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

O F F I C I A L A G E N D A

REGULAR VILLAGE COMMISSION MEETING

TREASURE ISLAND ELEMENTARY SCHOOL
7540 EAST TREASURE DRIVE
NORTH BAY VILLAGE, FL 33141

TUESDAY, APRIL 8, 2014

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).

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1. CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

2. A. PROCLAMATIONS AND AWARDS

1. POLICE EMPLOYEES' RECOGNITION
2. DISPATCH UNIT RECOGNITION
3. OSCAR FONSECA, FULL POWER ENTERPRISES, INC.

B. SPECIAL PRESENTATIONS

1. MIAMI-DADE COUNTY ANIMAL SERVICES
2. FY 2013 AUDITED FINANCIAL STATEMENTS
3. GFOA BUDGET AWARD PRESENTATION

4. NORTH BAY VILLAGE OPTIMIST CLUB

C. <u>ADDITIONS AND DELETIONS</u>

3. <u>GOOD & WELFARE</u>

4. <u>BOARD REPORTS</u>

A. CITIZENS BUDGET & OVERSIGHT BOARD
B. COMMUNITY ENHANCEMENT BOARD
C. PLANNING & ZONING BOARD

5. <u>PUBLIC SAFETY DISCUSSION</u>

6. <u>COMMISSIONERS' REPORTS</u>

7. <u>VILLAGE ATTORNEY'S REPORT</u>

8. <u>VILLAGE MANAGER'S REPORT</u>

9. <u>FINANCE REPORT</u>

10. <u>CONSENT AGENDA:</u> Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted 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.

A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN NORTH BAY VILLAGE AND THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE FOR THE TERM OF OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2015; AUTHORIZING APPROPRIATION OF FUNDS FROM THE UNASSIGNED FUND BALANCE TO COVER EXPENSES ASSOCIATED WITH THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)*

The proposed Resolution will set the terms and conditions of employment under the FOP bargaining unit retroactive from October 1, 2012 to September 30, 2015.

B. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH MIAMI-DADE COUNTY TO UTILIZE THE COUNTY'S 700/800 MHZ REGIONAL RADIO SYSTEM FOR LAW ENFORCEMENT VOICE COMMUNICATON; SETTING AN EFFECTIVE DATE.** ***(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)***

The proposed Resolution will approve the Memorandum of Understanding with the County outlining certain policies and standard for use of the emergency radio system.

C. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE TRANSFER OF $20,000 FROM THE UNRESERVED FUND BALANCE ACCOUNT TO THE GENERAL INSURANCE ACCOUNT TO PAY THE INSURANCE DEDUCTIBLE TO THE FLORIDA LEAGUE OF CITIES FOR SETTLEMENT PURPOSES IN THE MATTER OF NAYDA ACROS; SETTING AN EFFECTIVE DATE.** ***(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)***

The proposed Resolution calls for the payment of $20,000 to cover the cost of the Village's insurance deductible in a claim brought by Nayda Acros as a result of an accident involving one of the Village police vehicles.

D. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTLING THE MATTER OF CODE ENFORCEMENT FINES IMPOSED AGAINST RACHEL DUGGER OF 7401 BEACH VIEW DRIVE, NORTH BAY VILLAGE, FLORIDA; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS OF THE SETTLEMENT; TO EXECUTE AND FILE ANY REQUIRED DOCUMENTS WITH THE CLERK OF COURT; AND PROVIDING FOR AN EFFECTIVE DATE.**

The proposed Resolution will authorize a settlement amount of $50,000 to satisfy a Code Enforcement lien imposed against the property.

1.) Commission Action

11. PLANNING & ZONING CONSENT AGENDA

No Items.

12. ORDINANCES FOR FIRST READING AND RESOLUTIONS

A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, CREATING A PROPERTY ASSESSED CLEAN ENERGY PROGRAM AND JOINING THE TOWN OF BAY HARBOR ISLANDS, THE TOWN OF SURFSIDE, AND THE VILLAGE OF BISCAYNE PARK IN CREATING THE CLEAN ENERGY COASTAL CORRIDOR PROGRAM IN ACCORDANCE WITH SECTION 163.08, FLORIDA STATUTES; ADOPTING AN INTERLOCAL AGREEMENT PURSUANT TO SECTION 163.01, FLORIDA STATUTES, RELATING TO THE CORRIDOR; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY COMMISSIONER JORGE GONZALEZ)*

The proposed Resolution will allow the Village to create a Property Assessed Clean Energy Program (PACE) and join the referenced municipalities in a program to finance energy efficient improvements.

1.) Commission Action

B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE EXPENDITURE OF POLICE IMPACT FEES; MAKING APPROPRIATIONS IN THE FY 2015 BUDGET; AND SETTING AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)*

The proposed Resolution will allow the spending of Police Impact Fees collected from developers for police purposes pursuant to Section 32.44 of the Village Code of Ordinances.

1.) Commission Action

13. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING:

A. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTING THE QUALIFYING DATES FOR THE NOVEMBER 4, 2014 GENERAL ELECTION AS PROVIDED FOR UNDER CHAPTER 100, SECTION 100.3605(2) OF THE FLORIDA STATUTES; PROVIDING DIRECTIONS FOR THE VILLAGE CLERK; PROVIDING FOR REPEALER, PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTING ORDINANCES OR RESOLUTIONS; AND AN EFFECTIVE DATE. ***(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)*** **– FINAL READING**

The proposed Ordinance will change the General Election qualifying dates to occur earlier (7/29/14-8/27/14) at the request of the Miami-Dade Elections Department to assist them in meeting statutory requirements to mail the overseas absentee ballots 45 days prior to the election.

1.) Commission Action

B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 1755 NBV LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9), 152.031(B)(1) AND 152.031(C)(4) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132 UNIT, 25 STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE AT 1755 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA; PROVIDING FOR FINDINGS; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

1.) Commission Action

C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 1755 NBV LLC FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A 132 UNIT, 25 STORY CONDOMINUM HOTEL STRUCTURE AT 1755 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, TO ALLOW A 20 FOOT SIDE-YARD SETBACK WHERE 120 FEET IS REQUIRED BY SECTION 152.032(C)(2)(C); PROVIDING FINDINGS; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

1.) Commission Action

D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 1755 NBV LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

1.) Commission Action

E. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.003, DEFINITIONS BY MODIFYING THE DEFINITIONS OF "DWELLING, HOTEL ROOM", "DWELLING, HOTEL SUITE" AND BY ADDINIG A NEW DEFINITION FOR "KITCHEN FACILITIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE. (FINAL READING)

The proposed Ordinance will address the request in Item 13B to change the definition of hotel room and providing a new definition for kitchen facilities.

1.) Commission Action

F. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY CHANGING THE ZONING DESIGNATION ON THE OFFICIAL ZONING MAP FROM CG TO CL FOR THE PROPERTY SHOWN ON MAP 1 (1755 KENNEDY CAUSEWAY) AND LEGALLY DESCRIBED IN EXHIBIT A (ZONING MAP); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE. (FINAL READING)

The proposed Ordinance will address the request in Item 13B to change the CG zoning designation to CL for the property located at 1755 Kennedy Causeway.

1.) Commission Action

G. AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING: (FIRST PUBLIC HEARING)

1. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI- FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.

2. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

3. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

1.) Commission Action

H. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY WILLIAM C. WEBB, JR. FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE REDEVELOPMENT OF A SINGLE-FAMILY STRUCTURE AT 1357 BAY TERRACE TO PERMIT A BUILDING HEIGHT OF 29.5 FEET ABOVE FEMA BASE FLOOD ELEVATION, WHERE 25 FEET IS ALLOWED; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

1.) Commission Action

I. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY HOLGER PIENING AND ANDREA FRANKE FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE SWIMMING POOL EQUIPMENT TO ENCROACH 4 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AT 1700 SOUTH TREASURE DRIVE; PROVIDING FINDINGS; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

1.) Commission Action

J. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILALGE, FLORIDA, APPROVING A REQUEST BY HOLGER PIENING AND ANDREA FRANKE FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 3.5 FOOT SIDE-YARD INTERIOR SETBACK FOR THE CONSTRUCTION OF STEPS AND LANDING LEADING FROM THE SWIMMING POOL DECK AT 1700 SOUTH TREASURE DRIVE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

1.) Commission Action

K. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY KAUKUTA SAINT FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A GENERATOR TO ENCROACH FOUR FEET INTO THE REQUIRED TEN-FOOT SIDE-YARD SETBACK AT 7441 CENTER BAY DRIVE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

1.) Commission Action

L. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY KAUKUTA SAINT FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW TWO CARPORTS TO ENCROACH TWENTY FEET INTO THE FRONT YARD SETBACK ALLOWING A ZERO FRONT-YARD SETBACK AT 7441 CENTER BAY DRIVE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

1.) Commission Action

M. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE CONSTRUCTION OF A DOCK AT 1460 SOUTH TREASURE DRIVE; PROVIDING FINDINGS; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

1.) Commission Action

14. UNFINISHED BUSINESS

A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. ***(CONTINUED FROM DECEMBER 10, 2013)***

1.) Commission Action

15. NEW BUSINESS

A. SETTING DATE FOR FY 2015 BUDGET WORKSHOP

1.) Commission Action

B. APPOINTMENT OF MEMBERS TO THE BUSINESS DEVELOPMENT ADVISORY COMMITTEE

1.) Commission Action

16. APPROVAL OF MINUTES

A. REGULAR COMMISSION MEETING - MARCH 11, 2014

1.) Commission Action

17. ADJOURNMENT

NORTH BAY VILLAGE
MEETING NOTICE

THURSDAY, APRIL 10, 2014	**6:00 P.M.**	**COMMUNITY ENHANCEMENT BOARD MEETING** **VILLAGE ADMINISTRATIVE OFFICES** **1666 KENNEDY CAUSEWAY, 3RD FLOOR**
WEDNEDAY, APRIL 30, 2014	**6:00 P.M.**	**CITIZENS BUDGET & OVERSIGHT BOARD MEETING** **VILLAGE ADMINISTRATIVE OFFICES** **1666 KENNEDY CAUSEWAY, 3RD FLOOR**

Any meeting may be opened and continued and, under such circumstances, additional legal notice would not be provided. Any person may contact the Village Clerk at (305) 756-7171 for information. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 756-7171 no later than four (4) days prior to the proceedings. TTY users may also call 711 (Florida Relay Service).

EVENT:

SUNDAY, APRIL 13, 2014 **SUNDAY, APRIL 20, 2014** **SUNDAY, APRIL, 27, 2014**	**11:00 A.M.-** **3:00 P.M.**	**FARMERS' MARKET** **1755 KENNEDY CAUSEWAY (WEST OF BEST WESTERN)** **NORTH BAY VILLAGE, FLORIDA**

NORTH BAY VILLAGE POLICE DEPARTMENT

RECOMMENDATION MEMORANDUM

DATE: **March 13, 2014**

TO: **Mayor Connie Leon Kreps**
Vice-Mayor Eddie Lim
Commissioner Dr. Richard Chervony
Commissioner Jorge Gonzalez
Commissioner Wendy Duvall

RECOMMENDED BY STAFF/COMISSIONER:
Frank Rollason, Village Manager

PRESENTED BY STAFF:
Robert Daniels, Police Chief

SUBJECT: **April 2014 Village Commission Meeting**
Request to Honor Communications Dispatch Personnel

RECOMMENDATION:

We recommend that the Village Commission declare the week of April 13-19, 2014 as Public Safety Telecommunicators Week in North Bay Village. We also ask that all North Bay Village Staff members/employees, Citizens and Village Officials take time during this week to reach out and honor our Police Communications Dispatch Center Personnel.

BACKGROUND:

National Telecommunicators Week was introduced by The Association of Public-Safety Communications Officials (APCO) International as a way of thanking all telecommunications personnel in the public safety community for their continued efforts to preserve the public's safety. Although APCO International does all it can to honor our calltakers and dispatchers throughout the year, National Public Safety Telecommunications Week on April 13-19, 2014 has been set aside to promote awareness of their hard work and dedication, which provide a vital link to the public safety services which we rely on every day.

1841 GALLEON STREET, NORTH BAY VILLAGE, FL 33141
MIAMI-DADE COUNTY
PHONE #305-758-2626 FAX #305-866-7513

We would like to make National Public Safety Telecommunications Week 2014 a memorable one for our Dispatchers. We encourage North Bay Village to recognize and celebrate our Dispatch Employees.

FINANCIAL IMPACT:

There will be no impact to the General Fund.

PERSONNEL IMPACT:

Communications Dispatch Center Personnel

CONTACT:

Robert J. Daniels, Chief of Police

North Bay Village
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1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MINUTES

CITIZENS BUDGET & OVERSIGHT BOARD MEETING
1666 KENNEDY CAUSEWAY, #300
NORTH BAY VILLAGE, FL 33141

March 27, 2014

6:00 P.M.

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1. CALL TO ORDER

The meeting was called to order at 6:13 p.m. by the Chair, Robert Breiner. Also present were Oliver Pfeffer, Temante Leary and Myra Perez Damera. Maria Haviland was absent. Finance Director Bert Wrains, Budget Utility Accountant Sandra Zamacona and Village Clerk Yvonne Hamilton attended.

Also in attendance were Mayor Connie Leon-Kreps, Resident Reinaldo Trujillo, and Tom Leach from Biscayne Park.

2. NEW BUSINESS

A. DISCUSSION REGARDING ABANDONED BUILDING ON TREASURE ISLAND (7525 E. TREASURE DRIVE-TREASURE HOUSE NORTH)

Discussion took place regarding the deterioration of the building at 7525 East Treasure Drive. It was noted that Village fines were imposed on the property owner for $44,990. A Special Master Order was issued granting 120 days to obtain the necessary building permits to repair or demolish the building. If such action is not taken in the time allowed, fines of $250 per day will continue to occur.

B. UTILITY BILL STANDARD FORMAT

Three options for the new Utility Bill Standard Format to be utilized with the new financial software were presented to the Board for their review and input for selection of the best option.

Oliver Pfeffer made a motion to select Option 1. Temante Leary seconded the motion which was adopted by a 4-0 voice vote. The vote was as follows: Myra Perez Damera, Robert Breiner, Temante Leary, and Oliver Pfeffer all voting Yes.

It was brought up that Miami Shores charge businesses to advertise on their utility bills. It was noted that there could be some legal issues with such action. Staff will obtain an opinion from the Village Attorney.

C. DISCUSSION REGARDING BUILDING INSPECTORS

Inquiry was made as to whether provisions were made in the budget to address the increased building activities, which would require more inspections. The Finance Director explained CAP's operation, the Village payment process for a percentage of the fees to CAP and the remainder to the Village, other fees collected with the Building Permit fees such as for digitizing records, and that all revenues generated are to be used for the department.

Mr. Wrains also explained an analysis comparing the current system with CAP Government versus the Village managing the building department's services with full-time employees. The outcome proved more feasible to outsource the services. For example, if the Village were to use full-time employees, it would cost $700,000. Until the Blu Development, the Village was collecting $400,000 in revenue.

3. <u>GENERAL DISCUSSION</u>

Without objection, a member of the Board requested that an explanation of the police budget be provided at the next Board Meeting for better understanding, considering that the department is the largest part of the budget.

The following items were discussed: Whether forfeiture funds can be used to construction of a new Village Hall, need for Ethics Workshop, and the status of the Red Light Camera Program.

Mr. Wrains discussed the budget in brief for the month ending February 28, 2014 and the 2015 Budget Time Table. The Board was informed that the budget would be presented for their review after it was provided to the Commission at a workshop.

Reference was made to a draft of the 2013 Financial Statements, which would be provided to the Board when the final document was received.

The Board was informed that a Citizens Survey was being prepared to be distributed to the residents.

4. APPROVAL OF MINUTES

A. REGULAR MEETING– 1/28/2014 CITIZENS BUDGET & OVERSIGHT BOARD MEETING

Myra Perez Damera made a motion to approve the Minutes. Oliver Pfeffer seconded the motion, which was adopted by a vote of 4-0. The vote was as follows: Robert Breiner, Temante Leary, Oliver Pfeffer, and Myra Perez Damera all voting Yes.

The next meeting of the Board is tentatively scheduled for April 30, 2014 at 6:00 p.m.

5. ADJOURNMENT

The meeting adjourned at 7:24 p.m.

Prepared by: Yvonne P. Hamilton, CMC
Village Clerk

Approved by Citizens Budget & Oversight Board

this 27th day of March 2014.

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Robert Breiner, Chair

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 MINUTES

COMMUNITY ENHANCEMENT BOARD WORKSHOP
1666 KENNEDY CAUSEWAY, #300
NORTH BAY VILLAGE, FL 33141

March 25, 2014 – 6:00 P.M.

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1. CALL TO ORDER:

The meeting was called to order at 6:15 p.m. Board Members present were: Andreana Jackson, Chair, Benjia Morgenstern, and Doris Acosta. Diana Quintera and Odalys Becerra were absent. Also present were: Village Clerk Yvonne P. Hamilton, Jenorgen Deputy Village Clerk, and Deputy Village Manager/HR Director Jenice Rosado.

Mayor Connie Leon-Kreps attended.

2. NEW BUSINESS

A. PRESENTATION – URBAN HABITAT/PLANTING OF NATIVES ON THE CAUSEWAY

Member Benjia Morgenstern invited Howard Tonkin from Urban Habitat to talk about the benefits of landscaping with Natives. During his presentation, Mr. Tonkin discussed the following native plants that can be used throughout the Village, some of which require no mowing: Sea Lavender, Konte Plant, Green Oxy Sea Daisy, Sunshine Mimosacreae (pink flowers), Sea Porcelain (pink flowers), Moldy Grass (pink feathery grass), Silver Oxy Daisy, Blanket Flower (red & yellow), Beach Verbana, and Red Salvia, and Lignum Vitae.

Mr. Tomkin also noted that Federal Grants are available for landscaping.

It was the consensus of the Board Members for Mr. Tonkin to develop a budget for native planting Village-wide to give some uniqueness to the community, for discussion at the April 10, 2014 Board Meeting.

B. SEPTIC SYSTEM AND ODOR *(NORTH BAY VILLAGE MAIN SEWAGE PUMP STATION)*

It was requested that the Village analyze the sewer force main on Galleon Street to remove the unpleasant odor that disseminates in the area.

C. LEASH LAWS FOR DOGS

Mrs. Rosado updated the Board on the process used by the Police Department and the Code Enforcement Officer for dogs running at large.

D. POST OFFICE MAIL BOX *(GALLEON STREET)*

The Board inquired about the condition of the mailbox. Mrs. Rosado reported that a meeting was held with the Post Office and they are looking into replacing the box. It was suggested that that the mailbox on Galleon Street, as well as the two on Harbor Island should be accessible as a drive through.

E. BOARD MONTHLY MEETING SCHEDULE

It was the consensus of the Board to hold the next meeting on April 10, 2014 at 6:00 p.m.

3. <u>OLD BUSINESS</u>

A. UPDATE ON THE KENNEDY BUST FOR LANDSCAPING

There was discussion to add some palm trees to this area.

B. PLANTING OF ADDITIONAL DONATED PALM TREES

It was suggested that the additional palm trees be planted at the three entrances to the islands and behind the Kennedy Bust. Suggestions were made to donate some of these palm trees to business owners and have them assume the cost for planting.

C. RESPONSE ON UPGRADING THE LANDCAPING AT PRESIDENT SUPERMARKET PLAZA

The property owner, Roy Martayan, will attend the next meeting of the Board to discuss this matter. Concern was also expressed as to when there would be a resolution to the shopping carts being left throughout the Village.

D. STATUS OF LANDSCAPING AT ENTRANCES OF THE ISLANDS

It was discussed that the planting of Natives would enhance these areas.

E. STATUS OF INSTALLATION OF NEW FENCING ON THE WESTERN FLAT BRIDGE

Mrs. Rosado informed the Board that the Village had selected a design and was waiting for FDOT to report back.

F. STATUS OF "WELCOME TO NORTH BAY VILLAGE" EAST ENTRANCE SIGN

The Board was informed that the sign was completed and is expected to be installed within the next few weeks.

4. APPROVAL OF MINUTES

A. NOVEMBER 21, 2013 - COMMUNITY ENHANCEMENT BOARD MEETING
B. DECEMBER 7, 2013 - COMMUNITY ENHANCEMENT BOARD WORKSHOP
C. JANUARY 9, 2014 - COMMUNITY ENHANCEMENT BOARD MEETING

Andreana moved to approve the Minutes as submitted. Doris Acosta seconded the motion, and all voted in favor.

5. ADJOURNMENT

The meeting adjourned at 7:13 p.m.

Prepared by: Yvonne P. Hamilton
Village Clerk

Approved by Community Enhancement Board

this _____ day of _____.

_____
Andreana Jackson, Chair

North Bay Village
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PLANNING & ZONING BOARD MEETING

TREASURE ISLAND ELEMENTARY SCHOOL
7540 EAST TREASURE DRIVE
NORTH BAY VILLAGE, FL 33141

March 18, 2014 – 7:30 P.M.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

The meeting was called to order at 7:34 P.M. by Chair Reinaldo Trujillo and the Pledge of Allegiance was recited. Also present at Roll Call were Board Members Bud Farrey, Marvin Wilmoth and Barry Beschel. The Vice Chair James Carter was absent. Also present were Building & Zoning Clerk Elena Grek, Village Clerk Yvonne P. Hamilton, Deputy Village Clerk Jenorgen Guillen, and the Village Planner Ben Smith. Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony and Village Manager Frank K. Rollason were in attendance.

As a quorum was determined to be present, the meeting commenced.

The Chair offered the applicants the option to defer or move forward with their requests since only four members of the Board were present.

Village Attorney Robert L. Switkes swore in those individuals who indicated that they would testify.

Mr. Switkes advised the Board Members to disclose any communication they may have had regarding the issues on the agenda and whether they had any conflict of interest pertaining those issues. Board Member Bud Farrey disclosed his personal knowledge of his neighbor, Mr. William Webb, Jr.

1. **(PUBLIC HEARINGS) ALL INDIVIDUALS DESIRING TO PROVIDE TESTIMONY SHALL BE SWORN IN.**

A. **AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA, IN CONNECTION WITH THE DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE:**

1. **A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILALGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**

The Village Clerk read the request into the record.

Ben Smith, of LaRue Planning & Management Services, Inc., Village Planner, provided a brief report on the request.

Wayne Pathman, of Lewis, Pathman LLP, One Biscayne Tower, Two South Biscayne Tower, Suite 2400, Miami, FL 33131, presented the request to the Commission.

The Chair opened the Public Hearing.

Fane Lozman, of 7918 West Drive, Henrik Risvang, of 7934 West Drive, and Village Manager Frank K. Rollason addressed the Board.

Discussion ensued regarding the fact that the developer is required to assign the required number of parking spaces to the unit owners, without charge, pursuant to the Village Code.

The Chair closed the public hearing.

Marvin Wilmoth made a motion to approve the request for parking spaces designated for compact vehicles contingent upon a positive approval of a Site Plan for this development and for the developer to assign the required number of parking spaces to the unit owners pursuant to Section 152.044 of the North Bay Village Code of Ordinances. Barry Beschel seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Barry Beschel, Reinaldo Trujillo, Bud Farrey, and Marvin Wilmoth all voting Yes.

B. AN APPLICATION BY KAKUTA SAINT CONCERNING PROPERTY LOCATED AT 7441 CENTER BAY DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

1. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A GENERATOR TO ENCROACH 4 FEET INTO THE REQUIRED 10 FOOT SIDE INTERIOR SETBACK AREA.

The Village Clerk read the item into the record.

Ben Smith, of LaRue Planning & Management Services, Inc., Village Planner made a brief report on the request.

The Chair opened the Public Hearing.

The applicant Kakuta Saint addressed the Commission.

The Chair closed the Public Hearing.

Barry Beschel made a motion to approve the request with the following conditions:

1. To comply with Section 151.25, screening must be provided which screens the entire
   height of the generator structure (applicant has stated his intention to comply with this by extending his side yard fence).
2. Generator testing times shall be restricted to between 10am and 2pm on weekdays and non-holidays.
3. Building permits and related approvals for generator installation must be obtained from the Building Official prior to commencement of construction.
4. All applicable state and federal permits must be obtained before commencement of construction.
5. Cost Recovery charges must be paid pursuant to Section 152.110. Specifically, no building permit 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.

6. Authorization or issue of a variance or a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a variance or a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

The motion was adopted by a 4-0 roll call vote. The vote was as follows: Marvin Wilmoth, Bud Farrey, Reinaldo Trujillo, and Reinaldo Trujillo all voting Yes.

C. AN APPLICATION BY WILLIAM WEBB CONCERNING THE PROPERTY AT 1357 BAY TERRACE, NORTH BAY ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

1. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A TWO-STORY SINGL-FAMILY RESIDENTIAL STRUCTURE TO EXCEED THE MAXIMUM HEIGHT OF SECTION 152.026(C)(3), WHICH ALLOWS A BUILDING HEIGHT OF NO MORE THAN 25 FEET ABOVE FEMA BASE FLOOD ELEVATION.

The Village Clerk read the request into the record.

Ben Smith, of LaRue Planning & Management Service, Inc., Village Planner made a brief report on the request.

Avelino R. Leoncio, Jr., A.1.A., Architect for the project, 14511 Rosewood Road, Miami Lakes, FL 33014 and Mr. Webb addressed the Board.

The Chair opened the Public Hearing and there were no speakers.

Bud Farrey made a motion to approve the request. Barry Beschel seconded the motion which was adopted by a 3-1 roll call vote. The vote was as follows: Reinaldo Trujillo, Bud Farrey, and Barry Beschel all voting Yes. Marvin Wilmoth voted No.

D. AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKECONCERNING PROPERTY LOCATED AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:

1. **A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 4.5 FOOT SIDE-INTERIOR SETBACK FOR THE CONSTRUCTION OF STEPS AND LANDING LEADING FROM THE SWIMMING POOL DECK, WHERE THE CODE REQUIRES A SETBACK OF 7.5 FEET.**

The Village Clerk read the requests into the record.

Ben Smith, of LaRue Planning & Management Service, Inc., Village Planner made a brief report on the request.

Counsel for the applicant, Brian S. Alder, and Tony Leon, Architect, 4300 Biscayne Boulevard, Miami, Floria made a brief presentation on the project.

The Chair opened the Public Hearing.

Doris Acosta, of 1790 South Treasure Drive, and Village Manager Frank K. Rollason addressed the Commission.

The Chair closed the Public Hearing.

Bud Farrey made a motion to approve the request for a Variance to permit the 4.5 foot side-interior setback for the construction of steps and landing leading from the Swimming Pool deck, where the Code Requires a setback of 7.5 feet. Barry Beschel seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Bud Farrey, Reinaldo Trujillo, Barry Beschel, and Marvin Wilmoth all voting Yes.

2. **A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE POOL EQUIPMENT TO ENCROACH 3.3 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AREA.**

Marvin Wilmoth made a motion to approve the request for a Variance to permit the pool equipment to encroach 3.3 feet into the required 7.5 foot side interior setback area with the following conditions:

1. To comply with Section 151.25, landscaping and/or other methods of screening must be provided which screens the entire height of the pool equipment.

2. Building permits and related approvals for generator installation must be obtained from the Building Official prior to commencement of construction.

3. All applicable state and federal permits must be obtained before commencement of construction.

4. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no building permit 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.

5. Authorization or issue of a variance or a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a variance or a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

Bud Farrey seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Barry Beschel, Reinaldo Trujillo, Reinaldo Trujillo and Marvin Wilmoth all voting Yes.

The Chair Reinaldo Trujillo made a motion to table the following Item 3E until all of the required information is submitted to the satisfaction of Village Planner, Jim LaRue. Marvin Wilmoth seconded the motion, which was adopted by a 4-0 roll call vote.

E. AN APPLICATION BY NORTH BAY CAUSEWAY, LLC CONCERNING PROPERTY LOCATED AT 1555 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

1. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.030(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.

2. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 127-UNIT, 22-STORY CONDOMINIUM STRUCTURE WITH A PARKING GARAGE.

BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

3. A VARIANCE PURSUANT TO SECTION 152.097 OF NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW 5 STORIES OF

PARKING, WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES OF PARKING.

2. APPROVAL OF MINUTES

A. REGULAR PLANNING & ZONING BOARD MEETING-FEBRUARY 18, 2014

Barry Beschel made a motion to approve the Minutes as submitted. Bud Farrey seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Marvin Wilmoth, Bud Farrey, Reinaldo Trujillo, and Marvin Wilmoth all voting Yes.

3. ADJOURNMENT

The meeting adjourned at 10:10 p.m.

Prepared and submitted by: Yvonne P. Hamilton
Village Clerk

Adopted by the Planning & Zoning Board on
this ___ day of _____ 2014.

_____
Reinaldo Trujillo, Chair

(Note: The Minutes are summary of the proceeding.)

North Bay Village

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

VILLAGE MANAGER'S REPORT
To
The Mayor and Members of the Village Commission

APRIL 8, 2014

Treasure Island Elementary School
7540 East Treasure Drive
North Bay Village, FL 3341

1. Garbage Dumpsters:

2. Paul Vogel Parks Seawall

3. Water Leaks on Residential Streets

North Bay Village
Administrative Offices
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NORTH BAY VILLAGE
RECOMMENDATION MEMORANDUM

DATE: **April 1, 2014**

TO: **Mayor Connie Leon Kreps**
Vice-Mayor Eddie Lim
Commissioner Dr. Richard Chervony
Commissioner Wendy Duvall
Commissioner Jorge Gonzalez

RECOMMENDED BY:
Frank Rollason, Village Manager

PRESENTED BY STAFF:
Frank Rollason, Village Manager

SUBJECT: **FOP Union Contract**

RECOMMENDATION:

It is recommended that the Village Commission ratify the FOP Union Contract.

BACKGROUND:

The existing FOP Union contract has been expired since 2010. For the past few years, the Village has been in discussions and negotiations with the Union in order to achieve a contract that is beneficial to the Village as well as to the employee. We have hit many stumbling blocks along the way and had not been able to reach an agreement to date.

In the existing contract there are a lot of provisions that place the Village in a position of great unfunded liability. The main ones of these being the provisions that provide no limits for cashing out of banked time (vacation, sick) as well as many other unclear provisions that have allowed for various interpretations of the contract which create a lot of confusion. During the Manager's tenure with the Village, he has been steadfast in bringing the Union to the table to resume and complete negotiations in order to remedy the issues that are created by the existing contract. Through great effort from

staff, labor counsel and the members of the Union, we have been able to reach an agreement that is both rewarding for the Village as well as the Union members. We have negotiated articles that will in the long term reductions of our unfunded liability while at the same time provide the Union members with much awaited industry standard Cost of Living Increases as well as provisions providing for Merit based pay step increases. The members of the FOP Union have voted positively on the contract and approval from the Commission will ratify this contract and it will allow staff to begin to implement it.

FINANCIAL IMPACT:

The FY 2013 budget contained funds for the 2013 COLA. The 2013 COLA was never provided to the employees because we were still in the middle of negotiations. Therefore, the 2013 COLA allocated funds rolled into the unreserved fund balance with the knowledge that once the contract was ratified the funds would be there to fulfill the 2013 COLA for the employees. Currently, the unreserved fund balance is $385,411 of which $40,060 is the amount that was set aside for the COLA for 2013; this leaves us with a new total of $345,351 in the unreserved fund balance.

In our current FY 2014 budget, we included funding for a 2% COLA and as well as merit / step increase for the employees. In our negotiations we were able to obtain concessions on other significant items that lower our unfunded liability (adding to a total saving of $605,636 over a 5 year period) with the tradeoff of increasing the FY 2014 COLA to 3% rather than 2%. This increase amounts to an additional $20,430 needed in order to fulfill our contract as proposed for FY 2014. If the $20,430 is taken from our unreserved fund balance, then that leaves us with a new balance of $324,981.

The contract requirements for FY 2015 call for a 3% COLA. In addition, a merit / step increase will be provided to those officers who are not "capped" in pay (a handful of officers are not capped so expense is minimal). Our expense for FY 2015 for COLA and merit will be an approximate $121,727 which will need to be budgeted when we go through our budget process.

At the current moment, the February financial report from the Finance Director has projected that the FY 2014 budget will end up with an additional $128,211 to our unreserved fund balance making our grand ***total to the unreserved fund balance for FY 2014 $453,192*** *($324,981 +$128,211).*

PERSONNEL IMPACT:

Improved Police moral and productivity.

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: March 27, 2014

TO: Yvonne P. Hamilton
Village Clerk

FROM: Frank K. Rollason
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 COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN NORTH BAY VILLAGE AND THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE FOR THE TERM OF OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2015; AUTHORIZING APPROPRIATION OF FUNDS FROM THE UNASSIGNED FUND BALANCE TO COVER EXPENSES ASSOCIATED WITH THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

FKR:yph

Mayor	Vice Mayor	Commissioner	Commissioner	Commissioner
Connie Leon-Kreps	**Eddie Lim**	**Dr. Richard Chervony**	**Wendy Duvall**	**Jorge Gonzalez**

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN NORTH BAY VILLAGE AND THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE FOR THE TERM OF OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2015; AUTHORIZING APPROPRIATION OF FUNDS FROM THE UNASSIGNED FUND BALANCE TO COVER EXPENSES ASSOCIATED WITH THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. ***(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)***

WHEREAS, North Bay Village and the Fraternal Order of Police have engaged in collective bargaining; and

WHEREAS, personnel issues have been satisfactorily resolved by both parties; and

WHEREAS, an agreement has been recommended by the Village Manager and the Village's labor counsel, in accordance with guidelines established by the Village Commission, and has been approved by the Fraternal Order of Police membership; and

WHEREAS, the Village's Labor Counsel has approved said agreement as to form and sufficiency.

WHEREAS, appropriation of $60,490 is required in the 2014 Budget to cover the expenses associated with the terms of the agreement.

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

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

Section 2. Approval of the Agreement. The "Collective Bargaining Agreement between North Bay Village and the Florida State Lodge, Fraternal Order of Police", a copy of which is attached hereto as Exhibit "1", together with such changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney, is approved.

Section 4. Execution of Agreement. The Village Manager is authorized to execute the collective bargaining agreement between the Village and the Fraternal Order of Police substantially in the form attached to this Resolution as "Exhibit 1". The three-year term of the Agreement shall be October 1, 2012 through September 30, 2015.

Section 3. Authorization of Village Officials. The Village Manager and/or his/her designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Agreement.

Section 3. Appropriation of Funds. Appropriation of $60,490 from the Unassigned Fund Balance to the FY 2014 Budget is granted to cover the expenses associated with the agreement.

Section 5. Fund Expenditure and Authorization. The Village Manager is authorized to expend the budgeted funds to implement the terms of this agreement.

Section 6. 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 Eddie Lim _____
Commissioner Richard Chervony _____
Commissioner Wendy Duvall _____
Commissioner Jorge Gonzalez _____

PASSED AND ADOPTED this 8th day of April 2014.

_____
Mayor Connie Leon-Kreps

Attest:

_____
Yvonne P. Hamilton, CMC
Village Clerk

APPROVED AS TO FORM:

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

COLLECTIVE BARGAINING AGREEMENT

between the

NORTH BAY VILLAGE

and the

FLORIDA STATE LODGE,

FRATERNAL ORDER OF POLICE

Effective October 1, 2012 thru September 30, 2015

Exhibit 1

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PREAMBLE

THIS AGREEMENT is entered into by North Bay Village, Florida, hereinafter referred to as the "Village" and the Florida State Lodge, Fraternal Order of Police, hereinafter referred to as the "Union" for the purpose of promoting harmonious relations between the Village and Union, to establish an orderly and prompt procedure for the resolution of grievances, to insure continuation of normal activities and departmental operations, to settle differences which might arise and to set forth the basic and full agreement between the parties concerning rates of pay, wages, hours of work and all other conditions of employment.

ARTICLE 1 - RECOGNITION

The Village hereby recognizes the Florida State Lodge, Fraternal Order of Police as the exclusive representative for the purpose of collective bargaining with respect to wages, hours and terms and conditions of employment for all employees in the bargaining unit. The certification by the Florida Public Relations Commission, Certification No. 1704 and as a result thereof, the Village recognizes the Union (FOP) as the exclusive collective bargaining representative of all sworn officers in North Bay Village as stated below. All permanent full time sworn police personnel of the rank of police officer, and police sergeant, and police lieutenant including probationary employees but excluding all other employees of North Bay Village.

ARTICLE 2 - NON-DISCRIMINATION

There shall be no discrimination, interference, restraint, or coercion by the Village or the Union against any employee because of any classification protected by federal, state or local law. All references to employees in this Agreement designate both sexes and wherever the male gender is used it shall be construed to include male and female employees.

ARTICLE 3 - DUES CHECK-OFF

3.1 Any member of the Union, who has submitted a properly executed authorization card or statement to the Village Manager or his designee in accordance with a format prescribed or approved by the Village may, by request in writing have his membership dues in the Union deducted from his wages. Dues shall be deducted each pay period, and shall, thereafter, be transmitted to the Union. However, the Village shall have no responsibility or liability for any monies once sent to the Union, nor shall the Village have any responsibility or any liability for the improper deduction of dues. Further, the Union shall hold the Village harmless for non-intentional errors in the administration of the dues deduction system.

3.2 It shall be the responsibility of the Union to notify the Village Manager or his designee in writing of any change in the amount of dues to be deducted at least thirty (30) days in advance of said change. Under no circumstances shall the Village be required to deduct Union fines, penalties, or assessment from the wage of any member.

3.3 Any member of the Union may, on thirty (30) days written notice to the Village and the Union, request the Village to cease deducting dues from his wages.

3.4 There shall be a $5.00 charge per employee for start-up or any change in deductions paid by the Union to the Village.

ARTICLE 4 - UNION REPRESENTATIVES

4.1 The Village will recognize Union representatives from within the bargaining unit, appointed by the Union, whose duties shall be to process formal grievances from members of the bargaining unit and represent employees, upon request, at internal investigation interviews. One such representative will be allowed to accomplish the above-described tasks on duty time without loss of pay or benefits with permission of the Department. The Union will provide the name of the representative in writing to the Village Manager and copy the Chief of Police within ten (10) business days of said change. Such permission should not be unreasonably withheld.

4.2 One member of the Union's bargaining team will be allowed time off, without loss of pay, to attend sessions which have been scheduled to renegotiate this Agreement. A Second member of the Union will be allowed to attend the sessions without loss of pay as long as the attendance of the Second person does not result in overtime coverage expense for the Village. The Second member prior to the scheduled bargaining meeting date shall coordinate their schedule and receive approval for their supervisor prior to attending bargaining session. Prior to the commencement of such negotiations, the Union shall receive permission from the Chief of Police as to which bargaining team members will be allowed such time off.

ARTICLE 5 - SERVICES TO THE UNION

5.1 The Village will furnish the Union a copy of Police Department Rules and Regulations, and changes pertaining thereto.

5.2 The Village will allow the Union and its representatives reasonable use of the meeting facility at the Police Station or Village Hall for the conducting of Union business when such facility is not in normal use, upon five (5) business days written request therefor to the Village Manager or his designee.

5.3 The Village will furnish the Union with sufficient bulletin board space, for only Union notices relating to official business of the Union and/or contract administration, in or near the Squad Room.

5.4 The Village will allow the Union to distribute mail and other communications.

5.5 Upon written request by the Union, the Village will provide, on an annual basis, a complete roster of the bargaining unit, including name, rank, address, telephone number, social security number and current pay scale. The Village will notify the Union on an interim basis of permanent changes within thirty (30) days as to name, rank and employment status.

ARTICLE 6 - PERSONNEL RECORDS

6.1 Employees covered by this Agreement shall have the right to inspect their official personnel files with three (3) business days notice at a time agreeable to the Human Resources Director. The employee shall have the right to make duplicate copies of any items in his personnel, at no cost to the employee. Those shall be the only official personnel files maintained for each employee.

6.2 Employees shall have the right to add to their personnel records written refutation of any document or information contained therein which is considered by the employee to be derogatory or to contain incorrect or insufficient information.

6.3 All personnel records of the employees shall be kept confidential to the extent provide by Chapter 119, Florida Statutes.

6.4 The Union and the Village agree that the names and/or photographs of bargaining unit members may be used in the Village's newsletter, electronic mail, and the website when recognizing accomplishments or with other non-derogatory news items.

6.4.1 Except as authorized in paragraph 6.4.1 above, neither the news media nor any other person will be directly furnished with the home address, telephone number, social security number or photograph of any employee or relatives without his express written consent. Certain employee information is in the public domain controlled by the employee and the Village cannot be responsible for any of those disclosures.

6.5 Reprimands and formal counseling's shall be automatically removed by the Village one (1) year from the date received by the employee. However, such reprimands and/or counselings may be used in future discipline proceedings.

ARTICLE 7 - BILL OF RIGHTS & RELATED MATTERS

7.1 The Village agrees to abide by the requirements contained in the Law Enforcement Officer's Bill of Rights as set forth in Section 112.531 Florida Statutes, including any and all subsequent revisions thereto, and that said statute is incorporated herein by reference.

7.2 Prior to filing a disciplinary charge which is prompted by a citizen complaint, the Village shall obtain a sworn complaint affidavit as to the exact allegations against the officer.

7.3 In the interest of internal security and fairness to the employee under investigation, the Village, insofar as is legally permissible, agrees to make no conclusionary statements concerning the validity of the allegations under investigation until such time as the investigation has been completed. In the event the employee under investigation, or any organization or person representing said employee make public statements concerning the allegations under investigation, the Village shall have the right to respond in any manner it deems appropriate. Violation of this provision shall not prejudice the Village's right to continue the investigation and action thereunder.

7.4 No employee will be compelled by the Village to speak or testify before, or be questioned by any non-governmental agency unless under proper subpoena.

7.5 The Village agrees that no adverse action will be taken against any employee who exercises the rights provided for in this Article.

7.6 Not sustained or unfounded letters of complaint from citizens will not be inserted into an officer's personnel records. .

7.7 The Charge of "conduct unbecoming" and all similar vague charges will not be used by the Village unless further substantiated by specific charges.

7.8 Should disciplinary action result from an internal investigation, an employee may, at the option of the Chief of Police, be allowed to use compensatory or vacation time to satisfy a suspension.

7.9 In the event an employee is under criminal investigation by any criminal justice agency, the Chief of Police will have the option of placing an internal affairs investigation involving the same or related conduct in abeyance until the conclusion of the criminal investigation.

7.9.1 The internal affairs investigation against such employee may, at the option of the Chief of Police, remain in abeyance if criminal prosecution is initiated against such employee. Criminal prosecution is considered "initiated" once an indictment is handed down or a criminal information is filed alleging any criminal conduct.

ARTICLE 8 - SHIFTS AND SHIFT EXCHANGES

8.1 The Village agrees to continue the shift bidding procedure for all employees who hold the ranks of police officer and police sergeant and Police Lieutenant, including Corporals. Work assignments for Lieutenants are at the discretion of the Chief. Shift bids shall occur three (3) times per calendar year, to coincide with the start of the semesters of the State University system. The new shift will start at the beginning of the closest pay period. Shift bids shall be conducted on seniority within rank basis. It is understood and agreed by the parties that all aspects of the shift bidding procedure shall be subject to operational necessities of the Department, as determined by the Police Chief.

8.2 Upon application in writing to the Chief of Police, employees may exchange shifts, provided that:

a. The shift exchange is between employees of like rank and experience.

b. A shift exchange request must be submitted Three (3) days prior to the start of the requested shift exchange for weekday submissions and Five (5) days prior to the start of the requested shift exchange if the submission is done within a holiday or weekend. The Shift exchange request must be made in writing, signed by both employees and submitted to the Chief of Police in accordance with the above stated timeframes

c. No overtime shall be incurred by the Village because of the exchange.

d. The two shifts to be exchanged shall exist in the same work week.

8.3 Approval for shift exchange shall not be unreasonably withheld.

8.4 The employees who requested the Shift exchange must adhere to such change if approved or will be disciplined for not adhering to an approved shift exchange.

8.5 If possible, the Village will notify the Employee at least Ten (10) calendar days in advance of any contemplated change in an employee's status e.g., transfer, reassignment or change in shift. This does not include the placement of an employee on Administrative Leave.

8.6 Whenever a shift rotation occurs, the Village shall use its best efforts to arrange that no member of the bargaining unit will be forced to work a continuous shift. Such shift rotation shall be arranged, unless operational necessity dictates otherwise, so that each member of the bargaining unit will receive at least eight (8) hours off-duty before returning to work.

ARTICLE 9 - VEHICLES AND EQUIPMENT.

9.1 The Village will make a good faith effort to maintain police vehicles and equipment in proper working order.

9.2 The Village shall, insofar as possible, equip its marked patrol vehicles with rotating emergency lights, siren, alley light, two-way mobile radio, shotgun and shells, first-aid kit and fire extinguishers, cases and appropriate shotgun mounts.

9.3 Unless Departmentally provided weapons are provided, police officers shall have the option of using personal semi-automatic weapons or revolvers on duty under the following conditions:

9.3.1 The weapon must either be a 9mm automatic (parrabellum), .38 caliber, .40 caliber or .45 caliber pistol. The departmental manual shall set forth the manufacturers and models approved for use.

9.3.2 The officer must attend weapons training as provided for in Article 11.3 - Training.

9.3.3 The officer must qualify and demonstrate proficiency with the weapon. Only after inspection of the weapon by the range officer and qualification with the weapon, will the officer be permitted to carry such weapon on duty.

9.3.4 The Village will supply each officer with sufficient ammunition to qualify annually with his/her on-duty and approved off-duty weapons (to include at least one preparation session at the range with each weapon).

9.3.5 If the Village deems necessary for the officer to perform their work appropriately and more efficiently, the Village will provide the officer with either a Village issued cell phone or a cell phone stipend. If the Village chooses to provide the stipend, Lieutenants & detectives

will receive $75.00 monthly cell phone stipend and sergeants, corporals and any officers will receive $40.00 monthly.

9.4 Take-Home Vehicle Program: All officers on the Field Training Program or Administrative Leave shall not be eligible to participate in the Take-Home Vehicle Program subject to availability of vehicles and applicable Department Policies and Procedures.

9.4.1 Take-Home Vehicle Program: In an effort to reduce costs to the Village in maintenance, repairs, fuel, accidents and liability, the Village will charge officers who are provided a take home vehicle a bi-weekly fee which is determined by the amount of miles traveled from the officer's residence to the North Bay village Police Station (portal to portal). The utilization of the take home vehicle is primarily intended for portal to portal; however, there are other allowed usages for errands, etc., therefore, officers should refer to the SOP for particular rules regarding allowed usage of the take home vehicle (SOP rules as revised in March 2014). The amount of miles from portal to portal will be calculated through map quest. The bi-weekly charge will be automatically deducted from the officer's paycheck. Should the officer decide to stop participating in this program or change residence, the officer must notify the Chief of Police in writing immediately who will then notify the Finance and Human Resource Department, who will have two (2) weeks to implement any change.

This take home vehicle program charges will be implemented using the following terms:

Current Employees:

- *1-12 miles from residence to Police Station: $24.23 bi-weekly charge*
- *13-17 miles from residence to Police Station: $28.84 bi-weekly charge*

- *18-22 miles from residence to Police Station: $33.46 bi-weekly charge*
- *23-27 miles from residence to Police Station: $38.07 bi-weekly charge*
- *28+ miles from residence to Police Station: $42.69 bi-weekly charge*

Employees Hired After Ratification:

- *1-12 miles from residence to Police Station: $34.23 bi-weekly charge*
- *13-17 miles from residence to Police Station: $38.84 bi-weekly charge*
- *18-22 miles from residence to Police Station: $43.46 bi-weekly charge*
- *23-27 miles from residence to Police Station: $48.07 bi-weekly charge*
- *28-32 miles from residence to Police Station: $52.69 bi-weekly charge*
- *33 – 37 miles from residence to Police Station: $57.31 bi-weekly charge*
- *38 – 42 miles from residence to Police Station: $61.96 bi-weekly charge*
- *43+ miles from residence to Police Station: $70.00 bi-weekly charge*

9.4.2 Except as expressly provided by law, injuries sustained by officers driving an assigned vehicle off-duty shall not be considered an on-the-job injury.

9.4.3 For employees hired after the ratification of this Agreement, the take-home vehicle program shall be available only for those employees who reside in Miami-Dade, Monroe, Broward and Palm Beach counties.

ARTICLE 10 – PROMOTIONS/APPOINTMENTS

10.1 Whenever a budgeted promotional vacancy exists in a police sergeant classification, the Village shall fill such vacancy within thirty (30) days from an existing eligibility list with more than one name.

10.2 In the event that there is an existing eligibility list with one name or more, but less than three names, the Village shall have the option of promoting from the eligibility list or announcing a new promotional examination in accordance with the procedures set forth in this Article.

10.3 The Village will announce promotional examinations at least ninety (90) calendar days in advance of said examination. All examination eligibility lists shall remain in existence for a period of two (2) years (except as provided in section 10.2, above. If a budgetary vacancy exists in the rank of sergeant or there are only two names remaining on the final posting of results, the Village shall announce a new promotional examination in accordance with this article or at least ninety (90) calendar days before the expiration date of the current eligibility list. The Village will list the areas which the examination will cover and the source from which the examination is drawn. The Village will insure that such reference material is available commercially on a local basis.

10.4 The Sergeant examination shall be restricted to non-probationary police officers, with a minimum of three (3) years full-time service as a sworn law enforcement officer with North Bay Village and has not been the subject of a disciplinary suspension or demotion for the last year immediately preceding application for promotion, or a minimum of five (5) years of full-time experience as a police officer or deputy sheriff with a Florida law enforcement agency

(excluding corrections) within the past seven (7) years as of the posting date for said examination.

10.5 At the time a new promotional examination is given, all eligible employees who wish to be on the new list must take the new examination. No employee will be placed on the new list as a result of previous test scores. The passing score for the promotional examination will be clearly stated prior to the administration of said examination.

10.6 Each promotional examination may be made up of multiple components, including but not limited to a written examination; and in-box; and assessment center or other similar testing components that are used in law enforcement, including an oral interview panel. Each examination may also include an oral interview with the Police Chief. The components of each examination and the value of each component shall be determined by the Police Chief, and shall be listed on the examination announcement. Employees shall receive one-half (1/2) seniority percentage point for each year of departmental service over the minimum requirement necessary to take the examination up to a limit of 5 percentage points (5%).

10.7 A list of eligible candidates shall be ranked in the order of their final cumulative score (candidates with a tie score may share a rank). All employees shall be notified of their scores. The list shall remain valid for the period of two years from the date of posting of the results.

10.8 Promotions shall be made from the candidates in the top three (3) ranked positions on the list.

10.9 Officers promoted to the next higher rank will receive appropriate formal training during the twelve (12) month probationary period at an accredited criminal justice institute.

10.10 Employees covered by this Agreement who are temporarily assigned to the rank of Sergeant, Lieutenant or Chief for at least one (1) full shift shall receive 5% over their present salary for the time spent working in the higher rank or temporary appointment. Temporary assignments shall not include temporary assignments to the rank of corporal.

10.11 Bargaining unit members appointed to the position of corporal shall be provided with a 3% pay increase. This position will not be a promotion, but instead an appointment made at the discretion of the Chief of Police. All individuals appointed to his position will remain bargaining unit members. Removal from the corporal position will not be subject to grievance or arbitration under Article 13.

10.12 Appointment to rank Lieutenant: The Village agrees to create the position of Lieutenant. Bargaining unit members appointed to the rank of Lieutenant will remain bargaining unit members. All individuals appointed to the rank of Lieutenant shall be provided a three percent (3%) pay increase. The bargaining unit member shall be provided an additional two percent (2%) pay increase upon completion of a one (1) year probationary period. The position of Lieutenant is not a promotion, but instead an appointment made at the discretion of the Chief of Police. Removal from the Lieutenant's position during the first year of the program shall not be subject to grievance or arbitration under Article 13. After the first year (one year from the date of appointment of the first Lieutenant), the Village will either discontinue the rank of Lieutenant or provide those Lieutenant with permanent status. Lieutenants who obtain permanent status may not have that position removed from them without just cause. Once permanent status is obtained, removal from the position of Lieutenant will be subject to the Grievance and Arbitration Procedure under Article 13 of this Agreement.

ARTICLE 11 - TRAINING

11.1 The Village agrees that employees should be fully informed on any newly published material within the department's possession which falls within the enforcement responsibility of the Village. Therefore, the Shift Commander shall be responsible to convey newly published information within the department's possession regarding Village and County ordinances and State Statutes to employees. In addition to the foregoing, the employee shall have a continuing duty to keep himself informed as to all departmental rules, ordinances and other matters relevant to his job performance to which he has access.

11.2 The Village shall provide at least forty (40) hours of training every four (4) years during duty hours, for the purpose of improving the performance of employees. Such training will comply with requirements set by the Florida Criminal Justice Standards and Training Commission.

11.3 The Village shall attempt to provide weapons training for all employees, but in no event will such training be less than once annually. This training is in addition to the training provided under paragraph 11.2. Upon qualification and a demonstration of proficiency, employees shall be permitted to carry on duty, semi-automatic weapons which have been approved by the Department and in accordance with Article 9.3. The department will make every reasonable effort to facilitate the employee attending the firearms range during his normal working hours. In the event the department is unable to schedule the employee to attend the fire range during his normal working hours, the employee shall be required to attend the firing range during his off-duty hours; provided, however, that the actual time spent by the employee in acquiring such training during his off-duty hours shall be compensated in accordance with the hours and overtime provisions contained herein.

11.4 Where the department requires any employee to attend supervisory training and/or training in specialized police techniques, the department will make every reasonable effort to facilitate the employee attending such training during his normal working hours. In the event the department is unable to schedule the employee to attend such training during his normal hours, the employee shall be required to attend such training during his off-duty hours; provided, however, that the time spent by the employee in such training during his off-duty hours shall be compensated in accordance with the Hours and Overtime provisions herein.

11.5 In the event that an employee requests to be sent to a given training program, or in the event that the department asks for a volunteer or volunteers to attend any given training program (i.e., the department does not require any employee to attend such training program,) compensation relative to attendance at such training program shall be as mutually agreed upon between the employee or employees involved, the Chief of Police, and the Village Manager.

ARTICLE 12 - DISCIPLINE AND DISCHARGE

12.1 Employees shall not be dismissed or disciplined resulting in loss of pay or benefits except for just cause. Employees may appeal such action by filing a written grievance with the Chief as is provided in Article 13, provided however, that there shall be no right to arbitrate discipline if it is in the form of written reprimand. In cases of written reprimand, the final authority to determine the merits of the grievance rests with the Village Manager; provided however, that a due process hearing before the Village Manager or his designee, if requested, shall be granted.

12.2 Members of the bargaining unit shall be excluded for one (1) year after their appointment as probationary employees from any right of review under the provisions of this Article or the grievance/arbitration procedures of Article 13 for any matter or grievance involving discipline, discharge or termination. Members promoted to Sergeant shall be excluded for one (1) year after their appointment as probationary sergeants from any right of review under the provisions of this Article or the grievance/arbitration procedures of Article 13 for any matter or grievance concerning their failure to successfully complete their probationary period.

ARTICLE 13 - GRIEVANCE AND ARBITRATION PROCEDURE

13.1 The following grievance and arbitration procedure shall cover matters bearing upon discipline or discharge (except as otherwise provided in Article 12) and any ~~other~~ specific matter bearing upon grievances arising out of the application or interpretation of this Agreement. This is the only grievance procedure that can be utilized by an employee covered by this contract.

13.2 A grievance shall be defined as an alleged violation of the interpretation or application of the specific terms of this Agreement. Only the Union may file a grievance on behalf of a member of the bargaining unit, a group of members of the bargaining unit, or the union itself. This grievance procedure and the arbitration shall be exclusive to the FOP, therefore, subject to Sections 447.401 Florida Statutes or other applicable laws, no bargaining unit member may file a grievance or request arbitration without the written authorization form the Union. Subject to the provisions contained herein, the arbitrator shall have the jurisdiction and authority to decide a grievance as defined in this Article, and to enforce complaint with the terms and conditions of the Agreement.

13.3 Any grievance involving discipline or discharge (except as provided in Article 12) shall be filed directly at Step 2 with the Police Chief within ten (10) calendar days of the written notification of the discipline or discharge. Such disciplinary or discharge grievances shall be thereafter processed in accordance with the provisions of Article 13.

13.4 All grievances must be processed within the time limits provided unless extended by mutual agreement in writing. Should the grievant not process the grievance within the timeframes, the grievance will be null and void and will not longer be qualified to proceed to Arbitration.

13.5 All grievances shall be processed in accordance with the following procedures:

Step 1: The aggrieved employee shall discuss the grievance with his supervisor within ten (10) calendar days of the occurrence or knowledge of the occurrence which gave rise to this grievance. If the event(s) which gave rise to the grievance occurred at a time when the employee was on annual leave, sick leave, or other authorized leave, the ten (10) calendar day period shall commence running immediately upon the employee return from such authorized leave.

The Union Representative may be present to represent the employee. The supervisor shall attempt to correct the problem or respond to the employee within ten (10) calendar days.

Where a grievance is general in nature in that it applies to a number of employees having the same issue to be decided, it shall be presented directly at Step 2 of the Grievance Procedure within the time limits provided for the submission of the grievance in Step 1 and signed by the aggrieved employee or the Union Representative on their behalf.

All grievances must be processed within the time limits provided unless extended by mutual agreement in writing.

In the event the Union Representative signs said grievance, the employee's name will be listed on the grievance; however, no grievance may be filed on behalf of any employee without the employee's consent.

Step 2: If the grievance has not been satisfactorily resolved, the aggrieved employee and the Union Representative, if so requested by the employee, shall reduce the grievance to writing,

on a standard form provided for this purpose and present such written grievance to the Chief of Police or his designee within ten (10) calendar days from the time the supervisor's response was due in Step 1. The Chief of Police or his designee shall meet with the employee and the Union Representative within fifteen (15) calendar days. The Chief or his designee shall respond, in writing, seven (7) calendar days from the date of the meeting.

Step 3: If the grievance has not been satisfactorily resolved in Step 2, the employee may present a written appeal to the Village Manager or his/her designee within ten (10) calendar days from the time the response was due in Step 2. The Village Manager or his designee shall meet with the employee and the Union Representative within ten (10) calendar days. The Village Manager or his designee shall respond in writing within ten (10) calendar days from the date of the meeting. Any grievance not answered by the Village in the time limits provided above automatically advances to the next higher step of the grievance procedure. Any grievance not pursued by the employee within the time limits above will be considered conclusively abandoned.

Step 4: If a grievance has not been satisfactorily resolved in the course of the grievance procedure, the Union may request arbitration on behalf of the employee(s) no later than ten (10) calendar days after the Village Manager or his designee's response is due in Step 3 by notifying the Village Manager or his designee in writing. The parties to this Agreement will mutually agree, or attempt to agree, on an independent arbitrator. If this cannot be done, then either party, or their representatives, shall request the Federal Mediation and Conciliation Service to submit a list of seven (7) arbitrators. A copy of this request shall concurrently be mailed to the other party. The parties may reject up to two (2) panels. The parties shall select an arbitrator in accordance with the rules of the Federal Mediation and Conciliation Service. The arbitration

shall be conducted under the rules of the Federal Mediation and Conciliation Service within the limitations included in this Article. Subject to the following, the arbitrator shall have the jurisdiction and authority to decide a grievance as defined in this Article.

It is contemplated that the Village and the Union may be able to agree in writing as to the statement of the matter to be arbitrated prior to a hearing, and if this be done, the arbitrator shall confine his decision to the particular matter thus specified, and devising a remedy should one be deemed appropriate. In the event of the failure of the parties to so agree on a statement of the issue to be submitted, the arbitrator shall confine his consideration to the written statement of the grievances presented in Step 2 of the grievance procedure. Copies of the award of the arbitrator, made in accordance with the jurisdictional authority under this Agreement, shall be furnished to both parties within thirty (30) days of a hearing and shall be final and binding upon both parties. The Village shall provide the hearing room. The parties shall split the cost of the impartial arbitrator. Witnesses are subject to subpoena and if on duty, his appearance will be without loss of pay or benefits. The parties desiring copies of the transcript of such arbitration shall bear that expense. Nothing in this Agreement shall be construed to prevent any employee from presenting his own grievance, up to, but not including a request for arbitration with the limitations in this agreement; however, the Union shall have the opportunity to be present at any meeting called for the resolution of grievances.

ARTICLE 14 - LEGAL PROTECTION

The Village agrees to provide liability insurance. If the insurance carrier declines coverage, the Village shall not be obligated to provide defense but will indemnify all employees for those judgments levied against them so long as said judgments are within the obligations put on a municipal employer in accordance with the provisions of Chapter 768.28, Florida Statutes. However, the Village will in no way be responsible for the payment of punitive damages.

ARTICLE 15 - HOLIDAYS

15.1 The below-listed twelve (12) paid holidays shall be granted under the following conditions:

January 1	New Year's Day
To Be Determined	Martin Luther King Day
To Be Determined	Memorial Day
July 4	Independence Day
1st Monday of September	Labor Day
November 11	Veteran's Day
Last Thursday in November	Thanksgiving Day
Last Friday in November	Day after Thanksgiving Day
December 25	Christmas Day
Three (3) Floating Holidays	Employee's Choice with Department Approval

15.2 Holiday falling on regularly scheduled work days:

Current employees & employees after ratification: shall receive eight (8) hours holiday leave or double pay for each hour worked, at the employee's option.

15.3 Holiday falling on a scheduled day off:

Current Employee: shall receive eight (8) hours holiday leave and time and one-half pay for all hours worked on the holiday.

Employee hired after ratification: no compensation.

15.4 Any member of the bargaining unit who is on approved worker's compensation leave, or leave without pay for a period exceeding six (6) months shall be precluded from receiving compensation (in the form of pay or time) for any holiday.

15.5 Any floating holiday time not used within the calendar year shall be forfeited.

ARTICLE 16 - SICK LEAVE

16.1 Sick leave shall be granted to employees for absences because of personal illness or physical disability resulting in the incapacity of the employee to perform the regular duties of his position and not arising from a service-connected injury or accident. Sick leave shall also be used for purposes of undergoing and recovery arising from medical, dental or optical treatments and examinations (elective examinations with prior Department approval). Personal illness or physical disability resulting in the incapacity of the employee to perform the usual duties of his position and arising from a service-connected injury or accident, but only after all availability disability benefits offered under Workmen's Compensation are exhausted, provided further that use of sick leave in this matter shall be at the employee's request and is not mandatory.

16.2 Sick leave is accrued bi-weekly. Rate granted will depend on the shift employee works; totaling up to twelve (12) days per year.

16.3 **Sick leave Accumulation:**

Current employees: can accumulate sick leave hours with no cap

Employees hired after ratification: can accumulate up to a maximum of 960 hours.

16.4 **Banked sick leave when employment ceases:**

Current employees: if over seven (7) years of employment with the Village, will be paid out only up to a maximum of 960 hours regardless of how many hours in their bank. If

under seven (7) years of service they will not be paid out on any banked time upon their departure of employment.

Employees hired after ratification: if over seven (7) years of employment with the Village, will be paid out only up to a maximum of 480 at 50% of their rate of pay regardless of how many hours in their bank. If under seven (7) years of service or termination for cause, the employee will not be paid out on any banked time upon their departure of employment.

16.5 **Annual cash out of sick leave:**

Current employees: employees with more than 400 hours of banked sick leave will be allowed to cash out up to a maximum of 80 hours of sick leave at their straight time rate of pay per fiscal year. The cash in request must be submitted to Human Resources no later than July 1st of the current fiscal year in order to be paid for said cash in request during the month of October and November of the following fiscal year.

Employees hired after ratification: employees with more than 700 hours of banked sick leave will be allowed to cash out up to a maximum of 80 hours of sick leave at 50% of their rate of pay per fiscal year. The cash in request must be submitted to Human Resources no later than July 1st of the current fiscal year in order to be paid for said cash in request during the month of October and November of the following fiscal year.

16.6 Sick leave requested by an employee may be verified by the employee's supervisor. The Chief of Police may require an employee utilizing sick leave to present a written doctor's statement authenticating the necessity for the use of sick leave. If the doctor's statement is requested, the Village will be responsible for payment of any charge for such statement not covered by health insurance.

16.7 Except to the extent provided for in Section 15.5, any employee on sick leave shall not be paid his holiday pay (double pay ie; 16 hours) for the a holiday that occurs while he is on sick leave. The employee will be paid for the straight holiday only (ie; 8 hours).

ARTICLE 17 - BEREAVEMENT LEAVE

17.1 Employees covered by this agreement shall be entitled to bereavement leave with pay of up to five (5) work days in the event of death in the employee's immediate family. The amount of leave necessary for the employee to attend the funeral or handle matters related to the bereavement shall be determined by the Chief. Proof of death may be required by the Chief.

17.2 The immediate family shall be defined as wife, or husband, domestic partner, grandparents, parents, children, grandchildren, brothers, sister, fathers-in-law, and mothers-in-law, or any other relative living in the immediate household.

17.3 Bereavement leave shall not be charged to sick leave or annual leave.

ARTICLE 18 - LEAVE OF ABSENCE

18.1 Unpaid leave may be granted by the Village Manager for a period not to exceed six (6) calendar months to enable the employee to receive professional or technical training which will improve his work upon return to service, or because of the employee's extended illness or non-job-related disability. Maternity leave shall be treated the same as any other extended illness or non-job-related disability. Unpaid leave may be granted by the Village Manager to a permanent employee for a period not to exceed fifteen (15) calendar days for any other purpose, and may be renewed or extended for any reasonable purpose. Said request must be made in writing with at least fifteen (15) days in advance of said leave and processed through the Chain of Command.

18.2 An employee who is a member of the National Guard or the Military Reserve Forces of the United States and who is ordered by the appropriate authorities to attend the prescribed training program or to perform other duties, shall be granted a leave of absence with pay as required by Florida Statutes. Said employee must provide to the Chief of Police a copy of the orders issued by the Military.

18.3 Any employee on a non-paid leave of absence will reimburse the Village for life and health insurance premium contributions or any other fringe benefit expense incurred on his behalf. Any employee who is on a duly authorized paid leave of absence shall continue to maintain all benefits including seniority, longevity and health benefits.

ARTICLE 19 - VACATION TIME

19.1 Upon employment with the Village, vacation leave will begin to accrue immediately and on a bi-weekly basis. If requested and at the Chief of Police's ultimate discretion, an employee may be eligible to use up to Twenty Four (24) hours of vacation leave at the completion of six (6) months employment. After an employee's probationary period (i.e., after one year) is over the employee will then be allowed to use vacation leave when requested and approved by a supervisor. If the employee is working other than an 8 hour shift the rate of accrual will change accordingly to coincide with a full days shift, the rate of accrual will also change when the employee reaches certain years of employment (for example, the rate will increase when employee when employee moves from 5 years to 6 years employment). See chart below for accrual rates per years of service for employees hired before ratification of this agreement:

At year 1 up to 5 years	**10 work days each year**
At 5 years and 1 day through 15 years	**15 work days each year**
At 15 years and 1 day and over	**20 work days each year**

19.2 Employees hired after ratification of this agreement will not necessarily accrue the above amounts of time per their years of service. They will rather accrue at the above rates only up to the time their vacation bank reaches one hundred and twenty hours (120) of accrued time. At the point their bank reaches 120 hours, they will not continue to accrue time on a bi-weekly basis until they use vacation time enabling them to fall below the 120 hour cap.

19.2.1 Vacation leave must be requested and scheduled through the chain of command from November 15th – December 15th of the current calendar year for the following calendar year based on department seniority. Any open, unscheduled work day eligible for vacation leave

throughout the calendar year (even after November 15- December 15) shall be requested with a minimum of ten (10) days notice on a first come first serve basis. Seniority will only be considered for these "unscheduled days" if there are two (2) requests with the same submittal date.

19.3 **Annual carryover of vacation leave:**

Current employees: will be able to accrue unlimited amount of vacation time.

Employees hired after ratification: will only be allowed to accrue up to 120 hours of vacation time (see article 19.2).

19.4 **Banked vacation leave upon termination (either by resignation, voluntary or involuntary termination or death of employee):**

Current employees: regardless of the total number or hours an employee has in their bank they will only receive a payout of a maximum of two hundred and forty (240) hours of vacation time upon termination of employment. If the employee upon termination has less than two hundred and forty (240) hours in their vacation bank, they will just receive payout on their actual banked hours.

Employees hired after ratification: regardless of the total number or hours an employee has in their bank they will only receive a payout of a maximum of one hundred and twenty (120) hours of vacation time upon termination of employment. If the employee upon termination has less than one hundred and twenty (120) hours in their vacation bank, they will just receive payout on their actual banked hours.

19.5 **Annual cash out of vacation leave:**

Current employees: employees will be allowed to cash out up to a maximum of 80 hours of vacation leave at their straight time rate of pay per fiscal year. The cash in request must be submitted to Human Resources no later than July 1st of the current fiscal year in order to be paid for said cash in request during the month of October and November of the following fiscal year.

Employees hired after ratification: employees will be allowed to cash out up to a maximum of 40 hours of vacation leave at their straight time rate of pay per fiscal year. The cash in request must be submitted to Human Resources no later than July 1st of the current fiscal year in order to be paid for said cash in request during the month of October and November of the following fiscal year.

ARTICLE 20 - EXTRA-DUTY POLICE EMPLOYMENT

20.1 Authorization by the Chief of Police to perform extra-duty police employment and rates shall be prescribed per Section 104.1 of the Department's Policies and Procedures Manual. A copy of Section 104.1 shall be provided to an entity requesting extra duty assignment.

20.2 The Village will furnish, if available, a hand-held radio unit to an employee working approved extra-duty detail.

20.3 Any employee who may be injured while acting in the scope of such employment shall be entitled to the same rights, privileges, benefits and workers' compensation as if on duty provided that such extra-duty employment is authorized by the Chief of Police.

20.4 Employment under the provisions of this Article shall not be considered as joint employment. Hours worked as extra duty shall not be considered as hours worked for North Bay Village.

20.5 Officer's payment for off duty detail outside of the Village limits should be handled directly by the officer and the entity requesting detail. In rare cases where the entity will not pay an officer directly, the Village agrees to administer off duty payment to the officer and to deduct all FICA as well as any other legally required deductions from the payment tendered to the officer.

ARTICLE 21 - INSURANCE BENEFITS

21.1 The Village will provide major medical and health insurance benefits to the members of the bargaining unit. The Village agrees to pay the entire amount of the premium for the employee coverage; and the Village will pay sixty percent (60%) of the cost for dependency coverage. For all employees who are covered under the Village's medical insurance plan, the Village will pay the employee four hundred dollars $400 per month for such employees to participate in their spouses or partners medical insurance. The employee upon making such request and each September or upon a spouses change in coverage status must provide Human Resources with a copy of the updated insurance card and proof of the actual cost of the medical insurance before they are considered eligible for reimbursement by the Village. The Village shall provide a minimum of $75,000 life insurance coverage for each member of the bargaining unit during the term of employment.

21.2 The parties agree to continue to explore the needs for any changes of insurance carrier giving the employees the option of utilizing the major medical and health insurance benefits provided by the Village or through the Union; the Village Manager's decision on these issues shall be final.

ARTICLE 22 - EDUCATIONAL ASSISTANCE

22.1 The Village, in its efforts to encourage its bargaining unit members to acquire a greater knowledge of the more complex areas pertaining to law enforcement, agrees to bear the cost of tuition and tests for specialized educational courses to better equip the officers for the performance of the particular job and/or position in which they are employed. Maximum limitation on reimbursement shall be three thousand dollars ($3,000.00) per individual per fiscal year, as follows:

Grade	% of Benefit Available
A	100%
B	80%
C	70%

22.2 Every application for educational assistance shall be submitted on the form prescribed and attached hereto as Appendix B. Each application is subject to the approval of the Chief of Police and the Village Manager prior to said course starting. To qualify for this assistance, courses must be relevant to police work or be applicable to a relevant degree as defined by the State in the guidelines covering State educational incentives to police officers.

22.3 Reimbursement as outlined in Subsection 1 (above) shall be made, provided the course has been successfully completed.

22.4 Officers utilizing educational assistance must remain with the Village for a period of at least one year following completion of the reimbursed course, or said monies must be repaid to the Village (amount will be deducted from final pay).

ARTICLE 23 - HOURS OF WORK AND OVERTIME

23.1 Sick leave and compensatory leave in lieu of sick leave shall not count for the purpose of computing eligibility for overtime. The Chief of Police maintains the management right, at his exclusive discretion, to implement and/or discontinue a schedule of four (4) ten – (10) hour days, five (5) eight (8) hour days, and twelve (12) hour shifts for some or all officers, shifts and/or units. The Union understands and agrees that such decision shall not be subject to grievance or arbitration or any other forum.

23.2 The Village has adopted a Section 207(k) plan, pursuant to the Fair Labor Standards Act, for members of the bargaining unit. The usual work period for employees working 8 hour shifts or 10 hour shifts shall be eighty (80) hours in a fourteen (14) day work period, at the employee's regular straight time rate of pay. The usual work period for employees working twelve (12) hour shift, shall be eighty-four (84) hours in a (14) day period. If employee is working an 8 hour shift or a 10 hour shift, hours actually worked over 80 hours in a 14 work day period will be compensated at the rate of time and one-half the employees regular straight time rate of pay and if an employee is working a 12 hour shift, hours worked in excess of 84 in a 14 day work period will be compensated at the rate of time and one-half the employees regular straight time rate of pay. , If a shift change is necessary, no employee shall be forced to work a continuous shift. Employees will be entitled to at least eight (8) hours off-duty before returning to work (with the exception of emergencies). If an employee is on a ten (10) hour shift, he shall be entitled to at least ten (10) hours off duty before returning to work. If an employee is on a twelve (12) hour shift, he shall be entitled to at least twelve (12) hours off-duty before returning to work. Whenever possible, at the Chief's exclusive discretion, employees will be given ten (10) calendar days advance notice of any change in their hours of work.

23.3 When it is necessary for employees to appear at court, on off-duty time, employees shall be guaranteed a minimum of four (4) hours compensation at the rate of time and one-half of the employee's straight time rate of pay regardless of the number of hours actually worked during the applicable fourteen (14) day period.

23.4 When it is necessary for the Department to require employees to report to work, not on their assigned shift, the Village agrees to compensate the employees for a minimum of three (3) hours compensation at the rate of time and one-half of the employee's straight time rate of pay regardless of the number of hours actually worked during the applicable fourteen (14) day period.

23.5 Employees may cash-in up to forty (40) hours annually previously accrued compensatory time at the rate of pay in existence at the time the employee cashes out the leave. Employees will be paid for all unused previously accrued compensatory time upon termination (for whatever reason) from the Department.

23.6 Up to one hundred and forty four (144) hours may be placed in a compensatory leave bank by the employee. Compensatory time may be taken at any time provided the employee desiring to use compensatory time gives supervisory notice to the Chief of Police (or his designee) a minimum of twenty four (24) hours in advance of the start of the shift. It will be the responsibility of the employee requesting the compensatory time to find a replacement (only when the time off causes a shift shortage) and provide the employee's name to the supervisor receiving the request. The employee volunteering to work will make themselves available for the twenty four (24) hours prior to the beginning of the shift they are to cover in case they are not needed. It is the responsibility of the supervisor receiving the request for the time off to attempt to fill the position without the use of overtime. If the supervisor cannot fill the position, he will

contact the officer who volunteered and confirm that they are needed. Nothing herein obligates the Department to utilize the services of the employee who volunteered to cover the shift if they are not needed. The request for compensatory time may be denied if sufficient personnel coverage is unavailable and the requesting employee cannot find a replacement.

23.7 Employees hired after ratification of this agreement are not eligible to receive compensatory time.

ARTICLE 24 - COMPENSATION

24.1 During the term of this Collective Bargaining Agreement the following wage increases shall be implemented:

24.2 LONGEVITY: All permanent employees shall receive longevity according to the following schedule:

At year 5 to year 8.	***$300/yr***
At year 8 to year 13.	***$500/yr***
At year 13 and each year over.	***$1000/yr.***

Longevity payments shall be made on an employee's anniversary date and in a lump sum.

24.3 Appointment to rank Lieutenant: The Village agrees to create the position of Lieutenant. Bargaining unit members appointed to the rank of Lieutenant will remain bargaining unit members. All individuals appointed to the rank of Lieutenant shall be provided a three percent (3%) pay increase. The bargaining unit member shall be provided an additional two percent (2%) pay increase upon completion of a one (1) year probationary period. The position of Lieutenant is not a promotion, but instead an appointment made at the discretion of the Chief of Police. Removal from the Lieutenant's position during the first year of the program shall not be subject to grievance or arbitration under Article 13. After the first year (one year from the date of appointment of the first Lieutenant), the Village will either discontinue the rank of Lieutenant or provide those Lieutenant with permanent status. Lieutenants who obtain permanent status may not have that position removed from them without just cause. Once permanent status is obtained, removal from the position of Lieutenant will be subject to the Grievance and Arbitration Procedure under Article 13 of this Agreement.

24.4 PROMOTION: In the event of promotion to Sergeant, the officer shall receive, Upon promotion to the rank of Sergeant, the officers new base pay rate shall start at the lowest

pay step on the Sergeants pay plan; reflecting a minimum increase of 5% above the base rate as a police officer.

24.5 Bargaining unit personnel assigned to full-time detective duties shall receive a five percent (5%) pay supplement. Bargaining unit personnel assigned to Field Training Officer (***FTO***) duties and who are actively engaged in such training duties shall receive a five percent (5%) pay supplement.

24.6 **Fiscal Year 2012-2013**: Employees covered under this agreement shall receive a two percent (2%) COLA increase retroactive to the first day of the first pay period in October 2012. There shall be no merit increases for fiscal year 2012-2013.

Fiscal Year 2013-2014: Employees covered under this agreement shall receive a three percent (3%) COLA increase retroactive to the first day of the first pay period in October 2013. One (1) additional step will be added to the pay plans effective October 1, 2013. Employees who are not topped off in the pay plans for fiscal year 2013-2014 will be eligible (based upon a successful merit evaluation) to receive a step increase on their anniversary date. An employee who receives a successful merit evaluation will move up one (1) step (** see below**). An employee who does not receive a successful merit evaluation will remain at his current step until the next year's merit evaluation. An employee who is topped out in his pay grade is not eligible for any further merit increases.

Below officers do not need a successful merit evaluation only for FY 13-14 to move to new step on their anniversary date

Officer	Current Step	New Step
David Floyd	Four (4)	Seven (7)
Reinaldo Marabotto	Eight (8)	Nine (9)

Frank Piega	Eight (8)	Nine (9)
Patrick Kennedy	Six (6)	Nine (9)

Fiscal Year 2014-2015: Employees covered under this agreement shall receive a three percent (3%) COLA increase effective the first day of the first pay period in October 2014. Employees who are not topped off in the pay plans for fiscal year 2014-2015 will be eligible (based upon a successful merit evaluation) to receive a step increase on their anniversary date. An employee who receives a successful merit evaluation will move up one (1) step. An employee who does not receive a successful merit evaluation will remain at his current step until the next year's merit evaluation. An employee who is topped out in his pay grade is not eligible for any further merit increases.

SHIFT DIFFERENTIALS:

Day Shift:	Evening Shift:	Midnight Shift:
7am- 3pm = no differential pay	3pm – 11pm= 2% differential pay	11pm- 7am= 4% differential pay

24.7 All unit members including Corporals who are regularly assigned to work the evening shift shall be paid an evening shift differential of two percent (2%) for each of the "evening" hours that the employee actually worked during that shift. All bargaining unit members including Corporals who are regularly assigned to work the midnight shift , shall be paid a midnight shift differential of four percent (4%) for each of the "midnight" hours that the employee actually worked during that shift. Any overlapping of shifts where the hours are worked are split equally between shifts (example: work from 7pm- 3am),

employee will be paid the differential that is the highest for the entire 8 hour shift (in the example stated above the employee will then be paid the 4% for all hours from 7pm-3am).

ARTICLE 25 - UNIFORMS, SAFETY AND EQUIPMENT

25.1 All employees shall receive from the Village upon appointment, at no cost to the employee, a new uniform, which shall consist of the following:

three (3) short-sleeve shirts
three (3) pairs of trousers
one (1) hat
badge and sew-on name tags
leather goods (nylon web style) and accessories to include
handcuffs and case, cartridge case and
shells, holster and four (4) keepers
one (1) windbreaker with zip-in liner
one (1) formal dress uniform (second year of Agreement)

Work equipment and uniforms shall be replaced by the Village if damaged in the line of duty. Otherwise uniform shirts and pants will be replaced as needed due to wear and the worn equipment and uniforms shall be returned to the Department. Each employee will be provided, twice per fiscal year, a stipend of eighty ($80.00) dollars (i.e., a total of $160.00 per fiscal year) to purchase appropriate replacement footwear, which has been approved by the Police Chief. In order to receive reimbursement, proof of receipt must be provided.

25.2 Employees who are required to wear non-issued clothing in the course of their job shall receive a clothing allotment of fifty ($50.00) dollars per month. Additionally, said employees will be reimbursed for the cleaning of such clothing to a maximum of fifty dollars ($50.00) per month based upon the production of appropriate receipts.

25.3 Employees who are required to wear uniforms in the course of their job shall have the uniforms cleaned at no cost to the employee, in accordance with current practice.

25.4 Police personnel will be provided, at the Village's expense, protective ("bullet-proof") vests. Police personnel shall be required to wear the vest as part of his regular duty uniform. Each police vehicle will be equipped with a first aid employee safety kit containing two

(2) pair of surgical gloves and two (2) disposable pocket resuscitation masks. Such equipment will be replaced after use.

25.5 The employer shall provide the replacement or repair cost of personal utilitarian equipment damaged or lost in the line of duty in accordance with the following schedule:

prescription glasses/contacts	- full replacement/repair
watches	- $100.00
wedding ring	- $100.00
non-prescription sunglasses	- $50.00

Replacement/repair or reimbursement of the above items shall be limited to one incident per item per year.

ARTICLE 26 - PHYSICAL EXAM & WORKERS COMP. BENEFITS

26.1 Employees will receive an electrocardiogram, eye exam, and physical examination at least once every twenty-four (24) months, performed by a physician selected by the Village or when requested by the Village. Furthermore, a fitness for duty evaluation may be required at any time the Police Chief in concert with the Village Manager and Human Resource Director determine is necessary. A fitness for duty exam may include a medical, physical or psychological exam. Scheduling of the above will be at the discretion of the Chief of Police, and the results will become part of the employee's permanent record. The Village will undertake the cost of the examination and will furnish the employee with a copy of the examination report. The employee will be required to undergo psychiatric examination if so ordered by the examination physician.

26.2 In the event of an on-the-job injury to an employee, not as a result of negligence by the employee, such employee will be carried at full pay and benefits for a period not to exceed six (6) months unless extended by the Village Manager. Daily benefits and the time lost as a result of the on-the-job injury will not be charged against any existing type of leave time. The Village Manager has the right to have employees examined by the Village physician of choice.

26.3 Any employee injured on the job shall be paid the full eight (8) hours wage for the day of the accident if his treating physician advises that he should not return to work that day. It is the employee's immediate responsibility to forward to the Chief of Police (or his designee) the completed treating physician's written advisement (DWC 25 report) immediately.

26.4 All employees suffering on-the-job injuries shall comply with Chapter 440, Florida Statutes.

26.5 Any employee who is able to work full duty after a job-related injury shall be returned to his former job classification once he is cleared for full duty.

ARTICLE 27 - SENIORITY AND LAYOFF

27.1 Seniority shall consist of continuous accumulated full time paid service with the Department. Seniority shall be computed from the date of appointment to employee's current rank. Seniority shall accumulate during absences because of illness, injury, vacation, military leave or other authorized paid leave.[1]

27.2 In the event of a layoff for any reason, employees shall be laid off in the inverse order of their seniority in their classification. Any employee to be laid off who has advanced to his present classification from a lower classification in which he held a permanent appointment, shall be given a position in a lower classification in the same department. His seniority in the lower classification shall be established according to the date of his permanent appointment to that classification. Employees shall be called back from layoffs according to the seniority in the classification from which the employee was laid off. No new employee shall be hired in any classification until all employees on lay-off status in that classification have had an opportunity to return to work (for which he is qualified). Employees will be notified by registered mail to their address of home record and shall be given twenty-one (21) calendar days to return to work. An employee will be kept on the callback list for one (1) year, provided the employee passes all of the rehire provisions. After this period, the Village will no longer be obligated to request that this employee be returned to the Village employment.

