



Staff Report

Special Use Exception Request

Prepared for: The City of North Bay Village
City Commission

Applicant: Miguel Fornella

Request: Operate Jet Ski (Personal Watercraft)
Business from the Marina located at 7904
West Drive



LaRue Planning
& Management Services, Inc.
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Serving Florida Local Governments Since 1988

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General Information

Owner/Applicant:	Miguel Fornella
Applicant Address:	1865 79 th Street Causeway #4C North Bay Village, FL 33141
Site Address:	7904 West Drive North Bay Village
Applicant/Contact Phone Number:	305-467-4764
E-mail Address:	

	Existing	Proposed
Future Land Use Map Classification	Multi-family / Commercial	N/A
Zoning District	RM70 / CG	N/A
Use of Property	Marina	N/A
Acreage		

Legal Description of Subject Property:

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

Item before the City Commission:

The application to be heard before the City Commission is for a special use exception, the operation of a jet ski (personal watercraft) tour/rental business from the marina located at 7904 West Drive.

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

Description of the Situation

It appears that the southernmost dock, from which the applicant wishes to rent jet skis, is in the CG Zoning District in which both the yacht club and marina are listed as special use exceptions. The jet ski rental use is an additional marina special exception use for this location.

We have confirmed that the marina is a commercial marina which is a requirement to allow such a use. A tax receipt has been provided for the business license to verify that this is a commercial marina.



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

Adjacent Future Land Use Map Classifications and Zoning Districts

North:	Future Land Use Map Classification:	High Density Multi-family Residential 41-70 du per acre
	Zoning District:	RM-70
	Existing Land Use:	Condo
East:	Future Land Use Map Classification:	Commercial
	Zoning District:	CG
	Existing Land Use:	Commercial Parking Lot / Restaurant
South:	Future Land Use Map Classification:	79 th Street Causeway
	Zoning District:	79 th Street Causeway
	Existing Land Use:	79 th Street Causeway
West:	Future Land Use Map Classification:	Water
	Zoning District:	Water
	Existing Land Use:	Water

Consistency with the Comprehensive Plan:

The jet ski tour/rental use is allowed both under the Future Land Use Element of the City's Comprehensive Plan and the Commercial General Zoning District. The special exception use is therefore consistent with the City's Comprehensive Plan.



Consistency with Land Development Code (LDC):

1. Consistency between the LDC and Comprehensive Plan

This special use exception is consistent with the City's LDC if staff recommendations are followed.

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

"§ 152.098 - Use exceptions.

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



3. Potential Impacts Upon Adjacent Properties.

- A. Traffic impacts. There are few or no direct traffic impacts based on this minor use. No traffic analysis is required of the applicant.
- B. Parking demand. There are parking issues to analyze for this use and there are no specific provisions in Chapter 152 or other sections of the LDC for parking requirements related to jet skis. A marina is required to provide one space per boat slip or berth, but that is with the implication that each slip or berth is occupied by one boat or vessel. The jet ski situation is different. The applicant has indicated that the six jet skis would be in 2 berths or slips. In other communities we are aware of, the parking requirement for jet skis is one space for each two jet skis, but this can sometimes be applied to jet ski rentals from a location other than a marina. Using this parking requirement, we would expect that there should be three spaces set aside for the six jet skis, less one space for each slip used. In this instance, the applicant will be using two slips for six jet skis. This would indicate that one could expect to need one additional space over and above the two spaces normally required for the two slips. However, one could also consider that since the jet skis are berthed in a marina slip and that just because three jet skis can fit in one slip should not necessarily increase the parking requirement. Presumably one could rent one slip and berth small boats, and this would not increase the parking requirement. Regardless, the applicant has agreed to provide additional space beyond the two that are required for the marina slips.



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

Chapter 327 – VESSEL SAFETY

327.60 Local regulations; limitations.—

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

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

327.65 Muffling devices.

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



Recommendation:

Based upon the foregoing analysis and findings, and input from the Planning and Zoning Board, Staff recommends that the application be **approved** with the following stipulations:

1. Access to the jet skis (personal watercraft) and to the marina must be provided without restrictions.
2. Fueling or refueling the jet skis (personal watercraft) cannot be done by hand on-site but must be done only at an authorized or permitted fueling station consistent with Section 150.12(D). No storage of gasoline or motor fuels shall be allowed on the property involved in the rental of the jet skis (personal watercraft).
3. The jet skis (personal watercraft) hours of operation shall be confined to 10:00 am to 6:00 pm.
4. Parking shall be three spaces including two that are designated for the jet ski use.
5. When jet skis are on-site and not in use, they shall remain secured in a manner which deters theft and prevents harm to the jet skis, docks and other vessels.
6. All speed, noise and no-wake regulations within the Biscayne Bay Aquatic Preserve shall be adhered to.
7. The operations of jet skis (personal watercraft) shall adhere to the vessel regulations of Chapter 327 FS.

Submitted by:

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

June 22, 2012

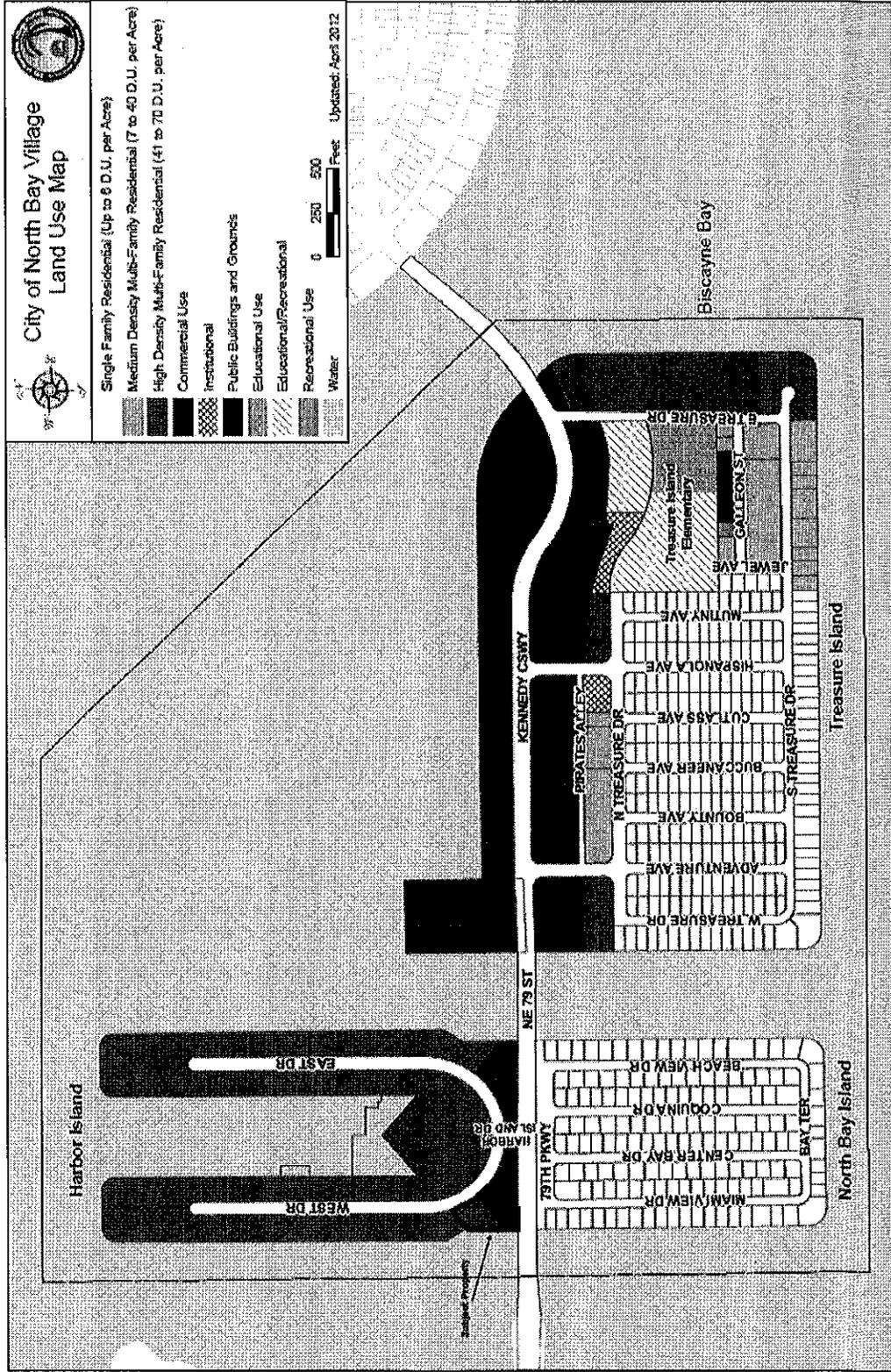
Hearing: City Commission, July 10, 2012

Attachments: Future Land Use Map
Zoning Map
Aerial photographs

Appendix: Code of Ordinances
Application



**FUTURE LAND USE
SUBJECT SITE AND ENVIRONS**



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**AERIAL PHOTOGRAPHS
 SUBJECT SITE AND ENVIRONS**



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Property Information Map



Aerial Photography - 2009
 This map was created on 3/1/2012 9:36:03 AM for reference purposes only.
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Summary Details:	
Folio No.:	23-3289-026-0001
Property:	REFERENCE ONLY
Mailing Address:	REFERENCE ONLY
Property Information:	
Primary Zone:	R200 ARTERIAL BUSINESS
CLUC:	0000 REFERENCE ONLY
Bed/Bathrooms:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	0
Year Built:	0
Legal Description:	BAYSHORE YACHT & TENNIS CLUB CONDO DESC HARBOR ISLAND PB 44-72 LOTS 4 & 6 OR 10273-191
Assessment Information:	
INFORMATION NOT AVAILABLE	

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Staff Report
Special Use Exception Request

Applicant's Name: Miguel Formella
Jet Ski Business at 7904 West Dr.



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Staff Report
Special Use Exception Request

Applicant's Name: Miguel Formella
Jet Ski Business at 7904 West Dr.



