



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

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

OFFICIAL AGENDA **REGULAR VILLAGE COMMISSION MEETING**

VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141

TUESDAY, NOVEMBER 29, 2016

7:30 P.M.

NOTICE IS HEREWITH GIVEN TO ALL INTERESTED PARTIES THAT IF ANY PERSON SHOULD DECIDE TO APPEAL ANY DECISION MADE AT THE FORTHCOMING MEETING OF THE VILLAGE COMMISSION, 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.

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) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

1. CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

2. A. PROCLAMATIONS AND AWARDS

None

B. SPECIAL PRESENTATIONS

None

C. ADDITIONS AND DELETIONS

3. GOOD & WELFARE

4. ADVISORY BOARD REPORTS

A. ARTS, CULTURAL & SPECIAL EVENTS BOARD

None

B. BUSINESS DEVELOPMENT ADVISORY BOARD

None

C. CITIZENS BUDGET & OVERSIGHT BOARD

None

D. COMMUNITY ENHANCEMENT BOARD

None

E. PLANNING & ZONING BOARD

None

F. YOUTH & EDUCATION SERVICES BOARD

None

5. CONSENT AGENDA: (Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be adopted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and will be considered separately.)

No Items

6. ORDINANCES FOR FIRST READING AND RESOLUTIONS

A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, CONCERNING THE VILLAGE GENERAL ELECTION OF NOVEMBER 8, 2016; DECLARING QUALIFIED CANDIDATES ELECTED TO OFFICE; ACCEPTING AND ADOPTING THE RESULTS FOR THE OFFICES OF MAYOR, NORTH BAY ISLAND COMMISSIONER, AND TREASURE ISLAND COMMISSIONER AS CERTIFIED BY MIAMI-DADE COUNTY CANVASSING BOARD; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE CLERK YVONNE P. HAMILTON)

1.) Commission Action

B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, ADOPTING THE MIAMI-DADE COUNTY CANVASSING BOARD’S CERTIFICATION OF THE RESULTS OF NORTH BAY VILLAGE SPECIAL ELECTION OF NOVEMBER 8, 2016 AND DECLARING THE RESULTS THEREOF; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE CLERK YVONNE P. HAMILTON)

1.) Commission Action

OATH OF OFFICE

- 1. CONNIE LEON-KREPS, MAYOR**
- 2. JOSE R. ALVAREZ-NORTH BAY ISLAND COMMISSIONER**
- 3. ANDREANA D. JACKSON-TREASURE ISLAND COMMISSIONER**

ROLL CALL

7. PUBLIC HEARINGS ITEMS INCLUDING ORDINANCES FOR SECOND READING

A. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152, SECTION 152.003 ENTITLED “DEFINITIONS”; ADDING DEFINITIONS FOR GROW HOUSE, MARIJUANA, MARIJUANA BASED PRODUCT, MARIJUANA DISPENSARY, MOBILE MARIJUANA DISPENSARY; SECTIONS 152.026 THRU 152.029 AND 152.0296 PROHIBITING MARIJUANA DISPENSARIES (EXCEPT IN THE CG ZONING DISTRICT), GROW HOUSES, AND MOBILE MARIJUANA DISPENSARIES; SECTION 152.030 ENTITLED “CG GENERAL COMMERCIAL DISTRICT” TO ALLOW MARIJUANA DISPENSARIES AS ALLOWABLE USES; SECTION 152.044 ENTITLED “MINIMUM SPACE REQUIREMENTS” REVISE PARKING SPACE REQUIREMENTS, TO INCLUDE MARIJUANA DISPENSARIES; CREATING SECTION 152.113 ENTITLED “MARIJUANA DISPENSARIES” TO PROVIDE CONDITIONS FOR APPROVAL OF A MARIJUANA DISPENSARY AND OPERATING PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)

1.) Commission Action

8. UNFINISHED BUSINESS

None

9. NEW BUSINESS

None

10. PUBLIC SAFETY DISCUSSION

None

11. COMMISSIONERS' REPORTS

12. VILLAGE ATTORNEY'S REPORT

A. Commission Vacancy

1.) Commission Action

13. VILLAGE MANAGER'S REPORT

None

14. FINANCE REPORT

A. Financial Report for the period ending October 31, 2016

15. APPROVAL OF MINUTES

None

16. ADJOURNMENT

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, CONCERNING THE VILLAGE GENERAL ELECTION OF NOVEMBER 8, 2016; DECLARING QUALIFIED CANDIDATES ELECTED TO OFFICE; ACCEPTING AND ADOPTING THE RESULTS FOR THE OFFICES OF MAYOR, NORTH BAY ISLAND COMMISSIONER, AND TREASURE ISLAND COMMISSIONER AS CERTIFIED BY MIAMI-DADE COUNTY CANVASSING BOARD; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE CLERK YVONNE P. HAMILTON)

WHEREAS, a General Election was held on Tuesday, November 8, 2016 in North Bay Village, Florida for the purpose of electing a Mayor, a North Bay Island Commissioner, and a Treasure Island Commissioner, pursuant to Section 3.03 of the Village Charter; and

WHEREAS, in accordance with North Bay Village Resolution No. 2016-54, the Miami-Dade County Canvassing Board has canvassed the election returns and has certified the results as set forth in Exhibit "A" attached hereto.

NOW, THEREFORE, be it resolved by the Commission of North Bay Village, Florida, that:

Section 1. **Recitals.** The above Recitals are true and correct and incorporated herein by reference.

Section 2. **Acceptance of Certification.** The Village Commission hereby accepts the certification of the Miami-Dade County Elections Department for the November 8, 2016 General Election as set forth in Exhibit "A" attached hereto.

Section 3. **Declaration of Election.** The Village Commission does declare and determine that the following candidates have been duly elected to the following offices as members of the Commission of North Bay Village for the terms set forth below:

Mayor Connie Leon-Kreps
(Two-year term – November 2016 to November 2018)

North Bay Island Commissioner Jose Alvarez
(Four-Year Term – November 2016 to November 2020)

Treasure Island Commissioner Andreana Jackson
(Four-Year Term – November 2016 to November 2020)

Section 4. Effective date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by _____, who moved for its adoption. This motion was seconded by _____, and upon being put to a vote, the vote was as follows:

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps _____
Vice Mayor Jorge Gonzalez _____
Commissioner Richard Chervony _____
Commissioner Andreana Jackson _____
Commissioner Eddie Lim _____

PASSED AND ADOPTED this ____ day of November, 2016.

ATTEST:

YVONNE P. HAMILTON, Village Clerk

CONNIE LEON-KREPS, Mayor

APPROVED AS TO FORM:

ROBERT L. SWITKES & ASSOCIATES, P.A.
Village Attorney

North Bay Village Resolution: Canvassing and certification of the results of the November 8, 2016 General Election.