[1] Appointment to the rank of corporal and lieutenant shall not interrupt the accrual of seniority in the rank promoted from i.e., officer promoted to corporal will continue to accrue officer seniority during the period of time when performing corporals' duties.

ARTICLE 28 - LIABILITY IN AUTOMOBILE ACCIDENT

In the event that a police employee is involved in an accident while lawfully operating a Village vehicle in the scope of his employment, the employee will not be required to pay for damage to the vehicle.

ARTICLE 29 - DEPARTMENTAL RULES AND REGULATIONS

It is agreed and understood that each employee and the Union will be furnished with an electronic copy of any departmental manual, which replaces, updates or supersedes the present manual containing the Department's rules and regulations, within fifteen (15) working days before formal adoption.

ARTICLE 30 - SAFETY STANDARDS

The Village shall take all reasonable steps to maintain all work areas in a clean and sanitary condition and will provide that its equipment and working conditions will not jeopardize the health or safety of employees.

ARTICLE 31 - PREVAILING RIGHTS (PAST PRACTICE)

All job benefits, privileges, and working conditions previously approved by the Village Commission by ordinance, or heretofore enjoyed by the employees which are not specifically provided for or abridged by this Agreement shall continue under conditions upon which they had previously been granted throughout the term of this Agreement; provided however, that this Article shall not be interpreted so as to supersede any of the other terms and provisions contained in this collective bargaining agreement.

ARTICLE 32 - MANAGEMENT RIGHTS & SCOPE OF AGREEMENT

Unless otherwise expressly provided in this Agreement, the Village reserves the exclusive right to control, manage and direct all of its operations and employees, to decide the scope of services to be performed, to terminate, demote, suspend or otherwise discipline for just cause, to determine matters bearing upon promotion, to determine hours of work and shift times, to establish Village and departmental policy, rules and regulations and procedures, and further to exercise all of the statutory public employer rights acknowledged in the Florida Public Employees Relations Act unless the exercise of such right is inconsistent with any express provision of this Agreement.

ARTICLE 33 - SUBSTITUTE EMPLOYMENT

The Village agrees that it will not use assigned or detailed members of the bargaining unit as substitute employees in a situation where there exists an employer-employee labor dispute between the Village and its employees, except where lives or property are in imminent danger.

ARTICLE 34 - SEVERABILITY CLAUSE

Should any provision of this Agreement or any part thereof, be rendered or declared invalid by reason of any existing or subsequently enacted state or federal legislation, or by any decree of a court of competent jurisdiction, all other articles and sections of this Agreement shall remain in full force and effect for the duration of this Agreement.

ARTICLE 35 - LABOR-MANAGEMENT COMMITTEE

35.1 The Village and the Union shall each name up to three (3) individuals who are employed by North Bay Village as members of the Labor-Management Committee.

35.2 The Committee shall meet and confer on a quarterly basis. Discussions shall concern problems of a general nature which may arise from time to time in the department but shall not constitute renegotiation of this Agreement. There shall be no loss of pay or benefits for those members who are on duty time when a meeting occurs, provided they are one of the members identified in writing to the Village Manager by the start of each calendar year.

ARTICLE 36 - RETIREMENT BENEFITS

36.1 Each bargaining unit employee who retires on length of service or medical disability shall be issued a badge and identification card clearly marked "retired".

36.2 The parties agree that the Village joined the Florida Retirement System (FRS), on the effective date in 2004, and that the FRS has replaced the Village's prior defined contribution (the IRS 401-A plan) as of that date.

ARTICLE 37 - ALCOHOL AND DRUG FREE WORKPLACE

37.1 The Village and the Union recognize that employee substance and alcohol abuse may have an adverse impact on Village government, the Department's operations, the image of Village employees, and the general health, welfare and safety of the employees and the general public at large. Therefore, the parties agree that the Department shall have the right and authority to require employees to submit to toxicology and alcohol testing designed to detect the presence of any controlled substance, narcotic drug, steroids, performance enhancing drugs or alcohol. The Village may utilize urine, blood, and/or hair follicle samples for any of the testing performed pursuant to paragraphs 37.2, 37.3, and 37.4.

37.2 The Village has the absolute right to randomly test any bargaining unit member for the existence of alcohol, illegal drugs, performance enhancing drugs or other controlled substances. The selection of an employee for random testing shall be made by a scientifically valid method, such as a random number table, or a computer based random number generator that is matched with employees' payroll identification numbers or other comparable identification number. Under the selection process used, each employee shall have an equal chance of being tested each time selections are made.

37.3 The Village has the absolute right to test any bargaining unit member for the existence of alcohol, illegal drugs, steroids, performance enhancing drugs or other controlled substances "post incident," i.e., if the employee is involved in any type of car accident or on the job accident the employee will be required to submit to drug and alcohol testing as soon as possible but no later than three (3) hours after the accident.

37.4 In addition, the Village may require an employee to submit to such a test if the employee's immediate supervisor and the Police Chief or his designee have a reasonable belief

that the employee is under the influence of such substances, suffers from substance or alcohol abuse, or is in violation of the Village's Personnel Rules, or Departmental Rules and Regulations regarding the use of such substances. Reasonable belief includes, but is not limited to, the following:

a. Observable phenomena while at work, such as direct observation of drug use or the physical symptoms or manifestations of being under the influence of a drug, controlled substance or alcohol;

b. Abnormal conduct or erratic behavior while at work or a general deterioration in work performance;

c. A report of an employee using drugs, controlled substances or alcohol, provided by a reliable and credible source;

d. Evidence that an individual has tampered with a test administered under this Article during his employment with the Village;

e. Information that an employee has caused, or contributed to, an accident while at work, or has suffered an injury on-the-job; or

f. Evidence that an employee is using, consuming, possessing, soliciting, buying, selling or being under the influence of alcohol, drugs or controlled substances while at work, or has used or consumed drugs or controlled substances (unless prescribed by a physician) on or off duty, or has used or consumed alcohol on duty.

37.5 It is understood by the parties that the aforementioned authority to require an employee to submit to such testing must be approved by the Chief, if available, or his designee within the Department or Village. It is also understood and agreed that the tests conducted under this Article shall be administered in a purely employment context only as part of the Village's legitimate inquiry into the use of any controlled substance, narcotic drug, steroids, performance enhancing drugs or alcohol by its employees.

37.6 An employee required to submit to a mandatory test for the presence of alcohol, steroids, performance enhancing drugs or illegal drugs shall be entitled to have a Union or other employee representative present when the breath analysis is conducted or the urine specimen is

obtained. It is agreed and understood that the breath analysis test will not be delayed longer than one (1) hour.

37.7 All tests shall be analyzed in medical laboratories mutually agreed to by the Village and the Union, using recognized technologies. In the event an employee's test results are positive, a second test, utilizing a comparable recognized testing method shall be conducted on the same specimen to verify the initial test results. Copies of the test results shall be made available to the employee, upon the employee's request, as soon as possible after the Human Resources Department receives the results of the testing from the laboratory. Additionally, upon request, the employee shall be given a sample of the specimen tested.

37.8 The results of such tests shall be handled as part of an Internal Affairs Investigation and are not to be made public unless required by law. The taking of a breath analysis or urine specimen from an employee does not constitute an interrogation within the meaning of Section 112.532, etc., Florida Statutes, unless questions are asked at the time the test is conducted.

37.9 The results of such tests may result in referral for rehabilitation or counseling or, where appropriate, disciplinary action, up to and including dismissal, in accordance with the applicable provisions of the Village Code, the Village Personnel Rules, and/or the Departmental Rules and Regulations. The employee may grieve the discipline through the contract grievance procedure.

37.10 The parties agree that any employee refusing to submit to toxicology, alcohol, steroid or performance enhancing drug testing conducted in accordance with the provisions of this Article may result in disciplinary action being taken against the employee up to and including dismissal.

ARTICLE 38 – NO STRIKE PROVISION

38.1 The Union and the bargaining unit members shall have no right to engage in any strike.

38.2 In addition to the penalties set forth in Section 447.507, Florida Statutes, any and all employees who violate any provision of the law prohibiting strikes may be disciplined, up to and including discharge, by the Village. The only questions that may be raised in any proceeding (grievance, judicial or otherwise) contesting such action is whether the provision prohibiting strikes was violated by the employee to be discharged or otherwise disciplined.

38.3 The circuit courts of this State shall have jurisdiction to enforce the provisions of this Section by ex parte injunction and contempt proceedings, if necessary. This provision however, does not waive any other remedies, judicial or otherwise, that the Village is entitled to.

ARTICLE 39 - DURATION OF AGREEMENT

39.1 This Agreement shall be effective upon ratification by both parties and shall remain in full force and effect through and including September 30, 2015.

39.2 Regarding negotiations for a successor agreement, the parties agree to meet no later than April 30, 2015 in order to exchange existing articles / new articles which the parties wish to discuss.

39.3 Should negotiations for a successor agreement extend beyond September 30, 2015, the provisions of this Agreement shall continue in full force and effect until a successor Agreement is ratified.

FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE By: _____ President Dated: _____, 20__	NORTH BAY VILLAGE, a municipal corporation of the State of Florida By: _____ Mayor Dated: _____, 20__
WITNESSED:	Entered pursuant to Resolution No. _____
By: _____ Bargaining Team Member	Attest: _____ Village Clerk
By: _____ Bargaining Team Member	Approved: _____ Village Manager
	Approved as to form and legal sufficiency: By: _____ Special Labor Counsel Dated: _____, 20__

APPENDIX A

STEP PAY PLAN

POLICE OFFICERS AND SERGEANTS STEP PLANS

FY 11-12

OFFICERS

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
FY 11-12 (HOURLY)	22.3376	23.9012	24.8572	25.8515	26.8856	27.9610	29.0794	30.2426	31.4524

SERGEANTS

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
FY 11-12 (HOURLY	29.5749	31.0536	32.6063	34.2366	35.9484

FY 12-13

OFFICERS (2% COLA)

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
FY 12-13 (HOURLY)	22.7843	24.3792	25.3543	26.3685	27.4233	28.5202	29.6609	30.8474	32.0814	33.3647

SERGEANTS

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
FY 12-13 (HOURLY)	30.1663	31.6746	33.2584	34.9213	36.6673	38.5007

FY 13-14

OFFICERS (3% COLA)

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
FY 13-14 (HOURLY)	23.4678	25.1106	26.1149	27.1595	28.2460	29.3758	30.5508	31.7728	33.0438	34.3656

SERGEANTS

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
FY 13-14 (HOURLY)	31.0712	32.6248	34.2561	35.9689	37.7673	39.6557

FY 14-15

OFFICERS (3% COLA)

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
FY 14-15 (HOURLY)	24.1719	25.8639	26.8984	27.9743	29.0933	30.2571	31.4673	32.7260	34.0352	35.3966

SERGEANTS

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
FY 14-15 (HOURLY)	32.0033	33.6035	35.2837	37.0479	38.9003	40.8454

NORTH BAY VILLAGE POLICE DEPARTMENT

RECOMMENDATION MEMORANDUM

DATE: **March 27, 2014**

TO: **Mayor Connie Leon Kreps**
Vice-Mayor Eddie Lim
Commissioner Dr. Richard Chervony
Commissioner Jorge Gonzalez
Commissioner Wendy Duvall

RECOMMENDED BY STAFF/COMISSIONER:
Frank Rollason, Village Manager

PRESENTED BY STAFF:
Robert Daniels, Police Chief

SUBJECT: **April 2014 Agenda-Request to Execute Memorandum of Understanding.**

RECOMMENDATION:

It is recommended that the Village Commission approve the attached Memorandum of Understanding with Miami-Dade County.

BACKGROUND:

Execution of the Memorandum of Understanding will allow The North Bay Village Police Department to utilize the County Regional Radio System for voice radio communications. The County imposes certain protocols, procedures, and obligations upon jurisdictions hereby authorized to use County-licensed radio channels.

The use of Police Radios is a vital tool for daily communication between Law Enforcement Agencies and the County.

1841 GALLEON STREET, NORTH BAY VILLAGE, FL 33141
MIAMI-DADE COUNTY
PHONE #305-758-2626 FAX #305-866-7513

BUDGETARY IMPACT:

There will be no impact to the General Fund.

PERSONNEL IMPACT:

There will be no Personnel Impact.

CONTACT:

Robert J. Daniels, Chief of Police

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: March 27, 2014

TO: Yvonne P. Hamilton
Village Clerk

FROM: Frank K. Rollason
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 COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH MIAMI-DADE COUNTY TO UTILIZE THE COUNTY'S 700/800 MHZ REGIONAL RADIO SYSTEM FOR LAW ENFORCEMENT VOICE COMMUNICATON; SETTING AN EFFECTIVE DATE; SETTING AN EFFECTIVE DATE.**

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

FKR:yph

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH MIAMI-DADE COUNTY TO UTILIZE THE COUNTY'S 700/800 MHZ REGIONAL RADIO SYSTEM FOR LAW ENFORCEMENT VOICE COMMUNICATON; SETTING AN EFFECTIVE DATE. ***(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)***

WHEREAS, Miami-Dade County operates a 700/800 MHZ Regional Radio System for voice radio communications for law enforcement, which will provide 24/7 support to North Bay Village radio infrastructure related emergencies; and

WHEREAS, Miami-Dade County desires to implement certain policies and standard operating procedures for use of the system; and

WHEREAS, the parties desire to enter into the attached Memorandum of Understanding for the 700/800 MHZ Shared Radio System Infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE NORTH BAY VILLAGE, FLORIDA:

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

Section 2: **Approval of Agreement.** The Memorandum of Understanding between North Bay Village and Miami-Dade County for 700/800 MHZ Shared Radio System Infrastructure is approved in substantially the form attached hereto as Exhibit 1.

Section 2: **Execution of Agreement.** The Village Manager is authorized to execute the agreement.

Section 3. **Authorization of Village Officials.** The Village Manager and/or his/her designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Agreement.

Section 5. **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 Eddie Lim	_____
Commissioner Richard Chervony	_____
Commissioner Wendy Duvall	_____
Commissioner Jorge Gonzalez	_____

PASSED AND ADOPTED this 8th day of April 2014.

_____
Mayor Connie Leon-Kreps

Attest:

_____
Yvonne P. Hamilton, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: Memorandum of Understanding for 700/800 Shared Regional Radio System

MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF NORTH BAY VILLAGE
AND
MIAMI-DADE COUNTY

This Memorandum of Understanding is made this _____ day of _____, 20__, between the City of North Bay Village by and through its department, the North Bay Village Police Department (hereinafter "AGENCY"), and Miami-Dade County by and through its departments, the Information Technology Department (hereinafter, ITD) and the Miami-Dade Police Department (hereinafter, MDPD). This agreement will be implemented under the partnership of the Miami-Dade Police Department, which operates these systems in the performance of its law enforcement responsibilities for the County, and the Information Technology Department, which manages the radio channels for the County (as the licensed user).

WHEREAS Miami-Dade County (County) formally establishes a Memorandum of Understanding (MOU) with the AGENCY allowing it to utilize the County 700/800 MHz Regional Radio System for voice radio communications, the County imposes certain protocols, procedures, and obligations upon jurisdictions hereby authorized to use County-licensed radio channels. The parties hereto agree to the requirements detailed in this MOU.

The parties shall follow all policies and standard operating procedures in place at the time of this agreement as well as those developed in the future and issued by ITD.

Definitions

a) AGENCY- Authorized entity utilizing County 700/800 MHz Regional Radio System to conduct Law Enforcement communications.

b) Encryption - The process of encoding messages in such a way that eavesdroppers or hackers cannot read it, but authorized parties can.

c) LMR – Land Mobile Radio.

d) Personality Lock – A P25 feature to restrict access to radio personality stored in the unit.

e) Authorized Reseller – Equipment reseller authorized to perform repairs, sales, training, support, and programming of radios.

f) LID – Logical Identification

g) RF – Radio Frequency

ITD Responsibilities as related to the County Radio system:

- Provide 24/7 support to radio infrastructure related emergencies. Restore services to 700/800 Radio Infrastructure including equipment, environmental systems, towers, antennas, county-wide microwave system, and operating system software.

- Provide maintenance, troubleshooting, repairing, upgrading, replacing, and servicing all 700/800 Radio infrastructure hardware and software applications.

- Physical and logistical security of sites, radio system and network.

- Perform preventive system maintenance and administration per vendor's recommendations.
- Provide back-up communication services in the event of an emergency on the 700/800 Radio system.
- Create and coordinate communications talk groups.
- Monitor systems for capacity and performance issues and take corrective action to mitigate problems affecting capacity and/or performance.
- Manage all applicable Federal Communications Commission (FCC) licenses authorized to the County.
- Prepare bids and Request for Proposal (RFP) documents for the procurement of goods and services relating to radio communications technology.
- Prepare and maintain all system documentation.
- Evaluate new technology for possible cost reduction or service enhancements.
- Set and maintain standards of "Approved Equipment" that access County radio systems.
- Identify and correct private carrier Radio Frequency (RF) related interferences affecting public safety systems.

ITD Services provided at additional costs:

- Maintenance & support of AGENCY microwave or land line link used to connect AGENCY system to the County network.
- AGENCY Dispatch Consoles maintenance & repairs.
- Purchase of new radio equipment including software-licensing requirements by manufacturers for software installed in the field subscriber equipment including but not limited to portable radios, mobile radios, control stations, and dispatch consoles.
- Radio Depot maintenance and repairs of subscriber radios, control stations, dispatch consoles, or other terminal devices that connect to the County 700/800 MHz systems.
- Installation services.
- Drive-in repair service.
- AGENCY may exercise an option to have all radio repairs completed by the ITD Radio Shop at mutually agreed to terms.

While operating on the County Public Safety 700/800 MHz radio system, AGENCY is subject to the following guidelines:

1. Use shall be limited solely to communications relating to matters of law enforcement.

2. The use of frequencies on the Miami-Dade Regional Public Safety Network requires strict encryption adherence.

3. Be on the Look Out (BOLOs) or active emergencies, which need to be broadcasted across shared talk groups, will require the approval of the approved active dispatcher via an intercom connection. If the talk groups are patched, each agency may request the release of the patch and the other will honor it.

4. AGENCY agrees to comply with all County enforcement actions required by policy or procedure for misuse or abuse of the radio system.

5. AGENCY agrees to use the Personality Lock feature on all LMR subscriber radios connecting to the County Radio System to prevent unauthorized users from programming radios or accessing the system.

6. AGENCY agrees that encryption keys remain under the control of MDPD, managed by ITD, and shall not be shared with private contractors without prior consent from the County.

7. Use of the County Radio System shall be limited solely to communications relating to matters of law enforcement. Proper FCC and County radio protocols must be adhered to at all times.

8. AGENCY must obtain written authorization from ITD in order to utilize "other agency" Talk Groups on AGENCY radios. This authorization will be communicated to ITD Radio Administration prior to programming Talk Groups into subscriber radio equipment. All radio personality changes/modifications must be approved by ITD prior to deployment. New Talk Group names, Aliases, and LIDs must be assigned by ITD prior to changing, adding, or deleting subscriber equipment on the County system. All radio personality changes/modifications must be approved by ITD prior to deployment. New Talk Group names, Aliases, and LIDs must be assigned by ITD prior to changing, adding, or deleting subscriber equipment on the County system.

9. AGENCY shall not utilize duplicate LID numbers already issued to a specific subscriber radio including retiring subscriber equipment. All change requests must be communicated to ITD. AGENCY is not authorized to program radios for any other County agency or municipality having radios connected to the County Public Safety Radio System.

10. AGENCY will only utilize LIDs/ID numbers assigned by ITD as part of this agreement. AGENCY shall provide ITD with a list of personnel authorized to request activation or deactivation to existing subscriber units or adding new subscriber radios.

11. In the course of sharing information, AGENCY may receive certain access codes, frequencies, system parameters, etc., to the County's 700/800 MHz radio system to enable the talk groups to be programmed into their subscriber equipment. The access code and other information are to be treated as confidential information and AGENCY is responsible for safeguarding the code information from release. AGENCY is not authorized to release this information to anyone including outside agencies, non-AGENCY employees, internet blogs, web sites, publications or to amateur radio operators or amateur radio clubs.

12. All written and oral information not in the public domain or not previously known, and all information and data obtained, developed, or supplied by ITD will be kept confidential by AGENCY and will not be disclosed to any other party, directly or indirectly, unless such disclosure is required by law or lawful order. In no case shall the information be released without ITD's prior written consent. All of the information as described above shall be and remains the County's property and may only be reproduced or distributed with written permission of ITD on behalf of Miami-Dade County.

13. Access and programming codes will only be released to service staff employed by ITD Radio Communications Division who has received factory training in programming radios. AGENCY agrees to initiate action against the respective employee if the employee releases this confidential radio information.

14. ITD may approve programming of subscriber equipment by an authorized reseller or manufacturer of subscriber equipment compatible on the County Radio System upon review of whether the contract terms between the AGENCY and the commercial service provider, are adequate to protect the County's 700/800 MHz Regional Radio System from misuse, harm, or release of access and programming codes and radio use.

15. Programming of radio personalities including original, changes, deletions, or modifications to radios operating on the County system will be performed by service staff employed by ITD Radio Communications Division who have received factory training in programming radios.

16. AGENCY will be responsible for ensuring that the commercial service provider adheres to the terms of this agreement pertaining to the proper use of access/programming codes and radio use.

17. AGENCY agrees to take responsibility for all equipment connected to the County Radio System by ensuring that the necessary measures are taken to safeguard the equipment from loss, theft, or damage.

18. AGENCY agrees that use of the 700 MHz system is only for unencrypted special and emergency events as authorized by the MDPD and ITD. Prioritized use of the 700 MHz Intercity System is limited to the following forms of use:

    a. Emergency or urgent operation involving imminent danger to life or property.
    b. Disaster or extreme emergency operation requiring extensive interoperability and inter-agency communications.
    c. Pre-planned Special events.
    d. Joint training exercises.
    e. Inter-agency communications.
    f. Catastrophic failure of the County's 800 MHz system.
    g. Communications with agencies not on MDC System.

19. During the annual Miami-Dade County Radio Inventory, a physical inspection of all County-loaned assets may be necessary and such inspections shall be allowed by AGENCY. Additionally, each agency will provide a database file, which will be used for reconciliation purposes.

20. AGENCY will be responsible for maintaining a current account of all personnel who are assigned and possess a radio that operates on the County 700/800 MHz Radio System and to forward that information within 24 hours or as reasonably as possible to the

Miami-Dade County Information Technology Department, Radio Shop at 305-596-8900 for proper aliasing of the radio. AGENCY will also provide a 24/7contact point for the MDPD Shift Commander in the event that there is an emergency declared on the radio. All verbal communications shall be confirmed in writing.

21. In the event that a radio programmed with the 700/800 MHz personality is lost, stolen, or missing, the ITD Radio Administrator shall be notified immediately at (305) 596-8176 outside of normal working hours and (305) 596-8900 during normal working hours. ITD Radio System management personnel will disable the affected radio.

22. AGENCY will be responsible for all programming, maintenance, and/or repair costs to any radio equipment owned by AGENCY. Private contractors hired to perform the services described above, will be required to sign an agreement not to disclose the radio personalities the AGENCY is authorized to utilize.

23. AGENCY agrees not to sublet their subscriber radios with the County template to any individual, agency, or organization without prior written consent from ITD Radio Communications.

24. Private calls shall not be allowed under any circumstances on the County radio system.

25. ITD shall be advised within 24 hours when new radios are added or deleted by AGENCY. This notification is required to be made in writing. ITD will acknowledge receipt of the request within 24 hours in writing as well.

26. ITD Radio Management personnel will develop the County radio personality, which will not be altered or changed when issued to AGENCY. Radio personalities must be mutually agreed by AGENCY and ITD before being loaded into any AGENCY radio. All minor changes and global changes will be completed in a mutually agreed time frame. As it relates to changes, the time frames are reciprocal to both agencies. AGENCY agrees to follow proper FCC and County radio protocols at all times.

27. Approval of additional radio unit activation shall include but not be limited to the outcome of Grade of Service (GOS) studies, which shall be performed by the County's Radio Communications Division of ITD. The GOS is a way of assuring that the additional devices will not adversely affect current communications on the County system.

28. At the County's sole discretion, improper use of radio that is discovered as affecting system performance or in an unauthorized manner may result in the suspension of subscriber radio or console. AGENCY management will be notified immediately upon discovery of improper radio use in writing.

29. AGENCY shall not perform two-way radio interconnecting or connecting subscriber radios and/or system Gateways, conventional or Internet Protocol (IP) based, to other radio systems, telephone systems, cellular systems, or any other communication system with the County 700/800 MHz Radio System without prior written approval by ITD Radio Communications Division.

30. AGENCY shall not connect 700/800 MHz radio system audio to any external source including telephony, or internet for monitoring purposes.

31. Only equipment authorized by ITD is approved to operate on the MDC 700/800 MHz P25 systems. In order for equipment to be added to the authorization list, equipment

must undergo testing to ensure its compatibility and its impact on the system and the other users. Currently, the following radio types are authorized for use on the County system:

a. Harris P5100 / P5400 800 MHz
b. Harris P7100 / M7100 800 MHz
c. Harris P7200 / M7200 700/800 MHz
d. Harris P7300 700/800 MHz
e. Harris M7300 700/800 MHz
f. Harris Unity Multi-Band

32. Any other radio subsequently approved by ITD must adhere as indicated below in "a" and "b" to ITD's testing methodology and programming specifications as defined for each type of subscriber radio equipment prior to putting equipment into actual operation.

a) Provide ITD with four test radios for testing and certification of operation.

b) Provide ITD including all costs associated with programming software, cables, keys, etc., offered by manufacturer to program subscriber equipment.

Special Requirements:

Not Applicable (N/A) will be indicated for each requirement not exercised.

1. AGENCY is responsible for the cost and support to maintain and operate their own radio infrastructure.

2. Agency is authorized to interface the AGENCY P25 system via standard PD Link to the County's 700/800 MHz trunked radio communications system.

3. Exclusive use and the number of talkgroups used by AGENCY are approved in accordance with MDPD and ITD concurrence and vary from one agency to another.

4. MDPD will allot working space within the Integrated Command Facility Building for Agency to AGENCY to establish a remote backup site for their operations, in the event of an emergency or other situation that renders their site inoperable. The cost of connecting to any AGENCY specific application would be funded by AGENCY.

This MOU is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable by law or otherwise by any third party against the Parties, the United States, the State of Florida, Miami-Dade County, or the officers, employees, agents, or other associated personnel thereof.

To the extent permitted by law and as limited by §768.28, Florida Statutes, each party shall assume the liability arising from acts taken by its personnel pursuant to this MOU. In no event shall a party be liable for acts, omissions, or conduct of the officers, employees or agents of the other participating party of this MOU and neither party intends a waiver of sovereign immunity or the limits provided by §768.28, Florida Statutes.

This MOU shall be effective from the date specified in the opening paragraph until terminated at any time by either Party upon a 90-day advanced written notice to the other party. This MOU may be modified at any time by the mutual written consent of the Parties.

Agency Name: North Bay Village Police Department

Date:

Signature

Robert Daniels, Chief

Print Name and Title

Date:

Signature

Print Name and Title

Miami-Dade County

Carlos A. Gimenez, Mayor

Date: 2/19/14

Information Technology Department

Angel Petisco, Director

Date: 1/30/2014

Miami-Dade Police Department

J.D. Patterson, Director

Date: 1/27/14

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

RECOMMENDATION MEMORANDUM

DATE: **March 28, 2014**

TO: **Mayor Connie Leon Kreps**
Vice-Mayor Eddie Lim
Commissioner Dr. Richard Chervony
Commissioner Jorge Gonzalez
Commissioner Wendy Duvall

RECOMMENDED BY STAFF/COMISSIONER:
Frank Rollason, Village Manager

PRESENTED BY STAFF:
Yvonne P. Hamilton
Village Clerk

SUBJECT: **Budget Transfer of Funds to Settle the Claim in the matter of Nayda Acros**

RECOMMENDATION:

It is recommended that the Village Commission adopt the attached Resolution reimbursing the Florida League of Cities $20,000 for settlement in the claim brought against the Village by Nayda Acros, and authorize the transfer of $20,000 from the Unreserved Fund Balance Account to the General Insurance Account to make the payment.

BACKGROUND:

Nayda Acros filed a claim with the Florida League of Cities as a result of an incident that occurred on March 27, 2013, where one of the Village's police vehicles was involved in an accident with Ms. Acros, who sustained physical bodily damage. The Florida League of Cities' counsel has negotiated the case and has settled for $20,000. The amount represents medical and hospital claims and will forever release the Village from all future claims.

The Village has a $25,000 deductible with the Florida League of Cities.

BUDGETARY IMPACT:

Twenty Thousand Dollars ($20,000) will be transferred from the Unreserved Fund Balance Account to the General Insurance Account.

PERSONNEL IMPACT:

None

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MEMORANDUM
North Bay Village

DATE: March 27, 2014

TO: Yvonne P. Hamilton
Village Clerk

FROM: Frank K. Rollason
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 COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE TRANSFER OF $20,000 FROM THE UNRSERVED FUND BALANCE ACCOUNT TO THE GENERAL INSURANCE ACCOUNT TO PAY THE INSURANCE DEDUCTIBLE TO THE FLORIDA LEAGUE OF CITIES FOR SETTLEMENT PURPOSES IN THE MATTER OF NAYDA ACROS; SETTING AN EFFECTIVE DATE.**

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

FKR:yph

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE TRANSFER OF $20,000 FROM THE UNRSERVED FUND BALANCE ACCOUNT TO THE GENERAL INSURANCE ACCOUNT TO PAY THE INSURANCE DEDUCTIBLE TO THE FLORIDA LEAGUE OF CITIES FOR SETTLEMENT PURPOSES IN THE MATTER OF NAYDA ACROS; SETTING AN EFFECTIVE DATE. ***(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)***

WHEREAS, Nayda Acros filed a claim against the Village for physical damages suffered from an incident with a police vehicle; and

WHEREAS, it is the intent of the Village to settle all claims in an attempt to avoid costly and lengthy litigation; and

WHEREAS, the Florida League of Cities has reached a settlement with Nayda Acros for compensation in the amount of $20,000; and

WHEREAS, the settlement of this claim forever releases the Village, elected officials, its agents, officers, representatives, employees and all other persons from all future claims by Nayda Acros on this matter; and

WHEREAS, the Village Manager is requesting a transfer of $20,000 from the Unreserved Fund Balance Account to the General Insurance Account (01.19.519.5405) to cover the cost of the settlement amount.

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

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

Section 2. Approval of Transfer: Approval is granted to transfer $20,000 from the Unreserved Fund Balance Account to the General Insurance Account (01.019.519.5405) to settle this claim.

Section 3. **Authorization of Village Officials.** The Village Manager is authorized to take all necessary steps to implement the terms of transfer.

Section 4. **Expenditure of Funds.** The Village Manager is authorized to expend the funds for the purposes set forth herein.

Section 5. **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 Eddie Lim _____
Commissioner Richard Chervony _____
Commissioner Wendy Duvall _____
Commissioner Jorge Gonzalez _____

PASSED AND ADOPTED this 8th day of April 2014.

_____
Connie Leon-Kreps, Mayor

ATTEST:

_____
Yvonne P. Hamilton, CMC
Village Clerk

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

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

North Bay Village Resolution: Nayda Acros Settlement-Florida League of Cities.

RELEASE OF CLAIMS

GENERAL RELEASE

The undersigned, Naydu Acros, hereinafter the Releasor, for and in consideration of the sum of Twenty Thousand and 00/100 Dollars ($20,000), do, for myself and my respective heirs, executors, administrators and assigns, do hereby completely and fully release and discharge the North Bay Village, Florida, its employees (current and past), its elected officials (current and past), its insurers, the Florida League of Cities, and the Florida Municipal Insurance Trust, hereinafter the Releasee(s), of and from any obligation, liability or responsibility arising out of the claims from the incident which occurred on or about March 27, 2013.

It is understood and agreed that this settlement is in full compromise of a disputed claim, and that neither this release nor the payment pursuant to this release shall be construed as an admission of liability.

ATTORNEYS' FEES

Each party hereto shall bear all attorneys' fees and costs arising from the action of its own counsel in connection with this matter, the terms of this settlement agreement, the matters and documents referenced herein, the filing of a dismissal of the Complaint, and all related matters.

RESERVATION OF FIRST PARTY BENEFITS

Notwithstanding anything herein to the contrary, this Release shall not release any health, disability or other insurance carrier or self-insureds from its obligation to provide any personal injury protection coverage, medical payment coverage, uninsured/underinsured motorist coverage, health insurance coverage, major medical insurance coverage, workers' compensation benefits/insurance, and/or disability insurance coverage from all claims and demands, rights and causes of action of any kind the undersigned now has or hereafter may have, on account of personal injuries known or unknown to the undersigned arising from the subject accident. It is the intention of the parties to this agreement to release and discharge the Releasee(s) only, and to reserve all rights of Releasor(s), to obtain all first party benefits to which Releasor(s) may be entitled and reserve the right to pursue the North Bay Village or any other at fault party

INDEMNITY AND HOLD HARMLESS AGREEMENT

It is further agreed and understood that the Releasor(s) will protect, indemnify and save harmless the Releasee(s) from any valid claims or liens arising from benefits provided to or on behalf of Releasor(s) which are related to the incident giving rise to this claim, including, but not limited to, the Federal government, Medicare, Medicaid, insurance companies, physicians, health care institutions, and any attorneys previously employed by the undersigned. The undersigned acknowledges that all such claims or liens will be satisfied by the Releasor(s).

TAX CONSEQUENCES OF SETTLEMENT

No representations have been made by Releasor(s) regarding the taxability of all or any portion of this settlement. Releasor(s) have had the opportunity to seek independent advice regarding the tax consequences of this settlement, and accept responsibility for satisfaction of any tax obligation that may result from this settlement.

The undersigned acknowledges that he/she have/has read this release and understand the terms outlined herein.

Signed this 11 day of February, 2014.

STATE OF Florida

COUNTY OF Broward

The foregoing instrument was acknowledged before me this 11 day of February, 2014, by Nayda Arcos, who is personally known to me or has produced

as identification and did take an oath.

SILVANA CANALE
MY COMMISSION # EE218032
EXPIRES July 19, 2016
(407) 398-0153 FloridaNotaryService.com

NOTARY PUBLIC - NAME PRINTED

SERIAL NUMBER

Public Risk Services

☐ Administration

☐ Policy Holder Relations

☒ Financial Services/ Underwriting

Post Office Box 530065
Orlando, FL 32853-0065

☐ Health Claims

Post Office Box 538140
Orlando, FL 32853-8140

☐ Workers' Compensation Claims

☐ Property & Liability Claims

Post Office Box 538135
Orlando, FL 32853-8135

800-445-6248
407-425-9142
Fax 407-425-9378

www.flcities.com

INVOICE

TO: Ms. Yvonne Hamilton
North Bay Village
FMIT # 403
1666 79th Street Causeway, Suite 700
North Bay Village, FL 33141

FROM: Valerie Morrison
Florida Municipal Insurance Trust
Liability Claims Department
P.O. Box 538135
Orlando, FL 32853-8135

Date: January 22, 2014

RE: Deductible Invoice

Below listed are amounts due on your Liability Deductible as of 12/31/2013

Past Due Amount	$0.00
Current Due Amount:	
Auto Liability Deductible - $25000	
Fund Year 10/01/2012 - 09/30/2013	$20,000.00
Total Amount Due	**$20,000.00**
Payment Due by:	2/21/2014

Please make check payable to:
Florida Municipal Insurance Trust
P.O. Box 538135
Orlando, FL 32853-8135

Please issue a separate check from your Workers' Compensation Deductible.

Public Risk Services

☐ Administration

☐ Policy Holder Relations

☒ Financial Services/ Underwriting

Post Office Box 530065
Orlando, FL 32853-0065

☐ Health Claims

Post Office Box 538140
Orlando, FL 32853-8140

☐ Workers' Compensation Claims

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FLORIDA MUNICIPAL INSURANCE TRUST - AUTO LIABILITY

DEDUCTIBLE INVOICE DETAILS

10/01/2012 - 09/30/2013 as of 12/31/2013

FMIT #: 403

CITY OF NORTH BAY VILLAGE

Total Available Stop Loss:	75,000.00
SL Balance as of 9/30/2013:	73,671.45
SL Balance as of 12/31/2013:	53,671.45

File Number	Type	Claimant Name	Description	Date of Loss	Deductible	Amount Paid to Date	Amount Recov to Date	Amount Due
Paid Claims								
Claims Total	AL				$25,000	1,328.55	1,328.55	0.00
Monies Due								
VA2013074672	AL	NAYDA ARCOS	OV STRUCK IV	3/27/2013	$25,000	20,000.00	0.00	20,000.00
Totals						**21,328.55**	**1,328.55**	**20,000.00**

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NORTH BAY VILLAGE
RECOMMENDATION MEMORANDUM

DATE: **November 27, 2013**

TO: **Mayor Connie Leon Kreps**
Vice-Mayor Eddie Lim
Commissioner Dr. Richard Chervony
Commissioner Jorge Gonzalez
Commissioner Wendy Duvall

RECOMMENDED BY STAFF: Village Manager Frank K. Rollason

PRESENTED BY STAFF: Maurice Murray, Code Compliance Officer

SUBJECT: Code Enforcement Lien – 7401 Beach View Drive

RECOMMENDATION:

It is recommended that the Village Commission allow the attached request by Village resident Rachel Dugger be heard concerning the settlement of a Code Enforcement Lien against the property located at 7401 Beach View Drive and that the Commission take whatever action, if any, it deems appropriate.

BACKGROUND:

A summarization of the Code Enforcement History of the Case is attached hereto as Exhibit A.

Citation No. 1104 was issued on September 25, 2009 for unlawfully maintaining junk and trash on the property in violation of Section 94.021(A)(3) of the City of North Bay Village Code of Ordinances.

Following an appeal of the Citation to the Village's Special Master, the property owner was adjudicated guilty of the violation at the Special Master Hearing on May 19, 2010 and a $200 fine, administrative cost, and a continuing fine in the amount of $250 for each day that the violation continued to exist were imposed.

The Special Master Order of Enforcement was recorded as a lien against the property on October 25, 2010. The property came into compliance on March 31, 2012. The accrued fines and charges from May 19, 2010 total $170,560.50.

FINANCIAL IMPACT:

Reduction of the lien by Commission action in any amount less than the total due will decrease the income due the Village by a like amount.

BUGETARY IMPACT (Finance Department):

There will be an increase to the Code Enforcement Fines, Account 01-000-351-3541 by the final amount approved by the Commission or if no action taken by the Commission the amount of increase to the Code Enforcement Fines Account will be as currently liened - $170,560.50.

PERSONNEL IMPACT:

There will be no impact to personnel.

This document prepared by:
Robert A. Dugger
7401 Beachview Dr.
North Bay Village, Fl. 33122

AUTHORITY TO REPRESENT

BEFORE ME, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared RACHEL DUGGER (Affiant), who deposes and says under penalties of perjury that:

1. I am the Record Owner of the property located at 7401 Beach View Dr, in North Bay Village, Florida 33141

2. I am in the process of a short sale of my home.

3. I hereby authorize Francisco Touron, III and any other Member of Counsel of Touron Law to represent me and/or The Buyer of my home before the North Bay Village Commission at it's meeting on December 10th, 2013 and any adjournments thereof, for the purpose of appearance, discussion and negotiation of the payoff of the code enforcement lien which is recorded against my property.

Respectfully Submitted:

RACHEL DUGGER

State of Florida)
County of Miami-Dade)

Sworn to, affirmed, acknowledged and subscribed before me this 27 day of November, 2013, by RACHEL DUGGER, who is personally known to me or who has produced _____ as identification.

Notary Public, State of Florida
My Commission Expires:

BARBARA NAVARRO
MY COMMISSION # EE 121673
EXPIRES: August 15, 2015
Bonded Thru Budget Notary Services

[SEAL]

Yvonne Hamilton

From: Maria Suarez <mariasuarez45@comcast.net>
Sent: Monday, November 18, 2013 1:40 PM
To: Yvonne Hamilton
Subject: 7401 Beach View Drive North Bay Village, FL

Hi Yvonne,

I am the realtor that is handling this closing, I respectfully will like to ask, in behalf of the buyer, to be included in the agenda for December the 10th. There is an existing
Pending violation that we need to negotiate with the city.

Please let me know if you need anything from us, I thank you for your cooperation

Maria Suarez
305-632-4853

7401 BEACH VIEW DRIVE

CODE ENFORCEMENT CASE HISTORY

DATE	COMMENTS
2/28/09	COURTESY NOTICE ISSUED FOR JUNK WAVE RUNNERS ON FRONT YARD
9/24/09	COURTESY NOTICE ISSUED FOR BAGS OF CONSTRUCTION MATERIAL ON PROPERTY
9/25/09	CITATION # 1104 ISSUED FOR UNLAWFULLY MAINTAINING JUNK AND TRASH ON PROPERTY
10/15/09	RECEIVED A REQUEST FOR A HEARING FROM PROPERTY OWNER
2/15/10	LETTER SENT FROM VILLAGE TO PROPERTY OWNER ADVISING THEY WILL BE ADVISED OF THE HEARING
4/16/10	NOTICE TO OWNER OF HEARING SCHEDULED FOR 4/21/10 AT 4 PM
5/19/10	SPECIAL MASTER ORDERED AT TODAY'S HEARING THAT A $200 FINE AND ADMIN COSTS OF $75 IS IMPOSED AND A FINE OF $250 PER DAY FOR EACH DAY THE VIOLATION CONTINUES
5/25/10	LETTER FROM OFFICER CRUZ ADVISING OF FINES DUE ON CITATION # 1026, 1069 AND 1072
10/15/10	INSPECTED PROPERTY WITH OFFICER CRUZ, VIOLATION REMAINS TOOK PICTURES-MURRAY
10/25/10	ORDER RECORDED FROM 5/19/10 SPECIAL MASTER HEARING FILE 20100723045 BOOK/PAGE 027466/0021 FINES TO TODAY HAVE ACCRUED TO $40,025 (INCLUDES RECORDING FEE OF $35.50) - MURRAY
11/8/10	NO IMPROVEMENTS CONTINUE FINES, TOOK PICTURE - MURRAY
12/1/10	NO IMPROVEMENTS CONTINUE FINES, TOOK PICTURE - MURRAY
1/25/11	NO IMPROVEMENTS CONTINUE FINES- MURRAY
2/18/11	NO IMPROVEMENTS CONTINUE FINES- MURRAY
5/8/11	NO IMPROVEMENTS CONTINUE FINES- MURRAY
6/8/11	NO IMPROVEMENTS CONTINUE FINES, TOOK PICTURE - MURRAY
8/13/11	NO IMPROVEMENTS CONTINUE FINES, TOOK PICTURE - MURRAY
9/2/11	NO IMPROVEMENTS CONTINUE FINES, TOOK PICTURE - MURRAY
11/12/11	NO IMPROVEMENTS CONTINUE FINES, TOOK PICTURE - MURRAY
3/1/12	NO IMPROVEMENTS CONTINUE FINES, TOOK PICTURE - MURRAY
3/10/12	NO IMPROVEMENTS CONTINUE FINES, TOOK PICTURE - MURRAY
3/13/12	NO IMPROVEMENTS CONTINUE FINES, TOOK PICTURE - MURRAY
3/22/12	MET WITH OWNER AT PROPERTY, THEY ADVISED THEY WILL START TO REMOVE THE MATERIALS ON 3/24/12- MURRAY
3/26/12	NO IMPROVEMENTS CONTINUE FINES, TOOK PICTURE - MURRAY
3/28/12	CLEAN UP HAS STARTED ON THE PROPERTY, TOOK PICTURE - MURRAY
3/30/12	CLEAN UP IS CONTINUING ON THE PROPERTY, TOOK PICTURE - MURRAY
3/31/12	CLEAN UP COMPLETED, STOP FINES, AMOUNT DUE IS $170,560.50 - MURRAY
4/2/12	TOOK PICTURES OF PROPERTY FOR FILE - MURRAY
5/1/12	SENT LETTER OF COMPLIANCE TO PROPERTY OWNERS ADVISING PROPERTY IN COMPLIANCE WITH SPECIAL MASTER ORDER AND OF FINE AMOUNT DUE - MURRAY

"Exhibit A"

NORTH BAY VILLAGE POLICE DEPARTMENT

LETTER OF COMPLIANCE

COPY

May 1, 2012,

Rachel and Robert Dugger
7401 Beach View Drive
North Bay Village, Florida 33141

VIA CERTIFIED MAIL
7011 3500 0000 2124 5498

Re: Special Master Case # 10-0002

Dear Mr. & Mrs. Dugger

Your property was re-inspected on March 31, 2012 and found to be in full compliance with the Special Master order dated May 19, 2010.

With March 30, 2012 as your compliance date there remains due to the City of North Bay Village accrued fines and charges of $170,560.50 (one hundred and seventy thousand, five hundred and sixty dollars, fifty cents). The fines have stopped accruing as of the compliance date and the recorded lien will remain in place until this case is settled and eventually closed. Payment is to be made to the City of North Bay Village.

Thank you for your cooperation.

Respectfully,

Maurice Murray
Inspector
Code Enforcement Unit

COPY

C:
Honorable Mayor and City Commission
City Manager
Police Chief
City Clerk
City Attorney

1700 JFK CAUSEWAY, SUITE 132, NORTH BAY VILLAGE, FL 33141
MIAMI-DADE COUNTY
PHONE #305-758-2626 FAX #305-866-7513

RECORDED 10-25-10
BK/PG: 027466/0021
FILE: 201007230045
RECORDING FEE $35.50

CITY OF NORTH BAY VILLAGE
CODE ENFORCEMENT DIVISION
STATE OF FLORIDA

IN THE MATTER OF: **CASE NO. 10-0002**

Rachel Dugger
7401 Beach View Drive
North Bay Village, FL 33141

ORDER OF ENFORCEMENT

This cause having come before the Code Enforcement Special Master of the City of North Bay Village, on May 19, 2010, at a violation hearing, the Special Master having heard the testimony and the evidence presented, does hereby make the following finds of fact, conclusions of law, and imposes the following fine:

1. FINDINGS OF FACT:

The violator was properly served with notice of these proceedings as required by law.

That the real property under which the violation occurred is described as:

Legal Description:	7401 Beach View Drive Lot 9, Block 1, North Bay Island North Bay Village, Florida 33141
Zoning Classification:	RS-1, Single-Family Residential District
	Parcel I.D. No. 23-3209-008-0070

That the violator identified in the citation is the owner of the above-described real property.

I, [illegible], CITY CLERK OF THE CITY OF NORTH BAY VILLAGE HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL THEREOF MAINTAINED IN THE FILES OF THIS OFFICE
DATED THIS 26th DAY OF October, 2010
SIGNED [illegible]

 9/20/10

The unlawful maintenance of junk and trash on the above-described real property continues to exist.

2. **CONCLUSION OF LAW:**

That the violator identified above violated Sections 94.021(A)(3) of the City of North Bay Village Code of Ordinances, by virtue of the facts set forth above.

That this Order of Enforcement is hereby warranted.

3. **IMPOSITION OF FINE:**

A $200 fine, administrative cost in the amount of $75.00 as authorized by law, and a continuing fine in the amount of $250 are hereby imposed for each day that the violation continues to exist on the above-described property. The fine shall be effective and shall begin on May 19, 2010.

FUTURE VIOLATIONS OF SECTIONS 94.021(A)(3) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES ON ANY PROPERTY OWNED BY THE ALLEGED VIOLATOR WITHIN THE CITY OF NORTH BAY VILLAGE MAY BE CITED AS REPEAT VIOLATIONS, PURSUANT TO FLORIDA STATUTE 162.06 AND 162.09 AND SUBJECT TO A FINES NOT TO EXCEED $500 PER DAY.

DONE AND ORDERED at North Bay Village, Miami-Dade County, Florida on May 19, 2010.

CODE ENFORCEMENT DIVISION

By: _____
NORMAN POWELL, ESQ.
SPECIAL MASTER

I, _____, CITY CLERK OF THE CITY OF NORTH BAY VILLAGE HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL THEREOF MAINTAINED IN THE FILES OF THIS OFFICE

DATED THIS 26th DAY OF October, 2010

SIGNED _____

15A(8)

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, Norman Powell, to me well known and known to me to be the person described in and who executed the foregoing instrument and acknowledged to and before me that he executed said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Miami-Dade County, Florida, this 21st day of June, 2010, 2010.

Notary Public
State of Florida at Large

My Commission Expires:

(Notary Seal)

YVONNE PATRICIA HAMILTON
MY COMMISSION # DD65[illegible]
EXPIRES April 04, 2[illegible]
FloridaNotaryService.com

I, Yvonne P. Hamilton, CITY CLERK OF THE CITY OF NORTH BAY VILLAGE HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL THEREOF MAINTAINED IN THE FILES OF THIS OFFICE

DATED THIS 20th DAY OF October 2010

SIGNED _____

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of this order has been furnished, by mail, on 6/22, 2010, to:

Rachel Dugger
7401 Beach View Drive
North Bay Village, FL 33141

Yvonne P. Hamilton, CMC, City Clerk

I, Yvonne P. Hamilton, CITY CLERK OF THE CITY OF NORTH BAY VILLAGE HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL THEREOF MAINTAINED IN THE FILES OF THIS OFFICE

DATED THIS 26 DAY OF October, 2010

SIGNED Yvonne P. Hamilton

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: March 27, 2014

TO: Yvonne P. Hamilton
Village Clerk

FROM: Frank K. Rollason
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 COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTLING THE MATTER OF CODE ENFORCEMENT FINES IMPOSED AGAINST RACHEL DUGGER OF 7401 BEACH VIEW DRIVE, NORTH BAY VILLAGE, FLORIDA; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE OF THE SETTLEMENT; TO EXECUTE AND FILE ANY REQUIRED DOCUMENTS WITH THE CLERK OF COURT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

FKR:yph

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTLING THE MATTER OF CODE ENFORCEMENT FINES IMPOSED AGAINST RACHEL DUGGER OF 7401 BEACH VIEW DRIVE, NORTH BAY VILLAGE, FLORIDA; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE OF THE SETTLEMENT; TO EXECUTE AND FILE ANY REQUIRED DOCUMENTS WITH THE CLERK OF COURT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 21, 2010, the Code Enforcement Special Master of North Bay Village issued an Order of Enforcement against Rachel Dugger, of 7401 Beach View Drive, imposing certain fines for failing to main the property in accordance with the Village Code of Ordinances; and

WHEREAS, in exchange for the payment of the sum of $50,000.00 in accordance with the terms and conditions of the settlement, the Village will release all liens existing as the date of this Resolution pertaining to the Code Enforcement Lien and execute any required documents to satisfy such liens.

NOW THEREFORE, BE IT RESOLVED BY THE NORTH BAY VILLAGE COMMISSION, AS FOLLOWS:

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

Section 2. Approval of the Settlement. The Village Commission approves the settlement amount of $50,000 in the matter of the Code Enforcement Lien against Rachel Dugger, concerning the property at 7401 Beach View Drive.

Section 3. **Authorization of Village Officials.** The appropriate Village officials including are authorized to take any actions necessary to comply with the terms of the settlement.

Section 4. **Effective Date.** This Resolution shall be effective immediately upon its adoption.

The motion to adopt the foregoing Resolution 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 8th day of April 2014.

_____

MAYOR CONNIE LEON-KREPS

ATTEST:

_____

YVONNE P. HAMILTON, CMC

Village Clerk

APPROVED AS TO FORM:

_____

Robert L. Switkes & Associates, P.A.

Village Attorney

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 B AY VILLAGE
RECOMMENDATION MEMORANDUM

DATE: **March 27, 2014**

TO: **Mayor Connie Leon Kreps**
Vice-Mayor Eddie Lim
Commissioner Dr. Richard Chervony
Commissioner Jorge Gonzalez
Commissioner Wendy Duvall

RECOMMENDED BY STAFF: Commissioner Jorge Gonzalez

PRESENTED BY STAFF: Village Manager Frank K. Rollason

SUBJECT: PACE Program

RECOMMENDATION:

It is recommended that the Village Commission adopt the attached Resolution to create a Property Assessment Clean Energy (P.A.C.E.) Program and joining with the Town of Bay Harbor, the Village of Biscayne Park, and the Town of Surfside for participation in the Clean Energy Coastal Corridor District.

Approval of the proposed Resolution will authorize the Village to join these municipalities in the district. Pursuant to the Interlocal Agreement Ygrene Energy Fund, Florida, LLC has been designated as the third party administrator to operate the program to finance qualifying improvements within the authority boundaries at no cost to the Village. The company will fund the program through what is known as a financial warehouse. The money in the financial warehouse comes from private banking institutions.

BACKGROUND:

Property Assessed Clean Energy (PACE) financing is an alternative to a loan that is designed to encourage the installation of renewable-energy systems and improve energy efficiency by helping property owners overcome the barrier of high up-front energy equipment and installation costs.

PACE financing effectively allows property owners to borrow money from a local government to pay for renewable-energy systems and/or energy-efficiency improvements. The amount borrowed is typically repaid via a special assessment on property taxes, or another locally-collected tax or bill, such as a utility bill. Only property owners within a local jurisdiction that opt into a PACE program may receive financing and are subject to the special assessment. In addition to reducing the upfront costs of renewable energy and/or energy-efficiency improvements, PACE financing ties the cost of home improvements to the property itself. If a property owner participating in a PACE program sells the property, then the repayment obligation legally transfers with the property. The benefits of PACE financing include long-term, fixed-cost financing; loans tied to the tax capacity of the property rather than to the owner's credit standing; a repayment obligation that legally transfers with the sale of the property; and potentially a deduction of the repayment obligation from federal taxable income, as part of the local property tax deduction.

BUDGETARY IMPACT (FINANCE DEPT):

There will be no cost to the Village to join the district in operating the PACE Program.

PERSONNEL IMPACT:

There is no personnel impact.

CONTACT:

Village Manager Frank K. Rollason
Commissioner Jorge Gonzalez

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: March 27, 2014

TO: Yvonne P. Hamilton
Village Clerk

FROM: Jorge Gonzalez
Commissioner

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 (VILLAGE), CREATING A PROPERTY ASSESSED CLEAN ENERGY PROGRAM AND AUTHORIZING THE VILLAGE TO JOININ THE TOWN OF BAY HARBOR ISLANDS, THE TOWN OF SURFSIDE, AND THE VILLAGE OF BISCAYNE PARK IN CREATING THE CLEAN ENERGY COASTAL CORRIDOR PROGRAM IN ACCORDANCE WITH SECTION 163.08, FLORIDA STATUTES; ADOPTING AN INTERLOCAL AGREEMENT PURSUANT TO SECTION 163.01, FLORIDA STATUTES RELATING TO THE CORRIDOR; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

JG:yph

RESOLUTION _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA (VILLAGE), CREATING A PROPERTY ASSESSED CLEAN ENERGY PROGRAM AND AUTHORIZING THE VILLAGE TO JOININ THE TOWN OF BAY HARBOR ISLANDS, THE TOWN OF SURFSIDE, AND THE VILLAGE OF BISCAYNE PARK IN CREATING THE CLEAN ENERGY COASTAL CORRIDOR PROGRAM IN ACCORDANCE WITH SECTION 163.08, FLORIDA STATUTES; ADOPTING AN INTERLOCAL AGREEMENT PURSUANT TO SECTION 163.01, FLORIDA STATUTES RELATING TO THE CORRIDOR; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE. ***(INTRODUCED BY COMMISSIONER JORGE GONZALEZ)***

WHEREAS, in 2010, the Florida Legislature adopted HB 7179 (Section 163.08, F.S.) (the "Bill"), which allows local governments to create Property Assessed Clean Energy (PACE) programs in order to provide the upfront financing for energy conservation and efficiency (i.e. energy-efficient heating, cooling, or ventilation systems), renewable energy (i.e. solar panels), wind resistance (i.e. impact resistant windows) and other improvements that are not inconsistent with state law (the "Qualifying Improvements"); and

WHEREAS, PACE programs not only assist residents and business owners in reducing their carbon footprint and energy costs, but also stimulate the local economy by the creation of needed construction jobs; and

WHEREAS, the Bill authorizes local governments that create PACE programs to enter into a partnership in order to provide more affordable financing for the installation of the Qualifying Improvements; and

WHEREAS, given the wide spread energy and economic benefits of PACE programs, the Commission desires to join the Town of Bay Harbor Islands, the Town of Surfside, and the Village of Biscayne Park in creating the Clean Energy Coastal Corridor in order to provide the upfront financing to property owners for Qualifying Improvements and to enter into an interlocal with other municipalities for the purpose of financing such improvements; and

WHEREAS, the Commission finds that this Resolution is in the best interest and welfare of the residents of North Bay Village.

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

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

Section 2. **Creation of PACE Program.** The Commission hereby creates a PACE Program pursuant to Section 163.08, Florida, for the purpose of providing upfront financing to property owners for Qualifying Improvements.

Section 3. **Adoption of Interlocal Agreement.** The Commission hereby approves an interlocal agreement pursuant to Section 163.01, Florida Statutes between the Town of Bay Harbor Islands and other municipalities, in substantially the form attached hereto as Exhibit "A," relating to the Clean Energy Coastal Corridor (the "Interlocal Agreement").

Section 4. **Authorization.** The Village Manager or designee is hereby authorized to execute the Interlocal Agreement.

Section 5. **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 Eddie Lim _____
Commissioner Richard Chervony _____
Commissioner Wendy Duvall _____
Commissioner Jorge Gonzalez _____

PASSED AND ADOPTED this 8th day of April 2014.

_____
Mayor Connie Leon-Kreps

Attest:

_____
Yvonne P. Hamilton, CMC
Village Clerk

APPROVED AS TO FORM:

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

YGRENE APPROVED IMPROVEMENTS

ENERGY EFFICIENCY

Air sealing and ventilation
Air filtration
Building envelope
Duct leakage and sealing
Bathroom, ceiling, attic, and whole-house fans
Insulation
Defect correction
Attic, floor, walls, roof, ducts
Weatherstripping
Sealing
Geothermal exchange heat pumps
HVAC systems
Evaporative coolers
Natural gas storage water heater
Tankless water heater
Solar water heater system
Reflective insulation or radiant barriers
Cool roof
Windows and glass doors
Window filming
Skylights
Solar tubes
Additional building openings to provide natural light
Lighting (fixture retrofits only)
Pool equipment
Occupancysensor lighting fixtures
SMART parking-lot bi-level fixture

CUSTOM MEASURES

Building energy-management controls
HVAC duct zoning-control systems
Irrigation pumps and controls
Lighting controls
Industrial- and process-equipment motors and controls
Fuel cells
Wind-turbine power system
Natural gas
Hydrogen fuel
Other fuel sources (emerging technologies)
Cogeneration (heat and energy)

WIND RESISTANCE

Roof deck & foundation strength improvements
Secondary water barrier
Wind-resistant shingles or other roofing
Gable-end bracing
Roof-to-wall connection reinforcement
Storm shutters
Perimeter-opening protections
Raising building elevations

SMART parking-garage bilevel fixtures
SMART pathway lighting
SMART wall-pack fixtures
Task ambient oce lighting
Classroom lighting
Refrigerator case LED lighting with occupancy sensors
Wireless daylight-lighting controls
Kitchen exhaust variable air-volume controls
Wireless HVAC controls & fault detection

CFN 20130751001
OR Bk 28831 Pgs 1114 - 1128; (15pgs)
RECORDED 09/20/2013 12:19:20
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

EXHIBIT "A"

INTERLOCAL AGREEMENT BETWEEN THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AND THE VILLAGE OF BISCAYNE PARK AND OTHER MUNICIPALITIES TO JOIN THE CORRIDOR,

This Interlocal Agreement is entered into between the Town of Bay Harbor Islands, Florida, a Florida municipal corporation, hereinafter referred to as "the Town;" and the Village of Biscayne Park, Florida, a Florida municipal corporation, hereinafter referred to as the "Coastal Corridor." (Collectively, the "Parties")

RECITALS

WHEREAS, Section 163.01, Florida Statutes, the "Florida Interlocal Cooperation Act of 1969," authorizes local government units to enter into interlocal agreements for the mutual benefit of governmental units; and

WHEREAS, Section 163.01(7), Florida Statutes, allows for the creation of a "separate legal entity" constituted pursuant to the terms of the interlocal agreement to carry out the purposes of the interlocal agreement for the mutual benefit of the governmental units; and

WHEREAS, the Parties desire to enter into an interlocal agreement creating a separate legal entity entitled the Clean Energy Coastal Corridor, hereinafter referred to as the "Authority;" and

WHEREAS, Section 166.021, Florida Statutes, authorizes the Parties to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 163.08, Florida Statutes, provides that a "local government," defined as a county, municipality, a dependent special district as defined in Section 189.403, Florida Statutes, or a separate legal entity created pursuant to Section 163.01(7), Florida Statutes may finance energy related "qualifying improvements" through voluntary assessments; and

WHEREAS, Section 163.08, Florida Statutes, provides that improved property that has been retrofitted with energy-related qualifying improvements receives the special benefit of alleviating the property's burden from energy consumption and assists in the fulfillment of the state's energy and hurricane mitigation policies; and

WHEREAS, Section 163.08(5), Florida Statutes, provides that local governments may enter into a partnership with one or more local governments for the purpose of providing and financing qualifying improvements; and

WHEREAS, the Parties to this Interlocal Agreement have expressed a desire to enter into this Interlocal Agreement in order to authorize the establishment of the Authority as a means of implementing and financing a qualifying improvements program within the Authority; and

WHEREAS, the Parties have determined that it is necessary and appropriate to create the Authority and to clarify various obligations for future cooperation between the Parties related to the financing of qualifying improvements within the Authority; and

WHEREAS, the Parties have determined that it shall serve the public interest to enter into this Interlocal Agreement to make the most efficient use of their powers by enabling them to cooperate on a basis of mutual advantage to provide for the financing of qualifying improvements within the Authority.

NOW, THEREFORE, in consideration of the terms and conditions, promises and covenants hereinafter set forth, the Parties agree as follows:

Section 1. Recitals Incorporated. The above recitals are true and correct and incorporated herein.

Section 2. Purpose. The purpose of this Interlocal Agreement is to consent to and authorize the creation of the Authority, pursuant to Section 163.08, Florida Statutes in order to facilitate the financing of qualifying improvements for property owners within the Authority. The Authority shall be a separate legal entity, pursuant to Section 163.01(7), Florida Statutes.

Section 3. Qualifying Improvements. The Authority shall allow the financing of qualifying improvements as defined in Section 163.08, Florida Statutes in addition to any other improvements or services not inconsistent with state law.

Section 4. Enabling Ordinance or Resolution. The Parties to this Interlocal Agreement agree to approve and keep in effect such resolutions and ordinances as may be necessary to approve, create and maintain the Authority. Said ordinances and resolutions shall include all of the provisions as provided for in Sections 163.01 and 163.08, Florida Statutes, for the creation of a partnership between local governments as a separate legal entity. The Authority shall be created upon the execution of this Interlocal Agreement by the Parties hereto and the adoption of an ordinance or resolution of support by the Parties establishing the Authority. Additional local governments may join in and enter into this Interlocal Agreement by approval of the Board (as defined in Section 6 below), execution of this Interlocal Agreement and adoption of an ordinance or resolution of support establishing the Authority.

Section 5. Authority Boundaries. The boundaries of the Authority shall be the legal boundaries of the local governments that are Parties to this Interlocal Agreement. As contemplated in this Interlocal Agreement, the Authority will levy voluntary assessments on the benefitted properties within the boundaries of the Authority to help finance the costs of qualifying improvements for those individual properties. Upon petition by the landowners of individual properties desiring to be benefited, those properties receiving financing for qualifying improvements shall be assessed from time to time, in accordance with the applicable law. Notwithstanding a Parties termination of participation within this Interlocal Agreement, those properties that have received financing for qualifying improvements shall continue to be a part of the Authority, until such time that all outstanding debt has been satisfied.

Section 6. Governing Board of the Authority. The Authority shall be governed by a governing board (the "Board") which shall be comprised of property owners within the jurisdictional boundaries of the Parties to this Interlocal Agreement and one at large property owner from within the Authority. The maximum number of members of the Board serving at any given time shall be no more than seven (7) and the minimum number of members shall be not less than three (3), except for the initial Board meeting, which may consist of two (2) members and shall be held for the sole purpose of initiating the bond validation proceeding and ratifying the assignment of the Third Party Administrator agreement. Notwithstanding the foregoing, the maximum number of members on the Board may be increased by a majority vote of the Board. The initial Board shall serve for an initial four (4) year term and shall consist of one (1) representative appointed by each of the Parties from within their jurisdictional boundaries. The initial at large member of the Board shall be appointed by a majority vote of the Board. All subsequent renewal terms shall be for four (4) years. In the event a Board member is no longer eligible to serve on the Board, that Party to this Interlocal Agreement shall appoint a replacement to fulfill the remaining term of that member. The Board's administrative duties shall include all duties necessary for the conduct of the Board's business and the exercise of the powers of the Authority as provided in Section 11.

Section 7. Decisions of the Board. Decisions of the Board shall be made by majority vote of the Board. The Board may adopt rules of procedure. In the absence of the adoption of such rules of procedure, the fundamental parliamentary procedures of Roberts Rules of Order shall apply.

Section 8. Authority Staff and Attorney. The Town of Bay Harbor Islands Manager shall serve as the staff to the Authority and the Town of Bay Harbor Islands Attorney shall serve as the counsel to the Authority, unless otherwise determined by the Board.

Section 9. Financing Agreement. The Parties agree that the Authority shall enter into a financing agreement, pursuant to Section 163.08(8), Florida Statutes, with property owner(s) who obtain financing through the Authority.

Section 10. Procurement. The Parties agree and understand that the Town has selected Ygrene Energy Fund, Florida, LLC as the initial Third Party Administrator for the Authority (the "TPA"). The Parties further agree and understand that the selection of the TPA is exempt from competitive solicitation as the TPA was competitively procured, awarded and contracted by the Town of Cutler Bay, Florida (Request for Proposal 10-05). The Town will enter into an agreement with the TPA, which will be assigned to the Authority and ratified by the Board.

Section 11. Powers of the Authority. The Authority shall exercise any or all of the powers granted under Sections 163.01 and 163.08, Florida Statutes, as may be amended from time to time, which include, without limitation, the following:

a. To finance qualifying improvements within the Authority boundaries;

b. In its own name to make and enter into contracts;

c. To employ agencies, employees, or consultants;

d. To acquire, construct, manage, maintain, or operate buildings, works, or improvements;

e. To acquire, hold, or dispose of property;

f. To incur debts, liabilities, or obligations which do not constitute the debts, liabilities, or obligations of any of the Parties to this Interlocal Agreement;

g. To adopt resolutions and policies prescribing the powers, duties, and functions of the officers of the Authority, the conduct of the business of the Authority, and the maintenance of records and documents of the Authority;

h. To maintain an office at such place or places as it may designate within the Authority or within the boundaries of a Party to this Interlocal Agreement;

i. To cooperate with or contract with other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by Section 163.08, Florida Statutes, and to accept funding from local and state agencies;

j. To exercise all powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized in Section 163.08, Florida Statutes; and

k. To apply for, request, receive and accept gifts, grants, or assistance funds from any lawful source to support any activity authorized under this Agreement.

Section 12. Quarterly Reports. Upon the first financing agreement being funded by the Authority, a quarterly report of the Authority shall be completed in accordance with generally accepted Government Auditing Standards by an independent certified public accountant. At a minimum, the quarterly report shall include a balance sheet, statement of revenues, expenditures and changes in fund equity and combining statements prepared in accordance with generally accepted accounting principles. All records such as, but not limited to, construction, financial, correspondence, instructions, memoranda, bid estimate sheets, proposal documentation, back charge documentation, canceled checks, reports and other related records produced and maintained by the Authority, its employees and consultants shall be deemed public records, and shall be made available for audit, review or copying by a Party to this Interlocal Agreement upon reasonable notice.

Section 13. Term. This Interlocal Agreement shall remain in full force and effect from the date of its execution; provided, however, that prior to commencement of legal proceedings to validate the Authority program, any Party may terminate its involvement in the Authority and its participation in this Interlocal Agreement upon ten (10) days' written notice to the other Parties. Should a Party terminate its participation in this Interlocal Agreement, be dissolved, abolished, or otherwise cease to exist, the Authority and this Interlocal Agreement shall continue until such time as all remaining Parties agree to terminate. Thereafter, the Authority and this Interlocal Agreement, shall continue for a period of seven years and shall automatically renew for successive seven (7) year terms. After the initial term, any Party may terminate its involvement in the Authority and its participation in this Interlocal Agreement upon 90 days notice.

Section 14. Consent. This Interlocal Agreement and any required resolution or ordinance of an individual Party shall be considered the Parties' consent to the creation of the Authority as required by Sections 163.01 and 163.08, Florida Statutes.

Section 15. Liability. The Parties hereto shall each be individually and separately liable and responsible for the actions of its officers, agents and employees in the performance of their respective obligations under this Interlocal Agreement. Except as specified herein, the Parties shall each individually defend any action or proceeding brought against their respective agency pursuant to this Interlocal Agreement and shall be individually responsible for all of their respective costs, attorneys' fees, expenses and liabilities incurred as a result of any such claims, demands, suits, actions, damages and causes of action, including the investigation or the defense thereof, and from and against any orders, judgments or decrees which may be entered as a result thereof. For any action or proceeding brought against the Authority pursuant to this Interlocal Agreement, the Parties shall each contribute equally for all costs, attorneys' fees, expenses and liabilities incurred as a result of any such claims, demands, suits, actions, damages and causes of action, including the investigation or the defense thereof, and from and against any orders, judgments or decrees which may be entered as a result thereof. The Parties shall each individually maintain throughout the term of this Interlocal Agreement any and all applicable insurance coverage required by Florida law for governmental entities. Nothing in this Agreement shall be construed to affect in any way the Parties' rights, privileges, and immunities, including the monetary limitations of liability set forth therein, under the doctrine of "sovereign immunity" and as set forth in Section 768.28 of the Florida Statutes.

Section 16. Notices. Any notices to be given hereunder shall be in writing and shall be deemed to have been given if sent by hand delivery, recognized overnight courier (such as Federal Express), or it must be given by written certified U.S. mail, with return receipt requested, addressed to the Party for whom it is intended, at the place specified. For the present, the Parties designate the following as the respective places for notice purposes:

If to Town:	Ronald J. Wasson Town Manager 9665 Bay Harbor Terrace Bay Harbor Islands, FL 33154
With a Copy to:	Craig B. Sherman, Esq. Sherman & Sherman, P.A. Town Attorney Bank of America Building 2000 Glades Road, Suite 204 Boca Raton, FL 33431
If to Village:	Ana M. Garcia, Village Manager Village of Biscayne Park 640 NE 114th Street Biscayne Park, Florida 33161

With a Copy to: John Hearn
Village Attorney
1917 NW 81st Ave #100
Coral Springs, FL 33071

Section 17. Amendments. It is further agreed that no modification, amendment or alteration in the terms or conditions herein shall be effective unless contained in a written document executed by the Parties hereto and the Authority.

Section 18. Filing. It is agreed that this Interlocal Agreement shall be recorded as required by Section 163.01(11), Florida Statutes.

Section 19. Joint Effort. The preparation of this Interlocal Agreement has been a joint effort of the Parties hereto and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the Parties than the other.

Section 20. Merger. This Interlocal Agreement incorporates and includes all prior negotiations, correspondence, agreements or understandings applicable to the matters contained herein; and the Parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Interlocal Agreement that are not contained in this document. Accordingly, the Parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements whether oral or written It is further agreed that no change, amendment, alteration or modification in the terms and conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith by all Parties to this Interlocal Agreement.

Section 21. Assignment. The respective obligations of the Parties set forth in this Interlocal Agreement shall not be assigned, in whole or in part, without the written consent of the other Parties hereto.

Section 22. Records. The Parties shall each maintain their own respective records and documents associated with this Interlocal Agreement in accordance with the requirements for records retention set forth in Chapter 119, Florida Statutes.

Section 23. Governing Law and Venue. This Interlocal Agreement shall be governed, construed and controlled according to the laws of the State of Florida. Venue for any claim,

objection or dispute arising out of the terms of this Interlocal Agreement shall be proper exclusively in Miami-Dade County, Florida.

Section 24. Severability. In the event a portion of this Interlocal Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective.

Section 25. Effective Date. This Interlocal Agreement shall become effective upon the execution by the Parties hereto and the recordation of the Agreement within the applicable county.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the Parties hereto have made and executed this Interlocal Agreement on this 12th day of August, 2013.

ATTEST:

Town of Bay Harbor Islands, a municipal corporation of the State of Florida

BY: _____
Town Clerk

BY: _____
Town Manager

(Affix Seal)

Approved by Town Attorney
as to form and legal sufficiency

_____
Town Attorney

IN WITNESS WHEREOF, the Parties hereto have made and executed this Interlocal Agreement on this_____ day of _____, 2014.

ATTEST:

BY:_____
Yvonne P. Hamilton, CMC
Village Clerk

(Affix Seal)

North Bay Village, a municipal Corporation of the State of Florida

BY:_____
Frank K. Rollason
Village Manager

Approved as to Form and Legal Sufficiency for the Sole Benefit of North Bay Village

_____
Rosen L. Switkes & Associates, P.A.
Village Attorney

RESOLUTION 1148

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, CREATING THE CLEAN ENERGY COASTAL CORRIDOR PROPERTY ASSESSED CLEAN ENERGY DISTRICT IN ACCORDANCE WITH SECTION 163.08, FLORIDA STATUTES; ADOPTING AN INTERLOCAL AGREEMENT PURSUANT TO SECTION 163.01, FLORIDA STATUTES BETWEEN THE TOWN OF BAY HARBOR ISLANDS AND OTHER MUNICIPALITIES RELATING TO THE NORTH-DADE CORRIDOR PROPERTY ASSESSED CLEAN ENERGY (PACE) DISTRICT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2010, the Florida Legislature adopted HB 7179 (Section 163.08, F.S.)(the "Bill"), which allows local governments to create Property Assessed Clean Energy (PACE) programs in order to provide the upfront financing for energy conservation and efficiency (i.e. energy-efficient heating, cooling, or ventilation systems), renewable energy (i.e. solar panels), and wind resistance (i.e. impact resistant windows) improvements (the "Qualifying Improvements"); and

WHEREAS, PACE programs not only assist residents and business owners in reducing their carbon footprint and energy costs, but also stimulate the local economy by the creation of needed construction jobs; and

WHEREAS, the Bill authorizes local governments that create PACE programs to enter into a partnership in order to provide more affordable financing for the installation of the Qualifying Improvements; and

WHEREAS, given the wide spread energy and economic benefits of PACE programs, the Town Council desires to create the Clean Energy Coastal Corridor PACE District in order to provide the upfront financing to property owners for Qualifying Improvements and to enter into an interlocal with other municipalities for the purpose of financing such improvements; and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town of Bay Harbor Islands.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AS FOLLOWS:

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

Section 2. **Creation of PACE District.** The Town Council hereby creates the Clean Energy Coastal Corridor PACE District pursuant to Section 163.08, Florida, for the purpose of providing upfront financing to property owners for Qualifying Improvements.

Section 3. **Adoption of Inter-local Agreement.** The Town Council hereby approves the Interlocal Agreement pursuant to Section 163.01, Florida Statutes between the Town of Bay Harbor Islands and other municipalities, in substantially the form attached hereto as Exhibit "A," relating to the Clean Energy Coastal Corridor PACE District (the "Interlocal Agreement").

Section 4. **Authorization.** The Town Manager or designee is hereby authorized to transmit the Interlocal Agreement to other municipalities and request that such municipalities join the PACE District.

Section 5. **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 14th day of January, 2013

Mayor Isaac Salver

Attest:

Marlene Marante, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Town Attorney

ATTEST:

Village of Biscayne Park, a municipal corporation of the State of Florida

BY: Maria C. Camara

Maria C. Camara, Village Clerk

BY: _____

Ana M. Garcia, Village Manager

(Affix Seal)

Approved by Village Attorney
as to form and legal sufficiency

_____

John J. Hearn, Village Attorney

RESOLUTION NO. 2013-14

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, CREATING A PROPERTY ASSESSED CLEAN ENERGY PROGRAM AND JOINING THE TOWN OF BAY HARBOR ISLANDS IN THE CLEAN ENERGY COASTAL CORRIDOR PROGRAM IN ACCORDANCE WITH SECTION 163.08, FLORIDA STATUTES; ADOPTING AN INTERLOCAL AGREEMENT PURSUANT TO SECTION 163.01, FLORIDA STATUTES RELATING TO THE CORRIDOR; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2010, the Florida Legislature adopted HB 7179 (Fla. Stat. §163.08) (the "Bill"), which allows local governments to create Property Assessed Clean Energy (PACE) programs in order to provide the upfront financing for energy conservation and efficiency (i.e. energy-efficient heating, cooling, or ventilation systems), renewable energy (i.e. solar panels), wind resistance (i.e. impact resistant windows) and other improvements that are not inconsistent with state law (the "Qualifying Improvements"); and,

WHEREAS, PACE programs not only assist residents and business owners in reducing their carbon footprint and energy costs, but also stimulate the local economy by the creation of needed construction jobs; and,

WHEREAS, the Bill authorizes local governments that create PACE programs to enter into a partnership in order to provide more affordable financing for the installation of the Qualifying Improvements; and,

WHEREAS, given the wide spread energy and economic benefits of PACE programs, the Commission of the Village of Biscayne Park desires to join the Town of Bay Harbor Islands in creating the Clean Energy Coastal Corridor in order to provide the upfront financing to property owners for Qualifying Improvements and to enter into an interlocal with other municipalities for the purpose of financing such improvements; and,

WHEREAS, the Commission finds that this Resolution is in the best interest and welfare of the residents of the Village of Biscayne Park and its inhabitants.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

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

Section 2. Creation of PACE Program. The Commission hereby creates a PACE Program pursuant to Fla. Stat. §163.08 for the purpose of providing upfront financing to property owners for Qualifying Improvements.

Section 3. Adoption of Interlocal Agreement. The Commission hereby approves an interlocal agreement pursuant to Fla. Stat. §163.01 between the Town of Bay Harbor Islands and

other municipalities, in substantially the form attached hereto as Exhibit "A," relating to the Clean Energy Coastal Corridor (the "Interlocal Agreement").

Section 4. Authorization. The Village Manager or designee is hereby authorized to execute the Interlocal Agreement.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 2nd day of April, 2013.

The foregoing resolution upon being put to a vote, the vote was as follows:

Mayor Jacobs: Yes
Vice Mayor Cooper: Absent
Commissioner Anderson: Yes
Commissioner Ross: Yes
Commissioner Watts: Yes

Noah Jacobs, Mayor

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

Village Attorney

RESOLUTION 13 – 2170

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (TOWN), CREATING A PROPERTY ASSESSED CLEAN ENERGY PROGRAM AND JOINING THE TOWN OF BAY HARBOR ISLANDS AND THE VILLAGE OF BISCAYNE PARK IN CREATING THE CLEAN ENERGY COASTAL CORRIDOR PROGRAM IN ACCORDANCE WITH SECTION 163.08, FLORIDA STATUTES; ADOPTING AN INTERLOCAL AGREEMENT PURSUANT TO SECTION 163.01, FLORIDA STATUTES RELATING TO THE CORRIDOR; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2010, the Florida Legislature adopted HB 7179 (Section 163.08, F.S.) (the "Bill"), which allows local governments to create Property Assessed Clean Energy (PACE) programs in order to provide the upfront financing for energy conservation and efficiency (i.e. energy-efficient heating, cooling, or ventilation systems), renewable energy (i.e. solar panels), wind resistance (i.e. impact resistant windows) and other improvements that are not inconsistent with state law (the "Qualifying Improvements"); and

WHEREAS, PACE programs not only assist residents and business owners in reducing their carbon footprint and energy costs, but also stimulate the local economy by the creation of needed construction jobs; and

WHEREAS, the Bill authorizes local governments that create PACE programs to enter into a partnership in order to provide more affordable financing for the installation of the Qualifying Improvements; and

WHEREAS, given the wide spread energy and economic benefits of PACE programs, the Commission desires to join the Town of Bay Harbor Islands and The Village of Biscayne Park in creating the Clean Energy Coastal Corridor in order to provide the upfront financing to property owners for Qualifying Improvements and to enter into an Interlocal Agreement with other municipalities for the purpose of financing such improvements; and

WHEREAS, the Commission finds that this Resolution is in the best interest and welfare of the residents of the Town

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

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

Section 2. Creation of PACE Program. The Town Commission hereby creates a PACE Program pursuant to Section 163.08, Florida Statute, for the purpose of providing upfront financing to property owners for Qualifying Improvements.

Section 3. **Adoption of Interlocal Agreement.** The Commission hereby approves an interlocal agreement pursuant to Section 163.01, Florida Statutes, the Town of Surfside, the Town of Bay Harbor Islands and The Village of Biscayne Park, in substantially the form attached hereto as Exhibit "A," relating to the Clean Energy Coastal Corridor (the "Interlocal Agreement").

Section 4. **Authorization.** The Town Manager or designee is hereby authorized to execute and implement the terms of the Interlocal Agreement.

Section 5. **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** on this 11th day of June, 2013

Motion by Commissioner Graubart, second by Commissioner Kligman.

FINAL VOTE ON ADOPTION

Commissioner Joseph Graubart	Yes
Commissioner Michelle Kligman	Yes
Commissioner Marta Olchyk	Yes
Vice Mayor Michael Karukin	Yes
Mayor Daniel Dietch	Yes

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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

Linda Miller, Interim Town Attorney

IN WITNESS WHEREOF, the Parties hereto have made and executed this Interlocal Agreement on this 26th day of August, 2013.

ATTEST:

BY: _____
Town Clerk

(Affix Seal)

Town of Surfside, a municipal corporation of the State of Florida

BY: Michael Crotty
Town Manager

Approved by Town Attorney
as to form and legal sufficiency

_____
Town Attorney

RESOLUTION NO. 2013-14

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, CREATING A PROPERTY ASSESSED CLEAN ENERGY PROGRAM AND JOINING THE TOWN OF BAY HARBOR ISLANDS IN THE CLEAN ENERGY COASTAL CORRIDOR PROGRAM IN ACCORDANCE WITH SECTION 163.08, FLORIDA STATUTES; ADOPTING AN INTERLOCAL AGREEMENT PURSUANT TO SECTION 163.01, FLORIDA STATUTES RELATING TO THE CORRIDOR; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2010, the Florida Legislature adopted HB 7179 (Fla. Stat. §163.08) (the "Bill"), which allows local governments to create Property Assessed Clean Energy (PACE) programs in order to provide the upfront financing for energy conservation and efficiency (i.e. energy-efficient heating, cooling, or ventilation systems), renewable energy (i.e. solar panels), wind resistance (i.e. impact resistant windows) and other improvements that are not inconsistent with state law (the "Qualifying Improvements"); and,

WHEREAS, PACE programs not only assist residents and business owners in reducing their carbon footprint and energy costs, but also stimulate the local economy by the creation of needed construction jobs; and,

WHEREAS, the Bill authorizes local governments that create PACE programs to enter into a partnership in order to provide more affordable financing for the installation of the Qualifying Improvements; and,

WHEREAS, given the wide spread energy and economic benefits of PACE programs, the Commission of the Village of Biscayne Park desires to join the Town of Bay Harbor Islands in creating the Clean Energy Coastal Corridor in order to provide the upfront financing to property owners for Qualifying Improvements and to enter into an interlocal with other municipalities for the purpose of financing such improvements; and,

WHEREAS, the Commission finds that this Resolution is in the best interest and welfare of the residents of the Village of Biscayne Park and its inhabitants.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

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

Section 2. Creation of PACE Program. The Commission hereby creates a PACE Program pursuant to Fla. Stat. §163.08 for the purpose of providing upfront financing to property owners for Qualifying Improvements.

Section 3. Adoption of Interlocal Agreement. The Commission hereby approves an interlocal agreement pursuant to Fla. Stat. §163.01 between the Town of Bay Harbor Islands and

other municipalities, in substantially the form attached hereto as Exhibit "A," relating to the Clean Energy Coastal Corridor (the "Interlocal Agreement").

Section 4. Authorization. The Village Manager or designee is hereby authorized to execute the Interlocal Agreement.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 2nd day of April, 2013.