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Appendix
Code of Ordinances



North Bay Village, Florida, Code of Ordinances >> TITLE XV - LAND USAGE >> Chapter 150 - BOATS, DOCKS, AND WATERWAYS >>

Chapter 150 - BOATS, DOCKS, AND WATERWAYS [24]

GENERAL PROVISIONS
DOCKS, PIERS, AND OTHER STRUCTURES
BOATS, VESSELS, AND HOUSEBOATS

FOOTNOTE(S):

⁽²⁴⁾ **Cross reference**— *Motorboats to have mufflers, see § 96.17. (Back)*

North Bay Village, Florida, Code of Ordinances >> TITLE XV - LAND USAGE >> Chapter 150 - BOATS, DOCKS, AND WATERWAYS >> GENERAL PROVISIONS >>

GENERAL PROVISIONS

§ 150.01 - Definitions.
§ 150.02 - Enforcement.
§ 150.03 - Operation of aircraft.

§ 150.01 - Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. These definitions shall be in addition to the definitions contained in § 327.02 Florida Statutes.

City Manager. For purposes of this chapter, "City Manager" means the City Manager or authorized designee.

Dock. Any fixed or floating structure for securing boats, loading or unloading persons or property, or providing access to the water, and includes the term "pier", "wharf", "float" or any other landing facility.

Docking site. Any "slip", "berth", or space to accommodate a single boat, vessel, or houseboat.

Dolphin or mooring. Any appliance used to secure a boat or other vessel, other than to a pier, which is not carried aboard the boat or vessel as regular equipment when underway.

Houseboat or floating home. Any vessel in fact used or designed primarily to be occupied as living quarters and for any business or occupation whatsoever, or for any private or social club of whatsoever nature, including the use thereof for the entertainment or recreation of guests or tenants while same is moored or docked within the corporate limits of the city, whether the vessel is self-propelled or not.

Marina. Any area within the city where one (1) or more sites or locations are rented or offered for rent for the location or dockage of boats, vessels, or houseboats on land or in water, or to be used for living quarters either permanently or on a temporary basis.

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Riparian right-of-way. The water immediately adjacent to any real property located within the city limits as defined in § 197.228, Florida Statutes.

Utility hook-up. Any connection between the waterfront property or docks and piers appurtenant thereto located within the riparian right-of-way and any boat, vessel, or houseboat provided to conduct water, electricity, cable, telephone service, gas, or other utility or sewerage to or from the boat, vessel, or houseboat.

Waters of the City. All waters within the corporate limits of the City of North Bay Village, whether immediately tangent to one (1) of the islands or a part of Biscayne Bay.

(1964 Code, § 5-2; Ord. 219, 12-17-69; Ord. No. 2011-04, § 2, 5-31-11)

Cross reference— *Operation of motor boat within county restricted, § 7-21; water conservation district created, § 7-1, Dade County Code.*

§ 150.02 - Enforcement.

The County Pollution Control Officer may be delegated by the City Manager to assist in the enforcement of this chapter.

(1964 Code, § 5-4; Ord. 219, 12-17-69)

§ 150.03 - Operation of aircraft.

It shall be unlawful for any person, firm, or corporation to, in any manner, operate any type of aircraft, including helicopters or lighter than aircraft, upon the waters within the boundaries of the city. Such operation of aircraft shall include the landing upon and taking off from the waters.

(1964 Code, § 5-8; Ord. 219, 12-17-69)

Cross reference— *Penalty, see § 150.99.*

North Bay Village, Florida, Code of Ordinances >> TITLE XV - LAND USAGE >> Chapter 150 - BOATS, DOCKS, AND WATERWAYS >> DOCKS, PIERS, AND OTHER STRUCTURES >>

DOCKS, PIERS, AND OTHER STRUCTURES

§ 150.10 - Private docks (including seawalls).

§ 150.11 - Construction; structural alteration.

§ 150.12 - Marinas.

§ 150.13 - Seawall maintenance and enforcement.

§ 150.10 - Private docks (including seawalls).

- (A) No person, firm, or corporation shall be permitted to lease or use any boat, vessel, or houseboat for living quarters, or to otherwise occupy same, on a permanent basis in any area of the City zoned RS-1, and RS-2. Owners of private docks in those zoned areas will be permitted "utility hook-ups" to one (1) boat from any dock which may be erected upon the riparian right-of-way abutting their property.
- (B) The renting of such docks or dock bases, moorings, dolphins or seawalls, and the rental of boats or any portion thereof, for any purpose whatsoever, shall be specifically prohibited in areas of the City zoned RS-1 and RS-2 and, further, residing on boats within the City limits is

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prohibited, except where the docks constitute a part of a marina, a yacht club, hotel, or motel.

- (C) No docks, dockheads, moorings, dolphins, seawalls or other docking facility shall be used for the docking or storage of any vessel, barge or similar boat used for transport or storage of goods, materials, or debris of any kind unless such vessel, barge or boat has a Boat Mooring Permit pursuant to Section 150.16(A) and such goods and materials: 1) are being utilized for construction on the adjacent upland property, or 2) are being loaded or unloaded to the adjacent upland property.

(1964 Code, § 5-5; Ord. 219, 12-17-69; Ord. No. 05-08, § 1, 6-14-05; Ord. No. 2011-04, § 2, 5-31-11)

Cross reference— Penalty, see § 150.99.

§ 150.11 - Construction; structural alteration.

- (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 furthestmost 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

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- 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.

(1965 Code, § 5-6; Ord. 219, 12-17-69; Ord. No. 94-03, § 1, 8-23-94; Ord. No. 2006-06, § 1, 3-14-06; Ord. No. 2011-04, § 2, 5-31-11)

Cross reference— Penalty, see § 150.99.

§ 150.12 - Marinas.

- (A) No person, firm, or corporation shall lease, rent, or permit the use of docks, piers, wharfs, or similar structures within the limits of the city by another for consideration, unless they possess a valid license to operate a marina pursuant to the provisions of this chapter. The use of dock space by the tenants or guests of any apartment or hotel as a part of the "unit rent" shall be considered consideration within the meaning of this chapter.
- (B) There shall be two (2) classifications of marinas.
- (1) Ancillary, meaning a secondary operation to the primary function of a hotel, club or multifamily, use which permits the use of dock facilities exclusively to the tenants of the apartment, or the guests of a room or hotel unit, where the boats or vessels, as may be owned by the guests or tenants are not used for either permanent or temporary sleeping or living quarters, but, exclusively for the storage of the boats or vessels while they are not in use.
 - (2) Business marinas, which shall mean the operation of any marina not included in the foregoing definition of "ancillary" operation.
- (C) Any "business marinas," which shall mean those licensed by the city will be required to meet the following minimum specifications.
- (1) A permanent float, dock, or slip for the mooring or docking of each boat, vessel, or houseboat from which the vessel may be directly boarded.
 - (2) Each space intended for live-a-board boat, vessel, or houseboat must be provided with the following: a permanent water supply with an individual anti-backflow valve; a sewer connection leading into a permanent sewer with flow control valve; and provide proper pumping and equipment to reach the city sewer line, and a permanent supply of electricity.
 - (3) Each marina shall be required to provide sufficient visitor parking spaces for marina use.
 - (4) Any other additional conditions which the City Commission might deem necessary to protect the public health, welfare, and safety of the citizens of the city and to promote the general welfare.
- (D) No marina within the limits of the city shall be permitted to obtain a license, or renewal of a

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license, unless the areas where boats, vessels, and houseboats are fueled, and, otherwise re-provisioned, are completely separate and apart from the sites for mooring the boats, vessels, or houseboats. Any line, pipe, or other conduit carrying inflammable fuel or other fluid shall be prohibited from running adjacent to any area used as a site for mooring a boat, vessel, or houseboat in the marina, and the City Manager shall be required to examine the facilities and to approve same as being safe before any license shall be issued or renewed.

- (E) The plans of any marina shall be approved by the Corps of Engineers of the United States Army, the State Internal Improvement Board, the County Pollution Control Officer, the City Engineer, the City Building Official, the City Manager, and the Planning and Zoning Board before the plans are submitted to the City Commission for their approval.
- (F) The following fees are required for the issuance of a marina license by the city. The license shall be required on the first day of October of each year and shall be effective through September 30 of the following year.
- (1) A fee of twenty dollars (\$20.00) per year shall be required for each separate utility hook-up.
 - (2) Ancillary marinas as defined in § 150.01 shall be charged an annual license fee of fifty dollars (\$50.00) for each docking site.
 - (3) Business marinas shall be charged an annual license fee of one hundred fifty dollars (\$150.00) for each docking site. Houseboats shall be charged a docking fee of four hundred fifty dollars (\$450.00) per year.
 - (4) Any marina which fails to obtain all necessary licenses on or before December 31 of any year shall pay a penalty of an additional ten (10) percent on all licenses issued after January 1 of the following year.
 - (5) Docking sites of any condominium or cooperative apartment used exclusively by the owners of the cooperative or condominium apartment shall be exempt from the license fee provision of subsections (2), (3), and (4) above.

(1964 Code, § 5-10; Ord. 219, 12-17-69; Am. Ord. 307, 10-15-80; Ord. No. 05-08, § 1, 6-14-05; Ord. No. 2006-08, § 1, 5-2-06; Ord. No. 2011-04, § 2, 5-31-11)

Cross reference— Penalty, see § 150.99.

§ 150.13 - Seawall maintenance and enforcement.

