



North Bay Village

Administrative Offices

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

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REVISED

OFFICIAL AGENDA

NORTH BAY VILLAGE PLANNING & ZONING BOARD MEETING

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

APRIL 5, 2016 – 7:30 P.M.

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

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

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1. **CALL TO ORDER**
 2. **PLEDGE OF ALLEGIANCE**
 3. **ROLL CALL**
 4. **PUBLIC HEARING ITEMS (ALL INDIVIDUALS DESIRING TO PROVIDE TESTIMONY SHALL BE SWORN IN)**
 - A. AN APPLICATION BY BRICK VILLAGE 79, LLC CONCERNING PROPERTY LOCATED AT **1601 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:**
 1. A ONE YEAR RENEWAL OF RESOLUTION NO. 2015-27 FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A MIXED-USE RESIDENTIAL AND COMMERCIAL STRUCTURE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT. IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE ADDITIONAL YEAR, EXPIRING ON FEBRUARY 24, 2017.

2. A ONE YEAR RENEWAL OF RESOLUTION NO. 2015-28 FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW UP TO TWENTY PERCENT OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES. IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE ADDITIONAL YEAR, EXPIRING ON FEBRUARY 24, 2017.

- 1.) **Board Recommendation**

- B. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO OPERATE A LIMITED COMMERCIAL PARKING LOT AT 1335 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR TEMPORARY WAIVER; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON) – EMERGENCY ITEM**

- 1.) **Board Recommendation**

5. **NEW BUSINESS**

- A. REVIEW OF SECTION 152.055(B) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES-FENCING IN FRONT-YARD SETBACKS

6. **APPROVAL OF MINUTES**

- A. REGULAR PLANNING & ZONING BOARD MEETING – MARCH 1, 2016

7. **ADJOURNMENT**

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO OPERATE A LIMITED COMMERCIAL PARKING LOT AT 1335 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR TEMPORARY WAIVER; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

WHEREAS, pursuant to Section 152. of the North Bay Village Code of Ordinances (the “Village Code”), and upon information and belief, Sakura intends to request to North Bay Village for approval of a Special Use Exception to operate a limited commercial parking lot, on a temporary basis in the CG (General Commercial) Zoning District at 1335 Kennedy Causeway; and

WHEREAS, Section 152.098 and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon a request for a Special Use Exception specified in Section 152.098; and

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for April 5, 2016, at 7:30 P.M. at 1666 Kennedy Causeway, #101, North Bay Village, Florida and the Planning and Zoning Board reviewed this request, conducted a public hearing and recommended approval of the request; and

WHEREAS, in accordance with Section 152.096 of the Village Code, a public hearing by the Village Commission was noticed for April 12, 2016 at 7:30 P.M. at the Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

WHEREAS, Section 110.04 of the Village Code requires an applicant to satisfy sums owed and due to the Village by the applicant prior to obtaining a business tax receipt or other license; and

WHEREAS, temporarily waiving the requirement that Sakura has to pay all sums owed and due to the Village prior to receiving a Business Tax Receipt for the purposes of operating a limited commercial parking lot for Bayshore Yacht and Tennis Club residents will alleviate some parking issues created by Bayshore's nonconforming use and is necessary to protect the health, safety, and general welfare of North Bay Village; and

WHEREAS, the Village Commission has reviewed this request, and considered the recommendation of the Planning and Zoning Board and comments from the public, and determined that the proposed use does not substantially affect adversely the subject property or adjacent properties.

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

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Finding.

1. In accordance with Section 152.098 of the Village Code, the Village Commission finds that the proposed Special Use Exception to operate a limited commercial parking lot, on a temporary basis, at 1335 Kennedy Causeway in the CG (General Commercial) Zoning District will not substantially affect adversely the uses permitted in these regulations of adjacent property.

2. Section 3. Grant.

The Special Use Exception request to operate a limited commercial parking lot, on a temporary basis, at 1335 Kennedy Causeway in the CG (General Commercial) Zoning District at 1335 Kennedy Causeway, North Bay Village, Florida is hereby granted with the following conditions:

1. This approval is only valid for 18 months. Commission may grant a renewal if requested by Sakura.
2. This approval will no longer valid once a building permit is issued for construction of any structures on this property.
3. Sakura must request a Business Tax Receipt (BTR) for operation of the proposed commercial parking lot. BTR application shall meet applicable Village standards (subject to the temporary waiver described below) and written agreements shall be provided by applicant for the businesses to whom the parking is being provided. Written agreements must be approved, as to form, by the Village Attorney.
4. Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
5. Approval of this special use exception does not in any way create a right on the part of Sakura to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if Sakura fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.
6. All applicable state and federal permits must be obtained before commencement of construction.

Section 5. Appeal.

In accordance with Section 152.104 of the Village Code, Sakura, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 6. Temporary waiver.

Sakura, only for the purposes of operating a limited commercial parking lot for Bayshore Yacht and Tennis Club residents under this Resolution, is hereby temporarily exempted from the requirement of having to pay all sums owed and due to the Village *prior to* receiving a business tax receipt or other license; however, after obtaining a business tax receipt, Sakura must still pay all sums owed and due to the Village and otherwise satisfy all of the requirements under Section 110.04.

Section 7. Effective Date.

This Resolution shall become effective upon its adoption.

The motion to adopt the foregoing Resolution was offered by _____ seconded by _____.

FINAL VOTE AT ADOPTION:

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

PASSED and ADOPTED this ____ day of April 2016.

MAYOR CONNIE LEON-KREPS

ATTEST:

YVONNE P. HAMILTON, CMC
Village Clerk

APPROVED AS TO FORM:

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