



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

PLANNING & ZONING BOARD MEETING

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

SEPTEMBER 6, 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 152, SECTION 152.112 OF THE ZONING CODE, TO INCLUDE THE RM-40 AND RM-70 ZONING DISTRICTS AS AREAS SUBJECT TO THE VILLAGE'S VACATION RENTAL REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.**
 - 1.) **Board Recommendation**

B. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152 OF THE ZONING CODE BY REVISING SECTIONS, 152.076 ENTITLED “SIGN DEFINITIONS; 152.078 ENTITLED “PROHIBITED SIGNS”; 152.080 ENTITLED “EXEMPTED SIGNS”; 152.081 ENTITLED “TEMPORARY SIGNS”; 152.082 ENTITLED “REMOVAL OF SIGNS”; 152.083 ENTITLED “DISTRICT SIGN REGULATIONS”; 152.084 ENTITLED “VARIANCES, PLANNING”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.

1.) Board Recommendation

C. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, OF THE ZONING CODE BY ADDING SECTION 152.033 ENTITLED “GOVERNMENT USE DISTRICT” TO CREATE STANDARDS FOR A GOVERNMENT USE ZONING DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.

1.) Board Recommendation

D. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 151, SECTION 151.26 OF THE VILLAGE CODE ENTITLED “OFF-STREET PARKING REGULATIONS” TO PROHIBIT CHARGING FOR PARKING AT HOTELS, MOTELS, APARTMENTS AND CONDOMINIUM 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 – JULY 5, 2016

1.) Board Action

6. ADJOURNMENT

ORDINANCE NO. _____

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, SECTION 152.112 OF THE ZONING CODE, TO INCLUDE THE RM-40 AND RM-70 ZONING DISTRICTS AS AREAS SUBJECT TO THE VILLAGE'S VACATION RENTAL REGULATIONS; 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 2014 Florida Legislature enacted Senate Bill 356 (Florida Chapter 2014-71, Laws of Florida) (hereafter "SB 356") which provided that a local law, ordinance, or regulation adopted after June 1, 2011 may not prohibit short-term vacation rentals or regulate the duration or frequency of rental of vacation rentals; and

WHEREAS, in April 12, 2016, North Bay Village adopted Ordinance No. 2016-005, creating a Vacation Rental License Program to regulate short-term vacation rentals; and

WHEREAS, the regulations pursuant to Ordinance 2016-005 only regulates single family dwellings in Village areas zoned RS-1 and RS-2 because the majority of the short-term vacation rental complaints received by the Village were from single-family neighborhoods at the time the Ordinance was adopted; and

WHEREAS, some residences are located in condominiums, apartments, and other buildings that are governed by associations that manage and operate the community and enforce its rules and regulations; and

WHEREAS, Chapter 718, Florida Statutes (the Florida Condominium Act) contains provisions protecting the rights of unit owners, including the unit owner's rights to elect directors, have an annual meeting, receive advance notice of all association meetings, committee meetings, and board of directors' meetings, and the right to attend and speak at meetings; and

WHEREAS, the Village encourages residential condominium, apartment, and building associations/managers to adopt rules and regulations to regulate short-term vacation rentals within their premises, and the Village understands that some of these condominium, apartment, and building residences may not have adopted rules and regulations that regulate short-term vacation rentals within their premises and community; and

WHEREAS, the Village now seeks to regulate certain unregulated residential condominium, apartment, and building dwelling units in the Village Areas zoned RM-40 and RM-70, in order to protect the health, safety, and general welfare of North Bay Village residents.

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

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

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

* * *

VACATION RENTAL LICENSE PROGRAM

GENERAL PROVISIONS

§152.112.01 PURPOSE.

The purpose of this subchapter, Section 152.112, is to promote public health, safety, welfare and convenience through regulations and standards for short-term vacation rental properties by providing:

- (A) for a vacation rental license;
- (B) for safety and operational requirements;
- (C) for parking standards;
- (D) for solid waste handling and containment;
- (E) for licensure requiring posting of vacation rental information;
- (F) for administration, penalties and enforcement.

§152.112.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

VILLAGE. North Bay Village, Florida, as geographically described in its Charter.

HABITABLE ROOM. A room or enclosed floor space used or intended to be used for living or sleeping purposes, excluding kitchens, bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage space.

OCCUPANT. Any person who occupies, either during the day or overnight, a Vacation Rental.

TRANSIENT PUBLIC LODGING ESTABLISHMENT. Any unit, group of units, dwelling, building or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

VACATION RENTAL. Any individually or collectively owned single- or multi-family house or dwelling unit that is also a transient public lodging establishment, and is located in an area zoned RS-1 and RS-2 and any individually or collectively owned residential condominium, apartment, or building dwelling unit that is also a transient public lodging establishment in the Village Areas zoned RM-40 and RM-70 that are located in a residential building or community that has not adopted rules, regulations, or provisions regulating the dwelling unit's use of transient public lodging establishments.

VACATION RENTAL REPRESENTATIVE. A Vacation Rental property owner, or his/her authorized designee, as identified in the application for a Village Vacation Rental license.

VACATION RENTAL LICENSE

§ 152.112.010 LICENSE REQUIRED.

After July 1, 2016, an active Vacation Rental license shall be required to operate a Vacation Rental within the Village, except that Vacation Rental's in Village areas zoned RM-40 and RM-70 require a Vacation license only after February 9, 2017. After July 1, 2016, only Vacation Rentals in Village areas zoned RS-1 and RS-2 must holding an active Vacation Rental license issued by North Bay Village may to operate within the Village; and after February 9, 2017 all Vacation Rentals must hold an active Vacation Rental license issued by North Bay Village to operate within the Village. A separate Vacation Rental license shall be required for each Vacation Rental, as defined in Section 152.112.02.

§ 152.112.011 APPLICATION FOR VACATION RENTAL LICENSE.

(A) A property owner seeking initial issuance of a Vacation Rental license, or the renewal, or modification of a Vacation Rental license, shall submit to the Village a completed Vacation Rental license application in a form promulgated by the Village, together with an application fee in an amount set by resolution of the Village Commission.

(B) A complete application for the initial issuance, or renewal, or modification, of a Vacation Rental license shall demonstrate compliance with the standards and requirements set forth in this subchapter through the following submittals:

(1) A completed Vacation Rental license application form, which must identify; the property owner, address of the Vacation Rental, Vacation Rental Representative, and as well as the phone number of the Vacation Rental Representative.

(2) Payment of applicable fees.

(3) A copy of the Vacation Rental's current and active license as a Transient Public Lodging Establishment with the Florida Department of Business and Professional Regulation.

(4) A copy of the Vacation Rental's current and active certificate of registration with the Florida Department of Revenue for the purposes of collecting and remitting sales surtaxes, transient rental taxes, and any other taxes required by law to be remitted to the Florida Department of Revenue.

(5) Evidence of the Vacation Rental's current and active account with the Miami-Dade County Tax Collector for the purposes of collecting and remitting tourist and convention development taxes and any other taxes required by law to be remitted to the Miami-Dade County Tax Collector.

(6) A copy of the current Local Business Tax Receipt.

(7) *Interior building sketch by floor.* A building sketch (may be hand drawn) by floor shall be provided, showing a floor layout and demonstrating compliance with the standards and requirements set forth in this subchapter. The sketch provided shall be drawn to scale, and shall show and identify all bedrooms, other rooms, exits, hallways, stairways, smoke and carbon monoxide detectors, swimming pools, fire extinguishers and exit signage/lighting.

(8) A sketch showing the number and the location of all on-site parking spaces for the Vacation Rental.