North Bay Village

Administrative Offices

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MEMORANDUM

North Bay Village

DATE: November 22, 2016

TO: Frank K. Rollason
Village Manager

FROM: Yvonne P. Hamilton, CMC
Village Clerk

SUBJECT: Introduction of Resolution

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

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, CONCERNING THE VILLAGE GENERAL ELECTION OF NOVEMBER 8, 2016; DECLARING QUALIFIED CANDIDATES ELECTED TO OFFICE; ACCEPTING AND ADOPTING THE RESULTS FOR THE OFFICES OF MAYOR, NORTH BAY ISLAND COMMISSIONER, AND TREASURE ISLAND COMMISSIONER AS CERTIFIED BY MIAMI-DADE COUNTY CANVASSING BOARD; AND PROVIDING AN EFFECTIVE DATE.

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

/yph

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Andreana Jackson

Commissioner
Eddie Lim

**CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY**

We, the undersigned, County Judge ANDREW S. HAGUE, **Chairperson**, County Judge SHELLEY J. KRAVITZ, **Member** and Supervisor of Elections CHRISTINA WHITE, **Member**, constituting the Miami-Dade County Canvassing Board and for said County, do hereby certify that we met on the 18th day of November, 2016 A.D., and proceeded publicly to canvass the votes for the **North Bay Village General and Special Elections** held on the Eighth day of November, 2016 A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For **Mayor**, the whole number of votes cast was 2,636 of which number

Jorge Gonzalez received 1,206 Votes

Connie Leon-Kreps received 1,430 Votes

For **Treasure Island Commissioner**, the whole number of votes cast was 2,376 of which number

Joshua Furman received 1,071 Votes

Andreana D. Jackson received 1,305 Votes

For **North Bay Island Commissioner**, the whole number of votes cast was 2,417 of which number

Jose R. Alvarez received 1,323 Votes

Richard Chervony received 1,094 Votes

**OFFICIAL
DOCUMENT**

“ Exhibit A ”

Proposition 1: Burying Utility Lines Throughout the Village

Shall the Village proceed with the project to bury utility lines throughout the Village, as previously approved by voters on the September 5, 2006 Special Election, by issuing a maximum of \$9,100,000 in General Obligation Bonds maturing within 30 years and being payable from Ad Valorem Taxes levied on all taxable properties in the Village and residents shall be responsible for the electrical connection expenses to their properties?

YES 1,442 Votes

NO 1,190 Votes



County Judge ANDREW S. HAGUE
Chairperson

County Judge SHELLEY J. KRAVITZ
Member



Supervisor of Elections CHRISTINA WHITE
Member

**OFFICIAL
DOCUMENT**

NORTH BAY VILLAGE
 RUN DATE:11/18/16 07:22 PM

OFFICIAL GENERAL ELECTION
 MIAMI-DADE COUNTY, FL
 NOVEMBER 8, 2016

OFFICIAL RESULTS
 REPORT-EL45A PAGE 001

	TOTAL VOTES	%	ED OSS	ED IVO	VBM	EV OSS	EV IVO	PROV
PRECINCTS COUNTED (OF 2)	2	100.00						
REGISTERED VOTERS - TOTAL	3,806							
BALLOTS CAST - TOTAL	2,989		804	0	707	1,478	0	0
VOTER TURNOUT - TOTAL		78.53						
NORTH BAY VILLAGE: MAYOR								
Vote for 1								
Jorge Gonzalez	1,206	45.75	353	0	244	609	0	0
Connie Leon-Kreps	1,430	54.25	367	0	383	680	0	0
Total	2,636		720	0	627	1,289	0	0
Over Votes	3		2	0	1	0	0	0
Under Votes	350		82	0	79	189	0	0
NORTH BAY VILLAGE: TREASURE ISLAND COMM.								
Vote for 1								
Joshua Furman	1,071	45.08	300	0	270	501	0	0
Andreana D. Jackson	1,305	54.92	345	0	321	639	0	0
Total	2,376		645	0	591	1,140	0	0
Over Votes	1		0	0	1	0	0	0
Under Votes	612		159	0	115	338	0	0
NORTH BAY VILLAGE: N. BAY ISLAND COMM.								
Vote for 1								
Jose R. Alvarez	1,323	54.74	395	0	288	640	0	0
Richard Chervony	1,094	45.26	252	0	305	537	0	0
Total	2,417		647	0	593	1,177	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	572		157	0	114	301	0	0
NORTH BAY VILLAGE: BURYING UTILITY LINES								
Vote for 1								
YES/SI/WI	1,442	54.79	379	0	337	726	0	0
NO/NO/NON	1,190	45.21	310	0	303	577	0	0
Total	2,632		689	0	640	1,303	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	348		114	0	58	176	0	0

11/18/16

OFFICIAL DOCUMENT

NORTH BAY VILLAGE

OFFICIAL GENERAL ELECTION
MIAMI-DADE COUNTY, FL
NOVEMBER 8, 2016

OFFICIAL RESULTS

RUN DATE:11/19/16 10:43 AM

REPORT-EL45A PAGE 001

	TOTAL VOTES	%	ED OSS	ED IVO	VBM	EV OSS	EV IVO	PROV
PRECINCTS COUNTED (OF 2)	2	100.00						
REGISTERED VOTERS - TOTAL	3,806							
BALLOTS CAST - TOTAL	2,989		804	0	707	1,478	0	0
VOTER TURNOUT - TOTAL		78.53						
NORTH BAY VILLAGE: MAYOR								
Vote for 1								
Jorge Gonzalez	1,206	45.75	353	0	244	609	0	0
Connie Leon-Kreps	1,430	54.25	367	0	383	680	0	0
Total	2,636		720	0	627	1,289	0	0
Over Votes	3		2	0	1	0	0	0
Under Votes	350		82	0	79	189	0	0
NORTH BAY VILLAGE: TREASURE ISLAND COMM.								
Vote for 1								
Joshua Furman	1,071	45.08	300	0	270	501	0	0
Andreana D. Jackson	1,305	54.92	345	0	321	639	0	0
Total	2,376		645	0	591	1,140	0	0
Over Votes	1		0	0	1	0	0	0
Under Votes	612		159	0	115	338	0	0
NORTH BAY VILLAGE: N. BAY ISLAND COMM.								
Vote for 1								
Jose R. Alvarez	1,323	54.74	395	0	288	640	0	0
Richard Chervony	1,094	45.26	252	0	305	537	0	0
Total	2,417		647	0	593	1,177	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	572		157	0	114	301	0	0
NORTH BAY VILLAGE: BURYING UTILITY LINES								
Vote for 1								
YES/SI/WI	1,442	54.79	379	0	337	726	0	0
NO/NO/NON	1,190	45.21	310	0	303	577	0	0
Total	2,632		689	0	640	1,303	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	348		114	0	58	176	0	0