The foregoing resolution upon being put to a vote, the vote was as follows:

Mayor Jacobs: Yes
Vice Mayor Cooper: Absent
Commissioner Anderson: Yes
Commissioner Ross: Yes
Commissioner Watts: Yes

Noah Jacobs, Mayor

Attest:

Maria C. Camara, Village Clerk

Approved as to form:

Village Attorney

NORTH BAY VILLAGE POLICE DEPARTMENT

RECOMMENDATION MEMORANDUM

DATE: **March 21, 2014**

TO: **Mayor Connie Leon Kreps**
Vice-Mayor Eddie Lim
Commissioner Dr. Richard Chervony
Commissioner Jorge Gonzalez
Commissioner Wendy Duvall

RECOMMENDED BY STAFF/COMISSIONER:
Frank Rollason, Village Manager

PRESENTED BY STAFF:
Robert Daniels, Police Chief

SUBJECT: **April 2014 Commission Agenda**
Police Impact Fees- Budget Expenditures

RECOMMENDATION:

It is recommended that the Village Commission approve the attached resolution for expenditure of Police Impact Fees.

BACKGROUND:

The Village has received $148,754.00 in Police Impact Fees from development in North Bay Village.

Following is the recommendation for expenditure of these fees:

G.P.S. System	$ 55,000.00
Police Vehicle (Two)	$ 60,000.00
Digital Recording System Dispatch	$ 14,000.00
Smart Water CSI	$ 13,000.00
	$ 142,000.00

1841 GALLEON STREET, NORTH BAY VILLAGE, FL 33141
MIAMI-DADE COUNTY
PHONE #305-758-2626 FAX #305-866-7513

FINANCIAL IMPACT:

The requested funding for the reference items will be taking from the Police Impact Fee Fund.

BUDGETARY IMPACT:

The amount of $142,000.00 will be appropriated in the FY 2014 Budget for expenditure.

PERSONNEL IMPACT:

There will be no personnel impact.

CONTACT:

Frank K. Rollason, Village Manager
Robert Daniels, Police Chief

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: March 27, 2014

TO: Yvonne P. Hamilton
Village Clerk

FROM: Frank K. Rollason
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 COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE EXPENDITURE OF POLICE IMPACT FEES; MAKING APPROPRIATIONS IN THE FY 2015 BUDGET; AND SETTING AN EFFECTIVE DATE.

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

FKR:yph

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE EXPENDITURE OF POLICE IMPACT FEES; MAKING APPROPRIATIONS IN THE FY 2015 BUDGET; AND SETTING AN EFFECTIVE DATE. ***(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)***

WHEREAS, Section 32.44 of the North Bay Village Code of Ordinances authorizes the Village to collect Police Impact Fees on all new developments in the Village to ensure that they bear their proportionate share of the infrastructure costs they impose on the community; and

WHEREAS, the Village has collected $148,754 in Police Impact Fees; and

WHEREAS, the Village Manager has recommended appropriation of these funds in the FY 2015 Budget and expenditure to cover the cost of a GPS System, two police vehicles, a Digital Recording System for Police Dispatch and for purchasing and developing a Smart Water program for the residents to mark valuables to assist in future recovery.

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

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

Section 2. Appropriation of Funds. One Hundred Forty-two Thousand Dollars ($142,000) is hereby appropriated in the FY 2015 Budget for the purposes set forth herein.

Section 3. Approval of Expenditure. Approval is granted for expenditure of Police Impact Fees as follows: GPS-$55,000, Two Police Vehicles-$60,000, Digital Recording System Dispatch-$14,000 and Smart Water CIS-$13,000.

Section 3. 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 Eddie Lim _____
Commissioner Richard Chervony _____
Commissioner Wendy Duvall _____
Commissioner Jorge Gonzalez _____

PASSED AND ADOPTED this 8th day of April 2014.

_____
Mayor Connie Leon-Kreps

Attest:

_____
Yvonne P. Hamilton, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: Expenditure of Police Impact Fees-4-8-2014

NORTH BAY VILLAGE POLICE DEPARTMENT

MEMORANDUM NO. 14-03-06

DATE: **March 28, 2014**

TO: **Frank Rollason, Village Manager**

FROM: **Robert J. Daniels, Chief of Police**

SUBJECT: **Police Impact Fee Budget / Back-Up Documentation**

The Police Department has submitted the following items for inclusion in the Police Impact Fee funding account to address needs within the Agency:

GPS System Budget Amount $55,000

The GPS System is an Officer Safety need. Through the use of satellite and cellular technology, the Police Dispatcher will be able to observe where each patrol unit is located. If a Police Unit does not move within a certain time frame, an alert will be received in Dispatch and the dispatcher can inquire with the officer if they are okay. There is more functionality in the system that will assist in fleet management and maintenance monitoring for the fleet. This is a three year capital project which includes one-time cost for equipment and installation of equipment for each vehicle $305 and a reoccurring monthly expenditure of $31 per vehicle. The expenditure will be from GSA Contracts.

Police Vehicle Replacements Budget Amount $60,000

Two Police Vehicle replacements for existing vehicles that are past their useful life are proposed to be purchased from State Contracts. The new vehicles are proposed to be 4 wheel drive to assist in emergency management operations. The budgeted amount includes equipment and markings.

Digital Recording System in Dispatch Budget Amount $14,000

This is a replacement system that will facilitate the recording of the calls received in dispatch and the radio transmissions that occur on the frequencies utilized by the Police Department. This will be state of the art equipment and will provide flexibility when the Police Department relocates to our new building on East Drive.

Smart Water CSI Budget Amount $13,000

The Police Department has been researching different methods to invisibly mark valuables to assist in later recovery of those items. The Smart Water process is one utilized by several police agencies in South Florida. The product is a liquid that has identifying characteristics in each drop with no two supplies being the same. If the item is stolen and later recovered, ownership can be proven by reading the genetic code of the solution. The Police Department purchases the packets from Smart Water CSI and distributes them to residents free of charge through the Crime Watch Program. Smart Water CSI trains our personnel and is a partner in the release of the information. Smart Water CSI also provides all of the Expert testimony needed to successfully prosecute cases in court.

This Police Impact Fee Budget is on the consent agenda for the April 8th Commission Meeting and I am available if you have any questions. The total budget is $142,000. Please contact me at any time on my cell phone or at the office.

Thank you for your consideration of this matter.

cc: Jenice Rosado, Deputy Village Manager/HR Director
Bert Wrains, Finance Director

FREQUENTLY ASKED QUESTIONS

SMARTWATER CSI™

WHAT IS SMARTWATER®?

It's a harmless liquid that contains a unique forensic signature, like DNA but tougher. It's invisible to the naked eye but glows yellow under a standard black (UV) light.

WHAT USE IS IT TO LAW ENFORCEMENT OFFICERS?

The solution can be used in two ways:

a. Forensic Spray System to mark Intruders:

The SmartWater Spray System is an anti-burglary/anti-intruder device used by the police and in a wide range of corporate and commercial premises. The SmartWater Spray System will spray intruders with a water-based solution, which contains a unique forensic code. This creates an irrefutable link between the criminal and the crime scene. Each solution is unique and can only be activated on one occasion. The solution is sealed in a tamper evident container. To watch a video demonstrating operational use, please copy the following link in to your web browser: **http://youtu.be/iZESaeY1g-g**

SmartWater Spray Systems are a low pressure system installed at strategic points within premises. These may include points of entry, cash offices, stock rooms, and other vulnerable areas. The system can be configured in a number of ways and triggered accordingly, spraying the criminal through one of a range of directional nozzles. The nozzles are selected to cover a specific floor area (usually a 9ft cone or a 6ft or 12ft curtain, from a 8ft ceiling) and will produce a spray that creates a characteristic pattern of droplets and trickles on suspects which can be used to rule out arguments of cross-contamination.

b. Forensic Coding - Asset Protection System:

SmartWater forensic coding solutions are used to mark items ranging from electronic equipment to lead roofing materials. Customers include individual householders (general property, air conditioners, and vehicles); schools, colleges, universities and local authorities (computing equipment, and lead flashing); utility companies (metals); railway companies (cables); insurers (churches and musical instruments) and other commercial companies (general office equipment). To watch a video demonstrating operational use, please copy the following link into your web browser: **http://youtu.be/3hgylZLflP0**

IS SMARTWATER SAFE?

Yes, all SmartWater solutions are classed as non-hazardous.

WHAT DOES IT LOOK LIKE?

SmartWater forensic solutions are painted (or occasionally sprayed) onto surfaces, with the recommendation that they should be applied to uneven or irregular surfaces, such as indents, slots and grills. Under natural light the marks are colorless and may exhibit a slight sheen, however under long-wave black (UV) light (365nm) the marked area will fluoresce bright yellow in color.

HOW MUCH SMARTWATER IS NEEDED TO IDENTIFY WHERE IT CAME FROM?

All scientists need is a speck the size of a grain of salt to be able to identify where it originates from.

Call: 954-315-3938
Email: Inquiry@smartwatercsi.com
www.smartwatercsi.com

© SmartWater CSI LLC 2012

FREQUENTLY ASKED QUESTIONS

SMARTWATER CSI™

IS IT DNA?

No, SmartWater does not use DNA, as DNA is too fragile a substance to withstand the weather conditions in the USA and will fade away in sunlight or humidity. SmartWater's forensic signature is made up of a unique combination of rare earths and microscopic metals, which are extremely tough. SmartWater warrants its forensic codes for a minimum of 5 years* and complies with Grade A External rating of the PAS820:2012, the highest specification for forensic coding.

HAS IT EVER BEEN USED BY A LAW ENFORCEMENT AGENCY IN THE USA?

Yes, Chief Walt McNeil piloted SmartWater when he was at the Tallahassee Police Department in 2008. The deterrent impact was such that there was a 33% reduction in burglary in the area where it was used (reference: TPD Project Director Greg Frost).

HAS SMARTWATER BEEN ACCEPTED AS EVIDENCE IN THE US COURT SYSTEM?

No, not yet but we are confident that it will. SmartWater products have been independently validated by Dr. Jose Almirral at Florida International University and published as a research paper in technical journals, which is a key requirement of the U.S. Courts in terms of complying with the 'Frye Standard'.

WHEN WILL SMARTWATER BE MADE AVAILABLE TO USA LAW ENFORCEMENT AGENCIES?

We are working with a number of U.S. law enforcement agencies on covert 'sting' operations and anticipate arrests soon. Then it's a question of waiting for due process and preparing for SmartWater evidence to be contested. Due to the similarities between the UK and U.S. Court systems, we are confident that we will be successful. We will make an announcement when this has been achieved.

WHAT DO UK POLICE THINK OF SMARTWATER?

We work very closely with the UK police, having secured over 1,200 convictions in the Criminal Courts. The police have prepared a video for the benefit of their law enforcement colleagues, where they talk about their experience with SmartWater. To watch the video, please copy the following link into your web browser – please keep this confidential, for law enforcement eyes only: **http://youtu.be/SCCZ02YG_oE**

I HAVE MORE TECHNICAL QUESTIONS; DO YOU HAVE AN OFFICE IN THE USA?

Yes, SmartWater CSI LLC has an office in Florida at 110 East Broward Boulevard, Suite 1700, Fort Lauderdale 33301. If you would like to speak to a Law Enforcement Liaison Officer, please call (954) 315-3938.

*Warranty excludes the forensic marking of skin.

Call: 954-315-3938
Email: Inquiry@smartwatercsi.com
www.smartwatercsi.com

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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 B AY VILLAGE
RECOMMENDATION MEMORANDUM

DATE: **March 27, 2014**

TO: **Mayor Connie Leon Kreps**
Vice-Mayor Eddie Lim
Commissioner Dr. Richard Chervony
Commissioner Jorge Gonzalez
Commissioner Wendy Duvall

RECOMMENDED BY STAFF: Village Manager Frank K. Rollason

PRESENTED BY STAFF: Yvonne P. Hamilton, Village Clerk
Robert L. Switkes, Village Attorney

SUBJECT: Ordinance Amending the General Election Qualifying

RECOMMENDATION:

It is recommended that the Village Commission consider the attached Ordinance on second reading to change the qualifying dates for the November 4, 2014 General Election to 8:00 a.m. on July 29, 2014 to 5:00 p.m. on August 27, 2014.

The Ordinance was approved by a vote of 5-0 at the March 11, 2014 Commission Meeting.

BACKGROUND:

It is customary for North Bay Village to change its General Election qualifying date to accommodate Miami-Dade County Elections Department in meeting the statutory deadline for the mailing of overseas absentee ballots 45 days prior to the election.

Pursuant to Section 5.05 of the Village Charter, which requires qualifying to commence no sooner than 75 days prior to the election date and no later than 45 days prior to the election date, qualifying should begin on August 20, 2014 and end on September 19, 2014. Section 100.3605(2) authorizes municipalities to change their qualifying dates by the adoption of an Ordinance.

In changing the qualifying dates this Ordinance ensures that there is no conflict with Section 34.08 of the Code of Ordinances for supplemental qualifying periods to address vacancy in candidacy and Section 5.05 for amended petitions. If the Commission chooses, provisions to address these issues could be addressed with a qualifying period that allows sufficient time to have the final qualifying documents to Miami-Dade County Elections Department by August 29, 2014.

The Miami-Dade County Election Department will not accept qualifying documents after the deadline of August 29, 2014.

BUDGETARY IMPACT:

There will be no cost to amend the ordinance.

PERSONNEL IMPACT:

There is no personnel impact regarding amendment of the ordinance.

CONTACT:

Frank K. Rollason, Village Manager
Yvonne P. Hamilton, Village Clerk
Robert L. Switkes, 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: March 27, 2014

TO: Yvonne P. Hamilton
Village Clerk

FROM: Frank K. Rollason
Village Manager

SUBJECT: Introduction of Ordinance

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

> **AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTING THE QUALIFYING DATES FOR THE NOVEMBER 4, 2014 GENERAL ELECTION AS PROVIDED FOR UNDER CHAPTER 100, SECTION 100.3605(2) OF THE FLORIDA STATUTES; PROVIDING DIRECTIONS FOR THE VILLAGE CLERK; PROVIDING FOR REPEALER, SEVERABILITY, PROVIDING FOR CONFLICTING ORDINANCES OR RESOLUTIONS; AND AN EFFECTIVE DATE.**

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

FKR:yph

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTING THE QUALIFYING DATES FOR THE NOVEMBER 4, 2014 GENERAL ELECTION AS PROVIDED FOR UNDER CHAPTER 100, SECTION 100.3605(2) OF THE FLORIDA STATUTES; PROVIDING DIRECTIONS FOR THE VILLAGE CLERK; PROVIDING FOR REPEALER, SEVERABILITY, PROVIDING FOR CONFLICTING ORDINANCES OR RESOLUTIONS; AND AN EFFECTIVE DATE. ***(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)***

WHEREAS, Section 5.05(A) of the Village Charter provides that candidates for the office of Mayor or Commissioner shall qualify with the Village Clerk no sooner than seventy-five (75) days prior to the election date and no later than forty-five (45) days prior to the date of the General Election; and

WHEREAS, the qualifying dates for the November 4, 2014 General Election will be August 20, 2014 through September 19, 2014; and

WHEREAS, Florida Statutes 101.62(4)(a), provides that absentee ballots must be mailed to overseas voters forty-five (45) days prior to the General Election; and

WHEREAS, the Miami-Dade Elections Department has imposed an August 29, 2014 deadline for submittal of all qualifying documents for the November 4, 2014 General Election to allow sufficient time to prepare, print, and mail absentee and write-in ballots to overseas voters by the statutory deadlines; and

WHEREAS, Chapter 100, Section 100.3605(2) of the Florida Statutes authorizes municipalities to change their qualifying dates by the adoption of an Ordinance; and

WHEREAS, revising the Village's election qualifying dates is necessary to meet the deadlines for ballot preparation imposed by the Elections Department and will benefit the Village in providing a more efficient election.

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

Section 1. Recitals. The foregoing whereas clauses are hereby ratified and confirmed as being true; and the same are hereby made a specific part of this Ordinance.

Section 2. Qualifying Dates Set. The qualifying dates for the November 4, 2014 General Municipal Election shall be from 8:00 a.m. on July 29, 2014 to 5:00 p.m. on August 27, 2014.

Section 2. Supplemental Qualifying Period. There shall be no supplemental qualifying period once the qualifying date is closed.

Section 3. Unopposed Candidates Elected. If only one candidate for an elected office remains on the ballot after the close of qualifying, said candidate shall be declared elected and no election for that office shall be required.

Section 4. Repeal. That all ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 5. Severability. That the provisions of this Ordinance are declared to be 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 not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, and they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Direction to Village Clerk. The Village Clerk is hereby directed to submit a copy of this Ordinance to the Miami-Dade County Elections Department immediately after adoption and to transmit all appropriate qualification documentation received within the qualification period herein established to the Miami-Dade County Elections Department by August 29, 2014.

Section 7. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner Jorge Gonzalez, who moved for its approval on first reading. This motion was seconded by Vice Mayor Eddie Lim, and upon being put to a vote, the vote was as follows:

THE VOTES WERE AS FOLLOW:

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

APPROVED ON FIRST READING during a regular session of the North Bay Village Commission Meeting this 11th day of March 2014.

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

FINAL VOTE ON ADOPTION:

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

PASSED AND ENACTED by the Commission of North Bay Village this _____ day of _____.

_____
Connie Leon-Kreps
Mayor

ATTEST:

_____

Yvonne Hamilton, Village Clerk

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

_____

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

North Bay Village Ordinance-Change of Qualifying Dates for the November 4, 2014 General Election.

MIAMI-DADE COUNTY

Elections
2700 NW 87th Avenue
Miami, Florida 33172
T 305-499-VOTE F 305-499-8547
TTY: 305-499-8480

miamidade.gov

November 25, 2013

Yvonne P. Hamilton
Village Clerk
North Bay Village
1700 Kennedy Causeway, Suite 132
North Bay Village, FL 33141

Dear Ms. Hamilton:

As you know, the North Bay Village General Election is scheduled on November 4, 2014, with a qualifying period of August 20, 2014, through September 19, 2014. The Elections Department is bound by the Election Laws of the State of Florida, which require the mailing of overseas absentee ballots 45 days prior to the election. As such, in order for the Elections Department to prepare, print, and meet its statutory deadline, we request that your Board change your candidate qualifying period to end no later than August 29, 2014.

Your prompt attention to this request is greatly appreciated so that we can proceed with our preparations for the 2014 election cycle. Should you have any questions or concerns, please feel free to contact me directly at 305-499-8409 or Zeida Reyes, Elections Coordination Manager, at 305-499-8405.

Sincerely,

Carolina D. Lopez
Deputy Supervisor of Elections
Miami-Dade Elections Department

the first Monday in November of each even-numbered calendar year. All other elections shall be known as special municipal elections. In any special election not otherwise provided for there shall be at least 30 days notice of the election by publication in a newspaper of general circulation in North Bay Village.

No general or special election of the Village shall be held on a national or state legal holiday. Should the first Tuesday after the first Monday in November in any even-numbered calendar year be declared such a legal holiday, then the regular election scheduled for that day shall be postponed to the first day thereafter that is not a legal holiday.
(Res. No. R91-25, § 2, 9-16-91, Election of 11-12-91; Res. No. 2000-41, 11-8-00, Election of 11-7-00)

5.02. Qualifications of electors.

Any qualified elector in Miami-Dade County who is a bona fide resident of the Village is eligible to vote in Village elections.
(Res. No. 2000-41, 11-8-00, Election of 11-7-00)

5.03. Rules and regulations, supervision, etc. of elections.

All municipal elections in the Village shall be conducted by general ballot as prescribed by this Charter and consistent with the applicable law of the State of Florida and County of Miami-Dade. Municipal elections shall be supervised by the Village clerk with the Village Commission canvassing returns from each general election.
(Res. No. 2000-41, 11-8-00, Election of 11-7-00)

5.04. Commission Members—Residency requirements and terms of office.

The Village shall be governed by a Commission of five (5) members, all of whom shall be qualified electors of the Village. There shall be a Harbor Island Commissioner, a North Bay Island Commissioner, and a Treasure Island Commissioner, each of whom shall be a resident of their respective islands for a period of not less than one (1) year prior to the date of the subject candidate's initial filing of qualifying papers for the Commission and shall also be and remain during their respective terms of office, permanent residents of their respective islands; however, this shall not apply to any mere temporary relocation within the Village. The Mayor and Commissioner-at-large, the two (2) remaining positions, shall reside on any of the said islands of the Village for a period of not less than one (1) year prior to the date of the subject candidate's initial filing of qualifying papers for the Commission and shall also be and remain during their respective terms of office, permanent residents of the Village. The term of the Mayor will be for two (2) years, and commencing with the November 2002 general election, the term of each Village Commissioner will be for four years, on a staggered basis to be established as follows:

Notwithstanding any other provisions of this Charter, no later than December 15, 2000, the Village Clerk shall publicly draw lots to determine which Village Commissioners' term of office (specifically, the seat they each represent) will expire in November 2004 and which remaining two Village Commissioners' terms of office (specifically, the seat they each represent) will expire in November 2006. All subsequent Village Commissioner seats shall be elected for four (4) year terms.

All of the Commissioners and the Mayor shall be elected by the voters at large of the Village.
(Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2004-34, 7-13-04, Election of 11-2-04; Res. No. 2006-45, Pt. H, 8-28-06, Election of 11-7-06; Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12)

5.05. Nomination of Commission members and Mayor.

A. Any citizen who can qualify for the office of Commissioner or Mayor of the Village as provided herein may be nominated for Commissioner or Mayor by a petition provided by the Village Clerk for this purpose signed by not less than fifty (50) electors and filed with the Village Clerk no sooner than seventy-five (75) days prior to the election date and no later than forty-five (45) days prior to the election date.

B. No elector shall sign more than one nominating petition for each seat. Should an elector sign more than one petition for each seat, his signature shall be void except as to the petition first filed for each seat.

C. The signatures on the nominating petition need not all be subscribed on one paper, but to each separate paper there shall be attached a signed statement of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature, including the signature of the circulator, shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify it. The form of nominating petition provided by the Village Clerk shall be substantially as follows:

NOMINATING PETITION

We, the undersigned electors of North Bay Village, hereby nominate (name of candidate), who resides at (address), for the office of (Commissioner island, at-large, or mayor)

(signatures)_____

(address of signer)_____

(date of signing)_____

The undersigned is the circulator of the foregoing petition containing (number) signatures. Each signature appended thereto was made in my presence and is the person whose name it purports to be. Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true, to the best of my knowledge and belief.

(signature of circulator)_____

(street address of residence)_____

(date)_____

D. Within five (5) days after the filing of a nominating petition, the Village Clerk shall through certified United States mail, return receipt requested, notify the candidate and the person who filed the petition whether or not the petition is found to be signed by the required number of qualified electors. Notification is complete upon mailing. If a petition is found insufficient, the Village Clerk shall return it to the person who filed it with a statement certifying wherein the petition is found insufficient. Such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate, not less than forty (40) days before election. Such petitions shall be preserved by the Village Clerk in accordance with applicable record retention requirements.
(Res. No. 2000-41, 11-8-00, Election of 11-7-00; Res. No. 2012-25, § 2, 7-10-12, Election of 11-6-12)

5.06. Candidacy.

A. No individual may qualify as a candidate for public office in the Village whose name appears on the same or another ballot for another office, whether federal, state, county or municipal, the term of which or part thereof runs concurrently with the office for which he seeks to qualify.

B. No individual may qualify as a candidate for public office who holds another elective office, whether state, county or municipal, the term of which or any part thereof runs concurrently with the term of office for which he seeks to qualify without resigning from such office not less than ten (10) days prior to filing for the office he intends to seek.

C. Any individuals holding elective or appointive positions including members of any and all boards, within the Village, shall be required to resign to run for any elective office within the Village. Notice of resignation shall be filed with the Village clerk on the day that the individual qualifies to run for elective office. Said resignation shall be effective no later than the day upon which he would assume office.

5.07. Filing fee.

A. A nonrefundable filing fee of two hundred and fifty dollars ($250) must be deposited with the Village Clerk at the time each petition is presented, and upon so submitting, concurrently therewith, the sworn statement of his or her name, address, occupation and willingness to serve shall also be filed. The name of each nominee for Commissioner or Mayor, who has complied with all requirements hereinbefore prescribed, shall be printed on the ballot as a candidate for the office of Commissioner or Mayor of the Village.

Chapter 34

ELECTIONS

§ 34.01	Voter registration.
§ 34.02	Nomination petition for commission candidate.
§ 34.03	Precincts for municipal elections.
§ 34.04	Notice of elections.
§ 34.05	Restrictions as to conduct; persons permitted in or near polling place.
§ 34.06	Election board; canvass of election results.
§ 34.07	Method for drafting proposed Charter amendment revocation or abolition.
§ 34.08	Vacancy in candidacy.

§ 34.01 Voter registration.

(A) The Village Clerk shall keep a permanently bound registration book, arranged with spaces for the name, street address, age, national citizenship, place of residence, length of residence in state, length of residence in the Village, and the signature of each registrant. The oath of affirmation to the truth of the date opposite each signature shall be printed or written at the signature column, and each registrant shall take the oath and shall subscribe to the same by his signature in the column provided therefor. The registration book shall be kept in the office of the Village Clerk and shall be kept available for the registration of qualified voters at all times, except that the book shall close within the time as shall be fixed by resolution of the Village Commission. The Clerk or Village Commission at any time, and any election board on the day of election, may require satisfactory proof of qualifications of any person requesting to register or to vote, as the case may be, and after such notice as may be reasonable under the circumstances and after hearing, if demanded, they may declare any person unqualified to register or disqualified to vote and may strike that name from the registration book. The Commission may overrule or reverse action by the Clerk alone, and it shall be the duty of the Commission to consider any charge of disqualification upon recommendation by the Clerk or by any two commissioners. The Commission biennially, not less than five nor more than ten days before the regular election, shall verify the qualifications of those registered and shall strike or purge from the registration book the names of all persons deceased or nonresidents of the Village or otherwise disqualified to vote.

(B) All persons whose names are properly borne upon the present registration records of the Village shall not be required to register anew, but their registration shall continue in full force and effect.
(1964 Code, § 7-2; Ord. No. 189, 1-19-66)

§ 34.02 Nomination petition for commission candidate.

The nomination petition for any candidate for commissioner shall particularly designate whether the candidate nominated seeks to be elected as a resident of North Bay Island, Harbor Island, or Treasure Island, or as a commissioner of the Village at large, that is, a resident of either North Bay Island, Harbor Island, or Treasure Island.
(1964 Code, § 7-3; Ord. No. 189, 1-19-66)

§ 34.03 Precincts for municipal elections.

Precincts for municipal elections shall be established in conformance with the precincts established for federal, state, and county elections by the Elections Department of Metropolitan Dade County.
(1964 Code, § 7-4; Ord. No. 189, 1-19-66; Am. Ord. 82-01, 2-13-82; Am. Ord. 82-04, 5-26-82)

§ 34.04 Notice of elections.

Notice of the time, place, and purpose of elections and the names of candidates, and the nature of any questions to be voted upon shall be given by the Village Clerk by posting the same in not less than five public places in the Village, one of which shall be the Village Hall, not less than 15 days before the date of the election and the polling place shall be designated in the notice.
(1964 Code, § 7-5; Ord. No. 189, 1-19-66)

§ 34.05 Restrictions as to conduct; persons permitted in or near polling place.

Until the polls close and the election board commences to canvass, no person shall be permitted in the polling place except that the election board and other village officers and persons voting, offering to vote, or leaving. Not more than one challenger for each candidate shall have access to the polling place during such reasonable time as shall be necessary to challenge a particular person requesting to vote or apparently about to vote, and witnesses concerning qualification, or lack thereof, of persons offering to vote, may be permitted to testify before the board. The board and police officers of the Village shall at all times take care that the polling place shall be quiet and not crowded. While the polls are open, there shall be no solicitation of voters, distribution of campaign dodgers, posters, or literature of any kind, nor any suggestion of a candidate or any other person of a candidate or any other person of an attitude on a question submitted to the voters at the election, nor any other kind of electioneering whatever, direct or indirect, within the polling place, or within 300 feet of the outside door thereof, and all officers and citizens shall be charged with the enforcement of this section.
(1964 Code, § 7-7; Ord. No. 189, 1-19-66)

§ 34.06 Election board; canvass of election results.

At least five days before an election, the Village Commission shall appoint an election board consisting of an election clerk and four or more qualified electors appointed by the Commission who shall supervise the election and act as inspectors thereat. Neither of the foregoing persons shall be a candidate nor peculiarly interested in any question to be submitted at the election. Before leaving the polling place, the election board shall publicly canvass and certify in writing the results thereof by quadruplicate returns over their signatures and immediately after certification of the returns by the Village Clerk. One copy is to be posted on the Village bulletin board; one copy is to be delivered to the office of the Dade County Voters Registration; one copy is to be retained by the Village Clerk; and one copy is to be delivered to the Mayor, who shall transmit the returns to the Commission at the next meeting of the Commission following election. At the meeting, the Commission shall canvass the returns and shall declare the results of the election as shown by the returns made by the election board and Village Clerk. The Village Clerk may be designated as the election clerk. Before entering on their duties, the election clerk and inspectors shall make written oath that they will honestly and fairly conduct a canvass and certify the results of the election. All members of the election board shall be present at the polling place at all times during the election except one member at any time may absent himself not exceeding 30 minutes at mealtime. Members of the election board shall have the powers of Village police on election day from the time that the polls open and until they have certified the results.
(1964 Code, § 7-6; Ord. No. 189, 1-19-66)

§ 34.07 Method for drafting proposed Charter amendment revocation or abolition.

(A) Where a lawful petition for amendment, revocation or abolition (collectively "amendment") of the Village Charter is certified by the Dade County Elections Department or any successor agency as having sufficient signatures of qualified electors to submit the question to the electorate, but said petition does not contain a draft of the proposed amendment, it shall be the responsibility of the Village to draft or have drafted the proposed amendment pursuant to the following method and guidelines:

(1) The Village Attorney shall be empowered to draft the body of the proposal.

(2) In drafting the proposal, the Village Attorney shall seek to relate the proposal to the existing Charter grammatical organizations, i.e., Articles, Sections and Subsections where the same are identifiable, from the petition contents. Said draft shall show additions through underlined or highlighted language and deletions by language which is stricken through. Where added language is too voluminous to conveniently be shown through underlined or highlighted words, the portion of such amendment shall be preceded by the words:

"The following is new language or a substantial revision. Compare with existing Article _____, Section, Subsection _____."

(3) The body of the amendment shall be drafted as understandably and clearly and, to the extent possible, in lay language in order to convey the expressed intent.

(4) Where an existing article, section, subsection or other grammatical subdivision is not identified in the language of the petition, the draft proposal may contain new articles, sections, subsections and other subdivisions.

(B) The proposed draft amendment shall be presented to the Village Commission for approval no later than the date necessary in order to meet the time requirements for submission of the question to the electorate. Said draft amendment shall be adopted by resolution which shall set forth the ballot question and simultaneously direct the placement of the question on the appropriate ballot.
(Ord. No. 91-06, § 1, 8-27-91)

§ 34.08 Vacancy in candidacy.

If the death, withdrawal or removal of a qualified candidate following the end of the qualifying period results in fewer than two candidates remaining on the ballot for that office, one supplemental qualifying period shall be established for a period of five days beginning on the first day following the vacancy in candidacy. No further supplemental qualifying period shall thereafter be established at all if a vacancy in candidacy occurs within 26 days prior to the date of the general election for the office of Village Commissioner or Mayor. If within 26 days prior to the date of the general election for the office of Village Commissioner or Mayor, if within 26 days prior to the date of the office of Village Commissioner or Mayor, there is only one candidate on the ballot for an elected office, said candidate shall be declared elected and no election for that office shall be required.
(Ord. No. 99-05, § 1, 5-25-99)

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, APRIL 8, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT THE TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING AT PUBLIC HEARING:

1. A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED. *(CONTINUED FROM FEBRUARY 11, 2014)*

2. AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 24-STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:
   - A. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.
   - B. A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE" AND ADD THE DEFINITION OF "KITCHEN FACILITIES".
   - C. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).
   - D. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   - E. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
   - F. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT, 24-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.

     BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   - G. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.003, DEFINITIONS BY MODIFYING THE DEFINITIONS OF "DWELLING, HOTEL ROOM", "DWELLING, HOTEL SUITE" AND BY ADDING A NEW DEFINITION FOR "KITCHEN FACILITIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.
   - H. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY CHANGING THE ZONING DESIGNATION ON THE OFFICIAL ZONING MAP FROM CG TO CL FOR THE PROPERTY SHOWN ON MAP 1 (1755 KENNEDY CAUSEWAY) AND LEGALLY DESCRIBED IN EXHIBIT A (ZONING MAP); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

3. AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:
   - A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.
   - B. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   - C. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

4. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTING THE QUALIFYING DATES FOR THE NOVEMBER 4, 2014 GENERAL ELECTION AS PROVIDED FOR UNDER CHAPTER 100, SECTION 100.3605(2) OF THE FLORIDA STATUTES; PROVIDING DIRECTIONS FOR THE VILLAGE CLERK; PROVIDING FOR REPEALER, SEVERABILITY, PROVIDING FOR CONFLICTING ORDINANCES OR RESOLUTIONS; AND AN EFFECTIVE DATE. *(SECOND READING)*

5. AN APPLICATION BY WILLIAM WEBB CONCERNING THE PROPERTY AT 1357 BAY TERRACE, NORTH BAY ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
   - A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A TWO- STORY SINGLE-FAMILY RESIDENTIAL STRUCTURE TO EXCEED THE MAXIMUM HEIGHT OF SECTION 152.026(C)(3), WHICH ALLOWS A BUILDING HEIGHT OF NO MORE THAN 25 FEET ABOVE FEMA BASE FLOOD ELEVATION.

6. AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKE CONCERNING PROPERTY LOCATED AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:
   - A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 4.5 FOOT SIDE-INTERIOR SETBACK FOR THE CONSTRUCTION OF STEPS AND LANDING LEADING FROM THE SWIMMING POOL DECK, WHERE THE CODE REQUIRES A SETBACK OF 7.5 FEET.
   - B. A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE POOL EQUIPMENT TO ENCROACH 3.3 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AREA.

7. AN APPLICATION BY KAKUTA SAINT CONCERNING PROPERTY LOCATED AT 7441 CENTER BAY DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
   - A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A GENERATOR TO ENCROACH 4 FEET INTO THE REQUIRED 10 FOOT SIDE INTERIOR SETBACK AREA.
   - B. A VARIANCE PURSUANT TO SECTION 152.0971 (NONUSE VARIANCE) TO ALLOW INSTALLATION OF 2 CARPORTS THAT WOULD ENCROACH 20 FEET INTO THE FRONT YARD SETBACK ALLOWING A ZERO FOOT FRONT YARD SETBACK.

8. AN APPLICATION BY REBECCA OCARIZ CONCERNING PROPERTY LOCATED AT 1460 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE CONSTRUCTION OF A NEW DOCK PURSUANT TO SECTION 152.059 AND SECTION 150.11(A).

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
(March 20, 2014)

LaRue Planning & Management Services, Inc.

Memorandum

To: North Bay Village Commission

From: James G. LaRue, AICP

Date: April 1, 2014

Subject: **1755 Kennedy Causeway, 2nd Hearing**

The hotel project proposed for 1755 Kennedy Causeway was heard by the Planning and Zoning Board over the course of two meetings; January 30, 2014 and February 18, 2014. All items were then presented for the Village Commission on March 11, 2014. Both bodies recommended approval of all applications presented for the project. The voting record and staff's recommendations for those items are as follows:

Request for Rezoning from CG District to CL District

- The Planning and Zoning Board recommended approval by a 4-0 vote.
- The Commission recommended approval of this ordinance at its 1st reading by a 5-0 vote.
- Staff recommends approval of this request.

Request for Text Amendment to the North Bay Village Land Development Regulations

- The Planning and Zoning Board recommended approval with staff's recommended additional code revisions by a 3-1 vote.
- The Commission recommended approval of this ordinance at its 1st reading by a 5-0 vote.
- Staff recommends approval of this request, with several additions, as follows:

1. Adoption of applicant requested North Bay Village Land Development Code change to revise the definitions of "Dwelling, hotel room" and Dwelling, hotel suite" as follows:

    a. *Dwelling, hotel room*. A residential unit, which is used on a temporary basis by transient guests ~~and does not contain kitchen facilities~~.

    b. *Dwelling hotel suite*. A group of hotel rooms connected together ~~containing no kitchen facilities~~.

2. Adoption of the staff recommended North Bay Village Land Development Code change to revise the definition of "Kitchen facilities" as shown in the staff recommendations section below.

3. For this project, operation of the hotel shall adhere to the Florida Statute definition of public lodging establishment, which includes hotels, as shown in Florida Statute Section 509.013(4)(a) as follows:

   > "any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests."

   With the understanding that hotel occupancy be for no more than 90 non-consecutive days with a 30 day interval between.

4. For this project, no kitchen facilities shall be allowed in units that are less than 750 square feet in size.

5. The density for this entire project shall be calculated on hotel occupancy, 132 units at 99 units per acre.

<u>Request for a Variance to the Side Yard Setback Requirements</u>

- The Planning and Zoning Board recommended approval by a 3-2 vote.
- The Village Commission recommended approval by a 4-1 vote.
- Staff recommends denial of this request.

<u>Request for a Review under the Bayview Overlay Standards</u>

- The Planning and Zoning Board recommended approval by a 5-0 vote.
- The Village Commission recommended approval by a 5-0 vote.
- Staff recommends approval of this request.

<u>Special Exception Request for Use of Compact Parking Spaces</u>

- The Planning and Zoning Board recommended approval by a 5-0 vote.
- The Village Commission recommended approval by a 5-0 vote.
- Staff recommends approval of this request.

<u>Site Plan & Building Height Bonus Review</u>

- The Planning and Zoning Board recommended approval by a 4-1 vote, based on staff's recommended conditions.
- The Village Commission recommended approval by a 5-0 vote, based on staff's recommended conditions.

- Staff recommends approval of this request, conditional upon the following items being met prior to issuance of a building permit:

    1. Prior to the issuance of a building permit, the public access easement and the waterfront boardwalk easement must be dedicated and recorded. Applicant shall agree, in writing, that boardwalks shall be open to the public from sun-up until either 10:00 pm or at least until any businesses adjacent to the boardwalk remains open to the public, whichever is later; and boardwalk lighting shall remain on until boardwalk is closed to the public.
    2. Proof of site plan approval from the Miami-Dade Shoreline Review Committee must be provided.
    3. School Board Concurrency requirements must be met, as determined by School Board Staff.
    4. An irrigation plan which meets Miami-Dade Chapter 18A requirements must be submitted.
    5. Bonus height fees must be paid, as required under Section 152.029(C)8A-8F.
    6. Any applicable impact fees must be paid.
    7. Cost recovery charges must be paid 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.
    8. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
    9. Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.
    10. All applicable state and federal permits must be obtained before commencement of construction.

For further discussion of these issues, please see staff reports presented at the first public hearing on March 11, 2014.

CC: Frank Rollason, Village Manager
Yvonne Hamilton, Village Clerk

Staff Report #1
Rezoning

Prepared for: *North Bay Village Commission*

Applicant: *1755 NBV, LLC*

Request: *Rezone property from CG (general commercial zoning district) to CL (limited commercial district)*

LaRue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366
Serving Florida Local Governments Since 1988

General Information

Owner/Applicant	1755 NBV, LLC Miguel A. Barbagallo, President B Developments, LLC as Manager
Applicant Address	1870 NW South River Drive Miami, FL 33125
Applicant Phone Number	305-631-6660
Site Address	1755 79th Street Causeway
Contact Person	Neisen Kasdin
Contact Phone Number	305-374-5095
Contact E-mail Address	neisen.kasdin@akerman.com
Contact Address	One SE Third Ave, Suite 2500 Miami, FL 33131

	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning District	CG (General Commercial)	CL (Limited Commercial)
Use of Property	Parking Lot	Condominium Hotel
Acreage	1.34 acres	1.34 acres

Legal Description of Subject Property

THE EASTERLY 300.00 FEET OF THE WESTERLY 1,800.00 FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND AS MEASURED ALONG A LINE RUNNING AT RIGHT ANGLES TO THE WESTERLY LINE OF SAID TRACT.
COMMENCING AT THE ONE-HALF MILE POST ON THE WEST LINE OF SECTION 9, TOWNSHIP 53 SOUTH, RANGE 42 EAST, AS SHOWN ON THE MAP OF HIGHWAY RIGHT-OF-WAY OF PROPOSED NORTHEAST SEVENTY-NINTH STREET CAUSEWAY, WHICH SAME IS RECORDED IN PLAT BOOK 25 AT PAGE 70 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, RUN NORTH 88°41 '24" EAST 1,960.00 FEET; THENCE NORTH 1 °37'08" WEST 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT OF LAND:

THENCE CONTINUE NORTH 1 °37'08" WEST 129.730 FEET TO THE POINT OF CURVE OF A CURVE TO THE RIGHT;
THENCE TO THE RIGHT ALONG SAID CURVE HAVING AN INTERIOR ANGLE OF 90°18'32" AND A RADIUS OF 50.00 FEET FOR AN ARC DISTANCE OF 78.809 FEET TO A POINT OF TANGENCY; THENCE NORTH 88°41'24" EAST 2,169.970 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE TO THE RIGHT ALONG SAID CURVE HAVING AN INTERIOR ANGLE OF 40°32'45" AND A RADIUS OF 600.00 FEET FOR AN ARC DISTANCE OF 466.483 FEET TO A POINT OF TANGENCY; THENCE SOUTH 46°45'51" EAST 102.180 FEET TO A POINT OF
INTERSECTION WITH THE NORTHERLY LINE OF THE EXISTING RIGHT-OF-WAY OF SAID NORTHEAST SEVENTY-NINTH STREET CAUSEWAY; THENCE TO A SOUTHEASTERLY, NORTHWESTERLY AND WESTERLY DIRECTION ALONG THE
NORTHERLY LINE OF SAID EXISTING RIGHT-OF-WAY TO THE POINT OR PLACE OF BEGINNING

Request

The applicant is requesting pursuant to Sections 152.095 and 152.100(a) of the North Bay Village Code of Ordinances to change the current zoning designation from CG (general commercial zoning district) to CL (limited commercial district) and amending the Village's official zoning district map.

Consistency with Comprehensive Plan

The requested rezoning to CL is consistent with the Comprehensive Plan. The property is designated Commercial on the Future Land Use Map (FLUM). Policy 2.1.1a of the Future Land Use Element identifies a hotel as one of the uses contemplated within this future land use category. The Applicant is proposing a hotel use and Sec. 3.4.2 of the Land Development Regulations (LDRs) identifies hotels as an allowable use in the Commercial Future Land Use Category and specifically refers to Sec. 152.031(b)(1) pertaining to hotels in the CL district.

Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay
East	Future Land Use	Mixed Use
	Zoning District	Commercial Limited
	Existing Land Use	Hotel/Restaurant
South	Future Land Use	Commercial
	Zoning District	Commercial General
	Existing Land Use	Multi-family/ Restaurant/Office
West	Future Land Use	Commercial
	Zoning District	Commercial General
	Existing Land Use	Vacant (currently proposed multi-family development)

Analysis

Section 152.100(B)(2) of the North Bay Village Code of Ordinances sets forth conditions required for approval of a proposed zoning amendment. Specifically, no zoning amendment will be approved unless

(a) The proposed amendment will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

Applicant Response: A group of parcels with CL zoning are located directly east of the site, on the north side of Kennedy Causeway. To the west and on the north side of Kennedy Causeway are parcels zoned CG. We understand that the Village is investigating the possibility of rezoning all commercially zoned (CL and CG) parcels into one commercial zoning district, thereby eliminating the current distinctions between the two commercial districts. Such an amendment would place all similarly situated properties on the north and south sides of Kennedy Causeway in the same category. In the absence of such a change, however, the Applicant proposes to rezone the Property to CL in order to be consistent with parcels at the north side of the Kennedy Causeway and to the east of the Property.

Staff Comment: We agree that at the present time, rezoning of the subject property to CL would place all similarly situated properties in the same or an appropriate complementary category. Nearby properties not zoned CL are zoned CG and CG is a complimentary zoning category that is compatible when in proximity to CL zoned properties.

(b) There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest, and not merely in the interest of an individual or small group of people.

Applicant Response: The main distinction between the CL and CG commercial districts is that CL is intended to allow for development of hotels and tourist amenities. If the property is rezoned to CL, the Applicant intends to develop the property with a hotel and restaurant, which will be in the general public interest and will help to invigorate a struggling commercial corridor.

Staff Comment: We agree that expanding the geographic area in which a hotel is permitted could be considered in the public interest.

(c) There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses

which an applicant states he intends to make of the property involved.)

Applicant Response: The Applicant does not propose to incorporate a new zoning district into the Code. Rather, the Applicant requests rezoning one property so as to be consistent with adjacent parcels with the same zoning designation.

Staff Comment: The Applicant has misunderstood the requirement. The intent of this section is that when the subject property is assigned a new district designation (i.e. rezoned) it should be recognized that any use permitted under the new zoning designation is allowed on that property. Therefore, a rezoning should be approved only if all uses allowed in the new zoning are appropriate for the subject property.

We do, however, find that all uses allowed in the CL district are appropriate for the subject property. The property is large enough to accommodate any of the permitted uses and a hotel is an appropriate use for the property, particularly given the fact the property is adjacent to a similarly zoned and developed parcel to the east.

(d) There is convincing evidence that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

Applicant Response: The proposed change will make the uses permitted on the Property consistent with those permitted on the adjacent property to the east. New uses are not proposed for the CL zoning district in connection with this change that might alter the character or adversely affect the neighborhood.

Staff Comment: We agree.

(e) The proposed change is in accord with the comprehensive master plan and sound comprehensive planning and zoning principles.

Applicant Response: According to the Comprehensive Plan for North Bay Village, the Property, as well as all properties on Treasure Island that are on the north side of Kennedy Causeway, are designated with Commercial future land use. The CL zoning district is compatible with the Commercial future land use designation. Further, the Applicant proposes to construct a hotel on the Property, which is clearly defined in the Comprehensive Plan as a commercial use.

Staff Comment: We agree.

Planning and Zoning Board Recommendation

The North Bay Village Planning and Zoning Board recommended approval of this rezoning request by a 4-0 vote on January 30, 2014.

Staff Recommendations

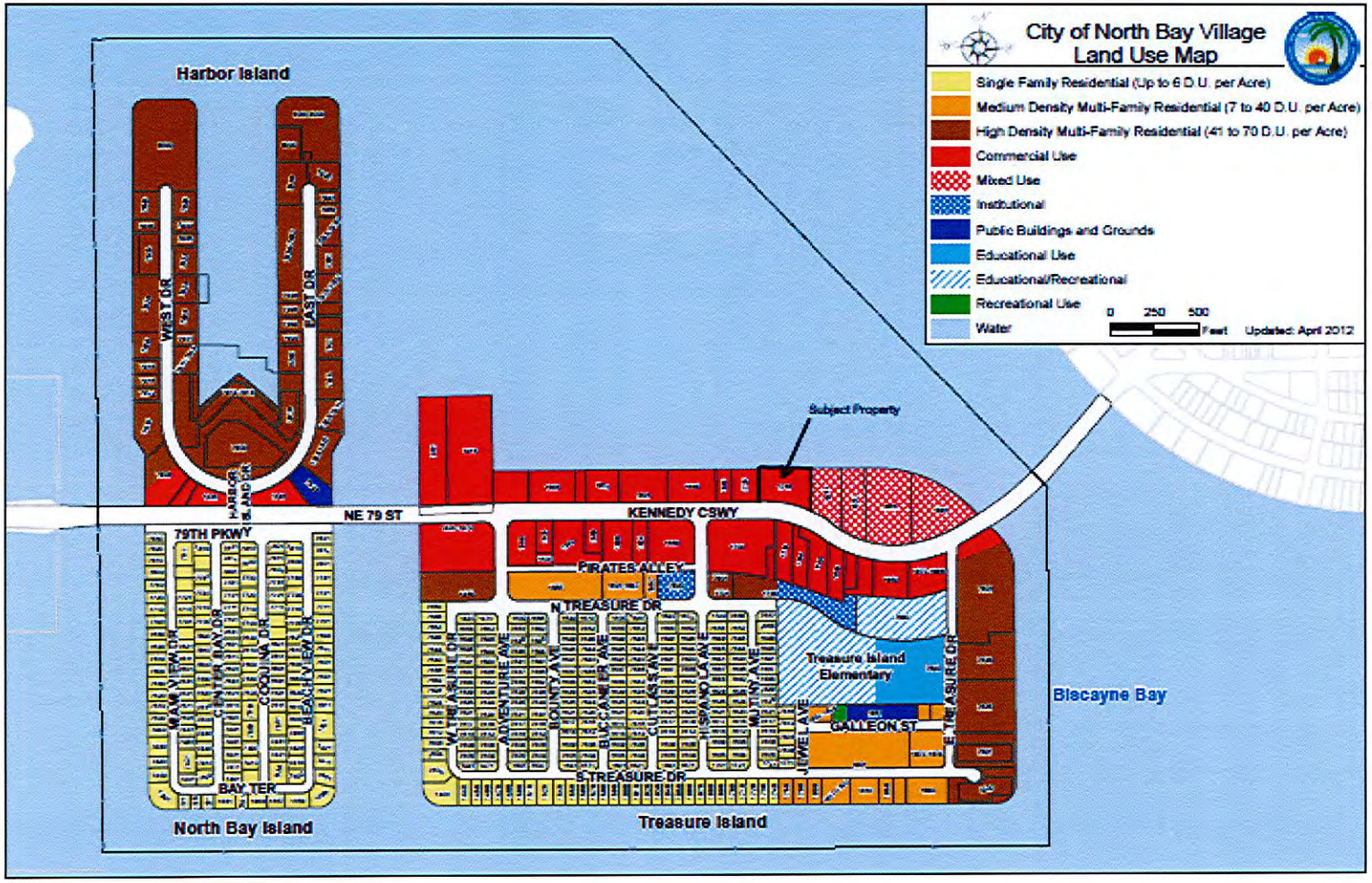
Based on the foregoing analysis, Staff recommends **approval** of the request to rezone the property to CL, Limited Commercial.

Submitted by:
James G. LaRue
James G. LaRue, AICP
Planning Consultant

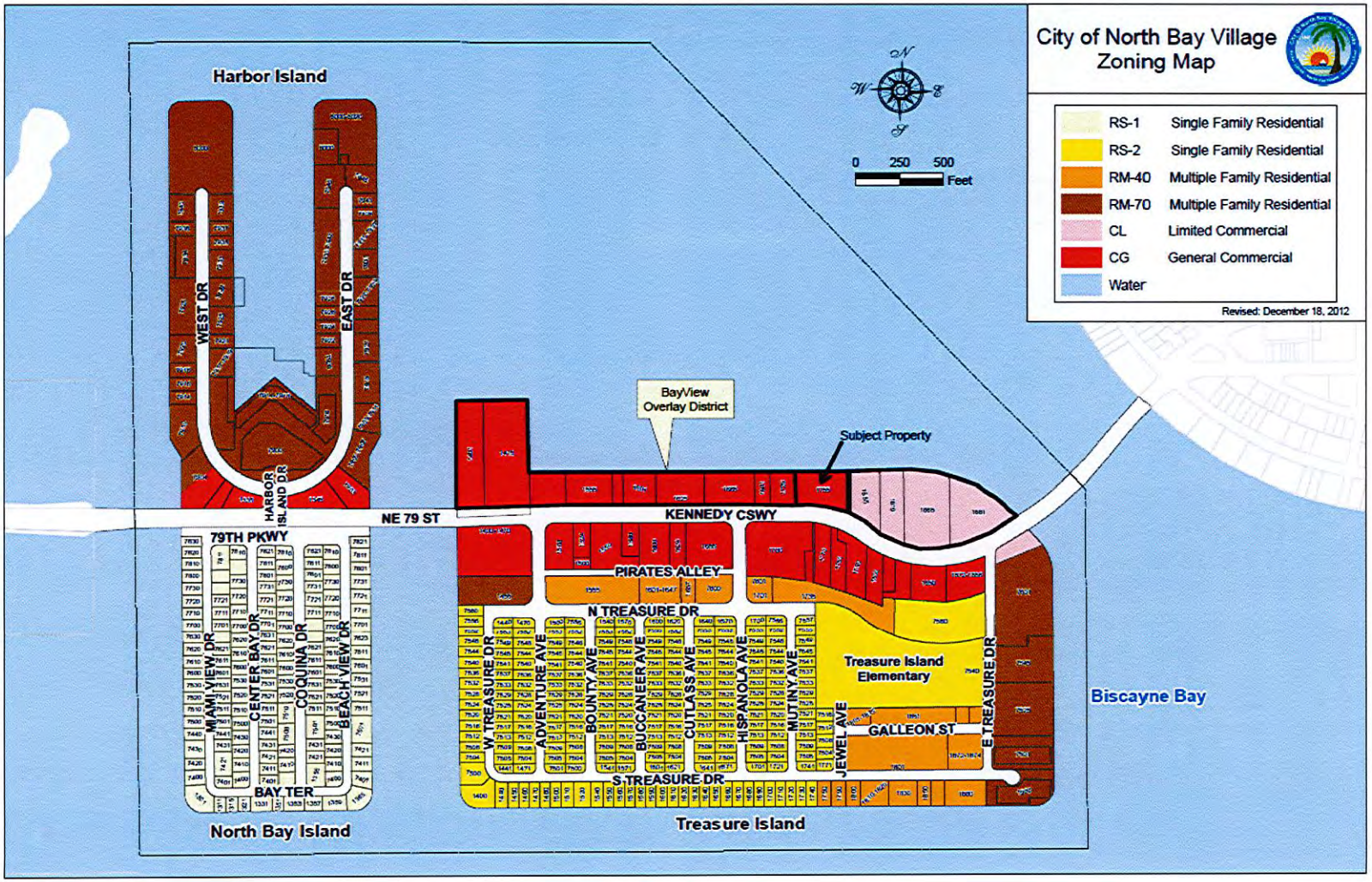
March 4, 2014

Hearing: North Bay Village Commission, March 11, 2014

FUTURE LAND USE
SUBJECT SITE AND ENVIRONS



ZONING
SUBJECT SITE AND ENVIRONS



AERIAL PHOTOGRAPH
SUBJECT SITE AND ENVIRONS

Staff Report #2
Text Amendments to Chapter 152, Zoning

Prepared for: *North Bay Village Commission*

Applicant: *1755 NBV, LLC*

Request: *Redefine the definition of "dwelling, hotel room" and "dwelling, hotel suite".*

LaRue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366
Serving Florida Local Governments Since 1988

General Information

Owner/Applicant	1755 NBV, LLC Miguel A. Barbagallo, President B Developments, LLC as Manager
Applicant Address	1870 NW South River Drive Miami, FL 33125
Applicant Phone Number	305-631-6660
Site Address	1755 79th Street Causeway
Contact Person	Neisen Kasdin
Contact Phone Number	305-374-5095
Contact E-mail Address	neisen.kasdin@akerman.com
Contact Address	One SE Third Ave, Suite 2500 Miami, FL 33131

Request

Applicant is requesting a code text amendment to Sections 152.003(5) and 152.003(6) of the North Bay Village Code of Ordinances to redefine the definition of "dwelling, hotel room" and "dwelling, hotel suite".

> 152.003(5) Dwelling, hotel room. A residential unit, which is used on a temporary basis by transient guests ~~and does not contain kitchen facilities~~.
>
> 152.003(6) Dwelling, hotel suite. A group of hotel rooms connected together ~~containing no kitchen facilities~~.

Analysis

Sec. 152.100 (A) of the Village Code of Ordinances states that changes to the zoning regulations shall be in general accord with sound principles of planning and zoning and with the purpose of the zoning regulations. In reviewing applications to amend portions of Chapter 152 that do not involve district boundaries or permissible uses, our staff will be using the six following basic considerations to determine whether or not a proposal is in general accord with sound planning and zoning principles and the intent of the Village's zoning regulations.

1. The proposed change and its likely effects are not contrary to Comprehensive Plan requirements.

   Applicant Response: Policy 2.1.1a of the Comprehensive Plan allows for hotel use on properties within the Commercial Future Land Use category. The provision of kitchens within hotel rooms does not change the function of a hotel room as a transient use and therefore is not contrary to the Comprehensive Plan requirements.

   Staff Comment: We agree

2. The proposed change and its likely effects are compatible with the intent of the LDRs and specifically the intent of the zoning district(s) affected.

   Applicant Response: The only zoning district that presently allows hotel use is CL. As set forth in Village Code of Ordinances Section 152.031(A), the purpose of this [CL] district is to provide for an area in which tourist accommodation, including but not limited to hotels and motels and accessory uses thereto, will be permitted. The option to include kitchen facilities within hotel rooms is not inconsistent with the LDRs since the intent is to provide for tourist accommodations. The applicant contends that offering kitchen facilities is an attractive amenity for a hotel.

   Staff Comment: While we agree that the stated intent is to provide an area where tourist accommodations are allowed and that, "offering kitchen facilities is an attractive amenity for a hotel" we also recognize that multi-family residential dwellings and other uses are also permitted. However, we do not agree with the Applicant's contention that the proposed changes to the definitions are compatible with the intent of the LDRs as a whole for the following reasons.

   The difference between a residential dwelling unit and hotel room dwelling unit is now based on the combination of two factors:

   1. That the hotel room is used on a temporary basis and,
   2. That the hotel room does not contain kitchen facilities.

   While there is no definition of "kitchen facilities" in either the LDRs or Chapter 152, the generally accepted definition for a kitchen is a room that contains cooking facilities. Therefore, at the minimum the current definition of a hotel room dwelling unit precludes the presence of cooking facilities. By virtue of precluding cooking facilities, the hotel room is not fit for other than temporary use. The prohibition of kitchen facilities is intended as a means to preclude residential use (i.e., permanent or semi-permanent residency). If a unit does not

have cooking facilities is it not generally considered fit to be used as living quarters, and would generally be expected to be smaller than one that is to be used as living quarters. Consequently, North Bay Village generally requires a larger minimum unit size, permits a lower allowable maximum density, and requires more parking for residential units than is the case for hotel units. Specifically, in the CL District the following apply:

Type of Unit	Max. Density (units/ac.)	Minimum Unit Size (sf)	Minimum Off-street Parking Requirements
Hotel or motel room	99.0	400	1 per sleeping room + 10% for guests
Multi-family :			
Efficiency	87.1	400	1.5 per unit + 10% for guests
One-bedroom	70.3	750	2 per unit + 10% for guests
Two-bedroom	63.6	1,000	2 per unit + 10% for guests
Three-bedroom or larger	58.1	1,150	3 per unit + 10% for guests

Under the present regulations, the City does not have to monitor occupancy periods of hotel units to ensure that they are not used for other than temporary purposes. This is because, without cooking facilities, very few persons will normally want to stay in a unit for more than a relatively short period of time.

If kitchens are allowed in hotel rooms, they can then be considered as being designed for, and physically capable of, residential occupancy, despite the fact that;

1. They do not meet the minimum size required by the Village Code for dwelling units and,
2. The project has not provided the minimum number of parking spaces required to provide adequate parking for residential dwelling units.

The School Board of Miami-Dade County has recognized how transient units can be converted to, or otherwise be used for, residential purposes and includes in its School Concurrency and impact fee calculations a provision that if a hotel unit contains a kitchen or kitchenette, it is considered a residential unit for purposes of calculating its impact upon the school system.

A hotel that is primarily oriented to larger rooms, or multi-room suites is typically referred as a suites hotel or a residence hotel. A "suites hotel" typically involves a sitting room and a bedroom area and provides a kitchenette which includes a mini-refrigerator, microwave oven, and coffee maker and is geared to somewhat longer stays than the traditional hotel room. We should note that nowadays it is not uncommon for the traditional single-room hotel room to include a mini-fridge, microwave and coffee-maker.

A "residence inn", while it may provide some conventional hotel rooms and efficiency type suites, typically offers mainly one-bedroom or two-bedroom suites and these units are usually equipped with what is essentially a full kitchen, including full-size refrigerator, oven, microwave oven and coffee-maker. The residence inn, caters to extended stays and is probably most comparable to what one would expect if the definition of a hotel is changed to allow kitchen facilities. At least this is the type of hotel that the Applicant is proposing.

If we compare the trip generation rates for a high-rise residential condominium and those for "all suites hotel" as contained in the 8th Edition of "Trip Generation" prepared and published by the Institute of Traffic Engineers (ITE) we will find they are not appreciably different. Unfortunately, ITE does not provide trip generation figures for residence inns or apartment hotels. In fact, the trip generation factors provided below are based on small sample sizes and ITE notes that they should be used with caution.

Nevertheless, for our purposes, we believe the information indicates that hotel units, particularly multi-room units, with kitchen facilities, tend to have higher trip generation rates than do residential high-rise condominiums, although not dramatically so. Presumably, such uses would also have similar parking requirements.

Description/ITE Code	2008 ITE Vehicle Trip Generation Rates			
ITE Code/description	Units	Weekday	AM	PM
High Rise Residential Condo, 232	DU	4.18	0.34	0.38
All Suites Hotel, 311	Rooms	4.90	0.38	0.40

The Code is now clear and simple to enforce, no kitchens are allowed; and density, and parking requirements are set in relation to that characteristic. If the Village should wish to allow hotels to include kitchens, then such hotel units should be subject to the density limitations, minimum unit sizes and parking requirements for residential units in the CL District. This would serve to prevent the conversion to residential use of hotel units that are below the minimum residential dwelling unit size, or units having been built with inadequate parking for the needs of residential use from being converted from hotel use to residential use, either as an entire project or on an individual unit basis.

We also believe that, for clarity, a definition of kitchen facilities should be included in the LDRs to distinguish transient use from a more residential use and suggest the following:

<u>Kitchen facilities: Any form of mechanical refrigeration or cooking equipment except a portable mini-refrigerator, portable microwave oven and coffee-maker.</u>

3. The proposed change and its likely effects will not have an adverse effect on the public interest.

   Applicant Response: The proposed changes are not anticipated to adversely affect the public interest. The proposed changes will allow for greater flexibility and ability to offer a valuable amenity within tourist accommodations.

   Staff Comment: We do not entirely agree. Changing the definitions as requested, without compensating changes in allowable density, parking requirements and specifying appropriate minimum unit sizes based on the number of bedrooms may adversely affect the public interest. Hotel units with kitchens are likely to be occupied by more persons with more cars than is currently the case for conventional hotel units without kitchen facilities. Keeping the current parking requirement of just 1.1 spaces per hotel room will likely result in spillover demand for parking off-site, possibly resulting in parking in the public right-of-way. Furthermore, it is in the public interest to expect that uses of similar impact will be treated similarly. If hotels are allowed to have kitchen facilities without modifying the aforementioned development regulations, property owners would either be dismayed, or at best confused, as to why large hotel units with kitchens, which are likely to be occupied for extended periods of time, are subject to dramatically less stringent development standards than are residential condominium units.

4. The proposed change and its likely effects will not adversely affect living conditions, or be a deterrent to the improvement or development of other properties in the zoning district(s) affected or nearby thereto.

   Applicant Response: The proposed change will only affect the CL zoning district, which is currently the only district that allows for hotel use. The proposed changes are not anticipated to adversely impact living conditions or deter development in any way. As stated previously, the proposed change will allow for improved amenities within hotels.

   Staff Comment: We agree.

5. The proposed change will not create a density or intensity pattern that would overburden public facilities such as schools, streets, and utility services.

   Applicant Response: Any future proposed development project will be required to meet level of service standards for public facilities. The proposed text amendments will not affect the requirement for future developments to comply with level of service standards

Staff Comment: We agree the proposed change would not necessarily result in over burdening public facilities. However, the point is not whether or not the text amendment affects the requirement for future developments to comply with level of service standards. The question is, could the proposed text change contribute to the possibility of creating a situation that may lead to future developments bumping up against the level of service ceiling earlier than might otherwise occur without the text amendment.

By allowing hotels to provide kitchen facilities, it creates the opportunity for more hotel units of a configuration and size that would be capable of accommodating families to reside for a period of time sufficient to qualify their children to attend public schools for part of the year. This would increase the future enrollment projections beyond what is now anticipated to be generated within North Bay Village.

6. The proposed change will not result in increased traffic congestion, flooding or drainage problems, or otherwise affect public safety.

Applicant Response: As stated above, any proposed project would be required to meet level of service standards and to comply with flood hazard and drainage regulations in the interest of public safety. The proposed text amendments will not affect the requirements for future projects to meet such requirements.

Staff Comment: We reiterate our statement that this item does not deal with whether or not the text amendment affects the requirement for future developments to comply with level of service standards. However, we agree that the text change itself will not result in increased traffic congestion, flooding or drainage problems, or otherwise affect public safety.

Planning and Zoning Board Recommendation

At the January 30, 2014 North Bay Village Planning and Zoning Board meeting, the board recommended approval of the following by a vote of 3-1:

1. Adoption of applicant requested North Bay Village Land Development Code change to revise the definitions of "Dwelling, hotel room" and Dwelling, hotel suite" as follows:

    a. *Dwelling, hotel room.* A residential unit, which is used on a temporary basis by transient guests~~ and does not contain kitchen facilities~~.

    b. *Dwelling hotel suite.* A group of hotel rooms connected together~~ containing no kitchen facilities~~.

2. Adoption of the staff recommended North Bay Village Land Development Code change to revise the definition of "Kitchen facilities" as shown in the staff recommendations section below.

3. For this project, operation of the hotel shall adhere to the Florida Statute definition of public lodging establishment, which includes hotels, as shown in Florida Statute Section 509.013(4)(a) as follows:

    "any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests."

    With the understanding that hotel occupancy be for no more than 90 non-consecutive days with a 30 day interval between.

4. For this project, no kitchen facilities shall be allowed in units that are less than 750 square feet in size.

5. The density for this entire project shall be calculated on hotel occupancy, 132 units at 99 units per acre.

Staff Recommendations

If the Village should wish to allow hotels to include kitchens, then such hotel units should be subject to the density limitations, minimum unit sizes and parking requirements for residential units in the CL District, as set forth in the following table

Type of Unit	Max. Density (units/ac.)	Minimum Unit Size (sf)	Minimum Off-street Parking Requirements
Hotel or motel room without kitchen facilities*	99.0	400	1 per sleeping room + 10% for guests
Hotel or motel unit with kitchen facilities			
Efficiency	87.1	400	1.5 per unit + 10% for guests
One-bedroom	70.3	750	2 per unit + 10% for guests
Two-bedroom	63.6	1,000	2 per unit + 10% for guests
Three-bedroom or larger	58.1	1,150	3 per unit + 10% for guests
*A portable mini-refrigerator, portable microwave oven, and coffee-maker are allowed.			

We also recommend including a definition of kitchen facilities in Chapter 152 to read as follows:

> *Kitchen facilities*. Any form of mechanical refrigeration or cooking equipment except a portable mini-refrigerator, portable microwave oven and coffee-maker.

We also recommend the Florida Statute definition of public lodging establishment be utilized in the enforcement of occupancy lengths. Florida Statute Section 509.013(4)(a) reads as follows:

> "any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests."

Please see attached article regarding the subject of "Condominium Hotels".

Submitted by:
James G. LaRue
James G LaRue, AICP
Planning Consultant

March 4, 2014

Hearing: North Bay Village Commission, March 11, 2014

Is a Condominium Hotel Really a Hotel?

Zoning Regulations Are Evolving to Be Sure

By Paul D'Arelli

The recent condominium hotel craze has required developers and their real estate counsel to struggle with the issue of whether a condominium hotel unit is an interest in real property or a security that must be registered under applicable securities regulations. The general understanding is that a condominium hotel unit in a properly structured and implemented development and marketing program will likely be recognized as a real property interest and not as a security. Dolphin of Virginia Beach, SEC No-Action Letter, 1983 WL 29824, at *4 (Dec. 9, 1983); One Central Park West, SEC No-Action letter, 1995 WL 648105, at *10 (Nov. 2, 1995). Land use lawyers are now struggling, however, with local governments over whether a condominium hotel is really a "hotel" unit or a residential unit. The issue confronting practitioners is how should condominium hotels be regulated from a zoning perspective to maintain the hotel-versus-residential distinction in a manner that complies with applicable state law against regulation based on form of ownership, while also minimizing potential securities registration implications.

Condominium hotel units are proving to be popular purchases for a seasonal resident or vacationer. They provide a predictable place to stay, with all the conveniences and amenities customary to a hotel (maid service, and so on), together with the opportunity to derive income from the unit when it is not occupied by the owner, without the typical management headaches of being a landlord. For developers, the condominium hotel has become a vehicle for financing developments in a market in which traditional hotel financing has become scarcer. Many local governments in Florida and other tourist destinations have slowly become educated about the necessity of the condominium hotel as a financing mechanism and are generally embracing the concept. Nonetheless, many municipalities have been, are, or will be contemplating reworking their zoning and land development regulations to ensure that condominium hotels are truly the "hotels" they are represented to be by their developers and not a subterfuge for permanent residences.

Although the possibility that a guest could take up long-term residence in a hotel that is under single ownership has always been present, local governments are concerned that such long-term residency would be more frequent in a condominium hotel and are therefore seeking to prevent such proliferation for a variety of reasons. In some communities, local officials wish to ensure as a benefit to the local economy that condominium hotel use remains transient so that the condominium hotel adds to the supply of hotel rooms to support the needs of visiting consumers. Some local governments also may be motivated by the fact that transient use generates bed taxes or occupancy taxes for the local government that residential use does not. Perhaps most significantly, the distinction between transient and residential use may be important to a local government for zoning compliance reasons. For example, although a hotel may be a permitted use in a commercial zoning or land use district, multifamily residential use may not be permitted. Or, where hotel and residential uses are both permitted, hotel use may be permitted at a higher density per acre than multifamily residential. In addition, from a public impact perspective (traffic, schools, and so on), the analysis of a proposed hotel project will be different from the analysis of a proposed residential project, and the mitigation of impacts will be determined accordingly. For all these reasons, local zoning regulations geared toward ensuring that a condominium hotel is indeed a "hotel" are evolving rapidly, and developers and their counsel need to consider their implications.

State Law Prohibits Regulating Ownership

A starting point for discussing municipal regulation of condominium hotels is to understand the limitations on such regulation that might be imposed by state law. For example, Florida law prohibits local government from basing building and zoning regulations on the form of ownership. "All laws, ordinances, and regulations concerning buildings or zoning shall be construed and applied with reference to the nature and use of such property, without regard to the form of ownership." Fla. Stat. Ann. § 718.507; see also Ala. Code § 35-8-21; Ariz. Rev. Stat. § 33-1205; Nev. Rev. Stat. Ann. § 116.1106; N.C. Gen. Stat. § 47C-1-106. Under

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such statutes, local governments cannot prohibit a condominium form of ownership of a hotel in favor of traditional single ownership of hotel properties, but they can craft land development regulations to ensure that a project approved as a hotel actually operates and is *used* as a hotel.

The Florida statutes governing licensure of hotels can be instructive about what constitutes "the nature and use of a hotel." For example, Florida defines a variety of types of "public lodging establishments," including hotels, as

> any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, *or* which is advertised or held out to the public as a place regularly rented to guests.

Fla. Stat. Ann. § 509.013(4(a) (emphasis added). The statute further defines a "hotel" as "any public lodging establishment containing sleeping room accommodations for 25 or more guests *and providing the services generally provided by a hotel and recognized as a hotel in the community* in which it is situated or by the industry." Id. § 509.242(1)(a) (emphasis added). Therefore, from the state's perspective, if the building provides customary hotel services (maid service, and so on) and is advertised and recognized as a hotel, it is a hotel for licensing purposes, regardless of form of ownership. From an occupancy standpoint, the requirement that the units be rented to guests more than three times in a calendar year for periods of less than 30 days would not be applicable provided it is "advertised or held out to the public as a place regularly rented to guests." Id. § 509.013(4)(a). On this basis, lengthy stays by owners are permitted and the facility can still be consistent with the state requirements for licensing as a "transient lodging" if the facility is advertised as being regularly rented to guests and customary hotel services are provided.

Within these broad parameters, local governments have responded to the proliferation of condominium hotels by adopting regulations on an ad hoc basis to establish criteria that distinguish between those buildings that "provide services generally provided by a hotel" and that are "recognized as a hotel in the community" and are, in the local government's view, truly hotels, as opposed to potential residential buildings incognito. Similar local regulations are cropping up in other states to ensure that the transient nature of a proposed condominium hotel is maintained. As explained in this article, these new zoning regulations generally seek to (1) mandate required physical attributes of hotel and condominium hotel units,

From the state's perspective, if the building provides customary hotel services and is advertised and recognized as a hotel, it is a hotel for licensing purposes, regardless of form of ownership.

(2) establish operational requirements for hotels and condominium hotels, and (3) impose maximum length of stay by owners and occupants.

Physical Attributes of Hotels vs. Residences: Disappearing Distinctions

One of the difficulties that developers' counsel are facing is that many local governments have an outdated concept of the characteristic features of a hotel that may be out of sync with the demands of the current traveling consumer. For instance, hotels of the past typically comprised single small rooms in the range of 100–300 square feet with no or limited cooking facilities, no in-room laundry facilities, and small closets. In contrast, hotels today often comprise suites that have separate living and sleeping quarters, large closets, full kitchens, and even in-room washers and dryers. This evolution in the nature of hotel facilities, which are increasingly being designed as suitable for extended stays with all the conveniences of home, has proven inconsistent with the zoning regulations of many jurisdictions that have a narrow definition of "hotel." Furthermore, some elected officials are suspicious that a developer is really trying to develop and market residential dwelling units under the guise of a hotel when the units take on the physical attributes that are customary of a residential unit.

The following is a typical "hotel" definition that is characteristic of those that have historically abounded in zoning codes across the country to limit the amenities a hotel room can include:

> HOTEL. A building in which lodging or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all times. As such, a hotel is open to the public, in contradiction to a boarding or lodging house, apartment, motel or multiple dwelling. HOTELS typically include accessory uses such as meeting or convention facilities and recreational facilities but *individual rooms do not include kitchen facilities.*

Town of Melbourne Beach, Fla., Land Dev. Code art. I., § 1A-3 (emphasis added). (Author's note: Many of the codes and ordinances cited in this article for which no Internet cite is provided may be accessed at www.amlegal.com/library or at www.municode.com/resources/online%20library.asp.) Some local governments allow "hotel suites" or "extended stay hotels" that may include kitchen facilities and other amenities:

> *Hotel suite:* An area within an establishment licensed as a hotel or motel by the State of Florida, which area

provides a sleeping accommodation *and kitchen or cooking facilities* for the use of one (1) or more transient guests registered under one (1) entry with the establishment.

- A hotel suite shall: consist of a *minimum net floor area of . . . 450 square feet* (exclusive of bathroom, closet and balcony areas); have maid service provided by the establishment; be fully furnished (furniture, linens, dishware and cookware); and be served by a central switchboard telephone system. When hotel suites are listed as a permitted use, the licensed establishment must provide and *operate a minimum of . . . 85 such suites or any combination of hotel suites, hotel rooms, or motel rooms providing a net area* (exclusive of bathrooms, closets, balcony areas, or common areas) of not less than . . . 38,250 square feet.

Fort Lauderdale, Fla., Code or Ordinances ch. 47, art. XI, § 47-35.1 (emphasis added).

Hotel Suites means a facility offering temporary lodging accommodations to the general public in which rooms or suites *may include kitchen facilities and sitting rooms in addition to the sleeping room.* The phrase temporary lodging refers to a rental period with a normal duration of no more than 1 week.

Las Vegas, Nev., Mun. Code tit. 19, § 19.20.020 (2003) (emphasis added). As condominium hotel development projects have sought entitlement, zoning lawyers have attempted to pigeonhole these projects into hotel, hotel suite, and similar zoning code definitions. Although regulators are sometimes successful at making a proposed condominium hotel product fit within such an existing code definition (sometimes relying on a creative interpretation from a zoning official; for example, that a small refrigerator, sink, and cooktop are not "cooking or kitchen facilities" within the meaning of the applicable regulations), at other times a code amendment is necessary to permit the type of physical amenities that are required for a marketable condominium hotel. An example of a more progressive local government regulation that acknowledges that more extensive amenities do not in and of themselves convert a hotel to a residence is Hollywood, Florida's definition of "Condominium Hotel." City of Hollywood, Fla., Ordinance No. 0-2006-24.

As condominium hotel development projects have sought entitlement, zoning lawyers have attempted to pigeonhole these projects into hotel, hotel suite, and similar zoning code definitions.

Operational Requirements

In addition to the physical attributes that historically have characterized hotel rooms, hotels have customary operational features. As local governments amend their zoning regulations to provide definitions that account for the nontraditional hotel room amenities (for example, full kitchens, washers and dryers, among others), they often impose requirements to ensure that the facility operates in the customary manner of a hotel facility by requiring such things as a continuously staffed front desk, central mail delivery, central telephone switchboard, central reservation system, maid service, hotel signage, and key disbursement by an attendant, to name a few. See City of Aventura, Fla., Code of Ordinances ch. 31, art. II, § 31-21, available at www.municode.com/resources/gateway.asp?pid=13153&sid=9; City of Madeira Beach, Fla., Code of Ordinances pt. II, subpt. B, ch. 82, § 82.2, available at www.municode.com/resources/gateway.asp?pid=13126&sid=9.

Length of Stay Limitations

Perhaps the single greatest challenge for local governments has been imposing length of stay limits on condominium hotels that prevent unit owners from effectively using their units as places of residence for themselves or a tenant. Enforcement of length of stay requirements has been an ongoing concern because, as a practical matter, it is difficult to monitor how long a tenant or owner actually occupies the unit. In essence, "hotels" are by most definitions intended to provide something less than permanent residency, although length of stay limits historically have not been specifically enumerated in local zoning regulations. In light of the surge in popularity of the condominium hotel, however, many local governments are revisiting their definitions of "hotel" to explicitly account for and limit the longer stays of unit owners that may be characteristic of condominium hotels. In making those revisions, local governments are grappling with the decision of when in their opinion the use by the owner crosses the line from "transient" to "permanent." For example, is the use "transient" if an owner stays 30 days and the unit is made available by the management entity to third-party guests the balance of the year? What if the owner stays 60 days? 90 days? 180 days?

Just as local governments have various objectives in limiting length of stay as mentioned above (for example, maintaining a supply of hotel rooms for a local tourist-driven economy, generating bed or occupancy taxes, and zoning and land use compliance), they have various views on the appropriate length of stay. In Broward County, Florida, condominium hotels have been constructed or are in the works in Fort Lauderdale, Pompano Beach, Dania Beach, Hollywood, and Weston. See, e.g., City of Weston, Fla., Code of Ordinances tit. I, ch. 12, § 12.1, available at www.amlegal.com/nxt/gateway.dll/

Florida/weston/cityofwestonflorida codeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:weston_fl. Both the county and municipal governments have land use regulatory authority in these locations. The Broward County Planning Council staff has opined that a condominium hotel "that functions in the same manner as a conventional hotel, with the exception that units may be purchased with the understanding access and ability to use the unit [are] limited to a maximum number of days" would be considered a nonresidential use "subject to confirmation from the local municipality that their regulations prohibit the conversion of condominium/hotel units to full-time owner or renter occupied dwelling units and that condominium/hotel units will be available for a significant majority of the year for hotel guests, and not for use by hotel/condominium unit purchasers." Letter from Henry Sniezek, Broward County Planning Council to Jaye Epstein, City of Hollywood (May 25, 2004) (on file with the author).

To be considered a nonresidential use in Broward County, the condominium hotel unit must be occupied by the owner for less than "a significant majority of the year."

Thus, to be considered a nonresidential use in Broward County, the condominium hotel unit must be occupied by the owner for less than "a significant majority of the year." The county is leaving it up to each municipality to determine what constitutes a "significant majority of the year." In Fort Lauderdale and Pompano Beach, code amendments are under way that would limit stays by owners to 30 days, three times per year. In Dania Beach, planning staff has determined that an upward limit of a 90-day stay by an owner in a year is an appropriate limitation to maintain hotel use. Hollywood, Florida, recently adopted an ordinance that limits owner occupancy to 150 days in any 12-month period. Hollywood, Fla., supra.

Additional examples of zoning regulations that have been adopted either to expand the definition of hotel to address length of stay can include simple ones such as the one adopted by Aventura, Florida, referred to above or more detailed ones such as the Napa, California, municipal code. See City of Napa, Cal., Mun. Code §§ 17.06.030, 17.52.095, available at www.napa-ca.gov/NapaSire/N2/NapaSireMenu.htm.

Typical Condominium Hotel Zoning Regulation Criteria and Issues for Consideration

A review of zoning regulations emerging around the country to regulate condominium hotels reveals some consistent themes, as well as some unique concepts. The types of criteria one might encounter in current or proposed regulations geared toward the condominium hotel are:

- *Maximum length of stay.* Examples have been noted ranging from a 14-day to 180-day maximum stay by the same occupant or owner. See City of Boynton Beach, Fla., Code of Ordinances pt. 3, ch. 2, § 6-F-16. Some codes provide a limited exception to the length of stay restriction (5% of units or a manager's unit exempt, for example). See Aventura, Fla., supra.
- *Record-keeping requirement for government inspection to ensure compliance with occupancy limits.* Management and/or individual unit owners may be required to keep occupancy logs for a period of time, subject to inspection by the local government for compliance with occupancy limitations. See Napa, Cal., supra.
- *Enforcement mechanism for occupancy limitations.* One of the most significant concerns for local governments is how to enforce the length of stay restrictions that they adopt. One such enforcement mechanism is to require a certification of compliance by affidavit or otherwise by the hotel management entity at the time of renewal of the occupation license for the hotel. See Aventura, Fla., supra. Combined with the record-keeping requirement noted above, this certification requirement gives the local government the ability to review the books for compliance and withhold renewal of the occupation license for noncompliance.
- *Central management or reservation system.* Some codes require a single, central reservation system. See City of Gulf Shores, Ala., Zoning Ordinance art. 4, available at www.cityofgulfshores.org/pages_2006/CDD/Zoning/Contents.pdf. Others require that a reservation system be made available to unit owners without being mandatory. See City of Pompano Beach, Fla., Draft Ordinance No. 2006, City Commission Agenda No. 2006-23 (Sept. 12, 2006). The latter approach, in which use of the central reservation system is optional, provides greater comfort to developers' counsel that securities registration will not be an issue (see discussion below).
- *Signage as a hotel.* Some codes require the condominium hotel property to have visible signage so that visitors will know that rooms are available to the general public for transient occupancy. See Hollywood, Fla., supra.
- *Maximum unit size.* Some local governments impose a maximum unit size to make it less likely that units would be suitable or marketable for permanent residency. See Madeira Beach, Fla., supra (850 square-foot maximum unit size).
- *Collection of tourist or bed taxes.* In

addition to explicitly stating that condominium hotels are subject to the collection and payment of bed or transient occupancy taxes as are any other hotels, some codes require a payment in lieu of the transient occupancy tax if a unit is not made available for rent to guests for the required minimum number of days per year. See City of Indian Wells, Cal., Mun. Code tit. 21, ch. 21.08, available at www.amlegal.com/nxt/gateway.dll/California/indian/cityofindianwellscaliforniacodeofordinan?f=templates$fn=default.htm$3.0$vid=amlegal:indianwells_ca.

- *Supervised front desk with key disbursement by attendant.* Some municipalities require that the hotel have a front desk with an attendant on duty at all times and that all room keys, even for owners, be disbursed by the attendant. See Aventura, Fla., supra.
- *Central telephone system/switchboard.* Some local governments require all hotels to have a central telephone system as opposed to direct dial-in phones in each unit. See Gulf Shores, Ala., supra.
- *Mail delivery by attendant.* Some municipalities have regulations that require mail to be delivered by an attendant rather than having individual mailboxes. See Aventura, Fla., supra.
- *Single utility meter.* Some codes prohibit individual electric and water meters for each unit, which are indicative of permanent residences, because hotel buildings traditionally are served by single meters. See Gulf Shores, Ala., supra.
- *Prohibition against use of hotel address for vehicle or voter registration or homesteading.* Some local governments explicitly provide in their codes that condominium hotel units cannot be used for voter registration or vehicle registration or homesteading to preclude owners from deriving benefits that would be available to permanent residents. See Madeira Beach, Fla., supra. Some codes provide an exception for voter or vehicle registration for an on-site manager who lives on the premises or for registration of a vehicle owned by the management entity (a courtesy shuttle, for example). See Weston, Fla., supra.
- *Prohibition on conversion to multifamily use without further government approval.* Because hotels have different zoning requirements from multifamily residential units, some codes explicitly say that a hotel cannot be converted to residential units without approval of the local government, although such approval may be inherently required by operation of the applicable zoning regulations. See Boynton Beach, Fla., supra.
- *Requirement for standardized room décor.* To ensure that individually owned hotel units maintain a uniform aesthetic, so that the condominium hotel looks like any other hotel to the visiting public, some local governments have mandated that rooms have uniform furniture, furnishings, and décor. See Gulf Shores, Ala., supra.
- *Minimum number of rooms.* Some local governments require that a condominium hotel have a minimum number of rooms. See Hollywood, Fla. (200-room minimum). This requirement would obviously prohibit a boutique condominium hotel.
- *Occupational license for each room.* In addition to requiring an occupational license for the hotel, some local governments also require an occupational license for each separately owned unit. See Madeira Beach, Fla., supra.
- *Qualificational standards for the management entity.* Some local governments establish minimum standards for the hotel management. For example, Hollywood, Florida, requires the operator to be affiliated with a national or international chain or franchise; Napa, California, requires that the management entity must have five consecutive years of experience managing "first class" hotels and have 10 other properties currently under management. See Hollywood, Fla., supra; Napa, Cal., supra.