- (A) It shall be unlawful for any person or entity owning real property abutting the waterways to allow the seawall to be or remain in a state of disrepair.
- (B) Upon learning that any seawall is in a defective or dangerous condition or is in a state of disrepair, the City Manager shall so notify the property owner or other person(s) having charge of the seawall to immediately repair the seawalls in whatever manner necessary to ensure it meets all applicable regulations governing the same. If such person(s) or entity fail(s) or neglect(s) to make such repairs, the City Manager shall take whatever action is necessary for the protection of the public, including the hiring of contractors to repair the seawall; charging the cost of such repairs to the property owner or other person(s) having charge of the property; and it shall be a violation of this chapter for any person to interfere with such actions.
- (C) If any seawall, or any portion thereof, or any material from such seawall, shall fall into the waters of the City of North Bay Village, it shall be the duty of the owner or other person(s) or entity having charge of the property, to forthwith remove the same from the waters of the City. If they shall fail to do so, the City Manager may do so or hire the appropriate individual or entity to do so; and the cost thereof shall be recovered from the property owner or other person(s) or entity having charge of the seawall as provided in this chapter.
- (D) All costs for services, charges, work or fines incurred by the City of North Bay Village in connection with its action to ensure the protection of the public through repair of any seawall or as a result of violations of this chapter shall constitute and are hereby imposed as liens against

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the real property aforesaid and, until fully paid and discharged, shall be imposed as special assessment liens against the subject real property. Such liens shall remain equal in rank and dignity with the lien of ad valorem taxes and shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. The maximum rate of interest allowable by law shall accrue to such costs for services, charges, work or fines incurred by the City of North Bay Village. Unpaid costs for services, charges, work or fines incurred by the City of North Bay Village, together with all penalties imposed thereon, shall remain and shall constitute liens against the real property involved. Such liens for costs for services, charges, work or fines incurred by the City of North Bay Village shall be enforced by any of the methods provided in the City of North Bay Village Code of Ordinances; or in the alternative foreclosure proceedings may be instituted and prosecuted under the provisions applicable to practice, pleading and procedure for the foreclosure of mortgages on real estate set forth in state law, or may be foreclosed per Florida Statutes ch. 173, or the collection and enforcement of payment thereof may be accomplished by any other method authorized by law. The property owner and/or operator shall pay all costs of collection of fees, including attorney fees and court costs, service charges, penalties and liens imposed by virtue of this chapter.

(Ord. No. 07-07, § 1, 6-12-07; Ord. No. 2011-04, § 2, 5-31-11)

North Bay Village, Florida, Code of Ordinances >> TITLE XV - LAND USAGE >> Chapter 150 - BOATS, DOCKS, AND WATERWAYS >> BOATS, VESSELS, AND HOUSEBOATS >>

BOATS, VESSELS, AND HOUSEBOATS

- § 150.15 - Adoption of state law.
- § 150.16 - Boat registration and permitting.
- § 150.17 - Business operations prohibited; exception.
- § 150.18 - Houseboats and floating homes.
- § 150.19 - Pollution control; sanitation.
- § 150.20 - Hurricane and storm regulations.
- § 150.21 - Removal of wrecks and debris.
- § 150.99 - Penalty.

§ 150.15 - Adoption of state law.

The provisions of the Florida Boat Registration and Safety Law, Chapter 327 of the Florida Statutes, including the definitions contained in § 327.02, Florida Statutes, are hereby adopted by reference and incorporated into this chapter.

(1964 Code, § 5-1; Ord. 219, 12-17-69; Ord. No. 2011-04, § 2, 5-31-11)

§ 150.16 - Boat registration and permitting.

- (A) All boats, barges, or vessels of any kind attempting to moor or dock within the City, for the purposes of temporary storage, construction or materials storage must first obtain a Boat Mooring permit. A Boat Mooring permit application shall be submitted to the City, on forms prepared by the City Manager, together with a Boat Mooring Permit application fee as established by the City Commission by ordinance to cover the application review and permit. The Boat Mooring application shall include, at a minimum, the following information:
- (1) The name, address and contact phone number for the real property owner where the vessel is docked, moored or parked;

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- (2) An ownership affidavit in a form provided by the city and a copy of the property deed.
 - (3) The name, address and contact phone number for the real property owner lessee where the vessel is docked, moored or parked, if applicable;
 - (4) If the property is under lease, a copy of the lease showing authority over the docking or mooring facilities.
 - (5) Signed authorization from the real property owner where the vessel is docked;
 - (6) The name, address and twenty-four (24) hour contact phone number for the owner of the vessel;
 - (7) The name, address and twenty-four (24) hour contact phone number for the person responsible for the navigation of the vessel and any emergency removal;
 - (8) Statement of purpose and time period (length of time) for which a permit is sought;
 - (9) Identification of activity pursuant to Section 150.10(c).
 - (10) A description of the vessel, including the hull identification number;
 - (11) Copies of any required state or federal registrations and licenses; and
 - (12) Proof of insurance, as may be required by federal or state law, for the vessel to be moored for any commercial vessel and for any private vessel if required by the State for the specific vessel.
- (B) Upon receipt of a permit application the City shall review the application. If the application is complete, the application fee paid, and the authorization required under (A)(4) above is consistent with the ownership affidavit and deed and any lease provided as provided under (A)(5) above, a Boat Mooring Permit will be issued. Under no circumstances will a Boat Mooring permit be issued for a residential property without signed authorization from the property owner.

(1964 Code, § 5-7; Ord. 219, 12-17-69; Ord. No. 00-01, § 1, 1-11-00; Ord. No. 05-01, 2-8-05; Ord. No. 05-08, § 1, 6-14-05; Ord. No. 2011-04, § 2, 5-31-11)

Cross reference— Penalty, see § 150.99.

§ 150.17 - Business operations prohibited; exception.

No firm, person, or corporation shall operate any business or profession on any boat, vessel, or houseboat within the corporate limits of the City where an occupational license is required from the City, except in the riparian right-of-way abutting the areas zoned C-G and C-L, and then only with the approval of a majority of the members of the City Commission. The Commission members shall be guided in their determination by whether the business is consistent with the health, safety, and welfare of the City. Business operations as referred to in this section shall include the practice of a profession or similar venture.

(1964 Code, § 5-9; Ord. 219, 12-17-69; Am. Ord. 85-11, 9-10-85; Ord. No. 05-08, § 1, 6-14-05)

Cross reference— Penalty, see § 150.99

§ 150.18 - Houseboats and floating homes.

- (A) No houseboat or floating home shall be moored, kept, maintained, or used in the city or the waters of the city, except at a licensed business marina, designed and equipped for the mooring and servicing of such houseboats or floating home.
- (B) Any houseboat or floating home moored, kept, or maintained in the city or the waters of the city in, abutting, or adjacent to any residential zone of the city, where such houseboats or floating homes are permitted shall comply with all code provisions, ordinances, and zoning regulations of the city, county, and state, and shall provide to the city, or have provided on their behalf by a licensed business marina, sufficient financial security bond or insurance to pay the cost of clean up and removal of the vessel or any damage or debris which may be caused by the vessel in the event of its damage or destruction.

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- (C) No houseboat or floating home being amortized under provision of division (B) above shall be subject to any permission or other actions such as nonconforming uses or special exceptions in contravention of these sections' provisions.
- (D) No person, firm, or corporation shall use or occupy or permit the use of or occupancy of a houseboat or floating home for living quarters, either permanently or on a temporary basis, on the waters of the city, except in a business marina operated pursuant to a permit issued by the City Commission, and unless the houseboat or floating home meets the following requirements.
- (1) The houseboat or floating home shall be designed and maintained so there is a single opening above the waterline for waste and sewerage removal, and the opening shall be tightly connected to a permanent sewer in a manner approved by the County Pollution Control Officer.
 - (2) The houseboat or floating home shall be designed and constructed so that it meets with the requirements of the building code, plumbing code, and electrical code to the extent the provisions thereof are applicable, and shall not exceed thirty (30) feet above the water level.

(1964 Code, § 5-11; Ord. 219, passed 12-17-69; Am. Ord. 81-06, passed 2-18-81; Ord. No. 05-08, § 1, 6-14-05; Ord. No. 2011-04, § 2, 5-31-11)

Cross reference— Penalty, see § 150.99.

§ 150.19 - Pollution control; sanitation.

No person, firm, or corporation shall do any of the following:

- (A) Discharge, permit, or allow any other person on a boat, vessel, floating home, or houseboat under his control or command to discharge any human, or animal excreta or any grey or black water from any head, toilet, or similar facility on a boat, vessel, floating home, or houseboat in the waters of the city.
- (B) Throw, discharge, deposit, or leave or cause or permit to be thrown, discharged, or deposited or left, either from the shore or from any dock, pier, wharf, or similar structure or any vessel, or elsewhere any refuse matter of any description into the waters of the city or on the shores of the city or in the riparian right-of-way, or in such a manner into Biscayne Bay that same may be washed into the city limits, either by tides or by floods or otherwise.
- (C) Place or allow on boats, vessels, floating homes, or houseboats, materials, garbage, refuse, timber, or waste material of any description nor permit the material to remain on or upon the shorelines within the city. In the event of the violation of this section, the City Manager may order the material removed with notice unless there appears an imminent danger and the cost, thereof, may be recovered from any person, firm, or corporation, owning the boat or causing it to be placed on the shoreline in a civil action.
- (D) Pump or discharge from any vessel or tank into the waters of the city oil, spirits, or any flammable liquid or bilge water which may contain any of the same or deposit any roughage, refuse, matter, or articles of any offensive character, therein or upon any pier, wharf, or dock.
- (E) Throw, place, or leave any dead animals, or putrid matter, into or in the waters of the city or along the shoreline within the city.

(1964 Code, § 5-12; Ord. 219, passed 12-17-69; Ord. No. 2011-04, § 2, 5-31-11)

Cross reference— Penalty, see § 150.99.

§ 150.20 - Hurricane and storm regulations.

The City Manager is authorized, in the event of a hurricane warning or alert, or other danger to the public safety of the city, in his discretion, to order vessels removed from any dock, pier, wharf, or

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other mooring within the corporate limits of the city, if, in his opinion, the vessel would constitute a danger to the public safety.

(1964 Code, § 5-13; Ord. 219, passed 12-17-69; Ord. No. 2011-04, § 2, 5-31-11)

Cross reference— *Penalty, see § 150.99.*

§ 150.21 - Removal of wrecks and debris.

The City Manager is authorized in the event any boat, vessel, houseboat, or floating home is sunk or seriously damaged within the city limits or the debris from it is located within the city limits to order the owner of the marina to remove the vessel or debris within a thirty (30) days of receipt of such order. In the event that the vessel or debris is not removed within the time specified by the order of removal following service of the order of removal upon the property, person, firm, or corporation owning the dock, the person, firm, or corporation shall be in violation of this section and a fine of up to ten thousand dollars (\$10,000.00) per day, as ordered by the City's Special Master, shall be imposed for each day the violation is committed or permitted to continue. The City Manager may effect the removal of the vessel or debris and pay for the same out of public funds, and proceed to claim a lien against the property to which the dock is ancillary. The amount shall include the actual cost plus ten (10) percent for administration and accounting. Such claim or lien shall be filed with the Clerk of the Circuit Court of Miami-Dade County, and the same shall be satisfied in the Circuit Court of Miami-Dade County in accordance with the law.