(9) Acknowledgement that each guest room shall be equipped with an approved listed single-station smoke detector meeting the minimum requirements of the NFPA.

(10) A section indicating whether the Vacation Rental will have 10 or fewer occupants or more than 10 occupants.

(11) A copy of the generic form vacation rental/lease agreement to be used when contracting with transient Occupants and guests.

(C) Incomplete applications will not be accepted, but will be returned with any fees submitted to the property owner with a notation of what items are missing.

(D) Vacation Rental license applications shall be sworn to under penalty of perjury and false statements in an application shall be a basis for the revocation of any license issued pursuant to such application.

§ 152.112.012 MODIFICATION OF VACATION RENTAL LICENSE.

An application for modification of a Vacation Rental license shall be required in the event that any of the following changes to the Vacation Rental are proposed:

- (A) An increase in the gross square footage.
- (B) An increase in the number of bedrooms.
- (C) An increase in the maximum occupancy.
- (D) An increase in the number of parking spaces, or a change in the location of parking spaces.
- (E) An increase in the number of bathrooms.
- (F) Any other material modifications that would increase the intensity of use.

§ 152.112.013 DURATION OF VACATION RENTAL LICENSE.

The Vacation Rental license shall expire each September 30, and may be annually renewed thereafter if the property is in compliance with this subchapter. Vacation Rental licenses acquired before September 30, 2016 will be valid until September 30, 2017.

§ 152.112.014 RENEWAL OF VACATION RENTAL LICENSE.

A property owner must apply annually for a renewal of the Vacation Rental license no later than 60 days prior to the expiration date of the previous Vacation Rental license.

§ 152.112.015 LICENSES NON-TRANSFERABLE, NON-ASSIGNABLE.

Vacation Rental licenses are non-transferable and non-assignable. If the ownership of any Vacation Rental is sold or otherwise transferred, any outstanding Vacation Rental license as to that Vacation Rental shall be null and void upon the sale or transfer.

VACATION RENTAL REPRESENTATIVE

§ 152.112.020 DUTIES OF VACATION RENTAL REPRESENTATIVE.

Every Vacation Rental Representative shall:

(A) Be available by landline or mobile telephone answered by the Vacation Rental Representative at the listed phone number 24-hours a day, 7 days a week to handle any problems arising from the Vacation Rental; and

(B) Be willing and able to be physically present at the Vacation Rental within 60 minutes following notification from a Vacation Rental Occupant, law enforcement officer, emergency personnel, or the Village for issues related to the Vacation Rental, and shall actually be physically present at that location in that time frame when requested; and

(C) Conduct an on-site inspection of the Vacation Rental at the end of each rental period to assure continued compliance with the requirements of this subchapter.

STANDARDS AND REQUIREMENTS FOR VACATION RENTALS

§ 152.112.030 GENERAL

The standards and requirements set forth in this section shall apply to the rental, use, and occupancy of Vacation Rentals in the Village.

§ 152.112.031 LOCAL PHONE SERVICE REQUIRED.

Local phone service. At least one landline telephone with the ability to call 911 shall be available in the main level common area in the Vacation Rental.

§ 152.112.032 PARKING STANDARDS.

Occupants and visitors to the Vacation Rental shall comply with all relevant parking codes as found in the Village Code of Ordinances.

§ 152.112.033 SOLID WASTE HANDLING AND CONTAINMENT.

Requirements for garbage storage and collection shall be as follows:

(A) Notice of the location of the trash storage containers and rules for collection shall be posted inside the Vacation Rental.

§ 152.112.034 MAXIMUM OCCUPANCY.

Requirements for space shall be as follows:

(A) Each Vacation Rental shall have a minimum gross floor area of not less than 150 square feet for the first occupant and not less than 100 square feet for each additional occupant.

(B) Every room in a Vacation Rental occupied for sleeping purposes shall:

(1) Have a gross floor area of not less than 70 square feet; and when occupied by more than one occupant, it shall have a gross floor area of not less than 50 square feet for each occupant. The maximum number of occupants for each room used for sleeping purposes shall be four.

(2) Have a minimum width of 8 feet.

(C) Gross area shall be calculated on the basis of total habitable room area. and those exclusions appearing in the definition of "habitable room" shall not be considered in calculation of such floor areas.

(D) Every habitable room in a Vacation Rental shall have a ceiling height of not less than 7 feet for at least half the floor area of the room. Any portion of a habitable room having a ceiling height of 5 feet or less shall not be included in calculating the total floor area of such room.

§ 152.112.035 POSTING OF VACATION RENTAL INFORMATION.

(A) In each Vacation Rental, located outside on the back or next to the main entrance door there shall be posted as a single page the following information:

(1) The name, address and phone number of the Vacation Rental Representative;

(2) The maximum occupancy of the Vacation Rental;

(3) A statement advising the Occupant that any sound which crosses a property line at a volume which is unreasonably loud is unlawful within the Village; as per the Village Noise Ordinance.

(4) A sketch of the location of the off-street parking spaces;

(5) The days and times of trash pickup;

(6) The location of the nearest hospital; and

(7) The local non-emergency police phone number.

(B) A copy of the building evacuation map – Minimum 8-1/2" by 11" shall be provided to the renter upon the start of each vacation rental.

ADMINISTRATION, PENALTIES, AND ENFORCEMENT

§ 152.112.055 ADMINISTRATION OF VACATION RENTAL LICENSE PROGRAM.

The ultimate responsibility for the administration of this subchapter is vested in the Village Manager, or his/her authorized designee, who is responsible for granting, denying, revoking, renewing, suspending and canceling Vacation Rental licenses for proposed and existing Vacation Rentals as set forth in this subchapter.

§ 152.112.056 APPEALS.

Any decision of the Village Manager, or his/her authorized designee, relating to the granting, denial, renewal, modification, or suspension of a Vacation Rental license under this subchapter shall be rendered in writing, and reviewed by the Village Commission if a notice by the applicant is filed with the Village Clerk within 10 days after the action to be reviewed. The

Village Clerk shall place the matter on the agenda of an upcoming meeting of the Village Commission, at which the matter will be reviewed. The decision of the Village Commission shall be final. Such final decision may be reviewed as permitted under Florida law.

§ 152.112.057 NOTICE.

Any notice required under this subchapter shall be accomplished by sending a written notification by U.S. Mail, postage paid, to the mailing address of the Vacation Rental Representative set forth on documents filed with the Village under this subchapter, which shall be considered for all purposes as the correct address for service, or by personal service or delivery to the Vacation Rental Representative.

§ 152.112.058 PENALTIES AND ENFORCEMENT.

(A) Any violation of this subchapter may be punished by citation, as specifically described in Chapter 153 – Code Enforcement of the Code of Ordinances of North Bay Village, including but not limited to the requirements of a reasonable warning prior to issuance of a citation; provided, however, such violation shall be subject to a fine in the amount of \$250.00, for the first offense, \$500.00 for the second and subsequent offenses, plus a suspension of the Vacation Rental license as provided hereinafter, for the third offense. Each day a violation exists shall constitute a separate and distinct violation.

(B) *Other enforcement methods and penalties.* Notwithstanding anything otherwise provided herein, violations of this subchapter shall also be subject to all the enforcement methods and penalties that may be imposed for the violation of ordinances of the Village as provided in the Village Code of Ordinances. Nothing contained herein shall prevent the Village from seeking all other available remedies which may include, but not be limited to, injunctive relief, abatement of public nuisance, liens, fines, imprisonment, and other penalties as provided by law.

