



North Bay Village

Administrative Offices

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

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

OFFICIAL AGENDA

NORTH BAY VILLAGE PLANNING & ZONING BOARD MEETING

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

JULY 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 ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 155, SECTION 155.03 ENTITLED “BUILDING AND SITE DESIGN RELATIONSHIPS SHALL CONFORM TO THE FOLLOWING STANDARDS” AND CHAPTER 152, SECTION 152.055 ENTITLED “FENCES, WALLS, AND HEDGES” TO REQUIRE A TEMPORARY FENCE AROUND THE ENTIRE PERIMETER OF CONSTRUCTION SITES AND FENCING AROUND THE PERIMETER OF VACANT COMMERCIAL AND MULTIFAMILY PROPERTIES IN THE VILLAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.**
 - 1.) **Board Recommendation**

5. APPROVAL OF MINUTES

A. REGULAR PLANNING & ZONING BOARD MEETING – MAY 3, 2016

- 1.) Board Action

6. ADJOURNMENT



Memorandum

To: Frank Rollason, Village Manager
Yvonne Hamilton, Village Clerk
Robert Switkes, Village Attorney

From: James G. LaRue, AICP

Date: May 5, 2016

Subject: Fence Ordinance

At the May 3rd Planning & Zoning Board meeting, the applicant for the project at 1755 Kennedy Causeway was requesting approval for the renewal of the special use exception, variance and site plan for the condo-hotel project at that site. There was much discussion amongst the P&Z Board members regarding the desire for fencing along the vacant properties on the Causeway.

Eventually, the Board recommended approval of the renewal requests with the condition that the Applicant work with Village staff to provide a fence along the Causeway to improve the aesthetics of that site until construction work can begin.

During the discussion, it was recommended by the Board members that the planning staff draft some language for a land development code revision which would uniformly require the installation of fences on properties where site plans have been approved but at which no Building Permit has been issued. Implementation of this recommendation would have a similar effect to the language in the fence ordinance which is currently proposed for second reading by the Commission, which contains language requiring fencing on vacant properties. This would be in addition to the existing code language, which requires fencing of construction sites. Due to the various requirements and constraints of construction fencing, it must be made clear that these two types of fencing (vacant property vs construction site) are separate and will require the construction of different fences.

Due to this request by the P&Z Board, and the fact that the current fence ordinance will not be heard at the May 10th Commission meeting, we'd like to revise the current fence ordinance language to encompass the recommendation of the P&Z Board members and present the revised ordinance to them at the June P&Z meeting. Then the Ordinance could be heard again by the Commission, complete with the recommendations of the P&Z Board.

C. Jenorgen Guillen, Assistant Village Clerk
David Acosta, Assistant Village Attorney

ORDINANCE NO. _____

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 155, SECTION 155.03 ENTITLED "BUILDING AND SITE DESIGN RELATIONSHIPS SHALL CONFORM TO THE FOLLOWING STANDARDS" AND CHAPTER 152, SECTION 152.055 ENTITLED "FENCES, WALLS, AND HEDGES" TO REQUIRE A TEMPORARY FENCE AROUND THE ENTIRE PERIMETER OF CONSTRUCTION SITES AND FENCING AROUND THE PERIMETER OF VACANT COMMERCIAL AND MULTIFAMILY PROPERTIES IN THE VILLAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE. *(INTRODUCED BY MAYOR CONNIE LEON-KREPS)*

WHEREAS, the Commission of North Bay Village has determined that construction sites and vacant properties must be secured from unauthorized access; and

WHEREAS, the Commission of North Bay Village has determined that it is necessary to regulate fences on construction sites and vacant commercial and multi-family lots in the Village.

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

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

Section 2. Village Code Amended. Sections 152.055 and 155.03 of the North Bay Village Code of Ordinances are hereby amended to read as follows:

§ 152.055 - Fences, walls, and hedges.

(A)

When required.

(1)

An eight-foot high wall, hedge, or fence shall be required along all side and rear commercial property lines which are contiguous to a residential zoned property, subject to vision clearance requirements established elsewhere in this section.

(2)

All permitted outdoor storage areas in multifamily residential and commercial zones shall be visually screened from public view by an eight-foot high solid wood or masonry fence or wall.