(1964 Code, § 5-14; Ord. 219, passed 12-17-69; Ord. No. 2006-04, § 1, 1-14-06; Ord. No. 2011-04, § 2, 5-31-11)

§ 150.99 - Penalty.

- (A) A violation of this Chapter may be enforced against the property owner pursuant to Chapter 162 of the Florida Statutes and Chapter 153 of the City Code and by issuance of a uniform civil violation notice, citation, summons, notice to appear in county court, or by filing an action in civil court for injunctive relief. Penalties for violation of this chapter are further outlined in Section 153.04 of this Code. A violation of this Chapter may be enforced against the vessel owner and the vessel operator.

(1964 Code, § 5-4; Ord. No. 2006-04, § 1, 1-14-06; Ord. No. 2011-04, § 2, 5-31-11)

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§ 152.030 - CG General Commercial District.

- (A) *Purpose and intent.* The purpose of this district is to encourage the development of general office, retail, and service commercial uses.
- (B) *Uses permitted:*
- (1) Bank or financial institution.
 - (2) Clinic or hospital.
 - (3) Dry cleaning substation.
 - (4) Lounge or nightclub (subject to the provisions of Chapter 111 of the City Code).
 - (5) Medical or dental laboratory.
 - (6) Personal services establishments, including but not limited to shoe repair, barber and beauty shop, stock brokerage, employment agency, travel bureau, and messenger service.
 - (7) Post office.
 - (8) Professional offices, including but not limited to architecture, accounting, engineering, investigative, investment and tax counseling law, medicine, and real estate.
 - (9) Restaurants, coffee shops, or delicatessens; but not to include a fast order food establishment (See subsection (C)(1) below). Outdoor dining shall be permitted as follows:
 - A. *Outdining Seating/Dining*
 - (1) An application must be filed with the City Manager, or his/her designee, for administrative review and approval, which shall include layout of all tables, chairs, benches, and other furniture; pedestrian ingress and egress; location of refuse containers; and other elements necessary to illustrate the proposed outdoor seating/dining use and area (all drawings must be titled, indicate orientation, and be at an acceptable scale).
 - (2) Outdoor seating/dining areas and uses of the public right-of-way and/or any private property may be approved, denied, or approved with conditions, modifications, safeguards, or stipulations appropriately and reasonably related to the intent, purposes, standards, and requirements of the related regulations by the City Manager. Such permit shall not be transferable in any manner and is strictly a conditional use permit, issued for a period of one year, renewable annually via payment of the annual occupational license fee for such outdoor seating/dining uses.
 - (3) The fee for outdoor dining/seating use and area will be charged annually in the amount of two hundred fifty dollars (\$250.00); the permit fee shall be added to the occupational license fee for the main business.
 - (4) The applicant shall provide an indemnity agreement that is acceptable to the City Manager. This agreement will include specification of liability insurance provided.
 - (5) The conditional use permitting of outdoor seating/dining use and area may be revoked by the City Manager or his/her designee, upon finding that one or more conditions of these regulations have been violated, or that the outdoor seating/dining area and use are being operated in a manner that constitutes a public nuisance, or in any way that constitutes a reasonable risk of potential liability to the city.
 - (6) Outdoor seating/dining use and area may be temporarily suspended by the City for public use/purpose, utility, sidewalk or road repairs, emergency situations, or violations of provisions contained herein. The length of suspension shall be

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determined by the City Manager as necessary. Removal of all street furniture and related obstructions shall be the responsibility of the owner/operator of the outdoor seating/dining.

- (7) Outdoor seating/dining area shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris. The applicant shall be responsible for daily cleaning and sweeping of the outdoor seating/dining area and for the cleanliness and maintenance of any outdoor planters immediately adjacent to the outdoor seating/dining area. Use of city sidewalks for trash and garbage removal shall be prohibited.
- (8) Outdoor seating/dining use and area shall not interfere with the free and unobstructed pedestrian or vehicular circulation of traffic, public access to any street intersections, crosswalks, public seating areas and conveniences, bus stops, alleys, service easements, handicap facilities, or access to any other commercial establishments. The width and location of the sidewalk pedestrian passage shall be as follows:

If there is seating on one side of the sidewalk, a minimum of five (5) feet of sidewalk must remain clear and unobstructed for pedestrian passage;

- (9) Outdoor seating/dining area on the public rights-of-way shall be open and unenclosed. No building structures of any kind shall be allowed in and over any portion of the outdoor seating/dining area located on public property.
 - (10) Tables, chairs and all other furniture used in the operation of an outdoor seating/dining area shall not be anchored or restrained in any manner. Individual table umbrellas, planters, or other such non-stationary elements may be permitted within the outdoor seating/dining area and where applicable, shall have a minimum clearance height of seven (7) feet above grade.
 - (11) Outdoor seating/dining use and area shall be restricted to the length of the sidewalk or public right-of-way immediately fronting the cafe or other establishment
 - (12) Outdoor seating/dining area shall be at the same elevation as the adjoining sidewalk or public right-of-way.
 - (13) Carts and trays for serving food are permitted in the outdoor seating/dining area.
 - (14) Outdoor seating/dining use and area shall not be provided with amplified sound of any kind.
 - (15) Outdoor seating/dining areas may serve alcoholic beverages where such service is strictly incidental to the service of food and from a service bar only; provided no entertainment of any kind is furnished. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within.
 - (16) Any administrative decision may be appealed to the City Commission in accordance with the requirements of this Code.
 - (17) The hours of operation shall coincide with that of the primary restaurant.
- (10) Retail sales establishments, including but not limited to the sale of appliances, books, stationery, drugs, hardware, liquor, groceries, meats, produce and fish; however, such retail sales shall be restricted to merchandise stored and displayed within the main structure.
 - (11) Radio and television transmitting station and studio.
 - (12) Storage facilities in connection with permitted uses or non-industrial mini-storage facilities in conjunction with other retail, commercial or mixed uses, including the rental of motor vehicles and trailers consistent with off-street parking restrictions (§ 152.041(C)(3)(a)) for self-hauling

12A(24)

purposes and the storage of said vehicles on premises, subject to site plan approval by the City Commission; provided, however, that all such material, including waste and cooling systems and the above described motor vehicles and trailers shall be stored or erected entirely within the walls of a building. Such rental vehicles shall not be over 30 feet in length. Parking shall be provided for the storage facility portion of any mixed use facility at the rate of one space for every 8,000 square feet of storage area.

- (13) Studios for artists, photographers, sculptors, or musicians, including: the teaching of art, music, dancing, or artistic instruction.
- (C) *Special uses permitted.* Uses permitted upon approval of the City Commission in accordance with the provisions pertaining to use exceptions.
- (1) Fast order food establishments.
- (2) Marinas, provided that the following provisions are adhered to:
- (a) No docks or piers, including mooring piles, catwalks, and other appurtenances, shall be constructed closer than ten feet to any adjacent property line.
- (b) In no case shall a dock or pier project more than ten percent into the width of any waterway.
- (c) Where a marina is constructed separately from any other use, 50 square feet of landscaped open space shall be required per boat slip, 50 percent of which shall be pervious area.
- (d) Fire prevention and fire control equipment shall be provided as required by Chapter 3805.5 through 3807.26 of the South Florida Building Code.
- (e) In conjunction with the dockage of moorage of vessels, the following water-related activities, vessels and structures are prohibited:
1. Commercial vessels.
 2. Haul-out facilities for major boat repair or overhaul work.
 3. Unscreened storage of boating supplies or accessories in the required front yard setback area.
 4. Permanent live-aboard vessels except as required for work or security purposes.
- (f) All the requirements, standards, and regulations of §§ 150.01 through 150.03, 150.10 through 150.12 and 150.15 through 15.21 of the City Code shall be complied with.
- (3) Mixed-use commercial and multifamily structures, provided they conform with all site development standards as set forth under § 152.029(C). Commercial uses located in mixed-use developments shall not be subject to the requirements of § 152.029(B)(3).
- (4) Printing and publishing establishments, including blueprinting and photostating, provided that no such use shall occupy more than 1,500 square feet of gross floor area.
- (5) Service stations, provided that the following provisions are adhered to:
- (a) All structures shall be designed in a manner that is compatible with the overall environmental and architectural design goals of the community.
- (b) All properties shall have at least 150 feet of frontage.
- (c) All new and used merchandise shall be stored and displayed within the main structure except tires, accessories, and lubrication items, which may be maintained in movable or enclosed cabinets.
- (d) No used or discarded automotive parts or equipment or permanently disabled or wrecked vehicles shall be located outside the main structure except within an enclosed trash storage area.
- (e) Major repairs or engine overhauling or transmission repair, painting, body and fender repair, and tire recapping is not permitted.
- (f) The rental of heavy equipment and the sale or rental of merchandise not related to the

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motoring public, other than as specified herein, is excluded.

- (g) The storage of up to ten rental trailers or automobiles is permitted, provided that the trailers or automobiles are backed up against a six-foot high wall, and located not less than 20 feet from any sidewalk, street, or driveway.
- (h) Car washes are permitted as an ancillary use subject to being located 200 feet from residential uses and subject to hours of operation.
- (i) Trash shall be stored in areas shielded from public view. Storage trash containers shall be enclosed and covered.
- (j) Any lights provided to illuminate or advertise the service station, shall be installed and maintained in a manner so as not to create an undue glare on adjacent properties.
- (k) Structures shall not occupy more than 30 percent of the total lot area.
- (l) Driveways shall be permitted at the intersections of primary and secondary arterials, provided the construction of driveway entrances is within the curb return, but shall be at least five feet beyond the end of the curb return. At all intersections, whenever possible, combine driveways servicing both service station and adjacent uses, shall be designated and provided.
- (m) Planter areas and tree wells shall be constructed and equipped with irrigation and drainage facilities and landscaped prior to final building inspection.
- (n) Whenever the use abuts a residential district, a wall shall be erected along the property line eight feet in height.
- (o) Service stations shall not be permitted within 300 feet of the property line of any church, synagogue, hospital, and school.
- (p) No more than four service stations shall be permitted within the City at any one time.
- (6) Theaters for the showing of motion pictures shall provide no less than 400 fixed seats. When the theater is to be used solely for activities of a performing art, or an event of a cultural or civic nature, a lesser number of seats may be required by the Commission.
- (7) Yacht clubs, provided they have a minimum of 150 feet of water frontage and no main building is less than 4,000 square feet in gross floor area.