(C) *Suspension of license.*

(1) In addition to any fines and any other remedies described herein or provided for by law, the Village Manager shall suspend a Vacation Rental license upon a third violation of this subchapter in any continuous 12 month period. Such suspension of a Vacation Rental license shall be for a period of 1 year, and shall begin following notice, commencing either at the end of the current Vacation Rental lease period, or after 30 calendar days, whichever is less.

(2) For violations of the Florida Building Code, or Florida Fire Prevention Code, a Vacation Rental license shall be subject to temporary suspension starting immediately 3 working days after citation for such violation if it is not corrected, re-inspected, and found in compliance.

(D) *Revocation of license.*

(1) The Village Manager may refuse to issue or renew a license or may revoke a Vacation Rental license issued under this subchapter if the property owner has willfully withheld or falsified any information required for a Vacation Rental license.

(2) The Village Manager shall revoke a Vacation Rental license issued under this subchapter upon the fifth adjudication of either a noise violation where such noise emanated from the Vacation Rental or receipt of a parking violation where such parking violation occurred on the Vacation Rental property within any continuous 12 month period, or any combination thereof.

(3) The property owner shall not be entitled to any refund of the annual fee paid for a license for any portion of the unexpired term of a license, because of revocation or suspension of the Vacation Rental license.

(E) For all purposes under this subchapter, service of notice on the Vacation Rental Representative shall be deemed service of notice on the property owner and Occupant.

(F) No Occupant shall occupy a Vacation Rental, and no advertisement for the Vacation Rental shall occur during any period of suspension of a Vacation Rental's Vacation Rental license.

VESTING

§ 152.112.070 RENTAL AGREEMENT VESTING.

It is recognized that there are likely existing rental/lease agreements for Vacation Rentals as the time of passage of this ordinance which may not be in compliance with the regulations herein. Rental agreements that were entered into prior to the date of adoption, shall be considered vested. No special vesting process or fee shall be required to obtain this vesting benefit.

* * *

Section 3: Repeal. Each of the above stated recitals is true and correct and incorporated herein by this reference.

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.

The foregoing Ordinance was offered by _____, who moved for its approval on first reading. This motion was seconded by _____, and upon being put to a vote, the vote was as follows:

THE VOTES WERE AS FOLLOW:

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

APPROVED ON FIRST READING during a regular session of the North Bay Village Commission Meeting this ___ day of _____ 2016.

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

FINAL VOTE ON ADOPTION:

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

PASSED AND ENACTED by the Commission of North Bay Village this ___ day of _____ 2016.

Connie Leon-Kreps
Mayor

ATTEST:

Yvonne Hamilton, CMC, Village Clerk

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

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

North Bay Village Ordinance STVR-RM40 and RM-70 Zoning Districts.



North Bay Village

Administrative Offices

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

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

MEMORANDUM

North Bay Village

DATE: August 23, 2016

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: Mayor Connie Leon-Kreps

SUBJECT: Introduction of Resolution

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

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, SECTION 152.112 OF THE ZONING CODE, TO INCLUDE THE RM-40 AND RM-70 ZONING DISTRICTS AS AREAS SUBJECT TO THE VILLAGE'S VACATION RENTAL REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.

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

CLK:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Andreana Jackson

Commissioner
Eddie Lim



**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 **SEPTEMBER 6, 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 HEAR THE FOLLOWING ITEMS AND SUBMIT RECOMMENDATIONS TO THE VILLAGE COMMISSION:

1. AN APPLICATION BY P&O GLOBAL TECHNOLOGIES, INC. CONCERNING PROPERTY LOCATED AT 7914-7918 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:

- A. AN AMENDMENT TO THE NORTH BAY VILLAGE COMPREHENSIVE PLAN AMENDING THE FUTURE LAND USE ELEMENT BY CREATING POLICY 2.1.14 TO PERMIT TRANSFER OF DENSITY IN THE RM-70 ZONING DISTRICT, VOGEL PARK, TRANSFERRING UP TO 36 RESIDENTIAL DWELLING UNITS FROM DR. PAUL VOGEL PARK TO SITES THAT HAVE BEEN DETERMINED BY THE NORTH BAY VILLAGE COMMISSION TO PROVIDE MEANINGFUL PUBLIC BENEFIT; PROVIDING THAT SITE DENSITY ALLOWED SHALL NOT EXCEED 100 RESIDENTIAL DWELLING UNITS PER ACRE.
- B. AN AMENDMENT TO THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE, CHAPTER 152, CREATING THE PUBLIC SPACE ENHANCEMENT OVERLAY; PERMITTING ADDITIONAL HEIGHT, REDUCED SIDE SETBACKS, AND TRANSFER OF DENSITY FROM VILLAGE OWNED PROPERTIES TO PRIVATE DEVELOPMENTS THAT PROVIDE MEANINGFUL PUBLIC BENEFITS.
- C. AN AMENDMENT TO THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE, AMENDING SECTIONS 5.2.2, 152.003, 152.042, 155.17, TO ALLOW FOR REVISED PARKING LOT DESIGN DIMENSIONS, TO ALLOW FOR MECHANICAL PARKING LIFT SPACES TO COUNT TOWARD THE REQUIRED NUMBER OF PARKING SPACES, AND TO PROVIDE SAFETY STANDARDS FOR MECHANICAL PARKING LIFTS.
- 2. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, OF THE ZONING CODE BY ADDING SECTION 152.033 ENTITLED "GOVERNMENT USE DISTRICT" TO CREATE STANDARDS FOR A GOVERNMENT USE ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.
- 3. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE ZONING CODE BY REVISING SECTIONS, 152.076 ENTITLED "SIGN DEFINITIONS; 152.078 ENTITLED "PROHIBITED SIGNS"; 152.080 ENTITLED "EXEMPTED SIGNS"; 152.081 ENTITLED "TEMPORARY SIGNS"; 152.082 ENTITLED "REMOVAL OF SIGNS"; 152.083 ENTITLED "DISTRICT SIGN REGULATIONS"; 152.084 ENTITLED "VARIANCES, PLANNING"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.
- 4. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 151, SECTION 151.26 OF THE VILLAGE CODE ENTITLED "OFF-STREET PARKING REGULATIONS" TO PROHIBIT CHARGING FOR PARKING AT HOTELS, MOTELS, APARTMENTS AND CONDOMINIUM PROPERTIES IN THE VILLAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.
- 5. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, SECTION 152.112 OF THE ZONING CODE, TO INCLUDE THE RM-40 AND RM-70 ZONING DISTRICTS AS AREAS SUBJECT TO THE VILLAGES VACATION RENTAL REGULATIONS; 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.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

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YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(AUGUST 19, 2016)

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152 OF THE ZONING CODE BY REVISING SECTIONS 152.076 ENTITLED “SIGN DEFINITIONS; 152.078 ENTITLED “PROHIBITED SIGNS”; 152.080 ENTITLED “EXEMPTED SIGNS”; 152.081 ENTITLED “TEMPORARY SIGNS”; 152.082 ENTITLED “REMOVAL OF SIGNS”; 152.083 ENTITLED “DISTRICT SIGN REGULATIONS”; 152.084 ENTITLED “VARIANCES, PLANNING”; 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 it is appropriate to ensure that its Land Development Code, as it relates to temporary signs, is in compliance with all constitutional and other legal requirements; and

WHEREAS, the Village’s planning staff have reviewed the proposed changes for consistency with the Village’s Comprehensive Plan and Land Development Code, and finds that the proposed changes are consistent with the foregoing Code; and

WHEREAS, the Village has endeavored to adopt regulations governing signage that will comply with the First Amendment of the U.S. Constitution as interpreted by the U.S. Supreme Court; and