As condominium hotel regulations with one or more of the above-mentioned or other criteria are increasingly being formulated and codified in local zoning codes, one must contemplate whether local governments are paying heed to applicable statutory mandates like the one in Florida that "all regulations concerning building or zoning be construed and applied . . . without regard to the form of ownership." Fla. Stat. Ann. § 718.507. More specifically, is the municipality complying with the statutory mandate of nondiscrimination if a condominium hotel has a maximum length of stay for occupants imposed by regulation whereas a single-owner hotel does not? Or, if a condominium hotel must comply with record-keeping requirements that a single-owner hotel does not? Or, if a condominium hotel must maintain a standardized room décor whereas a single-owner hotel can have an eclectic mix of decors? If such zoning regulations are suspect because they in fact provide for disparate treatment of condominium hotels and single owner hotels merely because of the ownership structure, when state law would seem to prohibit such disparity, then perhaps it would be prudent for local governments to make their hotel regulations more uniform in applicability to all hotels regardless of ownership. (For example,

the Aventura, Florida, definition of "hotel" makes no mention of ownership.) See Aventura, Fla., supra.

In addition to striving to comply with such state law requirements, a local government that wants to be sensitive to potential securities registration issues with developers' condominium hotel offerings should tailor local zoning ordinances accordingly. For example, one operational requirement of some local governments that causes developers' counsel angst is that there be a single, central reservation system for renting hotel rooms. See Madeira Beach, Fla., supra. The discomfort over such a requirement stems from a 1973 Securities and Exchange Commission release that set forth three categories of condominium offerings that would be viewed as a security by the SEC. Offers and Sales of Condominiums or Units in a Real Estate Development, Securities Act Release No. 33-5347, 38 Fed. Reg. 1,735 (Jan. 4, 1973). One category included the offering of a condominium unit together with a rental or similar arrangement in which the buyer must hold the unit available for rental for any part of the year, *must use an exclusive rental agent*, or must otherwise be materially restricted in the occupancy or rental of the unit. Subsequent no-action letters from the SEC have stated that SEC staff will not recommend enforcement action, notwithstanding the above, if certain criteria are met, including the criteria that there be no limitations on owner occupancy of the condominium hotel unit other than those established in generally applicable zoning regulations. Nonetheless, to steer clear of offending the stated prohibition in the 1973 release against an arrangement whereby a buyer "must use an exclusive rental agent," developers' counsel would prefer to see the zoning regulation state, if anything at all, that a central reservation system or agency be made available, but not be mandatory.

On the other hand, the no-action letters provide an apparent safe harbor for limitations imposed on owner occupancy provided they are established in generally applicable zoning regulations. Thus, a condominium hotel developer actually may prefer that certain other standards be codified in the zoning regulations. For example, a developer may want to ensure that owner occupancy is limited to provide a guarantee of sufficient hotel room inventory for revenue generation to entice a management entity. That developer would actually prefer to have the local government mandate the length of stay in the zoning ordinance. Although one might at first blush believe that any length of stay limitation would necessarily be objectionable to the condominium hotel developer, such a reasonable limitation may eliminate the need for the developer to impose one unilaterally in the condominium documents or otherwise in a manner that might have securities registration implications.

One operational requirement of some local governments that causes developers' counsel angst is that there be a single, central reservation system for renting hotel rooms.

It should be noted, however, that in at least two no-action letters issued by the SEC, the limitations on length of stay were included in zoning regulations that were alleged to "predate" and be "independent of the offering of the condominium units." The Dolphin of Virginia Beach, Inc., supra; One Central Park West, supra. Therefore, whether there is a benefit in having length of stay limitations imposed by local regulation may depend on the timing of adoption of such regulations. Moreover, development lawyers may want to be cautious about their involvement in the process because regulations influenced by development counsel may not be "independent of the offering of the condominium units." Although there does not appear to be any direct written determination on this issue by the SEC, it may be prudent for developer's counsel not to initiate a zoning reform to impose a length of stay limitation and, in an abundance of caution, not to proffer any explicit suggestions to the local zoning staff or officials regarding the appropriate length of stay limitation that would suggest a less burdensome restriction on owner occupancy when evaluating and commenting on a local government's proposed zoning regulations.

Conclusion

Developers undoubtedly will continue to bring condominium hotel projects into more communities. Therefore, their development lawyers should expect to confront "hotel" regulations that may be inadequate for accommodating the hotel and condominium hotel product that the market is supporting today. When entering a community that is not experienced with condominium hotels, a key first step is to educate the planning and zoning staff and local elected officials so that they understand that the condominium hotel concept is a beneficial financing mechanism and not just a devious attempt to build multifamily units where they might not otherwise be permitted. Once the local government understands the condominium hotel concept, the land development lawyer should be prepared to help educate the planning staff and elected officials about the potential securities registration and project marketability implications of current regulatory schemes or proposed zoning regulatory reforms. The goal of local government should be to craft hotel regulations that are consistent with applicable state law, that minimize securities registration issues for developers, that allow marketable condominium hotel projects to be developed, and that also provide the local government with the comfort that condominium hotels are just that: hotels. ■

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Staff Report #3
Variance

Prepared for: *North Bay Village Commission*

Applicant: *1755 NBV, LLC*

Request *Variance to allow less than the side-yard setback as required by the Bayview Overlay District*

LaRue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366
Serving Florida Local Governments Since 1988

General Information

Owner/Applicant	1755 NBV, LLC Miguel A. Barbagallo, President B Developments, LLC as Manager
Applicant Address	1870 NW South River Drive Miami, FL 33125
Applicant Phone Number	305-631-6660
Site Address	1755 79th Street Causeway
Contact Person	Neisen Kasdin
Contact Phone Number	305-374-5095
Contact E-mail Address	neisen.kasdin@akerman.com
Contact Address	One SE Third Ave, Suite 2500 Miami, FL 33131

	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning District	CG (General Commercial)	CL (Limited Commercial)
Use of Property	Parking Lot	Condominium Hotel
Acreage	1.34 acres	1.34 acres

Legal Description of Subject Property

THE EASTERLY 300.00 FEET OF THE WESTERLY 1,800.00 FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND AS MEASURED ALONG A LINE RUNNING AT RIGHT ANGLES TO THE WESTERLY LINE OF SAID TRACT.
COMMENCING AT THE ONE-HALF MILE POST ON THE WEST LINE OF SECTION 9, TOWNSHIP 53 SOUTH, RANGE 42 EAST, AS SHOWN ON THE MAP OF HIGHWAY RIGHT-OF-WAY OF PROPOSED NORTHEAST SEVENTY-NINTH STREET CAUSEWAY, WHICH SAME IS RECORDED IN PLAT BOOK 25 AT PAGE 70 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, RUN NORTH 88°41 '24" EAST 1,960.00 FEET; THENCE NORTH 1 °37'08" WEST 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT OF LAND:

THENCE CONTINUE NORTH 1 °37'08" WEST 129.730 FEET TO THE POINT OF CURVE OF A CURVE TO THE RIGHT;
THENCE TO THE RIGHT ALONG SAID CURVE HAVING AN INTERIOR ANGLE OF 90°18'32" AND A RADIUS OF 50.00 FEET FOR AN ARC DISTANCE OF 78.809 FEET TO A POINT OF TANGENCY; THENCE NORTH 88°41'24" EAST 2,169.970 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE TO THE RIGHT ALONG SAID CURVE HAVING AN INTERIOR ANGLE OF 40°32'45" AND A RADIUS OF 600.00 FEET FOR AN ARC DISTANCE OF 466.483 FEET TO A POINT OF TANGENCY; THENCE SOUTH 46°45'51" EAST 102.180 FEET TO A POINT OF
INTERSECTION WITH THE NORTHERLY LINE OF THE EXISTING RIGHT-OF-WAY OF SAID NORTHEAST SEVENTY-NINTH STREET CAUSEWAY; THENCE TO A SOUTHEASTERLY, NORTHWESTERLY AND WESTERLY DIRECTION ALONG THE
NORTHERLY LINE OF SAID EXISTING RIGHT-OF-WAY TO THE POINT OR PLACE OF BEGINNING

Request

The Applicant is requesting a variance pursuant to Section 152.097 of the North Bay Village Code of Ordinances in connection with the development of a condominium hotel structure to allow less than the side-yard setback as required by Section 152.032(C)(2)(C).

This section specifies lots less than 500 feet in depth in the Bayview Overlay (BVO) District must provide two side yards that total 60% of the lot width, with the smallest side not being less than 20% of the width of the lot. The width of the applicant's lot is 300 feet. One side setback is shown at 60 feet; therefore, the other side setback should be 120 feet. Instead, it is currently being shown as 20 feet. The applicant is 100 feet short of the required side setback.

It should be noted that the original plans depicted a 15 foot side setback on the east side instead of a 20 foot setback. The applicant did revise the plans prior to the Planning and Zoning Board meeting and the Planning and Zoning Board's recommendation (provided below) is based on the 20 foot setback currently depicted.

Required Findings

The Sec. 152.097(B) and (C) requires that in order to authorize, recommend or grant any variance, the reviewing body(ies) must make an affirmative finding with respect to the criteria listed below. For ease of review, each of the criteria contained in subparagraphs (B)(1) through (B)(3) have been separated into their component parts, as follows:

(1)a. That there are (or are not) special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district;

Applicant Response: The unique circumstances relating to the Property are that it is irregularly shaped and occupies a relatively small area (1.34 acres). The Property measures just 300 feet wide along its Biscayne Bay frontage (the Kennedy Causeway frontage is not a straight line) and 180 feet deep at the west (narrower) side. The requirement for 60% of the lot width to be free and open to the sky (pursuant to the definition of "yard") significantly restricts the building envelope and results in an unnecessary hardship.

Staff Comments: There are no special circumstances or conditions to this property which are not applicable to other properties in the BVO District. This property is not unusually shaped or narrow compared to nearby properties. Due to the curve of Kennedy Causeway in this area, there are several properties that are not equal sided rectangles and in fact have steeper curves (see attached zoning map). The subject parcel, because of the curve, only

has a minor change in depth on each side. This property also has greater width than other similarly curved properties in this District which offers a greater ability to provide adequate setbacks. Additionally, the acreage of 1.34 is not a small area if the density or intensity were more appropriate.

The purpose of the BVO District is to allow buildings to be taller in order to provide greater setbacks for the provisions of vistas to Biscayne Bay. The applicant cannot claim special and unusual circumstances of the land just because the maximum height in the BVO District can't be reached for this property. As requested the height of the proposed building is over 100 feet above the height allowed under the CL regulations.

(1)b. that the special circumstances and conditions were not (or were) self-created by any person having an interest in the property;

Applicant Response: No specific comments.

Staff Comments: The BVO regulations were written to allow taller buildings in exchange for providing wider vistas to Biscayne Bay. The applicant's property has ample width of 300 feet, and a reasonable design for this property could have met the setback requirements. Without meeting the full intent of the BVO District the applicant's current design for this development has artificially or self-created this variance request.

(1)c. and that the strict application of the provisions of this chapter would (or would not) deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought and would (or would not) involve an unnecessary hardship for the applicant.

Applicant Response: No specific comments.

Staff Comments: There could be ample development and reasonable use of this property without having to have a setback variance. The applicant's building could increase in height in order to allow greater setbacks and has already proposed a much greater height than allowed in the CL District. There is no hardship just because the applicant doesn't wish to meet the District requirements. Also, it should be noted that there would be reasonable use of this land even if the BVO District was not utilized.

(2)a. That granting the variance requested will not (or will) confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district;

Applicant Response: Granting the variance does not confer on the Applicant any special privilege. Should another property owner believe that a property

would be unnecessarily burdened as a result of the regulation, the property owner is able to submit a request for a variance, provided the variance criteria are met.

Staff Comments: The granting of the variance for this property negates the purpose of the Overlay District. If approved, the variance would confer a special privilege to this property holder. The benefit to the public is missing if the applicant is allowed to go over 240 feet in height without meeting the greater setback standards of this Overlay District.

(2)b. and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

Applicant Response: No specific comments.

Staff Comments: The variance requested is not the minimum that would make possible the reasonable use of this property. The Applicant can make reasonable use of the property without receiving a variance.

(3) That granting the variance will (or will not) be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Applicant Response: Granting the variance will be in harmony with the general intent of this chapter as the purpose of the BVO regulations is to encourage larger scale projects than would otherwise be permitted by right in the underlying zoning district. The project will not be injurious to the neighborhood nor detrimental to the public welfare; the vision for the project is to revitalize the commercial corridor along Kennedy Causeway and to improve the quality of life for its residents. Granting of the variance will allow the project to proceed as designed and work towards enhancing the commercial corridor as a destination for tourists and residents of the neighborhood and region.

Staff Comments: The variance, if granted nullifies the purpose of the BVO District. It would set an example for other setback variance requests. The "taller and slimmer" approach needs to be followed if the vision of the District and the Charrette study is to be implemented. It is injurious to the very purpose of establishing this District if scenic viewing areas larger than normal are not furnished when property owners are developing or redeveloping in this District.

The City's LDC contains the same criteria in Sec. 2.7.6 as discussed above except they are numbered (1) through (6). The LDC also includes a seventh criterion which reads as follows:

7. The variance request is not based exclusively upon a desire to reduce the cost of development.

   Staff Comments: The applicant has not stated that this was a reason for this request but has indicated that the extra costs of building higher than the currently proposed height would be prohibitive.

Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval of a variance request for a 20 foot setback where 120 feet are required by a 3-2 vote on February 18, 2014.

Staff Recommendations

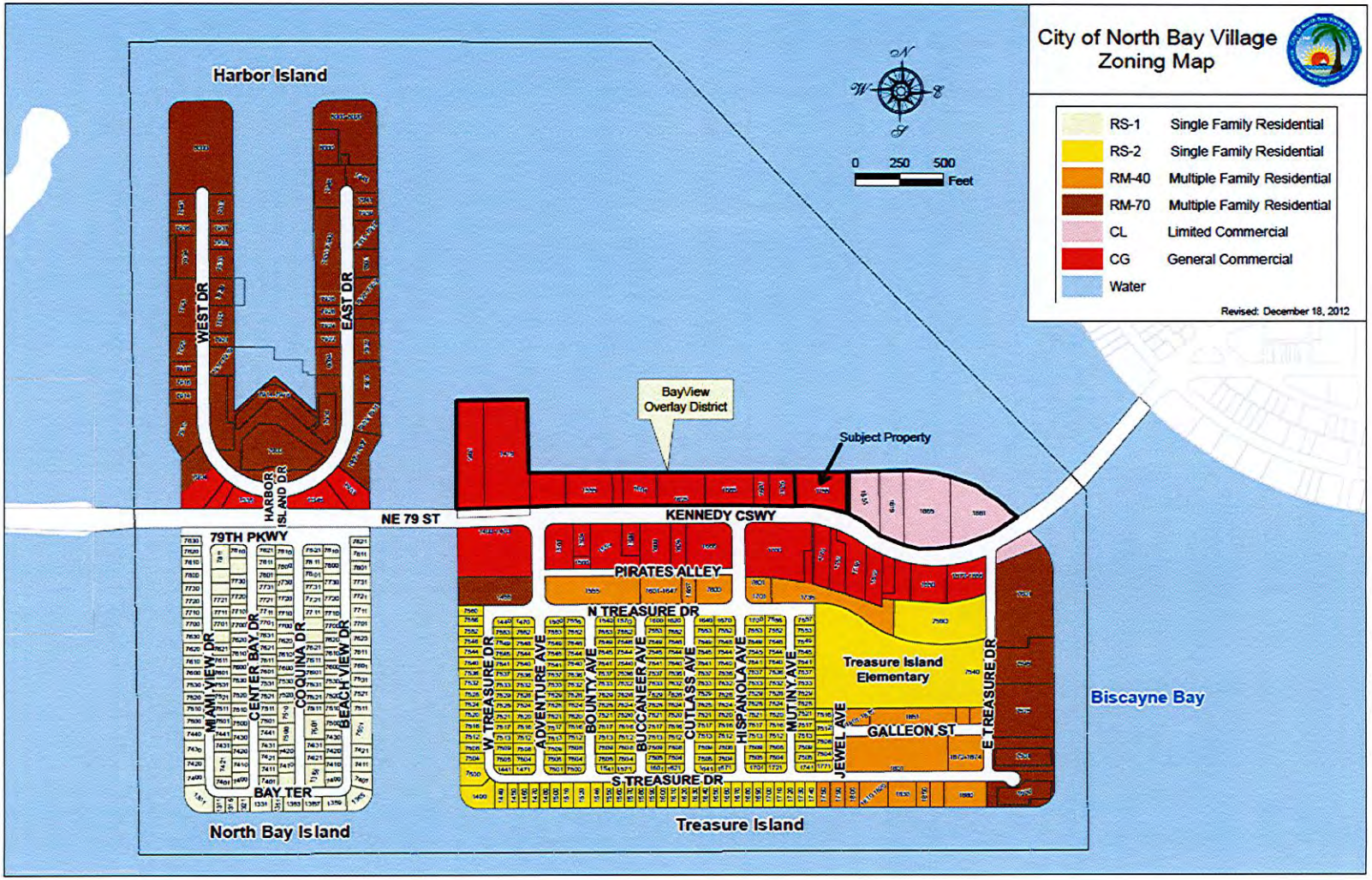
Staff finds that the requested variance **does not** meet the requirements of Section 152.097(C) in that the materials submitted do not adequately allow for an affirmative finding on each of the criteria contained in 152.097(B) as specifically identified by the foregoing Staff Comments. Consequently, staff recommends **denial** of the requested variance to allow less than the side-yard setback required by the Bayview Overlay District.

Submitted by:
James G. LaRue
James G. LaRue, AICP
Planning Consultant

March 4, 2014

Hearing: North Bay Village Commission, March 11, 2014

ZONING
SUBJECT SITE AND ENVIRONS



Staff Report #4
Bay View Overlay (BVO) Standards

Prepared for: *North Bay Village Commission*

Applicant: *1755 NBV, LLC*

Request: *BVO review including height approval*

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General Information

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	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning District	CG (General Commercial)	CL (Limited Commercial)
Use of Property	Parking lot	Condominium Hotel
Acreage	1.34 acres	1.34 acres

Legal Description of Subject Property

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NORTHERLY LINE OF SAID EXISTING RIGHT-OF-WAY TO THE POINT OR PLACE OF BEGINNING

Request

Bay View Overlay standards review, including height approval, pursuant to Section 152.032(a)(3) of the North Bay Village Code of Ordinances.

Required Findings

The subject property is within the Bayview Overlay (BVO) District as created by North Bay Village in 2012. When a CL property is located in the BVO District, all provisions of Section 152.032 shall apply. When the provisions of the BVO are applied to a property in the zoning district, the bonus height provisions of Section 152.029(C) shall also apply.

Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval of this request by a 5-0 vote on February 18, 2014.

Staff Recommendations

Staff recommends this property is eligible to be reviewed under the provisions of the Bayview Overlay District. The bonus height provisions can also be applied allowing the condominium hotel to be over the 130 foot maximum height allowed under the CL Zoning District and eligible to be built up to the maximum height allowed in the BVO District if the proper setbacks are met.

Submitted by:
James G. LaRue
James G. LaRue, AICP
Planning Consultant

March 4, 2014

Hearing: North Bay Village Commission, March 11, 2014

Staff Report #5
Special Use Exception

Prepared for: *North Bay Village Commission*

Applicant: *1755 NBV, LLC*

Request: *Special exception for twenty percent of parking spaces designated for compact vehicles*

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General Information

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	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning District	CG (general Commercial)	CL (Limited Commercial)
Use of Property	Parking Lot	Condominium Hotel
Acreage	1.34 acres	1.34 acres

Legal Description of Subject Property

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NORTHERLY LINE OF SAID EXISTING RIGHT-OF-WAY TO THE POINT OR PLACE OF BEGINNING

Request

The applicant is requesting a special use exception pursuant to Sections 152.042(e) and 152.098 of the North Bay Village Code of Ordinances to allow up to twenty (20) percent of the development's required parking spaces to be designed specifically for compact vehicles.

General Description

The proposed site plan for the hotel-condominium development shows 28 of the 242 required parking spaces to be designed for compact vehicles.

Consistency with Comprehensive Plan

The request for compact spaces, if approved for this site plan, is consistent with the Village's Comprehensive Plan, and the provision of safe on-site traffic flow as per Transportation Policy 3.2.7.

Consistency with Special Use Exception Standards

Allowing up to twenty percent of the required parking spaces to be compact spaces would not "substantially affect adversely the uses permitted in these regulations of adjacent property".

Planning and Zoning Board Recommendations

The Planning and Zoning Board recommended approval of this special exception request by a 5-0 vote on February 18, 2014.

Staff Recommendations

Staff finds that the request **is** consistent with Sections 152.042(e) and 152.098 in that this special use exception will not adversely affect the uses permitted in the regulations of adjacent properties.

Staff recommends **approval** of this request for the parking spaces designated for compact vehicles contingent upon a positive approval of a site plan for this development.

Submitted by:
James L. LaRue
James L. LaRue, AICP
Planning Consultant

March 4, 2014

Hearing: North Bay Village Commission, March 11, 2014

Staff Report #6
Site Plan

Prepared for: *North Bay Village, Planning and Zoning Board*

Applicant: *1755 NBV, LLC*

Request *Site Plan Approval and Building Height Bonus Review for Construction of a Condominium Hotel*

LaRue Planning & Management Services, Inc.
1375 Jackson Street, Suite 206
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General Information

Owner/Applicant	1755 NBV, LLC Miguel A. Barbagallo, President B Developments, LLC as Manager
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	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning District	CG (General Commercial)	CL (Limited Commercial)
Use of Property	Parking Lot	Condominium Hotel
Acreage	1.34 acres	1.34 acres

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NORTHERLY LINE OF SAID EXISTING RIGHT-OF-WAY TO THE POINT OR PLACE OF BEGINNING

Request

The applicant is requesting:

1. Site plan approval pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances for development of a 132-unit 25-story condominium hotel structure with a parking garage.

2. Building height bonus review pursuant to Section 152.029(C)(8)(A-F) of the North Bay Village Code of Ordinances.

General Description

The proposed project consists of a 25-story condominium hotel with 132 units as well as a parking structure that will be incorporated into the podium of the building. Approximately 6,245 sq ft of accessory commercial uses will be located on the ground floor, with access from inside the building. Approximately 5,284 sq ft will be dedicated to the lobby/common areas. The Applicant envisions a restaurant to occupy the waterfront accessory commercial space and outdoor terrace on the ground level, while the remaining accessory commercial areas on the ground level will be used for retail use with specific tenancy to be determined at a later time.

Consistency with Comprehensive Plan

The mixed use project is consistent with the Comprehensive Plan, as Future Land Use Policies 2.1.1a and 2.1.12 of the North Bay Village Comprehensive Plan depict combined commercial and residential development if certain requirements are met.

Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay
East	Future Land Use	Mixed Use
	Zoning District	Commercial Limited
	Existing Land Use	Hotel/Restaurant
South	Future Land Use	Commercial
	Zoning District	Commercial General
	Existing Land Use	Multi-family/ Restaurant/Office
West	Future Land Use	Commercial
	Zoning District	Commercial General
	Existing Land Use	Vacant (currently proposed multi-family development)

Adequacy of Public Facilities

Analysis for 1755 Kennedy Causeway

Water and Sewer utilities will be provided by Miami-Dade County M-DC (DERM). This project will be required to meet Sewer Concurrency requirements as prescribed by the Public Works Director of North Bay Village.

Staff has reviewed the Traffic Impact Study (TIS): prepared by Richard Garcia & Associates, Inc., and offers the following comments:

1. The Study uses ITE code 310, the most conservative ITE peak hour trip generation factor (i.e., highest factor) that could be considered applicable to the proposed "condominium hotel".

   Depending on how one categorizes the project any of the following peak hour trip generation factors might be applicable:

High-rise condo (ITE code 232, small sample size):	0.38 trips per dwelling unit.
All suites hotel (ITE code 311, small sample size):	0.55 trips per occupied room
Hotel (ITE code 310)	0.70 trips per occupied room

2. The Study uses appropriate ITE peak hour trip generation factors for the restaurant and specialty retail center.

3. The Study uses what would appear to be reasonable internal capture rates for a mixed-use development.

4. The findings of the TIS are summarized as follows:
   a. The proposed project will generate a net increase of 92 during the AM peak hour and 106 vehicle trips during the PM peak hour.
   b. The Level of Service Standard (LOSS) for Kennedy Causeway is D. The range of traffic for a Level of Service (LOS) of D is from 2,091 to 4,500 peak hour trips.
   c. The current traffic levels are estimated at 2,843 and 2,629. Therefore the roadway is operating at LOS D.
   d. When the project is completed in 2016, the resultant AM and PM Peak hour traffic on North Bay/Kennedy Causeway is projected to be 2,935 and 2,735 trips respectively. Based on FDOT Standards this means the roadway will continue to operate at LOS D once the project is completed.

Conclusion

After reviewing the materials, it is apparent that a project of the size and mix of uses proposed will not generate traffic levels that would result in violation of the Village's adopted LOSS of D. This would be true even if one eliminated trips due to internal capture.

Disclaimer

In no way should the above conclusion be taken as an indication of our agreement with the Applicant's contention or request that the proposed configuration of the individual units (i.e., large unit sizes and presence of a kitchen) qualify the "condominium hotel" to be considered a hotel for purposes of density or any other consideration.

Summary Analysis of Aggregate Traffic Impact on Kennedy Causeway

Background

The condo-hotel at 1755 Kennedy Causeway is proposed to comprise 132 hotel units of varying size, a 2,883 square foot quality restaurant and 2,354 square feet of specialty retail space. The Isle of Dreams mixed-use project is located at 1415 Kennedy Causeway and proposed to contain 237 unit high-rise residential structure with a 7,360 square foot restaurant and 2,540 square feet of retail. The Indigo project is a 53-unit high-rise condominium located at 7914 -- 7918 West Drive.

Kennedy Causeway in North Bay Village is a six-lane, divided, State Road on which the vehicular capacity at LOS D is 4,500 vehicle trips.

Data and Analysis

According to traffic counts taken by Richard Garcia & Associates as provided in the Traffic Impact Statement for the Condo-hotel project the AM and PM Peak Hour traffic on Kennedy Causeway about 200 ft. east of E Treasure are 2,935 and 2,735 respectively. The following table shows the aggregate effect of the traffic generation of the three developments.

Project	Peak-Hour Trips	
	AM	PM
Condo-hotel, 1755 Kennedy Cswy.	92	106
Isle of Dreams, 1415 Kennedy Cswy.	160	220
Indigo, 927914 -- 7918 West Drive	44	33
Total	296	359
Current traffic	2,843	2,629
Total with new developments	3,139	2,988
Capacity at LOS D	4,500	4,500
Remaining Capacity	1,361	1,512

The Traffic Study prepared by KPB Consulting, Inc. for the Indigo project also provides insight from a more regional perspective. The KPB analysis cites Miami-Dade County MPO and FDOT, January 2014 as the source for the available peak hour capacity on NE 79th Street between North Bayshore Drive and U.S. 1 on the mainland. Based on existing traffic volumes and peak hour trips associated with approved by not built developments, there is a remaining capacity of 968 trips along that roadway segment. Adding in the 359 trips estimated for the three developments above, the remaining capacity for peak- hour trips between N. Bayshore Dr. and U.S. 1 will amount to 609.

Conclusion

Analysis of the combined traffic generation impact of the above developments upon Kennedy Causeway indicates that the additional traffic generated by these developments will not be sufficient to raise peak hour traffic level beyond adopted level of service standards.

Comparison of Submitted Site Plan with Land Development Regulations

The submitted site plan is based on approval by the Village Commission of several items, which are necessary in order for the site plan to be considered for review. Those items are:

1) A rezoning of the property from CG to CL;
2) A text amendment of the North Bay Village Land Development Code regarding the definitions of "dwelling unit, hotel room" and "dwelling unit, hotel suite";
3) A variance to the required side setbacks to allow a 20 foot setback from the East property line where a 120 foot setback is required;
4) An approval to utilize the provisions of the Bay View Overlay District; and
5) A special use approval to utilize compact parking spaces for up to 20% of the required parking.

The following site plan review has been conducted assuming the possibility that the Village Commission approves all above mentioned items.

Section	Regulation	Required	Provided
North Bay Village LDC			
152.031(B)	Uses permitted		Hotel, restaurant and retail uses, consistent with NBV Code
152.031(C)(1)	Minimum lot area	28,000 sq ft	58,443 sq ft
152.031(C)(1)	Minimum frontage	200 ft	300 ft
152.031(C)(3)	Maximum density	99 hotel units per acre	99 units per acre
152.031(C)(5)	Minimum pervious area	20% of total parcel = 11,689 sq ft	12,713.7 sq ft
152.031(C)(6)	Minimum hotel unit floor area	400 sq ft	Units shown at 400 to 1,391 sq ft
152.032(C)	Maximum building height	340 ft	241 ft - 2 in 253 ft - 2 in, top of mechanical

Section	Regulation	Required	Provided
152.032(C)(2)(b)	Minimum front setback	The entire portion of the building that is more than 240 feet in height must be set back from the front property line by a distance that is at least 40 feet, plus two feet for each foot of the highest building height in excess of 240 feet. 40 ft setback required for main structure under 240 ft. 13' 2" x 2 = 26' 4" 40 + 26' 4" = 66 foot 4 inch setback required for mechanical portion.	Main structure is set back 40 ft from front property line Top portion of building above 240 meets required 66 foot 4 inch setback
152.032(C)(2)(c)	Minimum side setback	If any portion of a building on the site exceeds 240 feet in height, the two side yards together must total 60% of the lot width, provided the smallest side yard may not be less than 20% of the lot width. 60% of lot width is 180 ft 20% of lot width is 60 ft Combination of both sides must equal 180 ft, with one side at least 60 ft	20 ft on east side 60 ft on west side Side setback requirements not met. A variance has been requested.
152.031(C)(2)	Minimum rear setback	25 ft	25 ft
5.2.2(a)(1)	Minimum standard parking space dimensions	9 ft by 18 ft	Provided
5.2.2(a)(2)	Minimum compact parking space dimensions	8 ft by 16 ft	Provided
5.2.2(a)(3)	Minimum handicapped parking space dimensions	Must comply with all applicable accessibility standards	Provided
152.042(D)	Minimum number of handicapped spaces	2% of total required spaces. 2% of 249 = 5 handicapped spaces required	7 handicapped spaces

Section	Regulation	Required	Provided
ADA Requirement	Minimum number of handicapped spaces	7 handicapped spaces for facilities with 201 to 300 parking spaces	
152.042(E)	Maximum number of compact parking spaces	20% of total required (only with approval by Village Commission) 20% of 242 = 48 compact parking spaces allowed	28 compact spaces
152.042(K)	Minimum setback of ROW from parking spaces	20 ft	Provided
152.042(M)	Minimum buffer of parking from walkways and streets	Parking spaces shall be separated from walkways, sidewalks, streets, or alleys by an approved wall, fence, curbing, or other protective device	Provided
152.042(P)	Back-out parking prohibition	Parking spaces shall not be designed so that no vehicle shall be required to back into a public ROW to obtain egress	Provided
152.044(A)(3)	Minimum number of parking spaces per hotel unit	1 space per unit, plus 10% of total spaces 36 x 1 + 10% = 39.6 48 x 1 + 10% = 52.8 48 x 2 + 10% = 105.6 39.6 + 52.8 + 105.6 = 198 spaces required	249 parking spaces
152.044(B)(7)	Minimum number of parking spaces for restaurant	1 space per 75 sq ft of customer svc area 2,350/75 = 31.33 spaces required	
152.044(B)(8)	Minimum number of parking spaces per for retail	1 space per 200 sq ft of gross floor area 2,354/200 = 11.77 spaces required	
	Total spaces required	198 + 31.33 + 11.77 = 242 total spaces required	
152.045(B)	Minimum loading space dimensions	12 ft by 30 ft, and at least 14.5 ft of vertical clearance	Provided
152.045(C)	Loading space joint usage	Loading spaces for two or more uses may be collectively provided if so located as to be usable by all.	N/A

<table>
<tr><th>Section</th><th>Regulation</th><th>Required</th><th>Provided</th></tr>
<tr><td>152.045(E)</td><td>Loading and standard parking space restriction</td><td>No areas supplied to meet required off-street parking facilities may be utilized to meet the requirements for loading spaces.</td><td>In compliance</td></tr>
<tr><td>152.045(F)(1)</td><td>Minimum number of loading spaces for retail and restaurant</td><td><table><tr><th>Gross floor area</th><th>Spaces</th></tr><tr><td><10,000</td><td>0</td></tr><tr><td>10,000-20,000</td><td>1</td></tr><tr><td>20,000-40,000</td><td>2</td></tr><tr><td>40,000-60,000</td><td>3</td></tr><tr><td>>60,000</td><td>4</td></tr></table>
<u>2,883 + 2,354 = 5,237</u>

<u>No loading spaces required.</u></td><td>N/A</td></tr>
<tr><td>152.045(F)(2)</td><td>Minimum number of loading spaces for hotel</td><td><table><tr><th>Gross floor area</th><th>Spaces</th></tr><tr><td><25,000</td><td>0</td></tr><tr><td>25,000-50,000</td><td>1</td></tr><tr><td>50,000-100,000</td><td>2</td></tr><tr><td>>100,000</td><td>3</td></tr></table>
<u>133,376 + 2,622 + 2,622 = 138,700</u>

<u>3 loading spaces required</u></td><td>3 loading spaces</td></tr>
<tr><td>155.17</td><td>Minimum width of maneuvering aisle</td><td>23 ft wide maneuvering aisles</td><td>Provided</td></tr>
<tr><td>155.17</td><td>Minimum width of 2-way access aisle</td><td>23 ft</td><td>Provided</td></tr>
<tr><td>155.08(E)</td><td>Baywalk</td><td>A bay walkway shall be provided along the rear of the property which can be connected to other properties</td><td>Provided</td></tr>
<tr><td>155.18(A)3</td><td>Dumpster screening</td><td>Dumpster enclosures shall be designed in a manner as to visually screen the dumpster from adjacent view and shall be located in visually obscure areas of the site.</td><td>Provided</td></tr>
</table>

Section	Regulation	Required	Provided
155.18(A)4	Dumpster placement	Dumpster enclosures shall be placed in such a manner as to allow front end loader sanitation trucks to pick up garbage in a forward motion. Backing out the sanitation truck is prohibited	Provided
155.18(A)5	Mechanical equipment screening	Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grilles, and shall be painted in muted colors or match the building and shall not be visible from the street.	Provided
155.18(A)7	Mechanical equipment screening	Service bays, ground mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered.	Provided
Appendix D	Required benches	Benches shall be provided at a minimum of 2.5 ft sections of bench per 100 ft of linear shoreline	Provided
Miami-Dade Landscaping			
18A-4(C)	Vegetative survey	A vegetation survey shall be provided for all sites at the same scale as the landscape plan.	Not needed as the site is currently a parking lot.
18A-4(D)	Irrigation plan	An Irrigation Plan shall be submitted. Where a landscape plan is required, an irrigation plan shall be submitted concurrently.	Not yet provided
18A-6(A)(5)	Maximum lawn area	20% of lot area, less the area covered by buildings	No lawn depicted
18A-6(C)(1)	Tree height	Except street trees, all trees shall be a minimum of 10 ft high with a minimum of 2 inch caliper, except that 30% of the tree requirement may be met by native species with a minimum height of 8 ft.	All trees shown meet or exceed this requirement.
18A-6(C)(2)	Street trees	Street trees shall be provided along all roadways at a maximum average spacing of 35 feet on center (25' for palms).	This requirement has been met.
18A-6(C)(3)	Trees under power lines	Where overhead power lines require low growing trees, street trees shall have a minimum height of 8 ft and a maximum average spacing of 25 feet on center.	Not Applicable.

Section	Regulation	Required	Provided
18A-6(C)(4)	Palms	Palms which are spaced no more than 25 feet on center and have a 14 foot minimum height or 4 inches minimum caliper diameter may count as a required tree.	All palms provided exceed the 14' height requirement.
18A-6(C)(5)	Number of required trees	22 trees per acre required in commercial zoning categories 1.34 x 22 = 30 trees required	This requirement has been met.
18A-6(C)(11)	Limitations on required trees	At least 30% shall be native species. At least 50% shall be low maintenance and drought tolerant. Of the required trees, no more than 30% shall be palms	All provided trees are native. Native trees are drought tolerant and low maintenance The tree requirement has been met by non-palms.
18A-6(C)(12)	Limitations on required trees	80% of required trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.	This requirement has been met.
18A-6(D)(1)	Shrubs	All shrubs must be a minimum of 18 inches at time of planting. 10 shrubs are required for each required tree. 30% shall be native species 50% shall be low maintenance and drought tolerant 80% of required shrubs shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.	All shrubs meet this requirement. 290 shrubs are required, 292 shrubs have been provided. All shrubs are native. All native shrubs used are low maintenance and drought tolerant. This requirement has been met.

Section	Regulation	Required	Provided
18A-6(H)	Use buffers	Where dissimilar land uses exist on adjacent properties, that area shall be provided with a buffer consisting of trees spaced to a maximum average of 35-feet on center with shrubs which normally grow to a height of 6 feet, or a 6 foot wall with trees, within a 5 foot wide landscape strip. Shrubs shall be a minimum of 30 inches high and planted at a maximum of 36 inches on center; or if planted at a minimum height of 36 inches, shall have a maximum average spacing of 48 inches on center.	The property to the east is a hotel, a use similar to the subject property, and therefore does not require a landscape buffer. The property to the west is vacant but is scheduled to be a multi-family residence which is dissimilar from the subject property, and therefore requires a landscape buffer. The landscape plan provides adequate buffering along both property boundaries between adjoining properties.
18A-6(I)	Parking lot buffers	All parking lots adjacent to a right of way shall be screened by a continuous planting with a 7 foot landscape strip incorporating said planting Shrubs shall be a minimum of 18 inches high and planted at a maximum of 30 inches on center; or if planted at a minimum height of 36 inches, shall have a maximum average spacing of 48 inches on center.	Provided.

Section	Regulation	Required	Provided
18A-6(J)	Parking lot landscaping	10 square feet of landscaped area per parking space shall be provided within a parking lot. Trees shall be planted within the parking lot at a minimum density of one tree per 80 square feet of landscaped area, exclusive of parking lot buffers. Each tree shall have a minimum of 5 feet of planting area width, exclusive of curb dimension.	Provided.
Miami-Dade Biscayne Bay Management Plan			
33D-38(1)b	Minimum rear setback	50% of building height above 35 ft (measured from mean high water line), up to 75 ft maximum. 75 ft required	Only 25 ft provided
33D-38(2)a	Minimum visual corridor	20% of lot width on one side, with a 20 ft minimum and a 100 ft maximum. Structures not permitted in view corridor. 60 ft required on one side	60 ft on one side
33D-38(3)	Minimum side setback	Minimum of 25 ft	Only 20 ft provided
33D-33(4)	Waiver from County	A waiver may be obtained from the Miami-Dade Shoreline Review Committee for exemption from the above requirements	Not provided yet

Planning and Zoning Board Recommendations

The North Bay Village Planning and Zoning Board recommended approval of the site plan with the staff recommended conditions by a vote of 4-1 on February 18, 2014.

Staff Recommendations

BUILDING HEIGHT BONUS:

Staff recommends **approval** of the building height bonus based on meeting the setback requirements.

SITE PLAN:

This site plan cannot be approved under the current North Bay Village Development Regulations because there are discrepancies in that units with kitchens cannot be counted as hotel units. Secondly, the BVO ordinance setback provisions are not met. Because the project doesn't qualify as a hotel development it would have to be considered a multi-family residential development which would have greater parking impacts and lower density limitations.

The Applicant has met with residents from the Lexi Condominium and has made some revisions to the plan in order to address their concerns. The revisions include a narrowing of the hotel tower structure, narrowing the pedestal and additional height.

This site plan could only be approved if:

1. The approval for rezoning from CG to CL is granted.
2. The LDC definitions are approved as requested by the applicant.
3. The side setback variance from the requirements of the Bay View Overlay District (Section 152.032(C)(2)(c)) is granted exactly as requested by the applicant.
4. The approval for utilization of the Bay View Overlay District regulations is granted.
5. The special use approval for the use of compact parking is granted.
6. The applicant provides a site plan which meets the requirements of Section 152.032(C)(2)(b); or requests and receives approval of a variance from the requirements of that Section.

In addition, the following list of conditions would also have to be met.

1. Prior to the issuance of a building permit, the public access easement and boardwalk must be dedicated and recorded. Applicant shall agree, in writing, that boardwalks shall be open to the public from sun-up until either 10:00 pm or at least until any businesses adjacent to the boardwalk remains open to the public, whichever is later; and boardwalk lighting shall remain on until boardwalk is closed to the public.

2. Proof of site plan approval from the Miami-Dade Shoreline Review Committee must be provided.

3. School Board Concurrency requirements must be met, as determined by School Board Staff.

4. An irrigation plan which meets Miami-Dade Chapter 18A requirements must be submitted.

5. Bonus height fees must be paid, as required under Section 152.029(C)8A-8F.

6. Any applicable impact fees must be paid.

7. Cost recovery charges must be paid 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.

8. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.

9. Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

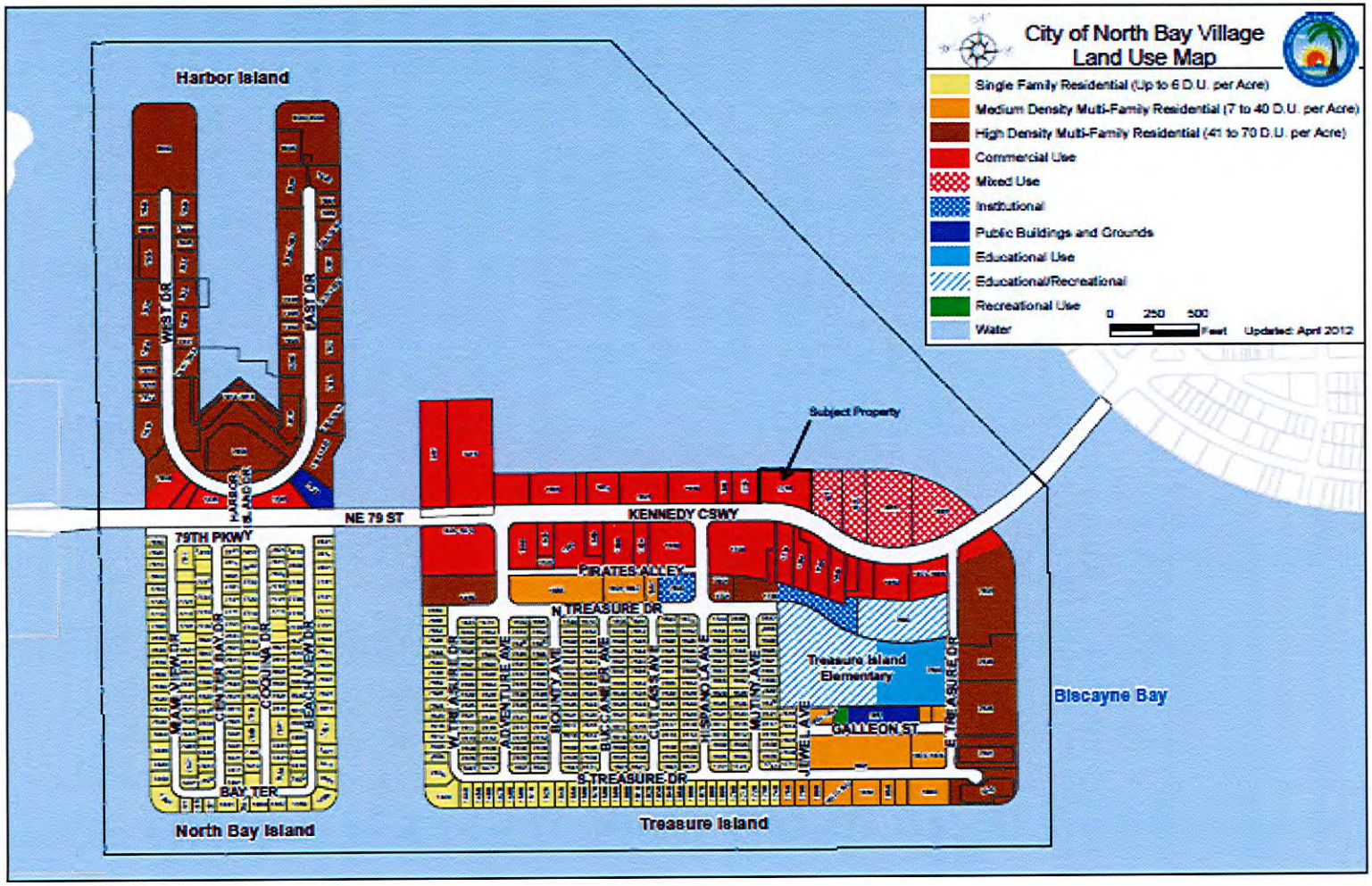
10. All applicable state and federal permits must be obtained before commencement of construction.

Submitted by:
James G. LaRue
James G. LaRue, AICP
Planning Consultant

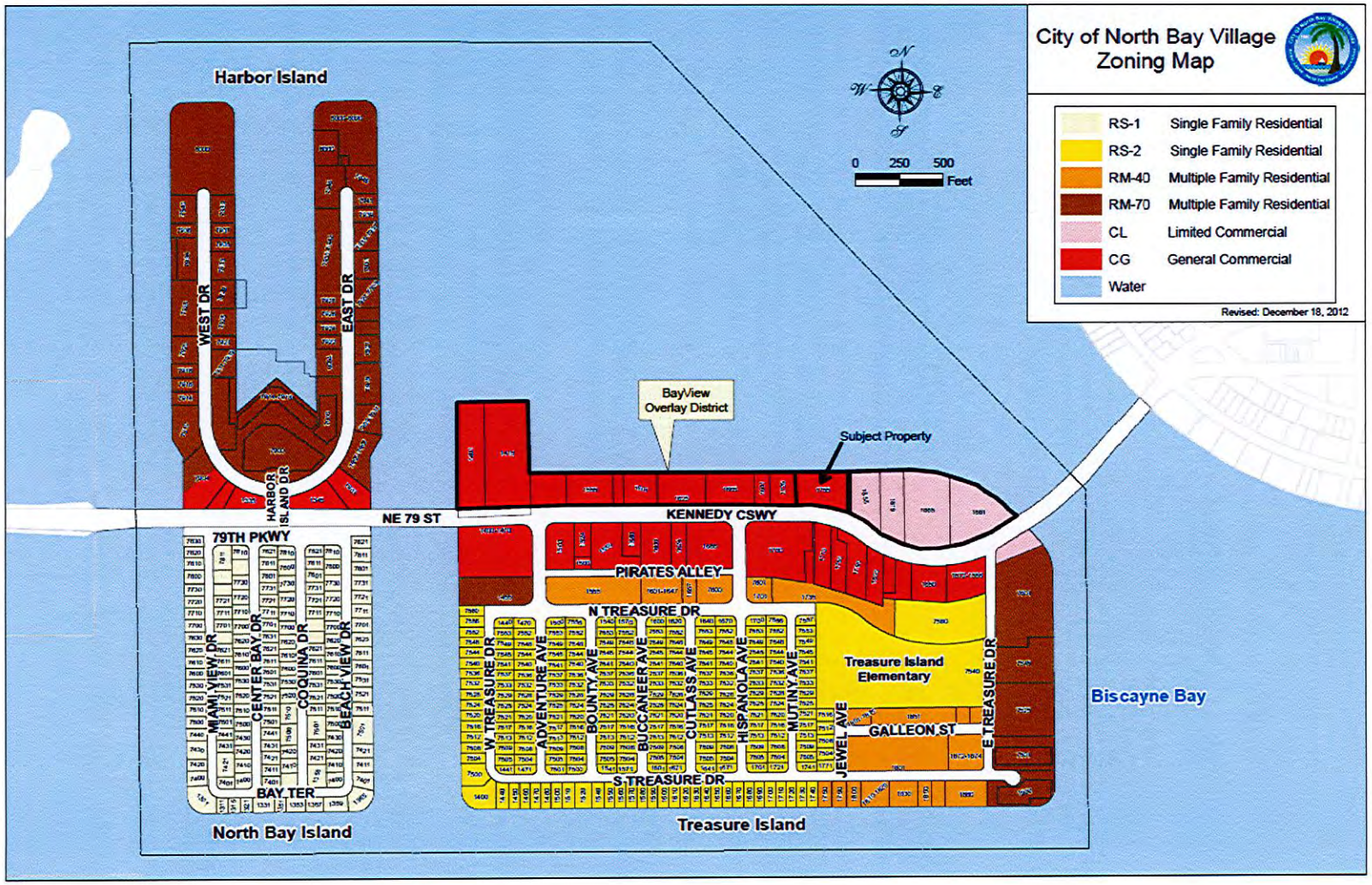
March 4, 2014

Hearing: North Bay Village Commission, March 11, 2014

FUTURE LAND USE
SUBJECT SITE AND ENVIRONS



ZONING
SUBJECT SITE AND ENVIRONS



AERIAL PHOTOGRAPH
SUBJECT SITE AND ENVIRONS

Neisen O. Kasdin

Akerman LLP
One Southeast Third Avenue
Suite 2500
Miami, FL 33131-1714
Tel: 305.374.5600
Fax: 305.374.5095

January 14, 2014

Jim LaRue, Planning Director
North Bay Village
1666 Kennedy Causeway, Suite 300
North Bay Village, FL 33141

Re: 1755 Kennedy Causeway
North Bay Village, FL

Dear Mr. LaRue:

This letter serves as a supplement to the Letter of Intent ("LOI") submitted on December 23, 2013 on behalf of the applicant, 1755 NBV, LLC (the "Applicant"), for the project known as 1755 Kennedy Causeway (the "Project" and the "Property"). Specifically, this LOI addresses requests for additional information, as memorialized in two (2) memos from your office, dated January 8, 2014 and January 9, 2014, and in an email from your office dated January 10, 2014.

In response to the January 8, 2014 memo, an estimate of water and sewer demand for the project has been submitted to Rodney Carrero-Santana, Public Works Director. A special use exception application is hereby submitted in order to authorize the use of the Bay View Overlay (BVO) district regulations, as well as to authorize the use of up to 20% of required parking spaces as compact spaces. The requirements set forth in Section 152.098 of the Village Code of Ordinances are addressed, in order to justify the request for special use exceptions.

In response to your January 9, 2014 memo, Section 152.100(A) of the Village Code of Ordinances related to text amendments is addressed below.

A. <u>Special Use Exception</u>

As set forth in Village Code of Ordinances Section 152.098(B), the City Commission may permit certain uses or buildings as special use exceptions, *provided there are clear*

indications that such exceptions will not substantially affect adversely the uses permitted in these regulations of adjacent property.

The BVO district regulations allow for buildings up to 340 feet in height to be constructed on properties located within the BVO district. The Project will utilize bonus building height, available via the BVO district regulations, to allow for a building that extends above the height permitted as of right in the CG (current) zoning district and CL (proposed) zoning district. The proposed use of the BVO district regulations to construct a building taller than would be permitted in the underlying zoning district is not anticipated to adversely affect adjacent properties. Properties to the east and west also lie within the BVO district and therefore are eligible for the same bonus building height that is available for the Project.

Section 152.042(E) of the Village Code of Ordinances allows for up to 20 percent of required parking spaces to be designed for small vehicles, provided the spaces are marked "for compact cars only" and located in a defined area. The Project includes such provision for compact cars. The uses of adjacent properties will not be adversely impacted by the use of compact spaces, as the required parking for the Project will be exceeded onsite.

B. <u>Text Amendment</u>

As detailed in the LOI dated December 23, 2013, the applicant requests amendment to the following definitions as set forth in the Village Code of Ordinances:

152.003(5) Dwelling, hotel room. A residential unit, which is used on a temporary basis by transient guests ~~and does not contain kitchen facilities~~.

152.003(6) Dwelling, hotel suite. A group of hotel rooms connected together ~~containing no kitchen facilities~~.

The proposed text amendments comply with the Village Code of Ordinances Section 152.100(A), as follows:

1. *The proposed change and its likely effects are not contrary to Comprehensive Plan requirements.*

Policy 2.1.1a of the Comprehensive Plan allows for hotel use on properties within the Commercial Future Land Use category. The provision of kitchens within hotel rooms does not change the function of a hotel room as a transient use and therefore is not contrary to the Comprehensive Plan requirements.

2. *The proposed change and its likely effects are compatible with the intent of the LDRs and specifically the intent of the zoning district(s) affected.*

The only zoning district that presently allows hotel use is CL. As set forth in Village Code of Ordinances Section 152.031(A), *the purpose of this* [CL] *district is to provide for an area in which tourist accommodation, including but not limited to hotels and motels and accessory uses thereto, will be permitted.* The option to include kitchen facilities within hotel rooms is not inconsistent with the LDRs since the intent is to provide for tourist accommodations. The applicant contends that offering kitchen facilities is an attractive amenity for a hotel.

3. *The proposed change and its likely effects will not have an adverse effect on the public interest.*

The proposed changes are not anticipated to adversely affect the public interest. The proposed changes will allow for greater flexibility and ability to offer a valuable amenity within tourist accommodations.

4. *The proposed change and its likely effects will not adversely affect living conditions, or be a deterrent to the improvement or development of other properties in the zoning district(s) affected or nearby thereto.*

The proposed change will only affect the CL zoning district, which is currently the only district that allows for hotel use. The proposed changes are not anticipated to adversely impact living conditions or deter development in any way. As stated previously, the proposed change will allow for improved amenities within hotels.

5. *The proposed change will not create a density or intensity pattern that would overburden public facilities such as schools, streets, and utility services.*

Any future proposed development project will be required to meet level of service standards for public facilities. The proposed text amendments will not affect the requirement for future developments to comply with level of service standards.

6. *The proposed change will not result in increased traffic congestion, flooding or drainage problems, or otherwise affect public safety.*

As stated above, any proposed project would be required to meet level of service standards and to comply with flood hazard and drainage regulations in the interest of public safety. The proposed text amendments will not affect the requirements for future projects to meet such requirements.

Based on the foregoing analysis, we respectfully request approval by the Village Commission for the Project.

Sincerely,

Neisen O. Kasdin

Neisen O. Kasdin

Akerman LLP
One Southeast Third Avenue
Suite 2500
Miami, FL 33131-1714
Tel: 305.374.5600
Fax: 305.374.5095

December 23, 2013

Jim LaRue, Planning Director
North Bay Village
1666 Kennedy Causeway, Suite 300
North Bay Village, FL 33141

Re: 1755 Kennedy Causeway
North Bay Village, FL

Dear Mr. LaRue:

On behalf of the applicant, 1755 NBV, LLC (the "Applicant"), enclosed herein please find an application for development of the subject property, located at 1755 Kennedy Causeway (the "Property") in North Bay Village (the "Village"), Florida. The Property is approximately 1.34 acres in size and presently occupied by a surface parking lot. The proposed development will consist of a 132-unit, 22-story condominium hotel with attached parking structure and with accessory commercial uses on the ground floor (the "Project"). The accessory commercial uses are likely to include a restaurant with waterfront terrace, as well as retail uses. This application includes a request for site plan approval, rezoning, variance, Code text amendment and request to utilize up to 20% compact parking spaces. Since the Property is located adjacent to Biscayne Bay, in addition to this submittal, the Applicant will submit a separate application for review by the Biscayne Bay Shoreline Committee.

The Property is located on the north side of Kennedy Causeway on Treasure Island and is within the heart of the commercial district of the Village. Historically, this area of the Kennedy Causeway was a vibrant enclave of restaurants and retail destinations, although in recent years the area has experienced a decline. Through this Project, the Applicant seeks to revitalize the Causeway and create a destination for residents and tourists, drawing activity and revenues to the Village. As part of the Project, a portion of bay walk will be constructed along the Property's Biscayne Bay frontage to create linear access for pedestrians along the waterfront.

The Property is located within the General Commercial (CG) zoning district as depicted

on the North Bay Village Zoning Map. Similarly zoned properties are located to the west and south. Parcels to the east are within the Limited Commercial (CL) zoning district. The Property also lies within the Bay View Overlay (BVO) district, which was adopted pursuant to Ordinance 2012-08, and is codified as Code Section 152.032 (the "BVO regulations"). The BVO regulations allow for height and density bonuses for commercial properties on the north side of Kennedy Causeway.[1] Per the North Bay Village Land Use Map, the Property is designated as Commercial land use.

1. Application for Rezoning

The Applicant proposes to rezone the Property from its present zoning designation of CG to CL. An aggregation of parcels within the CL zoning district is located at the north side of Kennedy Causeway directly east of the Property. The Applicant proposes rezoning because the CG regulations do not allow for a hotel use, whereas the CL district allows hotels. The rezoning is consistent with current land development patterns, as the property to the east is zoned CL and is occupied by a hotel. The rezoning would not affect consistency with the Comprehensive Plan as Commercial future land use designation is compatible with both the CG and CL zoning districts.

The proposed rezoning is consistent with North Bay Village Code Section 152.100(B)(2), Amendments and changes to zoning, comprehensive plan regulations, as follows:

(a) The proposed amendment will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

A group of parcels with CL zoning are located directly east of the site, on the north side of Kennedy Causeway. To the west and on the north side of Kennedy Causeway are parcels zoned CG. We understand that the Village is investigating the possibility of rezoning all commercially zoned (CL and CG) parcels into one commercial zoning district, thereby eliminating the current distinctions between the two commercial districts. Such an amendment would place all similarly situated properties on the north and south sides of Kennedy Causeway in the same category. In the absence of such a change, however, the Applicant proposes to rezone the Property to CL in order to be consistent with parcels at the north side of the Kennedy Causeway and to the east of the Property.

[1] An ordinance to amend the BVO regulations was heard by the Village Commission at first reading on May 14, 2013. This ordinance would amend the BVO regulations as follows: *When a CL zoned property is located in the Bay View Overlay District, all provisions of Section 152.032 shall apply. When the provisions of the Bay View Overlay District are applied to a property in this zoning district [CL], the bonus height provisions of Section 152.029(C)(8) shall also apply.* Although not presently codified, if adopted, this ordinance would allow a property in the CL Zoning District and Bay View Overlay District to utilize the bonus height and density provisions of the RM-70 regulations, regardless of whether the project is residential in nature.

(b) There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest, and not merely in the interest of an individual or small group of people.

The main distinction between the CL and CG commercial districts is that CL is intended to allow for development of hotels and tourist amenities. If the property is rezoned to CL, the Applicant intends to develop the property with a hotel and restaurant, which will be in the general public interest and will help to invigorate a struggling commercial corridor.

(c) There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which an applicant states he intends to make of the property involved).

The Applicant does not propose to incorporate a new zoning district into the Code. Rather, the Applicant requests rezoning one property so as to be consistent with adjacent parcels with the same zoning designation.

(d) There is convincing evidence that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

The proposed change will make the uses permitted on the Property consistent with those permitted on the adjacent property to the east. New uses are not proposed for the CL zoning district in connection with this change that might alter the character or adversely affect the neighborhood.

(e) The proposed change is in accord with the comprehensive master plan and sound comprehensive planning and zoning principles.

According to the Comprehensive Plan for North Bay Village, the Property, as well as all properties on Treasure Island that are on the north side of Kennedy Causeway, are designated with Commercial future land use. The CL zoning district is compatible with the Commercial future land use designation. Further, the Applicant proposes to construct a hotel on the Property, which is clearly defined in the Comprehensive Plan as a commercial use.

2. **Application for Site Plan Approval**

The proposed project consists of a 22-story condominium hotel with 132 units as well as a parking structure that will be incorporated into the podium of the building. Approximately 6,245 sq. ft. of accessory commercial uses will be located on the ground floor, with access from

inside the building.[2] Approximately 5,284 sq. ft. will be dedicated to the lobby/common areas. The Applicant envisions a restaurant to occupy the waterfront accessory commercial space and outdoor terrace on the ground level, while the remaining accessory commercial areas on the ground level will be used for retail use with specific tenancy to be determined at a later time.

Pursuant to Policy 2.1.1.a. of the North Bay Village Comprehensive Plan, "Commercial" means *A broad range of general and professional office, retail, banking, hotel, service establishments, and high density residential.* Further, this policy identifies a maximum floor area ratio (FAR) of 2.5 for commercial uses. The Project's FAR will not exceed 2.5, which is consistent with the Comprehensive Plan.

The proposed density has been calculated in accordance with the table set forth in Code Section 152.031(C)(3), which allows hotel and motel units at a maximum density of 99 units per acre. Based on the site area of 1.34 acres, this allows for a maximum of 132 hotel units. Additionally, Code Section 152.031(C)(3) requires a minimum of 440 sq. ft. of lot area per unit. The total required square footage of lot area for 132 hotel units totals 58,080 sq. ft; a more than sufficient 58,370 sq. ft. is provided onsite.

The proposed hotel units are broken down as follows:

Hotel Units	**Description**	**Average Unit Size**	**Number Proposed**
Unit Type 1	efficiency	420 sq. ft.	36
Unit Type 2	one-bedroom	819 sq. ft.	42
Unit Type 3	two-bedroom	1,317 sq. ft.	54
Total			132

The project is in compliance with the requirements for site plans that contain more than 299 sq. ft. of commercial space as described at North Bay Village Code Section 152.105(C)(9)(a) through (d) as follows:

(a) Protects against and minimizes any undesirable effects upon contiguous and nearby property.

The Project will not result in undesirable effects on contiguous and nearby property. The project is anticipated to positively impact an underutilized commercial corridor. The Project will

[2] Per Code Section 152.031(B)(4), the CL district allows *Office, retail, and service commercial facilities of an ancillary nature within structures containing 100 or more dwelling units, time sharing units, or guestrooms. Access to such nonresidential facilities shall be only from inside the building and there shall be no external advertising signs, display windows, or entrances. Said uses shall be considered accessory uses to the building and not independent therefrom. Such commercial facilities shall be on a separate floor or otherwise segregated from dwelling units.* The proposed commercial uses are accessory to the hotel, not independent uses.

consist of an attractive building and landscaping on what is presently a surface parking lot and will provide public access along the waterfront.

(b) Provides sufficient off-street parking and loading facilities so that it will not be necessary to use the streets in the vicinity for this purpose.

The proposed project provides sufficient off street parking and loading facilities, as discussed later in this letter.

(c) Provides a sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood.

The Project is a striking building that will enhance the character of the commercial corridor along Kennedy Causeway. The streetscape will be enhanced by the provision of attractive landscaping along the Property's frontage, thereby enhancing the appearance and character of the neighborhood and substantially improving the pedestrian realm from its present condition.

(d) Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.

The project will have direct access to Kennedy Causeway. The impacts to the roadway are discussed within the Traffic Impact Study prepared by Richard Garcia & Associates, which is enclosed with this application. Existing infrastructure is available to serve the site.

A. Bay View Overlay District

The Property is located within the Bay View Overlay (BVO) district and is thereby eligible for bonus height above the maximum building height permitted as of right within the CL zoning district. The bonus heights described at 152.029(C)(8)(A) through (F) are being utilized for the Project and added together total ninety feet.[3]

Pursuant to North Bay Village Code Section 152.032(A)(3)(b), the project:

[3] Per North Bay Village Code Section 152.029(C)(8)(A) through (F), a developer is able to purchase bonus building height in ten and twenty foot increments for impact fees assessed per unit; the available bonus height totals 90 feet. Code Section 152.032(C)(a) of the Bay View Overlay District regulations indicates that a building height of up to 340 feet may be approved after *a property is approved for a building height of 240 feet under the building height bonus provisions of subsections 152.029(C)(8)8(A) through 8(F).* However, in the CL district, it is not possible to achieve a building height of 240 feet solely through utilizing all of the bonus height provisions of 152.029(C)(8)(A) through (F).

1. Is compatible with surrounding intensities and densities of development.

The Project is not incompatible with surrounding intensities and densities, but will consist of higher intensity development than adjacent properties. The property to the west is presently vacant and the property to the east is occupied by a Best Western hotel and Shucker's restaurant, which are smaller in scale than the current proposal. However, the project is consistent with the increased building heights envisioned for the commercial properties on the north side of Kennedy Causeway by the Village Commission, as demonstrated by their adoption of Ordinance 2012-08, by which the BVO district regulations were subsequently codified.

2. Provides access to adequate light and air for surrounding properties.

The Project maintains setbacks at its east and west sides in order to provide adequate light and air for surrounding properties.

3. Preserves views of, and view corridors to, Biscayne Bay consistent with the Village's 2007 Master Charrette Plan.

In accordance with the requirements of the Biscayne Bay Shoreline Committee, a view corridor consisting of 20% of the lot width (60 feet) will be maintained on the west side of the property. An additional view corridor will be maintained at the east side of the property (15 feet) in order to preserve views of Biscayne Bay from Kennedy Causeway.

In addition to preserving views of Biscayne Bay, one of the stated goals identified by the 2007 Master Charrette Plan was to increase the "Wow" factor and improve building design at the north side of Kennedy Causeway. As shown on the Project renderings, the Project will be an attractive and impressive building, yet will not block the views of Biscayne Bay in accordance with the goals of the 2007 Master Charrette Plan.

B. Off Street Parking

In accordance with Code of Section 152.044, the required off street parking for hotels/motels is one (1) space per rental sleeping unit, plus 10% of total parking spaces. Based on a total of 186 sleeping units, this generates required parking in the amount of 205 spaces. The required spaces for the accessory commercial uses were calculated based on 2,883 sq. ft. of restaurant space and 2,354 sq. ft. of retail space. The parking requirement for restaurant use is calculated as one (1) space per 75 sq. ft. and the parking requirement for retail use is calculated as one (1) space per 200 sq. ft.

The parking requirements are summarized as follows:

Use	Parking Calculation	Required spaces
Hotel	1 space per rental sleeping unit plus 10%	204.6
Retail	1 space per 200 sq. ft. (2,354 sq ft. of retail)	11.77
Restaurant	1 space per 75 sq. ft. (2,883 sq. ft of restaurant)	38.44
Total		255

A total of 264 parking spaces will be provided for the Project, yielding a surplus of nine (9) parking spaces. Of the 264 spaces, 253 will be provided in the parking structure and 11 will be provided at the south side of the hotel building.

C. Request for compact spaces

Pursuant to North Bay Village Code of Ordinances Section 152.042(E), this application includes a request to provide up to 20% of the required parking as compact spaces. The Project includes 6.8% (18) of the required parking spaces as compact spaces.

3. <u>Application for Variance</u>

Per North Bay Village Code of Ordinances Section 152.032(A)(2)(b), *all regulations of the underlying zoning district that are not otherwise addressed in these regulations shall apply. Where the underlying zoning district and the BVO District both apply, the BVO District shall govern.* Although the CL district regulations include side yard setbacks, the BVO regulations regulate side yard setbacks when any portion of a building extends above 240 feet. Although the building height is 236'-8", the rooftop mechanical equipment extends to approximately 252'-8".[4] Since a portion of the building extends above 240 feet, the side yard setback provisions of the BVO regulations govern.

Code Section 152.032(C)(2)(c) sets forth the following requirement with regard to side yard setbacks in the BVO district: *If any portion of a building on the site exceeds 240 feet in height, the two side yards together must total 60 percent of the width of the lot, provided the smallest side yard may not be less than 20 percent of the width of the lot.* Further, Code Section 152.003 defines "yard" as: *an open area, other than a court, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in these regulations.*

As applied to the Project, these regulations mean that the two side yards must total 180 feet (60% of the property width of 300 feet) and if the side yards differ in width, the smaller side yard must be at least 60 feet (20% of the property width of 300 feet). This would limit the

[4] Per North Bay Village Code of Ordinances Section 152.003, Height of building is defined as: *The vertical distance from the grade to: the highest point of a flat roof; the deck line of a mansard roof; the average height between eaves and ridge or gable, hip, and gambrel roofs; or the average height between high and low points of a shed roof.*

building envelope width to 120 feet. The Project has a 60 foot side yard setback on the west side (20% of lot width) and 15 foot side yard setback on the east side. It is important to note that on the east side, the podium steps back at the eighth level such that the setback from the property line to the tower is 65'-8" at the eighth level.

The North Bay Village Comprehensive Plan and Code of Ordinances clearly indicate a directive for high intensity uses on the Property and similarly zoned properties at the north side of the Kennedy Causeway. For example, the Comprehensive Plan allows for maximum FAR of 2.5. If a 90-foot ground level side setback is applied to each side of the site, it would be contradictory to these provisions and effectively work against promoting the intensity that might otherwise be achieved.

The Project is in compliance with the variance criteria, as described at Code Section 152.097 as follows:

(1) That there are (or are not) special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district; that the special circumstances and conditions were not (or were) self-created by any person having an interest in the property; and that the strict application of the provisions of this chapter would (or would not) deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought and would (or would not) involve an unnecessary hardship for the applicant.

The unique circumstances relating to the Property are that it is irregularly shaped and occupies a relatively small area (1.34 acres). The Property measures just 300 feet wide along its Biscayne Bay frontage (the Kennedy Causeway frontage is not a straight line) and 180 feet deep at the west (narrower) side. The requirement for 60% of the lot width to be free and open to the sky (pursuant to the definition of "yard") significantly restricts the building envelope and results in an unnecessary hardship.

(2) That granting the variance requested will not (or will) confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district; and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

Granting the variance does not confer on the Applicant any special privilege. Should another property owner believe that a property would be unnecessarily burdened as a result of the regulation, the property owner is able to submit a request for a variance, provided the variance criteria are met.

(3) That granting the variance will (or will not) be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Granting the variance will be in harmony with the general intent of this chapter as the purpose of the BVO regulations is to encourage larger scale projects than would otherwise be permitted by right in the underlying zoning district. The project will not be injurious to the neighborhood nor detrimental to the public welfare; the vision for the project is to revitalize the commercial corridor along Kennedy Causeway and to improve the quality of life for its residents. Granting of the variance will allow the project to proceed as designed and work towards enhancing the commercial corridor as a destination for tourists and residents of the neighborhood and region.

4. <u>Code Text Amendment</u>

The Applicant proposes a text amendment to the North Bay Village Code of Ordinances as follows.

Definition of "Dwelling unit, hotel room" and "Dwelling unit, hotel suite"

North Bay Village Code Section 152.003 defines "hotel," as well as "dwelling unit, hotel" and "dwelling unit, hotel suite." We note that "hotel" is defined as *a building in which lodging is provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all times*. This definition does not preclude hotel units from having kitchen facilities. Further, many hotels offer kitchen facilities (not necessarily full kitchens) within hotel units, particularly in extended stay hotels. However, the Code further defines "dwelling, hotel" as *a residential unit, which is used on a temporary basis by transient guests and does not contain kitchen facilities* (152.003(5)) and defines "dwelling, hotel suite" as *a group of hotel rooms connected together containing no kitchen facilities* (152.003(6)).

The current Village Code definitions of "dwelling, hotel" and "dwelling, hotel suite" which prohibit kitchen facilities within hotel units or suites, are unnecessarily restrictive. Therefore, we offer the following suggested change to the definitions of "dwelling unit, hotel" and "dwelling unit, hotel suite," in order to clarify that inclusion of kitchen facilities does not preclude a project from qualifying as a hotel.

152.003(5) Dwelling, hotel room. A residential unit, which is used on a temporary basis by transient guests ~~and does not contain kitchen facilities~~.

152.003(6) Dwelling, hotel suite. A group of hotel rooms connected together ~~containing no kitchen facilities~~.

We offer the following definitions from other zoning codes in the region that do not qualify the definition of hotel unit such that it must exclude kitchen facilities.

- **Miami 21** - ***Hotel***: A group of lodging units exceeding twenty-five (25) units that may provide services for dining, meeting and recreation.[5]

- **Miami-Dade County** - ***Hotel***: A building in which lodging, or boarding and lodging, are provided as the more or less temporary residence of individuals who are lodged therein and in which ingress and egress to and from all rooms are made through an inside lobby supervised by a person in charge at all times. As such, it is open to the public in contradistinction to a boarding, lodging house or an apartment building. Keys to the rooms and mail for the occupant of the hotel are received and generally kept by the attendant at the desk in the lobby. Daily linen service and other normal and customary hotel services shall be offered to the individuals lodged therein. No more than five (5) percent of the individual hotel units shall be occupied for more than six (6) months. Kitchen facilities in individual units may be offered.[6]

- **Broward County** – *Hotel*: A public lodging establishment where access to the rooms is primarily through an inside lobby.

Based on the foregoing analysis, we respectfully request approval by the Village Commission for the rezoning, site plan, compact parking spaces, variance, and code text amendment that will allow for construction of the Project.

Sincerely,

Neisen O. Kasdin

[5] See Miami 21, Article 1, Section 1.1b.
[6] See Miami-Dade County Code of Ordinances, Chapter 33, Article 1, Section 33-1(58).

Yvonne Hamilton

From:	Bunny Hart <bhart444@gmail.com>
Sent:	Thursday, January 30, 2014 11:14 AM
To:	Yvonne Hamilton
Cc:	'Tony Eng'; 'Charles Arrigo, II'; '901 Javier Kitaigorodsky'; '1702 William Edwards LEXI'; 'Mike Sklarsky'; 'Millie'
Subject:	Planning & Zoning Board Meeting tonight! - Re: 1755 Kennedy Causeway Project
Attachments:	LEXI Review and Comments_1755 Kennedy Causeway Project Site Plan.pdf

Good Morning Yvonne,

I hope this email finds you and your family well.

I wanted to make sure you were in receipt of the comments on the above project from Tony Eng, President of The Lexi Board of Directors.

Tony is an Engineer and has carefully studied the Project Site Plan. In so doing, he has detailed discrepancies in code requirements in his Commentary that need to be addressed by the Planning and Zoning Board at tonight's meeting and… prior to making their recommendations to the Commission regarding this project.

I had hand-delivered a hard color copy of the attached to your offices on Tuesday for Rey Trullijo, Chair of the Planning & Zoning Board, however, I did not leave a hard "color" copy for you representing The LEXI' OFFICIAL SUBMISSION for the public record and for discussion at tonight's Planning & Zoning Board Meeting.

Here is a digital copy to download:
https://www.dropbox.com/s/k9snqnyoi6ptagz/LEXI%20Review%20and%20Comments_1755%20Kennedy%20Causeway%20Project%20Site%20Plan.pdf

Also….and as important….on behalf of The Lexi residents, we all want to thank you for responding to our request by emailing the public plans in such a timely manner.

Thank you Yvonne! Have a wonderful Day!

Smiles…Bunny

Bunny Hart, BPOR, SFR
Broker/Associate
Julies Realty LLC
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HF: 305-868-1499
HartIsWhereYourHomeIs.com

PSZ Board Mtg
1/30/2014

My Priorities Are Simple... You

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THE LEXI
Bayview Residences

The Lexi Condominium Association, Inc. Comments Regarding 1755 Kennedy Causeway Project Site Plan

January 29, 2014

Mr. Reinaldo Trujillo
Chair
North Bay Village Planning & Zoning Board

Mr. Trujillo,

The Lexi Condominium Association Inc. ("LEXI") respectfully submits the following comments for inclusion into the public record of the January 30, 2014 North Bay Village Planning & Zoning Board's ("Board") public meeting regarding the proposed condominium hotel at 1755 Kennedy Causeway, which is across from the LEXI Bayview Residences. This report documents the LEXI concerns so the Board can make fair and proper recommendations to the City Commissioners for the approval of the Project.

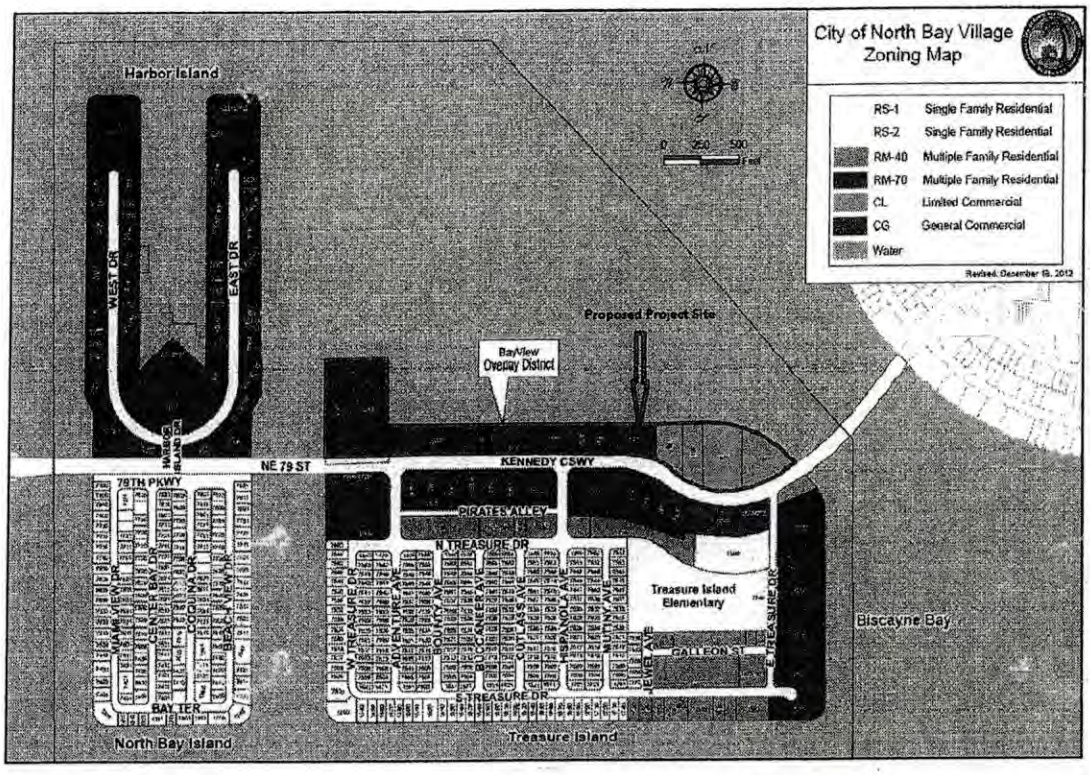
The Developer of the 1755 Kennedy Causeway project ("Project") is requesting the City to approve the design and construction of a 23 story hotel across from the LEXI. In order to build this hotel, the Developer is asking many variances to be granted since the Project cannot meet the City zoning code requirements.

The LEXI believes that if all the variances are approved by the City, the proposed hotel structure would be too large and too tall for the size of the 1755 parcel of land. Therefore, the LEXI is requesting the Board to address the LEXI's concerns, to review carefully the requested variances in accordance with the established City zoning codes, and to make sound recommendations to the City Commissioners.

The LEXI has reviewed the following information.

1. Developer's Project Site Plan
2. 2012 City Zoning Map (see below)
3. 2007 City Charrette Master Plan
4. City zoning codes, specifically:
   § 152.029 RM-70 High Density Multiple-Family Residential District
   § 152.030 CG General Commercial District
   § 152.031 Limited Commercial District
   § 152.032 Bay View Overlay (BVO) District

1700 Kennedy Causeway, North Bay Village, Florida 33141
Phone 305-864-0655, Fax: 305-864-0656



The following sections describe the concerns of the LEXI after the review of the Project Site Plan. These concerns include: 1) Deviations of the City code setback requirements; 2) Proposed building height is not consistent with the City code height requirements; 3) Errors in the Project Site Plan submittal regarding building height and front property setback requirements; 4) Errors in the Project Site Plan submittal regarding the project height and the west and east sides setback code requirements; 5) Extensive bonuses requested by the Project; and 6) Negative impact from zoning district change request.

1. **Deviations of City code setback requirements** – The Developer is asking the City for numerous variances to the code requirements in order to build a hotel structure which has not been properly sized for the 1755 parcel of land. The proposed setbacks are not consistent and varied too much from the City requirements. The following table shows the City's setback requirements which are the same for the General Commercial District (GCD) and Limited Commercial District (LCD). (The Developer is requesting a zoning change from GCD to LCD and will be discussed in Section 6 of this report).

The following table shows the deviations of the proposed Project setbacks.

Setback Location	City Required Distance (feet)	Project Proposed Distance (feet)
Kennedy Causeway (north side along shoreline)	40	25 (does not meet code)
Kennedy Causeway (south side along the causeway)	60	40 (does not meet code)
Other Street Frontages	25	-
Rear	25	-

Setback Location	City Required Distance (feet)	Project Proposed Distance (feet)
West Side	15, plus 5 feet for each story over 3. For this project, the required distance is 115 feet as calculated -- 23 stories minus 3 stories times 5 feet plus 15 feet.	60 (does not meet code of 115 feet)
East Side	15, plus 5 feet for each story over 3. For this project, the required distance is 115 feet as calculated -- 23 stories minus 3 stories times 5 feet plus 15 feet.	15 (does not meet code of 115 feet)

2. **Proposed building height is not consistent with the City code height requirements** – The height of the 23 story hotel structure is 253.8 feet at the mechanical roof top, according to the Project Site Plan. The maximum height allows by the City codes is only 240 feet (or 230 feet?), which include all the bonuses allowed for this project, if approved. (Bonus concerns are discussed in the Section 5.)

   The Project Site Plan indicated that the maximum building height of 340 feet is allowed based on the Bayview Overlay District zoning criteria. This is incorrect. The maximum building height is depended on the depth of the lots – that is, it is 340 feet for lots over 500 feet in depth and 240 feet for lots under 500 feet in depth. The Project lot is only 180 feet deep on the west side and 233 feet deep along the east side. Therefore the maximum height for the Project should be only 240 feet or 230 feet, if approved. (See discrepancy between 230 feet and 240 feet in Section 5)

3. **Error in the Project Site Plan regarding building height and front property setback requirements** – The Bayview Overlay District criteria states that *"the entire portion of a building that is more than 240 feet in height must be set back from the from property line by a distance that is at least 40 feet, plus two feet for each foot of the highest height in excess of 240 feet."*

   Based on this criterion, the front property setback (from Kennedy Causeway) should be 68 feet, not the 40 feet as proposed in the Project Site Plan. The calculation of the 68 feet set back is as follows.

   253.8 feet (highest height) minus 240 feet, multiply by 2 feet, and add 40 feet = 68 feet.

4. **Error in the Project Site Plan regarding the project height and the west and east sides setback code requirements**-- The Bayview Overlay District criteria states that *"if any portion of a building on the site exceeds 240 feet in height, the two side yards together must total 60 percent of the width of the lot, provided the smallest side yard may not be less than 20 percent of the width of the lot."*

   Based on this criterion, the west side and east side setbacks should total to 180 feet, not 85 feet. The Project Site Plan proposes 60 feet for the west set back and 15 feet for the east set back. The calculations of the required side set backs are as follows.

300 feet (surveyed width of Project property) multiplies by 60% = 180 feet required for total setbacks needed for the west and east sides.

300 feet multiplies by 20% = 60 feet needed for the smallest side set back (not 15 feet next to the Best Western property line). The largest side is 120 feet (not 60 feet next to the old gas station lot).

Also, the Board must address how this Project fits into the Bay Walk future plan. The City has been proposing a Bay Walk along the north side of the Bayview Overlay District. The Bay Walk must be accessible to the City residents and general public. Four accessible corridors are planned and one of them is located between the 1755 property and the Best Western property. How will these rights-of-way be obtained?