OFFICIAL
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NORTH BAY VILLAGE

OFFICIAL GENERAL ELECTION
MIAMI-DADE COUNTY, FL
NOVEMBER 8, 2016

OFFICIAL RESULTS

RUN DATE:11/19/16 10:43 AM

REPORT-EL30A PAGE 0170-01

0170 PRECINCT 017.0

	TOTAL VOTES	%	ED OSS	ED IVO	VBM	EV OSS	EV IVO	PROV
REGISTERED VOTERS - TOTAL	2,389							
BALLOTS CAST - TOTAL	1,848		512	0	436	900	0	0
VOTER TURNOUT - TOTAL		77.35						

NORTH BAY VILLAGE: MAYOR

Vote for 1								
Jorge Gonzalez	771	47.33	252	0	143	376	0	0
Connie Leon-Kreps	858	52.67	214	0	239	405	0	0
Total	1,629		466	0	382	781	0	0
Over Votes	2		1	0	1	0	0	0
Under Votes	217		45	0	53	119	0	0

NORTH BAY VILLAGE: TREASURE ISLAND COMM.

Vote for 1								
Joshua Furman	630	42.51	174	0	158	298	0	0
Andreana D. Jackson	852	57.49	243	0	208	401	0	0
Total	1,482		417	0	366	699	0	0
Over Votes	1		0	0	1	0	0	0
Under Votes	365		95	0	69	201	0	0

NORTH BAY VILLAGE: N. BAY ISLAND COMM.

Vote for 1								
Jose R. Alvarez	765	51.72	225	0	164	376	0	0
Richard Chervony	714	48.28	184	0	201	329	0	0
Total	1,479		409	0	365	705	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	369		103	0	71	195	0	0

NORTH BAY VILLAGE: BURYING UTILITY LINES

Vote for 1								
YES/SI/WI	867	54.12	238	0	202	427	0	0
NO/NO/NON	735	45.88	193	0	184	358	0	0
Total	1,602		431	0	386	785	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	239		79	0	45	115	0	0

**OFFICIAL
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NORTH BAY VILLAGE

OFFICIAL GENERAL ELECTION
MIAMI-DADE COUNTY, FL
NOVEMBER 8, 2016

OFFICIAL RESULTS

RUN DATE:11/19/16 10:43 AM

REPORT-EL30A PAGE 0160-01

0160 PRECINCT 016.0

	TOTAL VOTES	%	ED OSS	ED IVO	VBM	EV OSS	EV IVO	PROV
REGISTERED VOTERS - TOTAL	1,417							
BALLOTS CAST - TOTAL	1,141		292	0	271	578	0	0
VOTER TURNOUT - TOTAL		80.52						

NORTH BAY VILLAGE: MAYOR

Vote for 1								
Jorge Gonzalez	435	43.20	101	0	101	233	0	0
Connie Leon-Kreps	572	56.80	153	0	144	275	0	0
Total	1,007		254	0	245	508	0	0
Over Votes	1		1	0	0	0	0	0
Under Votes	133		37	0	26	70	0	0

NORTH BAY VILLAGE: TREASURE ISLAND COMM.

Vote for 1								
Joshua Furman	441	49.33	126	0	112	203	0	0
Andreana D. Jackson	453	50.67	102	0	113	238	0	0
Total	894		228	0	225	441	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	247		64	0	46	137	0	0

NORTH BAY VILLAGE: N. BAY ISLAND COMM.

Vote for 1								
Jose R. Alvarez	558	59.49	170	0	124	264	0	0
Richard Chervony	380	40.51	68	0	104	208	0	0
Total	938		238	0	228	472	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	203		54	0	43	106	0	0

NORTH BAY VILLAGE: BURYING UTILITY LINES

Vote for 1								
YES/SI/WI	575	55.83	141	0	135	299	0	0
NO/NO/NON	455	44.17	117	0	119	219	0	0
Total	1,030		258	0	254	518	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	109		35	0	13	61	0	0

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RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, ADOPTING THE MIAMI-DADE COUNTY CANVASSING BOARD'S CERTIFICATION OF THE RESULTS OF NORTH BAY VILLAGE SPECIAL ELECTION OF NOVEMBER 8, 2016 AND DECLARING THE RESULTS THEREOF; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE CLERK YVONNE P. HAMILTON)

WHEREAS, by North Bay Village Resolution No. 2016-51, Miami-Dade County Election Officials were authorized to conduct a Special Election of North Bay Village on November 8, 2016; and

WHEREAS, on November 8, 2016, Miami-Dade County Elections Department conducted the North Bay Village Special Election; and

WHEREAS, the Certification of the results of the North Bay Village Special Election as submitted by Miami-Dade County Canvassing Board, said certification dated the 18th day of November 2016 and is made a part of this Resolution; and

WHEREAS, said Certification reflects the results of the ballot question as set forth below.

Shall the Village proceed with the project to bury utility lines throughout the Village, as previously approved by voters on the September 5, 2006 Special Election, by issuing a maximum of \$9,100,000 in General Obligation Bonds maturing within 30 years, and being payable from *ad valorem taxes* levied on all taxable properties in the Village and residents shall be responsible for the electrical connection expenses to their properties?

Yes: 1,442

No: 1,190

NOW, THEREFORE, BE IT DULY RESOLVED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, that said Certification is hereby adopted, which reflects the following result upon the following question:

Section 1. Effective date. This Resolution shall take effect immediately upon adoption.

Section 2. **Acceptance of Certification.** The Village Commission hereby accepts the certification of the Miami-Dade County Elections Department for the November 8, 2016 General Election as set forth in Exhibit "A" attached hereto.

The foregoing Resolution was offered by _____, who moved for its adoption. This motion was seconded by _____, and upon being put to a vote, the vote was as follows:

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps	_____
Vice Mayor Jorge Gonzalez	_____
Commissioner Richard Chervony	_____
Commissioner Andreana Jackson	_____
Commissioner Eddie Lim	_____

PASSED AND ADOPTED this ___ day of November, 2016.

ATTEST:

YVONNE P. HAMILTON, Village Clerk

CONNIE LEON-KREPS, Mayor

APPROVED AS TO FORM:

ROBERT L. SWITKES & ASSOCIATES, P.A.
Village Attorney

North Bay Village Resolution: Canvassing and certification of the results of the November 8, 2016 General Election.



North Bay Village

Administrative Offices

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MEMORANDUM

North Bay Village

DATE: November 22, 2016

TO: Frank K. Rollason
Village Manager

FROM: Yvonne P. Hamilton, CMC
Village Clerk

SUBJECT: Introduction of Resolution

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

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, ADOPTING THE MIAMI-DADE COUNTY CANVASSING BOARD'S CERTIFICATION OF THE RESULTS OF NORTH BAY VILLAGE SPECIAL ELECTION OF NOVEMBER 8, 2016 AND DECLARING THE RESULTS THEREOF; SETTING AN EFFECTIVE DATE.