WHEREAS, the Village finds and determines that it is appropriate to update and revise its Land Development Code relative to temporary signs; and

WHEREAS, the Village recognizes that there have been decisions delivered by the U.S. Supreme Court over the past forty years that provide guidance to local governments in their regulation of signage, including *Linmark Associates, Inc. v. Township of Willingboro*, 431 U.S. 85 (1977); *Metromedia, Inc. v. San Diego*, 453 U.S. 490 (1981); *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *City of Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410 (1993), and, *City of Ladue v. Gilleo*, 512 U.S. 43 (1994); and

WHEREAS, the Village wishes to preserve the aesthetic beauty of North Bay Village, Florida; and

WHEREAS, the Village finds and determines that Article II, Section 7, of the Florida Constitution, as adopted in 1968, provides that it shall be the policy of the state to conserve and protect its scenic beauty; and

WHEREAS, the Village finds and determines that the regulation of temporary signage, for purposes of aesthetics, directly serves the policy articulated in Article II, Section 7, of the Florida Constitution, by conserving and protecting its scenic beauty; and

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

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

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

§ 152.076 - Sign Definitions.

Sign, temporary. Any sign that is not a permanent sign, and shall include a sign formerly or commonly known as a temporary election sign, a temporary political sign, a temporary free expression sign, a temporary real estate sign, a temporary directional sign, a temporary construction sign, a temporary grand opening sign, or any other temporary sign unless otherwise provided herein. The term “temporary sign” shall not include any substitution of message on an existing lawful sign or sign structure.

§ 152.078 - Regulations and specifications.

(A) General regulations governing signs. Signs erected or maintained under the provisions of these regulations are subject to the following requirements:

(1) Interference with public.

(a) The sign must not create a traffic or fire hazard, be dangerous to the general welfare, or interfere with the free use of public streets or sidewalks.

(b) Safety requirements.

1. No sign shall be erected or maintained at any location in such a manner as to obstruct free and clear vision at the intersection of any streets or other public ways. No sign shall be erected or maintained at any location where, by reason of the position, illumination, shape, or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, nor shall it make use of the words, "STOP," "LOOK," "DANGER," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse the motoring public.

2. Intensely lighted areas created for the purpose of sales attraction, may be considered to be distractive displays. Such displays may be a hazard to the safe passage of vehicular traffic and divert attention from certain necessary traffic controls or pedestrian crossing zones. Such intensely lighted areas may be prohibited at certain locations by the Police Department and confirmed by the Village Commission.
- (2) Repair and maintenance. All signs must be kept in good condition, neat appearance, and good state of repair. Any sign more than 50 percent destroyed must be immediately removed at the owner's expense and a new permit secured before the sign is replaced. If a damaged sign is not repaired within 90 days, the sign shall be deemed to constitute a public nuisance and shall be removed at the owner's expense.
 - (3) Avoidance of fire hazard. Weeds shall be kept cut and debris shall be kept clear within a ten-foot area of any sign.
 - (4) Imprint of owner's name. All signs requiring permits shall be marked with the owner's name, date, and number of the permit.
 - (5) Obstruction of doors, windows, and fire escapes. No sign shall be attached to or be placed against a building in such a manner as to prevent ingress or egress through any door or window of any building, nor shall any sign obstruct or be attached to a fire escape.
 - (6) Posting or tacking notices and signs. No person shall paint, paste, print, nail, or fasten in any manner whatsoever, any banner, sign, paper, or any advertisement or notice of any kind, or cause the same to be done, on any curbs tone, pavement, or any other portion or part of any sidewalk or street, or upon any trees, lampposts, parking meter posts, telephone or telegraph poles, hydrants, or workshops, or upon any structure within the limits of any streets within the Village.
 - (7) Removal of signs for right-of-way acquisitions. All signs shall be removed by the owner, at no expense to the Village, when such signs are found to be within the right-of-way of present or future roads. This exception to relocation and permit limitations shall cover only lateral (right angle) relocations to the road right-of-way and shall require a building permit. This statement shall not supersede federal or state statutes and regulations.
- (B) Regulations governing specific type signage. Prohibited sign situations:
- ~~(1) Off-premise outdoor advertising display (commercial advertising) signs.~~
- (1) (2) Signs within or upon public property and rights-of-way.
 - (2) (3) Pole (ground) signs projecting over rights-of-way.
 - (3) (4) Flashing, activated, and animated signs.

~~(4)~~ ~~(5)~~ Pennants, streamers, spinners, advertising balloons and all other fluttering, spinning, or similar type signs and advertising devices.

~~(5)~~ ~~(6)~~ Roof signs.

~~(6)~~ ~~(7)~~ Snipe and sandwich signs.

~~(8) Provided, however, that national flags and flags of political subdivisions of the United States; flags of bona fide civic, charitable, fraternal, and welfare organizations; banner signs; and, during nationally recognized holiday periods, pennants, banners, streamers, and other fluttering, spinning, or similar type advertising devices pertaining to said holiday periods, may be provided on a temporary basis as provided below in this subchapter.~~

§ 152.080 - Exempted signs.

The following signs are exempted from the provisions of these regulations and may be erected or constructed without a permit but in accordance with the structural and safety requirements of the South Florida Building Code and in accordance with § 152.083.

(A) Official traffic signs or sign structures, and provisional warning signs or sign structures, when erected or required by a government agency.

(B) Changing of the copy of a bulletin board, poster board, display encasement, or marquee.

(C) Temporary ~~nonilluminated~~ signs which meet the criteria of Section 152.081, as permitted by the district regulations, advertising real estate for sale or lease, or announcing contemplated improvements of real estate, and located on the premises.

~~(D) National flags and flags of political subdivisions of the United States. Temporary nonilluminated signs, as permitted by the district regulations, erected in connected with new construction work and displayed on the premises during such time as the actual construction work is in progress. Once the construction work has been completed, such signs shall be removed immediately.~~

(E) Signs on a truck, bus, or other vehicle while in use in the normal course of business, provided that no such vehicle with attached signs shall be parked on public or private property for the purpose of advertising a business or firm or calling attention to the location of a business or firm.

~~(F) Temporary political signs within commercial districts.~~

~~(F)~~ ~~(G)~~ In the commercial districts, nonilluminated signs not exceeding 15 square feet in area with letters not exceeding six inches in height which are painted, stamped, perforated, or stitched on the valance area of an awning, canopy or roller curtain. Signs shall be limited to the name of the owner or trade name of the business and the street number of the business.

~~(G)~~ ~~(H)~~ Signs posted by the Village.

§ 152.081 - Temporary signs permits.

