) 218-2249 Ext. _____

2. TYPE OF BUSINESS: BOAT, JET SKI, KAYAKS, CLUB, RENTAL
(Describe in detail) (Boating Safety ORIENTATION)

Maximum Number of:	Equipment/	Rooms:	Restaurants:	Alcoholic Beverage:
Employees: <u>2</u>	Machines: _____	Apts: _____	Seats: _____	Yes _____
			Chairs: _____	No _____

JOAQUIN RAMIREZ Print Applicant's Name PRESIDENT Applicant's Title

[Signature] Applicant's Signature R562-420-58-343-0 Driver's License Number and State

1. Applicants not using full legal name must present fictitious name and /or Corporate Documents.
2. If the business is located within a City, a City Business Tax Receipt is required.
3. Fill in if different from business address.
4. A Copy of the certificate of registration of the corporation must be submitted.
5. Copy of Social Security Card or Federal (Employer) Identification Card.
6. If your business is regulated by a State or County Agency, you must present copy of your current license or certificate.

All information provided by the taxpayer will become part of the public records except the SSN, which is Protected by the confidentiality law of the State of Florida. Revised 4/15/2008

Mayor Connie Leon-Kreps Vice Mayor Eddie Lim Commissioner Stuart Blumberg Commissioner Dr. Richard Chervony Commissioner Dr. Paul Vogel

4A(75)



November 5th, 2012

Subject: Obtain An Occupational License for Re-location
from Eden Roc Hotel to Bayshore Yacht & Tennis Center Marina

This Letter is to formally request a new occupational license for my business Baywatch Boat Rentals, Tours & Charter, Inc. DBA Captain Joe's Boat Rentals, Tours & Charters, Inc. to relocate to the Bayshore Yacht & Tennis Center Marina, 7904 West Dr, North Bay Village FL 33141.

I currently run Captain Joe's Boat Club & Rentals from the Eden Roc Hotel since 1998 successfully complying with all rules and laws required by the City of Miami Beach.

Sincerely,

Joaquin Ramirez
Owner

CAPTAIN JOE'S BOAT CLUB, RENTALS, TOURS & CHARTERS, INC.
4525 Collins Ave. | Miami, FL 33140 | Tel: 305.218.2249 | Cust Serv: 305.303.7858 | Fax: 786.216.7061
Email: info@miamicaptainjoe.com | Web: www.miamicaptainjoe.com

4AL76)



November 5th, 2012

Subject: Baywatch Boat Rentals, Tours & Charter, Inc. DBA Captain Joe's Boat Rentals, Tours & Charters, Inc. Business Proposal

Currently I run a boat rental located at the Eden Roc Hotel since 1998. Been running this business successfully by complying with all rules and laws required by the City of Miami Beach. And now will like to continue to run the same business from Bayshore Yacht & Tennis Center Marina, 7904 West Dr, North Bay Village FL 33141.

1. Will operate from the Bayshore Yacht & Tennis Center Marina
2. Will rent motor vessels(boats, jet skis) as well as kayaks, paddle boards to individuals, while giving the proper boating safety instructions/classes.
3. Our base business is to run a Boat, Jet Ski, Kayak Rental but after a customer rents a vessel (boat) they have the option to hire a certified USCG Licensed Captain which may turn into a sightseeing or fishing charter. For Jet Ski a proper orientation will be performed. And if we believe the person can not demonstrate of properly handling a vessel, then he/she will be asked to hire a Captain or we will refuse rental.
4. Staff training includes following:
 - a. Dock Manager is a certified USCG Licensed Captain, who mainly deals with customers to go through all necessary rental paper work & orientation.
 - b. Dock hand is in charge to properly maintain all vessels clean and an organize marina.
5. No Overnight employees or patrons/customers.
6. Two employees are employed by Captain Joe's Boat Rentals;As listed above, Dock Manager & Dock Hand
7. A 24hr surveillance camera and tracking devise are part of our security procedure.

CAPTAIN JOE'S BOAT CLUB, RENTALS, TOURS & CHARTERS, INC.

4525 Collins Ave. | Miami, FL 33140 | Tel: 305.218.2249 | Cust Serv: 305.303.7858 | Fax: 786.216.7061

Email: info@miamicaptainjoe.com | Web: www.miamicaptainjoe.com

4A(77)

11/16/12

November 16th, 2012

To: City of North Bay Village

Subject: Special Use Exception

I, Al Coletta give Joaquin Ramirez/Captain Joe's Boat Rentals Tours & Charters, Inc. approval to apply for the Special Use Exception for Bayshore Condo "Marina" located at 7904 West Dr., North Bay Village FL 33141.