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

/yph

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Andreana Jackson

Commissioner
Eddie Lim

**CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY**

We, the undersigned, County Judge ANDREW S. HAGUE, **Chairperson**, County Judge SHELLEY J. KRAVITZ, **Member** and Supervisor of Elections CHRISTINA WHITE, **Member**, constituting the Miami-Dade County Canvassing Board and for said County, do hereby certify that we met on the 18th day of November, 2016 A.D., and proceeded publicly to canvass the votes for the **North Bay Village General and Special Elections** held on the Eighth day of November, 2016 A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For **Mayor**, the whole number of votes cast was 2,636 of which number

Jorge Gonzalez received 1,206 Votes

Connie Leon-Kreps received 1,430 Votes

For **Treasure Island Commissioner**, the whole number of votes cast was 2,376 of which number

Joshua Furman received 1,071 Votes

Andreana D. Jackson received 1,305 Votes

For **North Bay Island Commissioner**, the whole number of votes cast was 2,417 of which number

Jose R. Alvarez received 1,323 Votes

Richard Chervony received 1,094 Votes

**OFFICIAL
DOCUMENT**

Proposition 1: Burying Utility Lines Throughout the Village

Shall the Village proceed with the project to bury utility lines throughout the Village, as previously approved by voters on the September 5, 2006 Special Election, by issuing a maximum of \$9,100,000 in General Obligation Bonds maturing within 30 years and being payable from Ad Valorem Taxes levied on all taxable properties in the Village and residents shall be responsible for the electrical connection expenses to their properties?

YES 1,442 Votes

NO 1,190 Votes



County Judge ANDREW S. HAGUE
Chairperson

County Judge SHELLEY J. KRAVITZ
Member



Supervisor of Elections CHRISTINA WHITE
Member

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NORTH BAY VILLAGE
 RUN DATE:11/18/16 07:22 PM

OFFICIAL GENERAL ELECTION
 MIAMI-DADE COUNTY, FL
 NOVEMBER 8, 2016

OFFICIAL RESULTS
 REPORT-EL45A PAGE 001

	TOTAL VOTES	%	ED OSS	ED IVO	VBM	EV OSS	EV IVO	PROV
PRECINCTS COUNTED (OF 2)	2	100.00						
REGISTERED VOTERS - TOTAL	3,806							
BALLOTS CAST - TOTAL	2,989		804	0	707	1,478	0	0
VOTER TURNOUT - TOTAL		78.53						
NORTH BAY VILLAGE: MAYOR								
Vote for 1								
Jorge Gonzalez	1,206	45.75	353	0	244	609	0	0
Connie Leon-Kreps	1,430	54.25	367	0	383	680	0	0
Total	2,636		720	0	627	1,289	0	0
Over Votes	3		2	0	1	0	0	0
Under Votes	350		82	0	79	189	0	0
NORTH BAY VILLAGE: TREASURE ISLAND COMM.								
Vote for 1								
Joshua Furman	1,071	45.08	300	0	270	501	0	0
Andreana D. Jackson	1,305	54.92	345	0	321	639	0	0
Total	2,376		645	0	591	1,140	0	0
Over Votes	1		0	0	1	0	0	0
Under Votes	612		159	0	115	338	0	0
NORTH BAY VILLAGE: N. BAY ISLAND COMM.								
Vote for 1								
Jose R. Alvarez	1,323	54.74	395	0	288	640	0	0
Richard Chervony	1,094	45.26	252	0	305	537	0	0
Total	2,417		647	0	593	1,177	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	572		157	0	114	301	0	0
NORTH BAY VILLAGE: BURYING UTILITY LINES								
Vote for 1								
YES/SI/WI	1,442	54.79	379	0	337	726	0	0
NO/NO/NON	1,190	45.21	310	0	303	577	0	0
Total	2,632		689	0	640	1,303	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	348		114	0	58	176	0	0

11/18/16

OFFICIAL DOCUMENT

NORTH BAY VILLAGE

OFFICIAL GENERAL ELECTION
MIAMI-DADE COUNTY, FL
NOVEMBER 8, 2016

OFFICIAL RESULTS

RUN DATE:11/19/16 10:43 AM

REPORT-EL45A PAGE 001

	TOTAL VOTES	%	ED OSS	ED IVO	VBM	EV OSS	EV IVO	PROV
PRECINCTS COUNTED (OF 2)	2	100.00						
REGISTERED VOTERS - TOTAL	3,806							
BALLOTS CAST - TOTAL	2,989		804	0	707	1,478	0	0
VOTER TURNOUT - TOTAL		78.53						
NORTH BAY VILLAGE: MAYOR								
Vote for 1								
Jorge Gonzalez	1,206	45.75	353	0	244	609	0	0
Connie Leon-Kreps	1,430	54.25	367	0	383	680	0	0
Total	2,636		720	0	627	1,289	0	0
Over Votes	3		2	0	1	0	0	0
Under Votes	350		82	0	79	189	0	0
NORTH BAY VILLAGE: TREASURE ISLAND COMM.								
Vote for 1								
Joshua Furman	1,071	45.08	300	0	270	501	0	0
Andreana D. Jackson	1,305	54.92	345	0	321	639	0	0
Total	2,376		645	0	591	1,140	0	0
Over Votes	1		0	0	1	0	0	0
Under Votes	612		159	0	115	338	0	0
NORTH BAY VILLAGE: N. BAY ISLAND COMM.								
Vote for 1								
Jose R. Alvarez	1,323	54.74	395	0	288	640	0	0
Richard Chervony	1,094	45.26	252	0	305	537	0	0
Total	2,417		647	0	593	1,177	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	572		157	0	114	301	0	0
NORTH BAY VILLAGE: BURYING UTILITY LINES								
Vote for 1								
YES/SI/MI	1,442	54.79	379	0	337	726	0	0
NO/NO/NON	1,190	45.21	310	0	303	577	0	0
Total	2,632		689	0	640	1,303	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	348		114	0	58	176	0	0

OFFICIAL
DOCUMENT

NORTH BAY VILLAGE

OFFICIAL GENERAL ELECTION
MIAMI-DADE COUNTY, FL
NOVEMBER 8, 2016

OFFICIAL RESULTS

RUN DATE:11/19/16 10:43 AM

REPORT-EL30A PAGE 0170-01

0170 PRECINCT 017.0

	TOTAL VOTES	%	ED OSS	ED IVO	VBM	EV OSS	EV IVO	PROV
REGISTERED VOTERS - TOTAL	2,389							
BALLOTS CAST - TOTAL	1,848		512	0	436	900	0	0
VOTER TURNOUT - TOTAL		77.35						

NORTH BAY VILLAGE: MAYOR

Vote for 1								
Jorge Gonzalez	771	47.33	252	0	143	376	0	0
Connie Leon-Kreps	858	52.67	214	0	239	405	0	0
Total	1,629		466	0	382	781	0	0
Over Votes	2		1	0	1	0	0	0
Under Votes	217		45	0	53	119	0	0

NORTH BAY VILLAGE: TREASURE ISLAND COMM.