Words ~~stricken~~ are deletion; words added are underlined.

(3)

Fences or walls to be built in connection with other permitted recreational uses such as baseball backstops, tennis courts, handball courts, and the like shall be permitted at the height necessary for the particular use.

(4)

~~All vacant lots adjacent to Kennedy Causeway shall be hedged along that portion of the lot which is adjacent to Kennedy Causeway. The hedge shall not exceed four feet in height and not be lower than two feet in height and shall be of sufficient thickness and density so as to provide a physical barrier similar in effect to a fence. The hedges shall be continuously and regularly trimmed, and any dead plants, or plants which fail to bear leaves, shall be regularly and timely replaced. The remainder of the lots shall be fenced or hedged so as to prevent the unauthorized entry of motor vehicles thereon.~~

All vacant commercial and vacant multi-family lots (including properties adjacent to Kennedy Causeway) shall be fenced around the entire perimeter of the property; with 5-foot fencing in the front yard setback and 6-foot fencing around the remainder of the lot. The fence must be decorated in an attractive and artful design consistent with the approved mural type signage standards. The mural type signage standards shall be developed by the Community Enhancement Board and approved by the Village Commission. A landscape buffer shall also be provided between the fence and the right-of-way, according to Section 152.055(B)(3). Gates shall be utilized which are wide enough to allow emergency access by utility representatives, fire, police, and emergency medical services (EMS). The size and location(s) of any gate(s) and means of access shall be approved by the utility, fire, police and EMS.

(5)

Concrete Block Walls. No ~~fence~~, solid contiguous wall or ledge consisting of blocks or concrete shall be erected, constructed, installed or maintained in any manner parallel to the 79th Street Causeway.

(B)

Prohibitions.

(1)

No fence, wall, or hedge may be constructed, installed, or maintained within six feet of any fire hydrant or other emergency apparatus.

(2)

No fence, wall, or hedge may be constructed, installed, or maintained which in any manner creates a visual obstruction to vehicular traffic. In no event shall any fence which obstructs or obscures vision, or any wall or hedge exceed four feet in height within 30 feet of the intersection of official right-of-way lines.

Words ~~stricken~~ are deletion; words added are underlined.

- (3) No wall or fence shall exceed five feet in height within any required front yard setback, provided such fence or wall does not create a visual obstruction to pedestrian or vehicular traffic. Additionally, landscaping shall be required on the street side of any such wall or fence, except for temporary construction fencing. Any concrete wall or concrete block wall shall be sustained in a finished condition. Hedges shall not exceed 12 feet in height in the RS-1 and RS-2 Districts.
- (4) Walls and fence in the rear and side setbacks will be limited to a height of six feet. Hedge heights will be limited to twelve (12) feet in the front, rear and side setbacks in the RS-1 and RS-2 Districts, provided that such hedges do not interfere with vehicular traffic or visibility on public rights-of-way and are neatly trimmed. The property owner responsible for planting the hedge shall maintain the entire hedge, including the sides facing the neighboring properties in order to avoid any hindrance to said neighboring property. Hedge planting is strictly prohibited within the Village right-of-way or easement area.
- (5) No ~~wood~~, chain link, wire or cable fencing, or fences similar in appearance to any of the foregoing, ~~or any vinyl clad fencing~~ will be permitted within front setbacks. (This includes all areas past the front edge of the house running towards the street.)
- (6) Ornamental entrances, fountains, plant containers, and similar architectural features exceeding the wall height restriction will be permitted, provided that:
- (a) No such feature shall exceed in height the wall height restriction for that district plus three feet; and
- (b) There shall be only one such feature in any front, side or rear yard, except that there may be two entrance gates.
- (7) Planting of vegetation in easement areas shall conform to the following:
- (a) No trees may be planted within any easement or public right-of-way area as shown on the recorded plats of the various subdivisions of the Village ("easement areas"). Nothing in this section shall be construed to prohibit the planting of low growth landscaping in the easement or right-of-way areas ("easement landscaping"). Easement or right-of-way landscaping is subject to removal by the Village without notice in the event that this landscaping impedes access to these areas. The Village shall not be responsible for damage to the removed landscaping;

Words ~~stricken~~ are deletion; words added are underlined.