5. **Extensive bonuses requested by the Project** -- The City zoning codes specify that bonuses can be approved at the time of the site plan review to allow Project to increase its height. Each bonus alternative may be claimed once by the Project and multiple awards for the same bonus features shall not be permitted. The bonus criteria, as defined in §152.029, are:

(A) *Twenty-foot height bonus.* An additional impact fee of $1,500.00 per unit in the building shall be paid to North Bay Village for beautification of the John F. Kennedy Causeway (State Road 934). {This fee shall be set towards a Causeway Beautification Fund} and/or

(B) *Twenty-foot height bonus.* A developer shall pay a fee of $1,500.00 per unit in the building, which shall be utilized for the construction of a Village-wide boardwalk. {This fee shall be set towards a Boardwalk Fund} and/or

(C) *Twenty-foot height bonus.* A developer shall pay a fee of $1,500.00 per unit in the building, which shall be utilized for the remodeling of the entrances to the islands. {This fee shall be set towards an island entrance Remodeling Fund} and/or

(D) *Ten-foot height bonus.* A developer shall pay a fee of $750.00 per unit in the building, which shall be utilized for providing art in public places. This bonus is applicable only in conjunction with one of the above three-mentioned bonuses. {This fee shall be set towards an Art in Public Places Fund} and/or

(E) *Ten-foot height bonus.* A developer shall pay a fee of $750.00 per unit in the building, which shall be utilized for the planting of trees for the interior island streets. {This fee shall be set towards a tree fund for the interior island streets} and/or

(F) *Ten-foot height bonus.* A developer shall be required to pay a fee of $750.00 per unit in the building, which shall be utilized for sidewalk enhancement, as well as the replacement of walkway areas from plain concrete to brick pavers. {This fee shall be set towards a sidewalk enhancement fund}

The LEXI is concerned that:

a. If all these bonuses were given to the Project, the proposed 23 story structure would be so large (in height and footprint) and will not be consistent for the size of the 1755 lot.

b. The bonuses listed above provide only an increase of 90 feet of additional height. The maximum height is only 130 feet or 12 stories allowable for both the GCD and LCD lots. The total maximum height for the Project would be 230 feet, if 90 feet of bonuses are approved. However, the Bayview Overlay District criterion allows 240 feet. Therefore, the Board must review this discrepancy. In any case, the Project proposes a 253.8 feet high structure, which already violates the height requirement of 230 or 240 feet.

c. The Board needs to review and provide clarification of the additional bonus requirement as stated § 152.029 H, and determine how it impacts the Project --" *Density bonus. Each parcel shall have the ability to purchase additional buildable units from North Bay Village for a price of $40,000.00 per unit. These units shall be derived from land currently owned by the Village, which will not be developed into residential buildings in the future. The money from these units shall be utilized for future Village parks and for the purchase of land for additional open green space. These units are to come from the development rights of Village Hall as well as the public works property on Treasure Island. The total buildable units are: 129 Efficiencies; 129 1-Bedroom Units; 117 2-Bedroom Units; 106 3-Bedroom Units. Monies due from development under the bonus participation program shall be paid to North Bay Village within 90 days of site plan approval by the Village Commission. Thereafter, the appropriate number of units will be deemed to the property. {This fee shall be set towards a Village Park Fund}.*

In summary regarding the bonus concerns, the LEXI requests the Board to review these bonuses carefully and to determine how many bonuses can the City provides to the Project in order to prevent the Project from being too large for the site.

6. **Negative Impact from Zoning District Change Request**– The Developer is requesting the City to change the lot designation from General Commercial District (GCD) to Limited Commercial District (LCD). This request is needed so a hotel structure can be built. As shown in the City Zoning Map, all the lots north of Kennedy Causeway, and west of this lot, are now classified as GCD.

If the City allows the rezoning of this lot so a hotel can be built, it would set a precedence for other developers to request the same change for the lots north of the causeway. The consequences to the City and its residents are potentially huge due to the higher density allowed by the LCD. This would make the Kennedy Causeway into a hotel strip, which is not compatible with the surrounding intensities and densities of development; reduce lights and air for surrounding properties, and does not preserve the views of Biscayne Bay, including the LEXI.

The LEXI is the primary private residence south and along the Kenney Causeway being affected by these tall and high density hotel projects. Therefore the 1755 lot should remain as a GCD lot to avoid all hotel development in the current GCD within the Bayview Overlay District.

Regards,

The Lexi Condominium Association, Inc.

1700 Kennedy Causeway, North Bay Village, Florida 33141
Phone 305-864-0655, Fax: 305-864-0656

KOBI KARP

ARCHITECTURE INTERIOR DESIGN PLANNING

1755 Kennedy Causeway, North Bay Village

SUBMITTED: 01.22.2014

Revision #1 - 01.21.2014

		COMMENTS	RESPONSES
		#1 PLANNING & ZONING	
1	01.21.2014	1. For a parking space to be considered a standard size space, it must be at least 9 ft wide and 18 feet long. Additionally, the maneuvering aisles must be at least 23 feet wide. Please submit plans which show that all of the parking spaces and aisles meet the minimum requirements. For example, there is a row of parking on the 2nd level that has no depiction of length and does not appear to be 18 feet long.	**Refer to sheets A3.00 thru A3.04 for parking and driveway dimensions where standard parking (9'x18'), Compact parking (8'x16'), ADA parking (17'x18'), driveways (23'-0" width minimum).**
2	01.21.2014	1. Appendix D of the North Bay Village Consolidated Land Development Regulations requires a minimum of 2.5 foot sections of bench per 100 feet of linear shoreline. Please clearly show on the plans that this requirement is met	**Refer to Legend - Bench item note on sheet LL101, where 7'-6" LF of bench are required and 78'-8" LF are provided.**
3	01.21.2014	1. Section 155.18(A)5 requires screening of roof mounted mechanical equipment. Please clearly show on the plans that this requirement is met.	**Refer to sheets A2.00, A4.00 thru A4.03, where roof equipment screen note has been added. Also see Detail 1/A2.01 for screen detail and sample.**
4	01.21.2014	1. Miami-Dade Landscape Code Section 18A-4(D) requires submittal of an irrigation plan. We have not yet received this item.5. According to the Miami Dade Biscayne Bay Management Plan, the proposed structure requires a 75 foot rear setback. Please provide proof of approval for this project from the Miami-Dade Shoreline Review Committee.	**As per previous discussion, Irrigation dwgs will be provided when submitting for Permit.**
5	01.21.2014	1. According to the Miami Dade Biscayne Bay Management Plan, the proposed structure requires a 75 foot rear setback. Please provide proof of approval for this project from the Miami-Dade Shoreline Review Committee.	**Pending on Shoreline approval, after meeting scheduled for 01.30.2014**

1	01.22.2014	1) All exterior paving surfaces must be constructed of brick pavers.	**Refer to sheet A2.00 & A2.01 for brick pavers and stamped concrete samples**
2	01.22.2014	1) A water feature shall be provided in the front of each development.	**Item is voided from requirements by City's decision**
3	01.22.2014	1) Lighting shall be provided in all areas in front of the development where trees are planted.	**Refer to sheet A2.00**

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2915 Biscayne Blvd. Suite 200 • Miami, Florida 33137 • E-mail kobikarp@kobikarp.com

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

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 Village Commission. Notice of Public Hearings before the Planning & Zoning Board and the Village 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 Village Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: 1755 NBV, LLC Phone: 305.631.6660

Mailing Address: 1870 NW South River Drive
Miami, FL 33125

Legal Description of Property: See enclosed survey

Existing Zoning: CG Lot Size: 1.34 ac. Folio: 23-3209-000-0110

Type of Request: Applicant requests rezoning of subject property from CG to CL. See attached Letter of Intent.

Reason for Request: (Attach additional Pages if necessary) See attached Letter of Intent.

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

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

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

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

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 North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village 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 Village Commission Pursuant to the Village 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 Village 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

MIGUEL A. BARBAGALLO PRESIDENT OF B DEVELOPMENTS, LLC AS MANAGER
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 18 **day of** December **20** 13
by Miguel Angel Barbagallo
who is personally known to me or who has produced _____
as identification.

Notary Public

ALICIA DOMINGUEZ
MY COMMISSION # FF 006818
EXPIRES: June 8, 2017
Bonded Thru Notary Public Underwriters

(Notary Seal)

Mayor	Vice Mayor	Commissioner	Commissioner	Commissioner
Connie Leon-Kreps	**Eddie Lim**	**Dr. Richard Chervony**	**Wendy Duvall**	**Jorge Gonzalez**

Office Use Only:

Date Submitted:_____

Tentative Meeting Date:_____

Date Paid: _____

Fee Paid: $_____

Cash ☐ or Check ☐ #_____

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

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 Village Commission. Notice of Public Hearings before the Planning & Zoning Board and the Village 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 Village Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: 1755 NBV, LLC Phone: 305.631.6660

Mailing Address: 1870 NW South River Drive
Miami, FL 33125

Legal Description of Property: See enclosed survey

Existing Zoning: CG Lot Size: 1.34 ac. Folio: 23-3209-000-0110

Type of Request: Applicant requests text amendment to zoning code. See attached Letter of Intent.

Reason for Request: (Attach additional Pages if necessary) See attached Letter of Intent.

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

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

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

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

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 North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village 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 Village Commission Pursuant to the Village 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 Village 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).

MIGUEL A. BARBAGALLO, PRESIDENT OF B DEVELOPMENTS, LLC AS MANAGER

Authorized Signature — Print Name

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STATE OF FLORIDA)
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EXPIRES: June 8, 2017
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Date Paid: _____

North Bay Village
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Applicant's Name: 1755 NBV, LLC Phone: 305.631.6660

Mailing Address: 1870 NW South River Drive
Miami, FL 33125

Legal Description of Property: See enclosed survey

Existing Zoning: CG Lot Size: 1.34 ac. Folio: 23-3209-000-0110

Type of Request: Applicant requests variance from zoning regulations. See attached Letter of Intent.

Reason for Request: (Attach additional Pages if necessary) See attached Letter of Intent.

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

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

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

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

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Authorized Signature

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Applicant's Name: 1755 NBV, LLC Phone: 305.631.6660

Mailing Address: 1870 NW South River Drive
Miami, FL 33125

Legal Description of Property: See enclosed survey

Existing Zoning: CG Lot Size: 1.34 ac. Folio: 23-3209-000-0110

Type of Request: Applicant requests site plan approval for construction of hotel. See attached Letter of Intent.

Reason for Request: (Attach additional Pages if necessary) See attached Letter of Intent.

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

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

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

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Authorized Signature — Print Name

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by Miguel Angel Barbagallo
who is personally known to me or who has produced _____
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(Notary Seal)

ALICIA DOMINGUEZ
MY COMMISSION # FF 006818
EXPIRES: June 8, 2017
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Mayor	Vice Mayor	Commissioner	Commissioner	Commissioner
Connie Leon-Kreps	**Eddie Lim**	**Dr. Richard Chervony**	**Wendy Duvall**	**Jorge Gonzalez**

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Date Submitted:_____ Fee Paid: $_____

Tentative Meeting Date:_____ Cash ☐ or Check ☐ #_____

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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

Re: 1755 NBV, LLC
1755 Kennedy Causeway
Treasure Island
North Bay Village, FL 33141

Request for the following:

A. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.

B. A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE".

C. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.030(C)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT.

D. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT 22-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.

E. BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

F. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

G. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

H. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).

I, Yvonne P. Hamilton, Village Clerk hereby certify, as per Section 152.096(A)(2) of the North Bay Village Code of Ordinances, that the petition filed by 1755 NBV, LLC for the requests referenced herein is complete.

Dated this 17th day of January 2014.

Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-1/30/2014)

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

Re: 1755 NBV, LLC
1755 Kennedy Causeway
Treasure Island
North Bay Village, FL 33141

Request for the following:

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E. BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

F. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

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H. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on April 8, 2014 was posted at the above-referenced property on March 26, 2014.

Dated this 3rd day of April 2014.

Yvonne P. Hamilton
Village Clerk

(Village Commission Meeting-4/8/2014)

North Bay Village
Administrative Offices
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Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

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1755 Kennedy Causeway
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Request for the following:

A. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.

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D. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT 22-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.

E. BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

F. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

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H. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).

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 March 24, 2014.

Dated this 3rd day of April 2014.

Yvonne P. Hamilton
Village Clerk

(Village Commission Meeting-4/8/2014)

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, APRIL 8, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT THE TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING AT THE FINAL PUBLIC HEARING:

1. A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED. *(CONTINUED FROM FEBRUARY 11, 2014)*

2. AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 24-STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:

    A. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.

B. A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE" AND ADD THE DEFINITION OF "KITCHEN FACILITIES".

C. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).

D. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

E. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

F. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT, 24-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.

BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

G. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.003, DEFINITIONS BY MODIFYING THE DEFINITIONS OF "DWELLING, HOTEL ROOM", "DWELLING, HOTEL SUITE" AND BY ADDINIG A NEW DEFINITION FOR "KITCHEN FACILITIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

H. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY CHANGING THE ZONING DESIGNATION ON THE OFFICIAL ZONING MAP FROM CG TO CL FOR THE PROPERTY SHOWN ON MAP 1 (1755 KENNEDY CAUSEWAY) AND LEGALLY DESCRIBED IN EXHIBIT A (ZONING MAP); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 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
(March 26, 2014)

Owner/Occupant
1625 Kennedy Causeway, #501E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #502F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #503F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #504D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #505B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #506B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #507A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #508A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #509C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #601E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #602F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #603F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #604D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #605B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #606B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #607A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #608A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #609C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #701E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #702F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #703F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #704D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #705D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #706B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #707A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #708A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #709C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #801E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #802H
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #803H
N. Bay Village, FL 33141

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Owner/Occupant
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#804D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#805D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#806B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#807A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#808A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#809C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #901E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#902H
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#903H
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#904D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#508A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#509C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#907A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#908A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#909C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#1001E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#1002H
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#1003H
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1004D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1005B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1006B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1007A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1008A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1009C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1102D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1103B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1104B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1105G
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1106G
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1109C
N. Bay Village, FL 33141

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#1201E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#1202D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#1203B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1204B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1205G
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1207C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH101E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH102D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH103B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH104B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH105G
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH106G
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH107C
N. Bay Village, FL 33141

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North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #602
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #603
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #604
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #605
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #608
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #702
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #703
North Bay Village, FL 33141

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7901 Hispanola Avenue, #704
North Bay Village, FL 33141

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7901 Hispanola Avenue, #705
North Bay Village, FL 33141

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7901 Hispanola Avenue, #706
North Bay Village, FL 33141

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7901 Hispanola Avenue, #707
North Bay Village, FL 33141

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7901 Hispanola Avenue, #708
North Bay Village, FL 33141

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7901 Hispanola Avenue, #709
North Bay Village, FL 33141

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7901 Hispanola Avenue, #710
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #802
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #803
North Bay Village, FL 33141

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7901 Hispanola Avenue, #804
North Bay Village, FL 33141

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7901 Hispanola Avenue, #805
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #807
North Bay Village, FL 33141

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7901 Hispanola Avenue, #809
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #810
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #811
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #901
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #902
North Bay Village, FL 33141

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7901 Hispanola Avenue, #903
North Bay Village, FL 33141

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7901 Hispanola Avenue, #904
North Bay Village, FL 33141

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7901 Hispanola Avenue, #906
North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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7901 Hispanola Avenue, #911
North Bay Village, FL 33141

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7901 Hispanola Avenue, #912
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1001
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1002
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1003
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1004
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1005
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1209
North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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7901 Hispanola Avenue, #1011
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1012
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1101
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1102
North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1202
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1203
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7901 Hispanola Avenue, #1205
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North Bay Village, FL 33141

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North Bay Village, FL 33141

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7901 Hispanola Avenue, #1604
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1605
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1608
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1609
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1610
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1612
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1702
North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1801
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1802
North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1812
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1902
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1903
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1906
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1908
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1912
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2001
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2002
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2003
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2004
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2006
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2008
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2010
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2012
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A-101
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A-102
Miami Beach, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A103
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A-104
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A105
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A106
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A107
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A108
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A109
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A110
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A111
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway #A112
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #201
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A202
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A203
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway #A204
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A205
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A206
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway #A207
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A208
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A209
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway #A210
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A211
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A212
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway #A301
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A302
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A303
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway #A304
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A305
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A306
North Bay Village, FL 33141

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Owner / Occupant
1800 Kennedy Causeway #A307
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A308
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A309
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway #A310
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A311
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A312
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway #B102
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B103
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B104
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway #B105
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B106
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B107
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway #B108
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B109
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B110
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway #B111
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B112
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B201
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B202
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B203
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B204
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North Bay Village, FL 33141

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1790 Kennedy Causeway, #B208
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B209
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B210
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B211
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B212
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B207
North Bay Village, FL 33141

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Owner / Occupant
1790 Kennedy Causeway, #B208
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B209
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B210
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B211
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B212
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B301
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B302
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B303
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B304
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B305
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B306
North Bay Village, FL 33141

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1790 Kennedy Causeway, #B307
North Bay Village, FL 33141

Owner / Occupant
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North Bay Village, FL 33141

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North Bay Village, FL 33141

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1790 Kennedy Causeway, #B310
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B311
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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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C108
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C109
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C110
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C111
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C112
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C201
North Bay Village, FL 33141

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Owner / Occupant
1770 Kennedy Causeway, #D108
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D109
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D110
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D111
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D112
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D101
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D102
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D103
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D104
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D105
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D106
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D107
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D108
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D109
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D110
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D111
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D112
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D201
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D202
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D203
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D204
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D205
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D206
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D207
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D208
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D209
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D210
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D211
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D212
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D301
North Bay Village, FL 33141

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expose Pop-up Edge™
AVERY® 5160®

Owner / Occupant
1770 Kennedy Causeway, #D302
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D303
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D304
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D305
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D306
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D307
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D308
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D309
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D310
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D311
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D312
North Bay Village, FL 33141

Owner/Occupant
1770 Kennedy Causeway, D314
N. Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway. #D311
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D312
North Bay Village, FL 33141

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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, APRIL 8, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT THE TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING AT PUBLIC HEARING:

1. A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED. *(CONTINUED FROM FEBRUARY 11, 2014)*

2. AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 24-STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:
   - A. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.
   - B. A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE" AND ADD THE DEFINITION OF "KITCHEN FACILITIES".
   - C. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).
   - D. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   - E. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
   - F. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT, 24-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.

     BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   - G. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.003, DEFINITIONS BY MODIFYING THE DEFINITIONS OF "DWELLING, HOTEL ROOM", "DWELLING, HOTEL SUITE" AND BY ADDING A NEW DEFINITION FOR "KITCHEN FACILITIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.
   - H. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY CHANGING THE ZONING DESIGNATION ON THE OFFICIAL ZONING MAP FROM CG TO CL FOR THE PROPERTY SHOWN ON MAP 1 (1755 KENNEDY CAUSEWAY) AND LEGALLY DESCRIBED IN EXHIBIT A (ZONING MAP); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

3. AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:
   - A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.
   - B. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   - C. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

4. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTING THE QUALIFYING DATES FOR THE NOVEMBER 4, 2014 GENERAL ELECTION AS PROVIDED FOR UNDER CHAPTER 100, SECTION 100.3605(2) OF THE FLORIDA STATUTES; PROVIDING DIRECTIONS FOR THE VILLAGE CLERK; PROVIDING FOR REPEALER, SEVERABILITY, PROVIDING FOR CONFLICTING ORDINANCES OR RESOLUTIONS; AND AN EFFECTIVE DATE. *(SECOND READING)*

5. AN APPLICATION BY WILLIAM WEBB CONCERNING THE PROPERTY AT 1357 BAY TERRACE, NORTH BAY ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
   - A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A TWO- STORY SINGLE-FAMILY RESIDENTIAL STRUCTURE TO EXCEED THE MAXIMUM HEIGHT OF SECTION 152.026(C)(3), WHICH ALLOWS A BUILDING HEIGHT OF NO MORE THAN 25 FEET ABOVE FEMA BASE FLOOD ELEVATION.

6. AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKE CONCERNING PROPERTY LOCATED AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:
   - A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 4.5 FOOT SIDE-INTERIOR SETBACK FOR THE CONSTRUCTION OF STEPS AND LANDING LEADING FROM THE SWIMMING POOL DECK, WHERE THE CODE REQUIRES A SETBACK OF 7.5 FEET.
   - B. A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE POOL EQUIPMENT TO ENCROACH 3.3 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AREA.

7. AN APPLICATION BY KAKUTA SAINT CONCERNING PROPERTY LOCATED AT 7441 CENTER BAY DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
   - A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A GENERATOR TO ENCROACH 4 FEET INTO THE REQUIRED 10 FOOT SIDE INTERIOR SETBACK AREA.
   - B. A VARIANCE PURSUANT TO SECTION 152.0971 (NONUSE VARIANCE) TO ALLOW INSTALLATION OF 2 CARPORTS THAT WOULD ENCROACH 20 FEET INTO THE FRONT YARD SETBACK ALLOWING A ZERO FOOT FRONT YARD SETBACK.

8. AN APPLICATION BY REBECCA OCARIZ CONCERNING PROPERTY LOCATED AT 1460 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE CONSTRUCTION OF A NEW DOCK PURSUANT TO SECTION 152.059 AND SECTION 150.11(A).

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
(March 20, 2014)

RESOLUTION NO._____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY 1755 NBV LLC FOR SITE PLAN APPROVAL PURSUANT TO SECTIONS 152.105(C)(9), 152.031(B)(1), 152.031(C)(4) AND 152.032 OF THE NORTH BAY V VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132 UNIT, 25 STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE AT 1755 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances (the "Village Code"), 1755 NBV LLC has applied to North Bay Village for approval of a Site Plan to construct a 132-unit, 25 story condominium hotel structure with a parking garage in the CL (Limited Commercial) Zoning District; and in the Bayview Overlay District, utilizing the bonus height provisions pursuant to Section 152.029(C)(8)(A-F); and

WHEREAS, Section 152.105(C) and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon an application for Site Plan approval.

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for February 18, 2014 at 7:30 P.M. at the Treasure Island Elementary School, 7540 East Treasure Drive, 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

WHEREAS, in accordance with Section 152.096 of the Village Code, public hearings by the Village Commission were noticed for March 11, 2014 at 7:30 p.m. and April 8, 2014, at 7:00 P.M. at the Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY 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.

In accordance with Section 152.105(9) of the Village Code, the Village Commission finds that the proposed Site Plan for construction of a 132-unit, 25 story condominium hotel structure:

A. Protects against and minimizes any undesirable effects upon contiguous and nearby property.

B. Provides sufficient off-street parking and loading facilities so that it will not be necessary to use the streets in the vicinity for this purpose.

C. Provides sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood.

D. Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.

Section 3. Grant.

The Site Plan to construct a 132-unit, 25 story condominium hotel structure with a parking garage at 1755 Kennedy Causeway, North Bay Village, Florida, as attached and incorporated herein as Exhibit "A" entitled "1755 NBV LLC" as submitted for hearing on March 3, 2014 and consisting of sheets LL-101, LL-102, LL-201, LL-202, LS-301, LS-302, A1.00, A1.01, A2.00, A2.01, A3.00, A3.01, A3.02, A3.03, A3.04, A3.05, A3.06, A4.00, A4.01, A4.02, A.4.03, A5.00, A5.01, C-0, C-1, C-2, C-3, C-4, C-5, and C-6 is hereby approved.

Section 4. Conditions.

The Site Plan is approved with the condition that the following items are met prior to issuance of a Building Permit:

1. Prior to the issuance of a building permit, the public access easement and the waterfront boardwalk easement must be dedicated and recorded. Applicant shall agree, in writing, that boardwalks shall be open to the public from sun-up until either 10:00 pm or at least until any businesses adjacent to the boardwalk remains open to the public, whichever is later; and boardwalk lighting shall remain on until boardwalk is closed to the public.

2. Proof of site plan approval from the Miami-Dade Shoreline Review Committee must be provided.

3. School Board Concurrency requirements must be met, as determined by School Board Staff.

4. An irrigation plan which meets Miami-Dade Chapter 18A requirements must be submitted.

5. Bonus height fees must be paid, as required under Section 152.029(C)8A-8F.

6. Any applicable impact fees must be paid.

7. Cost recovery charges must be paid 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.

8. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.

9. Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

10. All applicable state and federal permits must be obtained before commencement of construction.

Section 5. Appeal.

In accordance with Section 152.104 of the City 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 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:

PASSED AND ADOPTED this 8th day of April 2014.

_____
Mayor Connie Leon-Kreps

Attest:

_____
Yvonne P. Hamilton, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: 1755 Kennedy Causeway Development-Site Plan

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 1755 NBV LLC FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A 137-UNIT, 25 STORY CONDOMINUM HOTEL STRUCTURE AT 1755 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C); PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 1755 NBV LLC has applied to North Bay Village for a Variance pursuant to Section 152.097 of the North Bay Village Code of Ordinances in connection with the development of a condominium hotel structure to allow less than the side-yard setback as required by Section 152.032(C)(2)(C) in conjunction with the Site Plan application; and

WHEREAS, Section 152.097 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 variance.

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for February 18, 2014 at 7:30 P.M. at the Treasure Island Elementary School, 7540 East Treasure Drive, 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

WHEREAS, in accordance with Section 152.096 of the City Code, public hearings by the Village Commission was noticed for March 11, 2014 and April 8, 2014 at 7:30 p.m. at Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

NOW, THEREFORE, BE IT RESOLVED BY THE 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. Findings.

In accordance with Section 152.097(B) of the City Code, the Village Commission finds that:

A. That there are special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district; that the special circumstances and conditions were not self-created by any person having an interest in the property; and that the strict application of the provisions of the Code of Ordinances would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought and would involve an unnecessary hardship for the applicant.

B. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district; and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

C. That granting the variance will be in harmony with the general intent and purpose of Chapter 152, Zoning, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Section 3. Grant.

The Variance requested to allow less than the required unit standards is hereby granted, in conformance with the number of units and minimum sizes as shown on the Site Plan submitted for hearing on Exhibit "A" entitled "1755 NBV LLC" as submitted for hearing on February 27, 2014 and consisting of sheets LL-101, LL-102, LL-201, LL-202, LS-301, LS-302, A1.00, A1.01, A2.00, A2.01, A3.00, A3.01, A3.02, A3.03, A3.04, A3.05, A3.06, A4.00, A4.01, A4.02, A.4.03, A5.00, A5.01, C-0, C-1, C-2, C-3, C-4, C-5, and C-6.

Section 4. Conditions.

The Variance is approved subject to the following condition:

1. Pursuant to the Site Plan approval, the Applicant shall obtain a building permit for all requests approved herein within two 2 years of the date of the Site Plan approval. If a building permit is not obtained or an extension granted within the prescribed time limit then this approval shall become null and void.

2. Pursuant to Section 152.103 of the Village Code, the Variance shall lapse after one year of Commission approval if no substantial construction takes place.

Section 5. Appeal.

In accordance with Section 152.104 of the City 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. Effective Date.

This Resolution shall become effective upon its adoption.

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 8th day of April 2014.

_____
MAYOR CONNIE LEON-KREPS

ATTEST:

_____
YVONNE P. HAMILTON, CMC
Village Clerk

APPROVED AS TO FORM:

_____
Robert L. Switkes & Associates, P.A.

North Bay Village Resolution:

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY 1755 NBV LLC FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 152.098 and 152.042(E) of the North Bay Village Code of Ordinances (the "Village Code"), 1755 NBV LLC has applied to North Bay Village for approval of a special use exception to allow up to 20 percent of the required parking spaces for development of the 1755 NBV project at 1755 Kennedy Causeway, North Bay Village, Florida to be designed specifically for compact vehicles; 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 February 18, 2014, at 7:30 P.M. at Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request with conditions; and

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for Tuesday, April 8, 2013, at 7:30 P.M. at the Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

WHEREAS, the Village Commission has reviewed the application, and considered the recommendation 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 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 to allow up to 20 percent of the required parking spaces for development of the 1755 NBV LLC project, 1755 Kennedy Causeway, North Bay Village, Florida to be designed specifically for compact vehicles; will not substantially affect adversely the uses permitted in these regulations of adjacent property.

Section 3. Grant.

The special use request to allow up to 20 percent of the required parking spaces to be designed specifically for compact vehicles for the 1755 NBV LLC development at 1755 Kennedy Causeway, North Bay Village, Florida is hereby granted.

Section 4. 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 5. 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 6. Effective Date.

This Resolution shall become effective upon its adoption.

The motion to adopt the foregoing Resolution 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 8th day of April 2014.

MAYOR CONNIE LEON-KREPS

ATTEST:

YVONNE P. HAMILTON, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: 1755 NBV LLC Development-Compact Parking Spaces Special Use Exception.

ORDINANCE NO. 2014- _____

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.003, DEFINITIONS BY MODIFYING THE DEFINITIONS OF "DWELLING, HOTEL ROOM", "DWELLING, HOTEL SUITE" AND BY ADDINIG A NEW DEFINITION FOR "KITCHEN FACILITIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the municipality of North Bay Village (the "Village") seeks to encourage flexibility and clarification for properties used as hotels, and

WHEREAS, the Village recognizes that hotel uses can typically include kitchens or kitchenettes, and.

WHEREAS, the Village recognizes the need to define what equipment shall be included in the definition of kitchen facilities, and

WHEREAS, the Planning and Zoning Board has reviewed these zoning code modifications at a duly advertised public hearing and recommended approval of the zoning code definition changes, and

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

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND 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. Section 152.003, Definitions, of the Code of Ordinances for North Bay Village is hereby amended by modifying the definitions of "Dwelling, hotel room" and "Dwelling, hotel suite" to read as follows:

(5) *Dwelling, hotel room.* A residential unit, which is used on a temporary basis by transient guests ~~and does not contain kitchen facilities~~.

(6) *Dwelling, hotel suite.* A group of hotel rooms connected together ~~containing no kitchen facilities~~.

Section 3. Section 152.003, Definitions, of the Code of Ordinances for North Bay Village is hereby amended by adding new definition for "Kitchen facilities" to read as follows:

Kitchen facilities. Any form of mechanical refrigeration or cooking equipment except a portable mini-refrigerator, portable microwave oven and coffee -maker.

Section 4. **Repeal.** All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 5. **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 6. **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 7. **Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

A motion to approve the foregoing Ordinance on first reading on March 11, 2014 was offered by Commissioner Richard Chervony, seconded by Commissioner Wendy Duvall.

The Votes were as follows:

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

A motion to approve the foregoing Ordinance on final reading was offered by _____ seconded by _____.

FINAL VOTES AT ADOPTION:

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

DULY PASSED AND ADOPTED ____ day of _____ 2014.

_____
Connie Leon-Kreps
Mayor

ATTEST:

_____
Yvonne P. Hamilton, Village Clerk, CMC

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

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

ORDINANCE NO. 2014- _____

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The Votes were as follows:

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

A motion to approve the foregoing Ordinance on final reading was offered by _____ seconded by _____.

FINAL VOTES AT ADOPTION:

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

DULY PASSED AND ADOPTED ____ day of _____ 2014.

_____
Connie Leon-Kreps
Mayor

ATTEST:

_____
Yvonne P. Hamilton, Village Clerk, CMC

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

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

Staff Report
Site Plan

Prepared for:	*North Bay Village, Commission*
Applicant:	*7914 Building LLC*
Site Address:	*7914, 7916, and 7918 West Drive*
Request:	*Density Bonus Review and Site Plan Approval for Multi-family residential building (condominium)*

General Information

Owner/Applicant:	7914 Building LLC Fred Knoll
Applicant Address:	11098 Biscayne Blvd, Suite 203 Miami, FL 33161
Site Address:	7914, 7916, and 7918 West Drive
Contact Person:	Adam Henry
Applicant Phone Number:	904-710-1945
E-mail Address	fred_knoll@mfkgrp.com

	Existing
Future Land Use	High Density Multi-family Residential
Zoning District	RM-70
Use of Property	Vacant
Acreage	33,600 sq ft

Legal Description of Subject Property

Request

The applicant is requesting:

1. Density bonus review in conjunction with site plan approval pursuant to Section 152.029(C)(8)(H) of the North Bay Village Code of Ordinances.

2. Site plan approval pursuant to Section 152.105(C)(9) of the North Bay Village Code of Ordinances for development of a 52 unit, 15 story multi-family condominium structure in the RM-70 (high density multiple-family residential) Zoning District.

General Description

The site plan request for this development is for a 52 unit, 15 story, multi-family residential building (condominium). Previously, on this property there was an original 2001 approved site plan which was modified in 2007. The 2007 site plan shows a total of 48 units with 13 one-bedroom units at 2,100 square feet, 11 two-bedroom units at 3,130 square feet, and 24 three-bedroom units at 3,175 square feet. Since the current 2014 site plan request is for a slight increase in the number of dwelling units and a different mixture of unit types it is being heard as a new site plan approval.

Density Bonus Analysis

The applicant is requesting a density bonus review under Section 152.029(C)(8)(H) of the North Bay Village Code of Ordinances to allow 46 two bedroom units and 6 three bedroom units for this property which, normally under the Zoning Density standards of Chapter 152, would be limited to 48 two bedroom dwelling units and 1 three bedroom dwelling unit.

Under the section below there are a substantial number of dwelling units available to be used under this density bonus program and the Village records do not indicate any utilized in past development approvals. Assuming the density bonus program is still viable, the request for the density bonus for 4 (3 bedroom units) does qualify for approval. It should also be noted that the overall density of 70 dwelling units an acre is still being met as long as the total number of units does not exceed 53.

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

(C) *Site development standards.*

(8) Bonus. The following maximum building height bonuses are permitted in the RM-70 District when any of the design bonus alternatives listed in 8(A) through 8(H) are incorporated into proposed project and the incorporated alternatives are subsequently approved by the Village Commission upon recommendation of the Planning & Zoning Board. Bonus approval shall be done at the time of Site Plan Review as required by 152.105(C)(9). Each bonus alternative may be claimed once for a development and multiple awards for the same bonus feature shall not be permitted.

The Village Commission may grant bonuses subsequent to a public hearing when it is determined by the Commission that the proposed bonus amenities are substantive in nature, contribute to an overall project design which takes into account the public's critical interests in new development and where the proposed plan is otherwise in substantial conformity with the Village's Comprehensive Plan.

(H) *Density bonus.* Each parcel shall have the ability to purchase additional buildable units from North Bay Village for a price of $40,000.00 per unit. These units shall be derived from land currently owned by the Village, which will not be developed into residential buildings in the future. The money from these units shall be utilized for future Village parks and for the purchase of land for additional open green space. These units are to come from the development rights of Village Hall as well as the public works property on Treasure Island. The total buildable units are: 129 Efficiencies; 129 1-Bedroom Units; 117 2-Bedroom Units; 106 3-Bedroom Units. Monies due from development under the bonus participation program shall be paid to North Bay Village within 90 days of site plan approval by the Village Commission. Thereafter, the appropriate number of units will be deemed to the property. {This fee shall be set towards a Village Park Fund}.

Consistency with Comprehensive Plan

The multifamily residential use is consistent with the description of the Residential Future Land Use category under Policy 2.1.1a of the Future Land Use Element.

Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Park
East	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominiums & Commercial Parking Lot
South	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominium
West	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay

Adequacy of Public Facilities

Applicant has submitted capacity analysis for traffic, sewer and water demonstrating sufficient capacity for the proposed development.

Water and Sewer utilities will be provided by Miami-Dade County M-DC (DERM). This project will be required to meet Sewer Concurrency requirements as prescribed by the Public Works Director of North Bay Village.

Staff has reviewed the Traffic Study prepared for this project by KBP Consulting Inc**.,** and offers the following comments:

1. The Study uses ITE code 232, High Rise Residential Condominium for AM Peak Hour and PM Peak Hour trip generation.

2. KBP Consulting has employed the available peak hour capacity for two count station locations as provided by Miami-Dade County MPO and the FDOT, January, 2014.

   The count location at Kennedy Causeway, East of N. Bayshore Drive to US1 has an available peak hour capacity of 968 trips.

   The count location at Kennedy Causeway, East of Treasure Drive between N. Bayshore Drive and Bay Drive has an available peak hour capacity of 2,832 trips.

3. The proposed project will generate a net increase of 44 trips during the AM peak hour and 33 vehicle trips during the PM peak hour.

CONCLUSION

After reviewing the materials, it is apparent that the proposed project involving 52 dwelling units will not generate traffic levels that would result in traffic on Kennedy Causeway to exceed the available capacity during either the AM or PM Peak Hours. The applicant should also substantiate that the traffic LOS on West Drive will not exceed available capacity during the AM or PM peak traffic hours. Traffic consultants for the applicant will be presenting an analysis of local traffic impact on West Drive and for the intersection of West Drive and Kennedy Causeway at the April 8th Commission meeting.

Summary Analysis of Aggregate Traffic Impact on Kennedy Causeway

Background

The condo-hotel at 1755 Kennedy Causeway is proposed to comprise 132 hotel units of varying size, a 2,883 square foot quality restaurant and 2,354 square feet of specialty retail space. The Isle of Dreams mixed-use project is located at 1415 Kennedy Causeway and proposed to contain 237 unit high-rise residential structure with a 7,360 square foot restaurant and 2,540 square feet of retail. The Indigo project is a 53-unit high-rise condominium located at 7914 -- 7918 West Drive.

Kennedy Causeway in North Bay Village is a six-lane, divided, State Road on which the vehicular capacity at LOS D is 4,500 vehicle trips.

Data and Analysis

According to traffic counts taken by Richard Garcia & Associates as provided in the Traffic Impact Statement for the Condo-hotel project the AM and PM Peak Hour traffic on Kennedy Causeway about 200 ft. east of E Treasure are 2,935 and 2,735 respectively. The following table shows the aggregate effect of the traffic generation of the three developments.

Project	Peak-Hour Trips	
	AM	PM
Condo-hotel, 1755 Kennedy Cswy.	92	106
Isle of Dreams, 1415 Kennedy Cswy.	160	220
Indigo, 927914 -- 7918 West Drive	44	33
Total	**296**	**359**
Current traffic	2,843	2,629
Total with new developments	3,139	2,988
Capacity at LOS D	**4,500**	**4,500**
Remaining Capacity	**1,361**	**1,512**

The Traffic Study prepared by KPB Consulting, Inc. for the Indigo project also provides insight from a more regional perspective. The KPB analysis cites Miami-Dade County MPO and FDOT, January 2014 as the source for the available peak hour capacity on NE 79th Street between North Bayshore Drive and U.S. 1 on the mainland. Based on existing traffic volumes and peak hour trips associated with approved (but not built) developments, there is a remaining capacity of 968 trips along that roadway segment. Adding in the 359 trips estimated for the three developments above, the remaining capacity for peak- hour trips between N. Bayshore Dr. and U.S. 1 will amount to 609 (968-359)

Conclusion

Analysis of the combined traffic generation impact of the above developments upon Kennedy Causeway indicates that the additional traffic generated by these developments will not be sufficient to raise peak hour traffic level beyond adopted level of service standards.

Comparison of Submitted Site Plan With Land Development Regulations

Section	Regulation	Required	Provided
North Bay Village LDC			
152.029(B)	Uses permitted	Multifamily residential dwellings	In compliance
152.029(C)(1)	Minimum lot area	27,000 sq ft	33,600 sq ft (0.77 acres)
152.029(C)(1)	Minimum frontage	75 ft	240 ft
152.029(C)(2)	Minimum front setback	25 ft	25 ft
152.029(C)(2)	Minimum side setback	15 ft on one side. 20% of lot width on the other side Combination of both side setbacks to be at least 60 ft <u>20% of 240 = 48</u>	15 ft on north side 48 ft on south side Combination of both side setbacks equal to 63 ft
152.029(C)(2)	Minimum rear setback	25 ft	25 ft
152.029(C)(3)	Required lot area per dwelling unit	Unit type / Lot area/unit Efficiency / 620 1-br / 620 2-br / 685 3-br / 750 46 x 685 = 31,510 6 x 750 = 4,500 31,510 + 4,500 = 36, 010 sq ft of required lot area	36,010>33,600 Applicant is paying density bonus fees. See below for bonus density provision.
Comprehensive Plan Future Land Use Policy 2.1.1a	Maximum density	70 dwelling units per acre	67.4 dwelling units per acre
152.029(C)(4)	Maximum building height	150 ft or 15 stories, whichever is less	150 ft
152.029(C)(4)	Maximum parking levels	4 stories	Ground level parking and4 stories of parking garage.
152.029(C)(5)	Minimum pervious area	20% of total parcel <u>20% of 33,600 = 6,720 sq ft</u>	11,017 sq ft

Section	Regulation	Required	Provided
152.029(C)(6)	Minimum dwelling unit floor area	<table><tr><th>Unit type</th><th>Floor area</th></tr><tr><td>Efficiency</td><td>600</td></tr><tr><td>1-br</td><td>900</td></tr><tr><td>2-br</td><td>1,200</td></tr><tr><td>3-br</td><td>1,350</td></tr></table>	2-BR units are 2,100; 2,380; 2,530; and 2,900 sq ft 3-BR units are 4,200 sq ft
152.029(C)(7)	Baywalk/boardwalk requirement	A public access boardwalk must be provided along shoreline and access to that boardwalk must be provided with a walkway from the ROW. Dedicated easements shall be recorded for the boardwalk and access corridors.	Provided
152.029(C)(8)	Building height bonus	Additional height may be purchased	N/A
152.029(C)(8)	Building density bonus	Additional density may be purchased, not to exceed 70 units per acre	Applicant is purchasing additional density
152.029(C)(9)2	Paving surfaces	Except for covered garages, all exterior paving surfaces shall be constructed of brick pavers	Provided
152.029(C)(9)3	Required water feature	A water feature shall be provided in the front	Provided
152.029(C)(9)6	Screening of parking garages	Parking garages shall be constructed with architectural features that obscure it from public view	Provided
152.029(C)(9)7	Street tree lighting	Lighting shall be provided in all areas in front where trees are planted	Lighting shall be provided as indicated in Jan 29, 2014 letter from architect
5.2.2(a)(1)	Minimum standard parking space dimensions	9 ft by 18 ft	Provided
5.2.2(a)(2)	Minimum compact parking space dimensions	8 ft by 16 ft	Provided

Section	Regulation	Required	Provided
5.2.2(a)(3)	Minimum handicapped parking space dimensions	Must comply with all applicable accessibility standards	Provided
152.042(D)	Minimum number of handicapped spaces	2% of total required spaces. <u>2% of 123 = 3 handicapped spaces required</u>	9 handicapped parking spaces
ADA Requirement	Minimum number of handicapped spaces	5 handicapped spaces for facilities with 101 to 150 parking spaces	
152.042(E)	Maximum number of compact parking spaces	20% of total required <u>20% of 121 = 24</u>	24
152.042(K)	Minimum setback of ROW from parking spaces	20 ft	In compliance
152.042(M)	Minimum separation of parking from walkways and streets	Parking spaces shall be separated from walkways, sidewalks, streets, or alleys by an approved wall, fence, curbing, or other protective device	In compliance
152.042(P)	Back-out parking prohibition	Parking spaces shall not be designed so that no vehicle shall be required to back into a public ROW to obtain egress	Provided
152.044(A)(2)	Minimum number of parking spaces per dwelling unit	2 spaces per two-bedroom unit 3 spaces per three-bedroom unit Plus 10% of total required spaces <u>46 x 2 = 92</u> <u>6 x 3 = 18</u> <u>10% of 110 = 11</u> <u>110 + 11 = 121 spaces required</u>	121 parking spaces
152.045(B)	Minimum loading space dimensions	12 ft by 30 ft, and at least 14.5 ft of vertical clearance	Provided

<table>
<tr><th>Section</th><th>Regulation</th><th>Required</th><th>Provided</th></tr>
<tr><td>152.045(C)</td><td>Loading space joint usage</td><td>Loading spaces for two or more uses may be collectively provided if so located as to be usable by all.</td><td>N/A</td></tr>
<tr><td>152.045(E)</td><td>Loading and standard parking space restriction</td><td>No areas supplied to meet required off-street parking facilities may be utilized to meet the requirements for loading spaces.</td><td>In compliance</td></tr>
<tr><td>152.045(F)(2)</td><td>Minimum number of loading spaces for multi-family</td><td><table><tr><th>Gross floor area</th><th>Spaces</th></tr><tr><td><25,000</td><td>0</td></tr><tr><td>25,000-50,000</td><td>1</td></tr><tr><td>50,000-100,000</td><td>2</td></tr><tr><td>>100,000</td><td>3</td></tr></table>Not including other areas ‘under air’, dwelling units alone are 123,365 sq ft, 3 load spaces required</td><td>3 loading spaces</td></tr>
<tr><td>152.056</td><td>Maximum balcony encroachment in to side or rear yard</td><td>4 ft</td><td>4 ft</td></tr>
<tr><td>155.17</td><td>Minimum width of maneuvering aisle</td><td>90 degree parking shall be designed 23 ft wide maneuvering aisles</td><td>Provided</td></tr>
<tr><td>155.17</td><td>Minimum width of 2-way access aisle</td><td>23 ft</td><td>In compliance</td></tr>
<tr><td>155.18(A)3</td><td>Dumpster screening</td><td>Dumpster enclosures shall be designed in a manner as to visually screen the dumpster from adjacent view and shall be located in visually obscure areas of the site.</td><td>Provided</td></tr>
</table>

Section	Regulation	Required	Provided
155.18(A)4	Dumpster placement	Dumpster enclosures shall be placed in such a manner as to allow front end loader sanitation trucks to pick up garbage in a forward motion. Backing out the sanitation truck is prohibited	Provided
155.18(A)5	Mechanical equipment screening	Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grilles, and shall be painted in muted colors or match the building and shall not be visible from the street.	Plans state that future roof equipment will be screened.
155.18(A)7	Mechanical equipment screening	Service bays, ground mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered.	In compliance
Appendix D	Required benches along bay walk	Benches shall be provided at a minimum of 2.5 ft sections of bench per 100 ft of linear shoreline	Provided
Miami-Dade Landscaping Chapter 18A			
18A-4(C)	Vegetative survey	A vegetation survey shall be provided for all sites at the same scale as the landscape plan.	A vegetative survey is not needed as all existing vegetation on-site are exotic invasive plants.

Section	Regulation	Required	Provided
18A-4(D)	Irrigation plan	An Irrigation Plan shall be submitted. Where a landscape plan is required, an irrigation plan shall be submitted concurrently.	Not yet provided
18A-6(A)(5)	Maximum lawn area	40% of lot area, less the area covered by buildings	According to 1-29-14 letter from landscape architect, no sod will be used on project
18A-6(C)(1)	Tree height	Except street trees, all trees shall be a minimum of 10 ft high with a minimum of 2 inch caliper, except that 30% of the tree requirement may be met by native species with a minimum height of 8 ft.	All trees provided meet this requirement.
18A-6(C)(2)	Street trees	Street trees shall be provided along all roadways at a maximum average spacing of 35 feet on center (25' for palms). <u>With 240 linear foot of frontage, either 7 trees or 10 palms are required.</u>	This requirement is met
18A-6(C)(3)	Trees under power lines	Where overhead power lines require low growing trees, street trees shall have a minimum height of 8 ft and a maximum average spacing of 25 feet on center.	A power line is present along the ROW, but no trees are proposed directly underneath the line.

Section	Regulation	Required	Provided
18A-6(C)(4)	Palms	Palms which are spaced no more than 25 feet on center and have a 14 foot minimum height or 4 inches minimum caliper diameter may count as a required tree.	In compliance.
18A-6(C)(5)	Number of required trees	28 trees per acre required in multi-family residential zoning categories 28 x 0.77 = 22 required trees	38 trees
18A-6(C)(11)	Limitations on required trees	At least 30% shall be native species. At least 50% shall be low maintenance and drought tolerant. Of the required trees, no more than 30% shall be palms	In compliance. This requirement has been met by native trees. In compliance.
18A-6(C)(12)	Limitations on required trees	80% of required trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.	In compliance.

Section	Regulation	Required	Provided
18A-6(D)(1)	Shrubs	All shrubs must be a minimum of 18 inches a time of planting.	All required shrubs are at least 18 inches.
		10 shrubs are required for each required tree.	In compliance
		30% shall be native species	In compliance
		50% shall be low maintenance and drought tolerant	In compliance
		80% of required shrubs shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.	This requirement has been met.

Section	Regulation	Required	Provided
18A-6(H)	Use buffers	Where dissimilar land uses exist on adjacent properties, that area shall be provided with a buffer consisting of trees spaced to a maximum average of 35-foot on center with shrubs which normally grow to a height of 6 feet, or a 6 foot wall with trees, within a 5 foot wide landscape strip. Shrubs shall be a minimum of 30 inches high and planted at a maximum of 36 inches on center; or if planted at a minimum height of 36 inches, shall have a maximum average spacing of 48 inches on center.	There is a park on the north side of the subject property and a multi-family use on the south side of the property. Buffering will be required on the north side of the property to screen the dissimilar use. Buffering is not required on the south side as the use is similar to that of the subject property. The buffer shown on the north side of the property adequately meets this requirement.
18A-6(I)	Parking lot buffers	All parking lots adjacent to a right of way shall be screened by a continuous planting with a 7 foot landscape strip incorporating said planting Shrubs shall be a minimum of 18 inches high and planted at a maximum of 30 inches on center; or if planted at a minimum height of 36 inches, shall have a maximum average spacing of 48 inches on center.	There is one exterior loading space and one exterior standard parking space shown on the plan. Both are adequately buffered.

Section	Regulation	Required	Provided
18A-6(J)	Parking lot landscaping	10 square feet of landscaped area per parking space shall be provided within a parking lot. Trees shall be planted within the parking lot at a minimum density of one tree per 80 square feet of landscaped area, exclusive of parking lot buffers. Each tree shall have a minimum of 5 feet of planting area width, exclusive of curb dimension.	N/A. One exterior loading space and one exterior parking space do not constitute a 'parking lot'.
Miami-Dade Biscayne Bay Management Plan			
33D-38(1)b	Minimum rear setback	50% of building height above 35 ft (measured from mean high water line), up to 75 ft maximum. ~60 ft required	25 ft
33D-38(2)a	Minimum visual corridor	20% of lot width on one side, with a 20 ft minimum and a 100 ft maximum. Structures not permitted in view corridor. 48 ft required	48 ft on south side
33D-38(3)	Minimum side setback	Minimum of 25 ft	48 ft on south side
33D-33(4)	Waiver from County	A waiver may be obtained from the Miami-Dade Shoreline Review Committee for exemption from the above requirements	Not yet provided

Planning and Zoning Board Recommendations

The North Bay Village Planning and Zoning Board recommended approval of the site plan with the staff recommended conditions by a vote of 5-0 on February 18, 2014.

Recommendations

BUILDING DENSITY BONUS:

Staff recommends **approval** of the building density bonus based on a submittal of a site plan which meets North Bay Village Code.

SITE PLAN:

Staff recommends **approval** of the site plan based on our analysis as highlighted in this report. Approval should also be based on the following conditions being met prior to the issuance of a building permit:

1) Submittal of an irrigation plan which meets Miami-Dade Chapter 18A requirements

2) Dedication and recording of the waterfront public boardwalk easement along the western property line and the 5 ft wide access easement along the southern property line as per section 152.029(C)(7).

3) Site plan approval from Miami-Dade Shoreline Review Committee.

4) Meeting Miami-Dade School Board Concurrency requirements as determined by School Board Staff.

5) Payment of any applicable impact fees.

6) Payment of bonus density fees, as required under Section 152.029(C)8F.

7) Tie-in to Village's wastewater system at a Village designed proximate location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.

8) Cost recovery charges must be paid 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) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.

10) Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

11) All applicable state and federal permits must be obtained before commencement of construction.

Submitted by:

James G. LaRue, AICP
Planning Consultant

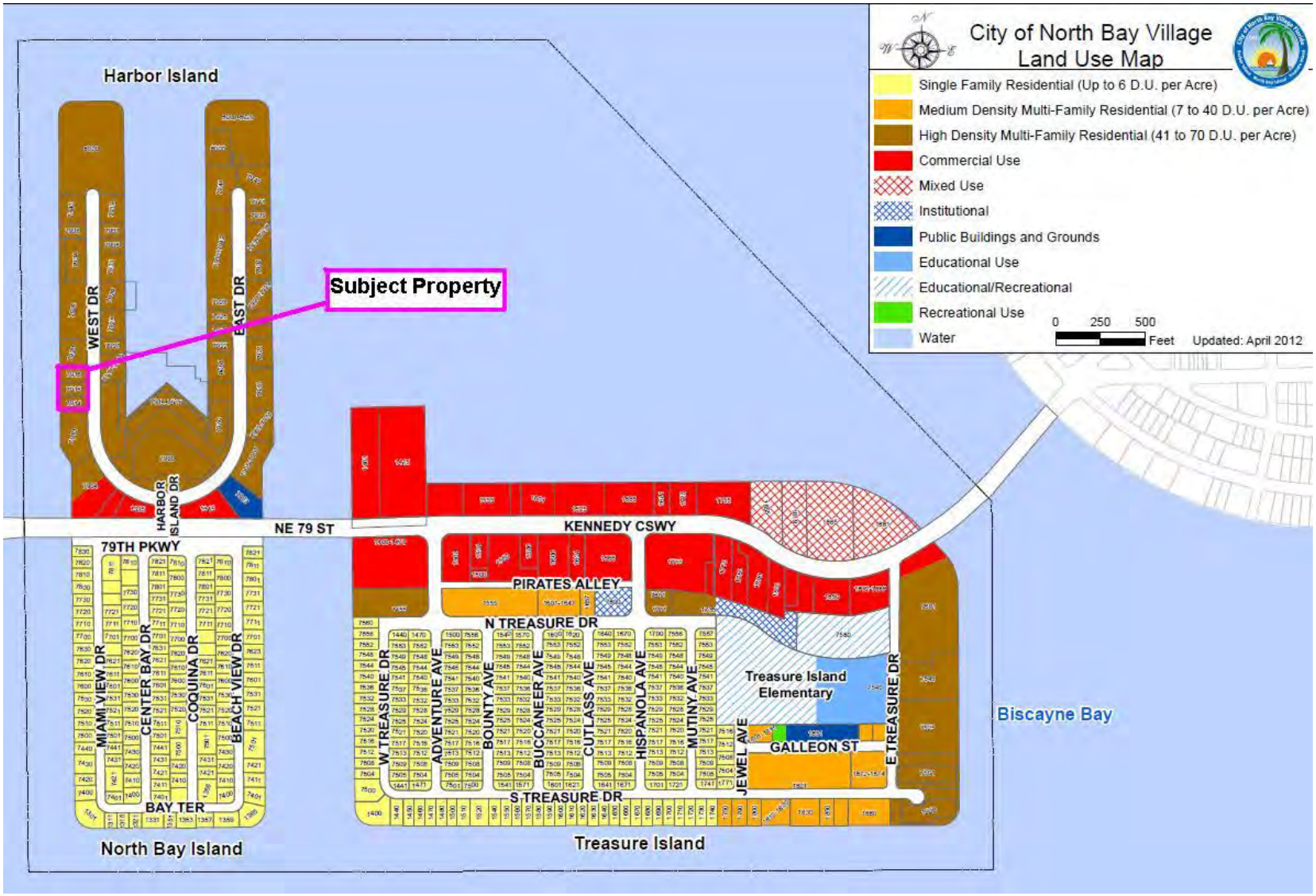
April 1, 2014

Hearing: North Bay Village Commission, April 8, 2014

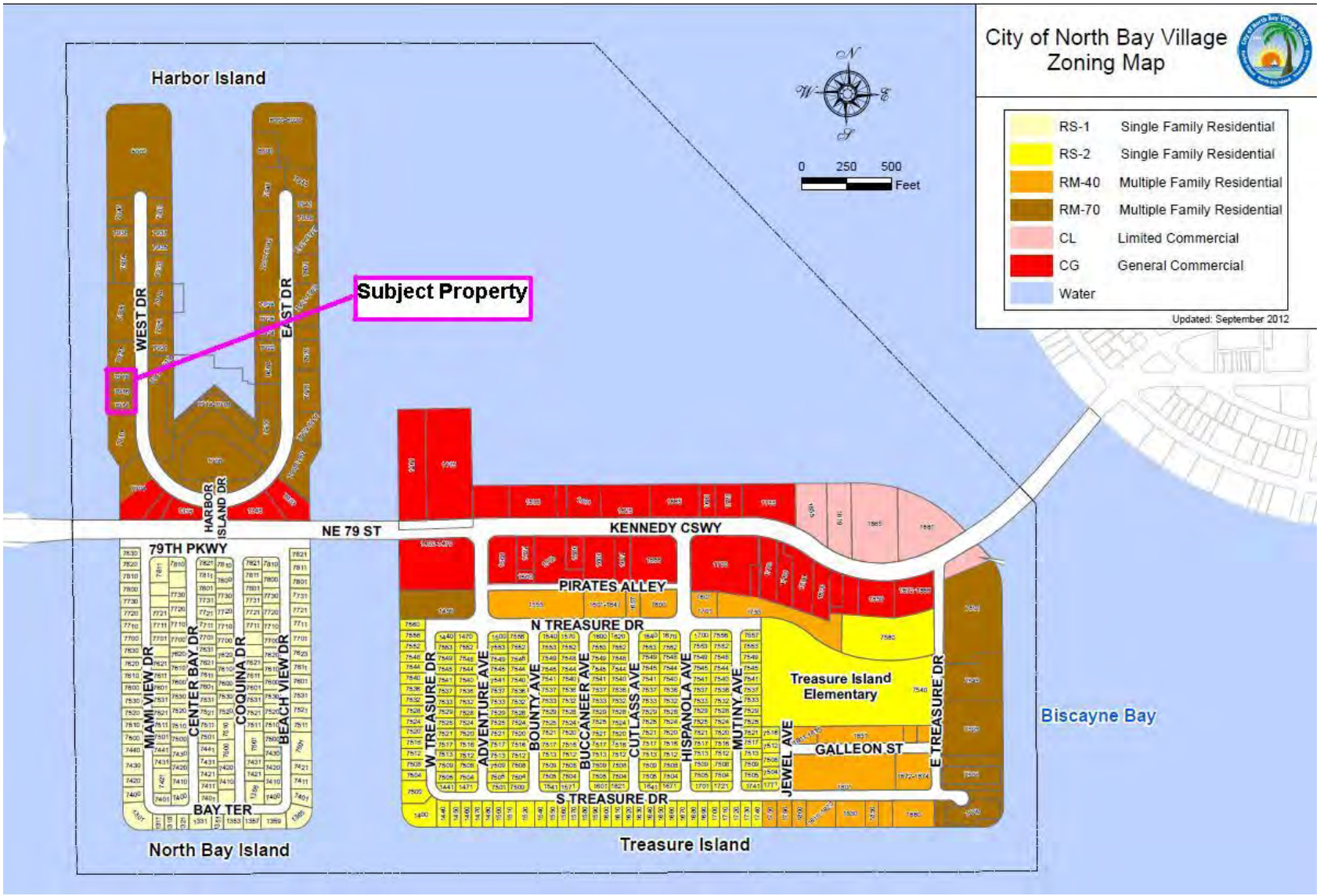
Attachments: Aerial photograph
Future Land Use Map
Zoning Map

AERIAL
SUBJECT SITE AND ENVIRONS

FUTURE LAND USE
SUBJECT SITE AND ENVIRONS



ZONING
SUBJECT SITE AND ENVIRONS



Staff Report
Special Use Exception

Prepared for:	*North Bay Village Commission*
Applicant:	*7914 Building LLC*
Site Address:	*7914, 7916, and 7918 West Drive*
Request:	*Special exception for up to twenty percent of the required parking spaces to be designated for compact vehicles*

General Information

Owner/Applicant:	7914 Building LLC Fred Knoll
Applicant Address:	11098 Biscayne Blvd, Suite 203 Miami, FL 33161
Site Address:	7914, 7916, and 7918 West Drive
Contact Person:	Adam Henry
Applicant Phone Number:	904-710-1945
E-mail Address	fred_knoll@mfkgrp.com

	Existing
Future Land Use	High Density Multi-family Residential
Zoning District	RM-70
Use of Property	Vacant
Acreage	33,600 sq ft

Legal Description of Subject Property

Request

The applicant is requesting a special use exception pursuant to Sections 152.042(e) and 152.098 of the North Bay Village Code of Ordinances to allow up to twenty (20) percent of the development's required parking spaces to be designed specifically for compact vehicles.

General Description

The proposed site plan for the multi-family residential development shows 121 required parking spaces are provided, with 24 of those spaces to be designed for compact vehicles.

Consistency with Comprehensive Plan

The request for compact spaces, if approved for this site plan, is consistent with the Village's Comprehensive Plan, and the provision of safe on-site traffic flow as per Transportation Policy 3.2.7.

Consistency with Special Use Exception Standards

The granting of no more than 24 compact parking spaces, for this site plan, would not "substantially affect adversely the uses permitted in these regulations of adjacent property".

Planning and Zoning Board Recommendations

The North Bay Village Planning and Zoning Board recommended approval of the site plan with the staff recommended conditions by a vote of 4-0 on March 18, 2014.

Findings and Recommendations

Staff finds that this request **is** consistent with Sections 152.042(e) and 152.098 in that this special use exception will not adversely affect the uses permitted in the regulations of adjacent properties.

Staff recommends **approval** of this request for the parking spaces designated for compact vehicles contingent upon a positive approval of a site plan for this development.

Submitted by:

James G. LaRue, AICP
Planning Consultant

April 1, 2014

Hearing: North Bay Village Commission, April 8, 2014

01-27-14P03:57 RCVD

Juliana O. CALDERON
7900 Harbor Island Drive A-1116
North Bay Village, Fl. 33141
E-mail: OWLA@AOL.COM

January 24,2014

The Planning and Zoning Board
1666 kennedy Causeway, #300
North Bay Village, Fl.33141

I am in receipt of the notice concerning the development of the propery located at 7914, 7916, 7918 West Drive. I am concerned about the traffic in this area. At this time in addition to the existing traffic there is a construction at the end of West Drive of 285 apartment units. The only exit for the traffic generated both in East and West Drive is Harbor Island drive, which is a short street. If we continue to add developments in this two streets the traffic jams will be of great magnitud. I beleive that before any new construction permits are issued in these areas a Comprehensive Traffic Study should be conducted.

Thank you for listening to my concern,

Juliana O. Calderon

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

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 Village Commission. Notice of Public Hearings before the Planning & Zoning Board and the Village 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 Village Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: 7914 BUILDING LLC Phone: 305-814-7272

Mailing Address: 11098 BISCAYNE BLVD SUITE #203

MIAMI FL 33161

Legal Description of Property: LOT 14, 16, 18 SECT 8, TOWNSHIP 53 SOUTH, 42 EAST, NBV - 0160 - 0180

Existing Zoning: R-70 Lot Size: 140'x240' (OVERALL) Folio: 23-3209-001-0200

Type of Request: A SPECIAL USE EXCETION PURSUANT TO SECTIONS 152.012(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDANCES TO ALLOW UP TO TWENTY(20) PERCENT OF THE DEVELOPMENT REQUIRED PARKING TO BE DESIGNED FOR COMPACT VEHICLES

Reason for Request: (Attach additional Pages if necessary) IN ORDER TO COMPLY WITH REQUIRED PARKING SPACES BY NORTH BAY VILLAGE PLANNING AND ZONING

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

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

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

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 North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village 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 Village Commission Pursuant to the Village 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 Village 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).

Adam M Hendry
Authorized Signature

Adam M Hendry
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 7 **day of** FEB **20**14
by ADAM M HENDRY
who is personally known to me or who has produced _____
as identification.

D. T. RUNYON, JR.
MY COMMISSION EXPIRES March 13, 2017
#EE 883346
Bonded thru Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

DTR JR
Notary Public

(Notary Seal)

Office Use Only:

Date Submitted: 2/7/14

Tentative Meeting Date: 3/18/14

Date Paid: 2/7/14

Fee Paid: $ $4,600 2/7/14

Cash ☐ or Check ☐ #_____

INDIGO - PARKING CALCULATIONS

7914-18 West Drive. North Bay Village

Parking	Visitor		Accessible		Residents	Compact	Sub-total		Additional	Totals
Ground	11		1		2	8	13			13
Level 2			2		23	4	27		5	32
Level 3			2		23	4	27		5	32
Level 4			2		23	4	27		5	32
Level 5			2		23	4	27		3	30
Totals	11		9		94	24	121		18	139

Parking Calculations:

		Required	Provided
Residential Parking	(6 Accessible)	110	110
Visitor	(1) Accessible)	11	11
Additional			18
	Totals	121	139

MF Knoll, LLC
Red Knoll

Property Location:
7914 West Bay Drive - North Bay Village

Nov. 27-2013

Area Calculations:

Unit	# units	Area - SF	Levels		Total
Unit 'F'	1	1,290.00	1		**1,290.00**
Loft A	2	2,900.00	2-3 & 4-5		**5,800.00**
Loft B	2	2,390.00	2-3 & 4-5		**4,780.00**
Unit A	16	2,100.00	6(1), 7(1), 8, 9, 10, 11, 12,13,14,15		**33,600.00**
Unit B	16	2,100.00	6(1), 7(1), 8, 9, 10, 11, 12,13,14,15		**33,600.00**
Unit C	14	2,100.00	6(1), 7(1), 8, 9, 10, 11, 12,13		**29,400.00**
Unit D	2	4,200.00	14, 15 (TH)	(3) bedroom	**8,400.00**
Unit E	2	4,200.00	14, 15 (TH)	(3) bedroom	**8,400.00**
Sub-totals	**55**				

Total	**125,270.00 SF**

Parking Calculations

Required

(51) 2 bedroom units at (2) parking per unit	51	2	**102**
(4) 3 bedroom units at (3) parking per unit	4	3	**12**
			114
10% for visitors	10%		12
5% Accessible	5%	5.1	
			126

Provided

(3) levels at 30 parking spaces	3	30	**90**
(1) levels at 26 parking spaces	1	28	**28**
14 parking spaces for visitors at level 1			14
			132

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, APRIL 8, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT THE TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING AT THE FIRST PUBLIC HEARING:

1. AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:

    A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.

    B. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

    C. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

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
(March 26, 2014)

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

Re: 7914 Building LLC
7914 West Drive
North Bay Village, FL 33141

Request for Special Use Exception for
For Compact Parking Spaces

I, Yvonne P. Hamilton, Village Clerk hereby certify, as per Section 152.096(A)(2) of the North Bay Village Code of Ordinances, that the petition filed by 7914 Building LLC for the request referenced herein is complete.

Dated this 3rd day of March 2014.

Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-March 18, 2014)

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

Re: 7914 West Drive, LLC
7914, 7916, & 7918 West Drive
Harbor Island
North Bay Village, FL 33141

Request for the following:

A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.

B. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

C. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

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 March 24, 2014.

Dated this 3rd day of March 2014.

Yvonne P. Hamilton
Village Clerk

(Village Commission Meeting-4/8/2014)

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

Re: 7914 West Drive, LLC
7914, 7916, & 7918 West Drive
Harbor Island
North Bay Village, FL 33141

Request for the following:

A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.

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I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on April 8, 2014 was posted at the above-referenced property on March 26, 2014.

Dated this 3rd day of March 2014.

Yvonne P. Hamilton
Village Clerk

(Village Commission Meeting-4/8/2014)

360 CONDOMINIUM ASSOCIATOIN
360 HARBOR ISLAND DRIV
N. BAY VILLAGE, FL 33141

GATOR HARBOR WEST LTD
1595 NE 163 ST
NO MIAMI BEACH FL
33162-4717

BAYSHORE YACHT & TENNIS CLUB
CONDOMINIUM
7904 WEST DRIVE
N. BAY VILLAGE, FL 33141

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N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 112
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 114
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 115
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 116
N. BAY VILLAGE, FL
33141

OWNER/OCCUPANT
7904 WEST DR., APT 117
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 201
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 205
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 203
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 204
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
79[illegible] WEST DR., APT 208
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 206
N. BAY VILLAGE, FL 33141

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7904 WEST DR., APT 207
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7904 WEST DR., APT 304
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7904 WEST DR., APT 303
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7904 WEST DR., APT 310
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7904 WEST DR., APT 401
N. BAY VILLAGE, FL 33141

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7904 WEST DR., APT 402
N. BAY VILLAGE, FL 33141

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7904 WEST DR., APT 408
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 409
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 410
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 411
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 412
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 414
N. BAY VILLAGE, FL 33141

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7904 WEST DR., APT 415
N. BAY VILLAGE, FL 33141

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7904 WEST DR., APT 416
N. BAY VILLAGE, FL 33141

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7904 WEST DR., APT 417
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7904 WEST DR., APT 501
N. BAY VILLAGE, FL 33141

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7904 WEST DR., APT 315
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 503
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 504
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 505
N. BAY VILLAGE, FL 33141

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7904 WEST DR., APT 511
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7904 WEST DR., APT 601
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7904 WEST DR., APT 514
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7904 WEST DR., APT 515
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7904 WEST DR., APT 516
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7904 WEST DR., APT 606
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 607
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 602
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
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N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 609
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 610
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 611
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 612
N. BAY VILLAGE, FL 33141

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7904 WEST DR., APT 614
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7904 WEST DR., APT 615
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OWNER/OCCUPANT
7904 WEST DR., APT 616
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OWNER/OCCUPANT
7904 WEST DR., APT 617
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OWNER/OCCUPANT
7904 WEST DR., APT 701
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OWNER/OCCUPANT
7904 WEST DR., APT 702
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OWNER/OCCUPANT
7904 WEST DR., APT 703
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7904 WEST DR., APT 704
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OWNER/OCCUPANT
7904 WEST DR., APT 705
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7904 WEST DR., APT 710
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OWNER/OCCUPANT
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7904 WEST DR., APT 714
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7904 WEST DR., APT 802
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Indigo Lofts Development Co.
LLC
C/O Scott Greenwald
7310 S.W. 57th Court, #565
Miami, FL 33143

Nancy Y. Ansted &
Douglas Wolfe
1696 N.E. Miami Gardens
N. Miami Beach, FL 33179

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360 Harbor Island Drive, #14
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Owner/Occupant
360 Harbor Island Drive, #1
N. Bay Village, FL 33141

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

Owner/Occupant
360 Harbor Island Drive, #2
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Owner/Occupant
360 Harbor Island Drive, #11
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Owner/Occupant
360 Harbor Island Drive, #9
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Owner/Occupant
360 Harbor Island Drive, #10
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Owner/Occupant
360 Harbor Island Drive, #3
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Owner/Occupant
360 Harbor Island Drive, #4
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Owner/Occupant
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Owner/Occupant
7900 Harbor Island Drive, #1424
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Owner/Occupant
7900 Harbor Island Drive, #1526
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Owner/Occupant
7900 Harbor Island Drive, #1517
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #915
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #1508
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #PH10
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #925
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Owner/Occupant
7900 Harbor Island Drive, #1521
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Owner/Occupant
7900 Harbor Island Drive, #706
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #704
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1013
N. Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #PH28
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #1003
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #807
N. Bay Village, FL 33141

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7918 Harbor Island Drive, #611
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7918 Harbor Island Drive, #1217
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7900 Harbor Island Drive, #PH21
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7900 Harbor Island Drive, #821
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7900 Harbor Island Drive, #PH4
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7900 Harbor Island Drive, #1511
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Owner/Occupant
7900 Harbor Island Drive, #1005
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #723
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7918 Harbor Island Drive, #PH8
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Owner/Occupant
7900 Harbor Island Drive, #920
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1216
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Owner/Occupant
7900 Harbor Island Drive, #518
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Owner/Occupant
7900 Harbor Island Drive, #1104
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7900 Harbor Island Drive, #710
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7900 Harbor Island Drive, #1103
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #616
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7900 Harbor Island Drive, #1503
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7900 Harbor Island Drive, #PH22
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7900 Harbor Island Drive, #1019
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7900 Harbor Island Drive, #PH14
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7900 Harbor Island Drive, #701
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7900 Harbor Island Drive, #1022
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1105
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #728
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1417
N. Bay Village, FL 33141

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7900 Harbor Island Drive, #1122
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #603
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1120
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #822
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #702
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7900 Harbor Island Drive, #PH25
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7900 Harbor Island Drive, #1101
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7900 Harbor Island Drive, #712
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N. Bay Village, FL 33141

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7900 Harbor Island Drive, #805
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7900 Harbor Island Drive, #622
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7900 Harbor Island Drive, #1106
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7900 Harbor Island Drive, #515
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7900 Harbor Island Drive, #618
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Owner/Occupant
7900 Harbor Island Drive, #903
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N. Bay Village, FL 33141

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N. Bay Village, FL 33141

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N. Bay Village, FL 33141

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N. Bay Village, FL 33141

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7900 Harbor Island Drive, #817
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7900 Harbor Island Drive, #612
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7900 Harbor Island Drive, #1126
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7900 Harbor Island Drive, #809
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7900 Harbor Island Drive, #909
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7900 Harbor Island Drive, #913
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1411
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7918 Harbor Island Drive, #1423
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1413
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1502
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1402
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1004
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #605
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #814
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #820
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #825
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1028
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Owner/Occupant
7900 Harbor Island Drive, #513
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Owner/Occupant
7900 Harbor Island Drive, #717
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Owner/Occupant
7900 Harbor Island Drive, #1212
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Owner/Occupant
7900 Harbor Island Drive, #1017
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7900 Harbor Island Drive, #503
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Owner/Occupant
7900 Harbor Island Drive, #PH18
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7900 Harbor Island Drive, #1009
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Owner/Occupant
7900 Harbor Island Drive, #719
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Owner/Occupant
7900 Harbor Island Drive, #524
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7900 Harbor Island Drive, #PH2
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7900 Harbor Island Drive, #1404
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7900 Harbor Island Drive, #510
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Owner/Occupant
7900 Harbor Island Drive, #1419
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7900 Harbor Island Drive, #711
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7900 Harbor Island Drive, #1208
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7900 Harbor Island Drive, #816
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7900 Harbor Island Drive, #905
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7900 Harbor Island Drive, #626
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North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #304
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #105
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #106
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #204
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #206
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #103
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #201
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #306
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #303
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #301
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #101
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #202
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Owner/Occupant
7914 Harbor Island Drive, #305
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7918 Harbor Island Drive, #6
N. Bay Village, FL 33141

Owner/Occupant
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Owner/Occupant
7918 Harbor Island Drive, #309
N. Bay Village, FL 33141

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7918 Harbor Island Drive, #209
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7918 Harbor Island Drive, #110
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7918 Harbor Island Drive, #108
N. Bay Village, FL 33141

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7918 Harbor Island Drive, #310
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #212
N. Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #312
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Owner/Occupant
7918 Harbor Island Drive, #308
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Owner/Occupant
7918 Harbor Island Drive, #211
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Owner/Occupant
7918 Harbor Island Drive, #109
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OWNER/OCCUPANT
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N. BAY VILLAGE, FL 33141

RESIDENT
7928 WEST DR., APT 810
N. BAY VILLAGE, FL 33141

RESIDENT
7928 WEST DR., APT 811
N. BAY VILLAGE, FL 33141

RESIDENT
7928 WEST DR., APT 901
N. BAY VILLAGE, FL 33141

RESIDENT
7928 WEST DR., APT 902
N. BAY VILLAGE, FL 33141

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RESIDENT
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N. BAY VILLAGE, FL 33141

RESIDENT
7928 WEST DR., APT 1001
N. BAY VILLAGE, FL 33141

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7928 WEST DR., APT 1002
N. BAY VILLAGE, FL 33141

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7928 WEST DR., APT 1003
N. BAY VILLAGE, FL 33141

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N. BAY VILLAGE, FL 33141

RESIDENT
7928 WEST DR., APT 1010
N. BAY VILLAGE, FL 33141

RESIDENT
7928 WEST DR., APT 1011
N. BAY VILLAGE, FL 33141

RESIDENT
7920 WEST DR., APT 18
N. 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, APRIL 8, 2014 AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT THE TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING AT PUBLIC HEARING:

1. A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED. *(CONTINUED FROM FEBRUARY 11, 2014)*

2. AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 24-STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:

   A. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.

   B. A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE" AND ADD THE DEFINITION OF "KITCHEN FACILITIES".

   C. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).

   D. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

   E. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

   F. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT, 24-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.

   BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

   G. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.003, DEFINITIONS BY MODIFYING THE DEFINITIONS OF "DWELLING, HOTEL ROOM", "DWELLING, HOTEL SUITE" AND BY ADDING A NEW DEFINITION FOR "KITCHEN FACILITIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

   H. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY CHANGING THE ZONING DESIGNATION ON THE OFFICIAL ZONING MAP FROM CG TO CL FOR THE PROPERTY SHOWN ON MAP 1 (1755 KENNEDY CAUSEWAY) AND LEGALLY DESCRIBED IN EXHIBIT A (ZONING MAP); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

3. AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:

   A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.

   B. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

   C. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

4. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTING THE QUALIFYING DATES FOR THE NOVEMBER 4, 2014 GENERAL ELECTION AS PROVIDED FOR UNDER CHAPTER 100, SECTION 100.3605(2) OF THE FLORIDA STATUTES; PROVIDING DIRECTIONS FOR THE VILLAGE CLERK; PROVIDING FOR REPEALER, SEVERABILITY, PROVIDING FOR CONFLICTING ORDINANCES OR RESOLUTIONS; AND AN EFFECTIVE DATE. *(SECOND READING)*

5. AN APPLICATION BY WILLIAM WEBB CONCERNING THE PROPERTY AT 1357 BAY TERRACE, NORTH BAY ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

   A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A TWO- STORY SINGLE-FAMILY RESIDENTIAL STRUCTURE TO EXCEED THE MAXIMUM HEIGHT OF SECTION 152.026(C)(3), WHICH ALLOWS A BUILDING HEIGHT OF NO MORE THAN 25 FEET ABOVE FEMA BASE FLOOD ELEVATION.

6. AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKE CONCERNING PROPERTY LOCATED AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:

   A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 4.5 FOOT SIDE-INTERIOR SETBACK FOR THE CONSTRUCTION OF STEPS AND LANDING LEADING FROM THE SWIMMING POOL DECK, WHERE THE CODE REQUIRES A SETBACK OF 7.5 FEET.

   B. A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE POOL EQUIPMENT TO ENCROACH 3.3 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AREA.

7. AN APPLICATION BY KAKUTA SAINT CONCERNING PROPERTY LOCATED AT 7441 CENTER BAY DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

   A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A GENERATOR TO ENCROACH 4 FEET INTO THE REQUIRED 10 FOOT SIDE INTERIOR SETBACK AREA.

   B. A VARIANCE PURSUANT TO SECTION 152.0971 (NONUSE VARIANCE) TO ALLOW INSTALLATION OF 2 CARPORTS THAT WOULD ENCROACH 20 FEET INTO THE FRONT YARD SETBACK ALLOWING A ZERO FOOT FRONT YARD SETBACK.

8. AN APPLICATION BY REBECCA OCARIZ CONCERNING PROPERTY LOCATED AT 1460 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE CONSTRUCTION OF A NEW DOCK PURSUANT TO SECTION 152.059 AND SECTION 150.11(A).

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
(March 20, 2014)

Staff Report
Variance Request

Prepared for: *North Bay Village Commission*

Applicant: *William C. Webb Jr.*

Request: *Variance to Maximum Building Height*

LaRue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366
Serving Florida Local Governments Since 1988

General Information

Owner/Applicant:	William C. Webb Jr.
Applicant Address:	1357 Bay Terrace North Bay Village, FL 33141
Site Address:	1357 Bay Terrace
Contact Person:	Lee C. Picker
Applicant/Contact Phone Number:	954-236-8095
E-mail Address	leepicker@email.com

Future Land Use	Single Family Residential
Zoning District	RS-1
Use of Property	Single Family Home
Acreage	0.20 ac.

Legal Description of Subject Property

LOT 5 & LOT 4 LESS W37FT & STRIP 1.65 FT WIDE ADJACENT SAME ON SOUTH BLOCK 1

SAID LANDS LYING AND BEING IN THE CITY OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA CONTAINING 8,858 SQUARE FEET (0.203 ACRES), MORE OR LESS.

Requested Variance

The applicant is requesting a 4 foot variance to the 25 foot maximum building height allowed above FEMA base flood elevation, thereby allowing the average height of the roof to be 29 feet above FEMA base flood height where only 25 feet is allowed.

It should be noted that in order to build the structure according to the plans submitted, the applicant must receive a 4.5 foot variance to 25 foot maximum building height allowed above FEMA base flood elevation, thereby allowing the average height of the roof to be 29.5 feet above FEMA base flood height where only 25 feet is allowed.

Project Description

In April of 2013, the Village Commission granted approval of a request for a variance to the front yard setback of this property to allow a 17 foot setback where a 20 foot setback is required. The plans that were submitted for that variance request did not include measurements depicting building height.

In October of 2013, the applicant submitted a full set of plans for site plan approval of a Building Permit. North Bay Village Code Section 152.026(C)(3) requires structures in the RS-1 Zoning District to conform to the following maximum building height:

> *Three stories, or 25 feet plus the required FEMA base flood elevation, neither to exceed a cumulative total of 35 feet.*

Accordingly, three story structures must only conform to the 35 foot above grade maximum building height. However, since the plans depict a two story structure, two height maximums must be adhered to:

- The building height from FEMA base flood elevation may not exceed 25 feet, and
- The building height from grade (with grade defined as the highest elevation of the paved street in front of the property) may not exceed 35 feet.

Staff could not approve the plans submitted because the plans depicted a structure with a 29 foot 2 inch building height from FEMA base flood elevation.

In January of 2014, the applicant submitted revised plans depicting a structure that met Village Code and the parameters of the front setback variance that was granted. Staff approved that site plan.

In February of 2014, the applicant submitted an application for request of a variance to the maximum building height of the RS-1 Zoning District, stating in the application the reason for the request as follows:

> *To keep with the original design of the house that was presented and approved by the Commission; we are requesting a height variance of four (4) feet. Redesigning the current plans will result in a delay and detract from the overall aesthetics of the house and neighborhood. Our goal is to avoid the look of an office building in a residential neighborhood, albeit a Mediterranean design ie: 1495 and/or 1520 South Treasure Drive.*

The Applicant has also submitted a letter which is attached to this report. In that letter, and the above application statement, the Applicant refers to “the original design that was presented and approved by the Commission”. Staff would like to make clear that the Village Commission has only approved a request for a variance to the front yard setback. Since the plans that were submitted for that variance request did not include measurements depicting the building height, there was no way for staff or the Commission to know that the Applicant intended to build higher than is allowed by the Village Code. No plans have been approved for this property for a structure which exceeds the maximum allowable building height.

Additionally, staff would like to point out that the applicant has formally requested a “height variance of four (4) feet”. However, the plans submitted with the latest variance application depict a structure with an average roof height that is 29.5 feet above FEMA base flood elevation. So in order for the structure to be built as shown, a 4.5 foot variance to the 25 foot maximum building height allowed above FEMA base flood elevation would have to be granted.

Required Findings

Sec. 152.097(B) sets forth the findings that are required for the reviewing body(ies) to authorize any variance request. Sec. 152.097(C) requires that the reviewing body(ies) must make an affirmative finding with respect to the criteria listed below. For ease of review, each of the criteria contained in subparagraphs (B)(1) through (B)(3) have been separated into their component parts.

(1)a. That there are (or are not) special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district;

Staff Comments: The Applicant has provided no evidence of special circumstances and/or conditions that are unique to the land or proposed structure. The property is a rectangular shaped lot of 8,858 square feet, in excess of the 7,000 square foot minimum lot size required in the RS-1 Zoning District. Architectural considerations are not valid reasons for granting a variance.

(1)b. that the special circumstances and conditions were not (or were) self-created by any person having an interest in the property;

Applicant Comments: Unfortunately, the changes in the flood criteria by FEMA has caused us to raise the finish floor on the home by four (4) feet from our previous two-story home, which in turn makes it extremely challenging to build a two story home.

Staff Comments: There are no special circumstances and/or conditions. Though the FEMA criteria may have changed since the time of construction of the Applicant’s existing residence, the current FEMA criteria are applied to all properties in coastal high hazard areas. The request for more height is a matter of choice necessitated only by the preference of the Applicant for a building size that results in the need for the variance.

(1)c. and that the strict application of the provisions of this chapter would (or would not) deprive the Applicant of the reasonable use of the land, structure, or building for which the variance is sought;

Applicant Comments: When building a two-story home, the current criteria results in having to either put a flat roof on the home, which is not conducive with the design aesthetics or to incorporate unreasonable lower interior ceilings that are not in keeping with homes of this caliber.

Staff Comments: The Applicant has already received a building permit to build a structure that conforms to the Village Code and the parameters of the front setback variance that was already granted by the Commission. The Applicant has the right to build a structure that has already been permitted and the strict application of the maximum building height will not deny the Applicant the reasonable use of his property.

(1)d. and would (or would not) involve an unnecessary hardship for the Applicant.

Staff Comments: The definition of an unnecessary hardship in Chapter 152 is as follows:

"(2) *Hardship, unnecessary.* Arduous restrictions upon the uses of a particular property, which are unique and distinct from that of adjoining property owners. Granting of relief from an unnecessary hardship should not violate sound zoning principles, including considerations that: adjacent properties will not be substantially reduced in value, it is not granting a special privilege not to be enjoyed by others in similar circumstances, and the public interest is maintained, including following the spirit of this chapter and the comprehensive master plan. Invalid and nonjustifiable bases for pleading unnecessary hardship include but are not limited to:

(a) Loss of the "best" use of the land, and business competition.