- (A) Scope. Notwithstanding anything to the contrary in the Village's Land Development Code or in any other ordinance or code provision of the Village, the provisions of this section shall govern the regulation of temporary signs, and take precedence over any other provisions that pertain to temporary signs unless specifically exempted or excepted herein.
- (B) Purpose and intent. It is the purpose of these sign regulations to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory standards for temporary signs. The temporary sign regulations are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech, and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. It is the intent of the Village Commission that the temporary sign regulations shall provide uniform sign criteria which regulate the size, height, number and placement of signs in a manner that is compatible with the character of the Village, and which place the fewest possible restrictions on personal liberties, property rights, commerce, and the free exercise of Constitutional rights while achieving the Village's goal of creating a healthy, safe and attractive environment that does not contain excessive clutter and visual distraction in rights-of-way and adjacent properties, the surrounding natural coastal environment, and residential neighborhoods. These sign regulations have been prepared with the intent of enhancing the visual environment of the Village and promoting its continued well-being, consistent with the most recent pronouncements by the United States Supreme Court regarding the regulation of temporary signage, and are further intended to:
- (1) Encourage the effective use of signs as a means of communication in the Village;
 - (2) Maintain and enhance the aesthetic environment and the Village's ability to attract sources of economic development and growth;
 - (3) Improve pedestrian and traffic safety;
 - (4) Minimize the possible adverse impact of temporary signs on nearby public and private property;
 - (5) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of temporary signs which compete for the attention of pedestrian and vehicular traffic;
 - (6) Allow temporary signs that are compatible with their surroundings, while precluding the placement of temporary signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
 - (7) Encourage and allow temporary signs that are appropriate to the zoning district in which they are located;
- (8) Regulate temporary signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;

- (9) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the Village;
- (10) Protect property values by precluding, to the maximum extent possible, temporary signs that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement; and
- (11) Enable the fair and consistent enforcement of these temporary sign regulations.
- (C) Duration for temporary signs. If a temporary sign pertains to an event, the temporary sign shall be removed no later than seven days after the event is concluded. Political primaries or elections, for the purpose of these sign regulations, shall be treated as an event. If a temporary sign does not pertain to an event, the temporary sign shall be removed within and by no later than thirty (30) days after being erected.
- (D) Permission of owners. A temporary sign shall not be placed on any property without the permission of the property owner.
- (E) Prohibition of lighting. A temporary sign may not display any lighting or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.
- (F) Exemptions from permitting. A temporary sign does not require a permit from the Village.
- (G) Within each Village zoning district, temporary signs shall conform to the following criteria:

| | <u>Single Family Residential RS-1, RS-2</u> | <u>Multi-Family RM-40, RM-70</u> | <u>Commercial CG, CL</u> |
|---|---|--|--------------------------|
| <u>Maximum Number of Signs Allowed Per Parcel</u> | <u>3</u> | <u>3</u> | <u>4</u> |
| <u>Maximum Sign Area</u> | <u>3 sf</u> | <u>12 sf (RM-40) 20 sf (RM-70)</u> | <u>40 sf</u> |
| <u>Sign Height Maximum for a Freestanding Sign</u> | <u>4 ft</u> | <u>24 ft</u> | <u>24 ft</u> |
| <u>Sign Height Maximum for a Wall Sign (inclusive of a Window Sign)</u> | <u>15 ft</u> | <u>24 ft</u> | <u>24 ft</u> |
| <u>Minimum Sign Setback for Ground Signs</u> | <u>2 ft</u> | <u>2 ft</u> | <u>2 ft</u> |
| <u>Minimum Spacing from any Other Sign (Temporary Sign or a Permanent Sign)</u> | <u>15 ft</u> | <u>15 ft</u> | <u>15 ft</u> |
| <u>Aggregate Maximum of Surface Area Allocated for All Sign Messages</u> | <u>12 sf</u> | <u>120 sf</u> | <u>160 sf</u> |

~~The Building Official or other official as designated by the Village Manager, upon application as required in § 152.079, may issue temporary permits for signs and displays for a period of up to 90 days (including one renewal period up to an additional 30 days) when, the use of such signs and displays would be in the public interest and would not result in damage to private property, such as but not limited to the following:~~

- ~~(A) Signs advertising a special civic or cultural event, such as a fair or exposition, play, concert, or meeting sponsored by a governmental or charitable organization.~~
- ~~(B) Special decorative displays used for holidays, public demonstrations, or promotion of nonpartisan civic purposes.~~
- ~~(C) Special sales promotion displays in a district where such sales are permitted, including displays incidental to the opening of a new business.~~

~~The Building Official is authorized to grant administrative approval for request for temporary signs that exceeds the size requirements up to a maximum size of 60 square feet, upon proper application for a Building Permit.~~

§ 152.082 - Removal of signs.

- ~~(A) Any sign previously associated with a vacated premises shall be removed from the premises by either the owner or lessee not later than 30 days from the time such activity ceases to exist.~~
- ~~(B) Political signs shall be removed within seven days after the last election in which the candidate or issue was on the ballot.~~

§ 152.083 - District sign regulations.

- ~~(A) *Single-Family Residential (RS-1, RS-2) Districts.* No sign will be allowed in these districts except the following, and temporary signs meeting the criteria of Section 152.081 or the exemptions allowed in Section 152.081 or signs otherwise exempted in this subchapter:
 - ~~(1) A nameplate (identification sign), not to exceed one square foot in area, nonilluminated, to identify the owner or occupant of the dwelling or building.~~
 - ~~(2) A private directional sign, nonilluminated, not to exceed one square foot in area.~~
 - ~~(3) One temporary non illuminated real estate sign per parcel not to exceed 18" × 18." One "rider" sign not exceeding two inches vertically and the width of the base sign horizontally may be suspended from or attached to the base sign. Nothing contained herein shall be construed as prohibiting the same wording from being on both the front and back of the base and rider sign. The sign (including the rider) shall also be subject to the following conditions and restrictions:~~~~

- a. ~~Unless there is a wall or building closer upon which the sign may be placed, it shall be located on the owner's property at least five feet from any sidewalk, the sign may be placed no closer than five feet from the edge of the pavement. The top of the sign shall not be more than four feet above the finished grade of the ground. Any such sign shall be immediately removed upon the sale or lease of the lot and/or improvements upon which it is displayed.~~
- b. ~~The sign shall be constructed of metal, plastic, wood, or pressed wood. Said signs shall be fastened to a supporting member constructed of angle iron not exceeding one inch by one inch or two inches by two inches for a wooden post. Said supporting members shall be all white or black in color and have no letters or numbers upon it.~~
- c. ~~Where such sign is suspended from an arm of the support, such arm shall not exceed a length of 16 inches.~~
- d. ~~The sign shall be placed so that its center line is parallel or perpendicular to the front property line.~~
- e. ~~Only one sign shall be permitted on any one premises, provided, however, that where the property abuts a waterway, a sign may also be placed to be visible from such waterway with a setback from the waterway of not less than ten feet.~~
- f. ~~The sign shall be kept in good repair and shall not be illuminated or constructed of a reflective material. Flags, streamers, movable items or like devices shall not be attached to the sign.~~

~~(4) One temporary nonilluminated political sign per parcel not to exceed three square feet in area.~~

(B) *Multifamily Residential (RM-40, RM-70) Districts.* No sign will be allowed in these districts except the following, and temporary signs meeting the criteria of Section 152.081 or the exemptions allowed in Section 152.081 ~~or signs otherwise exempted in this subchapter:~~

- (1) Accessory signs and directional signs, all nonilluminated, and, individually, not to exceed an area of one square foot, except that illuminated fire exit signs, as required by the South Florida Building Code, shall also be permitted.
- ~~(2) One temporary nonilluminated sign per building or on such permit unit basis as may be allowed by applicable condominium or homeowners association bylaws, rules and regulations, such sign not to exceed 12 square feet in area in RM 40 Districts and not to exceed 24 square feet in area in RM 70 Districts, advertising real estate for sale or for lease, or announcing contemplated improvements of the premises on which the sign is located.~~
- ~~(3) One temporary nonilluminated political sign per building or on such per unit basis as may be allowed by applicable condominium or homeowners association bylaws, rules and regulations, such sign not to exceed 12 square feet in area in RM 40 Districts and not to exceed 20 square feet in area in RM 70 Districts.~~