Vote for 1								
Joshua Furman	630	42.51	174	0	158	298	0	0
Andreana D. Jackson	852	57.49	243	0	208	401	0	0
Total	1,482		417	0	366	699	0	0
Over Votes	1		0	0	1	0	0	0
Under Votes	365		95	0	69	201	0	0

NORTH BAY VILLAGE: N. BAY ISLAND COMM.

Vote for 1								
Jose R. Alvarez	765	51.72	225	0	164	376	0	0
Richard Chervony	714	48.28	184	0	201	329	0	0
Total	1,479		409	0	365	705	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	369		103	0	71	195	0	0

NORTH BAY VILLAGE: BURYING UTILITY LINES

Vote for 1								
YES/SI/WI	867	54.12	238	0	202	427	0	0
NO/NO/NON	735	45.88	193	0	184	358	0	0
Total	1,602		431	0	386	785	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	239		79	0	45	115	0	0

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NORTH BAY VILLAGE

OFFICIAL GENERAL ELECTION
MIAMI-DADE COUNTY, FL
NOVEMBER 8, 2016

OFFICIAL RESULTS

RUN DATE:11/19/16 10:43 AM

REPORT-EL30A PAGE 0160-01

0160 PRECINCT 016.0

	TOTAL VOTES	%	ED OSS	ED IVO	VBM	EV OSS	EV IVO	PROV
REGISTERED VOTERS - TOTAL	1,417							
BALLOTS CAST - TOTAL	1,141		292	0	271	578	0	0
VOTER TURNOUT - TOTAL		80.52						

NORTH BAY VILLAGE: MAYOR

Vote for 1								
Jorge Gonzalez	435	43.20	101	0	101	233	0	0
Connie Leon-Kreps	572	56.80	153	0	144	275	0	0
Total	1,007		254	0	245	508	0	0
Over Votes	1		1	0	0	0	0	0
Under Votes	133		37	0	26	70	0	0

NORTH BAY VILLAGE: TREASURE ISLAND COMM.

Vote for 1								
Joshua Furman	441	49.33	126	0	112	203	0	0
Andreana D. Jackson	453	50.67	102	0	113	238	0	0
Total	894		228	0	225	441	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	247		64	0	46	137	0	0

NORTH BAY VILLAGE: N. BAY ISLAND COMM.

Vote for 1								
Jose R. Alvarez	558	59.49	170	0	124	264	0	0
Richard Chervony	380	40.51	68	0	104	208	0	0
Total	938		238	0	228	472	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	203		54	0	43	106	0	0

NORTH BAY VILLAGE: BURYING UTILITY LINES

Vote for 1								
YES/SI/WI	575	55.83	141	0	135	299	0	0
NO/NO/NON	455	44.17	117	0	119	219	0	0
Total	1,030		258	0	254	518	0	0
Over Votes	0		0	0	0	0	0	0
Under Votes	109		35	0	13	61	0	0

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DOCUMENT



Memorandum

To: Frank Rollason, Village Manager
From: James G. LaRue, AICP
Date: October 20, 2016
Subject: Marijuana Dispensary Ordinance

In anticipation of Amendment 2 potentially being approved on November 8th, which would expand Florida's existing medical marijuana program, staff was directed to prepare new zoning regulations which will ensure local control over the operation and location of marijuana dispensaries with the Village. According to Section 381.984, Florida Statutes, cities and counties have the right to regulate marijuana dispensary policies and the number of actual dispensaries.

The proposed ordinance, scheduled to be heard by the Village Commission on October 25th, contains definitions for several key terms; such as grow house, marijuana, marijuana dispensary, and marijuana based products. Business operating procedures and locational standards are also clearly delineated. These regulations provide for the proper safeguards of public health, safety and welfare in relation to marijuana dispensary uses, but are not overly restrictive. The Planning & Zoning Board reviewed this ordinance at their October 18th meeting and unanimously recommended it for Commission approval. We will be present at the Commission meeting to discuss the merits of this ordinance and recommend it as being consistent with the Village's Comprehensive Plan.

C: Yvonne Hamilton, Village Clerk
Jenorgen Guillen Deputy Village Clerk
Robert Switkes, Village Attorney
David Acosta, Assistant Village Attorney



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

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

MEMORANDUM

North Bay Village

DATE: October 18, 2016

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: 
Dr. Richard Chervony
Commissioner

SUBJECT: Introduction of Ordinance

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

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152, SECTION 152.003 ENTITLED "DEFINITIONS"; ADDING DEFINITIONS FOR GROW HOUSE, MARIJUANA, MARIJUANA BASED PRODUCT, MARIJUANA DISPENSARY, MOBILE MARIJUANA DISPENSARY; SECTIONS 152.026 THRU 152.029 AND 152.0296 PROHIBITING MARIJUANA DISPENSARIES (EXCEPT IN THE CG ZONING DISTRICT), GROW HOUSES, AND MOBILE MARIJUANA DISPENSARIES; SECTION 152.030 ENTITLED "CG GENERAL COMMERCIAL DISTRICT" TO ALLOW MARIJUANA DISPENSARIES AS ALLOWABLE USES; SECTION 152.044 ENTITLED "MINIMUM SPACE REQUIREMENTS" REVISE PARKING SPACE REQUIREMENTS, TO INCLUDE MARIJUANA DISPENSARIES; CREATING SECTION 152.113 ENTITLED "MARIJUANA DISPENSARIES" TO PROVIDE CONDITIONS FOR APPROVAL OF A MARIJUANA DISPENSARY AND OPERATING PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.

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

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Andreana Jackson

Commissioner
Eddie Lim

ORDINANCE NO. _____

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152, SECTION 152.003 ENTITLED “DEFINITIONS”; ADDING DEFINITIONS FOR GROW HOUSE, MARIJUANA, MARIJUANA BASED PRODUCT, MARIJUANA DISPENSARY, MOBILE MARIJUANA DISPENSARY; SECTIONS 152.026 THRU 152.029 AND 152.0296 PROHIBITING MARIJUANA DISPENSARIES (EXCEPT IN THE CG ZONING DISTRICT), GROW HOUSES, AND MOBILE MARIJUANA DISPENSARIES; SECTION 152.030 ENTITLED “CG GENERAL COMMERCIAL DISTRICT” TO ALLOW MARIJUANA DISPENSARIES AS ALLOWABLE USES; SECTION 152.044 ENTITLED “MINIMUM SPACE REQUIREMENTS” REVISE PARKING SPACE REQUIREMENTS, TO INCLUDE MARIJUANA DISPENSARIES; CREATING SECTION 152.113 ENTITLED “MARIJUANA DISPENSARIES” TO PROVIDE CONDITIONS FOR APPROVAL OF A MARIJUANA DISPENSARY AND OPERATING PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)

WHEREAS, North Bay Village is mainly a residential community with a limited area of commercial uses primarily devoted to the needs of the local population;

WHEREAS, marijuana dispensaries are commercial uses, and the Village Commission finds that such uses are not compatible with the Village’s residential areas;

WHEREAS, grow houses are both an agricultural and commercial use associated with the growing and production of marijuana, which is not compatible with the Village’s residential areas and does not conform to the limited retail/office/services character of the commercial sector of the Village;

WHEREAS, the Village’s adopted Comprehensive Plan includes in its Future Land Use Element, the following objectives and policies which are supportive of the Ordinance including:

Objective 2.1: Manage future growth and development by implementing and enforcing all existing plans and regulations and by preparing and adopting new regulations as needed.