(b) Self-created hardships by the applicant's own acts.

(c) Neighboring violations and nonconformities.

(d) Claims of inability to sell the property.

(e) General restrictions of this chapter."

There is no unique characteristic about the lot that requires a variance to the maximum building height. If the Applicant should choose to build a new home of such a size that it requires the structure exceed the maximum building height, any perceived hardship is one that is self-created.

Allowing the Applicant to build the structure that has already received a building permit does not deprive the Applicant of reasonable use of the land.

(2)a. That granting the variance requested will not (or will) confer on the Applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district;

Staff Comments: It is our opinion that granting the requested building height variance would confer on the Applicant a special privilege that is denied to other lands in the RS-1 Zoning District.

(2)b. and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

Staff Comments: Strict application of the maximum building height will not deny the Applicant the reasonable use of his property. Consequently, we are of the opinion that no variance to the maximum building height is necessary; especially since the applicant has the right to build a structure according to the plans that were submitted and approved in January 2014, which do meet the Code.

(3) That granting the variance will (or will not) be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Applicant Comments: Approval of this variance and/or an adjustment of the City code in accordance with the new flood criteria will allow the City to attract future homeowners desiring to build homes that lend themselves to the overall Mediterranean ambiance that North Bay Village lends itself to. This variance and/or code change will be beneficial to all current and future homeowners as well as the City and will in time allow the City to benefit from an increased tax base.

Staff Comments: While we do not feel that the granting of the variance would be particularly injurious to the neighborhood or otherwise detrimental to the public welfare, nevertheless, the granting of the variance will not be in harmony with the general intent of Chapter 152. Most importantly, the request does not meet the very specific requirements for granting a variance.

The City's LDC contains the same criteria in Sec. 2.7.6 as discussed above except they are numbered (1) through (6). The LDC also includes a seventh criterion which reads as follows:

7. The variance request is not based exclusively upon a desire to reduce the cost of development.

Staff Comments: We do not believe that the Applicant has based this variance request exclusively to reduce the cost of development.

Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval of a variance request to allow the structure to exceed the North Bay Village maximum building height to be more than 25 feet above FEMA base flood elevation by a 3-1 vote on March 18, 2014.

Recommendations

Based on the current code restrictions for height in single family districts, staff does not recommend approval of the requested variance to allow the structure to exceed the North Bay Village maximum building height to be more than 25 feet above FEMA base flood elevation.

Staff finds that the requested variance does not meet the requirements of Sec. 152.097 (C) in that the materials submitted do not adequately allow for an affirmative finding on most of the criteria contained in 152.097(B) as specifically identified by the foregoing Staff Comments.

Submitted by:

James G. LaRue

James G. LaRue, AICP
Planning Consultant

April 1, 2014

Hearing: Village Commission, April 8, 2014

William C. Webb Jr
1300 NW 167th Street, Suite 2
Miami, FL 33169

March 6, 2014

Benjamin L. Smith
LaRue Planning & Management Service, Inc.
1375 Jacksonville Street, # 206
Fort Myers, FL 33901

RE: 1357 Bay Terrace – Height Variance Request

Dear Mr. Smith,

To keep with the original design of the house that was presented and approved by the Commission, we are requesting a height variance of four (4) feet.

Redesigning the current plans will detract from the overall aesthetics of the house and neighborhood. To modify the roof hip to incorporate a flat roof does not lend itself to the Mediterranean style of the original design that was presented. Albeit flat roofs lend themselves to modern design, i.e. 1495 and 1520 South Treasure Drive; the flat roof design is not in keeping with the ambiance of North Bay Island.

Unfortunately the changes in the flood criteria by FEMA has caused us to raise the finish floor of the home by four (4) feet from our previous two-story home, which in turn makes it extremely challenging to build a two-story home. When building a two-story home, the current criteria results in having to either put a flat roof on the home, which is not conducive with the design aesthetics or to incorporate unreasonable lower interior ceilings that are not in keeping with homes of this caliber. The four foot height variance that we are requesting is in direct correlation to the four foot height increase required by the new flood criteria.

The current code provides for measurement from the base flood level, which currently is the street level that will be four feet lower when fill is incorporated into the property. Approval of this variance and/or an adjustment of the City code in accordance with the new flood criteria will allow the City to attract future homeowners desiring to build homes that lend themselves to the overall Mediterranean ambiance that North Bay Village lends itself to. This variance and/or code change will be beneficial to all current and future homeowners as well as the City and will in time allow the City to benefit from an increased tax base.

I appreciate your consideration of my request to allow the construction of my home as originally designed and approved by the Commission.

Respectfully submitted,

William C. Webb Jr

FRONT (north) ELEVATION 1/4" = 1'-0"

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

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 Village Commission. Notice of Public Hearings before the Planning & Zoning Board and the Village 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 Village Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: William C. Webb Jr. Phone: 305-624-8484 / 786-236-0689

Mailing Address: 1300 NW 167th Street, Suite 2, Miami, FL 33169

1357 Bay Terrace, North Bay Village

Legal Description of Property: 9 53 42 NORTH BAY ISLAND PB 40-59 LOT 5 & LOT 4 LESS W37FT & STRIP 15FT WIDE ADJ SAME ON SOUTH BLK 1 LOT SIZE 103.000 X 86 OR 18208-4224 0798 1

Existing Zoning: RS-1 Single Family Lot Size: 103' x 86' Folio: 23-3209-008-0040

Type of Request: Height Variance

Reason for Request: (Attach additional Pages if necessary) To keep with the original design of the house that was presented and approved by the Commission; we are requesting a height variance of four (4) feet. Redesigning the current plans will result in a delay and detract from the overall aesthetics of the house and neighborhood. Our goal is to avoid the look of an office building in a residential neighborhood, albeit a modern and not Mediterranean design. ie: 1495 and/or 1520 South Treasure Drive

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

Mayor	Vice Mayor	Commissioner	Commissioner	Commissioner
Connie Leon-Kreps	**Eddie Lim**	**Dr. Richard Chervony**	**Wendy Duvall**	**Jorge Gonzalez**

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

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

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 North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village 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 Village Commission Pursuant to the Village 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 Village 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

William C. Webb Jr
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 17 **day of** February **20** 14
by William C. Webb Jr
who is personally known to me or who has produced personally known
as identification.

Notary Public

JOEL MARTIN SANSFORD
MY COMMISSION #FF059842
EXPIRES October 3, 2017
(407) 398-0153 FloridaNotaryService.com

Mayor	Vice Mayor	Commissioner	Commissioner	Commissioner
Connie Leon-Kreps	**Eddie Lim**	**Dr. Richard Chervony**	**Wendy Duvall**	**Jorge Gonzalez**

Office Use Only:

Date Submitted: 2/17/14

Tentative Meeting Date: 3/18/14

Date Paid: 2/17/14

Fee Paid: $1,200.00

Cash ☐ or Check ☑ # 10455

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

Re: William Webb, Jr.
1357 Bay Terrace
North Bay Island
North Bay Village, FL 33141

Request for the following:

A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A TWO-STORY SINGLE-FAMILY RESIDENTIAL STRUCTURE TO EXCEED THE MAXIMUM HEIGHT OF SECTION 152.026(C)(3), WHICH ALLOWS A BUILDING HEIGHT OF NO MORE THAN 25 FEET ABOVE FEMA BASE FLOOD ELEVATION.

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on April 8, 2014 was posted at the above-referenced property on March 26, 2014.

Dated this 3rd day of April 2014.

Yvonne P. Hamilton
Village Clerk

(Village Commission Meeting-4/8/2014)

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

Re: William Webb, Jr.
1357 Bay Terrace
North Bay Village, FL 33141

Request for the following:

A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A TWO-STORY SINGLE-FAMILY RESIDENTIAL STRUCTURE TO EXCEED THE MAXIMUM HEIGHT OF SECTION 152.026(C)(3), WHICH ALLOWS A BUILDING HEIGHT OF NO MORE THAN 25 FEET ABOVE FEMA BASE FLOOD ELEVATION.

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 March 24, 2014.

Dated this 3rd day of March 2014.

Yvonne P. Hamilton
Village Clerk

(Village Commission Meeting-4/8/2014)

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

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

Re: William Webb
1357 Bay Terrace
North Bay Village, FL 33141

Request for the following:

A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A TWO-STORY SINGLE-FAMILY RESIDENTIAL STRUCTURE TO EXCEED THE MAXIMUM HEIGHT OF SECTION 152.026(C)(3), WHICH ALLOWS A BUILDING HEIGHT OF NO MORE THAN 25 FEET ABOVE FEMA BASE FLOOD ELEVATION.

I, Yvonne P. Hamilton, Village Clerk hereby certify, as per Section 152.096(A)(2) of the North Bay Village Code of Ordinances, that the petition filed by William Webb for the request referenced herein is complete.

Dated this 3rd day of March 2014.

Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-March 18, 2014)

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, APRIL 8, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT THE TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING AT PUBLIC HEARING:

1. AN APPLICATION BY WILLIAM WEBB CONCERNING THE PROPERTY AT 1357 BAY TERRACE, NORTH BAY ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:

   A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A TWO-STORY SINGLE-FAMILY RESIDENTIAL STRUCTURE TO EXCEED THE MAXIMUM HEIGHT OF SECTION 152.026(C)(3), WHICH ALLOWS A BUILDING HEIGHT OF NO MORE THAN 25 FEET ABOVE FEMA BASE FLOOD ELEVATION.

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
(March 26, 2014)

Use Avery® Template 5160®
Feed Paper
expose Pop-up Edge™

Owner/Occupant
7401 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7411 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7421 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7431 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7441 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7400 Coquina Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7410 Coquina Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7420 Coquina Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7500 Coquina Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7421 Coquina Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7431 Coquina Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7501 Coquina Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7400 Beach View Drive
N. Bay Village, FL 33141

Owner/Occupant
7410 Beach View Drive
N. Bay Village, FL 33141

Owner/Occupant
7420 Beach View Drive
N. Bay Village, FL 33141

Owner/Occupant
7430 Beach View Drive
N. Bay Village, FL 33141

Owner/Occupant
7411 Beach View Drive
N. Bay Village, FL 33141

Owner/Occupant
7421 Beach View Drive
N. Bay Village, FL 33141

Owner/Occupant
7501 Beach View Drive
N. Bay Village, FL 33141

Owner/Occupant
7401 Beach View Drive
N. Bay Village, FL 33141

Owner/Occupant
1331 Bay Terrace
N. Bay Village, FL 33141

Owner/Occupant
1321 Bay Terrace
N. Bay Village, FL 33141

Owner/Occupant
1353 Bay Terrace
N. Bay Village, FL 33141

Owner/Occupant
1357 Bay Terrace
N. Bay Village, FL 33141

Owner/Occupant
1359 Bay Terrace
N. Bay Village, FL 33141

Owner/Occupant
1365 Bay Terrace
N. Bay Village, FL 33141

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1-800-GO-AVERY

To: City of North Bay Village Commissioners

1666 Kennedy Causeway, 3rd Floor

North Bay Village, FL 33141

Dear Honorable Commissioners,

I Eduardo Cofresi, a resident of North Bay Village, residing at 7500 COQUINA DRIVE am aware of a request for a height variance by my neighbor, William C. Webb Jr, who is building a new two-story home located at 1357 Bay Terrace. I wish to state that I have no problems or issues with his request for the variance.

Thank you in advance for your consideration of Bill's height variance as I truly believe the design of the home will be a benefit to our community now and in the future.

Signed: _____

Date: 3/17/2014

Phone: _____

William Webb
March 18, 20
Exhibit 1

To: City of North Bay Village Commissioners

1666 Kennedy Causeway, 3rd Floor

North Bay Village, FL 33141

Dear Honorable Commissioners,

I ROSALIND WANNMAN, a resident of North Bay Village, residing at 1311 BAY TERRACE am aware of a request for a height variance by my neighbor, William C. Webb Jr, who is building a new two-story home located at 1357 Bay Terrace. I wish to state that I have no problems or issues with his request for the variance.

Thank you in advance for your consideration of Bill's height variance as I truly believe the design of the home will be a benefit to our community now and in the future.

Signed: _____

Date: 3-17-14

Phone: _____

2 of 9

To: City of North Bay Village Commissioners

1666 Kennedy Causeway, 3rd Floor

North Bay Village, FL 33141

Dear Honorable Commissioners,

I Tim Funke, a resident of North Bay Village, residing at 1420 Coquina Drive am aware of a request for a height variance by my neighbor, William C. Webb Jr, who is building a new two-story home located at 1357 Bay Terrace. I wish to state that I have no problems or issues with his request for the variance.

Thank you in advance for your consideration of Bill's height variance as I truly believe the design of the home will be a benefit to our community now and in the future.

Signed: Tim Funke

Date: March 17, 2013

Phone:

To: City of North Bay Village Commissioners

1666 Kennedy Causeway, 3rd Floor

North Bay Village, FL 33141

Dear Honorable Commissioners,

I JACQUELINE BAIRD, a resident of North Bay Village, residing at 1356 BAY TR N. BAY Village FL 33141 am aware of a request for a height variance by my neighbor, William C. Webb Jr, who is building a new two-story home located at 1357 Bay Terrace. I wish to state that I have no problems or issues with his request for the variance.

Thank you in advance for your consideration of Bill's height variance as I truly believe the design of the home will be a benefit to our community now and in the future.

Signed: Jacq Baird

Date: 3/18/14

Phone: 305 758 7343

To: City of North Bay Village Commissioners

1666 Kennedy Causeway, 3rd Floor

North Bay Village, FL 33141

Dear Honorable Commissioners,

I CHAN EUGENE, a resident of North Bay Village, residing at 1359 BAY TER. N. BAY VILLAGE am aware of a request for a height variance by my neighbor, William C. Webb Jr, who is building a new two-story home located at 1357 Bay Terrace. I wish to state that I have no problems or issues with his request for the variance.

Thank you in advance for your consideration of Bill's height variance as I truly believe the design of the home will be a benefit to our community now and in the future.

Signed: Eugene B Chan

Date: 3/18/2014

Phone: _____

To: City of North Bay Village Commissioners

1666 Kennedy Causeway, 3rd Floor

North Bay Village, FL 33141

Dear Honorable Commissioners,

I Jack Morris, a resident of North Bay Village, residing at 7400 Bay Terr am aware of a request for a height variance by my neighbor, William C. Webb Jr, who is building a new two-story home located at 1357 Bay Terrace. I wish to state that I have no problems or issues with his request for the variance.

Thank you in advance for your consideration of Bill's height variance as I truly believe the design of the home will be a benefit to our community now and in the future.

Signed: [signature]

Date: 3-17-2014

Phone: 305 610-4040

6 of 9

To: City of North Bay Village Commissioners

1666 Kennedy Causeway, 3rd Floor

North Bay Village, FL 33141

Dear Honorable Commissioners,

I Douglas N. Hornsby, a resident of North Bay Village, residing at 1353 Bay Terrace am aware of a request for a height variance by my neighbor, William C. Webb Jr, who is building a new two-story home located at 1357 Bay Terrace. I wish to state that I have no problems or issues with his request for the variance.

Thank you in advance for your consideration of Bill's height variance as I truly believe the design of the home will be a benefit to our community now and in the future.

Signed: Douglas Hornsby

Date: 3/17/14

Phone: 305-759-9293

To: City of North Bay Village Commissioners

1666 Kennedy Causeway, 3rd Floor

North Bay Village, FL 33141

Dear Honorable Commissioners,

I Nancy Antorena, a resident of North Bay Village, residing at 7400 Beachview N.B.V. am aware of a request for a height variance by my neighbor, William C. Webb Jr, who is building a new two-story home located at 1357 Bay Terrace. I wish to state that I have no problems or issues with his request for the variance.

Thank you in advance for your consideration of Bill's height variance as I truly believe the design of the home will be a benefit to our community now and in the future.

Signed: Nancy Antorena

Date: 3-17-2014

Phone: _____

To: City of North Bay Village Commissioners

1666 Kennedy Causeway, 3rd Floor

North Bay Village, FL 33141

Dear Honorable Commissioners,

I Betna Bak, a resident of North Bay Village, residing at 7430 Beach View dr am aware of a request for a height variance by my neighbor, William C. Webb Jr, who is building a new two-story home located at 1357 Bay Terrace. I wish to state that I have no problems or issues with his request for the variance.

Thank you in advance for your consideration of Bill's height variance as I truly believe the design of the home will be a benefit to our community now and in the future.

Signed: [signature]

Date: 3/17/2014

Phone: 4258022509

9 of

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, APRIL 8, 2014 AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT THE TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING AT PUBLIC HEARING:

1. A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED. *(CONTINUED FROM FEBRUARY 11, 2014)*

2. AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 24-STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:

   A. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.

   B. A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE" AND ADD THE DEFINITION OF "KITCHEN FACILITIES".

   C. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).

   D. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

   E. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

   F. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT, 24-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.

   BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

   G. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.003, DEFINITIONS BY MODIFYING THE DEFINITIONS OF "DWELLING, HOTEL ROOM", "DWELLING, HOTEL SUITE" AND BY ADDING A NEW DEFINITION FOR "KITCHEN FACILITIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

   H. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY CHANGING THE ZONING DESIGNATION ON THE OFFICIAL ZONING MAP FROM CG TO CL FOR THE PROPERTY SHOWN ON MAP 1 (1755 KENNEDY CAUSEWAY) AND LEGALLY DESCRIBED IN EXHIBIT A (ZONING MAP); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

3. AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:

   A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.

   B. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

   C. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

4. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTING THE QUALIFYING DATES FOR THE NOVEMBER 4, 2014 GENERAL ELECTION AS PROVIDED FOR UNDER CHAPTER 100, SECTION 100.3605(2) OF THE FLORIDA STATUTES; PROVIDING DIRECTIONS FOR THE VILLAGE CLERK; PROVIDING FOR REPEALER, SEVERABILITY, PROVIDING FOR CONFLICTING ORDINANCES OR RESOLUTIONS; AND AN EFFECTIVE DATE. *(SECOND READING)*

5. AN APPLICATION BY WILLIAM WEBB CONCERNING THE PROPERTY AT 1357 BAY TERRACE, NORTH BAY ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

   A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A TWO- STORY SINGLE-FAMILY RESIDENTIAL STRUCTURE TO EXCEED THE MAXIMUM HEIGHT OF SECTION 152.026(C)(3), WHICH ALLOWS A BUILDING HEIGHT OF NO MORE THAN 25 FEET ABOVE FEMA BASE FLOOD ELEVATION.

6. AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKE CONCERNING PROPERTY LOCATED AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:

   A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 4.5 FOOT SIDE-INTERIOR SETBACK FOR THE CONSTRUCTION OF STEPS AND LANDING LEADING FROM THE SWIMMING POOL DECK. WHERE THE CODE REQUIRES A SETBACK OF 7.5 FEET.

   B. A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE POOL EQUIPMENT TO ENCROACH 3.3 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AREA.

7. AN APPLICATION BY KAKUTA SAINT CONCERNING PROPERTY LOCATED AT 7441 CENTER BAY DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

   A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A GENERATOR TO ENCROACH 4 FEET INTO THE REQUIRED 10 FOOT SIDE INTERIOR SETBACK AREA.

   B. A VARIANCE PURSUANT TO SECTION 152.0971 (NONUSE VARIANCE) TO ALLOW INSTALLATION OF 2 CARPORTS THAT WOULD ENCROACH 20 FEET INTO THE FRONT YARD SETBACK ALLOWING A ZERO FOOT FRONT YARD SETBACK.

8. AN APPLICATION BY REBECCA OCARIZ CONCERNING PROPERTY LOCATED AT 1460 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE CONSTRUCTION OF A NEW DOCK PURSUANT TO SECTION 152.059 AND SECTION 150.11(A).

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
(March 20, 2014)

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY WILLIAM C. WEBB, JR. FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE REDEVELOPMENT OF A SINGLE-FAMILY STRUCTURE AT 1357 BAY TERRACE TO PERMIT A BUILDING HEIGHT OF 29.5 FEET ABOVE FEMA BASE FLOOD ELEVATION, WHERE 25 FEET IS ALLOWED; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, William C. Webb, Jr. has applied to North Bay Village for a Variance to allow a building height of 29.5 feet above FEMA base flood elevation, where Section 152.026(C)(3) allows a maximum building height of 25 feet above FEMA base flood elevation; and

WHEREAS, Section 152.097 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 variance.

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for March 18, 2014, at 7:30 P.M. at the Treasure Island Elementary School, 7540 East Treasure Drive, 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

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for April 8, 2014 at 7:30 p.m. at Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

NOW, THEREFORE, BE IT RESOLVED BY THE 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. Findings.

In accordance with Section 152.097(B) of the Village Code, the Village Commission finds that:

A. That there are special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district; that the special circumstances and conditions were not self-created by any person having an interest in the property; and that the strict application of the provisions of the Code of Ordinances would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought and would involve an unnecessary hardship for the applicant.

B. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district; and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

C. That granting the variance will be in harmony with the general intent and purpose of Chapter 152, Zoning, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Section 3. Grant.

The Variance requested for a 29.5 building height above FEMA base flood elevation is hereby granted in substantial conformance with the Site Plan submitted for hearing on February 17, 2014 entitled "Mr. William C. Webb Jr.", including Sheet A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11 and A-12.

Section 4. Conditions.

1. Pursuant to Section 152.103 of the Village Code, the Variance shall lapse after one year of Commission approval if no substantial construction takes place.

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 Terms and Conditions.

Failure to adhere to the approval terms and conditions contained in this shall be considered a violation of this Resolution and persons found violating the Resolution 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.

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 8th day of April 2014.

_____
Mayor Connie Leon-Kreps

Attest:

_____
Yvonne P. Hamilton, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: 1357 Bay Terrace Building Height Variance.

Staff Report
Variance Request

Prepared for: *North Bay Village Commission*

Applicant: *Holger Piening*

Request: *Variance from Side Yard Setback for Placement of Pool Equipment*

General Information

Applicant	**Holger Piening**
Applicant Address	1700 S Treasure Dr North Bay Village, FL 33141
Site Address	1700 S Treasure Dr
Contact Person	Nicole J. Huesmann
Contact Phone Number	305-858-0220
E-mail Address	*njhuesmann@njhlaw.com*

Future Land Use Map Classification	Single Family Residential
Zoning District	RS-2
Use of Property	Single Family Home
Acreage	0.21 ac.

Legal Description of Subject Property

LOT 5, BLOCK 1 OF TREASURE ISLAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 50 ON PAGE 67 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

SAID LANDS LYING AND BEING IN NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA CONTAINING 9,000 SQUARE FEET (0.207 ACRES), MORE OR LESS.

Requested Variance

The applicant's letter of intent states that the request is for approval of a variance "to permit pool pump equipment to encroach into the East side 4.2 feet (7.5 feet required) from the interior side East property line."

However, the plans submitted by the applicant for this variance depict the pool equipment 3.5 feet from the east side property line. So in order for the plans to be built as shown, the Village Commission must approve a 4 foot variance from the 7.5 foot required side setback, allowing the pool equipment to be placed 3.5 feet from the property line where 7.5 feet is required.

Project Description

The applicant intends to construct a new single family home in the North Bay Village RS-2 Zoning District. North Bay Village Code Section 152.027 requires structures in the RS-2 zoning district to be setback at least 7.5 feet from the interior lot lines. The plans depict the first floor of the proposed structure 7 feet 10 inches from the east side property line and the applicant would like to place the pool equipment on the side of the house encroaching into the required side yard setback area.

In order to allow the applicant to build the plans as submitted, a 4 foot variance to the 7.5 foot required side yard setback must be approved by the Village Commission, thereby allowing a 3.5 foot setback where 7.5 feet is required.

Required Findings

Sec. 152.0971(B) sets forth findings that are required for the reviewing body(ies) to authorize any non-use variance request. In addition to staff comments on these items, the applicant's comments (included in his letter) have been listed as well. For ease of review, each of the criteria contained in subparagraphs (B)(1) through (B)(3) have been separated into their component parts.

(1) The variance will be in harmony with the general appearance and character of the community.

Applicant Comments: The pool pump equipment does not provide a detrimental impact to adjoining property

Staff Comments: The plans and renderings submitted by the applicant depict landscaping along the property line. From the plans provided, it is not clear if the proposed landscaping will be tall enough to completely obscure the pool equipment from view, but this can be made a condition of approval.

(2) The variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant Comments: The applicant has made every effort to prepare a design and to select a pool pump equipment manufacturer that will have the least amount of impact to the adjoining properties.

Staff Comments: Provided that the equipment installed is operational at a reasonable decibel level, staff does not believe that the pool equipment will be detrimental to public welfare.

(3) The improvement is designed and arranged on the site in a manner that minimizes aerial and visual impact on the adjacent residences.

Staff Comments: This improvement should not have an aerial/visual impact on the adjacent residences.

Staff finds that the requested variance does meet the requirements of Section 152.0971 in that the materials submitted adequately allow for an affirmative finding on all of the criteria contained as specifically identified by the foregoing staff comments.

Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval of a variance request to allow a 3.5 foot setback from the property line where a 7.5 foot setback is required, along with staff's recommended stipulations (as shown below) by a 4-0 vote on March 18, 2014.

Recommendation:

Staff recommends **approval** of a variance to allow a 3.5 foot setback from the property line where a 7.5 foot setback is required, with the following stipulations:

1. To comply with Section 151.25, landscaping and/or other methods of screening must be provided which screens the entire height of the pool equipment.

2. Building permits and related approvals for generator installation must be obtained from the Building Official prior to commencement of construction.

3. All applicable state and federal permits must be obtained before commencement of construction.

4. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no building permit 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.

5. Authorization or issue of a variance or a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a variance or a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

Submitted by:

James G. LaRue, AICP
Planning Consultant

April 1, 2014

Hearing: North Bay Village Commission, April 8, 2014

NICOLE J. HUESMANN, P.A.
Attorney at Law

150 Alhambra Circle, Suite 1150
Coral Gables, Florida 33134
Phone (305) 858-0220
Fax (305) 854-6810
njhuesmann@njhlaw.com

February 7, 2014

VIA HAND DELIVERY

Ms. Yvonne Hamilton
Village Clerk
North Bay Village
1666 Kennedy Causeway, Suite 300
North Bay Village, Florida 33141

Re: Letter of Intent for variance request for 1700 S. Treasure Drive / North Bay Village

Dear Ms. Hamilton:

On behalf of our client Holger Piening ("Applicant"), we respectfully submit this Letter of Intent accompanying our application for public hearing. The Applicant is proposing to develop a single family residence on the property located at Lot 5 of Block 1 of Treasure Island, Plat Book 50 Page 67 a/k/a 1700 S. Treasure Drive.

As part of the site plan approval, the Applicant is respectfully seeking approval of setback encroachment variances for the proposed residence. Accordingly, our requests are as follows:

- A variance from the provisions of Section 152-056 of the Village Code to permit steps and landing leading from the pool deck into the residence along the East side to encroach 4.5 feet (7.5 feet required) from the interior side East property line.

- A variance from the provisions of Section 152-056 of the Village Code to permit pool pump equipment to encroach into the East side 4.2 feet (7.5 feet required) from the interior side East property line.

Proposed Development

The Applicant is proposing to construct a new single family residence and pool on the property located at 1700 S. Treasure Drive abutting Biscayne Bay. The property dimensions are 60 feet wide by 150 feet in length, making the building site long and narrow.

MIAMI 4034348.1 80814/43852

As part of the design the design proposes a pool and a wooden pool deck at grade level which is 6.46 feet (NGVD) on the rear for the property facing Biscayne Bay. The pool and wooden pool deck do not violate any setbacks. However, a variance will be required for a structure (steps and landing) on the East side of the house. The purpose for these steps and landing is for ingress and egress to the bathroom to the pool which is located within the residence. Due to flood requirements the house elevation is required to be 8.0 feet (NGVD) and in order to provide proper ingress and egress to the pool bathroom the steps and landing is needed. The height difference between the wooden pool deck and the residence is 1.54 feet.

Additionally, abutting the steps and landing structure the applicant is proposing to place the pool pump equipment. The encroachment into the side East setback of the pool pump equipment is less than the encroachment of the steps and landing. The industry norm regarding the placement of the pool equipment has been to place the pool pump equipment on the side of the properties to enable easy maintenance and repairs to the equipment as well as for the safety of the property owner and guests.

We believe that the above-noted variances may be justified when taking into account the width of the parcel and the associated setbacks to structures. The height for steps and landing structure and the pool pump equipment do not provide a detrimental impact to adjoining property. The Applicant has made every effort to prepare a design and to select a pool pump equipment manufacturer that will have the least amount of impact to the adjoining properties. .

Standards of review for variances pursuant to Section 152.097 (B) of the Village Code

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district; that the special circumstances and conditions were not (or were) self-created by any person having and interest in the property; and that the strict application of the reasonable use of land, structure, or building for which the variance is sought and would (or would not) involve an unnecessary hardship for the applicant.

The requirements of flood elevation criteria for the residence and the access to the wooden pool deck create a hardship for the Applicant. In addition the width of the lot and the associated setbacks to a narrow lot restricts the Applicant from reasonable use of the land. Strict application of the Village Code for these structures create an unnecessary hardship.

(2) Granting the variance requested will not (or will) confer on the applicant any special privilege that is denied by this chapter to other land, structures or buildings in the same zoning district; and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building.

The granting of the requested variances is the minimum variance possible to allow the Applicant reasonable and functional use of the land and building. It would permit the applicant to construct a residence that is compatible other residences in the area.

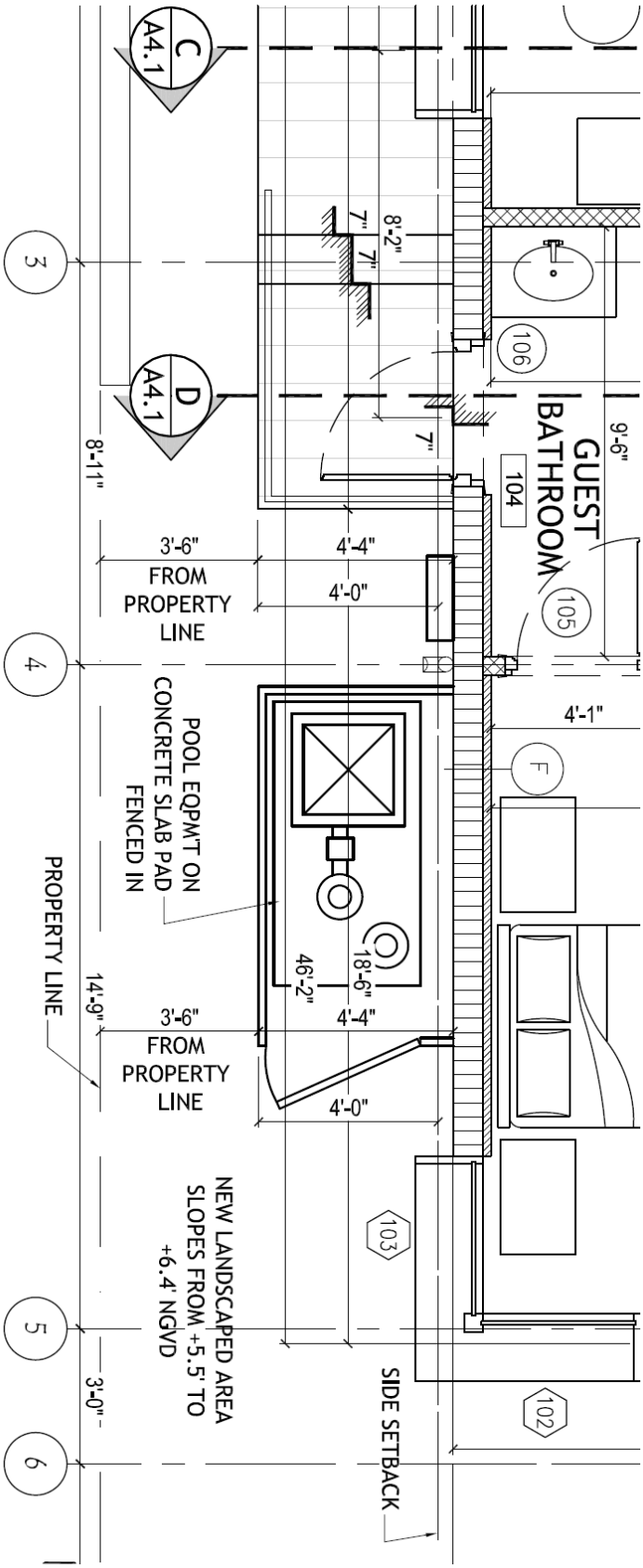
(3) The granting of the variance will (or will not) be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Granting of the variance would allow the applicant to construct a residence that would be in harmony with the general intent of the LDRs. The overall height of the landing and pool pump equipment would not be detrimental to the public welfare. The proposed residence when completed will increase property values to neighboring properties.

Based on the foregoing we respectfully request your support of the application. Thank you for your consideration.

Very truly yours,

Nicole J. Huesmann, P.A.


GUEST BATHROOM
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SIDE SETBACK
NEW LANDSCAPED AREA
SLOPES FROM +5.5' TO
+6.4' NGVD
POOL EQPM'T ON
CONCRETE SLAB PAD
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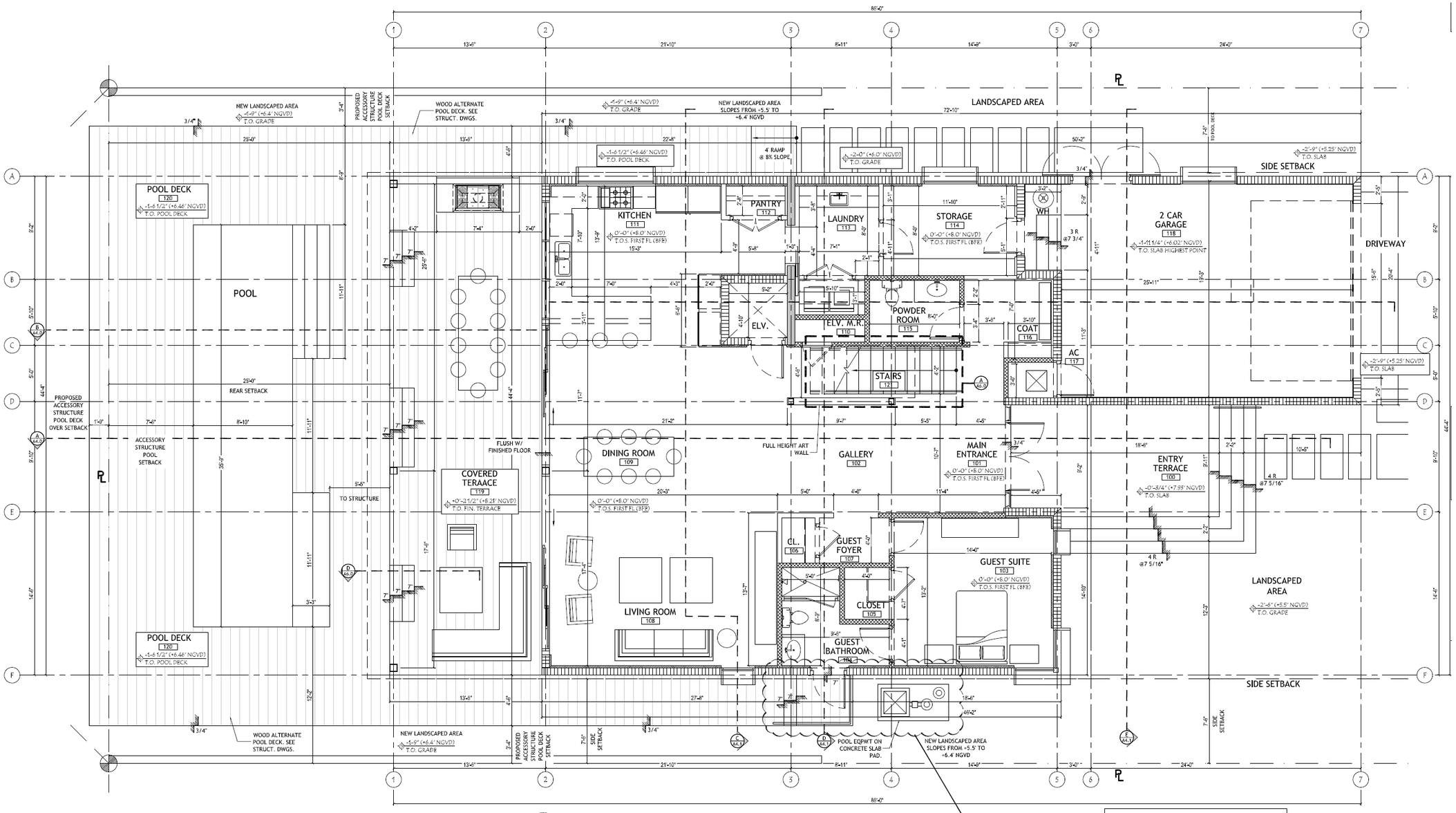


FIRST FLOOR PLAN

SCALE 1/4" = 1'-0

VARIANCES REQUESTED:
- THE POOL EQUIPMENT ENCROACHMENT
- THE STEPS CONNECTING THE RAISED STOOP TO THE POOL DECK EXTENSION.

WALL LEGEND

- 8" CMU WALL WITH 5/8" SMOOTH STUCCO FINISH EACH SIDE.
- 8" CMU WALL WITH 5/8" SMOOTH STUCCO FINISH EXTERIOR SIDE AND INSULATED 5/8" DRYWALL FINISH OVER 3/4" WOOD STRIPS INTERIOR SIDE
- SOUND INSULATED METAL FRAMING WITH 5/8" DRYWALL PARTITION
- STANDARD NON INSULATED METAL FRAMING WITH 5/8" DRYWALL PARTITION

Staff Report
Variance Request

Prepared for: *North Bay Village Commission*

Applicant: *Holger Piening*

Request: *Variance to Minimum Side Yard Setback for Placement of a Stoop and Steps*

LaRue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366
Serving Florida Local Governments Since 1988

General Information

Owner/Applicant:	Holger Piening
Applicant Address:	1700 S Treasure Dr North Bay Village, FL 33141
Site Address:	1700 S Treasure Dr
Contact Person:	Nicole J. Huesmann
Contact Phone Number:	305-858-0220
E-mail Address	njhuesmann@njhlaw.com

Future Land Use Map Classification	Single Family Residential
Zoning District	RS-2
Use of Property	Single Family Home
Acreage (per survey)	0.21 ac.

Legal Description of Subject Property

LOT 5, BLOCK 1 OF TREASURE ISLAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 50 ON PAGE 67 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

SAID LANDS LYING AND BEING IN NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA CONTAINING 9,000 SQUARE FEET (0.207 ACRES), MORE OR LESS.

Requested Variance

The letter of intent submitted by the applicant states that the request is for approval of a variance “to permit steps and landing leading from the pool deck into the residence along the East side to encroach 4.5 feet (7.5 feet required) from the interior side East property line.”

The plans submitted by the applicant for this variance depict the steps and landing 3.5 feet from the east side property line. So in order for the plans to be built as shown, the Commission must approve a 4 foot variance from the 7.5 foot required side setback, allowing the steps and landing to encroach 4 feet into the required 7.5 foot side yard setback.

Project Description

The applicant plans to construct a new single family home in the North Bay Village RS-2 Zoning District. The project incorporates ground level decking throughout the backyard that will extend around the sides of the house into the areas between the sides of the house and the side lot lines. The plans depict a stoop with stairs extending out from one side of the house leading down to the deck. The stoop and stairs are depicted as encroaching 4 feet into the required side yard setback area. According to Section 152.027(C)(2), the setback requirement from the side property line is 7.5 feet.

In order to allow the applicant to build the plans as submitted, a 4 foot variance to the 7.5 foot required side yard setback must be approved by the Village Commission, thereby allowing a 3.5 foot setback where 7.5 feet is required.

Required Findings

Sec. 152.097(B) sets forth the findings that are required for the reviewing body(ies) to authorize any variance request. Sec. 152.097(C) requires that the reviewing body(ies) must make an affirmative finding with respect to the criteria listed below. For ease of review, each of the criteria contained in subparagraphs (B)(1) through (B)(3) have been separated into their component parts.

(1)a. That there are (or are not) special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district;

Staff Comments: The Applicant has provided no evidence of special circumstances and/or conditions that are unique to the land or proposed structure. The property is a rectangular shaped lot of 9,000 square feet, in excess of the 6,000 square foot minimum lot size required in the RS-2 Zoning District; and with 60 foot width, which meets the 60 foot minimum frontage required in the RS-2 District. Architectural considerations are not valid reasons for granting a variance.

(1)b. that the special circumstances and conditions were not (or were) self-created by any person having an interest in the property;

Staff Comments: There are no special circumstances and/or conditions. The need for a stoop and steps is matters of choice necessitated only by the preference of the Applicant for a side entrance and a building size that results in the need for the variance.

(1)c. and that the strict application of the provisions of this chapter would (or would not) deprive the Applicant of the reasonable use of the land, structure, or building for which the variance is sought;

Staff Comments: While it would require the construction of a somewhat smaller home or the elimination of the steps and stoop from the building plans, the strict application of the minimum side yard setback of 7.5 feet will not deny the Applicant the reasonable use of the property.

(1)d. and would (or would not) involve an unnecessary hardship for the Applicant.

Applicant Comments: The requirements of flood elevation criteria for the residence and the access to the wooden pool deck create a hardship for the Applicant. In addition the width of the lot and the associated setbacks to a narrow lot restricts the Applicant from reasonable use of the land. Strict application of the Village Code for these structures create an unnecessary hardship.

Staff Comments: The definition of an unnecessary hardship in Chapter 152 is as follows:

"(2) *Hardship, unnecessary.* Arduous restrictions upon the uses of a particular property, which are unique and distinct from that of adjoining property owners. Granting of relief from an unnecessary hardship should not violate sound zoning principles, including considerations that: adjacent properties will not be substantially reduced in value, it is not granting a special privilege not to be enjoyed by others in similar circumstances, and the public interest is maintained, including following the spirit of this chapter and the comprehensive master plan. Invalid and nonjustifiable bases for pleading unnecessary hardship include but are not limited to:

(a) Loss of the "best" use of the land, and business competition.

(b) Self-created hardships by the applicant's own acts.

(c) Neighboring violations and nonconformities.

(d) Claims of inability to sell the property.

(e) General restrictions of this chapter."

There is no unique characteristic about the lot that requires a variance to the minimum side yard setback. The size of the structure is a choice made by the Applicant.

If the Applicant should choose to build a new home of such a size that it requires that the structure encroach into the required setback, any perceived hardship is one that is self-created. Similarly, if the Applicant wishes to add the stoop and steps, a thinner house would allow such features without the need for a variance.

Requiring the Applicant to modify the proposed site plan to meet the code does not deprive the Applicant of reasonable use of the land. A minor loss of square footage does not constitute an unnecessary hardship.

(2)a. That granting the variance requested will not (or will) confer on the Applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district;

Staff Comments: The width and depth of the lot is the same as many of the other lots in the RS-2 district. It is our opinion that granting the requested side yard setback variance would confer on the Applicant a special privilege that is denied to other lands in the RS-2 Zoning District.

(2)b. and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

Applicant Comments: The granting of the requested variances is the minimum variance possible to allow the Applicant reasonable and functional use of the land and building. It would permit the applicant to construct a residence that is compatible other residences in the area.

Staff Comments: Strict application of the minimum side yard setback of 7.5 feet will not deny the Applicant the reasonable use of his property. Consequently, we are of the opinion that no variance to the side yard setback is necessary.

(3) That granting the variance will (or will not) be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Applicant Comments: Granting the variance would allow the applicant to construct a residence that would be in harmony with the general intent of the LDRs. The overall height of the landing and pool pump equipment would not be detrimental to the public welfare. The proposed residence when completed will increase property values to neighboring properties.

Staff Comments: We do not feel that the granting of the variance would be particularly injurious to the neighborhood or otherwise detrimental to the public welfare. Nevertheless, the granting of the variance will not be in harmony with the general intent of Chapter 152. Most importantly, the request does not meet the very specific requirements for granting a variance.

The City's LDC contains the same criteria in Sec. 2.7.6 as discussed above except they are numbered (1) through (6). The LDC also includes a seventh criterion which reads as follows:

7. The variance request is not based exclusively upon a desire to reduce the cost of development.

Staff Comments: We do not believe that the Applicant has based this variance request exclusively to reduce the cost of development.

Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval of the variance request to allow less than the required 7.5 foot setback from the side property line by a 4-0 vote on March 18, 2014.

Recommendations

Staff does not recommend approval of the requested variance to allow less than the required 7.5 foot setback from the side property line.

Staff finds that the requested variance does not meet the requirements of Sec. 152.097 (C) in that the materials submitted do not adequately allow for an affirmative finding on most of the criteria contained in 152.097(B) as specifically identified by the foregoing Staff Comments.

Submitted by:

James G. LaRue

James G. LaRue, AICP
Planning Consultant

April 1, 2014

Hearing: North Bay Village Commission, April 8, 2014

NICOLE J. HUESMANN, P.A.
Attorney at Law

150 Alhambra Circle, Suite 1150
Coral Gables, Florida 33134
Phone (305) 858-0220
Fax (305) 854-6810
njhuesmann@njhlaw.com

February 7, 2014

VIA HAND DELIVERY

Ms. Yvonne Hamilton
Village Clerk
North Bay Village
1666 Kennedy Causeway, Suite 300
North Bay Village, Florida 33141

Re: Letter of Intent for variance request for 1700 S. Treasure Drive / North Bay Village

Dear Ms. Hamilton:

On behalf of our client Holger Piening ("Applicant"), we respectfully submit this Letter of Intent accompanying our application for public hearing. The Applicant is proposing to develop a single family residence on the property located at Lot 5 of Block 1 of Treasure Island, Plat Book 50 Page 67 a/k/a 1700 S. Treasure Drive.

As part of the site plan approval, the Applicant is respectfully seeking approval of setback encroachment variances for the proposed residence. Accordingly, our requests are as follows:

- A variance from the provisions of Section 152-056 of the Village Code to permit steps and landing leading from the pool deck into the residence along the East side to encroach 4.5 feet (7.5 feet required) from the interior side East property line.

- A variance from the provisions of Section 152-056 of the Village Code to permit pool pump equipment to encroach into the East side 4.2 feet (7.5 feet required) from the interior side East property line.

Proposed Development

The Applicant is proposing to construct a new single family residence and pool on the property located at 1700 S. Treasure Drive abutting Biscayne Bay. The property dimensions are 60 feet wide by 150 feet in length, making the building site long and narrow.

As part of the design the design proposes a pool and a wooden pool deck at grade level which is 6.46 feet (NGVD) on the rear for the property facing Biscayne Bay. The pool and wooden pool deck do not violate any setbacks. However, a variance will be required for a structure (steps and landing) on the East side of the house. The purpose for these steps and landing is for ingress and egress to the bathroom to the pool which is located within the residence. Due to flood requirements the house elevation is required to be 8.0 feet (NGVD) and in order to provide proper ingress and egress to the pool bathroom the steps and landing is needed. The height difference between the wooden pool deck and the residence is 1.54 feet.

Additionally, abutting the steps and landing structure the applicant is proposing to place the pool pump equipment. The encroachment into the side East setback of the pool pump equipment is less than the encroachment of the steps and landing. The industry norm regarding the placement of the pool equipment has been to place the pool pump equipment on the side of the properties to enable easy maintenance and repairs to the equipment as well as for the safety of the property owner and guests.

We believe that the above-noted variances may be justified when taking into account the width of the parcel and the associated setbacks to structures. The height for steps and landing structure and the pool pump equipment do not provide a detrimental impact to adjoining property. The Applicant has made every effort to prepare a design and to select a pool pump equipment manufacturer that will have the least amount of impact to the adjoining properties. .

Standards of review for variances pursuant to Section 152.097 (B) of the Village Code

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district; that the special circumstances and conditions were not (or were) self-created by any person having and interest in the property; and that the strict application of the reasonable use of land, structure, or building for which the variance is sought and would (or would not) involve an unnecessary hardship for the applicant.

The requirements of flood elevation criteria for the residence and the access to the wooden pool deck create a hardship for the Applicant. In addition the width of the lot and the associated setbacks to a narrow lot restricts the Applicant from reasonable use of the land. Strict application of the Village Code for these structures create an unnecessary hardship.

(2) Granting the variance requested will not (or will) confer on the applicant any special privilege that is denied by this chapter to other land, structures or buildings in the same zoning district; and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building.

The granting of the requested variances is the minimum variance possible to allow the Applicant reasonable and functional use of the land and building. It would permit the applicant to construct a residence that is compatible other residences in the area.

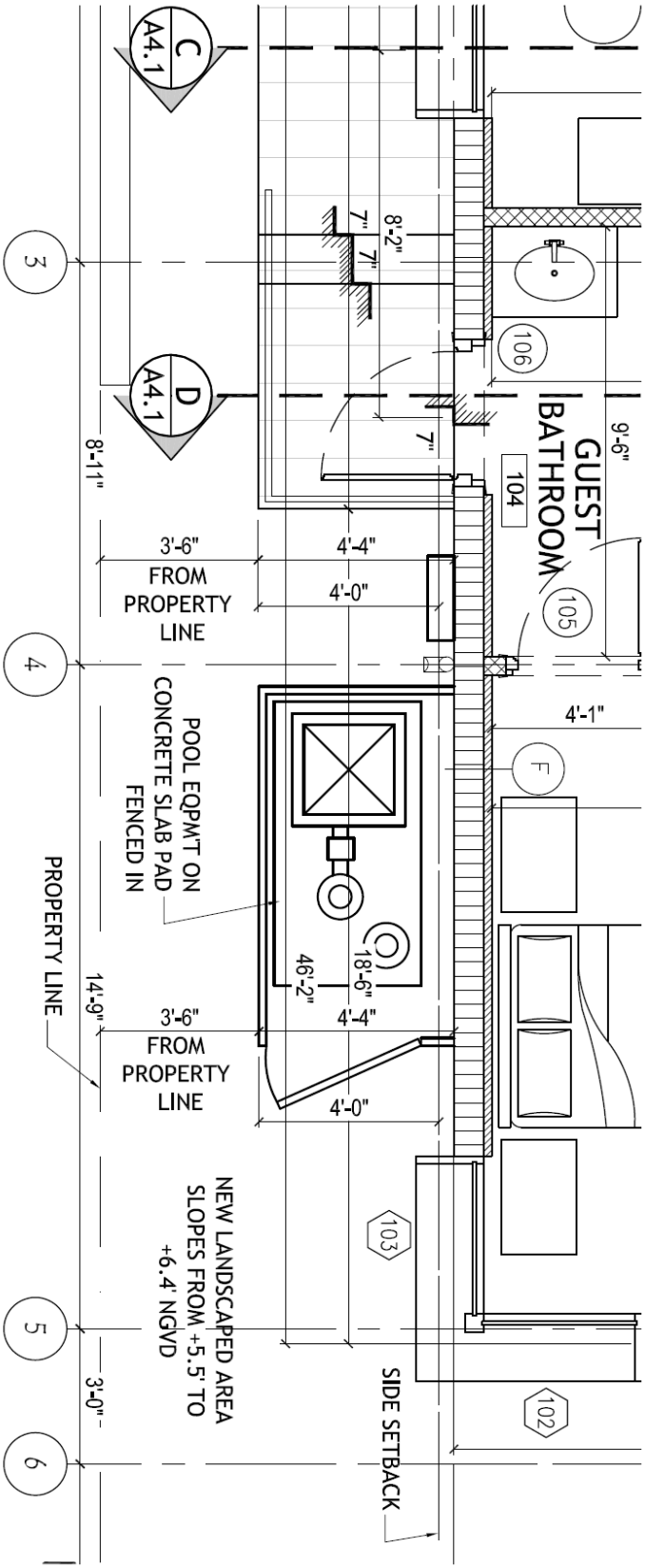
(3) The granting of the variance will (or will not) be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Granting of the variance would allow the applicant to construct a residence that would be in harmony with the general intent of the LDRs. The overall height of the landing and pool pump equipment would not be detrimental to the public welfare. The proposed residence when completed will increase property values to neighboring properties.

Based on the foregoing we respectfully request your support of the application. Thank you for your consideration.

Very truly yours,

Nicole J. Huesmann, P.A.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CONCRETE SLAB PAD
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3'-6"
FROM
PROPERTY
LINE
4'-4"
4'-0"
46'-2"
18'-6"
NEW LANDSCAPED AREA
SLOPES FROM +5.5' TO
+6.4' NGVD
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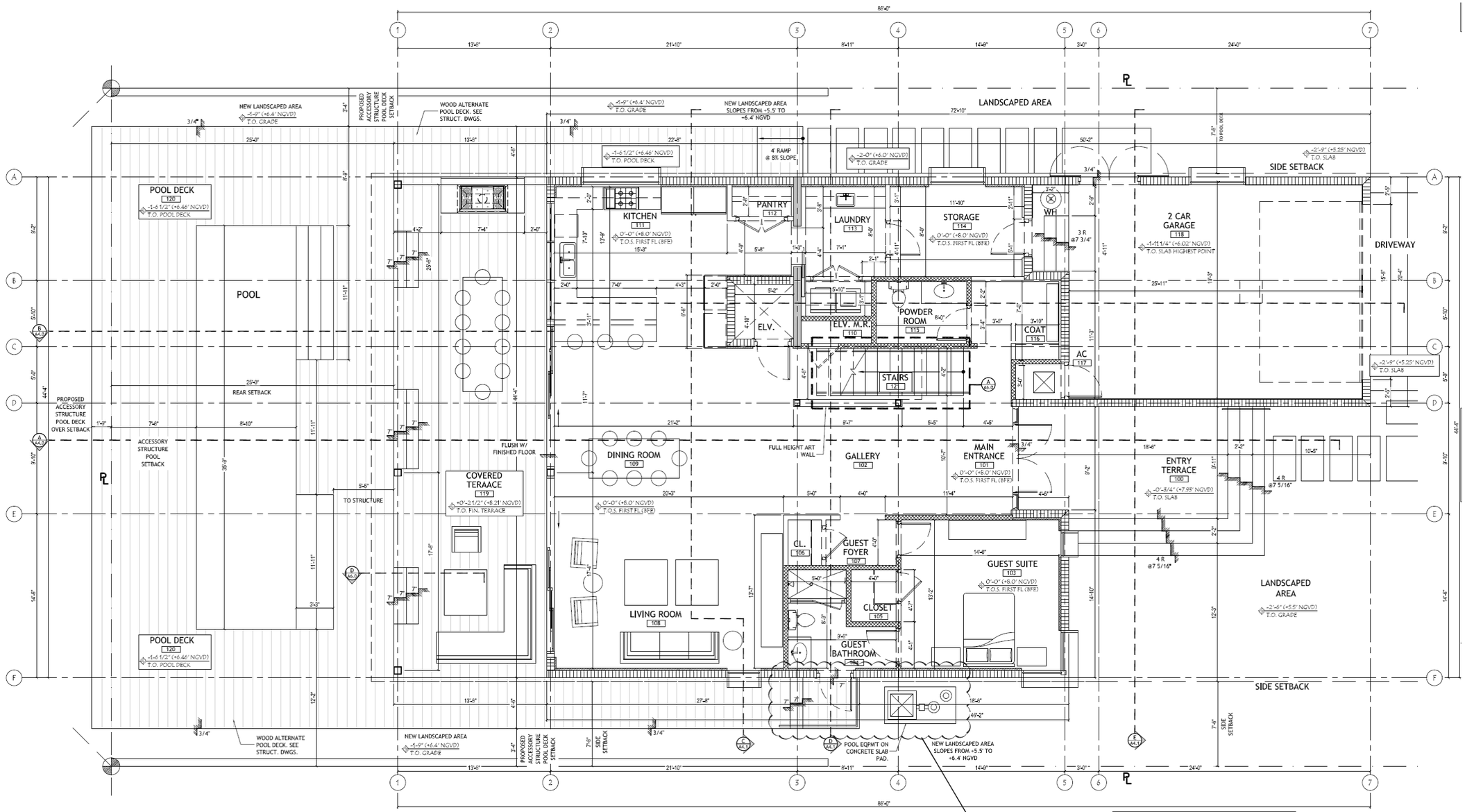
SIDE SETBACK
3'-0"



FIRST FLOOR PLAN

SCALE 1/4" = 1'-0

WALL LEGEND

- 8" CMU WALL WITH 5/8" SMOOTH STUCCO FINISH EACH SIDE.
- 8" CMU WALL WITH 5/8" SMOOTH STUCCO FINISH EXTERIOR SIDE AND INSULATED 5/8" DRYWALL FINISH OVER 3/4" WOOD STRIPS INTERIOR SIDE
- SOUND INSULATED METAL FRAMING WITH 5/8" DRYWALL PARTITION
- STANDARD NON INSULATED METAL FRAMING WITH 5/8" DRYWALL PARTITION

VARIANCES REQUESTED:
- THE POOL EQUIPMENT ENCROACHMENT
- THE STEPS CONNECTING THE RAISED STOOP TO THE POOL DECK EXTENSION.

HOLGER PIENING/ANDREA FRANKE
1700 S. Treasure Drive
North Bay Village, Florida

March 17, 2014

VIA EMAIL

Ms. Yvonne Hamilton
Village Clerk
North Bay Village
1666 Kennedy Causeway, Suite 300
North Bay Village, Florida 33141

Re: Letter of Authorization

Dear Ms. Hamilton:

We authorize Tony Leon, architect and president of 3Design Inc., and Brian S. Adler, Esquire of Bilzin Sumberg, to act on our behalf and represent us at the meeting tomorrow evening, March 18, 2014, for the following issues:

1. **VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 4.5 FOOT SIDE-INTERIOR SETBACK FOR THE CONSTRUCTION OF STEPS AND LANDING LEADING FROM THE SWIMMING POOL DECK, WHERE THE CODE REQUIRES A SETBACK OF 7.5 FEET.**

2. **VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE POOL EQUIPMENT TO ENCROACH 3.3 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AREA.**

Thank you for your assistance.

Very truly yours,

Holger Piening and Andrea Franke

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

12-07-14 PM 1:36 RCVD

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 Village Commission. Notice of Public Hearings before the Planning & Zoning Board and the Village 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 Village Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: Holger Pieningland Andrea Franke Phone: 786 332 9512 or 305 858 0220

Mailing Address: C/O Nicole J. Huesmann, 150 Alhambra Cir, #1150, Coral Gables, FL 33134

Legal Description of Property: Lot 5, Block 1, Treasure Island, PB 50, Page 67
Address: 1700 S. Treasure Dr., Miami, FL 33131

Existing Zoning: Res. Single family Lot Size: 9,000 sf Folio: 2332 09 009 0050

Type of Request: Variance-see attached sheet.

Reason for Request: (Attach additional Pages if necessary) See attached sheet.

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

Mayor	Vice Mayor	Commissioner	Commissioner	Commissioner
Connie Leon-Kreps	**Eddie Lim**	**Dr. Richard Chervony**	**Wendy Duvall**	**Jorge Gonzalez**

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

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

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 North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village 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 Village Commission Pursuant to the Village 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 Village 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

Nicole J. Huesmann as AIF for
Print Name
Holger Piening and Andrea Franke

(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 7th **day of** February **20** 14
by Nicole J. Huesmann as AIF for Holger Piening and Andrea Franke
who is personally known to me or who has produced _____
as identification.

Notary Public

Notary Public State of Florida
Sharon Urquiza
My Commission DD981277
Expires 04/12/2014

(Notary Seal)

Mayor	Vice Mayor	Commissioner	Commissioner	Commissioner
Connie Leon-Kreps	**Eddie Lim**	**Dr. Richard Chervony**	**Wendy Duvall**	**Jorge Gonzalez**

Office Use Only:

Date Submitted:_____ Fee Paid: $_____

Tentative Meeting Date:_____ Cash ☐ or Check ☐ #_____

Date Paid: _____

NICOLE J. HUESMANN, P.A.
Attorney at Law

150 Alhambra Circle, Suite 1150
Coral Gables, Florida 33134
Phone (305) 858-0220
Fax (305) 854-6810
njhuesmann@njhlaw.com

February 7, 2014

VIA HAND DELIVERY

Ms. Yvonne Hamilton
Village Clerk
North Bay Village
1666 Kennedy Causeway, Suite 300
North Bay Village, Florida 33141

Re: **Letter of Intent for variance request for 1700 S. Treasure Drive / North Bay Village**

Dear Ms. Hamilton:

On behalf of our client Holger Piening ("Applicant"), we respectfully submit this Letter of Intent accompanying our application for public hearing. The Applicant is proposing to develop a single family residence on the property located at Lot 5 of Block 1 of Treasure Island, Plat Book 50 Page 67 a/k/a 1700 S. Treasure Drive.

As part of the site plan approval, the Applicant is respectfully seeking approval of setback encroachment variances for the proposed residence. Accordingly, our requests are as follows:

- A variance from the provisions of Section 152-056 of the Village Code to permit steps and landing leading from the pool deck into the residence along the East side to encroach 4.5 feet (7.5 feet required) from the interior side East property line.

- A variance from the provisions of Section 152-056 of the Village Code to permit pool pump equipment to encroach into the East side 4.2 feet (7.5 feet required) from the interior side East property line.

Proposed Development

The Applicant is proposing to construct a new single family residence and pool on the property located at 1700 S. Treasure Drive abutting Biscayne Bay. The property dimensions are 60 feet wide by 150 feet in length, making the building site long and narrow.

MIAMI 4034348.1 80814/43852

Ms. Yvonne Hamilton
Page 2
February 7, 2014

As part of the design the design proposes a pool and a wooden pool deck at grade level which is 6.46 feet (NGVD) on the rear for the property facing Biscayne Bay. The pool and wooden pool deck do not violate any setbacks. However, a variance will be required for a structure (steps and landing) on the East side of the house. The purpose for these steps and landing is for ingress and egress to the bathroom to the pool which is located within the residence. Due to flood requirements the house elevation is required to be 8.0 feet (NGVD) and in order to provide proper ingress and egress to the pool bathroom the steps and landing is needed. The height difference between the wooden pool deck and the residence is 1.54 feet.

Additionally, abutting the steps and landing structure the applicant is proposing to place the pool pump equipment. The encroachment into the side East setback of the pool pump equipment is less than the encroachment of the steps and landing. The industry norm regarding the placement of the pool equipment has been to place the pool pump equipment on the side of the properties to enable easy maintenance and repairs to the equipment as well as for the safety of the property owner and guests.

We believe that the above-noted variances may be justified when taking into account the width of the parcel and the associated setbacks to structures. The height for steps and landing structure and the pool pump equipment do not provide a detrimental impact to adjoining property. The Applicant has made every effort to prepare a design and to select a pool pump equipment manufacturer that will have the least amount of impact to the adjoining properties. .

Standards of review for variances pursuant to Section 152.097 (B) of the Village Code

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district; that the special circumstances and conditions were not (or were) self-created by any person having and interest in the property; and that the strict application of the reasonable use of land, structure, or building for which the variance is sought and would (or would not) involve an unnecessary hardship for the applicant.

The requirements of flood elevation criteria for the residence and the access to the wooden pool deck create a hardship for the Applicant. In addition the width of the lot and the associated setbacks to a narrow lot restricts the Applicant from reasonable use of the land. Strict application of the Village Code for these structures create an unnecessary hardship.

Ms. Yvonne Hamilton
Page 3
February 7, 2014

(2) Granting the variance requested will not (or will) confer on the applicant any special privilege that is denied by this chapter to other land, structures or buildings in the same zoning district; and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building.

The granting of the requested variances is the minimum variance possible to allow the Applicant reasonable and functional use of the land and building. It would permit the applicant to construct a residence that is compatible other residences in the area.

(3) The granting of the variance will (or will not) be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Granting of the variance would allow the applicant to construct a residence that would be in harmony with the general intent of the LDRs. The overall height of the landing and pool pump equipment would not be detrimental to the public welfare. The proposed residence when completed will increase property values to neighboring properties.

Based on the foregoing we respectfully request your support of the application. Thank you for your consideration.

Very truly yours,

Nicole J. Huesmann, P.A.

Applicant Name: Holger Piening and Andrea Franke

Property Address: 1700 S. Treasure Drive, Miami, Florida 33131

Folio: 2332 09 009 0050

RE: Application for Public Hearings

Variances requested:

1 - Pool equipment located on the east side setback. It will be of a noise reduced model and blocked from view with either hedges or fenced in.
2 - Since the landing of the guest suite bathroom is raised from grade, it can be argued that it is defined as a balcony. Hence the steps that lead from the balcony to the deck (at 6.4' NGVD) will be the only structure under variance. Refer to attached code "Setback Encroachments" section 152.056.A for allowed balcony encroachment.

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

Re: Holger Piening and Andrea Franke
1700 South Treasure Drive
North Bay Village, FL 33141

Request for the following:

A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 4.5 FOOT SIDE-INTERIOR SETBACK FOR THE CONSTRUCTION OF STEPS AND LANDING LEADING FROM THE SWIMMIMG POOL DECK, WHERE THE CODE REQUIRES A SETBACK OF 7.5 FEET.

B. A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE POOL EQUIPMENT TO ENCROACH 3.3 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AREA.

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 March 24, 2014.

Dated this 3rd day of March 2014.

Yvonne P. Hamilton
Village Clerk

(Village Commission Meeting-4/8/2014)

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

Re: Holger Piening and Andrea Franke
1700 South Treasure Drive
North Bay Village, FL 33141

Request for the following:

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B. A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE POOL EQUIPMENT TO ENCROACH 3.3 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AREA.

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on April 8, 2014 was posted at the above-referenced property on March 26, 2014.

Dated this 3rd day of April 2014.

Yvonne P. Hamilton
Village Clerk

(Village Commission Meeting-4/8/2014)

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

Re: Holger Piening and Andrea Franke
1700 South Treasure Drive
North Bay Village, FL 33141

Request for the following:

A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 4.5 FOOT SIDE-INTERIOR SETBACK FOR THE CONSTRUCTION OF STEPS AND LANDING LEADING FROM THE SWIMMIMG POOL DECK, WHERE THE CODE REQUIRES A SETBACK OF 7.5 FEET.

B. A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE POOL EQUIPMENT TO ENCROACH 3.3 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AREA.

I, Yvonne P. Hamilton, Village Clerk hereby certify, as per Section 152.096(A)(2) of the North Bay Village Code of Ordinances, that the petition filed by Holger Piening and Andrea Franke for the requests referenced herein is complete.

Dated this 3rd day of March 2014.

Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-March 18, 2014)

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, APRIL 8, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT THE TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING AT PUBLIC HEARING:

1. AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKE CONCERNING PROPERTY LOCATED AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:

   A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 4.5 FOOT SIDE-INTERIOR SETBACK FOR THE CONSTRUCTION OF STEPS AND LANDING LEADING FROM THE SWIMMIMG POOL DECK, WHERE THE CODE REQUIRES A SETBACK OF 7.5 FEET.

   B. A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE POOL EQUIPMENT TO ENCROACH 3.3 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AREA.

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
(March 26, 2014)

Owner/Occupant
1650 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1680 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1690 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1671 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1710 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1720 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1730 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1740 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1750 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1771 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1641 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1671 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1701 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1721 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1741 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
7504 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7508 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7512 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7505 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7509 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7513 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7517 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7504 Jewel Avenue
North Bay Village, FL 33141

Owner/Occupant
7508 Jewel Avenue
North Bay Village, FL 33141

Owner/Occupant
7512 Jewel Avenue
North Bay Village, FL 33141

Owner/Occupant
7504 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7508 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7512 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7516 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7505 Mutiny Avenue
N. Bay Village, FL 33141

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Owner/Occupant
7512 Mutiny Avenue
N. Bay Village, FL 33141

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N. Bay Village, FL 33141

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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, APRIL 8, 2014 AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT THE TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING AT PUBLIC HEARING:

1. A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED. *(CONTINUED FROM FEBRUARY 11, 2014)*

2. AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 24-STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:

   A. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.

   B. A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE" AND ADD THE DEFINITION OF "KITCHEN FACILITIES".

   C. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).

   D. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

   E. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

   F. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT, 24-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.

   BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

   G. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.003, DEFINITIONS BY MODIFYING THE DEFINITIONS OF "DWELLING, HOTEL ROOM", "DWELLING, HOTEL SUITE" AND BY ADDING A NEW DEFINITION FOR "KITCHEN FACILITIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

   H. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY CHANGING THE ZONING DESIGNATION ON THE OFFICIAL ZONING MAP FROM CG TO CL FOR THE PROPERTY SHOWN ON MAP 1 (1755 KENNEDY CAUSEWAY) AND LEGALLY DESCRIBED IN EXHIBIT A (ZONING MAP); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

3. AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:

   A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.

   B. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

   C. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

4. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTING THE QUALIFYING DATES FOR THE NOVEMBER 4, 2014 GENERAL ELECTION AS PROVIDED FOR UNDER CHAPTER 100, SECTION 100.3605(2) OF THE FLORIDA STATUTES; PROVIDING DIRECTIONS FOR THE VILLAGE CLERK; PROVIDING FOR REPEALER, SEVERABILITY, PROVIDING FOR CONFLICTING ORDINANCES OR RESOLUTIONS; AND AN EFFECTIVE DATE. *(SECOND READING)*

5. AN APPLICATION BY WILLIAM WEBB CONCERNING THE PROPERTY AT 1357 BAY TERRACE, NORTH BAY ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

   A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A TWO- STORY SINGLE-FAMILY RESIDENTIAL STRUCTURE TO EXCEED THE MAXIMUM HEIGHT OF SECTION 152.026(C)(3), WHICH ALLOWS A BUILDING HEIGHT OF NO MORE THAN 25 FEET ABOVE FEMA BASE FLOOD ELEVATION.

6. AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKE CONCERNING PROPERTY LOCATED AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:

   A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 4.5 FOOT SIDE-INTERIOR SETBACK FOR THE CONSTRUCTION OF STEPS AND LANDING LEADING FROM THE SWIMMING POOL DECK, WHERE THE CODE REQUIRES A SETBACK OF 7.5 FEET.

   B. A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE POOL EQUIPMENT TO ENCROACH 3.3 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AREA.

7. AN APPLICATION BY KAKUTA SAINT CONCERNING PROPERTY LOCATED AT 7441 CENTER BAY DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

   A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A GENERATOR TO ENCROACH 4 FEET INTO THE REQUIRED 10 FOOT SIDE INTERIOR SETBACK AREA.

   B. A VARIANCE PURSUANT TO SECTION 152.0971 (NONUSE VARIANCE) TO ALLOW INSTALLATION OF 2 CARPORTS THAT WOULD ENCROACH 20 FEET INTO THE FRONT YARD SETBACK ALLOWING A ZERO FOOT FRONT YARD SETBACK.

8. AN APPLICATION BY REBECCA OCARIZ CONCERNING PROPERTY LOCATED AT 1460 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE CONSTRUCTION OF A NEW DOCK PURSUANT TO SECTION 152.059 AND SECTION 150.11(A).

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
(March 20, 2014)

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY HOLGER PIENING AND ANDREA FRANKE FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE SWIMMING POOL EQUIPMENT TO ENCROACH 4 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AT 1700 SOUTH TREASURE DRIVE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Holger Piening and Andrea Franke have applied to North Bay Village for a Variance to permit the swimming pool equipment to encroach 4 feet into the required 7.5 foot side interior setback at 1700 South Treasure Drive; and

WHEREAS, Section 152.0971 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 variance.

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for March 18, 2014, at 7:30 P.M. at the Treasure Island Elementary School, 7540 East Treasure Drive, 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

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for April 8, 2014 at 7:30 p.m. at Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

NOW, THEREFORE, BE IT RESOLVED BY THE 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. Findings.

In accordance with Section 152.0971(B) of the Village Code, the Village Commission, having considered the testimony and evidence in the record presented by all parties, finds that:

(1) The Variance will be in harmony with the general appearance and character of the community.
(2) The Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
(3) The improvement is designed and arranged on the site in a manner that minimizes aerial and visual impact on the adjacent residences.

Section 3. Grant.

The Variance requested to a permit a the pool equipment to encroach 4 feet into the required 7.5 foot side interior setback area at 1700 South Treasure Drive is hereby granted in substantial conformance with the Site Plan submitted for hearing on February 7, 2014 entitled "1700 South Treasure Drive" including A0.0, A0.1, A0.2, A-1.0, A-2.0, A-2.1, A-2.2, A-3.0, A-3.1, A-4.0, and A.4.1.

Section 4. Conditions.

1. Pursuant to Section 152.103 of the Village Code, the Variance shall lapse after one year of Commission approval if no substantial construction takes place.

2. To comply with Section 151.25, landscaping and/or other methods of screening must be provided which screens the entire height of the pool equipment.

3. Building permits and related approvals for pool equipment installation must be obtained from the Building Official prior to commencement of construction.

4. All applicable state and federal permits must be obtained before commencement of construction

5. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no building permit 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.

6. Authorization or issue of a variance or a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a variance or a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

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 Terms and Conditions.

Failure to adhere to the approval terms and conditions contained in this shall be considered a violation of this Resolution and persons found violating the Resolution 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.

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 8th day of April 2014.

_____
Mayor Connie Leon-Kreps

Attest:

_____
Yvonne P. Hamilton, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: 1700 South Treasure Drive Pool Equipment

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY HOLGER PIENING AND ANDREA FRANKE FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 3.5 FOOT SIDE-YARD INTERIOR SETBACK FOR THE CONSTRUCTION OF STEPS AND LANDING LEADING FROM THE SWIMMING POOL DECK AT 1700 SOUTH TREASURE DRIVE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Holger Piening and Andrea Franke have applied to North Bay Village for a Variance to permit a 3.5 foot side interior setback for the construction of steps and landing leading from the swimming pool deck, where the Village Code requires a setback of 7.5 feet; and

WHEREAS, Section 152.097 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 variance.

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for March 18, 2014, at 7:30 P.M. at the Treasure Island Elementary School, 7540 East Treasure Drive, 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

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for April 8, 2014 at 7:30 p.m. at Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission;

and

NOW, THEREFORE, BE IT RESOLVED BY THE 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. Findings.

In accordance with Section 152.097(B) of the Village Code, the Village Commission finds that:

A. That there are special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district; that the special circumstances and conditions were not self-created by any person having an interest in the property; and that the strict application of the provisions of the Code of Ordinances would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought and would involve an unnecessary hardship for the applicant.

B. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district; and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

C. That granting the variance will be in harmony with the general intent and purpose of Chapter 152, Zoning, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Section 3. Grant.

The Variance requested to a permit a 3.5 foot side-yard interior setback for the construction of steps and landing leading from the swimming pool deck, where the Village Code requires a setback of 7.5 feet is hereby granted in substantial conformance with the Site Plan submitted for hearing on February 7, 2014 entitled "1700 South Treasure Drive" including A0.0, A0.1, A0.2, A-1.0, A-2.0, A-2.1, A-2.2, A-3.0, A-3.1, A-4.0, and A.4.1.

Section 4. Conditions.

1. Pursuant to Section 152.103 of the Village Code, the Variance shall lapse after one year of Commission approval if no substantial construction takes place.

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 Terms and Conditions.

Failure to adhere to the approval terms and conditions contained in this shall be considered a violation of this Resolution and persons found violating the Resolution 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.

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 8th day of April 2014.

_____
Mayor Connie Leon-Kreps

Attest:

_____
Yvonne P. Hamilton, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: 1700 South Treasure Drive Steps/Landing Variance

Staff Report
Variance Request

Prepared for: *North Bay Village Commission*

Applicant: *Kaukuta Saint*

Request: *Variance to Side Yard Setback for Placement of Generator*

LaRue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366
Serving Florida Local Governments Since 1988

General Information

Owner/Applicant:	Kaukuta Saint
Applicant Address:	7441 Center Bay Drive North Bay Village, FL 33141
Site Address:	7441 Center Bay Drive
Contact Person:	Kaukuta Saint
Phone Number:	786-338-0347
E-mail Address	k.fb@me.com

Future Land Use	Single Family Residential
Zoning District	RS-1
Use of Property	Single Family Home
Acreage	0.18 ac.

Legal Description of Subject Property

LOT 5, BLOCK 4, OF NORTH BAY ISLAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 40 AT PAGE 59 OF THE PUBLIC RECORDS OF MIAMI-DADE, FLORIDA

SAID LANDS LYING AND BEING IN THE CITY OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA CONTAINING 7,700 SQUARE FEET (0.177 ACRES), MORE OR LESS.

Requested Variance

The applicant is requesting a 4 foot variance to the 10 foot minimum side yard setback allowed in the North Bay Village RS-1 Zoning District, thereby allowing a generator to be 6 feet from the side lot line where 10 feet is required.

Project Description

The applicant owns a single family residence on Center Bay Drive, in North Bay Village. Section 152.056 of the North Bay Village Code requires that every front, side, and rear yard setback shall be open and unobstructed from the ground to the sky. In order to provide power to his residence in times of power outage, the applicant would like to place a generator in the southern side setback area of the property. The generator would be placed on an existing concrete pad and would be located next to existing AC units that are also currently encroaching on the side yard setback area. The existing AC units encroach approximately 4 feet into the side yard setback area. The dimensions of the proposed generator are approximately 2.1 feet by 2.4 feet by 4 feet. And the applicant states that it will encroach no further into the side setback area than the existing AC units. Additionally, the applicant has stated that there are existing trees and shrubs which will screen the generator; and he plans to apply for a building permit to continue an existing side yard fence, so that it will extend past the proposed generator. Please see attached letter, survey, and generator specifications submitted by the applicant.

Required Findings

Sec. 152.097(B) sets forth the findings that are required for the reviewing body(ies) to authorize any variance request. Sec. 152.097(C) requires that the reviewing body(ies) must make an affirmative finding with respect to the criteria listed below. For ease of review, each of the criteria contained in subparagraphs (B)(1) through (B)(3) have been separated into their component parts.

(1)a. That there are (or are not) special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district;

Staff Comments: The Applicant has provided no evidence of special circumstances and/or conditions that are unique to the land or proposed structure. The property is a rectangular shaped lot of 7,700 square feet, in excess of the 7,000 square foot minimum lot size required in the RS-1 Zoning District. The property is 70 feet wide, meeting the RS-1 District minimum frontage requirement of 70 feet.

(1)b. that the special circumstances and conditions were not (or were) self-created by any person having an interest in the property;

Applicant: The applicant states that the existing single family structure is built out to the required front and side setbacks and that this makes placement of the generator difficult.

Staff Comments: There are no special circumstances and/or conditions. The need for the generator is a matter of choice. The fact that the existing structure is built out to the front and side setback areas does not constitute something that is peculiar to the land or structure and is not a valid reason for granting a variance.

(1)c. and that the strict application of the provisions of this chapter would (or would not) deprive the Applicant of the reasonable use of the land, structure, or building for which the variance is sought;

Applicant: The applicant has stated that, on North Bay Island, there are existing standby generators and other equipment like AC compressors and pool equipment installed within the required side setbacks at various locations.

Staff Comments: The applicant's statement on this matter is accurate and indicative of the general allowance of mechanical equipment to encroach on side yard setback areas on North Bay Island, however those situations came to occur. Since the encroachment of mechanical equipment seems to be a pervasive situation, staff agrees that it is a reasonable use of the land to allow new mechanical equipment to be placed in such a manner that it encroaches no further than existing mechanical equipment.

(1)d. and would (or would not) involve an unnecessary hardship for the Applicant.

Staff Comments: The definition of an unnecessary hardship in Chapter 152 is as follows:

"(2) *Hardship, unnecessary.* Arduous restrictions upon the uses of a particular property, which are unique and distinct from that of adjoining property owners. Granting of relief from an unnecessary hardship should not violate sound zoning principles, including considerations that: adjacent properties will not be substantially reduced in value, it is not granting a special privilege not to be enjoyed by others in similar circumstances, and the public interest is maintained, including following the spirit of this chapter and the comprehensive master plan. Invalid and nonjustifiable bases for pleading unnecessary hardship include but are not limited to:

(a) Loss of the "best" use of the land, and business competition.
(b) Self-created hardships by the applicant's own acts.
(c) Neighboring violations and nonconformities.
(d) Claims of inability to sell the property.
(e) General restrictions of this chapter."

Since several neighboring properties already contain existing mechanical equipment encroachments, this is not a unique request.

(2)a. That granting the variance requested will not (or will) confer on the Applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district;

Staff Comments: Granting the request of this variance allows the applicant an encroachment similar to those currently existing on neighboring properties.

(2)b. and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

Staff Comments: The variance sought by the applicant would allow the proposed equipment to encroach no further than existing equipment.

(3) That granting the variance will (or will not) be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Comments: It is possible that the decibel levels associated with the operation of a generator could exceed that of the existing mechanical equipment of neighboring North Bay Island properties, in which case, this proposal would be injurious to the neighborhood or otherwise detrimental to the public welfare. However, the applicant has provided manufacturer specifications for the proposed generator, which include operational decibel levels. The manufacturer states that the maintenance cycle generates 60 decibels and normal operation generates 66 decibels. Research conducted by staff indicates that 66 decibels may be slightly louder than the average AC unit, but is approximately equivalent to the noise level of a household vacuum cleaner. Additionally, usage will most likely not be on a regular basis.

The City's LDC contains the same criteria in Sec. 2.7.6 as discussed above except they are numbered (1) through (6). The LDC also includes a seventh criterion which reads as follows:

7. The variance request is not based exclusively upon a desire to reduce the cost of development.

Staff Comments: This variance request is not based on a desire to reduce the cost of development.

Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval of the variance request to allow a 6 foot setback from the property line where a 10 foot setback is required, along with the staff's recommended stipulations, as shown below, by a 4-0 vote on March 18, 2014.

Recommendations

Staff recommends **approval** of the requested variance to allow a 6 foot setback from the property line where a 10 foot setback is required, with the following stipulations:

1. To comply with Section 151.25, screening must be provided which screens the entire height of the generator structure (applicant has stated his intention to comply with this by extending his side yard fence).

2. Generator testing times shall be restricted to between 10am and 2pm on weekdays and non-holidays.

3. Building permits and related approvals for generator installation must be obtained from the Building Official prior to commencement of construction.

4. All applicable state and federal permits must be obtained before commencement of construction.

5. Cost Recovery charges must be paid pursuant to Section 152.110. Specifically, no building permit 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.

6. Authorization or issue of a variance or a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a variance or a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

Submitted by:

James G. LaRue

James G. LaRue, AICP
Planning Consultant

April 1, 2014

Hearing: North Bay Village Commission, April 8, 2014

KAUKUTA SAINT

7441 Center Bay Drive
N bay Village, 33141, FLORIDA

T 786.338.0347

K.FB@ME.COM

February 20, 2014

Dear city of North Bay Village,

Under the provisions of section 152.097 of the city code I am requesting a VARIANCE TO THE SIDE SETBACK REQUIREMENTS FOR INSTALLATION OF A STANDBY GENERATOR to be used in times of loss of power from FPL, for example after a tropical storm or a transformer failure.

On N. Bay island there are existing standby generators and other equipment like AC compressors and pool pumps or pool heating equipment installed within the required side setbacks at various locations.

As you can see on the attached survey the existing property is built right up to the front and side setbacks making location of the proposed generator within the required setbacks difficult as it is limited by the existing building structure as well as the existing pool and deck. These conditions were not created by me and were existing at the time of purchase to the property.

Currently the property has two existing Air Conditioning compressor units that are encroaching the side setback by 4 feet. The units are approximately 3 ft wide and are positioned about 1 ft from the property. There is an existing concrete pad and there is ample space to install the SMALL 2 X 2 X 4 ft standby generator so it would ENCROACH NO MORE THAN THE CURRENT AC UNITS.

Details of the proposed generator are attached including the manufacturers stated noise figures of 66dBA during normal use and 60 dBA for its maintenance cycle.

To mitigate any further noise concerns there are existing trees and shrubs at the property line and I am continuing the existing wooden fence at the back of the property up to the front of the property which should further improve any potential sound concerns as well as remove the sight lines to the existing AC units as well as the proposed generator. If the generator were installed at the required setback of 10 feet rather than the proposed 6 feet the difference in noise would be very small.

Subject to approval, the installation will be carried out by a state licensed generator and electrical contractor with all the required permits.