(b) Prior to planting such easement or right-of-way areas, a landscaping plan shall be provided to the Village for review to ensure compliance with subsection (a) above; and

(c) Prior to planting such easement landscaping in easement areas, the property owner shall execute a permission for removal, release and indemnification agreement, in a form acceptable to the Village, pertaining to such easement.

(8) *North Bay Island.* The linear footage of any property's street front Village easement or right-of-way area must maintain a greenspace (pervious) area whereby the permissible paved area is to be limited to only 40 percent of that total linear footage. The protected greenspace shall be restricted from any paving materials including but not limited to asphalt, concrete, brick, pavers, gravel or solid cover of mulch. The depth of that protected pervious area must be maintained at full easement depth from the street to the property boundaries. Any paving of the property frontage beyond the easement area (within front yard), and greater than 40 percent of the permitted linear footage must create a green landscape facade to decrease the sight line of that paved surface from the street view.

All islands. Front yard area may be paved up to 40 percent of the total linear footage. The balance of footage may only be paved if a greenspace is created between the Village's sidewalk and the paved area, for a depth of no less than 48 inches, and heavily landscaped to create green landscape facade to decrease the sight line of that paved surface from the street.

(9) *Nonconforming uses of land.* The lawful use of land existing at the time of the passage of this ordinance or an amendment thereto, although such uses do not conform to the provisions of this ordinance, may be continued subject to the following provisions:

(a) Front yard areas may not be increased in paved areas.

(b) All rights and obligations subject to the nonconforming use of the land run with the land and are not personal to the present owner or tenant of the nonconforming use of land and are not affected by a change in ownership or tenancy.

(C)

General requirements.

(1)

Construction and materials. No fence or wall may be constructed of materials which will be hazardous to the health, safety, or welfare of persons or animals. Fences which are erected with sheathing, pickets or slats on one side only shall have such materials placed on the side of the fence facing the adjacent property in such a manner as to conceal the structural elements of the fence from off premises view. Walls or fences constructed of concrete block shall be constructed so that the side facing away from the property on which the wall or fence is located shall be finished with stucco or some other approved material.

(2)

Maintenance. All fences, walls, and hedges shall be maintained in a safe, attractive, and non-hazardous condition. Hedges shall not extend over or into the public right-of-way for the full height of the hedge.

(3)

Maximum height.

(a)

No fence or wall shall exceed six feet in height and no hedge shall exceed six feet except as may be permitted or further restricted elsewhere in this section.

(b)

The height of a wall, fence, or hedge shall be the vertical distance measured from the average elevation of the finished building site to the top of the wall, fence, or hedge. The average elevation shall be measured along the wall, fence, or hedge line that the same is to be placed. The land within the area which the wall, fence, or hedge is to be placed may not be increased or decreased to effect the permitted height unless the entire building site is to be graded to level off this area.

(D)

Temporary fence around construction site. ~~Nothing in this section shall be deemed to prohibit the erection and maintenance of a~~ temporary fence shall be erected around the entire perimeter of construction sites on which actual construction activity is taking place pursuant to a valid active building permit. The fence may exceed the height limitations in this zoning code if the fence is constructed of solid wood (or plywood) and is decorated in an attractive and artful design as shall be determined by the Village Beautification consistent with the approved mural type signage standards. The mural type signage standards shall be developed by the Community Enhancement Board and approved by the Village Commission. In no event shall the fence exceed eight feet in height. Chain link fences shall not be ~~the~~ permitted around construction sites unless screening is used covered with a wind screen or other similar material in conjunction with the chain link to conceal construction materials

Words ~~stricken~~ are deletion; words added are underlined.

from outside view. Said covering material shall display site design only on the street side of the construction site, consistent with the Commission approved mural type signage standards. Signage and/or artwork shall not be required for construction sites in single-family zoning districts.

§ 155.03 - Building and site design relationships shall conform to the following standards.