(D) *Site development standards.*

- (1) Minimum lot size:
Area—10,000 square feet
Frontage—75 feet
- (2) Minimum yard setbacks:

Location	Distance (Feet)
Kennedy Causeway (north side)	40
Kennedy Causeway (south side)	60
Other street frontages	25
Rear	25
Side, (each)	15, plus five feet for each story over three

- (3) Maximum building height: 130 feet or 12 stories, whichever is less, two stories of which may be utilized for a parking structure.

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- (4) Minimum pervious area: 20 percent of the total parcel. The lot area at grade level shall be retained as pervious area and shall be landscaped.
- (E) *Prohibited uses.* Boat storage facilities utilized for the purpose of storing boats shall be prohibited in the CG (General Commercial) District.

(Ord., passed 4-1-83; Ord. No. 98-03, § 1, 9-15-98; Ord. No. 01-02, § 1, 2-13-01; Ord. No. 01-08, § 1, 11-27-01; Ord. No. 2006-19, § 1, 11-8-06; Ord. No. 2006-21, § 1, 12-28-06; Ord. No. 2008-24, § 1, 10-14-08)

Cross reference— Penalty, § 152.999.

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§ 152.044 - Minimum space requirements.

All uses shall be subject to the following minimum space requirements unless additional spaces may be required as the condition for securing a permitted conditional use. All fractional space requirements shall be rounded off to the next highest number.

(A) Residential uses.

- (1) Single-family: Two (2) spaces for each dwelling unit.
- (2) Multifamily: One and one-half (1.5) space for each efficiency unit, two (2) parking spaces for one and two-bedroom units, and three (3) parking spaces for three-bedroom units or larger and two-bedroom units, which contain an enclosed den or other space convertible to a bedroom plus an additional ten (10) percent of the total number of required spaces for guest parking, which shall be identified as such.
- (3) Hotels, motels, and other tourist accommodations: One (1) space for each rental sleeping unit, plus an additional ten (10) percent of the total number of required spaces.

(B) Commercial uses.

- (1) Banks and financial institutions: One (1) space for each three hundred (300) feet of gross floor area, plus sufficient area for eight (8) stacking spaces for each drive-thru window. Drive-thru lanes shall be designed so as to be totally separated from required off-street parking spaces and driveways.
- (2) Business, vocational, and trade schools: One (1) space for each one hundred (100) square feet of gross floor area.
- (3) Lodges, fraternal organizations, and union halls: One (1) space for each one hundred (100) square feet of gross floor area.
- (4) Offices (business, professional, medical, dental, or clinic): One (1) space for each three hundred (300) square feet of gross floor area.
- (5) Personal service establishments (dry cleaners, laundromats, exercise studios, and other similar uses): One (1) space for each two hundred (200) square feet of gross floor area.
- (6) Repair service establishments (shoes, watches, appliances, and other similar uses): One (1) space for each two hundred (200) square feet of gross floor area.
- (7) Restaurants, lounges, and nightclubs: One (1) space for each seventy-five (75) square feet of customer service area.
- (8) Retail sales establishments: One (1) space for each two hundred (200) square feet of gross floor area, plus sufficient area for four (4) stacking spaces for every drive-thru window. Drive-thru lanes shall be designed so as to be totally separated from required off-street parking spaces and driveways.
- (9) Service stations: Three (3) spaces, plus three (3) spaces for every service bay.
- (10) Theaters (motion picture): One (1) space for each three (3) seats or other accommodations provided.
- (11) Vehicle sales, rental, repair, and service operations: One (1) space for every four hundred (400) square feet of enclosed floor area for sales or rental display, plus two (2) spaces for each service bay.
- (12) Wholesale trade establishments: One (1) space for every three hundred (300) square feet of gross floor area.

(C) Community facilities.

- (1) Adult congregate living facilities: Three-quarter ($\frac{3}{4}$) space per living unit.

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- (2) Churches, synagogues, and other houses for worship: One (1) space for each four (4) seats in the principal assembly area.
 - (3) Government offices and facilities: One (1) space for every three hundred (300) square feet of gross floor area, plus one (1) space for every four (4) seats in any public assembly area.
 - (4) Hospitals: One (1) space for each patient bed.
 - (5) Marinas: One (1) space for every boat slip or berth, plus such additional spaces as may be required for permitted uses such as retail stores and restaurants.
 - (6) Museums, art galleries, and libraries: One (1) space for every four hundred (400) square feet of gross floor area.
 - (7) Nursing or convalescent home: One-half ($\frac{1}{2}$) space for each bed.
 - (8) Tennis, handball, and racquetball facilities (indoor or outdoor): Five (5) spaces for every court, plus such additional spaces as may be required for permitted uses such as retail stores and restaurants.
- (D) *Supplemental requirements.*
- (1) Off-street parking requirements for those uses not enumerated but which are closely related and similar to the uses listed above shall be determined by the Planning and Zoning Board in accordance with the requirements for the listed similar use. Requirements for all nonsimilar uses shall be set by the City Commission after a recommendation by the Planning and Zoning Board.
 - (2) For theaters, auditoriums, churches, or other places of public assembly in which occupants may utilize benches, pews, or other similar seating arrangements, each eighteen (18) lineal inches of such seating facilities shall be counted as one (1) seat for the purpose of computing off-street parking requirements.
- (E) *Exceptions to parking requirements.*
- (1) Off-street parking areas adjacent to or within a reasonable distance (the reasonableness of the distance to be determined by the City Commission) from the premises on which parking areas are required by the parking regulations of this subchapter, where practical difficulties or unnecessary hardships are encountered in locating such parking area on the premises and where the purpose of these regulations to relieve congestion in the streets would be best served by permitting such parking off the premises.
 - (2) To waive or reduce the parking and loading requirements in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.

(Ord., passed 4-1-83; Ord. No. 02-21, § 2, 7-23-02; Ord. No. 05-03, § 1, 3-15-05; Ord. No. 2008-25, § 1, 10-14-08)

Cross reference— Penalty, § 152.999.

12.A(29)

§ 152.059 - Boats, docks and piers.

Dockage space and facilities for the mooring of pleasure boats, yachts and other noncommercial watercraft may be permitted in any residential district on any waterway as an accessory use, provided that:

- (A) No boat may be used or maintained for overnight sleeping or living purposes, as a place of residence, or for any commercial purpose.
- (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.
- (C) No temporary piers, floating docks, or similar temporary moorings shall be permitted.
- (D) All the regulations, standards, and requirements of Chapter 150 of the city Code shall be complied with.
- (E) Barges and vessels shall be permitted in residential districts only for loading, unloading and on-site construction, in compliance with Chapter 150.

(Ord. of 4-1-83; Ord. No. 2011-02, § 2, 2-22-11)

Cross reference— *Penalty, § 10.99.*

12A(30)

Appendix

Application



MAY 3 AM 10:51



City of North Bay Village

1666 Kennedy Causeway, Suite 700 North Bay Village FL 33141
(305) 754-6740 Fax (305) 754-6832 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, Site Plan Renewal, thereto, for Height Bonus Approval, or for an amendment, change or supplement to the Comprehensive Plan; district zoning map, or petitions appealing an administrative decision shall be considered at Public Hearings before the Planning & Zoning Board and, thereafter, the City Commission. Notice of Public Hearings before the Planning & Zoning Board and the City Commission shall be given by publishing and posting on the property (which is the subject of the request), the time, the place and the nature of the hearing at least 10 days before the hearing. The City Clerk shall certify that the petition is complete before the hearing is legally advertised.

Applicant's Name: Miguel Fornella Phone: 305 467 4764

Mailing Address: 1865 79th CAUSEWAY # 4C
NORTH BAY VILLAGE FL 33141

Legal Description of Property: 7904 WEST DR NORTH BAY VILLAGE FL 33141

Existing Zoning: Ce/Am70 Lot Size: _____ Folio: _____*

Reason for Request: (Attach additional Pages if necessary) SPECIAL USE EXCEPTION TO
OPERATE JET SKI BUSINESS AT THE MARINA AT
7904 WEST DRIVE

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

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

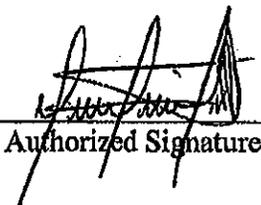
I, (We), the undersigned, am (are) the (owner, tenant, agent, attorney) (designate one) of the subject property herein described. I (We) acknowledge and agree that during the consideration of the application before the Planning & Zoning Board and staff of the City of North Bay Village, no rights shall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

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APPLICATION FOR HEARING
BEFORE THE PLANNING & ZONING BOARD
PAGE 2 OF 2

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

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


Authorized Signature

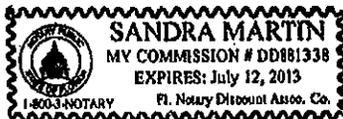
Miguel Fornella
Print Name

(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 17th day of APRIL 20 12
by MIGUEL FORNELLA
who is personally known to me or who has produced DL F654 541 74 348.0
as identification.


Notary Public



(Notary Seal)

Office Use Only:

Date Submitted: 5/3/2012

Fee Paid: \$ _____

Tentative Meeting Date 5/29/2012

Cash or Check # _____

Date Paid: _____

City of North Bay Village
MIGUELFORNELLA
1865 Kennedy Causeway, #4C
North Bay Village, FL 33141
(305) 467-4764

03:21:01 PM
MM 10/21/99

Responses to questions regarding Jet Ski Rental at the Bayshore Yacht & Tennis Club Marina:

Question 1

Yes. The marina owner has a Business Tax Receipt from North Bay Village to operate a commercial marina. A commercial marina has existed for many years before it was damaged by hurricane.

Question 2

Yes. Please see the attached Business Tax Receipt.

Question 3

Three (3) off-street parking spaces are provided for the Jet Ski business. One space is located at the parking lot on the property and two spaces are reserved at an adjacent parking lot that belong to the marina owner (next to 360 Harbor Island Drive)

Question 4

The six jet skis will be borted in two slips (3 in each).

Question 5

Six jet skis will be available for rental.

Question 6

The jet skis will remain at the marina on lifts. The hours of operation of the business will be from 10:00 a.m. to 6:00 p.m.

Question 7

The jet skis will be refueled at the marina.