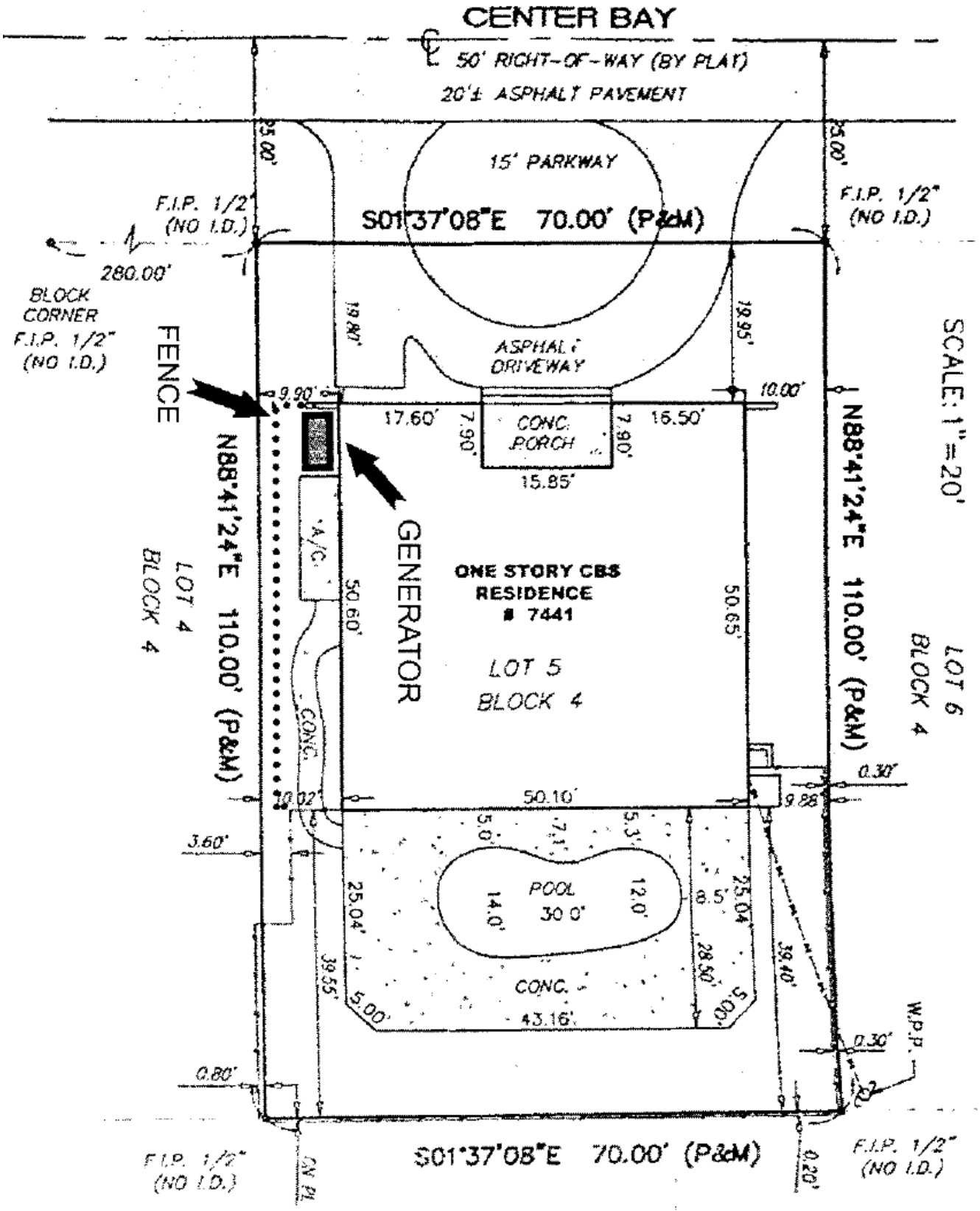
Sincerely yours,

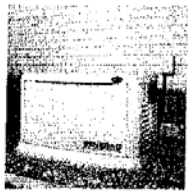
KAUKUTA SAINT

Attachments:

1 - Property survey and proposed generator location.

2 - Proposed generator technical specifications


CENTER BAY
50' RIGHT-OF-WAY (BY PLAT)
20'± ASPHALT PAVEMENT
15' PARKWAY
S01°37'08"E 70.00' (P&M)
F.I.P. 1/2" (NO I.D.)
280.00'
BLOCK CORNER F.I.P. 1/2" (NO I.D.)
FENCE
ASPHALT DRIVEWAY
CONC. PORCH
GENERATOR
A/C
ONE STORY CBS RESIDENCE # 7441
LOT 5 BLOCK 4
LOT 4 BLOCK 4
LOT 6 BLOCK 4
N88°41'24"E 110.00' (P&M)
SCALE: 1"=20'
POOL 30.0'
CONC.
43.16'
W.P.P.
S01°37'08"E 70.00' (P&M)



STANDBY GENERATORS

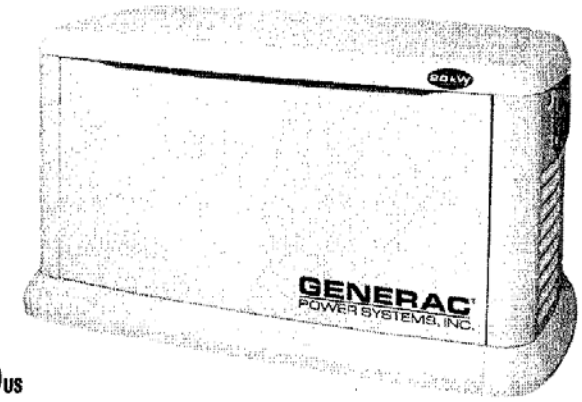
20 kW

Air-Cooled Gas Engine Generator Sets

Continuous Standby Power Rating
Model 05533 (Aluminum - Gray) - 20 kW 60Hz

INCLUDES:

- True Power® Electrical Technology
- Two Line LCD Digital Controller
- Electronic Governor
- External Main Circuit Breaker, System Status & Maintenance Interval LED's and GFCI Duplex Outlet
- Flexible Fuel Line Connector
- Composite Mounting Pad
- Natural Gas or LP Gas Operation
- UL 2200 Listed



c UL us LISTED

QUIET TEST

FEATURES

- INNOVATIVE DESIGN & PROTOTYPE TESTING are key components of GENERAC'S success in "IMPROVING POWER BY DESIGN." But it doesn't stop there. Total commitment to component testing, reliability testing, environmental testing, destruction and life testing, plus testing to applicable CSA, NEMA, EGSA, and other standards, allows you to choose GENERAC POWER SYSTEMS with the confidence that these systems will provide superior performance.
- TRUE POWER® ELECTRICAL TECHNOLOGY: Superior harmonics and sine wave form produce less than 5% Total Harmonic Distortion for utility quality power. This allows confident operation of sensitive electronic equipment and micro-chip based appliances, such as variable speed HVAC.
- TEST CRITERIA:
  - PROTOTYPE TESTED
  - NEMA MG1-22 EVALUATION
  - SYSTEM TORSIONAL TESTED
  - MOTOR STARTING ABILITY
- SOLID-STATE, FREQUENCY COMPENSATED VOLTAGE REGULATION. This state-of-the-art power maximizing regulation system is standard on all Generac models. It provides optimized FAST RESPONSE to changing load conditions and MAXIMUM MOTOR STARTING CAPABILITY by electronically torque-matching the surge loads to the engine.
- SINGLE SOURCE SERVICE RESPONSE from Generac's dealer network provides parts and service know-how for the entire unit, from the engine to the smallest electronic component. You are never on your own when you own a GENERAC POWER SYSTEM.
- GENERAC TRANSFER SWITCHES. Long life and reliability are synonymous with GENERAC POWER SYSTEMS. One reason for this confidence is that the GENERAC product line includes its own transfer systems and controls for total system compatibility.

GENERAC®
POWER SYSTEMS

ENGINE	[illegible]	Maximizes engine "breathing" for increased fuel efficiency. Plateau honed cylinder walls and plasma molly rings help engine run cooler, reducing oil consumption. Because heat is the primary cause of engine wear, the OHVI has a significantly longer life than competitive engines.
	[illegible]	Rigid construction and added durability provide long engine life. ,
	[illegible] compression release	These features combine to assure smooth, quick starting every time.
	[illegible]	Superior lubrication to all vital bearings means better performance, less maintenance and significantly longer engine life. Now featuring a 2 year/200 hour oil change interval.
	[illegible]	Superior shutdown protection prevents catastrophic engine damage due to low oil.
	[illegible]	Prevents damage due to overheating.
GENERATOR	[illegible]	Allows for smaller, light weight unit that operates 25% more efficiently than a revolving armature generator.
	[illegible]	Produces a smooth output waveform for compatibility with electronic equipment.
	[illegible]	Maximizes motor starting capability. Provides more surge capability than brushless generator designs.
	[illegible]	Regulates the output voltage to ±2% prevents damaging voltage spikes.
	[illegible]	For your safety
TRANSFER SWITCH	Sold separately	
CONTROLS	[illegible]	Selects the operating mode.
	[illegible]	Constantly monitors utility voltage, setpoints 65% dropout, 75% pick-up, of standard voltage.
	[illegible]	Prevents nuisance start-ups of the engine, adjustable 10-30 seconds.
	[illegible]	Ensures engine is ready to assume the load, setpoint approximately 10 seconds.
	[illegible]	Allows engine to cool prior to shutdown, setpoint approximately 1 minute.
	[illegible]	Operates engine to prevent oil seal drying and damage between power outages.
	[illegible]	Maintains battery amperage to insure starting.
	[illegible]	Protects generator from overload.
UNIT	[illegible]	Provides the ultimate protection against mother nature. Hinged key locking roof panel for security. Lift-out front for easy access to all routine maintenance items. Electrostatically applied textured epoxy paint for added durability.
	[illegible]	Quiet, critical grade muffler is mounted inside the unit to prevent injuries.
	[illegible]	Makes for an easy, eye appealing installation.
INSTALLATION SYSTEM	[illegible]	Easy Installation

Standby Generator- 20 kW

GENERAC POWER SYSTEMS

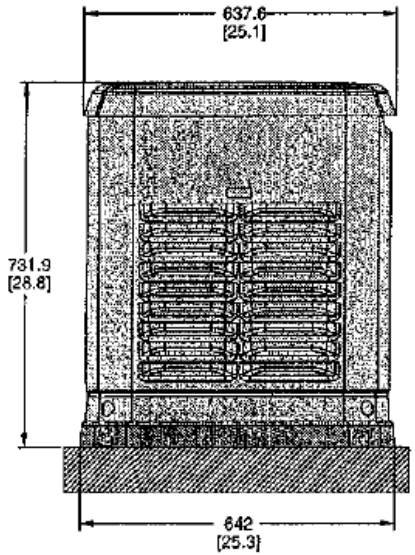
GENERATOR	Model 06333 (20 kW)
[illegible]	[illegible]
[illegible]	[illegible]
Rated Voltage	120/240
Rated Maximum Continuous Load Current	
120 Volts	166.6 LP/150 NG
240 Volts	83.3 LP/75 NG
Total Harmonic Distortion	Less than 5%
Main Line Circuit Breaker	100 Amp
Phase	1
Number of Rotor Poles	2
Rated AC Frequency	60Hz
Power Factor	1
[illegible]	Group 26 12 Volts and 525 Cold-cranking Amperes Minimum
Unit Weight	451 Pounds
[illegible]	48 x 25 x 29
[illegible]	66
[illegible] Quiet-Test™ low speed exercise mode	60

ENGINE	Model 06333 (20 kW)
Type of Engine	GENERAC OHVI V-TWIN
Number of Cylinders	2
Rated Horsepower	36 @ 3,600 rpm
Displacement	999cc
Cylinder Block	Aluminum w/Cast Iron Sleeve
Valve Arrangement	Overhead Valve
Ignition System	Solid-state w/Magneto
Governor System	Electronic
Compression Ratio	9.5:1
Starter	12 Vdc
Oil Capacity Including Filter	Approx. 1.7 Qts.
Operating RPM	3,600
Fuel Consumption	
Natural Gas cu.ft./hr.	
1/2 Load	206
Full Load	294
Liquid Propane ft^3/[illegible]	
1/2 Load	[illegible]
Full Load	[illegible]

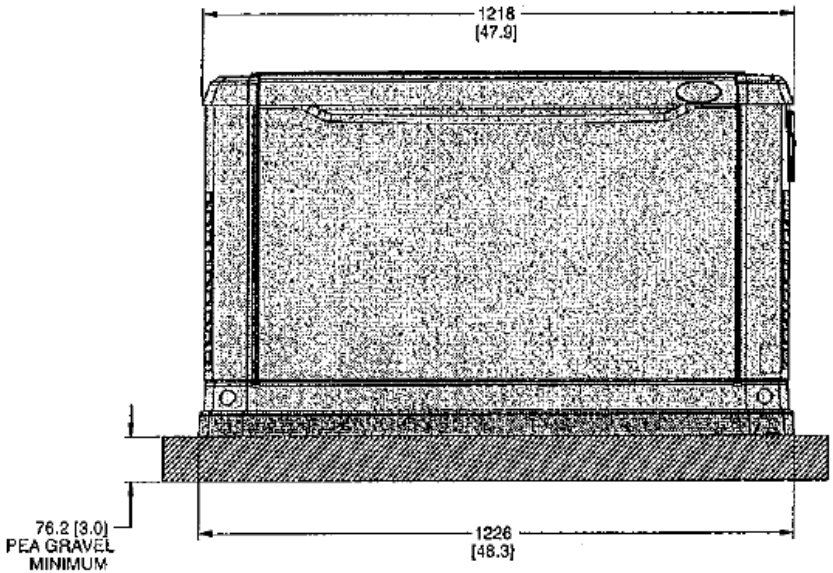
Required fuel pressure to generator fuel inlet at all load ranges - 5 to 7 inches of water column for natural gas, 11 to 14 inches of water column for LP gas

CONTROLS	
2-Line Plain Text LCD Display	Simple user interface for ease of operation
Mode Switch	
-Auto	Automatic Start on Utility failure. 7 day exerciser
-Off	Stops unit. Power is removed. Control and charger still operate.
[illegible]	Start with starter control, unit stays on. If utility fails, transfer to load takes place.
Engine Start Sequence	[illegible]
Engine Warm-up	10 seconds
Engine Cool-Down	1 minute
Starter Lock-out	Starter cannot re-engage until 5 sec. after engine has stopped.
2.5 Amp Timed Trickle Battery Charger	Standard
Automatic Voltage Regulator w/Overvoltage Protection	Standard
Automatic Low Oil Pressure Shutdown	Standard
Overspeed Shutdown	Standard, 72Hz
High Temperature Shutdown	Standard
Overcrank Protection	Standard
Safety Fuse	Standard

Design and specifications subject to change without notice. Dimensions shown are approximate. Contact your Generac dealer for certified drawings. DO NOT USE THESE DIMENSIONS FOR INSTALLATION PURPOSES.



LEFT SIDE VIEW



FRONT VIEW

GENERAC POWER SYSTEMS, INC. • P.O. BOX 297 • WHITEWATER, WI 53190
WEBSITE: www.generac.com

Bulletin 0176740SBY / Printed in U.S.A. 03.08

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Staff Report
Variance Request

Prepared for: *North Bay Village Commission*

Applicant: *Kaukuta Saint*

Request: *Variance from Front Yard Setback Standards for Placement of Carport*

General Information

Owner/Applicant:	Kaukuta Saint
Applicant Address:	7441 Center Bay Drive North Bay Village, FL 33141
Site Address:	7441 Center Bay Drive
Contact Person:	Kaukuta Saint
Applicant/Contact Phone Number:	786-338-0347
E-mail Address	k.fb@me.com

Future Land Use	Single Family Residential
Zoning District	RS-1
Use of Property	Single Family Home
Acreage	0.18 ac.

Legal Description of Subject Property

LOT 5, BLOCK 4, OF NORTH BAY ISLAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 40 AT PAGE 59 OF THE PUBLIC RECORDS OF MIAMI-DADE, FLORIDA

SAID LANDS LYING AND BEING IN THE CITY OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA CONTAINING 7,700 SQUARE FEET (0.177 ACRES), MORE OR LESS.

Requested Variance

The applicant's request is for approval of a variance to the front setback requirements for installation of a carport canopy.

The applicant has submitted two alternate plans for front yard canopy structures. Both plans depict the canopies extending from the house all the way to the front property line. Thus, the variance request is for allowance of a canopy (or canopies) to be placed 0 feet from the property line where 20 feet is required. The Commission has the option to deny the request, approve Canopy Plan A, or approve the applicants preferred Canopy Plan B. See alternate plans attached to this document.

The applicant states that branches have fallen from the palm trees that exist in the right-of-way area in front of his house. The branches have damaged his vehicle and he would like to prevent this damage from occurring again by constructing carport canopies that would cover the driveway.

Required Findings

Sec. 152.0971(B) sets forth findings that are required for the reviewing body(ies) to authorize any non-use variance request. In addition to staff comments on these items, the applicant's comments (included in his letter) have been listed as well. For ease of review, each of the criteria contained in subparagraphs (B)(1) through (B)(3) have been separated into their component parts.

(1) The variance will be in harmony with the general appearance and character of the community.

Applicant Comments: There are existing carports installed within the required front setbacks at various locations.

Staff Comments: It does not appear that the proposed carport(s) would be out of harmony with the neighborhood or community.

(2) The variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Staff Comments: It does not appear that the proposed carport(s) would be injurious to the area involved or otherwise detrimental to the public welfare.

(3) The improvement is designed and arranged on the site in a manner that minimizes aerial and visual impact on the adjacent residences.

Staff Comments: This improvement will be visible to adjacent residences.

Staff finds that the requested variance does meet the requirements of Section 152.0971 in that the materials submitted adequately allow for an affirmative finding on most of the criteria contained as specifically identified by the foregoing staff comments.

Recommendation:

Unless there are any objections from the neighboring properties, staff recommends **approval** of a variance to allow a 0 foot setback from the front property line where a 20 foot setback is required, with the following stipulations:

1. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.

2. All applicable state and federal permits must be obtained before commencement of construction.

3. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no building permit 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.

4. Authorization or issue of a variance or a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a variance or a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

Submitted by:

James G. LaRue, AICP
Planning Consultant
April 1, 2014

Hearing: North Bay Village Commission, April 8, 2014

KAUKUTA SAINT

7441 Center Bay Drive
N bay Village, 33141, FLORIDA

T 786.338.0347

K.FB@ME.COM

February 20, 2014

Dear city of North Bay Village,

Under the provisions of section 152.0971 of the city code I am requesting a VARIANCE TO THE FRONT SET-BACK REQUIREMENTS FOR INSTALLATION OF CARPORT to be used for the protection of parked cars in the driveway from falling branches as well as the sun and weather.

On N. Bay island there are existing carports installed within the required front setbacks at various locations.

The subject property has tall palms on the city side of the front of the property between the asphalt road and the front of the property which were existing at the time of my purchasing the property in 2013.On several occasions in the past 9 months (since I purchased the house) branches from those trees have fallen on the driveway and have either just missed damaging the cars by luck or there not being a vehicle there at the time of the fall.

Last month (January 2014) I was not so lucky and one of the branches from those palms fell on a brand new vehicle parked in the driveway smashing the windshield and damaging the roof and front of the car. See attached photos. After talking to a neighbor I found out that the same situation had happened to them previously where their vehicle was extensively damaged also.

It is only a matter of time before this situation is repeated and more vehicles get damaged.

My requested solution is to: OPTION 1 - install two carports sized 12 by 30 ft, one on each side of the driveway to protect from the falling branches. These can be attached to the property or freestanding as requested, and they would be built of a high quality with fabric or vinyl coverings of a color and style complementary of the current building (two examples attached).

OPTION 2 - (PREFFERED) If it were possible to gain approval the ideal situation would be to join the two carports at the front section so as to provide cover to front section of the driveway as well.

Subject to approval, the carports would be manufactured and installed with all the required permits.

Sincerely yours,

KAUKUTA SAINT

Attachments:

1 - Property survey and proposed carport locations 1 and 2.

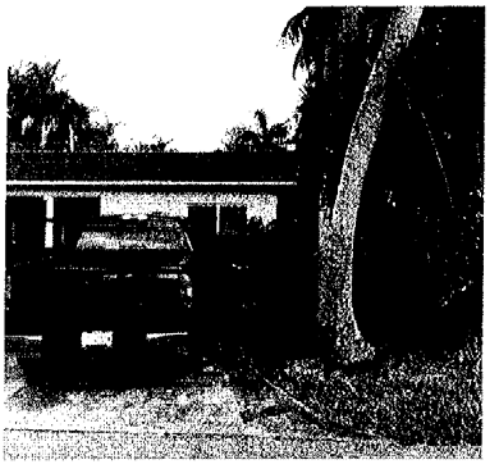
2 - Example awnings from Miami manufacturers.

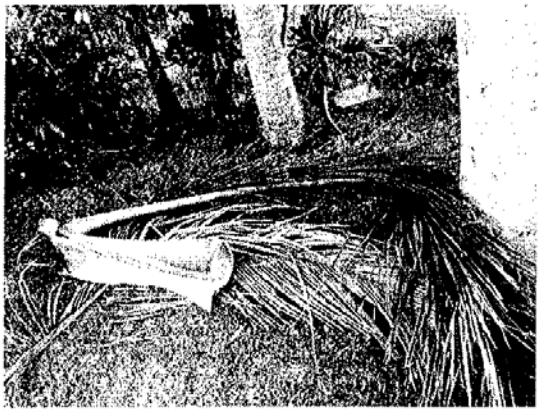
3 - Damage to vehicle by fallen palm branch

KAUKUTA SAINT

7441 CENTER BAY DRIVE N BAY VLG

PALM LIMB VEHICLE DAMAGE





KAUKUTA SAINT

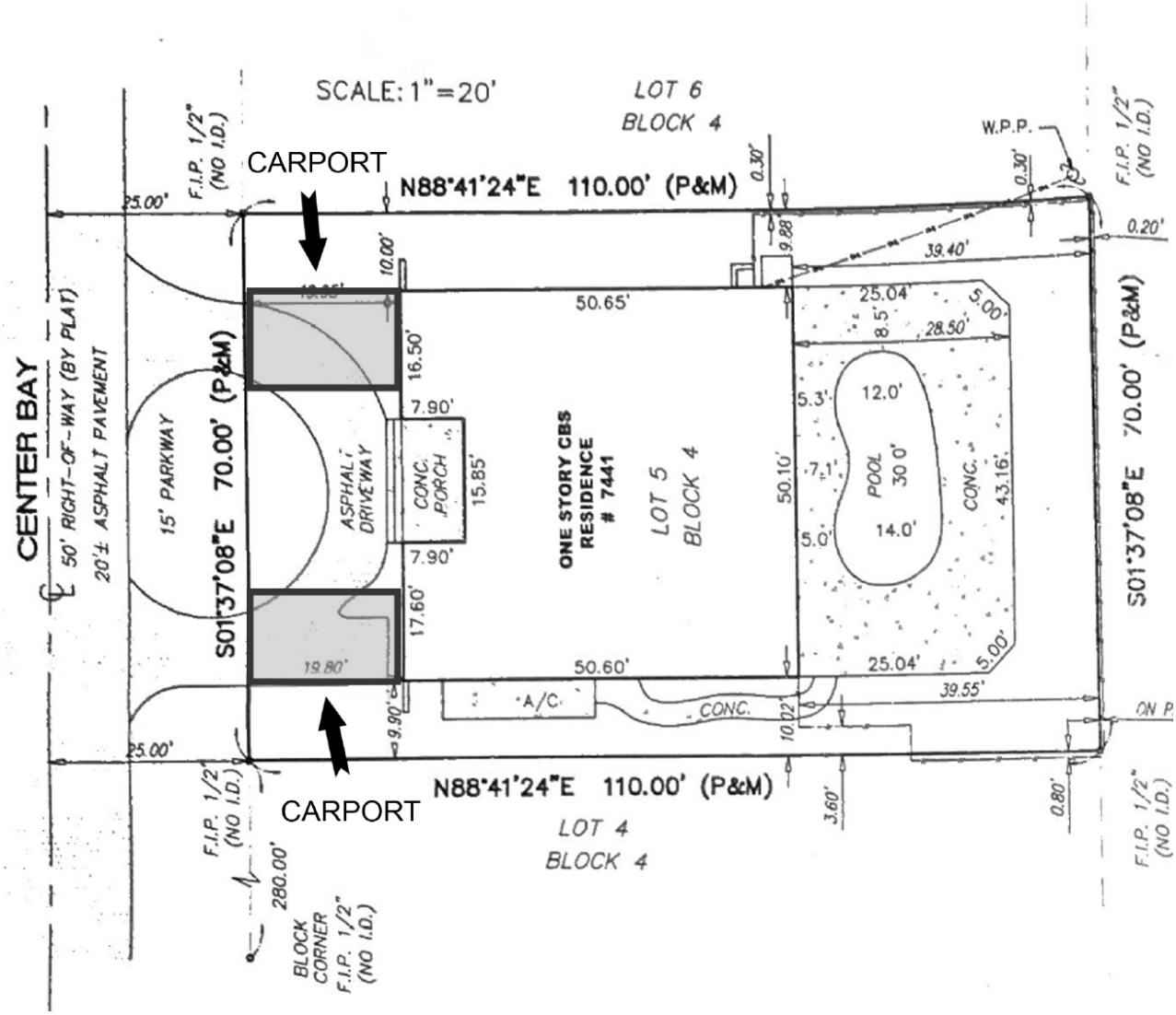
7441 CENTER BAY DRIVE N BAY VLG

CARPORT EXAMPLES

KAUKUTA SAINT

7441 CENTER BAY DRIVE N BAY VLG

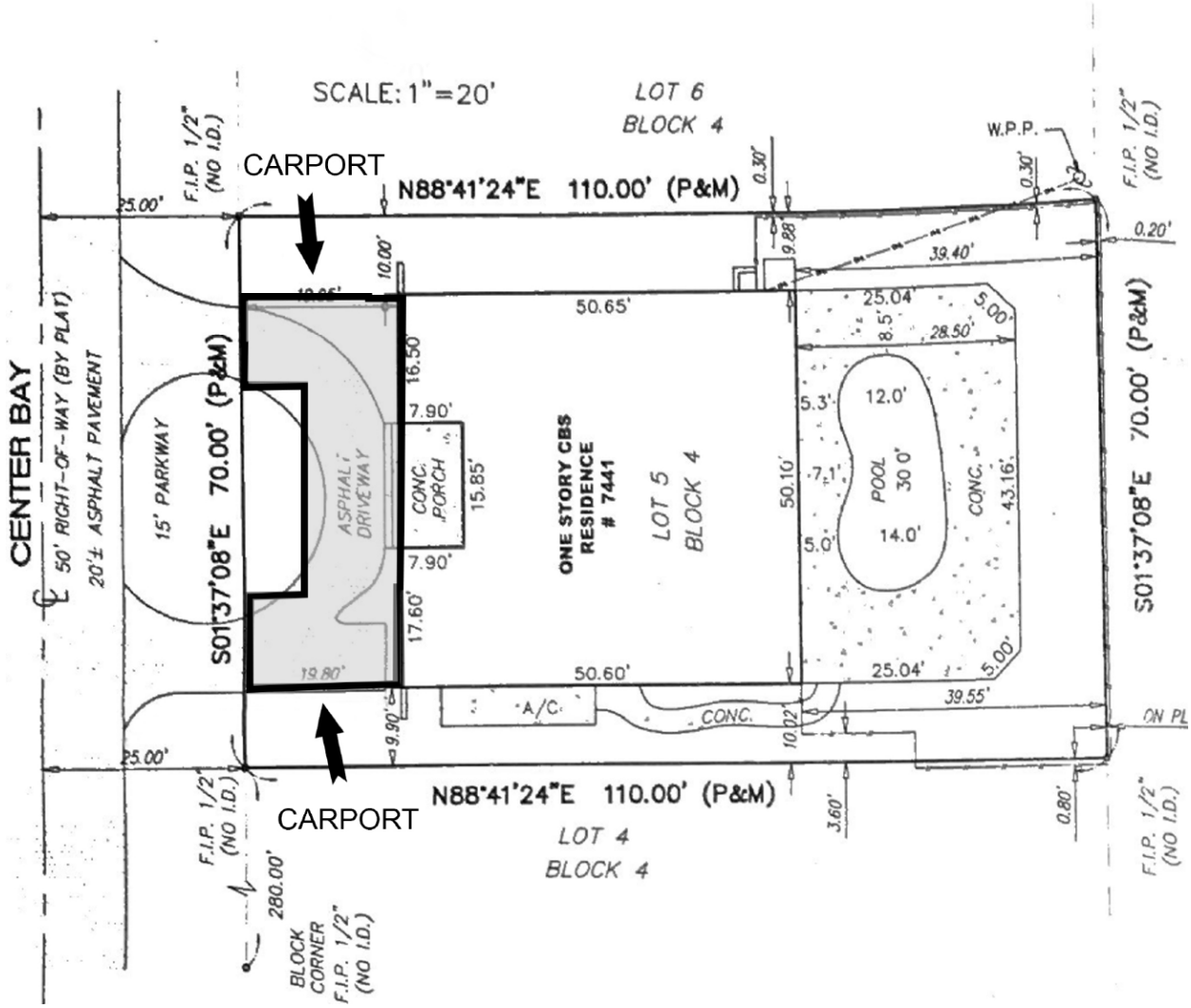
CARPORT PROPOSED PLACEMENT 1



KAUKUTA SAINT

7441 CENTER BAY DRIVE N BAY VLG

CARPORT PROPOSED PLACEMENT 2



Letters of Consent from Neighboring Property Owners

NAME: Trish Robinson

ADDRESS:
7431 Center Bay Dr.
North Bay Village, FL
33141

I HAVE NO OBJECTIONS TO KAUKUTA SAINT BUILDING A COVERED CANOPY/CARPORT TO COVER THE DRIVEWAY AT HIS PROPERTY AT 7441 CENTER BAY DRIVE, N BAY VILLAGE, FL 33141.

A vehicle parked in my property has sustained damage from a falling palm branch in the past also.

SIGNED:

DATE:
3/25/14

NAME: Delbert Aguila

ADDRESS: 7420 Center bay drive
North bay Village 33141

I HAVE NO OBJECTIONS TO KAUKUTA SAINT BUILDING A COVERED CANOPY/CARPORT TO COVER THE DRIVEWAY AT HIS PROPERTY AT 7441 CENTER BAY DRIVE, N BAY VILLAGE, FL 33141.

A vehicle parked in my property has sustained damage from a falling palm branch in the past also.

SIGNED:

DATE: 3-25-14

NAME: Laura & Alberto Cattabriga

ADDRESS: 7430 Center Bay Drive
North Bay Village, FL 33141

I HAVE NO OBJECTIONS TO KAUKUTA SAINT BUILDING A COVERED CANOPY/CARPORT TO COVER THE DRIVEWAY AT HIS PROPERTY AT 7441 CENTER BAY DRIVE, N BAY VILLAGE, FL 33141.

SIGNED: Laura Cattabriga

DATE: 3/26/2014

03-14-14 RCVD

K. I. Stowe
P.O. Box 011723
Miami, Florida 33101

March 11, 2014

City of North Bay Village
c/o The Bldg. & Zoning Clerk
North Bay Village 33131

REW: 7441 Center Bay Drive
VARIANCE

Please be advised that I am opposed to granting the above referenced Variance. It is unnecessary and would create an uncomfortable precedent for others to follow.

Several contiguous neighbors have expressed a similar opinion to me, as well.

Thank you for your consideration.

Yours Truly,

Kenneth I. Stowe
KIS/fm
7521 Miami View Drive
North Bay Village

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

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 Village Commission. Notice of Public Hearings before the Planning & Zoning Board and the Village 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 Village Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: KAUKUTA SAINT Phone: 786 3380347

Mailing Address: 7441 CENTER BAY DRIVE
N. BAY VILLAGE 33141 FL

Legal Description of Property: LOT 5 BLOCK 4 OF N. BAY ISLAND

Existing Zoning: RS-1 Lot Size: 7700 Folio: 23-3209-008-810

Type of Request: VARIANCE FOR SIDE SETBACK
FOR INSTALLATION OF STANDBY GENERATOR
NEXT TO EXISTING A/C COMPRESSORS

Reason for Request: (Attach additional Pages if necessary) PLEASE SEE
ATTACHED LETTER

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

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

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

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

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 North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village 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 Village Commission Pursuant to the Village 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 Village 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

KAUKURA SAINT
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 21st **day of** February **20** 14
by Saint Kaukura
who is personally known to me or who has produced Driver Lice (FL)
as identification.

(Notary Seal)

Notary Public

Mayor	Vice Mayor	Commissioner	Commissioner	Commissioner
Connie Leon-Kreps	**Eddie Lim**	**Dr. Richard Chervony**	**Wendy Duvall**	**Jorge Gonzalez**

Office Use Only:

Date Submitted: 2/21/14

Fee Paid: $ 100.

Tentative Meeting Date: 3/11/14

Cash ☐ or Check ☐ #_____

Date Paid: 2/21/14

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

Re: Kakuta Saint
7441 Center Bay Drive
North Bay Village, FL 33141

Request for the following:

A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A GENERATOR TO ENCROACH 4 FEET INTO THE REQUIRED 10 FOOT SIDE INTERIOR SETBACK AREA.

B. A VARIANCE PURSUANT TO SECTION 152.0971 (NONUSE VARIANCE) TO ALLOW INSTALLATION OF 2 CARPORTS THAT WOULD ENCROACH 20 FEET INTO THE FRONT YARD SETBACK ALLOWING A ZERO FOOT FRONT YARD SETBACK.

I, Yvonne P. Hamilton, Village Clerk hereby certify, as per Section 152.096(A)(2) of the North Bay Village Code of Ordinances, that the petition filed by Kakuta Saint for the requests referenced herein is complete.

Dated this 3rd day of March 2014.

Yvonne P. Hamilton
Village Clerk

(Planning & Zoning Board Meeting-March 18, 2014)

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

Re: Kakuta Saint
7441 Center Bay Drive
North Bay Village, FL 33141

Request for the following:

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I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on April 8, 2014 was posted at the above-referenced property on March 26, 2014.

Dated this 3rd day of April 2014.

Yvonne P. Hamilton
Village Clerk

(Village Commission Meeting-4/8/2014)

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

Re: Kakuta Saint
7441 Center Bay Drive
North Bay Village, FL 33141

Request for the following:

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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 March 24, 2014.

Dated this 3rd day of April 2014.

Yvonne P. Hamilton
Village Clerk

(Village Commission Meeting-4/8/2014)

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, APRIL 8, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT THE TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING:

1. AN APPLICATION BY KAKUTA SAINT CONCERNING PROPERTY LOCATED AT 7441 CENTER BAY DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

   A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A GENERATOR TO ENCROACH 4 FEET INTO THE REQUIRED 10 FOOT SIDE INTERIOR SETBACK AREA.

   B. A VARIANCE PURSUANT TO SECTION 152.0971 (NONUSE VARIANCE) TO ALLOW INSTALLATION OF 2 CARPORTS THAT WOULD ENCROACH 20 FEET INTO THE FRONT YARD SETBACK ALLOWING A ZERO FOOT FRONT YARD SETBACK.

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
(March 26, 2014)

Owner/Occupant
7401 Miami View Drive
N. Bay Village, FL 33141

Owner/Occupant
7421 Miami View Drive
N. Bay Village, FL 33141

Owner/Occupant
7431 Miami View Drive
N. Bay Village, FL 33141

Owner/Occupant
7441 Miami View Drive
N. Bay Village, FL 33141

Owner/Occupant
7501 Miami View Drive
N. Bay Village, FL 33141

Owner/Occupant
7511 Miami View Drive
N. Bay Village, FL 33141

Owner/Occupant
7521 Miami View Drive
N. Bay Village, FL 33141

Owner/Occupant
7531 Miami View Drive
N. Bay Village, FL 33141

Owner/Occupant
7601 Miami View Drive
N. Bay Village, FL 33141

Owner/Occupant
7600 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7530 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7510 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7500 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7430 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7420 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7410 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7400 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7401 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7411 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7421 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7431 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7441 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7501 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7511 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7521 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7531 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7601 Center Bay Drive
N. Bay Village, FL 33141

Owner/Occupant
7400 Coquina Drive
N. Bay Village, FL 33141

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Etiquettes faciles à peler
www.avery.com

Use Avery® Template 5160®
Feed Paper expose Pop-up Edge™

Owner/Occupant
7410 Coquina Drive
N. Bay Village, FL 33141

Owner/Occupant
7420 Coquina Drive
N. Bay Village, FL 33141

Owner/Occupant
7500 Coquina Drive
N. Bay Village, FL 33141

Owner/Occupant
7510 Coquina Drive
N. Bay Village, FL 33141

Owner/Occupant
7520 Coquina Drive
N. Bay Village, FL 33141

Owner/Occupant
7530 Coquina Drive
N. Bay Village, FL 33141

Owner/Occupant
7600 Coquina Drive
N. Bay Village, FL 33141

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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, APRIL 8, 2014 AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT THE TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING AT PUBLIC HEARING:

1. A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED. *(CONTINUED FROM FEBRUARY 11, 2014)*
2. AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 24-STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:
   - A. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.
   - B. A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE" AND ADD THE DEFINITION OF "KITCHEN FACILITIES".
   - C. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).
   - D. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   - E. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
   - F. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT, 24-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.

     BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   - G. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.003, DEFINITIONS BY MODIFYING THE DEFINITIONS OF "DWELLING, HOTEL ROOM", "DWELLING, HOTEL SUITE" AND BY ADDING A NEW DEFINITION FOR "KITCHEN FACILITIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.
   - H. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY CHANGING THE ZONING DESIGNATION ON THE OFFICIAL ZONING MAP FROM CG TO CL FOR THE PROPERTY SHOWN ON MAP 1 (1755 KENNEDY CAUSEWAY) AND LEGALLY DESCRIBED IN EXHIBIT A (ZONING MAP); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.
3. AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:
   - A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-70 (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.
   - B. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
   - C. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
4. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTING THE QUALIFYING DATES FOR THE NOVEMBER 4, 2014 GENERAL ELECTION AS PROVIDED FOR UNDER CHAPTER 100, SECTION 100.3605(2) OF THE FLORIDA STATUTES; PROVIDING DIRECTIONS FOR THE VILLAGE CLERK; PROVIDING FOR REPEALER, SEVERABILITY, PROVIDING FOR CONFLICTING ORDINANCES OR RESOLUTIONS; AND AN EFFECTIVE DATE. *(SECOND READING)*
5. AN APPLICATION BY WILLIAM WEBB CONCERNING THE PROPERTY AT 1357 BAY TERRACE, NORTH BAY ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
   - A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A TWO- STORY SINGLE-FAMILY RESIDENTIAL STRUCTURE TO EXCEED THE MAXIMUM HEIGHT OF SECTION 152.026(C)(3), WHICH ALLOWS A BUILDING HEIGHT OF NO MORE THAN 25 FEET ABOVE FEMA BASE FLOOD ELEVATION.
6. AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKE CONCERNING PROPERTY LOCATED AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:
   - A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 4.5 FOOT SIDE-INTERIOR SETBACK FOR THE CONSTRUCTION OF STEPS AND LANDING LEADING FROM THE SWIMMING POOL DECK, WHERE THE CODE REQUIRES A SETBACK OF 7.5 FEET.
   - B. A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE POOL EQUIPMENT TO ENCROACH 3.3 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AREA.
7. AN APPLICATION BY KAKUTA SAINT CONCERNING PROPERTY LOCATED AT 7441 CENTER BAY DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
   - A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A GENERATOR TO ENCROACH 4 FEET INTO THE REQUIRED 10 FOOT SIDE INTERIOR SETBACK AREA.
   - B. A VARIANCE PURSUANT TO SECTION 152.0971 (NONUSE VARIANCE) TO ALLOW INSTALLATION OF 2 CARPORTS THAT WOULD ENCROACH 20 FEET INTO THE FRONT YARD SETBACK ALLOWING A ZERO FOOT FRONT YARD SETBACK.
8. AN APPLICATION BY REBECCA OCARIZ CONCERNING PROPERTY LOCATED AT 1460 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE CONSTRUCTION OF A NEW DOCK PURSUANT TO SECTION 152.059 AND SECTION 150.11(A).

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
(March 20, 2014)

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY KAKUTA SAINT FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A GENERATOR TO ENCROACH FOUR FEET INTO THE REQUIRED TEN-FOOT SIDE-YARD SETBACK AT 7441 CENTER BAY DRIVE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Kakuta Saint has applied to North Bay Village for a Variance to allow a generator to encroach 4 feet into the required 10 foot side-yard setback area at 7441 Center Bay Drive; and

WHEREAS, Section 152.097 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 variance.

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for March 18, 2014, at 7:30 P.M. at the Treasure Island Elementary School, 7540 East Treasure Drive, 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

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for April 8, 2014 at 7:30 p.m. at Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

NOW, THEREFORE, BE IT RESOLVED BY THE 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. Findings.

In accordance with Section 152.097(B) of the Village Code, the Village Commission finds:

A. That there are special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district; that the special circumstances and conditions were not self-created by any person having an interest in the property; and that the strict application of the provisions of the Code of Ordinances would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought and would involve an unnecessary hardship for the applicant.

B. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district; and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

C. That granting the variance will be in harmony with the general intent and purpose of Chapter 152, Zoning, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Section 3. Grant.

The Variance requested to allow a generator to encroach 4 feet into the required 10-foot side interior setback area at 7441 Center Bay Drive in accordance with the plans attached hereto as Exhibit 1 is approved.

Section 4. Conditions.

1. Pursuant to Section 152.103 of the Village Code, the Variance shall lapse after one year

of Commission approval if no substantial construction takes place.

2. To comply with Section 151.25, screening must be provided which screens the entire height of the generator structure (applicant has stated his intention to comply with this by extending his side yard fence).

3. Generator testing times shall be restricted to between 10am and 2pm on weekdays and non-holidays.
4. Building permits and related approvals for generator installation must be obtained from the Building Official prior to commencement of construction.
5. All applicable state and federal permits must be obtained before commencement of construction.
6. Cost Recovery charges must be paid pursuant to Section 152.110. Specifically, no building permit 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.
7. Authorization or issue of a variance or a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a variance or a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

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 Terms and Conditions.

Failure to adhere to the approval terms and conditions contained in this shall be considered a violation of this Resolution and persons found violating the Resolution 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.

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 8th day of April 2014.

_____
Mayor Connie Leon-Kreps

Attest:

_____
Yvonne P. Hamilton, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: 7441 Center Bay Drive Generator Variance

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY KAKUTA SAINT FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW TWO CARPORTS TO ENCROACH TWENTY FEET INTO THE FRONT-YARD SETBACK ALLOWING A ZERO FRONT-YARD SETBACK AT 7441 CENTER BAY DRIVE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Kakuta Saint has applied to North Bay Village for a Variance to allow installation of two carports that would encroach 20 feet into the front-yard setback allowing a zero-foot setback at 7441 Center Bay Drive; and

WHEREAS, Section 152.0971 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 variance.

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for April 8, 2014 at 7:30 p.m. at Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

NOW, THEREFORE, BE IT RESOLVED BY THE 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. Findings.

In accordance with Section 152.0971(B) of the Village Code, the Village Commission finds that:

1. The variance will be in harmony with the general appearance and character of the community;

2. That variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

3. The improvement is designed and arranged on the site in a manner that minimizes aerial and visual impact on the adjacent residences.

Section 3. Grant.

The Variance requested to allow installation of two carports that would encroach 20 feet into the front-yard setback allowing a zero foot front-yard setback at 7441 Center Bay Drive in accordance with the plans attached hereto as Exhibit 1 is approved.

Section 4. Conditions.

1. Pursuant to Section 152.103 of the Village Code, the Variance shall lapse after one year of Commission approval if no substantial construction takes place.
2. To comply with Section 151.25, screening must be provided which screens the entire height of the generator structure (applicant has stated his intention to comply with this by extending his side yard fence).
3. Generator testing times shall be restricted to between 10am and 2pm on weekdays and non-holidays.
4. Building permits and related approvals for generator installation must be obtained from the Building Official prior to commencement of construction.
5. All applicable state and federal permits must be obtained before commencement of construction.
6. Cost Recovery charges must be paid pursuant to Section 152.110. Specifically, no building permit 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.
7. Authorization or issue of a variance or a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a variance or a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

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 Terms and Conditions.

Failure to adhere to the approval terms and conditions contained in this shall be considered a violation of this Resolution and persons found violating the Resolution 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.

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 8th day of April 2014.

_____
Mayor Connie Leon-Kreps

Attest:

_____
Yvonne P. Hamilton, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: 7441 Center Bay Drive Carports Variance

Staff Report
Permit Application for Dock

Prepared for:	*North Bay Village Commission*
Applicant:	*Rebecca Ocariz*
Request:	*Permit for a dock to be constructed, projecting less than 25 feet from the bulkhead line.*

General Information

Owner/Applicant	Rebecca Ocariz
Applicant Address	6815 Biscayne Blvd. Suite 103457 Miami, Fl. 33138
Site Address	1460 S. Treasure Dr.
Contact Person	Leandro Fernandez
Contact Phone Number	786-390-7493
E-mail Address	leaf@leafengineering.net
Zoning District	RS-2
Use of Property	Single Family Home

General Description

The applicant is requesting a permit to construct a new dock at a residence in the RS-2 Zoning District. The dock is proposed to be 60 feet wide and extend 11 feet from the existing seawall into Biscayne Bay.

Applicable Code Provisions

The construction or alteration of docks, piers, etc is governed by Section 150.11 and specifically subsections (A) and (F).

Section 150.11 reads as follows:

"(A) No person, firm, or corporation shall construct, reconstruct, or repair any docks, piers, dolphins, wharfs, pilings, similar structures of any kind more than twenty-five (25) feet perpendicular from the seawall or shoreline into any waterway within the corporate limits of the city. Provided however, if construction of a docking facility is prevented by the requirement of federal, state or preemptive local environmental laws, rules and regulations (laws) whereby in order to obtain a permit for construction of a docking facility, it is necessary to exceed the same more than twenty-five (25) feet perpendicular from the seawall or shoreline, the docking facility may be constructed such distance from the seawall or shoreline as may be required in order to comply with such laws by obtaining a waiver from the City Commission in accordance with subsection (G), provided further, however the furthermost distance seaward from the seawall or shoreline shall not exceed seventy-five (75) feet including all dolphins or pilings installed beyond the seaward most line of the dock or pier but not including required rip-rap.

(B) Plans and specifications for construction, reconstruction, or repair of docks, piers, dolphins, wharfs, pilings, or similar structures shall comply with all provisions of the City Code, shall be approved by the City Manager, and shall be kept permanently in the records of the city. Repair or reconstruction may be made in accordance with the original plans.

(C) No dock, pier, wharf, dolphin, piling, or similar structure shall be erected in the city unless the structure is set back at least seven and one-half feet from the lot line on each side; and the structure shall not exceed five (5) feet above ground level, except a joint or "party" dock may be permitted on the property line if approved by the City Commission.

(D) No person, firm, or corporation shall build, maintain, extend, or make any structural alteration on any building, dock, pier, dolphin, wharf, piling, bulkhead, seawall, or similar structure in, upon, or over the waters adjacent to Harbor Island, Treasurer Island, North Bay Island, and Cameo Island within the corporate limits of the city, or do any filling, excavating, or dredging in the waters without first obtaining a written permit to do so from the City Manager.

(E) Application for any permit or the transfer of any permit required by this section shall be made to the City Manager in writing on forms provided therefore. The permit shall constitute an agreement by the applicant to comply with all conditions imposed upon granting of the permit. The application shall be accompanied by plans and specifications setting forth in detail the work to be done.

(F) All applications for construction or structural alterations of any building, dock, pier, dolphin, wharf, piling, bulkhead, seawall, or similar structure in, upon, or over the waters within the corporate limits of the city shall require the approval of the City Commission after a public hearing. During the public hearing the City Commission shall consider safety and compatibility as criteria for approving the application.

(G) Notwithstanding the provisions of paragraph (F), if an applicant seeks a dock or pier length greater than twenty-five (25) feet, the City Commission shall additionally consider the following criteria to determine if a waiver shall be granted:

(i) If Miami Dade Department of Environmental Management has required specific depth or location criteria; and

(ii) If the Applicant has provided to the City notarized letter(s) of consent from adjoining riparian property owners, and

(iii) If the City has received any letter(s) of objection from adjoining riparian property owners; and

(iv) Any other factors relevant to the specific site.

(H) The City Commission may deny, approve, or modify the request and/or impose conditions in the permit, pursuant to paragraph (F), or granting of a waiver, pursuant to paragraph (G), which it deems necessary to protect the waterways of the City in accordance with the public safety and the general welfare. The requirement of approval by the City Commission shall not include applications for repair of existing structures.

(I) A public hearing held pursuant to this Section shall be quasi judicial and follow the hearing procedures provided in Section 29.02 of the Code.

(J) Nothing contained in this section shall be construed or apply to prohibiting repair or reconstruction or otherwise limiting those structures which exist at the time of adoption of this section, however, the provisions of subsections (D) and (E) above shall be complied with."

The location of boats, docks and piers is also governed by Section 152.059, most specifically subsection (B) which reads as follows:

"*(B) No docks, piers, mooring posts, or combinations thereof, may project more than twenty-five (25) feet from any bulkhead line, nor extend nearer than seven and one-half feet to any adjacent property line. A waiver may be granted by the City Commission pursuant to Section 150.11(A), upon completion of a marine survey demonstrating the minimum distances from the seawall necessary to meet the minimum depth requirements, approved by DERM, and completed by a licensed professional surveyor and mapper registered to practice in the State of Florida.*"

Staff Comments

The dock complies with the zoning regulations of Section152.059 and the standards of Section 150.11 in that the proposed dock does not exceed 25 feet from the seawall and will be located so that the 7.5 foot side setbacks from the property lines are met.

Additionally, the plans provided appear to depict the proposed dock and pilings will be less than the 5 foot required maximum height of Section 150.11(C).

Based on the materials presented by the applicant, the proposed structures are in compliance with the applicable provisions of Sections 152.059 and 150.11 and the proposed dock is safe and compatible.

Recommendation

Staff recommends **approval** of the application subject to the following:

1. Verification of the 5 foot height restriction at the time of building permit issuance.

2. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.

3. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.

4. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit 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.

5. Authorization or issue of a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

Submitted by:

James G. LaRue, AICP
Planning Consultant

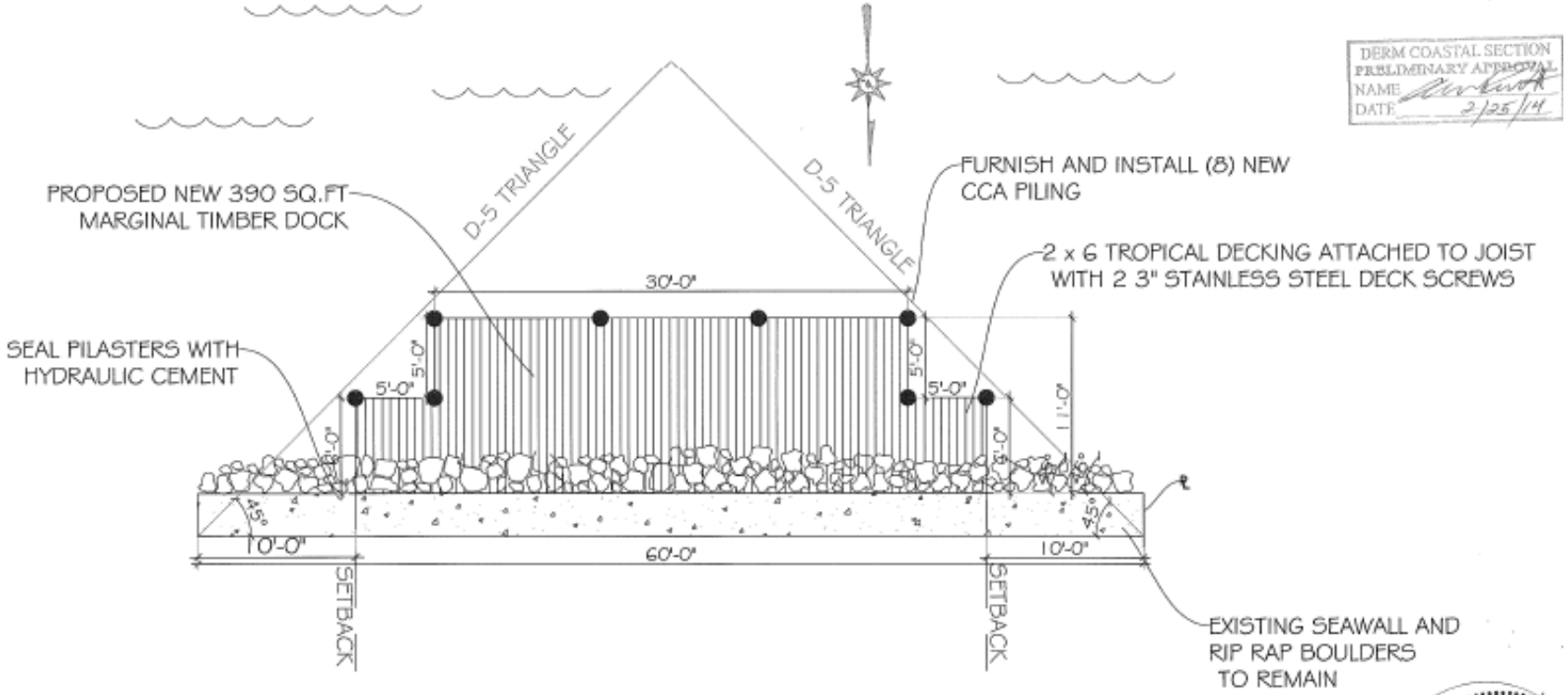
April 1, 2014

Hearing: Village Commission, April 8, 2014

Attachments: Dock Plans Submitted by Applicant

RECEIVED
FEB 25 2014
DERM Coastal Resources Section
Natural Resources Regulation & Restoration Division (NRRRD)

DERM COASTAL SECTION
PRELIMINARY APPROVAL
NAME
DATE 2/25/14



LEANDRO FERNANDEZ
LEAF ENGINEERING
C.A. 29777
(786)390-7493
leaf@leafengineering.net
85 N.W. 86TH STREET
MIAMI, FL 33150

DOCK AND MARINE
CONSTRUCTION, CORP.
752 NE 79TH STREET
MIAMI, FL 33138
305-751-9911
F: 305-751-4625
glarson@dockandmarine.net
www.dockandmarine.net

OCARIZ RESIDENCE:
NEW DOCK & PILES
1460 S TREASURE DRIVE
N BAY VILLAGE, FL

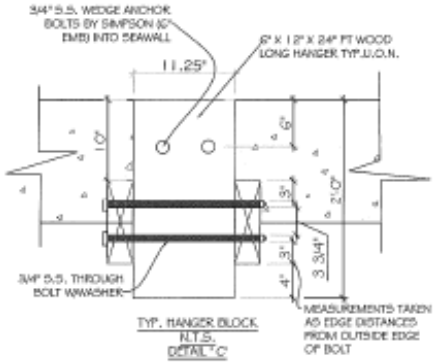
PAGE TITLE:
PROPOSED LAYOUT

DATE: 02/21/2014
REVISIONS:
1.
2.

DWG#: 13-028
DRAWN BY: GL
PAGE 3 of 5

LEANDRO FERNANDEZ
LICENSE #71519
STATE OF FLORIDA
PROFESSIONAL ENGINEER
LICENSE #71519

LaRue
Serving Florida Local Governments Since 1988



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N.T.S.
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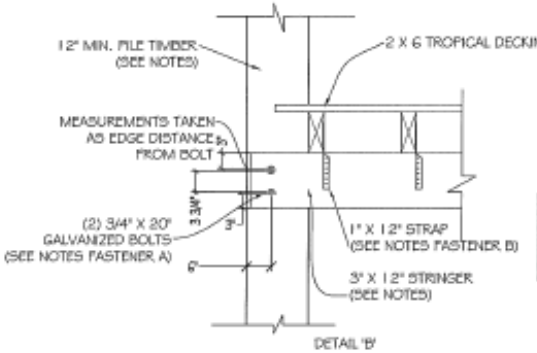
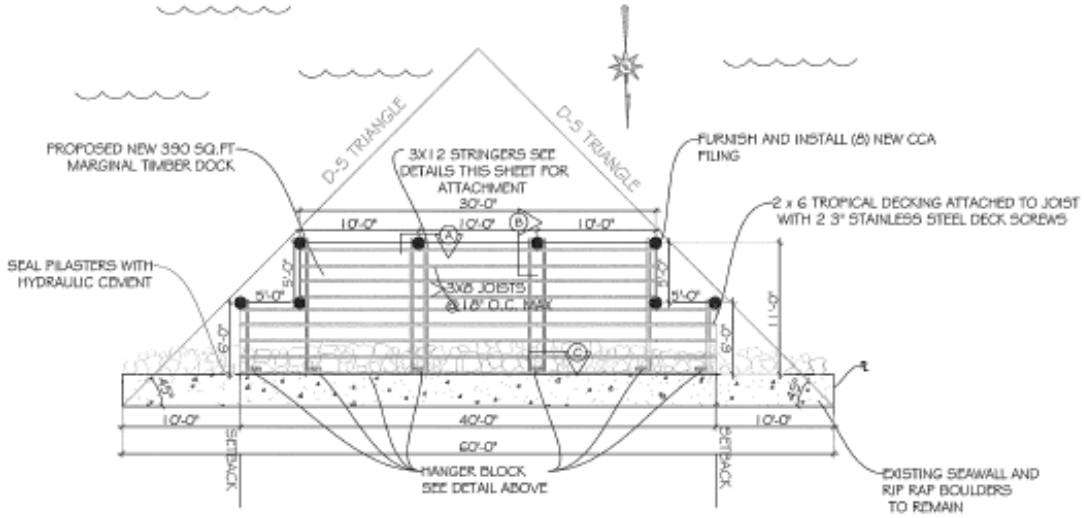
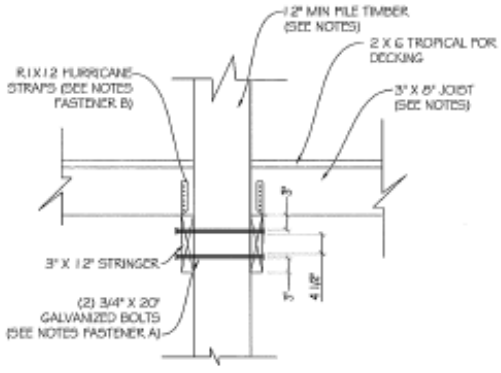


DETAIL 'B'
N.T.S.

RECEIVED
FEB 25 2014
DERM Coastal Resources Section
Natural Resources Regulation & Restoration Division (NRRRD)

DERM COASTAL SECTION
PRELIMINARY APPROVAL
NAME
DATE 2/25/14





DETAIL 'A'
N.T.S.

LEANDRO FERNANDEZ
LEAF ENGINEERING
C.A. 29777
(786)390-7493
leaf@leafengineering.net
85 N.W. 86TH STREET
MIAMI, FL 33150

DOCK AND MARINE
CONSTRUCTION, CORP.
752 NE 79TH STREET
MIAMI, FL 33138
305-751-9911
F: 305-751-4825
glarson@dockandmarine.net
www.dockandmarine.net

OCARIZ RESIDENCE:
NEW DOCK & PILES
14G0 S TREASURE DRIVE
N BAY VILLAGE, FL

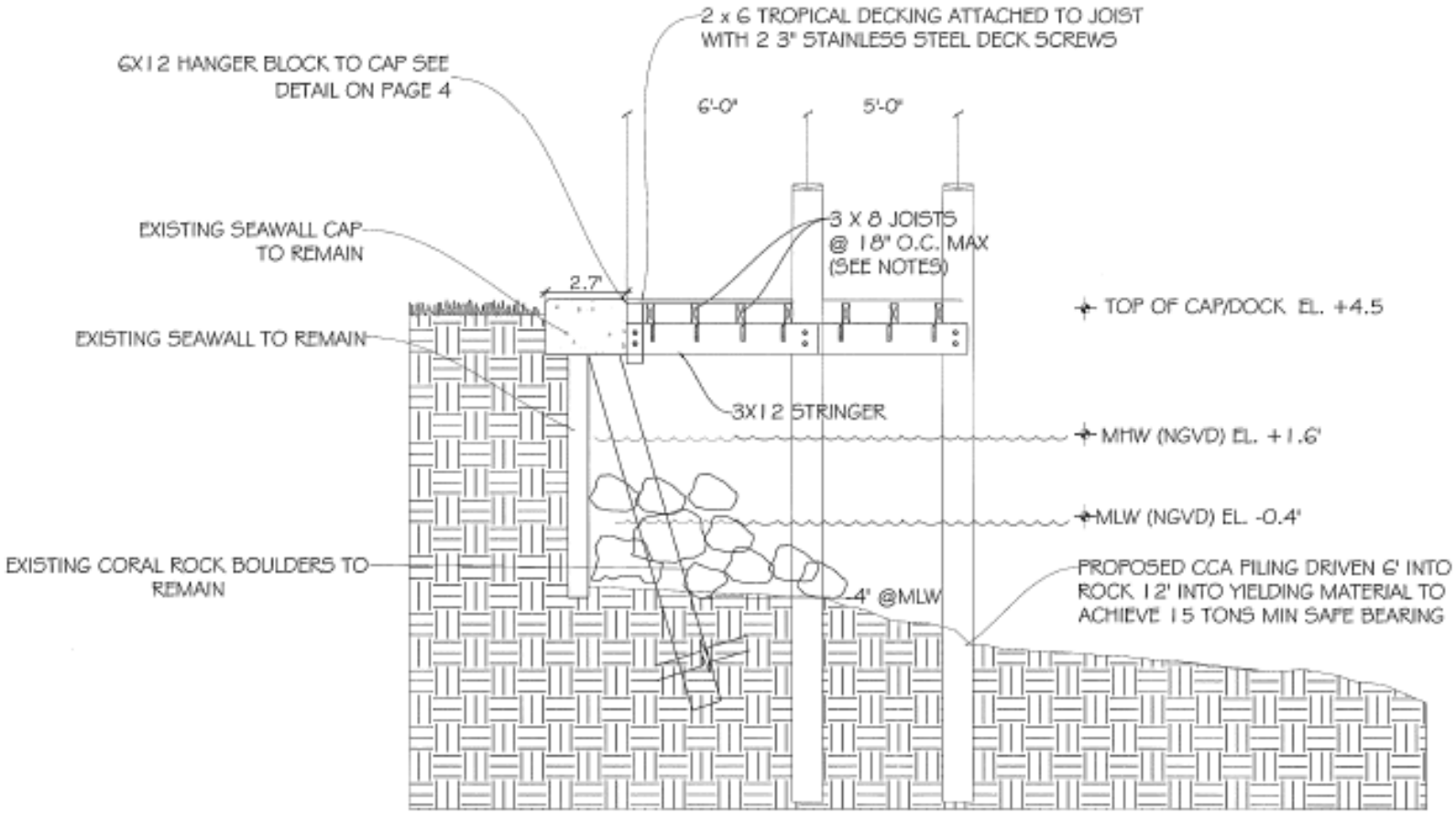
PAGE TITLE:
SECTION AND FRAMING DETAILS

DATE: 02/21/2014
REVISIONS:
1.
2.

DWG#: 13-028
DRAWN BY: GL
PAGE 4 of 5

LEANDRO FERNANDEZ
LICENSE No. 71519
STATE OF FLORIDA
PROFESSIONAL ENGINEER
LEANDRO FERNANDEZ
LICENSE #71519

LaRue
Serving Florida Local Governments Since 1988



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OCARIZ RESIDENCE:
NEW DOCK + PILES
1460 S TREASURE DRIVE
N BAY VILLAGE, FL

PAGE TITLE:
SECTION

DATE: 02/21/2014
REVISIONS:
1.
2.

DWG#: 1
DRAWN
PA
5

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CITY OF NORTH BAY VILLAGE PERMIT APPLICATION

1700 Kennedy Causeway, Suite.132, North Bay Village, Fl. 33141

DATE 3/3/14 MASTER PERMIT # _____ SUB CONTRACTOR PERMIT# _____

JOB ADDRESS 1460 S. TREASURE DRIVE TAX FOLIO# 23-3209-009-0270

LOT 28 BLOCK 1 SUB DIVISION TREASURE ISLAND ZONE: (RS-1) RS-2 RM-40 RM-70 CG CL MU

PROPERTY OWNER NAME REBECCA CCALIZ TELEPHONE 305-960-6958

OWNER ADDRESS 6815 BISCAYNE BLVD #103457 CITY MIAMI STATE FL ZIP CODE 33138

CONTRACTOR COMPANY DOCK AND MARINE CORP CITY MIAMI STATE FL ZIP CODE 33138

QUALIFIER'S NAME GLEN LARSON TELEPHONE 305-751-9911

STATE LICENSE # E410 CERTIFICATE OF COMPETENCY # _____ INSURANCE EXPIRATION DATE _____

ARCHITECT/(ENGINEER) LEANDRO FERNANDEZ P.E. LICENSE# 29777

PERMIT TYPE: (BUILDING) ELECTRICAL MECHANICAL PLUMBING SPECIAL EVENT

Application is hereby made for a permit to do work & installation as indicated. I understand that separate permits are required Electrical, Mechanical, and Plumbing, Signs, Pools, Windows, Doors & Roofing, work.

WORK DESCRIPTION: (Circle One Only) COMMERCIAL (RESIDENTIAL)

New wood dock.

VALUE OF JOB: $ 15,000.00 LINEAR FEET ——— SQUARE FEET 390

3/11/14 UPFRONT FEE: $ 120.00 PERMIT FEE: $ _____ REVIEW FEE: $ _____ STRUCTURAL FEE: $ _____

DCA FEE $ _____ DC FEE: $ _____ DBPR FEE: $ _____ TSM: $ _____ PENALTY: $ _____ BOND: $ _____

EDUCATIONAL FEE: $ _____ IMPACT FEE: $ _____ NOTARY FEE _____ TOTAL: $ _____

ELECTRICAL: APPROVED _____ Date _____ MECHANICAL: APPROVED _____ Date _____

PLUMBING: APPROVED _____ Date _____ BUILDING OFFICIAL: _____ Date _____

WARNING TO OWNER: YOU MUST RECORD A NOTICE OF COMMENCEMENT AND YOUR FAILURE TO DO SO MAY RESULT IN PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR ATTORNEY BEFORE RECORDING THE NOTICE

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate, and that all work will be done in compliance with all applicable laws regulating construction and zoning. Furthermore, I authorize the above-named contractor to do the work stated.

R. Ccaliz
Signature of Property Owner or Agent

Signature of Contractor

ADMINISTERED OATH SWORN TO & SUBSCRIBED BEFORE ME THIS 3 DAY OF March 20 14

Yolanda W. Galletti
Signature of NOTARY to Owner or Agent

(Print, Type, or Stamp Commissioned Name)

YOLANDA W. GALLETTI
Commission # EE 067946
Expires February 27, 2015
Bonded Thru Troy Fain Insurance 800-385-7019

Personally Known ✓ OR Produced ID

Type of I.D. produced n/a

ADMINISTERED OATH SWORN TO & SUBSCRIBED BEFORE ME THIS 3 DAY OF March 20 14

Yolanda W. Galletti
Signature of NOTARY to Contractor

(Print, Type, or Stamp Commissioned Name)

YOLANDA W. GALLETTI
Commission # EE 067946
Expires February 27, 2015
Bonded Thru Troy Fain Insurance 800-385-7019

Personally Known ✓ OR Produced ID

Type of I.D. produced n/a

THIS APPLICATION IS VALID FOR 180 DAYS FROM DATE APPROVED.
APPLICATION AND ALL ATTACHEMENTS WILL BE DESTROYED AFTER THAT DATE IF PERMIT IS NOT *ISSUED*

City of North Bay Village
Building Department
1700 Kennedy Causeway, Suite 132 North Bay Village FL 33141
(305) 754-6740 Fax (305) 756-7722 Website-www.nbvillage.com

SPECIAL INSPECTORS FORM

I (We) have been retained by Dock and Marine Const. to perform special inspector services under the Florida Building Code at the 14160 S. Treasure Drive project on the below listed structures as of 3/7/14 (date). I am a registered architect or professional engineer licensed in the State of Florida.

PROCESS NUMBERS: _____ _____

- [x] SPECIAL INSPECTOR FOR PILING, FBC 1822.1.20 (R4404.6.1.20)
- [ ] SPECIAL INSPECTOR FOR TRUSSES>35' LONG OR 6' HIGH 2319.17.2.4.2 (R4409.6.17.2.4.2)
- [ ] SPECIAL INSPECTOR FOR REINFORCED MASONARY, FBC 2122.4 (R4407.5.4)
- [ ] SPECIAL INSPECTOR FOR STEEL CONNECTIONS, FBC 2218.2 (R4408.5.2)
- [ ] SPECIAL INSPECTOR FOR SOIL COMPACTION, FBC 1820.3.1 (R4404.4.3.1)
- [ ] SPECIAL INSPECTOR FOR PECAST UNITS & ATTACHMENTS, FBC 1927.12 (R4405.9.12) (For tilt-up walls systems, inspect reinforcement as well)
- [ ] SPECIAL INSPECTOR FOR CURTAIN WALL FBC 2414.7 (R4410.5.7)
- [ ] SPECIAL INSPECTOR FOR STRUCTURAL GLAZING FBC 2425.7.2 (R4410.6.6.2)
- [ ] SPECIAL INSPECTOR FOR _____

***Note:* Only the marked boxes apply.**

The following individual(s) employed by this firm or me are authorized representatives to perform inspections *

1. Leandro Fernandez, P.E. 2. _____

3. _____ 4. _____

* *Special* inspectors utilizing authorized representatives shall insure the authorized representative is qualified by education or licensure to perform the duties assigned by the Special Inspector. The qualifications shall include licensure as a professional engineer or architect; graduation from an engineering education program in civil or structural engineering; graduation from an architectural education program; successful completion of the NCEES Fundamentals Examination; or registration as a building or general contractor.

I, (we) will notify North Bay Village Building Department of any changes regarding authorized personnel performing inspection services.

I, (we) understand that a Special Inspector inspection log for each building must be displayed in a convenient location on the site for reference by the North Bay Village Building Department inspector. All mandatory inspections, as required by the Florida Building Code, must be performed by the City. The City building inspections must be called for on all mandatory inspections. *Inspections performed by the Special Inspector hired by the Owner are in addition to the mandatory inspections performed by the Department.* Further, upon completion of the work under each Building Permit I will submit to the Building inspector at the time of final inspection the completed inspection log form and sealed statement indication that, to the best of my knowledge, belief and professional judgment those portions of the project outlined above meet the intent of the Florida Building Code and are in substantial accordance with the approved plans.

Signed and Sealed

Date 3/6/14

STATE OF FLORIDA LICENSED PROFESSIONAL ENGINEER No. 19

Engineer/Architect
Name Leandro Fernandez, P.E.
Address 85 NW 86 Street, Miami, FL 33150
Phone No. 786-390-7493

LEAF ENGINEERING

OCARIZ' RESIDENCE
NEW DOCK & PILES

1460 SOUTH TREASURE DRIVE
NORTH BAY VILLAGE, FL

Job #14-012

STRUCTURAL CALCULATIONS

Sheets 1 - 3

FEBRUARY 25, 2014

2/25/14

LEANDRO FERNANDEZ, P.E.
FL PE# 71519

LEAF ENGINEERING
CA# 29777

LEANDRO FERNANDEZ
LICENSE
No.71519
STATE OF
FLORIDA
PROFESSIONAL ENGINEER

LEAF ENGINEERING
85 NW 86TH STREET, MIAMI, FLORIDA 33150
786.390.7493
LEAF@LEAFENGINEERING.NET

LEAF ENGINEERING

STRUCTURAL CALCULATIONS
INDEX

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GENERAL NOTES AND 3x12 STRINGERS CALCS.....P1

3x8 JOISTS CALCS.....P2

DECKING, PILE/HANGING BLOCK, CONNECTORS CALCS.....P3

LEANDRO FERNANDEZ, P.E.
FL PE# 71519

LEAF ENGINEERING
CA# 29777

LEAF ENGINEERING
85 NW 86TH STREET, MIAMI, FLORIDA 33150
786.390.7493
LEAF@LEAFENGINEERING.NET

LEAF ENGINEERING

85 NW 86TH STREET
MIAMI, FL 33150
LEAF@LEAFENGINEERING.NET
786.390.7493

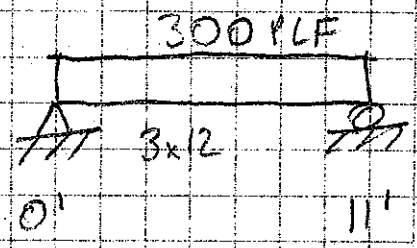
JOB# 14-012
JOB 1460 S. TREASURE DR.
SHEET NO. 1 OF
CALCULATED BY LF DATE 2/25/14
SCALE

- STRUCTURAL CALCULATIONS FOR THE NEW DOCK AT 1460 S. TREASURE DR., N. BAY VILLAGE, FL.

- DESIGNED IN ACCORDANCE WITH FBC 2010, NDS 2005, CURRENT ADDENDUMS.
- LL ON DOCK = 60 PSF

3 x 12 STRINGERS

SPAN = 11'
LOADING = 60 PSF x 5' = 300 PLF
WOOD
#1 DENSE, KILN DRIED, AND MARINE PRESSURE TREATED WITH ACQ TO .40



$S_x = 52.73\ in^3$

BENDING CHECK

$M = \frac{300\,PLF \times (11')^2}{8} = 4{,}538\ lb\text{-}ft$

$f_b = \frac{4{,}538\ lb\text{-}ft \times 12''/'}{52.73\ in^3} = 1{,}033\ PSI$

F'_b OF #1 DENSE 3x12 SOUTHERN PINE = 1,350 PSI
$C_M = 0.85$
$\Rightarrow F'_b = 1{,}350 \times 0.85 = 1{,}147\ PSI > f_b$ OK

SHEAR CHECK
$V = 300 \times 5.5 = 1{,}650\#$
$C_M = 0.97$
SHEAR CAPACITY = $A \cdot F_v$

$F'_v = 175\ PSI \times 0.97 = 170\ PSI$

$A = 28.13\ in^2$

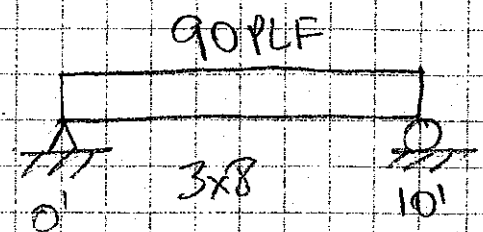
$V_n = 170\ PSI \times 28.13\ in^2 = 4{,}782\# > V = 1{,}650\#$ OK

LEAF ENGINEERING
85 NW 86TH STREET
MIAMI, FL 33150
LEAF@LEAFENGINEERING.NET
786.390.7493

JOB# 14-012
JOB
SHEET NO. 2 OF 3
CALCULATED BY LP DATE 2/25/14
SCALE

3x8 JOISTS

MAX. SPAN = 10'
SPACING = 18" O.C. MAX.



LOADING = 60 PSF x 18"/12"/' = 90 PLF

$S_x = 21.90\ in^3$

BENDING CHECK

$M = \frac{90\,PLF\,(10')^2}{8} = 1{,}125\ lb\text{-}ft$

$f_b = \frac{1{,}125\ lb\text{-}ft \times 12''/'}{21.90\ in^3} = 616\ PSI$

F'b OF 3x8 #1 DENSE PT SOUTHERN PINE = 1,650 PSI
$C_M = 0.85$
$C_R = 1.15$
$\Rightarrow F'_b = 1{,}650 \times 0.85 \times 1.15 = 1{,}613\ PSI > f_b = 616\ PSI \rightarrow$ OK

SHEAR CHECK

$V = 90\ PLF \times 5 = 450\#$
$C_M = 0.97$
$A = 18.13\ in^2$
$F'_v = 175\ PSI \times 0.97 = 170\ PSI$

SHEAR CAPACITY $= F'_v A = 170\ PSI \times 18.13\ in^2 = 3{,}082\# > V$

OK

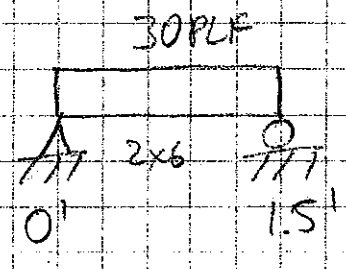
LEAF ENGINEERING

85 NW 86TH STREET
MIAMI, FL 33150
LEAF@LEAFENGINEERING.NET
786.390.7493

JOB# 14-012
JOB
SHEET NO. 3 OF 3
CALCULATED BY LF DATE 2/25/14
SCALE

DECKING 2x6

ALLOWABLE BENDING STRENGTH = 4,100 PSI
$S_x = 2.063 in^3$
LOADING = $60 PSF \times \frac{6''}{12''/1} = 30 PLF$



$M = \frac{30 PLF \times (1.5')^2}{8} = 8.5 lb\text{-}ft$

$f_b = \frac{8.5 lb\text{-}ft \times 12''/1}{2.063 in^3} = 50 PSI$

F'b OF TROPICAL DECKING = 4,100 PSI >> f_b

OK

PILE/HANGING BLOCK LOADING

TRIB. AREA = 10' x 5.5' = 55 S.F.

LOADING = 55 SF x 60 PSF = 3,300 #

SAFE LOADING CAPACITY OF PILES = 30,000 # > LOADING

OK

3,300 # TO BE CARRIED FROM STRINGERS TO PILES / BLOCKS WITH (2) 3/4" Ø THRU BOLTS WITH SHEAR LOADING CAPACITY OF 25,000 # EACH.

HANGING BLOCK: USE (2) 3/4" Ø WEDGE ANCHORS, S.S. STRONG-BOLT BY SIMPSON 6" MIN. EMBEDMENT FOR A TOTAL CAPACITY OF 21,200 # > LOADING = 3,300 #

OK

FL STATEWIDE PRODUCT APPROVAL = FL15731

HUMBERTO & REBECCA OCARIZ
1460 S. TREASURE DRIVE
NORTH BAY VILLAGE, FLORIDA 33141
305-358-5171 (work) 305-934-2089 (cell)

March 14, 2014

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

RE: Application for Dock Construction at 1460 South Treasure Drive, North Bay Village, FL 33141.

Subject: Permission to Represent.

To whom it may concern;

I, Rebecca Ocariz, give permission to Dock and Marine Construction to represent my interests at the variance hearing to be held on April 8, 2014.

Sincerely,

Rebecca Ocariz

Rebecca Ocariz
Property Owner

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

Re: Rebecca Ocariz
1460 South Treasure Drive
North Bay Village, FL 33141

Request for the following:

CONSTRUCTION OF A NEW DOCK PURSUANT TO SECTION 152.059 AND SECTION 150.11(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

I, Yvonne P. Hamilton, Village Clerk hereby certify, as per Section 152.096(A)(2) of the North Bay Village Code of Ordinances, that the petition filed by Rebecca Ocariz for the requests referenced herein is complete.

Dated this 17th day of March 2014.

Yvonne P. Hamilton
Village Clerk

(Village Commission Meeting-April 8, 2014)

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

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

Re: Rebecca Ocariz
1460 South Treasure Drive
North Bay Village, FL 33141

Request for the following:

CONSTRUCTION OF A NEW DOCK PURSUANT TO SECTION 152.059 AND SECTION 150.11(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

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 March 24, 2014.

Dated this 3rd day of April 2014.

Yvonne P. Hamilton
Village Clerk

(Village Commission Meeting-4/8/2014)

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

Re: Rebecca Ocariz
1460 South Treasure Drive
North Bay Village, FL 33141

Request for the following:

CONSTRUCTION OF A NEW DOCK PURSUANT TO SECTION 152.059 AND SECTION 150.11(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on April 8, 2014 was posted at the above-referenced property on March 26, 2014.

Dated this 3rd day of April 2014.

Yvonne P. Hamilton
Village Clerk

(Village Commission Meeting-4/8/2014)

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, APRIL 8, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT THE TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING AT THE FIRST PUBLIC HEARING:

1. AN APPLICATION BY REBECCA OCARIZ CONCERNING PROPERTY LOCATED AT 1460 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE CONSTRUCTION OF A NEW DOCK PURSUANT TO SECTION 152.059 AND SECTION 150.11(A).

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
(March 26, 2014)

Owner/Occupant
1440 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1450 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1460 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1470 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1480 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1500 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1510 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1520 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1540 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1441 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1471 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1471 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1521 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
7500 W. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
7504 W. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
7508 W. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
7512 W. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
7516 W. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
7517 W. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
7513 W. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
7509 W. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
7505 W. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
7504 Adventure Avenue
N. Bay Village, FL 33141

Owner/Occupant
7508 Adventure Avenue
N. Bay Village, FL 33141

Owner/Occupant
7512 Adventure Avenue
N. Bay Village, FL 33141

Owner/Occupant
7516 Adventure Avenue
N. Bay Village, FL 33141

Owner/Occupant
7517 Adventure Avenue
N. Bay Village, FL 33141

Owner/Occupant
7513 Adventure Avenue
N. Bay Village, FL 33141

Owner/Occupant
7509 Adventure Avenue
N. Bay Village, FL 33141

Owner/Occupant
7505 Adventure Avenue
N. Bay Village, FL 33141

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Use Avery® Template 5160®
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AVERY® 5160®

Owner/Occupant
7504 Bounty Avenue
N. Bay Village, FL 33141

Owner/Occupant
7508 Bounty Avenue
N. Bay Village, FL 33141

Owner/Occupant
7512 Bounty Avenue
N. Bay Village, FL 33141

Owner/Occupant
7516 Bounty Avenue
N. Bay Village, FL 33141

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

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, APRIL 8, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT THE TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING AT PUBLIC HEARING:

1. A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED. *(CONTINUED FROM FEBRUARY 11, 2014)*

2. AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 24-STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:

   A. REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI-DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.

   B. A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE" AND ADD THE DEFINITION OF "KITCHEN FACILITIES".

   C. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).

   D. BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

   E. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

   F. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT, 24-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.

   BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

   G. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.003, DEFINITIONS BY MODIFYING THE DEFINITIONS OF "DWELLING, HOTEL ROOM", "DWELLING, HOTEL SUITE" AND BY ADDING A NEW DEFINITION FOR "KITCHEN FACILITIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

   H. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY CHANGING THE ZONING DESIGNATION ON THE OFFICIAL ZONING MAP FROM CG TO CL FOR THE PROPERTY SHOWN ON MAP 1 (1755 KENNEDY CAUSEWAY) AND LEGALLY DESCRIBED IN EXHIBIT A (ZONING MAP); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

3. AN APPLICATION BY 7914 BUILDING, LLC CONCERNING PROPERTY LOCATED AT 7914, 7916 AND 7918 WEST DRIVE, TRACT C OF HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:

   A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 52 UNIT, 15 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE IN THE RM-7D (HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT.

   B. BONUS DENSITY REVIEW PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

   C. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.

4. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTING THE QUALIFYING DATES FOR THE NOVEMBER 4, 2014 GENERAL ELECTION AS PROVIDED FOR UNDER CHAPTER 100, SECTION 100.3605(2) OF THE FLORIDA STATUTES; PROVIDING DIRECTIONS FOR THE VILLAGE CLERK; PROVIDING FOR REPEALER, SEVERABILITY, PROVIDING FOR CONFLICTING ORDINANCES OR RESOLUTIONS; AND AN EFFECTIVE DATE. *(SECOND READING)*

5. AN APPLICATION BY WILLIAM WEBB CONCERNING THE PROPERTY AT 1357 BAY TERRACE, NORTH BAY ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

   A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A TWO- STORY SINGLE-FAMILY RESIDENTIAL STRUCTURE TO EXCEED THE MAXIMUM HEIGHT OF SECTION 152.026(C)(3), WHICH ALLOWS A BUILDING HEIGHT OF NO MORE THAN 25 FEET ABOVE FEMA BASE FLOOD ELEVATION.

6. AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKE CONCERNING PROPERTY LOCATED AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR THE FOLLOWING:

   A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 4.5 FOOT SIDE-INTERIOR SETBACK FOR THE CONSTRUCTION OF STEPS AND LANDING LEADING FROM THE SWIMMING POOL DECK, WHERE THE CODE REQUIRES A SETBACK OF 7.5 FEET.

   B. A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT THE POOL EQUIPMENT TO ENCROACH 3.3 FEET INTO THE REQUIRED 7.5 FOOT SIDE INTERIOR SETBACK AREA.

7. AN APPLICATION BY KAKUTA SAINT CONCERNING PROPERTY LOCATED AT 7441 CENTER BAY DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

   A. A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A GENERATOR TO ENCROACH 4 FEET INTO THE REQUIRED 10 FOOT SIDE INTERIOR SETBACK AREA.