- 1) Buildings or structures located along strips of land or on single sites and not part of a unified multi-building complex shall strive to achieve visual harmony with the surroundings.
- 2) Retail or office establishments, which are located on corners, are recommended to place windows on each wall that faces a street, parking area or driveways.
- 3) In the case of buildings with multiple storefronts and shopping centers with out-parcel development, facade treatment shall be coordinated. Such facade treatments include: building colors, windows, storefronts, signage and awnings.
- 4) All vending machines, any facility dispensing merchandise, or a service on private property shall be confined to a space built into the building or buildings, or enclosed in a separate structure compatible with the main building.
- 5) When garage structures are provided, such shall be designed to incorporate a decorative grid treatment into the structure's facade at ground level.
- 6) Storefronts shall have easily identifiable entrances.
- 7) Window displays shall be done in such a manner as to capture the attention of pedestrians~~customers' attention~~, establishing a positive and professional image for the business, and informing the potential customers of the merchandise.
- 8) "Take out" or "pick up" windows for retail or other establishments shall not be located on a building facade that faces a public right-of-way, unless they are designed in such a manner as to be an aesthetic asset to the building and neighborhood.
- 9) Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grills and shall be painted in muted colors or match the building and shall not be visible from the street.

- 10) All service bays, mechanical (HVAC) equipment and delivery areas shall be located away from and not visible from the streets, waterways, sidewalks and adjacent properties.
- 11) Service bays, ground-mounted air conditioning units and other mechanical equipment shall be buffered and completely screened from public and on-site pedestrian view.
- 12) Exterior service bays and delivery areas shall not be used for the storage of vehicles or materials.
- 13) The sale, dismantling or servicing of any vehicles, equipment, materials, or supplies shall not take place within the service area or delivery area.
- 14) Driveways and loading spaces associated with exterior service bays shall be so that vehicles using the space do not hinder the use of traffic lanes, streets, or adjacent properties.
- 15) Pre-fabricated homes are prohibited in new construction.
- 16) Fences shall be made of wrought iron or aluminum bars with intermittent posts. Masonry walls are also permitted, with 40 percent of the wall opaque. Chain link fences and privacy wood fences are prohibited along the Corridors. Sharp projections, barbed wire or other hazardous materials are not permitted as any part of a fence or wall. Wrought iron and aluminum bar fences shall be either black, white or match the color of the building. Masonry walls shall match the building color or reflect Florida coastal themes. Color shall be muted tones.
- ~~17) Temporary construction shall be enclosed by black vinyl coated chain link fences. Construction walls/fences are encouraged to contain art work and graphics. Commercial advertisements are prohibited.~~
- ~~18)17) Reflective/mirrored glass shall be discouraged.~~
- ~~19)18) Buildings shall not have unfinished surfaces visible to the public.~~

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

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

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

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

A motion to approve the foregoing Ordinance on first reading on _____ was offered by _____, seconded by _____.

The Votes were as follows:

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

A motion to approve the foregoing Ordinance on first reading was offered by _____, seconded by _____.

FINAL VOTES AT ADOPTION:

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

DULY PASSED AND ADOPTED __ day of _____ 2016.

Connie Leon-Kreps
Mayor

Words ~~stricken~~ are deletion; words added are underlined.

ATTEST:

Yvonne P. Hamilton
Village Clerk

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

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

North Bay Village Ordinance-Fencing of Vacant Lots and Construction Sites on the 79th Street Causeway.



NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD ITS REGULAR MEETING ON JULY 5, 2016 AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING, THE BOARD WILL REVIEW THE FOLLOWING ORDINANCE AND SUBMIT A RECOMMENDATION TO THE VILLAGE COMMISSION:

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 155, SECTION 155.03 ENTITLED "BUILDING AND SITE DESIGN RELATIONSHIPS SHALL CONFORM TO THE FOLLOWING STANDARDS" AND CHAPTER 152, SECTION 152.055 ENTITLED "FENCES, WALLS, AND HEDGES" TO REQUIRE A TEMPORARY FENCE AROUND THE ENTIRE PERIMETER OF CONSTRUCTION SITES AND FENCING AROUND THE PERIMETER OF VACANT COMMERCIAL AND MULTIFAMILY PROPERTIES IN THE VILLAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING, ADDRESSED TO THE PLANNING & ZONING BOARD C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141.