12A(34)

CITY OF NORTH BAY VILLAGE

THIS LICENSE MUST BE DISPLAYED IN A CONSPICUOUS PLACE

A penalty shall be imposed for failure to keep this license conspicuously at your establishment or place of business. This License is not valid unless signed and sealed by the City Clerk.

The City of North Bay Village expressly reserves the right to revoke or cancel this license in case the license or any person doing business hereunder so conducts such business that it becomes a nuisance or annoys and disturbs the peace of the citizens of the community. This License is not transferable to valid at any other address without prior approval by the City.

OCCUPATIONAL LICENSE NO. 11-0325

This License Expires on September 30, 2012

In Consideration of the Sum of:
Two Thousand Three Hundred and Eighty Dollars and 00/100

paid to the City of North Bay Village, Miami-Dade County, State of Florida, by

Name: **Bayshore Marina**

Address: **7904 West Drive, North Bay Village, FL 33141**

is hereby Licensed to engage in or manage the Occupation of:

Commercial Marina (14 Docking Site/14 Utility Hookups)

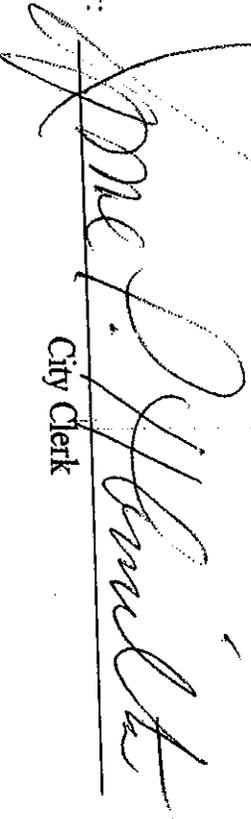
In accordance with Section :150.12(F)(1/3)

and ending **September 30, 2012,**

Date issued: **October 17, 2011**

of the City of North Bay Village Code, for the period beginning **October 1, 2011** subject to the provisions of all Ordinances enacted.

Per:



City Clerk

New: Renewal: Transfer:

(Replacement of Existing Marina)

12A(36)

(SEAL)

REC: 12992701132

This Quit-Claim Deed, Executed this 24th day of July A. D. 1986 by

first party, to GEORGE W. HEATON,

AL COLETTA

whose postoffice address is

1353 Bay Terrace, North Bay Island, North Bay Village, Florida 33145

second party:

(Witness and beneficiaries the terms "first party" and "second party" shall include singular and plural, him, their representatives and assigns of individuals, and the individuals and estates of corporations, whether the contract be made or required.)

Witnesseth, That the said first party, for and in consideration of the sum of \$10,000 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, place or parcel of land, situate, lying and being in the County of Dade State of Florida to-wit:

Unit Number CU-12 and Unit Number CU-14 of BAYSHORE YACHT AND TENNIS CLUB, a condominium according to the Declaration thereof recorded on January 16, 1979 in Official Records Book 10273, Page 191 et seq., of the Public Records Book of Dade County, Florida; and as amended together with all appurtenances thereto according to said Declaration;

750.00 Documentary Stamp Collected Dade County Richard P. Brinker Clerk, Circuit & County Courts by W. Ullman 8-20-86

135.00 Dade County Richard P. Brinker Clerk, Circuit & County Courts by W. Ullman 8-20-86

RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA. RECORD VERIFIED

To Have and to Hold the same together with all and singular the rights and appurtenances thereto in anywise appertaining, and all the estate, right, title, interest, fees, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereof, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

Witness signatures and name GEORGE W. HEATON

WITNESS STATE OF FLORIDA COUNTY OF DADE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared GEORGE W. HEATON

to me known to be the person described in and who executed the foregoing instrument and HE before me that HE executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 24th July A. D. 1986.

NOTARY PUBLIC, State of Florida at Largo, Small Public State of Florida My Commission Exp. 11/1/87 Boarded thru General Inv. Vtd.

My Commission Expires:

This instrument prepared by: STEVEN J. GLUECK, ESQ. ULLMAN & ULLMAN, P.A. 115 N.W. 167th Street, 4th Floor North Miami Bch., FL 33169

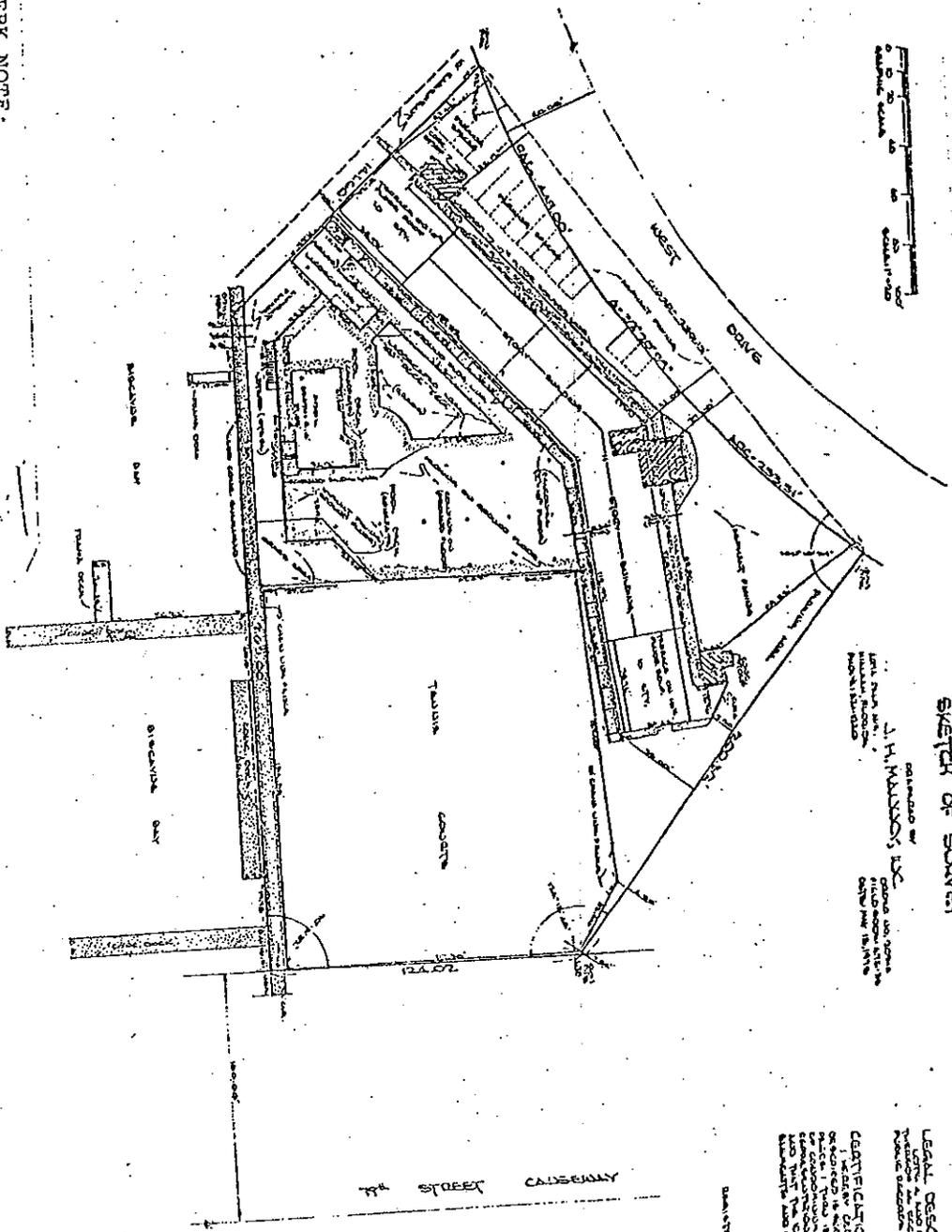
12A(38)

BAYSHORE YACHT AND TENNIS CLUB, A CONDOMINIUM

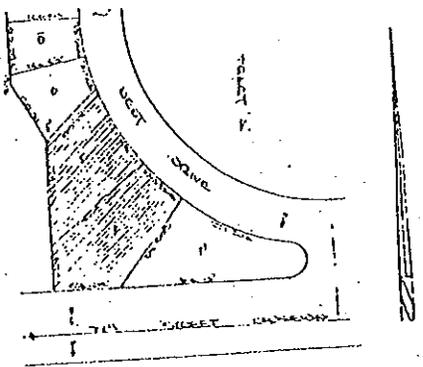
71-182

EXHIBIT '1'

SKETCH OF SURVEY
DRAWN BY
J. H. MALDONADO, L.S.
DATE: JAN 10, 1971
SCALE: AS SHOWN



LEGAL DECLARATION: I, J. H. MALDONADO, L.S., being duly sworn, depose and say that I am a duly licensed professional land surveyor in the State of New York and that I have surveyed the above described premises and that the same are as shown on the attached plat.