Policy 2.1.3: Prohibit infilling of lots, expansion of existing uses, or replacement of land uses with development that is incompatible with the Future Land Use Plan by strict enforcement of development regulations.

Objective 2.2: Develop a program and policies to promote the Village’s character as an attractive waterfront community and direct future development and redevelopment to be consistent with the desired community character and goals, objectives, and policies within the Plan.

Policy 2.2.5: The Village shall continue to encourage all future land use development and redevelopment to emphasize aesthetic quality and overall acceptability to local residents.

Policy 2.3.2: Protect distinct functional areas and districts from intrusion and encroachment of incompatible uses by strict compliance to the land use plan.

WHEREAS, the Planning and Zoning Board has found that, based on the foregoing Objectives and Policies in the Comprehensive Plan, this ordinance is consistent with the Comprehensive Plan and will promote the public health, safety, and welfare of the Village.

WHEREAS, marijuana dispensaries and mobile marijuana dispensaries are a commercial use which, when present in substantial numbers, can potentially cause traffic congestion;

WHEREAS, the Planning and Zoning Board has reviewed this Ordinance at a duly advertised public hearing on October 18, 2016 and recommended approval of the Ordinance; and

WHEREAS, the Commission of North Bay Village hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

NOW, THEREFORE, BE IT ENACTED BY THE VILLAGE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above stated recitals is true and correct and incorporated herein by this reference.

Section 2. Village Code Amended. Chapter 152 “Zoning” of the North Bay Village Code of Ordinances are hereby amended to read as follows:

§ 152.003 - Definitions.

Grow house. A grow house is a property, usually located in a residential neighborhood, that is primarily used for the production of marijuana but may also be used as a dwelling. The houses are typically outfitted with equipment to provide water, food, and light to the marijuana plants, and the houses themselves are usually kept in good condition to blend in with the neighborhood. Illegal electrical hookups are a common feature of grow houses, to both save money and to make it harder for authorities to identify them due to their unusually high electrical usage.

Marijuana. Marijuana is defined as Cannabis, meaning all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

Marijuana-based product. A marijuana-based product means a product that contains marijuana or any of its derivatives, including, but not limited to, tonics, tinctures, balms, salves, lotions, sprays, ointments, drinks, foods, and pills.

Marijuana dispensary. A marijuana dispensary is a facility where marijuana or marijuana-based products are made available for medical purposes in accordance with Florida law. A marijuana dispensary may also be defined as a “dispensing organization” as provided in s. 381.986(1), Florida Statutes. Any medical marijuana treatment center at which marijuana or marijuana-based products are dispensed as part of a program of medical treatment shall be included within the definition of a marijuana dispensary.

Mobile marijuana dispensary. A mobile marijuana dispensary is any legal entity, clinic, cooperative, club, business, or group which transports, delivers, or arranges the transportation or delivery, of marijuana or marijuana-based products to any person.

§ 152.026 - RS-1 Low Density Single-Family Residential District.

(D) Prohibited uses.

- (1) Facility or base for mobile marijuana dispensing.
- (2) Grow house.
- (3) Marijuana Dispensary.
- (4) All other uses not specifically or provisionally permitted herein.

§ 152.027 - RS-2 Medium Density Single-Family Residential District.

(D) Prohibited uses.

- (1) Facility or base for mobile marijuana dispensing.
- (2) Grow house.
- (3) Marijuana Dispensary.
- (4) All other uses not specifically or provisionally permitted herein.

§ 152.028 - RM-40 Medium Density Multiple-Family Residential District.

(E) Prohibited uses.

- (1) Facility or base for mobile marijuana dispensing.
- (2) Grow house.
- (3) Marijuana Dispensary.
- (4) All other uses not specifically or provisionally permitted herein.

§ 152.029 - RM-70 High Density Multiple-Family Residential District.

(D) Prohibited uses.

- (1) Facility or base for mobile marijuana dispensing.
- (2) Grow house.
- (3) Marijuana Dispensary.
- (4) All other uses not specifically or provisionally permitted herein.

§ 152.030 - CG General Commercial District.

(B) Uses permitted:

- (14) Marijuana dispensary meeting the requirements of Section 152.112.

§ 152.044 - Minimum space requirements.

(B) Commercial uses.

(12) Wholesale trade establishments: One space for every 300 square feet of gross floor area.

(13) Drugstores, pharmacies, and marijuana dispensaries: One space for each 200 square feet of gross floor area.

§ 152.113 – Marijuana Dispensaries.

(a) Dispensaries generally.

(1) A marijuana dispensary may distribute, purchase, sell, convey, or possess with the intent to sell or convey, marijuana or marijuana-based products for medical use only for the purpose of dispensing and selling marijuana or marijuana-based products to a qualifying patient or the patient’s caregiver, all as defined and permitted by Florida law. A marijuana dispensary must be licensed by the State of Florida department regulating marijuana. A marijuana dispensary must be licensed before possessing, purchasing, conveying, distributing, or retailing marijuana or marijuana-based products, and copies of its licensure documents must be filed with the Village prior to opening for business. It is the responsibility of the owner and the operator of the marijuana dispensary to have current, valid, and unexpired state licensure documents on file at all times with the Village. No marijuana or marijuana-based products may be obtained from a grow house or marijuana farm located in the Village. All marijuana or marijuana-based products, must be sold by and at a state licensed and approved marijuana dispensary or dispensing organization, and all marijuana must be purchased from a medical marijuana farm that has a valid, state of Florida-issued permit for said purpose. A marijuana dispensary may not conduct wholesale sales or transactions.

(2) Marijuana dispensaries must at all times meet all the operating criteria for the dispensing of marijuana or marijuana-based products as required from time to time pursuant to Florida law and administrative regulations.

(b) Conditions for approval.