- (42) A ~~permanent~~, nonilluminated, flat or detached identification sign, not to exceed 24 square feet, identifying the name and/or address of a multifamily dwelling, group of multifamily dwellings, or the name of the motel or hotel. In the case of a detached sign, it shall not be located in any required rear or side yard setback area, nor closer than ten feet from the front property line, nor shall any part of the sign be more than ten feet above the ground.
- (53) Nonilluminated signs not exceeding 15 square feet in area with letters not exceeding six inches in height which are painted, stamped, perforated, or stitched on the valance area of an awning, canopy, roller curtain. Signs shall be limited to the name of the owner and the street number of the building.
- ~~(6) A temporary nonilluminated sign, not to exceed 40 square feet, erected in connection with new construction work and displayed on the premises only during the progress of actual construction. Once construction has been completed, the sign shall be removed immediately.~~
- (C) *Commercial (CG, CL) Districts.* No sign will be allowed in these districts except the following, and temporary signs meeting the criteria of Section 152.081 or the exemptions allowed in Section 152.081~~or signs otherwise excepted in this subchapter:~~
- (1) Accessory signs and directional signs, all nonilluminated, and, individually, not to exceed an area of one square foot, except that illuminated fire exit signs, as required by the South Florida Building Code, shall also be permitted.
 - ~~(2) A temporary nonilluminated real estate sign, not to exceed 24 square feet, advertising real estate for sale or for lease. A temporary nonilluminated sign may announce contemplated improvements of real estate, provided such sign does not exceed 24 square feet. Political signs are exempt from application of § 152.083(C).~~
 - ~~(3) A temporary nonilluminated sign, not to exceed 40 square feet, erected in connection with new construction work and displayed on the premises only during the progress of actual construction. Once construction has been completed, the sign shall be removed immediately.~~
 - (42) A ~~permanent~~ flat illuminated or nonilluminated sign may be erected on one facade of a building or each portion of a building occupied by a separate commercial or office use, provided the sign does not exceed an area equal to ten percent of the area of the facade upon which it is erected, and for any single establishment user, contains no more than ten sign information items. For calculation purposes, the maximum single building storefront is limited to 75 feet, the maximum storefront 15 feet. In the case of a commercial or office use located on the ground floor of a multistory building, only the first floor facade area shall be used for the purpose of calculating the permissible sign area. Where an establishment fronts on more than one street, the above area of signs may be permitted on each street frontage; however, signs on side frontages will not be permitted if they face a residential area. Signs shall not be permitted on any wide bay frontage.

- (a) All adjacent contiguous retail and service establishments located in premises under the same ownership shall be required in lease agreements to maintain all permanent sign lettering and background in the same style and color.
- (b) For existing commercial establishments, facade signage may be increased to 11 percent of the total building facade and a total of 11 sign "items" per establishment may be used when all the lettering and background is uniform in style and color for signs in a shopping center or for any three consecutive separate establishments. Uniform agreements must be made a part of any lease or deed restriction.
- (53)(a) A projection sign, placed at an angle of 90 degrees from the building and clearing the sidewalk by eight feet. It shall project no more than four feet from the building or one-third of the sidewalk width, whichever is less, and be spaced no less than 50 feet apart unless displaying symbols only in which case there is no restriction on proximity (see Appendix B).
- (b) All adjacent contiguous, retail and service establishments located in premises under the same ownership shall be required in lease agreements to maintain all projection signs, materials, lettering and background in the same style and color.
- (64) A ~~permanent~~ detached illuminated sign may be permitted, not to exceed a total area of 100 square feet per side. When a single building on the property consists of two or more different commercial or office occupancies, an additional one square foot of sign area shall be permitted for each six lineal feet of street frontage in excess of 50 feet; however, the total sign area for a building with multiple occupancy shall not exceed 160 square feet in any case, nor may there be more than one detached sign on the property. No part of such detached signs shall be located in the side or rear yards, nor shall any detached sign be located closer than ten feet from the front property line. No detached sign shall exceed a height of 24 feet above the ground.
- ~~(7) A temporary sign may be attached to street frontage windows. However, the total area of such signs shall not exceed ten percent of the total area of such windows and doors or within five feet of the rear of the window (see Appendix B).~~

§ 152.084 – Sign Variances, ~~planning~~.

There might be instances in which relief from the strict requirements of the sign ordinance would result in improved planning or zoning, and would benefit the community. The standards for granting the planning variance are:

- (A) The sign variance must relate to a particular piece of land;
- (B) The sign variance can be granted without substantial detriment to the public good;
- (C) The benefits of the deviation would outweigh any detriment; and,
- (D) The variance would not substantially impair the intent or purpose of the Village's Comprehensive Plan and/or Zoning Ordinance.

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 Andreana Jackson _____
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 Andreana Jackson _____
Commissioner Eddie Lim _____

DULY PASSED AND ADOPTED __ day of _____ 2016.

Connie Leon-Kreps
Mayor

ATTEST:

Yvonne P. Hamilton, CMC
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: Temporary Signs.



North Bay Village

Administrative Offices

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

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

MEMORANDUM

North Bay Village

DATE: August 23, 2016

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: Mayor Connie Leon-Kreps

SUBJECT: Introduction of Resolution

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

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152 OF THE ZONING CODE BY REVISING SECTIONS, 152.076 ENTITLED "SIGN DEFINITIONS; 152.078 ENTITLED "PHOHIBITED SIGNS"; 152.080 ENTITLED "EXEMPTED SIGNS"; 152.081 ENTITLED "TEMPORARY SIGNS"; 152.082 ENTITLED "REMOVAL OF SIGNS"; 152.083 ENTITLED "DISTRICT SIGN REGULATIONS"; 152.084 ENTITLED "VARIANCES, PLANNING"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.

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

CLK:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Andreana Jackson

Commissioner
Eddie Lim



**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 **SEPTEMBER 6, 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 HEAR THE FOLLOWING ITEMS AND SUBMIT RECOMMENDATIONS TO THE VILLAGE COMMISSION:

1. AN APPLICATION BY PK& GLOBAL TECHNOLOGIES, INC. CONCERNING PROPERTY LOCATED AT 7914-7918 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
 - A. AN AMENDMENT TO THE NORTH BAY VILLAGE COMPREHENSIVE PLAN AMENDING THE FUTURE LAND USE ELEMENT BY CREATING POLICY 2.1.14 TO PERMIT TRANSFER OF DENSITY IN THE RM-70 ZONING DISTRICT, VOGEL PARK; TRANSFERRING UP TO 36 RESIDENTIAL DWELLING UNITS FROM DR. PAUL VOGEL PARK TO SITES THAT HAVE BEEN DETERMINED BY THE NORTH BAY VILLAGE COMMISSION TO PROVIDE MEANINGFUL PUBLIC BENEFIT; PROVIDING THAT SITE DENSITY ALLOWED SHALL NOT EXCEED 100 RESIDENTIAL DWELLING UNITS PER ACRE.
 - B. AN AMENDMENT TO THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE, CHAPTER 152, CREATING THE PUBLIC SPACE ENHANCEMENT OVERLAY; PERMITTING ADDITIONAL HEIGHT, REDUCED SIDE SETBACKS, AND TRANSFER OF DENSITY FROM VILLAGE OWNED PROPERTIES TO PRIVATE DEVELOPMENTS THAT PROVIDE MEANINGFUL PUBLIC BENEFITS.
 - C. AN AMENDMENT TO THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE, AMENDING SECTIONS 5.2.2, 152.003, 152.042, 155.17, TO ALLOW FOR REVISED PARKING LOT DESIGN DIMENSIONS, TO ALLOW FOR MECHANICAL PARKING LIFT SPACES TO COUNT TOWARD THE REQUIRED NUMBER OF PARKING SPACES, AND TO PROVIDE SAFETY STANDARDS FOR MECHANICAL PARKING LIFTS.
2. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, OF THE ZONING CODE BY ADDING SECTION 152.043 ENTITLED "GOVERNMENT USE DISTRICT" TO CREATE STANDARDS FOR A GOVERNMENT USE ZONING DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.
3. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152 OF THE ZONING CODE BY REVISING SECTIONS, 152.076 ENTITLED "SIGN DEFINITIONS; 152.078 ENTITLED "PROHIBITED SIGNS"; 152.080 ENTITLED "EMPTYED SIGNS"; 152.081 ENTITLED "TEMPORARY SIGNS"; 152.082 ENTITLED "REMOVAL OF SIGNS"; 152.083 ENTITLED "DISTRICT SIGN REGULATIONS"; 152.084 ENTITLED "VARIANCES, PLANNING"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.
4. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 151, SECTION 151.26 OF THE VILLAGE CODE ENTITLED "OFF-STREET PARKING REGULATIONS" TO PROHIBIT CHARGING FOR PARKING AT HOTELS, MOTELS, APARTMENTS AND CONDOMINIUM PROPERTIES IN THE VILLAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.
5. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, SECTION 152.112 OF THE ZONING CODE, TO INCLUDE THE RM-40 AND RM-70 ZONING DISTRICTS AS AREAS SUBJECT TO THE VILLAGES VACATION RENTAL REGULATIONS; 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, #900, 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.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