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

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

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YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(JUNE 16, 2016)



North Bay Village

Administrative Offices

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

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

REGULAR PLANNING & ZONING BOARD MEETING

**NORTH BAY VILLAGE
1666 KENNEDY CAUSEWAY, #300
NORTH BAY VILLAGE, FL 33141**

**MAY 3, 2016
7:30 P.M.**

1. CALL TO ORDER.

The meeting was called to order by the Chair Bud Farrey at 7:35 P.M.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. ROLL CALL

Present were the following:

Bud Farrey, Chair
Marvin Wilmoth, Vice Chair
Dr. Douglas Hornsby
Dr. Joshua Furman
Doris O'Hare

Village Staff Present:

Village Manager Frank K. Rollason
Village Planner Ben Smith
LaRue Planning & Management Services, Inc.
Village Attorney Robert L. Switkes
Village Clerk Yvonne P. Hamilton

4. **PUBLIC HEARING ITEMS (ALL INDIVIDUALS DESIRING TO PROVIDE TESTIMONY SHALL BE SWORN IN)**

- A. AN APPLICATION BY 1755 NBV LLC CONCERNING PROPERTY LOCATED AT **1755 KENNEDY CAUSEWAY**, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
1. A ONE-YEAR RENEWAL OF RESOLUTION NO. 2014-33 FOR SITE PLAN APPROVAL GRANTED PURSUANT TO SECTION 152.109(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 132 UNIT, 25 STORY CONDOMINIUM HOTEL STRUCTURE WITH A PARKING GARAGE. IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE YEAR, EXPIRING ON APRIL 8, 2017.
 2. AN ADDITIONAL ONE-YEAR RENEWAL OF RESOLUTION NO. 2014-34 FOR A VARIANCE GRANTED PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW LESS THAN THE SIDE-YARD SETBACK AS REQUIRED BY SECTION 152.032(C)(2)(C). IF APPROVED BY THE COMMISSION, THE RENEWAL SHALL EXTEND THE ORIGINAL APPROVAL FOR ONE ADDITIONAL YEAR, EXPIRING ON APRIL 8, 2017.
 3. AN ADDITIONAL ONE-YEAR RENEWAL OF RESOLUTION NO. 2014-35 FOR A SPECIAL USE EXCEPTION GRANTED PURSUANT TO SECTION 152.042(E) 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 APRIL 8, 2017.

The Village Clerk, Yvonne P. Hamilton, read the requests into the record.

Those individuals who indicated that they would provide testimony were sworn in by the Village Attorney, Robert L. Switkes. And he advised the Commission to disclose any ex parte communication they may have had regarding the requests. Each member of the Board stated that there was no ex parte communication.

Ben Smith, of LaRue Planning & Management Services, Village Planner, presented the Staff Report.

Miguel Barbagallo and his legal counsel Benjamin Hendricks were present on behalf of the requests.

One of the issues brought forth by the Board is that the developers are not proceeding with construction of the approved projects. Mr. Barbagallo explained that they were still working on the financing for this project. It was also discussed that the properties that are approved for development should be fenced and landscaped between now and the time for development, to make the north side of the causeway more attractive; such fencing to be economically feasible to the developer and acceptable to the Village.

It was suggested that the Planner develop a consistent scope with fencing and landscaping regulations for applicants for developments to follow, in order to make North Bay Village attractive to developers.

The Chair opened the Public Hearing. There being no speakers, he closed the Public Hearing.

The Vice Chair Marvin Wilmoth made a motion recommending that the requests for the one-year extensions be approved with the condition that a plan for fencing the property that is mutually agreed upon by the Village and acceptable to the developer be submitted. Board Member Dr. Joshua Furman seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Bud Farrey, Dr. Douglas Hornsby, Dr. Joshua Furman, Doris O'hare, and Marvin Wilmoth all voting Yes.

The applicant accepted the condition of approval.

5. **APPROVAL OF MINUTES**

A. REGULAR PLANNING & ZONING BOARD MEETING – APRIL 5, 2016

Board Member Dr. Douglas Hornsby made a motion to approve the Minutes as submitted. Dr. Joshua Furman seconded the motion, and all voted in favor.

6. **ADJOURNMENT**

The meeting adjourned at 8:42 P.M.

*Prepared and submitted by: Yvonne P. Hamilton
Village Clerk*

*Adopted by the Planning & Zoning Board on
This ___ day of _____ 2016.*

Bud Farrey, Chair

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