Sincerely,



Al Coletta

4A(78)



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

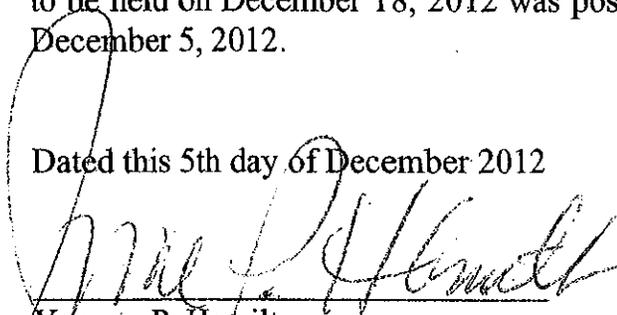
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

Re: Joaquin Ramirez
7904 West Drive (Marina)
Harbor Island
North Bay Village, FL 33141

Request for Site Plan Approval to operate a Boat Rental Business
at the Marina at 7904 West Drive

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing
to be held on December 18, 2012 was posted at the above-referenced property on
December 5, 2012.

Dated this 5th day of December 2012


Yvonne P. Hamilton
Village Clerk

(North Bay Village Planning & Zoning Board Meeting – 12-18-2012)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

4A(79)



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

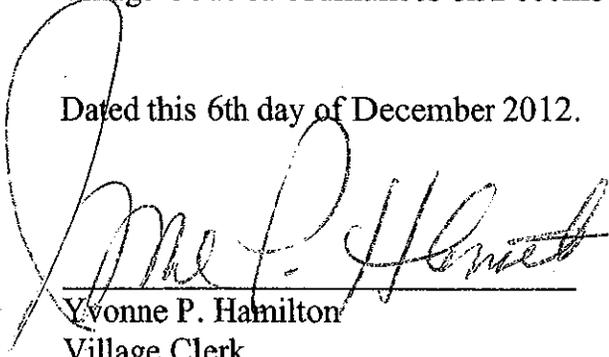
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

Re: **Joaquin Ramirez**
7904 West Drive (Marina)
Harbor Island
North Bay Village, FL 33141

**Request for Site Plan Approval to operate a Boat Rental Business
at the Marina at 7904 West Drive**

I, Yvonne P. Hamilton, Village Clerk, hereby certify that the attached Notice of Public Hearing was mailed to property owners and residents within 300 feet of the property of the subject request pursuant to Section 152.096(A)(2) of the North Bay Village Code of Ordinances on December 5, 2012.

Dated this 6th day of December 2012.



Yvonne P. Hamilton
Village Clerk

(North Bay Village Planning & Zoning Board Meeting – 12/18 /2012)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

4A(80)



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

NORTH BAY VILLAGE **NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD ITS REGULAR MEETING ON **DECEMBER 18, 2012 AT 7:30 P.M., IN THE COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FLORIDA.** DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING REQUESTS AND SUBMIT A RECOMMENDATION TO THE COMMISSION:

1. A REQUEST BY JOAQUIN RAMIREZ FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A BOAT, JET SKI, KAYAK RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA.

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE PLANNING & ZONING BOARD C/O THE BUILDING & ZONING CLERK, 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR WORKING HOURS. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE NORTH BAY VILLAGE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Page 1 of 2
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

4A (81)

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSONS WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 604-2489 (VOICE) OR (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(December 5, 2012)

4A(82)



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

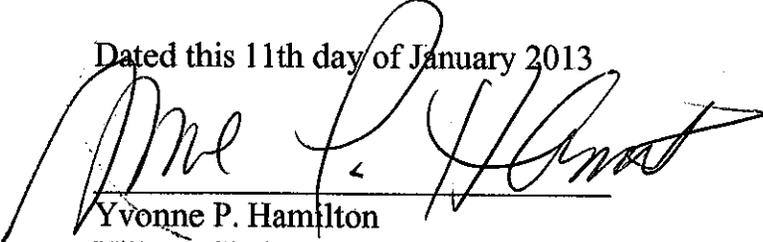
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

Re: Joaquin Ramirez
7904 West Drive (Marina)
Harbor Island
North Bay Village, FL 33141

Request for Site Plan Approval to operate a Boat Rental Business
at the Marina at 7904 West Drive

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing
to be held on January 15, 2013 was posted at the above-referenced property on
January 11, 2013.

Dated this 11th day of January 2013


Yvonne P. Hamilton
Village Clerk

(North Bay Village Commission Meeting-1/15/2013)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

4A (83)
Commissioner
Jorge Gonzalez



North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

NORTH BAY VILLAGE **NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A SPECIAL MEETING ON **TUESDAY, JANUARY 15, 2013 AT 7:30 P.M.**, OR AS SOON AS POSSIBLE THEREAFTER, IN THE COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING:

1. A REQUEST BY JOAQUIN RAMIREZ FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A BOAT, JET SKI, KAYAK RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA.

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1700 KENNEDY CAUSEWAY, #132, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 604-2489 (VOICE), (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(January 11, 2013)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

4A(84)
Commissioner
Jorge Gonzalez