CLERK NOTE:
FOR DECLARATION OF CONDOMINIUM
SEE OFFICIAL RECORD BK. 10273 PG. 191

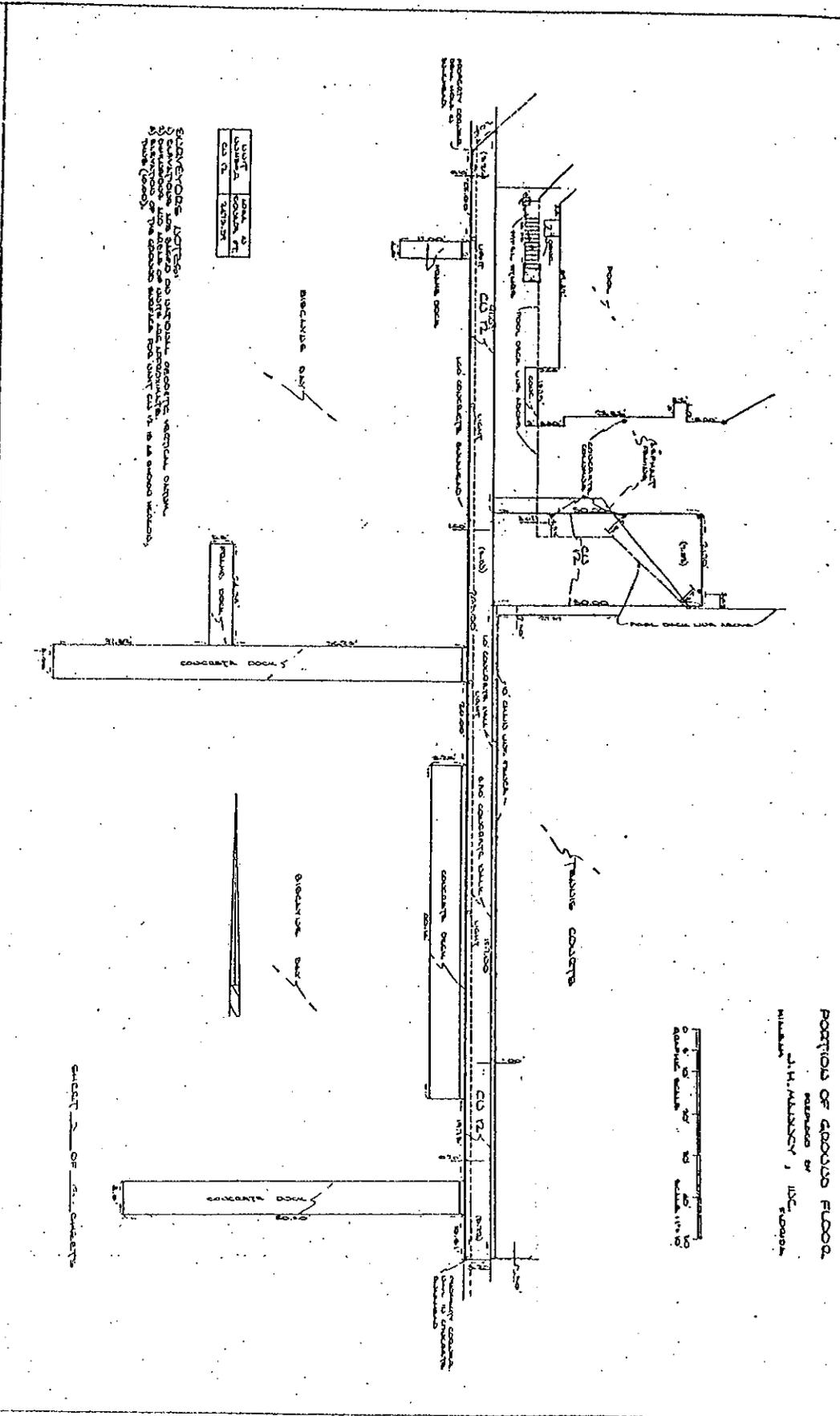
12A(39)

BAYSHORE YACHT AND TENNIS CLUB, A CONDOMINIUM

EXHIBIT '1'

71-183

PORTION OF COMMON FLOOR
PREPARED BY
J. H. MULLER, INC.
ROSELAND



UNIT	NO.	AREA
UNIT 1	1000	1000
UNIT 2	1001	1001
UNIT 3	1002	1002

SUNBATHERS LOFTS:
 1. SUNBATHERS LOFTS ARE TO BE USED AS UNITS OF RESIDENTIAL USE.
 2. SUNBATHERS LOFTS ARE TO BE USED AS UNITS OF RESIDENTIAL USE.
 3. SUNBATHERS LOFTS ARE TO BE USED AS UNITS OF RESIDENTIAL USE.

SHEET 2 OF 3 SHEETS



City of North Bay Village

Administrative Offices

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

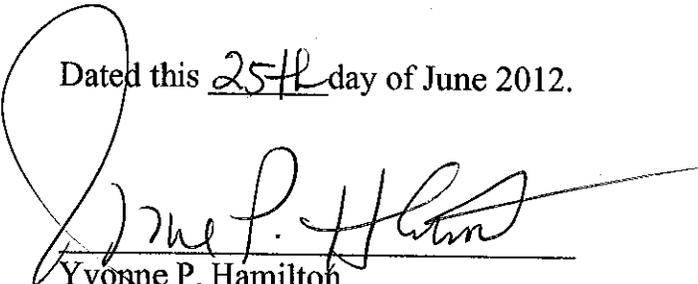
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

Re: Miguel Fornella
7904 West Drive
North Bay Village, FL 33141

Request for a Special Use Exception
For operation of a Jet Ski Rental Business at 7904 West Drive

I, Yvonne P. Hamilton, City 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 City of North Bay Village Code of Ordinances on 6/25/2012.

Dated this 25th day of June 2012.


Yvonne P. Hamilton
City Clerk

(City of North Bay Village City Commission Meeting - 7/10/2012)

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

Commissioner
Dr. Paul Vogel

12A(40)



City of North Bay Village

Administrative Offices

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

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

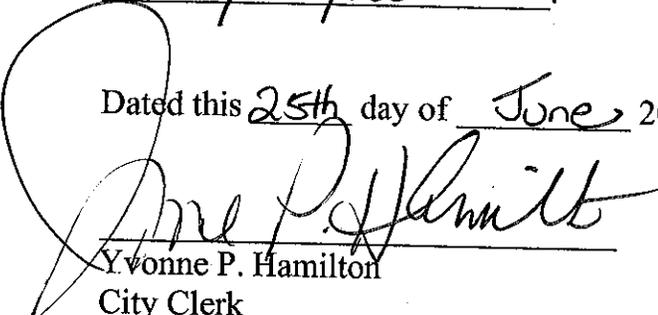
Re: Miguel Fornella
7904 West Drive
North Bay Village, FL 33141

Request for a Special Use Exception
For operation of a Jet Ski Rental Business at 7904 West Drive

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing
to be held on July 10, 2012 was posted at the above-referenced property on

6/25/2012

Dated this 25th day of June 2012.


Yvonne P. Hamilton
City Clerk

(City of North Bay Village City Commission Meeting – 7-10-2012)

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

12A(41)
Commissioner
Dr. Paul Vogel



City of 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

CITY OF NORTH BAY VILLAGE **NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE CITY COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JULY 10, 2012** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, IN THE CITY COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE CITY COMMISSION WILL CONSIDER THE FOLLOWING:

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

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

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

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE CITY 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.

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

Commissioner
Dr. Paul Vogel

12A(42)

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE CITY 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 CITY-SPONSORED PROCEEDING, PLEASE CONTACT (305) 604-2489 (VOICE), (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
CITY CLERK

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

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

OWNER/OCCUPANT
7910 WEST DR., APT 101
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 102
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 103
N. BAY VILLAGE, FL
33141

OWNER/OCCUPANT
7910 WEST DR., APT 104
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 105
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 106
N. BAY VILLAGE, FL
33141

OWNER/OCCUPANT
7910 WEST DR., APT 107
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 108
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 109
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 110
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 111
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 112
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 114
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 115
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 201
N. BAY VILLAGE, FL 33141

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

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

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

OWNER/OCCUPANT
7910 WEST DR., APT 205
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OWNER/OCCUPANT
7910 WEST DR., APT 206
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OWNER/OCCUPANT
7910 WEST DR., APT 207
N. BAY VILLAGE, FL 33141

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

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

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7910 WEST DR., APT 210
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OWNER/OCCUPANT
7910 WEST DR., APT 211
N. BAY VILLAGE, FL 33141

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

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

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

12A(44)



Impression antibourrage et à séchage rapide
Utilisez le gabarit 5160®



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Owner/Occupa  **AVERY® 5160®**
7900 Harbor Island Drive, #824
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1420
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1201
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1124
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH15
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1108
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #608
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #924
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH3
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #724
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1102
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1209
North Bay Village, FL 33141

12A(45)



Owner/Occupant
7900 Harbor Island Drive, #1519
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #522
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1010
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

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7900 Harbor Island Drive, #1421
North Bay Village, FL 33141

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7900 Harbor Island Drive, #1426
North Bay Village, FL 33141

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7900 Harbor Island Drive, #509
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1016
North Bay Village, FL 33141

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7900 Harbor Island Drive, #807
North Bay Village, FL 33141

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7900 Harbor Island Drive, #906
North Bay Village, FL 33141

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7900 Harbor Island Drive, #802
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7900 Harbor Island Drive, #812
North Bay Village, FL 33141

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North Bay Village, FL 33141

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Owner/Occupant
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North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #516
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #714
North Bay Village, FL 33141

12A(46)

Owner/Occupant
7900 Harbor Island Drive, #1418
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1104
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #907
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1505
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

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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
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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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7900 Harbor Island Drive, #1525
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North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #826
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #617
North Bay Village, FL 33141

12A (47)



Owner/Occupant
7900 Harbor Island Drive, #1412
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #616
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #918
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

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7900 Harbor Island Drive, #507
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Owner/Occupant
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North Bay Village, FL 33141

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North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #602
North Bay Village, FL 33141

Owner/Occupant
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North Bay Village, FL 33141

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7900 Harbor Island Drive, #1518
North Bay Village, FL 33141

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7900 Harbor Island Drive, #1003
North Bay Village, FL 33141

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North Bay Village, FL 33141

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7900 Harbor Island Drive, #905
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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7900 Harbor Island Drive, #1109
North Bay Village, FL 33141

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7900 Harbor Island Drive, #1205
North Bay Village, FL 33141

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North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #820
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #720
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #709
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1125
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1515
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH26
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #504
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #610
North Bay Village, FL 33141

12A(48)



Impression antibourrage et à séchage rapide
Utilisez le gabarit 5160®

Owner/Occupant
7900 Harbor Island Drive, #811
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1221
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH9
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #PH22
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #511
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #813
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #603
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1118
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #902
North Bay Village, FL 33141



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Owner/Occupant
7900 Harbor Island Drive, #1101
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1021
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #619
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #1019
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #801
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1226
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #908
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #710
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1103
North Bay Village, FL 33141



Owner/Occupant
7900 Harbor Island Drive, #1520
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1218
North Bay Village, FL 33141

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7900 Harbor Island Drive, #1509
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #625
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Owner/Occupant
7900 Harbor Island Drive, #623
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1216
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #518
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #723
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1012
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #604
North Bay Village, FL 33141