(1) A marijuana dispensary must be located:

(i) At least 500 feet from any single family zoned district as designated on the Village's official zoning district map; and

(ii) At least 500 feet from any parcel of land upon which a religious facility, public school, private school, public park, public playground, library, daycare center or nursery for children is located; and

(iii) At least 500 feet from any parcel of land upon which an adult entertainment establishment is located; and

(iv) At least 50 feet from a building that contains a business that sells or dispenses alcohol; and

(v) At least 1,000 feet from another building that contains a marijuana dispensary.

(2) No variance shall be granted to the spacing requirements of subsection (1) above.

(3) The minimum distance separation shall be measured by following a straight line from any portion of the building used for a marijuana dispensary to:

(i) The nearest point of a property designated as single family residential on the Village's official zoning district map; or

(ii) The nearest point of a building that contains a business that sells or dispenses alcohol; or

(iii) The nearest point of any property used for a religious facility, public school, private school, public park, playground, library, daycare center, nursery for children, adult entertainment center, or another marijuana dispensary.

(4) No drive-in, drive-up, or drive through use shall be permitted as a part of any marijuana dispensary.

(5) At a minimum, a marijuana dispensary must have storage facilities approved and meeting applicable federal and state statutes and rules. If the federal and state governments do not set minimum requirements for storage of marijuana or marijuana-based products or if federal and state law does not prohibit stricter requirements from being adopted by the Village, marijuana or marijuana-based products storage must meet the security and storage requirements for Schedule I and Schedule II drugs (as defined in s. 893.03, Florida Statutes, and 21 U.S.C. s. 812) as provided in 21 C.F.R. s. 1301.72. The storage facility or system must be located on the site of the marijuana dispensary and used solely for marijuana or marijuana-based products storage. The storage facility shall be locked and made secure when the marijuana dispensary is not open and serving the public.

(c) *Dispensary operation.*

(1) No marijuana dispensary within the Village shall sell or distribute marijuana or marijuana-based products other than what is manufactured, grown, and processed in the State of Florida and that has not left the state before arriving at the marijuana dispensary.

(2) It is unlawful for any person or legal entity operating a marijuana dispensary under the provisions of this code to permit any breach of peace therein or any disturbance of public order or decorum by any riotous or disorderly conduct, or otherwise.

- (3) It is unlawful for any marijuana dispensary to remain open to the public for the sale, distribution, conveyance of marijuana or marijuana-based products between the hours of 8 p.m. and 8 a.m. the next day. It is unlawful for any person or legal entity operating a marijuana dispensary under the provision of this code to permit such dispensary to remain open, or patrons to remain upon the premises, between the hours of 8 p.m. and 8 a.m. the next day.
- (4) No living marijuana plants are permitted on the site of a marijuana dispensary.
- (5) Smoking, ingesting, or other consumption.
- (i) No marijuana or marijuana-based products legally obtained with a physician's recommendation or certification shall be smoked, ingested or otherwise consumed in a marijuana dispensary or in the parking lot for a marijuana dispensary. Any marijuana dispensary must, at all times when such establishment is open to the public or is selling marijuana or marijuana-based products, have a sign on the premises located where it can be readily seen and read by all customers of the marijuana dispensary which is at least six by eight and one-half inches (6" × 8.5") in size and with one-half inch (0.5") minimum lettering and contains the following information:
- IT IS UNLAWFUL TO SMOKE, INGEST, OR
CONSUME MARIJUANA INSIDE, OR IN THE
PARKING LOT, OF THIS ESTABLISHMENT.
- (ii) It is unlawful for the owner or operator of any marijuana dispensary to fail to comply with this section or for any person to sell or dispense marijuana or marijuana-based products in any establishment which is not in compliance with this section. The requirements of this section apply to all marijuana dispensaries.
- (5) All sales and dispensing of marijuana or marijuana-based products shall be conducted inside the premises of the marijuana dispensary. No off-site delivery of marijuana shall be permitted by the owner, operator, or any employee of the marijuana dispensary. No mobile marijuana dispensary shall operate, or obtain marijuana or marijuana-based products, from a marijuana dispensary or grow house located in the Village.
- (6) A marijuana dispensary shall not hold or maintain a State of Florida alcoholic beverage license to sell any type of alcoholic beverages, or operate a business that sells alcoholic beverages. No alcoholic beverages may be consumed on the premises or sold within fifty (50) feet of a marijuana dispensary, except at a package store, bar, or lounge the existence which preceded the date of adoption of these provisions relating marijuana dispensaries. No package store, bar, or lounge shall locate and sell or dispense alcoholic beverages within fifty (50) feet of a marijuana dispensary.
- (7) A marijuana dispensary shall provide litter removal services and actively remove litter at least twice each day of operation on, inside the premises, in front of the premises, in any parking lot adjacent to the marijuana dispensary or used by patrons of the marijuana dispensary, and, if necessary, on public sidewalks within one-hundred (100) feet of the outer perimeter of the marijuana dispensary.

(8) A marijuana dispensary shall provide and maintain adequate security on the premises, including fully operational lighting and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft, both inside the marijuana dispensary and in the parking area adjacent to the marijuana dispensary. Any breaking and entering at a marijuana dispensary, regardless of whether marijuana or marijuana-based products are stolen, shall constitute a violation of this code section if the security alarm shall fail to activate simultaneous with the breaking and entering in a loud and audible manner within the hearing of average police officers and citizens on the public right-of-way within two (200) hundred feet of marijuana dispensary.

(9) Notwithstanding other signage provisions of this land development code, a marijuana dispensary shall have one non-illuminated wall sign within 5 feet of the main entrance which is between 2 and 3 square feet in area and which shall include only the following language:

ONLY INDIVIDUALS WITH LEGALLY RECOGNIZED MARIJUANA OR CANNABIS IDENTIFICATION CARDS OR A VERIFIABLE, WRITTEN RECOMMENDATION FROM A PHYSICIAN FOR MEDICAL MARIJUANA MAY OBTAIN MARIJUANA OR MARIJUANA-BASED PRODUCTS FROM A MARIJUANA DISPENSARY.

The text shall be a minimum of two inches in height. This requirement shall remain in effect so long as the system for distributing or assigning medical marijuana identification cards preserves the anonymity of the qualified patient or primary caregiver.

(10) The marijuana dispensary shall provide the Village manager and all property owners and tenants located within one hundred (100) feet of the marijuana dispensary with the name, phone number, and e-mail or facsimile number of an on-site community relations staff person to whom one can provide notice during marijuana dispensary business hours if there are operating problems associated with the marijuana dispensary. The marijuana dispensary shall make every good faith effort to encourage neighbors to call this person to try to solve operating problems, if any, before any calls or complaints are made to the Police Department or other Village officials.

(11) It shall be unlawful for any marijuana dispensary to employ any person to engage in the sale, distribution, conveyance of marijuana or marijuana-based products, who is not at least 18 years of age. A person under the age of 18 years of age may be employed to perform routine maintenance or janitorial work in a marijuana dispensary; provided, that such employee under the age of 18 years of age shall not handle or touch any marijuana or marijuana-based product within the marijuana dispensary.