   B. A VARIANCE PURSUANT TO SECTION 152.0971 (NONUSE VARIANCE) TO ALLOW INSTALLATION OF 2 CARPORTS THAT WOULD ENCROACH 20 FEET INTO THE FRONT YARD SETBACK ALLOWING A ZERO FOOT FRONT YARD SETBACK.

8. AN APPLICATION BY REBECCA DCARIZ CONCERNING PROPERTY LOCATED AT 1460 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE CONSTRUCTION OF A NEW DOCK PURSUANT TO SECTION 152.059 AND SECTION 150.11(A).

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
(March 20, 2014)

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE CONSTRUCTION OF A DOCK AT 1460 SOUTH TREASURE DRIVE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Rebecca Ocariz has applied to North Bay Village for a Building Permit to construct a dock at her residence at 1460 South Treasure Drive, in the RS-2, Medium Density Single-Family Zoning District on Treasure Island; and

WHEREAS, Section 150.11(F) of the North Bay Village Code of Ordinances requires all applications for construction of a dock to be approved by the Village Commission; and.

WHEREAS, in accordance with Section 150.11(F) of the Village Code, a public hearing by the Village Commission was noticed for April 8, 2014 at 7:30 p.m. at the Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

NOW, THEREFORE, BE IT RESOLVED BY THE 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. Findings.

In accordance with Section 150.11(F) of the Village Code, the Village Commission, having considered the testimony and evidence in the record presented by all parties, finds that the construction of the dock is safe and compatible.

Section 3. Grant.

Approval to construct a dock at 1460 South Treasure Drive is hereby granted, in accordance with the Plans by Leandro Fernandez Leaf Engineering/Dock and Marine Construction, Inc., dated 2/22/2014, submitted on March 3, 2014 for the hearing on April 8, 2014.

Section 4. Conditions.

The application is approved subject to the following conditions:

1. Verification of the 5 foot height restriction at the time of building permit issuance.

2. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.

3. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.

4. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit 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.

5. Authorization or issue of a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

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 Terms and Conditions.

Failure to adhere to condition shall be considered a violation of this Resolution and persons found violating the Resolution 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 was offered by Commissioner Richard Chervony, seconded by Mayor Connie Leon-Kreps.

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 8th day of April 2014.

_____
MAYOR CONNIE LEON-KREPS

ATTEST:

_____
YVONNE P. HAMILTON, CMC
Village Clerk

APPROVED AS TO FORM:

_____

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

North Bay Village Resolution: Construction of Dock at 1460 South Treasure Drive

Staff Report
Variance Request

Prepared for:	*North Bay Village Commission*
Applicant:	*Bayview Condominium Association and Verizon Wireless*
Request:	*Variance from Setback Standards for Placement of Generator*

General Information

Applicant	Bayview Condominium Association and Verizon Wireless
Applicant Address	1625 Kennedy Causeway, North Bay Village
Site Address	1625 Kennedy Causeway
Contact Person	Robert Perry
Phone Number	248-773-2976
E-mail Address	robert@telesitewireless.com

Future Land Use Map Classification	Commercial
Zoning District	General Commercial (CG)
Use of Property	Multi-Family Condominium
Acreage	1.14 acres (49,500 sq ft)

Legal Description of Subject Property

A parcel of land lying within lands of BAYVIEW CONDOMINIUM AT NORTH BAY VILLAGE, recorded in Official Records Book 21589, Page 2565, of the Public Records of Miami-Dade County, Florida, said condominium property being all of Tract "A", CAREY PLAT, according to the plat thereof, as recorded in Plat Book 157, Page 90, of the Public Records of Miami-Dade County, Florida.

Item Before the Village Commission

Bayview Condominiums is a seventy-five unit, 13 story, multi-family development approved as Carey Properties in 2000/01 and built in 2003. Since the Bayview Condominiums were built according to the RM-70 setback and site plan standards, the applicants (Verizon with permission from Bayview Condo Association) are requesting a variance from the regulations of Section 152.029(C)(2) of the North Bay Village Code to allow a 6 foot 5 inch encroachment into the required 15 foot side setback area, for the purpose of installing a backup generator to supply power to the existing cellular communications equipment on the roof of the structure.

Adjacent Future Land Use Map Classifications and Zoning Districts

North:	Future Land Use Map Classification:	Water
	Zoning District:	Water
	Existing Land Use:	Biscayne Bay
East:	Future Land Use Map Classification:	Commercial
	Zoning District:	General Commercial (CG)
	Existing Land Use:	Restaurant
South:	Future Land Use Map Classification:	Commercial
	Zoning District:	General Commercial (CG)
	Existing Land Use:	Grocery Store Restaurant & Hookah Lounge Restaurant, Bank, Office Space
West:	Future Land Use Map Classification:	Commercial
	Zoning District:	General Commercial (CG)
	Existing Land Use:	Night Club

Description of the Situation

Verizon Wireless has an existing agreement with the Bayview Condominium Association whereby Verizon is permitted to maintain cellular communications equipment on the rooftop of the condominium structure. Verizon would like to lease an additional ground-level 10 foot by 16 foot area on the eastern side of the property within the side setback area. In that area, they would like to place a natural gas generator for the purpose of providing backup power to the cellular communications equipment in the event of a power outage.

The generator will be anchored to a 4 foot by 10 foot concrete pad that will protrude 4 inches above ground. The generator dimensions are 9’4” long, 3’5” wide, and 5’8” tall. The plans show that the newly leased area will be fenced in, with a fence of a height and type that will match the existing fencing on the property. Landscape hedging around the fence will match the existing hedge. Conduit will be installed to run from the generator to the roof top tower.

The generator will be housed in a sound enclosure and the manufacturer specifications indicate that it operates at a noise level of approximately 71 decibels, measured at a distance of 23 ft.

Section 152.0582 requires structural or landscape screening of mechanical equipment, specifically that screening be at least as high as the equipment. In the likely event that the proposed hedges are not tall enough to screen the entire height of the generator structure, we recommend a condition of approval requiring structural screening be utilized, in the form of lattice or some other decorative material.

This is a multifamily structure developed under the RM-70 district site development standards. Section 152.029(C) requires a 15 foot setback on one side and a setback of 20% of the lot width on the other side. Additionally, the combination of both side setbacks must be at least 60 feet. According to the site plan approved for the original building construction, the total lot width is 275 feet. The distance from the building to the west property line is 55 feet, and the distance from the building to the eastern property line is 25 feet. Since the western 55 foot setback is clearly the setback that meets the 20% of the lot width requirement, the eastern setback must only be at least 15 feet. The generator is proposed to be placed 8 feet 7 inches from the eastern property line. This is an encroachment of 6 feet 5 inches into the required 15 foot setback.

North Bay Village Resolution 2000-08 recommended approval of the original site plan for construction of the multi-family structure at 1625 Kennedy Causeway, with the condition that confirmation of approval from the Miami-Dade Shoreline Review Board be provided prior to the issuance of a building permit. In order to verify that this project would not be in conflict with that shoreline approval, we spoke with Miami-Dade County zoning staff regarding this variance request.

After their review of the proposed project plans and the original shoreline resolution for the structure at 1625 Kennedy Causeway (attached), the Miami-Dade Shoreline Coordinator responded with a letter (attached) indicating that the currently proposed project does not require shoreline review and is not in conflict with the original shoreline resolution.

However, the original shoreline resolution did include conditions that the developer furnish a baywalk waterfront easement extending to the property lines as well as a 5 foot wide access easement along the west property line in order to provide access to the rear baywalk. Records indicate that the access easement was recorded but was never actually provided on the property. At this time, the easement is overgrown with landscaping vegetation. Additionally, no records have been found which prove the existence of a dedicated and recorded baywalk waterfront easement. Staff is recommending the dedication and recording of a waterfront baywalk easement as a condition of approval of this variance.

The applicant has not provided letters of consent from neighboring properties at the time of the writing of this staff report, but this probably is less important than other situations because the neighboring properties are commercial not residential.

Required Findings

Sec. 152.0971(B) sets forth findings that are required for the reviewing body(ies) to authorize any non-use variance request. In addition to staff comments on these items, the applicant's comments (included in his letter) have been listed as well. For ease of review, each of the criteria contained in subparagraphs (B)(1) through (B)(3) have been separated into their component parts.

(1) The variance will be in harmony with the general appearance and character of the community.

Applicant Comments: The applicant has taken care to ensure that the appearance of the proposed generator location will blend with the existing surrounding conditions on the subject property. The generator unit will be surrounded by a decorative fence and trees and plant materials matching those in the immediate vicinity will be added project envelope to further buffer the unit from the view of adjacent properties. It is a sensible location from the standpoint that existing utility infrastructure currently exists near the project area in the southeast corner of the property. Additionally, the restaurant immediately to the east has constructed a short decorative screening-wall so as to provide a buffer between themselves and the Bayview Terrace property. In the opinion of the applicant, this wall, and the combination of the above mentioned improvements will effectively shield the generator unit from view from all angles.

Staff Comments: The plans show that existing and proposed hedges will surround the proposed generator, with the exception of the necessary access gate. From the plans provided, it is not clear if the existing and proposed hedges will be tall enough to completely obscure the generator from view. However, there are already two existing mechanical items in close proximity to the proposed site, which are not obscured from view. It does not appear that installation of the generator, fence and hedges will further diminish the existing view corridor to the bay.

(2) The variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant Comments: Emergency power generators have become a common sight on both residential and commercial properties in many parts of Florida. In the case of the subject property, Verizon wishes to place a generator on the property to allow for continued operation of its existing cell site in the event of an extended outage of electricity. Verizon considers the threat of seasonal weather to be serious when it comes to the need for its subscribers to make calls on their phones during an emergency. With that in mind, Verizon has been placing backup generators at sites all across the south Florida region in order to ensure a working communications grid during times of extraordinary need. In essence, this is a public-welfare response by Verizon. A pro-active approach to providing necessary support during extended outages. This plan is implemented in the good interests of the public.

Staff Comments: Emergency backup for wireless network systems is a positive aspect for public welfare.

(3) The improvement is designed and arranged on the site in a manner that minimizes aerial and visual impact on the adjacent residences.

Applicant Comments: As stated in item #1 above, the proposed generator will be situated in an area that currently contains trees and decorative plant material. Additional trees and plant material, as well as a decorative fence, will be used to shield the generator unit from view. These measures, along with the already existing decorative screening wall built by the restaurant to the east of the subject property will effective shield the generator unit from view. It is important to note that the condominium association of the subject property took action in support of this application. Stakeholders were involved in the decision-making process that led to the siting of the unit in the easterly side-yard and its accompanying screening treatments. Additionally, it is also important to note that the property to the east of the Bayview Terrace Condominium community is a restaurant and the use of the land immediately adjacent to the proposed generator location is a parking lot. As such, there are no adjacent residences to be impacted by the placement of the generator. This is also true to the south of the project as commercial office space and vehicular parking account for the land uses on the south side of the JFK Causeway.

Staff Comments: This improvement should not have an aerial/visual impact on the adjacent residences.

Staff finds that the requested variance does meet the requirements of Section 152.0971 in that the materials submitted adequately allow for an affirmative finding on all of the criteria contained as specifically identified by the foregoing staff comments.

Recommendation:

Staff recommends **approval** of the requested variance to allow a 8 foot 7 inch setback from the property line where a 15 foot setback is required, with the following stipulations:

1. To comply with Section 151.25, screening must be provided which screens the entire height of the generator structure.

2. Generator testing times shall be restricted to between 10am and 2pm on weekdays and non-holidays.

3. Bayview Condominium Association must either verify that a baywalk public easement has been dedicated and recorded along the waterfront or must ensure that a baywalk public easement is dedicated and recorded along the waterfront according the Miami-Dade Biscayne Bay Management Plan.

4. Building permits and related approvals for generator installation must be obtained from the Building Official prior to commencement of construction.

5. All applicable state and federal permits must be obtained before commencement of construction.

6. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no building permit 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.

7. Authorization or issue of a variance or a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a variance or a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

Submitted by:

James G. LaRue, AICP
Planning Consultant

April 1, 2014

Hearing: Village Commission, April 8, 2014

BAYVIEW CONDOMINIUM ASSOCIATION LETTER OF CONSENT

10-10-13P12:15 RCVD

Nautica Management LLC
Property, Grounds and Asset Management Services

Date: October 10, 2013

To Whom It May Concern:

When signed by a member of the Condominium Association' Board of Directors, or the Property Manager, this letter indicates that **Verizon Wireless** has been approved to perform the work as described on the submitted plans at **Bayview Condominium at North Bay Village Association Inc.** These plans are for the installation of an emergency generator at the southeast corner of the property.

The Association assumes no responsibility for overseeing any work. It is the responsibility of the contractor to ensure that the work is done as specified, and that the correct method and materials are used.

- A City of North Bay Village work permit must be presented to the Association before work can begin.

Association Representative	Property Manager Title	October 10, 2013 Date

MIAMI-DADE COUNTY SHORELINE COORDINATOR LETTER

MIAMI-DADE COUNTY

Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1900
T 305-375-2842
www.miamidade.gov/economy

November 1st, 2013

Benjamin L. Smith, LEED GA
LaRue Planning & Management Services, Inc.
1375 Jackson Street #206
Ft. Myers, FL 33901

Re: North Bay Village Apartments, 1625 Kennedy Causeway
SDRC process # B1996000005

Dear Mr. Smith:

Pursuant to your request sent by e-mail on October 25, 2013, indicating the intention to place a generator in the side setback of the above referenced apartment complex that was previously approved through the shoreline development review process, this letter will serve as notification that the proposed mechanical installation, is not in conflict with the provisions previously established by the Shoreline Development Review Committee in the **Resolution 96-SDRC-03**. Based on the information you submitted and a review of the previously approved shoreline plans, staff opines that neither the visual corridor nor the shoreline setback is compromised with the placement of such equipment.

Section 33D-34 states that the Shoreline Development Review Committee shall provide timely reviews for applications made for development actions within the shoreline development review boundary which fall within the threshold for the installation or construction of a fixed structure or existing docks or piles requiring a Class 1 coastal permit public hearing. The North Bay Village building mechanical improvement project, as proposed, does not entail any impact onto the Biscayne Bay Shoreline. The submitted plans indicate ancillary uses that are previously approved by the municipality building officer; consequently, building mechanical upgrades and their respective placement would be in accordance with the local zoning regulations. However, the submitted plans also indicate that the project will not be elevated, hence would not have a potential to block the public from unobstructed views of Biscayne Bay in the City of North Bay Village. As such, the thresholds for a new review under the Shoreline Ordinance do not apply and the proposed generator installation in the above-referenced project is not subject to shoreline development review.

If you have any questions or wish to further discuss the circumstances surrounding the subject application's shoreline review, please call me at 305-375- 2842

Sincerely,

Maria Elena Cedeno, LEED A.P.
Shoreline Coordinator
Development Services Division
Department of Regulatory and Economic Resources

SHORELINE DEVELOPMENT REVIEW COMMITTEE

RESOLUTION 96 - SDRC -03

WHEREAS, Gold Key International has applied for approval of a site plan for the proposed North Bay Village Apartments located at 1625 Kennedy Causeway and as fully described in the attached recommendations and site plans, and

WHEREAS, the proposed project consists of a 75-unit 13-story apartment building, with an enclosed parking garage, a swimming pool, baywalk and a rooftop recreational area, and

WHEREAS, the subject application as filed with the Metro-Dade Department of Planning, Development and Regulation dated June 6, 1996 requests site plan approval, and

WHEREAS, the Shoreline Development Review Committee considered whether and the extent to which the project as presented conformed to the Dade County Comprehensive Development Master Plan, the North Bay Village Master Plan, and the Biscayne Bay Management Plan, and

WHEREAS, the Shoreline Development Review Committee of Dade County has as one of its primary responsibilities, the duty to determine the extent to which any plan or development action, as proposed, is in conformance with Dade County Ordinance 85-14 and the minimum standards set forth in Dade County Resolution 85-257, and

WHEREAS, the Committee considered the recommendations of Dade County staff, and

WHEREAS, a public meeting of the Shoreline Development Review Committee of Dade County, Florida, was advertised and held, as required by law, and all interested parties in the matter were heard, and upon due and proper consideration having been given to the matter;

NOW THEREFORE BE IT RESOLVED, that at its advertised meeting of September 5, 1996, the Biscayne Bay Shoreline Development Review Committee, as moved by Bill Rosenberg and seconded by Caridad Hidalgo-Gato recommended approval of the development action as presented and enumerated in the attached staff reports and site plans with the following provisions and conditions:

1. That the three surface parking spaces along the 79th Street Causeway be eliminated and that hedging and other landscape material be added in their place to provide buffering of the service area.

2. That the rear slope between the bulkhead and edge of building be substantially decreased to create a more manageable landscape area and level walkway.

3. That the 15' light fixtures around the pool deck be substituted with bollard lighting.

4. That the baywalk be extended to the property edges.

5. That a covenant be proffered to the City of North Bay Village requiring the dedication of the 5' public access easement along the westerly property line.

The vote on the motion was as follows:

Les Beilinson	- Excused	Roberto Datorre	- No
Rosa Epstein	- Excused	Thorn Grafton	- Yes
Caridad Hidalgo-Gato	-Yes	Bill Rosenberg	- Yes
Nanciann Regalado	- Excused	Conchita Suarez	- No
Andrew Witkin	- Yes		

Motion to **approve** passed - 4-2.

This resolution constitutes the report of the Shoreline Development Review Committee together with all exhibits attached hereto submitted to the Board of County Commissioners, Dade County, Florida pursuant to Dade County Ordinance 85-14 which shall become a part of all hearings and/or permit records on the proposed development action.

Respectfully submitted,

Andrew Witkin, A.S.L.A.
Chairperson, Biscayne Bay Shoreline
Development Review Committee

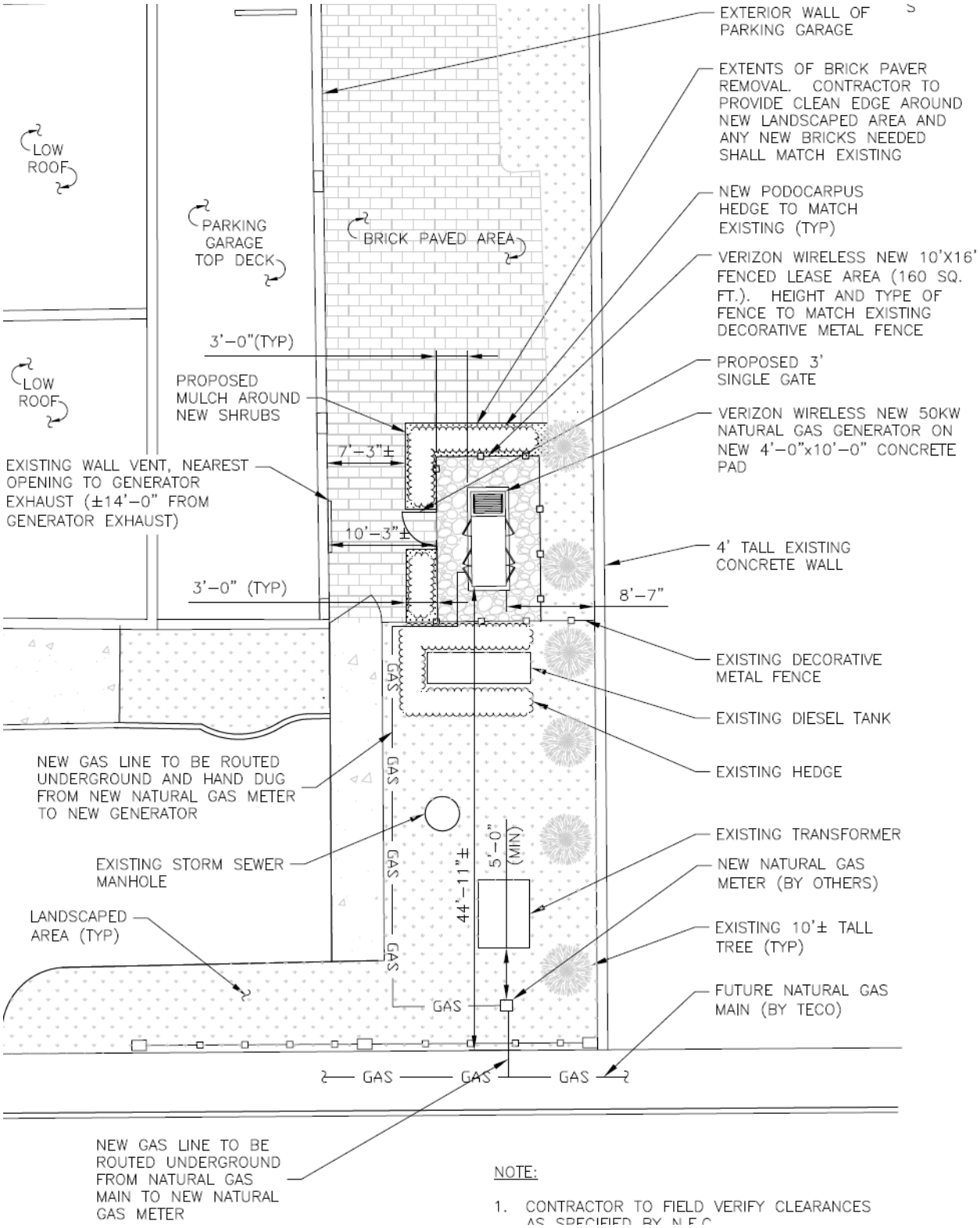
9/12/96
Date

App. # 95-05

k:Alex\sdr\reso9603

NORTH BAY VILLAGE CODE SECTION 151.25

SITE PLAN

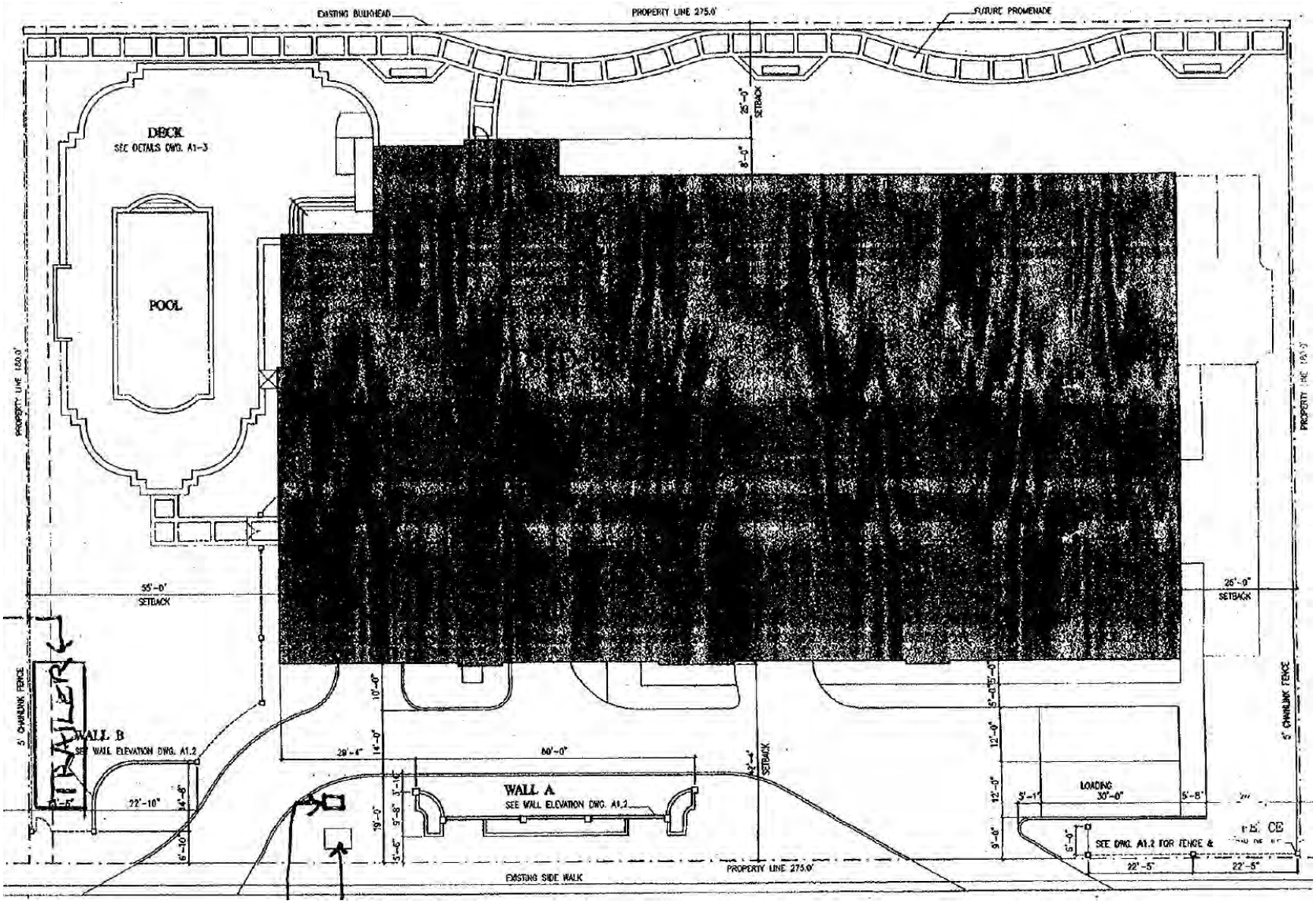


NOTE:

1. CONTRACTOR TO FIELD VERIFY CLEARANCES AS SPECIFIED BY N.E.C.

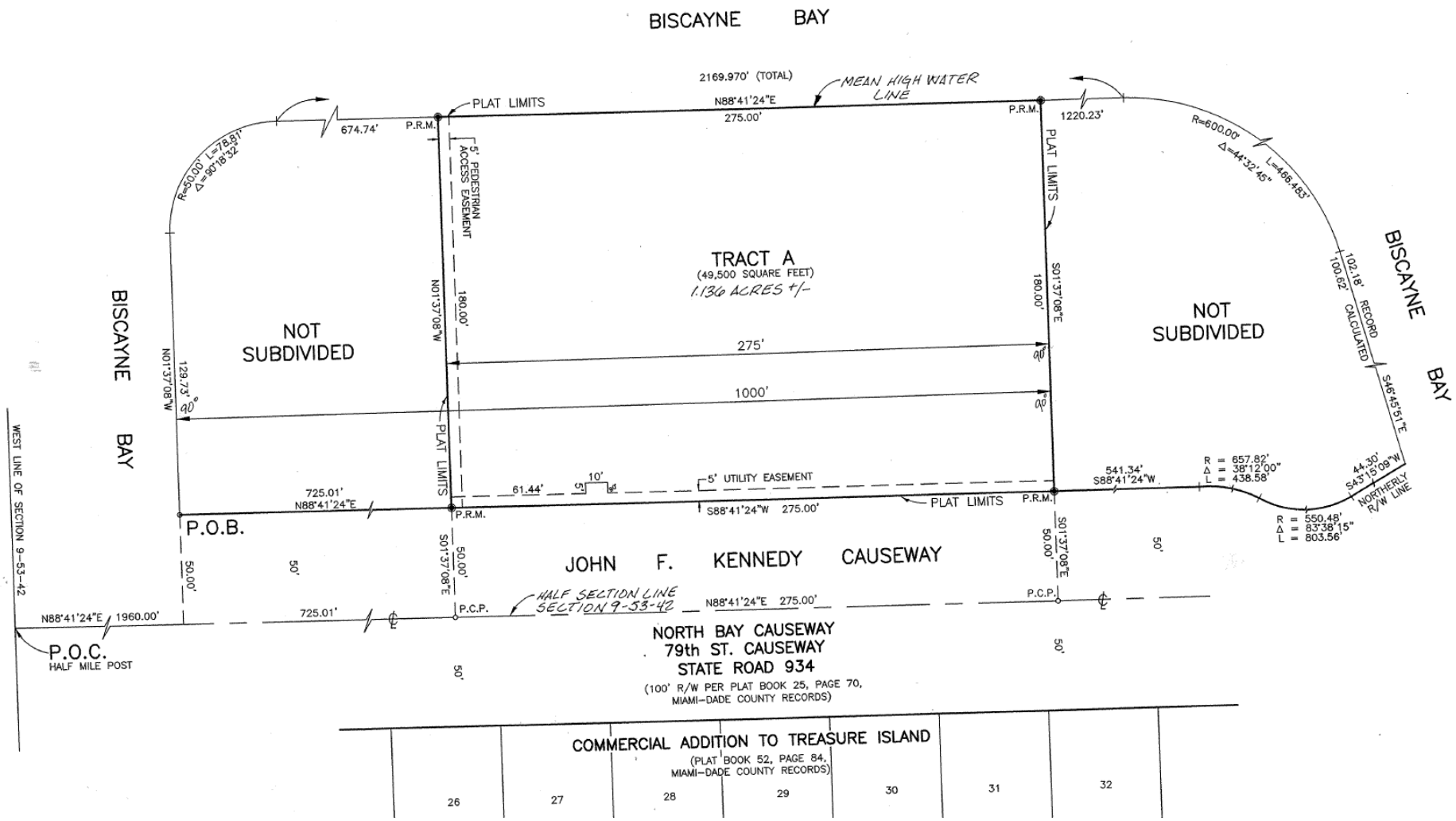
AERIAL PHOTOGRAPH OF SUBJECT SITE

CONDOMINIUM BUILDING 2001 SITE PLAN

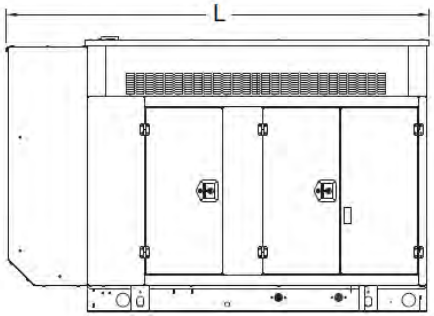


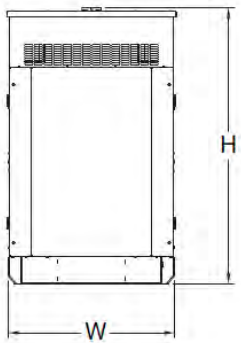
VIEWS FROM KENNEDY CAUSEWAY

SURVEY


BISCAYNE BAY
2169.970' (TOTAL)
MEAN HIGH WATER LINE
PLAT LIMITS
N88°41'24"E
275.00'
P.R.M.
674.74'
1220.23'
R=600.00'
Δ=44°32'45"
L=466.453'
R=50.00' L=78.81'
Δ=90°18'32"
5' PEDESTRIAN ACCESS EASEMENT
TRACT A
(49,500 SQUARE FEET)
1.136 ACRES +/-
NOT SUBDIVIDED
NOT SUBDIVIDED
N01°37'08"W
180.00'
S01°37'08"E
180.00'
275'
1000'
90°
129.73'
102.18' RECORD
100.62' CALCULATED
S46°45'51"E
44.30'
S43°15'09"W
NORTHERLY R/W LINE
R = 657.82'
Δ = 38°12'00"
L = 438.58'
R = 550.48'
Δ = 83°38'15"
L = 803.56'
541.34'
S88°41'24"W
5' UTILITY EASEMENT
61.44'
10'
725.01'
N88°41'24"E
S88°41'24"W 275.00'
P.O.B.
50.00'
50'
S01°37'08"E
JOHN F. KENNEDY CAUSEWAY
P.C.P.
HALF SECTION LINE SECTION 9-53-42
N88°41'24"E 275.00'
N88°41'24"E 1960.00'
725.01'
WEST LINE OF SECTION 9-53-42
P.O.C.
HALF MILE POST
NORTH BAY CAUSEWAY
79th ST. CAUSEWAY
STATE ROAD 934
(100' R/W PER PLAT BOOK 25, PAGE 70, MIAMI-DADE COUNTY RECORDS)
COMMERCIAL ADDITION TO TREASURE ISLAND
(PLAT BOOK 52, PAGE 84, MIAMI-DADE COUNTY RECORDS)
26
27
28
29
30
31
32

GENERATOR SPECIFICATIONS





LEVEL 2 ACOUSTIC ENCLOSURE

L	W	H	WT	dBA*
112	41	68	2812	71

*All measurements are approximate and for estimation purposes only. Sound levels measured at 23ft (7m) and does not account for ambient site conditions.

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

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 Village Commission. Notice of Public Hearings before the Planning & Zoning Board and the Village 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 Village Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: Verizon Wireless in cooperation with the Bayview Condominium at North Bay Village Association, Inc. Phone: 248-773-2976

Mailing Address: 777 Yamato Road, Suite #600, Boca Raton, FL 33431

Legal Description of Property: 1625 Kennedy Causeway (legal description too large for placement here)

Existing Zoning: RM-70 Lot Size: _____ Folio: 23-3209-044-0310

Type of Request: Addition of (1) diesel-fueled generator for use by Verizon Wireless.

Request for Non-Use Variance to install generator in the setback.

Reason for Request: (Attach additional Pages if necessary) Verizon wishes to place the emergency power generator on the grounds so that in the event of a lengthy power outage its existing wireless cell site on the rooftop will continue to work for Verizon subscribers.

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

Contact Person: Robert Perry for Verizon Wireless 248-773-2976
robert@telesitewireless.com

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

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

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 North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village 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 Village Commission Pursuant to the Village 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 Village 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).

Lisa M Poklop
Authorized Signature

Lisa M Poklop
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 20 **day of** SEPTEMBER **20** 13
by LISA M. POKLOP
who is personally known to me or who has produced _____
as identification.

Notary Public

NATALIA E NUNEZ (Notary Seal)
MY COMMISSION # DD980418
EXPIRES April 11, 2014
(407) 398-0153 FloridaNotaryService.com

Office Use Only:

Date Submitted: 10/9/13

Fee Paid: $ 100.00

Tentative Meeting Date: 11/12/13

Cash ☐ or Check ☑ # 125289

Date Paid: 10/9/13

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

Re: Verizon Wireless in cooperation with the
Bayview Condominium at North Bay Village Association, Inc.
1625 Kennedy Causeway
North Bay Village, FL 33141

Request for Non-Use Variance to install Diesel-Fueled Generator

I, Yvonne P. Hamilton, Village Clerk hereby certify, as per Section 152.096(A)(2) of the North Bay Village Code of Ordinances, that the petition filed by Verizon Wireless in cooperation with the Bayview Condominium at North Bay Village Association, Inc. at 1625 Kennedy Causeway is complete.

Dated this 28th day of October 2013

Yvonne P. Hamilton
Village Clerk

(Commission Meeting – 11/12/2013)

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

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

Re: Verizon Wireless in cooperation with the
Bayview Condominium at North Bay Village Association, Inc.
1625 Kennedy Causeway
North Bay Village, FL 33141

,

Request for Non-Use Variance to install Natural Gas Generator

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on April 8, 2014 was posted at the above-referenced property on March 26, 2014.

Dated this 3rd day of April 2014

Yvonne P. Hamilton
Village Clerk

(North Bay Village Commission Meeting – April 8, 2014)

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

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

Re: Verizon Wireless in cooperation with the
Bayview Condominium at North Bay Village Association, Inc.
1625 Kennedy Causeway
North Bay Village, FL 33141

Request for Non-Use Variance to install Natural Gas Generator

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 March 24, 2014.

Dated this 3rd day of March 2014.

Yvonne P. Hamilton
Village Clerk

(Village Commission Meeting-4/8/2014)

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, APRIL 8, 2014** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT THE TREASURE ISLAND ELEMENTARY SCHOOL, 7540 EAST TREASURE DRIVE, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING AT PUBLIC HEARING:

1. A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, WITHIN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT, NORTH BAY VILLAGE, FLORIDA FOR A NON-USE VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED. *(CONTINUED FROM FEBRUARY 11, 2014)*

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
(March 26, 2014)

Benihana Restaurant
1665 Kennedy Causeway
N. Bay Village, FL 33141

COLE BN NORTH BAY VILLAGE FL
1665 KENNEDY CAUSEWAY
NORTH BAY VILLAGE, FL 33141

ATLANTIC BROADBAND
1681 KENNEDY CAUSEWAY
NORTH BAY VILLAGE, FL
33141

Florvest LLC
968 N.E. 84th St reet
Miami, FL 33138

THE SHOPPES OF NORTH BAY
VILLAGE, LLC
1320 S. Dixie Highway, Suite 781
Miami, Florida 33146

THE LEXI CONDOMINIUM
7901 HISPANOLA AVENUE
N. BAY VILLAGE, FL 33141

THE WITE HOUSE
CONDOMINIUM
1770 KENNEDY CAUSEWAY
N. BAY VILLAGE, FL 33141

BAYVIEW CONDOMINIUM
1625 KENNEDY CAUSEWAY
N. BAY VILLAGE, FL 33141

CAUSEWAY TOWER
1666 KENNEDY CSWY., #600
N. BAY VILLAGEL, FL 33141

BMS North Bay Village
P.O. Box 25025
Glendale, CA 91201

Baymar Hotels & Properties, Inc.
1111 Kane Concourse, #211
Bay Harbor Islands, FL 33154-2040

Trio on the Bay
1601 Kennedy Causeway
N. Bay Village, FL 33141

GOL TV
1580 Kennedy Causeway
N. Bay Village, FL 33141

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Owner/Occupant
1625 Kennedy Causeway,
#502F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#503F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#504D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#505B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#506B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#507A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#508A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#509C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #601E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#602F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#603F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#604D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#605B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#606B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#607A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#608A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#609C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #701E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#702F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#703F
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#704D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#705D
N. Bay Village, FL 33141

Owner/Occupant
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N. Bay Village, FL 33141

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N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#708A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#709C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #801E
N. Bay Village, FL 33141

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#802H
N. Bay Village, FL 33141

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1625 Kennedy Causeway,
#806B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#807A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#808A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#809C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway, #901E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#902H
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#903H
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#904D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#508A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#509C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#907A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#908A
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#909C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#1001E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway,
#1002H
N. Bay Village, FL 33141

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#1003H
N. Bay Village, FL 33141

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#1004D
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#1008A
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#1009C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1102D
N. Bay Village, FL 33141

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#1103B
N. Bay Village, FL 33141

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#1104B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1105G
N. Bay Village, FL 33141

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#1203B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1204B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1205G
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#1207C
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH101E
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH102D
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH103B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH104B
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH105G
N. Bay Village, FL 33141

Owner/Occupant
1625 Kennedy Causeway
#PH106G
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Owner/Occupant
7901 Hispanola Avenue, #604
North Bay Village, FL 33141

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7901 Hispanola Avenue, #605
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #608
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #702
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #703
North Bay Village, FL 33141

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7901 Hispanola Avenue, #704
North Bay Village, FL 33141

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7901 Hispanola Avenue, #705
North Bay Village, FL 33141

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North Bay Village, FL 33141

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7901 Hispanola Avenue, #803
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7901 Hispanola Avenue, #805
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Owner/Occupant
7901 Hispanola Avenue, #807
North Bay Village, FL 33141

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7901 Hispanola Avenue, #808
North Bay Village, FL 33141

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7901 Hispanola Avenue, #809
North Bay Village, FL 33141

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7901 Hispanola Avenue, #810
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #811
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #901
North Bay Village, FL 33141

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7901 Hispanola Avenue, #902
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #903
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #904
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #906
North Bay Village, FL 33141

Owner/Occupant
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Owner/Occupant
7901 Hispanola Avenue, #911
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #912
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1001
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1002
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1003
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1004
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1005
North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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North Bay Village, FL 33141

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7901 Hispanola Avenue, #1011
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1012
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1101
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1102
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1103
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1104
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1106
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1108
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1109
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1110
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1201
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1202
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1203
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1205
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1206
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1207
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1208
North Bay Village, FL 33141

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Owner/Occupant
7901 Hispanola Avenue, #1211
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1401
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1403
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1405
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1406
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1408
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1409
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1411
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1412
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1501
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1502
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1503
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1506
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1507
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1509
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1511
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1603
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1604
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1605
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1606
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1608
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1609
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1610
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1612
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1702
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1703
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1704
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1705
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1706
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1709
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1712
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1801
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1802
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1803
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1804
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1806
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1808
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1809
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1812
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1902
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1903
North Bay Village, FL 33141

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7901 Hispanola Avenue, #1906
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1908
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #1912
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2001
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2002
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2003
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2004
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2006
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2008
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2010
North Bay Village, FL 33141

Owner/Occupant
7901 Hispanola Avenue, #2012
North Bay Village, FL 33141

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1800 Kennedy Causeway, #A-101 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A-102 Miami Beach, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A103 North Bay Village, FL 33141
Owner / Occupant 1800 Kennedy Causeway, #A-104 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A105 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A106 North Bay Village, FL 33141
Owner / Occupant 1800 Kennedy Causeway, #A107 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A108 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A109 North Bay Village, FL 33141
Owner / Occupant 1800 Kennedy Causeway, #A110 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A111 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway #A112 North Bay Village, FL 33141
Owner / Occupant 1800 Kennedy Causeway, #201 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A202 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A203 North Bay Village, FL 33141
Owner / Occupant 1800 Kennedy Causeway #A204 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A205 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A206 North Bay Village, FL 33141
Owner / Occupant 1800 Kennedy Causeway #A207 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A208 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A209 North Bay Village, FL 33141
Owner / Occupant 1800 Kennedy Causeway #A210 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A211 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A212 North Bay Village, FL 33141
Owner / Occupant 1800 Kennedy Causeway #A301 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A302 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A303 North Bay Village, FL 33141
Owner / Occupant 1800 Kennedy Causeway #A304 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A305 North Bay Village, FL 33141	Owner / Occupant 1800 Kennedy Causeway, #A306 North Bay Village, FL 33141

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Owner / Occupant
1800 Kennedy Causeway #A307
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A308
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A309
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway #A310
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A311
North Bay Village, FL 33141

Owner / Occupant
1800 Kennedy Causeway, #A312
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway #B102
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B103
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B104
North Bay Village, FL 33141

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1790 Kennedy Causeway #B105
North Bay Village, FL 33141

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1790 Kennedy Causeway, #B106
North Bay Village, FL 33141

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North Bay Village, FL 33141

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1790 Kennedy Causeway, #B203
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1790 Kennedy Causeway, #B208
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1790 Kennedy Causeway, #B210
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North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B212
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B207
North Bay Village, FL 33141

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Owner / Occupant
1790 Kennedy Causeway, #B208
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B209
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B210
North Bay Village, FL 33141

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1790 Kennedy Causeway, #B212
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B301
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B302
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B303
North Bay Village, FL 33141

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1790 Kennedy Causeway, #B304
North Bay Village, FL 33141

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1790 Kennedy Causeway, #B305
North Bay Village, FL 33141

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1790 Kennedy Causeway, #B306
North Bay Village, FL 33141

Owner / Occupant
1790 Kennedy Causeway, #B307
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North Bay Village, FL 33141

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1790 Kennedy Causeway, #B311
North Bay Village, FL 33141

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1790 Kennedy Causeway, #B312
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C101
North Bay Village, FL 33141

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1780 Kennedy Causeway, #C112
North Bay Village, FL 33141

Owner / Occupant
1780 Kennedy Causeway, #C201
North Bay Village, FL 33141

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Owner / Occupant
1770 Kennedy Causeway, #D108
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D109
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D110
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D111
North Bay Village, FL 33141

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1770 Kennedy Causeway, #D112
North Bay Village, FL 33141

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1770 Kennedy Causeway, #D101
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1770 Kennedy Causeway, #D109
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1770 Kennedy Causeway, #D110
North Bay Village, FL 33141

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1770 Kennedy Causeway, #D111
North Bay Village, FL 33141

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1770 Kennedy Causeway, #D112
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1770 Kennedy Causeway, #D201
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1770 Kennedy Causeway, #D202
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North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D212
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D301
North Bay Village, FL 33141

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Owner / Occupant
1770 Kennedy Causeway, #D303
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D304
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D305
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D306
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D307
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D308
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D309
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D310
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D311
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D312
North Bay Village, FL 33141

Owner/Occupant
1770 Kennedy Causeway, D314
N. Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D311
North Bay Village, FL 33141

Owner / Occupant
1770 Kennedy Causeway, #D312
North Bay Village, FL 33141

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RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW A NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Bayview Condominium Association together with Verizon Wireless has applied to North Bay Village for a Variance from 152.0971 of the North Bay Village Code of Ordinances from Section 152.029(C)(2) to install a natural gas generator on the property at 1625 Kennedy Causeway; and

WHEREAS, Section 152.0971 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 variance; and

WHEREAS, in accordance with Section 152.0971 of the Village Code, a public hearing by the Village Commission was noticed for April 8, 2014 at 7:30 p.m. at the Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE 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. Findings.

In accordance with Section 152.0971(B) of the Village Code, the Village Commission, having considered the testimony and evidence in the record presented by all parties, finds that:

(1) The Variance will be in harmony with the general appearance and character of the community.
(2) The Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
(3) The improvement is designed and arranged on the site in a manner that minimizes aerial and visual impact on the adjacent residences.

Section 3. Grant.

The Variance requested to permit a natural gas generator on the property with an east side-yard setback of 8.5 feet, is hereby granted in substantial conformance with the Site Plan submitted for hearing on .

Section 4. 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 5. Conditions.

The Variance is approved subject to the following conditions:

1. To comply with Section 151.25, screening must be provided which screens the entire height of the generator structure.

2. Generator testing times shall be restricted to between 10am and 2pm on weekdays and non-holidays.

3. Bayview Condominium Association must either verify that a baywalk public easement has been dedicated and recorded along the waterfront or must ensure that a baywalk public easement is dedicated and recorded along the waterfront according the Miami-Dade Biscayne Bay Management Plan.

4. Building permits and related approvals for generator installation must be obtained from the Building Official prior to commencement of construction.

5. All applicable state and federal permits must be obtained before commencement of construction.

6. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no building permit 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.

7. Authorization or issue of a variance or a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a variance or a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

Section 6. Violation of Terms and Conditions.

Failure to adhere to the approval terms and conditions contained in this Resolution shall be considered a violation of this Resolution and persons found violating the Resolution 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.

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 8th day of April 2014.

_____
MAYOR CONNIE LEON-KREPS

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: Bayview Condominium Non-Use Variance-1625 Kennedy Causeway-Natural Gas Generator

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BAYVIEW CONDOMINIUM ASSOCIATION, FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW NATURAL GAS GENERATOR TO BE SETBACK 8.5 FEET FROM THE SIDE PROPERTY LINE, WHERE A SETBACK OF 15 FEET IS REQUIRED; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Bayview Condominium Association together with Verizon Wireless has applied to North Bay Village for a Variance according to Section 152.0971 of the North Bay Village Code of Ordinances from Section 152.029(C)(2) to install a natural gas generator on the property at 1625 Kennedy Causeway; and

WHEREAS, Section 152.0971 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 variance; and

WHEREAS, in accordance with Section 152.0971 of the Village Code, a public hearing by the Village Commission was noticed for April 8, 2014 at 7:30 p.m. at the Treasure Island Elementary School, 7540 East Treasure Drive, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE 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. Findings.

In accordance with Section 152.0971(B) of the Village Code, the Village Commission, having considered the testimony and evidence in the record presented by all parties, finds that:

(1) The Variance will be in harmony with the general appearance and character of the community.
(2) The Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
(3) The improvement is designed and arranged on the site in a manner that minimizes aerial and visual impact on the adjacent residences.

Section 3. Grant.

The Variance requested to permit a natural gas generator on the property with an east side-yard setback of 8.5 feet, is hereby granted in substantial conformance with the Site Plan submitted for hearing on March 19, 2014.

Section 4. 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 5. Conditions.

The Variance is approved subject to the following conditions:

1. To comply with Section 151.25, screening must be provided which screens the entire height of the generator structure.

2. Generator testing times shall be restricted to between 10am and 2pm on weekdays and non-holidays.

3. Bayview Condominium Association must either verify that a baywalk public easement has been dedicated and recorded along the waterfront or must ensure that a baywalk public easement is dedicated and recorded along the waterfront according to the Miami-Dade Biscayne Bay Management Plan.

4. Building permits and related approvals for generator installation must be obtained from the Building Official prior to commencement of construction.

5. All applicable state and federal permits must be obtained before commencement of construction.

6. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no building permit 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.

7. Authorization or issue of a variance or a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a variance or a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

Section 6. Violation of Terms and Conditions.

Failure to adhere to the approval terms and conditions contained in this Resolution shall be considered a violation of this Resolution and persons found violating the Resolution 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.

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 8th day of April 2014.

_____
MAYOR CONNIE LEON-KREPS

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: Bayview Condominium Non-Use Variance-1625 Kennedy Causeway-Natural Gas Generator

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

RECOMMENDATION MEMORANDUM

DATE: **March 25, 2014**

TO: **Mayor Connie Leon Kreps**
Vice-Mayor Eddie Lim
Commissioner Dr. Richard Chervony
Commissioner Jorge Gonzalez
Commissioner Wendy Duvall

RECOMMENDED BY STAFF: Frank K. Rollason
Village Manager

PRESENTED BY STAFF: Frank K. Rollason
Village Manager

SUBJECT: Business Development Advisory Committee

RECOMMENDATION:

It is recommended that the Village Commission consider re-activating the Village's Business Development Advisory Committee and appointing new members.

BACKGROUND:

The Village Commission adopted Resolution 2012-12 on April 10, 2012 creating a Business Advisory Committee to provide recommendations for mechanisms and programs to attract new commerce to the Village.

The committee became inactive and the Commission adopted Resolution No. 2013-79 on November 12, 2013 terminating membership to the Committee, thereby removing all existing members.

Resolution 2012-12 provides for the Commission to conduct a sunset review of the Committee, two years from April 10, 2012; however, the Committee has not been active.

There has been community interest in the re-activating the Committee, and the Village Clerk's Office has received two applications for membership to the Committee.

Since two members do not constitute a quorum to hold a meeting, staff recommends that the Village Commission authorizes staff to amend the Resolution to change the seven-member Committee to five members. Based on past experience, having seven members on a Board/Committee has resulted in difficulties obtaining a quorum for meetings.

BUDGETARY IMPACT (FINANCE DEPT):

There will be no impact to the budget in re-activating the Business Development Advisory Committee.

PERSONNEL IMPACT:

Staff will attend the meetings.

CONTACT:

Village Manager Frank K. Rollason
Village Clerk Yvonne P. Hamilton

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BOARD/COMMITTEE APPLICATION

NAME Henrik Risvang **TELEPHONE #** 786-999-2079

MAILING ADDRESS 6538 Collins Ave, #65, Miami Beach, FL 33141

VILLAGE RESIDENT: YES X **NO** ____ **HOW MANY YEARS** 5+

BUSINESS OWNER: YES X **NO** ____ **PAST OR PRESENT** Present

NAME AND ADDRESS OF BUSINESS Adtraffix LLC, 690 Lincoln Road, MB, FL 33139
Risvang Consulting, 6538 Collins Ave #65, MB, FL 33141. Bizway, Inc - same address

HOW LONG HAVE YOU BEEN OPERATING IN THE VILLAGE? 5 years

CHECK THE BOARD COMMITTEE YOU WOULD LIKE TO SERVE ON:

- **ANIMAL CONTROL ADVISORY COMMITEE** ☐
- **COMMUNITY ENHANCEMENT BOARD** ☐
- **ARTS, CULTURAL & SPECIAL EVENTS BOARD** ☐
- **PLANNING & ZONING BOARD** ☐
- **BUSINESS DEVELOPMENT ADVISORY COMMITTEE** ☒
- **YOUTH & EDUCATION SERVICES BOARD** ☐
- **CITIZENS BUDGET AND OVERSIGHT BOARD** ☐

ARE YOU AVAILABLE FOR EVENING MEETINGS? YES X **NO** ____

HAVE YOU EVER SERVED ON A VILLAGE BOARD/COMMITTEE? YES X **NO** ____

HAVE YOU EVER BEEN A VILLAGE EMPLOYEE? YES ____ **NO** N

ARE YOU A REGISTERED VOTER? YES X **NO** ____ **(Attach copy of Voter Registration Card)**

PLEASE GIVE A SUMMARY OF YOUR WORK AND CIVIC SERVICE EXPERIENCE:

5 Years in banking (in Denmark) 10 years with IBM, Administration and International Business Progres Re-engineering, 5 Years SAP/Business Management Consulting, 11 years Operating Direct Sales Companies, Internet Business Solutions Providers and doing business Transformation Consulting (Business Turn-Around and accelerated growth)
Currently selling nutritional products and skincare over the Internet domestically and in Brazil

PLEASE COMMENT ON HOW YOU THINK YOUR BACKGROUND QUALIFIES YOU TO SERVE ON THIS BOARD AND WHAT YOU MAY BE ABLE TO CONTRIBUTE: (use additional page if necessary)

NBV businesses are suffering. Landlords cannot attract business tennants and the city cannot balance it's budget. I have been helping businesses with that kind of problems for more than 25 years. I think it is worth pointing out that my business is not impacted in any way by the actions or influence of the Business Development Advisory Committee, so I can objectively focus on what is best for the city and the city's business

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BOARD/COMMITTEE APPLICATION

NAME Serafin Daniel "Fin" Gomez **TELEPHONE #** 786-218-5669

MAILING ADDRESS 1666 Kennedy Causeway, Suite 203, North Bay Village, FL 33141

VILLAGE RESIDENT: YES ____ NO ____ **HOW MANY YEARS** Nov 2013

BUSINESS OWNER: YES ____ NO ____ **PAST OR PRESENT** ____

NAME AND ADDRESS OF BUSINESS Fox News Channel Miami Bureau
1666 79th St Causeway, #203, North Bay Village, FL 33141

HOW LONG HAVE YOU BEEN OPERATING IN THE VILLAGE? I have worked here since 2009.

CHECK THE BOARD COMMITTEE YOU WOULD LIKE TO SERVE ON:

- ☐ ANIMAL CONTROL ADVISORY COMMITTEE
- ☐ COMMUNITY ENHANCEMENT BOARD
- ☐ ARTS, CULTURAL & SPECIAL EVENTS BOARD
- ☐ PLANNING & ZONING BOARD
- ☑ BUSINESS DEVELOPMENT ADVISORY COMMITTEE
- ☑ YOUTH & EDUCATION SERVICES BOARD
- ☐ CITIZENS BUDGET AND OVERSIGHT BOARD

ARE YOU AVAILABLE FOR EVENING MEETINGS? YES ____ NO ____

HAVE YOU EVER SERVED ON A VILLAGE BOARD/COMMITTEE? YES ____ NO ____

HAVE YOU EVER BEEN A VILLAGE EMPLOYEE? YES ____ NO ____

ARE YOU A REGISTERED VOTER? YES ____ NO ____ **(Attach copy of Voter Registration Card)**

PLEASE GIVE A SUMMARY OF YOUR WORK AND CIVIC SERVICE EXPERIENCE:

See attached Document

PLEASE COMMENT ON HOW YOU THINK YOUR BACKGROUND QUALIFIES YOU TO SERVE ON THIS BOARD AND WHAT YOU MAY BE ABLE TO CONTRIBUTE: (use additional page if necessary)

See attached Document

Mayor **Connie Leon-Kreps** | Vice Mayor **Eddie Lim** | Commissioner **Dr. Richard Chervony** | Commissioner **Wendy Duvall** | Commissioner **Jorge Gonzalez**

Gomez, Serafin

I have been an journalist and producer for Fox News Channel since 2005. During that time, I have been political campaign reporter during the 2008 and 2012 presidential election cycles, covering presidential campaigns that include the Obama for President, the Mitt Romney for President, & John McCain for President as well as 8 others. Since my time in Florida, I have covered Sen. Marco Rubio for Senate campaign in 2010 and Gov.Rick Scott's gubernatorial campaign as well. I have had the pleasure to interview or produce interviews for all the following people. I As a producer for ABC News, my experience including being the congressional producer and covered Capitol Hill for that network in Washington DC. I continue to be a writer and senior contributor to Fox News Latino, and I continue to cover Florida politics for my job. Since my youth growing up in DC, my family and I have always done charity and volunteer work. We were resolute in our belief that in order to express our gratitude for the community we belonged to, we had to give back. I have tutored inner city kids, I have raised thousands for charity organizations and I have always tried to be a productive member of society.

My work experience, I believe, shows that I understand and know politics and legislation well. But frankly, my most important work service, I think, is that I work and live in North Bay Village, FL. I just officially moved here in November 2013 but I have worked here at the Fox News Channel Miami Bureau since 2009. More than anything, I want to give back to my community and be of service to the city that I truly enjoy and love. I just want to help!

Serafin Gomez
Miami Bureau Producer
Fox News Channel
1666 79 St Causeway,Suite 203
North Bay Village, FL 33141
305-496-3855(C)
305-866-8007(W)

RESOLUTION NO: 2013-79

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING RESOLUTION 2012-12 TO PROVIDE FOR REMOVAL OF BUSINESS DEVELOPMENT ADVISORY COMMITTEE MEMBERS; SETTING AN EFFECTIVE DATE. ***(INTRODUCED BY VICE MAYOR EDDIE LIM)***

WHEREAS, the Village Commission adopted Resolution No. 2012-12 on April 10, 2012 creating a Business Development Advisory Committee to establish a dialog with existing members of the North Bay Village business community and to provide recommendations to the Village Commission for mechanisms and programs to attract new commerce to become part of the Village; and

WHEREAS, subsequent to the creation of the Business Development Advisory Committee, members were appointed to the Committee by the Village Commission; and

WHEREAS, the Committee has become inactive; and

WHEREAS, the Village Commission finds that it is in the best interest of the community to terminate the current membership.

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

Section 1: **Recitals.** The foregoing whereas clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

Section 2: **Amendment of Resolution.** Resolution 2012-12 is hereby amended as follows[1]:

* * *

[1] Additions to text of the Resolution are shown in underline. Deletions to text of resolution are shown in strikethrough.

Section 4. **Appointment and Composition of Committee.** The Committee shall consist of seven (7) voting members and one (1) non-voting member. The Mayor and Commissioners shall each nominate one voting member. The remaining members shall be appointed by a majority vote of the Commission. The ~~City~~ Village Manager shall be an ex-officio, non-voting member of the Committee. All nominations shall be subject to a majority vote by the Commission. Nominees shall be a minimum of 18 years of age. Should a vacancy occur on the Committee, the original nominating Commissioner, ~~or, if applicable, the City Manager,~~ shall nominate a replacement, subject to a majority vote of the Commission.

* * *

Section 7. **Attendance and Removal.** In the event a Committee member fails to attend three (3) regularly scheduled meetings, the Committee member shall automatically be removed from the Committee. Any member may be removed from the office by the Commission upon majority vote of the Commission members present. ~~The~~ Any vacancy shall be filled pursuant to Section 4 of this Resolution.

* * *

Section 3: **Effective Date.** This Resolution shall take effect immediately upon approval.

A motion to approve the foregoing Resolution was offered by Vice Mayor Eddie Lim, seconded by Commissioner Jorge Gonzalez.

Final Votes at Adoption:

Mayor Connie Leon-Kreps	Yes
Vice Mayor Eddie Lim	Yes
Commissioner Wendy Duvall	Yes
Commissioner Richard Chervony	No
Commissioner Jorge Gonzalez	Yes

DULY PASSED AND ADOPTED this 12th day of November 2013.

Connie Leon-Kreps
Mayor

ATTEST:

Yvonne P. Hamilton
Village Clerk

APPROVED AS TO FORM FOR USE BY NORTH BAY VILLAGE ONLY:

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

North Bay Village Resolution: Cancelling Appointments to the Business Development Advisory Committee.

RESOLUTION NO. 2012-12

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, ESTABLISHING A BUSINESS DEVELOPMENT ADVISORY COMMITTEE; PROVIDING COMMITTEE MEMBERSHIP; PROVIDING FOR AN EFFECTIVE DATE. ***(INTRODUCED BY VICE MAYOR EDDIE LIM)***

WHEREAS, the City Commission (the "Commission") of the City of North Bay Village (the " City") desires to aggressively attact new commerce to become part of the City business community; and

WHEREAS, the Commission would like to afford City residents with increased opportunities to be employed within the City; and

WHEREAS, well-rounded shopping facilities will be beneficial to the City residents and help build up the City's tax base; and

WHEREAS, recognizing the value of public input, the City desires to include its residents and business owners in the process of improving the economic development of the City; and

WHEREAS, the Commission therefore desires to create a Business Development Advisory Committee to establish a dialog with existing members of the North Bay Village business community and to provide recommendations for the recruitment of new commerce to become part of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA:

Section 1. **Recitals**. The foregoing whereas clauses are hereby ratified and confirmed as being true; and the same are hereby made a specific part of this Resolution.

Section 2. **Establishment of Advisory Committee.** A Business Development Advisory Committee is hereby created to establish a dialog with existing members of the North Bay Village business community and to provide recommendations to the City Commission for mechanisms and programs to attract new commerce to become part of the City.

Section 3. **Qualifications.** Committee members shall meet the following qualifications:

1. Have been a resident of the City of North Bay Village for a minimum of two (2) years; or
2. Own or operate a business within the City for a minimum of one (1) years.

Section 4. **Appointment and Composition of Committee.** The Committee shall consist of seven (7) voting members and one (1) non-voting member. The Mayor and Commissioners shall each nominate one voting member. The remaining members shall be appointed by a majority vote of the Commission. The City Manager shall be an ex-officio, non-voting member of the Committee. All nominations shall be subject to a majority vote by the Commission. Nominees shall be a minimum of 18 years of age. Should a vacancy occur on the Committee, the original nominating Commissioner, or if applicable the City Manager, shall nominate a replacement, subject to majority vote of the Commission.

Section 5. **Duties.** The Business Development Advisory Committee shall:

1. Appoint its own chair and vice-chair;
2. Appoint a secretary, who shall keep an accurate record of the Committee's meetings;
3. Provide monthly written reports containing its activities and recommendations concerning the economic development of the City, including but not limited to, the existing business environment in the City and what measures the Commission and City staff may take to attract businesses to the City.

Section 6. **Meetings.** The Committee shall meet monthly, on the third Wednesday of the month, beginning in May, 2012, and at the call of the Chairperson and all meetings shall be open to the public. A majority of the Committee shall constitute a quorum, and the affirmative vote of the majority of those members present shall be required to take action or make a recommendation. The Secretary shall keep minutes of the Committee meetings. The approved minutes shall be filed with the City Clerk.

Section 7. **Attendance.** In the event a Committee member fails to attend three (3) regularly scheduled meetings, the Committee member shall automatically be removed from the Committee. The vacancy shall be filled pursuant to Section 4 of this Resolution.

Section 8. **Staffing.** The City Manager and the City Clerk shall serve as staff to the Committee.

Section 9. **Sunset Review.** The Committee shall have a Sunset Review by the Commission after 24 months from the effective date of this Resolution. The Committee shall prepare a report containing its activities and recommendations through that period.

Section 10. **Effective Date.** That this Resolution shall take effect immediately upon adoption.

The motion to adopt the foregoing Resolution was offered by Commissioner Stuart Blumberg, seconded by Mayor Connie Leon-Kreps. The votes were as follows:

Mayor Connie Leon-Kreps	Yes
Vice Mayor Eddie Lim	Yes
Commissioner Stuart Blumberg	Yes
Commissioner Richard Chervony	Yes
Commissioner Paul Vogel	Absent

PASSED AND ADOPTED this 10th day of April, 2012.

Connie Leon-Kreps

Connie Leon-Kreps, Mayor

ATTEST:

YVONNE P. HAMILTON, CMC
CITY CLERK

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

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

City of North Bay Village Resolution: Business Development Advisory Committee

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 MINUTES

REGULAR VILLAGE COMMISSION MEETING
TREASURE ISLAND ELEMENTARY SCHOOL

NORTH BAY VILLAGE
1666 KENNEDY CAUSEWAY, #300
NORTH BAY VILLAGE, FL 33141

March 11, 2014

7:30 P.M.

---

1. CALL TO ORDER.

The meeting was called to order by Mayor Connie Leon-Kreps at 7:39 p.m., and she read the rules of conduct for the proceeding.

PLEDGE OF ALLEGIANCE

Resident Mitch Edelstein led the Pledge of Allegiance.

ROLL CALL

Present were the following:

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

Village Manager Frank K. Rollason
Deputy Village Manager/HR Director Jenice Rosado
Interim Village Attorney Robert Switkes
Finance Director Bert Wrains
Public Works Superintendent David Hernandez

Police Chief Robert Daniels
Village Planner Jim LaRue
Deputy Village Clerk Jenorgen Guillen
Village Clerk Yvonne P. Hamilton

2. A. PROCLAMATIONS AND AWARDS

1. EMPLOYEES' RECOGNITION

No action was taken on this item.

B. SPECIAL PRESENTATIONS

There were no special presentations.

C. ADDITIONS AND DELETIONS

Commissioner Richard Chervony requested that Items 10D and 10E be removed from the Consent Agenda to be discussed separately.

3. GOOD & WELFARE

Kevin Vericker, of 7520 Cutlass Avenue, Mario Garcia, of 7540 Cutlass Avenue, Reinaldo Trujillo, of 7601 E. Treasure Drive, Ann Bakst, of 1865 Kennedy Causeway, and Doris Acosta, of 1790 S. Treasure Drive addressed the Commission.

4. BOARD REPORTS

A. CITIZENS BUDGET & OVERSIGHT BOARD

A report was not provided.

B. COMMUNITY ENHANCEMENT BOARD

A report was not provided.

C. PLANNING & ZONING BOARD

The Chair Reinaldo Trujillo reported on the March 18, 2014 Board Meeting.

5. PUBLIC SAFETY DISCUSSION

Chief Daniels made reference to the police statistics for the month of February.

6. COMMISSIONERS' REPORTS

Commissioner Richard Chervony, Vice Mayor Eddie Lim, Commissioner Jorge Gonzalez, and Mayor Connie Leon-Kreps all provided verbal reports.

Commissioner Wendy Duvall made a motion to hear the Planning & Zoning items on a separate agenda from the Regular Meeting agenda when the new meeting location at 1666 Kennedy Causeway, Suite 100 is available. Commissioner Jorge Gonzalez seconded the motion.

The Mayor opened the floor to public comments.

Ann Bakst, of 1865 Kennedy Causeway and Reinaldo Trujillo, of 7601 E. Treasure Drive addressed the Commission.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, and Commissioner Wendy Duvall all voting Yes.

7. VILLAGE ATTORNEY'S REPORT

Village Attorney Robert L. Switkes provided a report.

8. VILLAGE MANAGER'S REPORT

The Village Manager read his written report into the record.

9. FINANCE REPORT

Finance Director Bert Wrains presented the budget in brief for for the period ending January 31, 2014.

10. CONSENT AGENDA: Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted 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.

A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, CONFIRMING THE APPOINTMENT OF RAUL RODRIGUEZ AS THE CHIEF BUILDING OFFICIAL PURSUANT TO SECTION 4.01 OF THE VILLAGE CHARTER; AND PROVIDING AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON) - (DEFERRED FROM FEBRUARY 11, 2014)*

B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, CONFIRMING THE APPOINTMENT OF RODNEY CARRERO-SANTANA AS THE PUBLIC WORKS DIRECTOR PURSUANT TO SECTION 4.01 OF THE VILLAGE CHARTER; AND PROVIDING AN EFFECTIVE DATE *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)-(DEFERRED FROM FEBRUARY 11, 2014)*

C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, ACCEPTING A GRANT OF EASEMENT FROM THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE MAYOR TO EXECUTE THE EASEMENT; AUTHORIZING VILLAGE OFFICIALS TO RECORD THE EASEMENT AND TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON) – (DEFERRED FROM FEBRUARY 11, 2014)*

FEBRUARY 11, 2014)

F. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, RELATING TO THE PUBLIC WELFARE, AUTHORIZING THE VILLAGE MANAGER, ON BEHALF OF THE NORTH BAY VILLAGE POLICE DEPARTMENT, TO ENTER INTO LAW ENFORCEMENT MUTUAL AID AGREEMENTS WITH THE CITY OF MIAMI, BAL HARBOUR VILLAGE, AND THE TOWN OF BAY HARBOR ISLANDS; SETTING AN EFFECTIVE DATE.** ***(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)***

G. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING ITS PROPORTIONATE SHARE OF FUNDING FOR A SCHOOL REGISTERED NURSE FOR TREASURE ISLAND ELEMENTARY SCHOOL; BUDGETING AND APPROPRIATING FUNDS; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING AN EFFECTIVE DATE.** ***(INTRODUCED BY COMMISSIONER RICHARD CHERVONY)***

H. **A RESOLUTION OF THE COMMISSION NORTH BAY VILLAGE, APPROVING AN AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS FOR THE LEASE OF A DIGITAL COPIER MACHINE FOR THE VILLAGE ADMINISTRATIVE OFFICES PURSUANT TO SECTION 36.25(J) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND SETTING AN EFFECTIVE DATE.** ***(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON***

Commissioner Jorge Gonzalez made a motion to approve the Consent Agenda Items. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes.

D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING ELECTED OFFICIALS TO PURCHASE HEALTH INSURANCE THROUGH THE VILLAGE HEALTH INSURANCE PROGRAM; AND SETTING AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON) –DEFERRED FROM FEBRUARY 11, 2014)*

The Village Clerk read the Resolution by title.

Commissioner Jorge Gonzalez made a motion to approve the Resolution and Commissioner Wendy Duvall seconded the motion.

The Mayor opened the floor to public comments.

Ann Bakst, of 1865 Kennedy Causeway and Marcia Garcia, of 7540 Cutlass Avenue addressed the Commission.

Village Manager Frank K. Rollason and the Village Insurance Broker Charles Citran, Citran Financial, 300 – 71st Street, Miami Beach, FL 33141, discussed the item.

The motion was adopted by a 4-1 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes. Commissioner Richard Chervony voted No.

E. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A LEASE AGREEMENT BETWEEN THE VILLAGE AND CAUSEWAY TOWER, LLC. FOR LEASING ADDITIONAL OFFICE SPACE AT 1666 KENNEDY CAUSEWAY, SUITE 100, NORTH BAY VILLAGE, FLORIDA; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE TERMS OF THE LEASE AGREEMENT; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; BUDGETING AND APPROPRIATING FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LEASE AGREEMENT AND OTHER RELATED PURCHASE ORDERS; AND PROVIDING AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)*

The Village Clerk read the Resolution by title.

Vice Mayor Eddie Lim made a motion to approve the Resolution, and Commissioner Jorge Gonzalez seconded the motion.

The Mayor opened the floor to public comments.

Ann Bakst, of 1865 Kennedy Causeway and Gudrin Volker, of 7517 Cutlass Avenue addressed the Commission.

The motion was adopted by a 4-1 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, and Vice Mayor Eddie Lim all voted Yes. Commissioner Richard Chervony voted No.

11. PLANNING & ZONING CONSENT AGENDA

There were no items on the Planning & Zoning Board Consent Agenda.

Items 13B and 13C were heard next on the agenda.

13B. AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 25 STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:

1. **REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI- DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.**

2. **A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE" AND ADD THE DEFINITION OF "KITCHEN FACILITIES".**

3. **A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).**

4. **BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**

5. **A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**

6. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT 24-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.**

   BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

The Village Clerk read the items into the record.

Jim LaRue, Village Planner, presented the Staff Report on behalf of the Village.

Counsel for the applicant Neisen Kasdin, of Akerman LLP, One Southeast Third Avenue, Suite 2500, Miami, FL 33131-1714, developer Miguel Angel Barbagallo, and architect Kobi Karp presented the item to the Commission.

The Mayor opened the public hearing.

Mario Garcia, of 7540 Cutlass Avenue, Jorge Brito, of 1865 Kennedy Causeway, Bunny Hart, of 7901 Hispanola Avenue, and Ann Baskt, of 1865 Kennedy Causeway, addressed the Commission.

The Mayor closed the public hearing.

Vice Mayor Eddie Lim made a motion to approve the request to change the current zoning designation from CG(General Commercial) Zoning District to CL (Limited Commercial District) and amending the Village's Official Zoning District Map. Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Richard Chervony, Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, and Vice Mayor Eddie Lim all voting Yes.

Commissioner Jorge Gonzalez made a motion to approve the request for a code text amendment to Sections 152.003(5) and 152.003(6) of the North Bay Village Code of Ordinances to redefine the definition of "dwelling, hotel room" and "dwelling, hotel suite" and add the definition of "kitchen facilities" as follows:

1. Adoption of the definition for "Dwelling hotel room/Dwelling hotel suite" as outlined in Section 509.013(4)(a) Florida Statute, "any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests; for no more than 90 nonconsecutive days with 30-day interval, with kitchen facilities.

2 There shall be no kitchens facilities in units that are less than 750 square feet in size.

3. The density shall be calculated on hotel occupancy, 132 units at 99 units per acre.

Commissioner Wendy Duvall seconded the motion, which was adopted by a vote of 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes.

Commissioner Jorge Gonzalez made a motion to approve the request for a Variance to allow less than the side-yard setback as required by Section 152.032(C)(2)(3) of the Village Code. Vice Mayor Eddie Lim seconded the motion, which was adopted by a vote of a 4-1. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes. Commissioner Richard Chervony voted No.

Commissioner Wendy Duvall made a motion to approve the request to utilize the Bay View Overlay Standards Review, including height approval, pursuant to Section 152.032(A)(3) of the Village Code for the development. Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, and Commissioner Wendy Duvall all voting Yes.

Commissioner Wendy Duvall made a motion to approve the request for a Special Use Exception to allow up to twenty (20) percent of the development's required parking spaces to be designed specifically for compact vehicles. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, and Commissioner Wendy Duvall all voting Yes.

Commissioner Richard Chervony made a motion to approve the request for Site Plan Approval for development of a 132-unit, 25-story condominium hotel structure with a parking garage and building height bonus review, pursuant to Section 152.029(C)(8)(A-F) of the North Bay Village Code of Ordinances with the following conditions:

1. Prior to the issuance of a building permit, the public access easement and the waterfront boardwalk easement must be dedicated and recorded. Applicant shall agree, in writing, that boardwalks shall be open to the public from sun-up until either 10:00 pm or at least until any businesses adjacent to the boardwalk remains open to the public, whichever is later; and boardwalk lighting shall remain on until boardwalk is closed to the public.

2. Proof of site plan approval from the Miami-Dade Shoreline Review Committee must be provided.

3. School Board Concurrency requirements must be met, as determined by School Board Staff.

4. An irrigation plan which meets Miami-Dade Chapter 18A requirements must be submitted.

5. Bonus height fees must be paid, as required under Section 152.029(C)8A-8F.

6. Any applicable impact fees must be paid.

7. Cost recovery charges must be paid 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.

8. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.

9. Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

10. All applicable state and federal permits must be obtained before commencement of construction.

Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes.

C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY ISLE OF DREAMS, LLC, FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.030(C)(3) AND 152.098 OF THE NORTH BAY VVILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT AT 1415 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY ISLE OF DREAMS, LLC, FOR SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) AND 152.030(C)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OFA 237 UNIT, 32 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE AT 1415 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY ISLE OF DREAMS, LLC, FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.032(A)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE BAYVIEW OVERLAY DISTRICT, PURSUANT TO SECTION 152.032(A)(3) AT 1415 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

The Village Clerk read the items into record.

The Village Planner Jim LaRue presented the Staff Report on behalf of the Village.

Graham Penn, of Bercow, Radell, Fernandez, P.A., 200 S. Biscayne Boulevard, Suite 850, Miami, FL 33131 presented the item to the Commission.

The Mayor opened the public hearing.

Mario Garcia, of 7540 Cutlass Avenue, addressed the Commission.

The Mayor closed the public hearing.

Commissioner Jorge Gonzalez made a motion to approve the Resolution granting a Special Use Exception for development of a mixed-use commercial structure in the General Commercial Zoning District at 1415 Kennedy Causeway. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes.

Commissioner Wendy Duvall made a motion to approve the Resolution granting approval for development of a mixed-use commercial structure in the Bayview Overlay District, pursuant to Section 152.032(A)(3) of the North Bay Village Code of Ordinances at 1415 Kennedy Causeway. Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, and Commissioner Wendy Duvall all voting Yes.

Commissioner Richard Chervony made a motion approving the Resolution granting approval of the Site Plan pursuant to Section 152.105(C)(9) and 152.030(C)(3) of the North Bay Village Code of Ordinances for development of a 237 unit, 32 story multi-family condominium structure at 1415 Kennedy Causeway. With the following conditions:

1) Submittal of a landscape plan, irrigation plan and vegetative survey which meet Miami-Dade Chapter 18A requirements

2) Dedication recording of the public boardwalk access easements as per section 152.029(C)(7).

3) Site plan approval from Miami-Dade Shoreline Review Committee.

4) Meeting School Board Concurrency requirements as determined by School Board Staff.

5) Payment of bonus height fees, as required under Section 152.029(C)8A-8F, as defined by the IOD Development Agreement.

6) Tie-in to Village's wastewater system at a Village designed, proximate location (proposed connection point). a) If and only if at the time of IOD's construction the Existing Force Main is operational, then IOD shall contribute to the established proportionate share program in place at the time of the connection.

a) If and only if at the time of IOD's construction the Existing Force Main is operational, then IOD shall contribute to the established proportionate share program in place at the time of the connection.

b) Alternatively, if at the time of construction by IOD, there is not an Existing Force Main, then IOD shall design and construct a Westbound Force Main to the Village Hall Pump Station ("Force Main Improvements") required to service the IOD development to the standards required by the Village. Upon completion and acceptance of the Force Main Improvements by the Village, those improvements shall be conveyed to the Village at no cost through an unencumbered bill of sale.

7) Cost recovery charges must be paid 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.

8) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.

9) Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.

10) All applicable state and federal permits must be obtained before commencement of construction.

11) Applicant shall agree, in writing, that the public boardwalk shall be open to the public from sun-up until either 10:00 pm or until any businesses adjacent to the boardwalk remains open to the public, whichever is later; and boardwalk lighting shall remain on until boardwalk is closed to the public.

Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

12. ORDINANCES FOR FIRST READING AND RESOLUTIONS

A. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, SETTING THE QUALIFYING DATES FOR THE NOVEMBER 4, 2014 GENERAL ELECTION AS PROVIDED FOR UNDER CHAPTER 100, SECTION 100.3605(2) OF THE FLORIDA STATUTES; PROVIDING DIRECTIONS FOR THE VILLAGE CLERK; PROVIDING FOR REPEALER, SEVERABILITY, PROVIDING FOR CONFLICTING ORDINANCES OR RESOLUTIONS; AND AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)* – FIRST READING

The Village Clerk read the Ordinance by caption.

The Mayor opened the public hearing and there were no speakers.

Commissioner Jorge Gonzalez made a motion to approve the Ordinance on first reading to change the November 4, 2014 election qualifying dates to 8:00 a.m. on July 29, 2014 to 5:00 p.m. on August 27, 2014. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes.

B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH C.A.P. ENGINEERING CONSULTANTS, INC., FOR THE PURPOSE OF PROVIDING BUILDING & PERMITTING SERVICES; SETTING AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)*

The Village Clerk read the Resolution by title.

The Mayor opened the floor to public comments.

Reinaldo Trujillo, of 7601 E. Treasure Drive, addressed the Commission.

Commissioner Richard Chervony made a motion to approve the Resolution. Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE HIRING OF PART-TIME EMPLOYEE FOR THE BUILDING DEPARTMENT; AUTHORIZING THE TRANSFER OF FUNDS TO THE PERSONNEL EXPENSE ACCOUNT; AND SETTING AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)*

The Village Clerk read the Resolution by title.

Commissioner Wendy Duvall made a motion to approve the Resolution. Commissioner Jorge Gonzalez seconded the motion.

The Mayor opened the floor to public comments and there were no speakers.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, and Commissioner Wendy Duvall all voting Yes.

D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ACCEPT, APPROPRIATE, AND EXPEND DONATIONS FOR THE NORTH BAY VILLAGE SCHOLARSHIP PROGRAM; AND PROVIDING AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)*

The Village Clerk read the Resolution by title.

Commissioner Jorge Gonzalez made a motion to approve the Resolution. Commissioner Wendy Duvall seconded the motion.

The Mayor opened the floor to public comments and there were no speakers.

The motion was adopted by a 4-1 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes. Commissioner Richard Chervony voted No.

E. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY CHANGING THE ZONING DESIGNATION ON THE OFFICIAL ZONING MAP FROM CG TO CL FOR THE PROPERTY SHOWN ON MAP 1 AND LEGALLY DESCRIBED IN EXHIBIT A; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

The Village Clerk read the ordinance by title.

Commissioner Richard Chervony made a motion to approve the Ordinance on first reading.

The Mayor opened the public hearing and there were no speakers.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

F. **AN OR DINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 152.003, DEFINITIONS BY MODIFYING THE DEFINITIONS OF "DWELLING, HOTEL ROOM", "DWELLING, HOTEL SUITE" AND BY ADDINIG A NEW DEFINITION FOR "KITCHEN FACILITIES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.**

The Village Clerk read the ordinance by caption.

Commissioner Richard Chervony made a motion to approve the Ordinance on first reading.

The Mayor opened the public hearing and there were no speakers.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

13. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING:

A. **AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 36 "ADMINISTRATIVE POLICY AND PROCEDURE", OF THE CODE OF ORDINANCES TO UPDATE THE REQUIREMENTS AND PROCEDURES RELATED TO THE PROCUREMENT REQUIREMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.** ***(SECOND READING)***

The Village Clerk read the Ordinance by caption.

Commissioner Jorge Gonzalez made a motion to approve the Ordinance on first reading, and Vice Mayor Eddie Lim seconded the motion.

The Mayor opened the public hearing and there were no speakers.

The motion was adopted by a 4-1 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Wendy Duvall, Commissioner Jorge Gonzalez all voting Yes. Commissioner Richard Chervony voted No.

B. AN APPLICATION BY 1755 NBV, LLC IN CONNECTION WITH THE DEVELOPMENT OF A 132-UNIT, 24 STORY CONDOMINIUM HOTEL AT 1755 KENNEDY CAUSEWAY FOR THE FOLLOWING:

1. **REZONING OF THE PROPERTY LOCATED AT 1755 KENNEDY CAUSEWAY AND CURRENTLY IDENTIFIED IN MIAMI- DADE COUNTY'S TAX ASSESSOR'S OFFICE AS 23-3209-000-0110, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTIONS 152.095 AND 152.100(A) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO CHANGE THE CURRENT ZONING DESIGNATION FROM CG (GENERAL COMMERCIAL) ZONING DISTRICT TO CL (LIMITED COMMERCIAL DISTRICT) AND AMENDING THE VILLAGE'S OFFICIAL ZONING DISTRICT MAP.**

2. **A CODE TEXT AMENDMENT TO SECTIONS 152.003(5) AND 152.003(6) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO REDEFINE THE DEFINITION OF "DWELLING, HOTEL ROOM" AND "DWELLING, HOTEL SUITE" AND ADD THE DEFINITION OF "KITCHEN FACILITIES".**

3. **A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE DEVELOPMENT OF A CONDOMINIUM HOTEL STRUCTURE TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C).**

4. **BAY VIEW OVERLAY STANDARDS REVIEW, INCLUDING HEIGHT APPROVAL, PURSUANT TO SECTION 152.032(A)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.**

5. **A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY (20) PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.**

6. **SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132-UNIT 24-STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE.**

   BUILDING HEIGHT BONUS REVIEW PURSUANT TO SECTION 152.029(C)(8)(A-F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.

   These items were heard earlier in the agenda.

C. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY ISLE OF DREAMS, LLC, FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.030(C)(3) AND 152.098 OF THE NORTH BAY VVILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT AT 1415 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

   A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY ISLE OF DREAMS, LLC, FOR SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) AND 152.030(C)(3) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OFA 237 UNIT, 32 STORY MULTI-FAMILY CONDOMINIUM STRUCTURE AT 1415 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY ISLE OF DREAMS, LLC, FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.032(A)(3) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE COMMERCIAL STRUCTURE IN THE BAYVIEW OVERLAY DISTRICT, PURSUANT TO SECTION 152.032(A)(3) AT 1415 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

These items were heard earlier in the agenda.

14. UNFINISHED BUSINESS

There was no unfinished business.

15. NEW BUSINESS

There was no new business.

16. APPROVAL OF MINUTES

A. Special Commission Meeting – January 15, 2014
B. Regular Commission Meeting – December 10, 2013
C. Regular Commission Meeting – October 8, 2013
D. Regular Commission Meeting – February 11, 2014

Commissioner Richard Chervony made a motion to approve the Minutes as submitted. Commissioner Wendy Duvall seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

17. ADJOURNMENT

The meeting adjourned at 11:47 p.m.

Prepared: Yvonne P. Hamilton, CMC

Adopted by North Bay Village on

this ____ day of _____, 2014.

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_____

Connie Leon-Kreps, Mayor

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the Village Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)