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

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(AUGUST 19, 2016)

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152, ADDING SECTION 152.033 ENTITLED "GOVERNMENT USE DISTRICT" TO CREATE STANDARDS FOR A GOVERNMENT USE ZONING DISTRICT; 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 a government use zoning district should be created to accommodate the development of government owned facilities; and

WHEREAS, the Commission of North Bay Village hereby finds and declares that the government use is consistent within the Public Buildings and Grounds Future Land Use category.

WHEREAS, the Commission of North Bay Village desires to ensure adequate public facilities to operate the governmental functions of North Bay Village.

WHEREAS, the Planning and Zoning Board has reviewed this Ordinance at a duly advertised public hearing and recommended _____ of the Ordinance; and

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

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

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

Section 2. Village Code Amended. Section 152.033 of the North Bay Village Code of Ordinances is hereby created to read as follows:

§ 152.033 – Government use district.

(A) Purpose and intent. The Government Use Zoning District is intended for federal, state and local government activities, transportation facilities, public facilities and utilities and other similar facilities owned or operated by government that generally serve and benefit the community.

(B) Uses permitted.

(1) Government owned facilities

(2) Government operated facilities

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

(C) Special uses permitted. Uses permitted upon approval of the Village Commission in accordance with the provisions pertaining to use exceptions.

(D) Site development standards

(1) Minimum lot size

- a. Area: no minimum lot size
- b. Frontage: no minimum frontage

(2) Minimum yard setbacks

- a. Kennedy Causeway: 20 feet
- b. Other street frontages: 10 feet
- c. Rear: 10 feet
- d. Abutting commercial zoning district: 5 feet
- e. Abutting multi-family zoning district: 7 feet
- f. Abutting single-family zoning district: 15 feet

(3) Maximum building height: 150 feet

(4) Minimum pervious area: Fifteen percent of the total parcel

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 Andreana Jackson _____
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 Andreana Jackson _____
Commissioner Eddie Lim _____

DULY PASSED AND ADOPTED __ day of _____ 2016.

Connie Leon-Kreps
Mayor

ATTEST:

Yvonne P. Hamilton
Village Clerk

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

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

North Bay Village Ordinance- Prohibition of Additional Charges for Tenant and Guest Parking.



North Bay Village

Administrative Offices

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

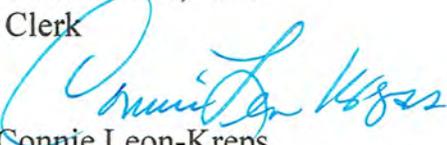
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MEMORANDUM

North Bay Village

DATE: August 23, 2016

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: Mayor  Connie Leon-Kreps

SUBJECT: Introduction of Ordinance

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

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152, ADDING SECTION 152.033 ENTITLED "GOVERNMENT USE DISTRICT" TO CREATE STANDARDS FOR A GOVERNMENT USE ZONING DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.

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

CLK:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Andreana Jackson

Commissioner
Eddie Lim



**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 **SEPTEMBER 6, 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 HEAR THE FOLLOWING ITEMS AND SUBMIT RECOMMENDATIONS TO THE VILLAGE COMMISSION:

1. AN APPLICATION BY P&O GLOBAL TECHNOLOGIES, INC. CONCERNING PROPERTY LOCATED AT 7914-7918 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
 - A. AN AMENDMENT TO THE NORTH BAY VILLAGE COMPREHENSIVE PLAN AMENDING THE FUTURE LAND USE ELEMENT BY CREATING POLICY 2.1.14 TO PERMIT TRANSFER OF DENSITY IN THE RM-70 ZONING DISTRICT, VOGEL PARK; TRANSFERRING UP TO 36 RESIDENTIAL DWELLING UNITS FROM DR. PAUL VOGEL PARK TO SITES THAT HAVE BEEN DETERMINED BY THE NORTH BAY VILLAGE COMMISSION TO PROVIDE MEANINGFUL PUBLIC BENEFIT; PROVIDING THAT SITE DENSITY ALLOWED SHALL NOT EXCEED 100 RESIDENTIAL DWELLING UNITS PER ACRE.
 - B. AN AMENDMENT TO THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE, CHAPTER 152, CREATING THE PUBLIC SPACE ENHANCEMENT OVERLAY; PERMITTING ADDITIONAL HEIGHT, REDUCED SIDE SETBACKS, AND TRANSFER OF DENSITY FROM VILLAGE OWNED PROPERTIES TO PRIVATE DEVELOPMENTS THAT PROVIDE MEANINGFUL PUBLIC BENEFITS.
 - C. AN AMENDMENT TO THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE, AMENDING SECTIONS 5.2.2, 152.003, 152.042, 155.17, TO ALLOW FOR REVISED PARKING LOT DESIGN DIMENSIONS, TO ALLOW FOR MECHANICAL PARKING LIFT SPACES TO COUNT TOWARD THE REQUIRED NUMBER OF PARKING SPACES, AND TO PROVIDE SAFETY STANDARDS FOR MECHANICAL PARKING LIFTS.
2. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, OF THE ZONING CODE BY ADDING SECTION 152.043 ENTITLED "GOVERNMENT USE DISTRICT" TO CREATE STANDARDS FOR A GOVERNMENT USE ZONING DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.
3. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152 OF THE ZONING CODE BY REVISING SECTIONS, 152.076 ENTITLED "SIGN DEFINITIONS; 152.078 ENTITLED "PROHIBITED SIGNS"; 152.080 ENTITLED "EXEMPTED SIGNS"; 152.081 ENTITLED "TEMPORARY SIGNS"; 152.082 ENTITLED "REMOVAL OF SIGNS"; 152.083 ENTITLED "DISTRICT SIGN REGULATIONS"; 152.084 ENTITLED "VARIANCES, PLANNING"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.
4. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 151, SECTION 151.26 OF THE VILLAGE CODE ENTITLED "OFF-STREET PARKING REGULATIONS" TO PROHIBIT CHARGING FOR PARKING AT HOTELS, MOTELS, APARTMENTS AND CONDOMINIUM PROPERTIES IN THE VILLAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.
5. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, SECTION 152.112 OF THE ZONING CODE, TO INCLUDE THE RM-40 AND RM-70 ZONING DISTRICTS AS AREAS SUBJECT TO THE VILLAGES VACATION RENTAL REGULATIONS; 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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TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(AUGUST 19, 2016)

ORDINANCE NO. _____

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 151, SECTION 151.26 ENTITLED “OFF-STREET PARKING REGULATIONS” TO PROHIBIT CHARGING FOR PARKING AT HOTEL, MOTEL, APARTMENT AND CONDOMINIUM 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 parking spaces that were required to be built as part of an approved site plan should be provided to guests and tenants at no additional charge; and

WHEREAS, the Commission of North Bay Village has determined that the practice of charging additional rent or fees for parking spaces is contributing to the paucity of available public street parking spaces.