(12) Except as permitted in paragraph (11) above, it shall be unlawful for any marijuana dispensary to allow any person who is not at least 18 years of age on the premises during hours of operation, unless that person is a qualified patient with a valid identification card or primary caregiver with a valid identification card or a verifiable, written recommendation from a physician for medical marijuana.

(13) A marijuana dispensary shall provide adequate seating for its patients and business invitees. A marijuana dispensary shall not direct or encourage any patient or business invitee to stand, sit (including in a parked car), or loiter outside of the building in which the marijuana dispensary is located, including parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than that reasonably necessary to arrive and depart. A marijuana dispensary shall post conspicuous signs on three sides of any building in which it is located that no loitering is permitted on the property.

(14) A marijuana dispensary shall ensure that there is no queing of motor vehicles in the right-of-way or in any parking lot serving or adjacent to a marijuana dispensary. The marijuana dispensary shall take all necessary and immediate steps to ensure compliance with this paragraph.

Section 3. Repeal. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 4. Severability. The provisions of this Ordinance are declared to be non-severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall render this Ordinance void in its entirety.

Section 5. Inclusion in the Code. It is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of North Bay Village; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

A motion to approve the foregoing Ordinance on first reading on October 25, 2016 was offered by Commissioner Richard Chervony, seconded by Vice Mayor Jorge Gonzalez.

The Votes were as follows:

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Jorge Gonzalez	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Andreana Jackson	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

A motion to adopt the foregoing Ordinance on second reading was offered by _____, seconded by _____.

FINAL VOTES AT ADOPTION:

Mayor Connie Leon-Kreps _____
Commissioner Jose Alvarez _____
Commissioner Andreana Jackson _____
Commissioner Eddie Lim _____

DULY PASSED AND ADOPTED __ day of _____ **2016.**

Connie Leon-Kreps
Mayor

ATTEST:

Yvonne P. Hamilton
Village Clerk

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

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

North Bay Village: Marijuana Dispensary Ordinance.

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

NOTICE OF PUBLIC HEARING
NORTH BAY VILLAGE - NOV. 29, 2016

in the XXXX Court,
was published in said newspaper in the issues of

11/16/2016

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this
16 day of NOVEMBER, A.D. 2016

(SEAL)

MARIA MESA personally known to me



**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, NOVEMBER 29, 2016 AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING ORDINANCE ON SECOND READING AT PUBLIC HEARING:

- 1. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152, SECTION 152.003 ENTITLED "DEFINITIONS"; ADDING DEFINITIONS FOR GROW HOUSE, MARIJUANA, MARIJUANA BASED PRODUCT, MARIJUANA DISPENSARY, MOBILE MARIJUANA DISPENSARY; SECTIONS 152.026 THRU 152.029 AND 152.0296 PROHIBITING MARIJUANA DISPENSARIES (EXCEPT IN THE CG ZONING DISTRICT), GROW HOUSES, AND MOBILE MARIJUANA DISPENSARIES; SECTION 152.030 ENTITLED "CG GENERAL COMMERCIAL DISTRICT" TO ALLOW MARIJUANA DISPENSARIES AS ALLOWABLE USES; SECTION 152.044 ENTITLED "MINIMUM SPACE REQUIREMENTS" REVISE PARKING SPACE REQUIREMENTS, TO INCLUDE MARIJUANA DISPENSARIES; CREATING SECTION 152.113 ENTITLED "MARIJUANA DISPENSARIES" TO PROVIDE CONDITIONS FOR APPROVAL OF A MARIJUANA DISPENSARY AND OPERATING PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.

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, 1666 KENNEDY CAUSEWAY, #300, 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 AT 1666 KENNEDY CAUSEWAY, #300. 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) 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
11/16

16-96/0000172115M



**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, NOVEMBER 15, 2016 AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING ORDINANCE ON SECOND READING AT PUBLIC HEARING:

1. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152, SECTION 152.003 ENTITLED "DEFINITIONS"; ADDING DEFINITIONS FOR GROW HOUSE, MARIJUANA, MARIJUANA BASED PRODUCT, MARIJUANA DISPENSARY, MOBILE MARIJUANA DISPENSARY; SECTIONS 152.026 THRU 152.029 AND 152.0296 PROHIBITING MARIJUANA DISPENSARIES (EXCEPT IN THE CG ZONING DISTRICT), GROW HOUSES, AND MOBILE MARIJUANA DISPENSARIES; SECTION 152.030 ENTITLED "CG GENERAL COMMERCIAL DISTRICT" TO ALLOW MARIJUANA DISPENSARIES AS ALLOWABLE USES; SECTION 152.044 ENTITLED "MINIMUM SPACER REQUIREMENTS" REVISE PARKING SPACE REQUIREMENTS, TO INCLUDE MARIJUANA DISPENSARIES; CREATING SECTION 152.113 ENTITLED "MARIJUANA DISPENSARIES" TO PROVIDE CONDITIONS FOR APPROVAL OF A MARIJUANA DISPENSARY AND OPERATING PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.

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, 1666 KENNEDY CAUSEWAY, #300, 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 AT 1666 KENNEDY CAUSEWAY, #300. 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.

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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) 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
(October 28, 2016)



**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, NOVEMBER 29, 2016** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING ORDINANCE ON SECOND READING AT PUBLIC HEARING:

1. **AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152, SECTION 152.003 ENTITLED "DEFINITIONS"; ADDING DEFINITIONS FOR GROW HOUSE, MARIJUANA, MARIJUANA BASED PRODUCT, MARIJUANA DISPENSARY, MOBILE MARIJUANA DISPENSARY; SECTIONS 152.026 THRU 152.029 AND 152.0296 PROHIBITING MARIJUANA DISPENSARIES (EXCEPT IN THE CG ZONING DISTRICT), GROW HOUSES, AND MOBILE MARIJUANA DISPENSARIES; SECTION 152.030 ENTITLED "CG GENERAL COMMERCIAL DISTRICT" TO ALLOW MARIJUANA DISPENSARIES AS ALLOWABLE USES; SECTION 152.044 ENTITLED "MINIMUM SPACE REQUIREMENTS" REVISE PARKING SPACE REQUIREMENTS, TO INCLUDE MARIJUANA DISPENSARIES; CREATING SECTION 152.113 ENTITLED "MARIJUANA DISPENSARIES" TO PROVIDE CONDITIONS FOR APPROVAL OF A MARIJUANA DISPENSARY AND OPERATING PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.**

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, 1666 KENNEDY CAUSEWAY, #300, 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 AT 1666 KENNEDY CAUSEWAY, #300. 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.

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YVONNE P. HAMILTON, CMC
VILLAGE CLERK

(November 14, 2016)