Owner/Occupant
7900 Harbor Island Drive, #PH16
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1110
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #621
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #920
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1211
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1113
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #805
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #818
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1508
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1002
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #823
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #923
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Owner/Occupant
7900 Harbor Island Drive, #515
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1106
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #525
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Owner/Occupant
7900 Harbor Island Drive, #1111
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Owner/Occupant
7900 Harbor Island Drive, #613
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Owner/Occupant
7900 Harbor Island Drive, #701
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Owner/Occupant
7900 Harbor Island Drive, #622
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Owner/Occupant
7900 Harbor Island Drive, #624
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Owner/Occupant
7900 Harbor Island Drive, #1023
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Owner/Occupant
7900 Harbor Island Drive, #715
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Owner/Occupant
7900 Harbor Island Drive, #618
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Owner/Occupant
7900 Harbor Island Drive, #615
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Owner/Occupant
7900 Harbor Island Drive, #1105
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1122
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Owner/Occupant
7900 Harbor Island Drive, #1120
North Bay Village, FL 33141

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7900 Harbor Island Drive, #822
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #702
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH6
North Bay Village, FL 33141

12A(50)



Owner/Occupant
7900 Harbor Island Drive, #703
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1504
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH13
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7900 Harbor Island Drive, #PH17
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Owner/Occupant
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7900 Harbor Island Drive, #1107
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Owner/Occupant
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Owner/Occupant
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North Bay Village, FL 33141

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North Bay Village, FL 33141

12A(51)



Owner/Occupant
7900 Harbor Island Drive, #1206
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #916
North Bay Village, FL 33141

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7900 Harbor Island Drive, #915
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7900 Harbor Island Drive, #814
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #725
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1006
North Bay Village, FL 33141

12A(52)

Owner/Occupant
7900 Harbor Island Drive, #1008
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

12A(53)



Owner/Occupant
7900 Harbor Island Drive, #1425
North Bay Village, FL 33141

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North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1405
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #916
North Bay Village, FL 33141

12A. (54)

Impression antibourrage et à séchage rapide
Utilisez le gabarit 5160®

Owner/Occupant
7900 Harbor Island Drive, #612
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #713
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #809
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1116
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #717
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #719
North Bay Village, FL 33141

Owner/Occupant
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North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #711
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH1
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #817
North Bay Village, FL 33141



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Owner/Occupant
7900 Harbor Island Drive, #1225
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, PH14
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #909
North Bay Village, FL 33141

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North Bay Village, FL 33141

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Owner/Occupant
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North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1208
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #521
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #520
North Bay Village, FL 33141



AVERY® 5160®

Owner/Occupant
7900 Harbor Island Drive, #1006
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1126
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #604
North Bay Village, FL 33141

Owner/Occupant
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North Bay Village, FL 33141

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

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

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Owner/Occupant
7900 Harbor Island Drive, #620
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #725
North Bay Village, FL 33141

12A(56)
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Owner/Occupant
360 Harbor Island Drive, #5
North Bay Village, FL 33141

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

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

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360 Harbor Island Drive, #1
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360 Harbor Island Drive, #3
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Owner/Occupant
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360 Harbor Island Drive, #7
North Bay Village, FL 33141

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

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

12A(57)

Owner/Occupant
7918 Harbor Island Drive, #111
North Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #308
North Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #208
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North Bay Village, FL 33141

Owner/Occupant
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North Bay Village, FL 33141

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Owner/Occupant
7914 Harbor Island Drive, 102
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, 104
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #106
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North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #101
North Bay Village, FL 33141

12 A(59)

Impression antibouillage et à séchage rapide
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7904 WEST DR., APT 1009
N. BAY VILLAGE, FL 33141

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N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1011
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1012
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1014
N. BAY VILLAGE, FL 33141

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

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

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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

12A. (60)





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7904 WEST DR., APT 806
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 807
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 808
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OWNER/OCCUPANT
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OWNER/OCCUPANT
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SWEETWATER

Couple honored by city

• COUPLE FROM ZNE

Cayabos, while she grew up on a farm in the small town of Lima. He got down on one knee in 1942 and asked her to marry him at a neighborhood park.

"I was honored — she said 'Yes,'" Gregorio said. Maria was excited when he asked for her hand.

"He was the man," she said. "I took home a prize."

They married in a house and later at a church. He worked at a supermarket and later drove buses, while she worked for the government for the transportation department. In 1989, they arrived in the United States and are now retired.

Holding hands, Maria said the key to a successful marriage is peace and always being together.

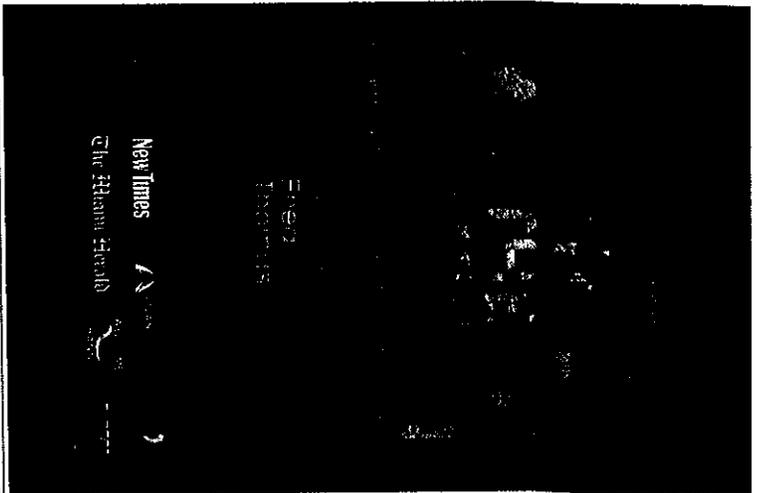
"The secret is to be patient," she said, while looking at her husband. "If at a young age you are arguing, at an old age you will argue a lot more. I don't like arguing and try to share."

In their spare time, they play lots of dominoes with other elderly residents in their apartment complex. At times, they play till the midnight hours.

Both are in good health. Gregorio still drives and Maria likes to sow and watch baseball.

Their eldest son Rene Rodriguez, 67, who lives in Sweetwater, is overjoyed to see his parents alive and well.

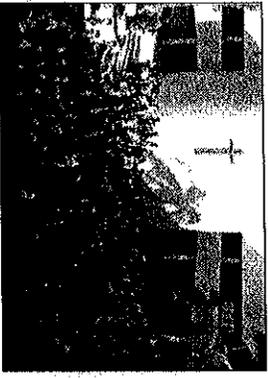
"I am satisfied to see them both together and full of health," said Rodriguez, who has also been married for 48 years.



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CITY OF NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE CITY COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, JULY 10, 2012** AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, IN THE CITY COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY, #132, KENNEDY VILLAGE, FLORIDA. DURING THIS MEETING THE CITY COMMISSION WILL CONSIDER THE FOLLOWING:

1. A REQUEST BY MIGUEL FORNELLA FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A JET SKI RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA.
2. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING BY PERMISSING SECTION 152.211 PERTAINING TO ADULT ENTERTAINMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEPARABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING)
3. AN APPLICATION BY SOTREZA, LLC CONCERNING PROPERTY LOCATED AT 7900 HISPANOLA AVENUE (FORMERLY USED AS A TEMPLE, LOTS 1&2 & 612 LOT 3, BLOCK 1, COMMERCIAL ADDITION TO TREASURY ISLAND, NORTH BAY VILLAGE, FLORIDA AS FOLLOWS:
 - A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE OPERATION OF A PRE-SCHOOL/DAY CARE CENTER.

4. AN APPLICATION BY ZP DEVELOPMENT, LLC CONCERNING PROPERTY LOCATED AT 8000 WEST DRIVE, TRACT C OF HARBOR ISLAND NORTH BAY VILLAGE, FLORIDA IN CONNECTION WITH THE DEVELOPMENT OF A 285-UNIT RENTAL APARTMENT DEVELOPMENT FOR THE FOLLOWING:
 - A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE CONSTRUCTION OF A 285-UNIT RENTAL APARTMENT DEVELOPMENT ON A 4.47-ACRE SITE.
 - B. AN EXCEPTION PURSUANT TO SECTION 152.044(E) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES TO THE PARKING REQUIREMENTS OF SECTION 152.044(A)(2) TO ALLOW BETWEEN 519 AND 592 PARKING SPACES WHERE 662 SPACES ARE REQUIRED.
 - C. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.097 OF THE MIAMI-DADE COUNTY CODE, AS ADAPTED BY THE CITY OF NORTH BAY VILLAGE, TO PERMIT 52% OF THE NUMBER OF REQUIRED TREES TO BE PLANT TREES WHERE A MAXIMUM OF 30% IS ALLOWED.
 - D. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM SECTION 5.4.1 AND ATTACHMENT A.5 OF APPENDIX D OF THE CITY'S CONSOLIDATED LAND DEVELOPMENT REGULATIONS TO PERMIT 20% SHADE COVERAGE OF THE SHORLENE AREA WITHIN FIVE YEARS OF PLANTING WHERE 50% SHADE COVERAGE IS REQUIRED.

- E. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM THE STANDARDS OF SECTION 152.029(C)(2) TO ALLOW A FRONT-YARD SETBACK AS LITTLE AS 11 FEET 10 INCHES IN SOME AREAS WHERE 25 FEET IS REQUIRED.
- F. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM SECTION 152.029(C)(6), MINIMUM FLOOR AREA, TO ALLOW LESS THAN THE REQUIRED UNIT STANDARDS.
- G. A VARIANCE PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FROM SECTION 152.056(A), SETBACK ENCROACHMENTS, TO ALLOW A ROOF OVERHANG TO EXTEND INTO THE REQUIRED YARD, COMPLETELY TO THE PROPERTY LINE AND AS MUCH AS 15 FEET, 9 INCHES BEYOND THE PROPERTY LINE INTO THE RIGHT-OF-WAY OF WEST DRIVE WHERE ROOF OVERHANGS ARE NOT PERMITTED TO EXTEND MORE THAN 36 INCHES INTO THE REQUIRED YARD.

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 CITY COMMISSION C/O THE CITY CLERK, 1700 KENNEDY CAUSEWAY, #132, KENNEDY VILLAGE, NORTH BAY VILLAGE, FL 33141.

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

PURSUANT TO SECTION 286.07(6), FLORIDA STATUTES, IF ANY PERSON DESIRES TO APPEAL ANY DECISION BY THE CITY 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 CITY 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 CITY-SPONSORED PROCEEDING, PLEASE CONTACT: (305) 804-2499 (VOICE), (305) 756-7171, FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
CITY CLERK
June 18, 2012

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