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. Section 151.26 of the North Bay Village Code of Ordinances is hereby amended to read as follows:

§ 151.26 – Off-street parking regulations.

- (A) Owners and operators of apartments, condominiums, licensed by the Village and of hotels, or motels, and condominium associations licensed by the Village are prohibited from requiring guests, tenants, or guests of those tenants, to pay licensed establishments from requiring the payment of any additional rent or charge for ~~one~~ the off-street parking spaces which were required to be built according to the approved development site plan for each apartment on the premises where the apartments were required to provide spaces for off-street parking under the ordinances in effect at the time the apartments or hotels were constructed.

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

(B) The owner and operator of every apartment, hotel, and motel licensed by the Village shall be required to provide at least one parking space as a part of the lease or room rental for each tenant or guest leasing or renting the facilities where the apartment, hotel, or motel was constructed in accordance with the provisions of the Village Code and the ordinances of the Village requiring at least one off-street parking space for each apartment, hotel, or motel room.

~~(C) It shall be unlawful for any owner and operator of an apartment, hotel, or motel licensed by the Village to make any additional charge or require additional rental for the first parking space referred to in the preceding divisions of this section or to reduce the rental or charges to any tenant or guest not utilizing the parking spaces.~~

~~(D)~~(C) It shall be unlawful for any person, firm, or corporation to interfere with, or block ingress, egress, or the interior drive of any parking area constructed in accordance with the off-street parking provisions of the zoning ordinance of the Village which are currently in effect or which were in effect at the time the off-street parking plan was approved by the Village.

~~(E)~~(D) It shall be unlawful for any person, firm, or corporation owning, leasing, or occupying the premises which incorporate an off-street parking area authorized under the provisions of the Zoning Code of the Village to permit interference with ingress, egress, or the interior drive of the off-street parking area.

~~(F)~~(E) Any person, firm, or corporation owning or operating an apartment, hotel, or motel licensed by the Village that is in compliance with the provisions of divisions (A), (B) and (C) above is hereby authorized to designate individual parking spaces in the approved off-street parking area of the premises for individual tenants, guests, or units, and it shall be unlawful for any person, firm, or corporation, not so designated or otherwise authorized to use the parking spaces that have been so designated by appropriate sign stating "RESERVED FOR _____."

~~(G)~~(F) Any person violating the provisions of this section shall be subject to the maximum penalty provided by the Charter. (A)

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 Andreana Jackson _____
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 Andreana Jackson _____
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- Prohibition of Additional Charges for Tenant and Guest Parking.



North Bay Village

Administrative Offices

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

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

MEMORANDUM

North Bay Village

DATE: August 23, 2016

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: Mayor Connie Leon-Kreps

SUBJECT: Introduction of Ordinance

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

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 151, SECTION 151.26 OF THE VILLAGE CODE ENTITLED "OFF-STREET PARKING REGULATIONS" TO PROHIBIT CHARGING FOR PARKING AT HOTELS, MOTELS, APARTMENTS AND CONDOMINIUM PROPERTIES IN THE VILLAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.

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

CLK:ypb

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Andreana Jackson

Commissioner
Eddie Lim



**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 **SEPTEMBER 6, 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 HEAR THE FOLLOWING ITEMS AND SUBMIT RECOMMENDATIONS TO THE VILLAGE COMMISSION:

1. AN APPLICATION BY P&O GLOBAL TECHNOLOGIES, INC. CONCERNING PROPERTY LOCATED AT 7914-7918 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
 - A. AN AMENDMENT TO THE NORTH BAY VILLAGE COMPREHENSIVE PLAN AMENDING THE FUTURE LAND USE ELEMENT BY CREATING POLICY 2.1.14 TO PERMIT TRANSFER OF DENSITY IN THE RM-70 ZONING DISTRICT, VOGEL PARK; TRANSFERRING UP TO 36 RESIDENTIAL DWELLING UNITS FROM DR. PAUL VOGEL PARK TO SITES THAT HAVE BEEN DETERMINED BY THE NORTH BAY VILLAGE COMMISSION TO PROVIDE MEANINGFUL PUBLIC BENEFIT; PROVIDING THAT SITE DENSITY ALLOWED SHALL NOT EXCEED 100 RESIDENTIAL DWELLING UNITS PER ACRE.
 - B. AN AMENDMENT TO THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE, CHAPTER 152, CREATING THE PUBLIC SPACE ENHANCEMENT OVERLAY; PERMITTING ADDITIONAL HEIGHT; REDUCED SIDE SETBACKS; AND TRANSFER OF DENSITY FROM VILLAGE OWNED PROPERTIES TO PRIVATE DEVELOPMENTS THAT PROVIDE MEANINGFUL PUBLIC BENEFITS.
 - C. AN AMENDMENT TO THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE, AMENDING SECTIONS 5.2.2, 152.003, 152.042, 155.17, TO ALLOW FOR REVISED PARKING LOT DESIGN DIMENSIONS, TO ALLOW FOR MECHANICAL PARKING LIFT SPACES TO COUNT TOWARD THE REQUIRED NUMBER OF PARKING SPACES, AND TO PROVIDE SAFETY STANDARDS FOR MECHANICAL PARKING LIFTS.
 2. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, OF THE ZONING CODE BY ADDING SECTION 152.033 ENTITLED "GOVERNMENT USE DISTRICT" TO CREATE STANDARDS FOR A GOVERNMENT USE ZONING DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.
 3. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 152 OF THE ZONING CODE BY REVISING SECTIONS, 152.076 ENTITLED "SIGN DEFINITIONS; 152.078 ENTITLED "PROHIBITED SIGNS"; 152.080 ENTITLED "EXEMPTED SIGNS"; 152.081 ENTITLED "TEMPORARY SIGNS"; 152.082 ENTITLED "REMOVAL OF SIGNS"; 152.083 ENTITLED "DISTRICT SIGN REGULATIONS"; 152.084 ENTITLED "VARIANCES, PLANNING"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.
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 5. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, SECTION 152.112 OF THE ZONING CODE, TO INCLUDE THE RM-40 AND RM-70 ZONING DISTRICTS AS AREAS SUBJECT TO THE VILLAGE'S VACATION RENTAL REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING AN EFFECTIVE DATE.
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YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(AUGUST 19, 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**

**JULY 5, 2016
7:30 P.M.**

1. CALL TO ORDER.

The meeting was called to order by the Chair Bud Farrey at 7:45 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 informed the Village Clerk that she was not able to attend the meeting due to an emergency.

Village Staff Present:
Deputy Village Manager/HR Director Jenice Rosado
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 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.**

The Village Clerk read the ordinance by title.

Village Planner Ben Smith, of LaRue Planning & Management Services, presented the Staff Report and discussed some requirements of the ordinance for vacant multifamily and commercial properties to have fencing around the perimeter of the properties and for the Village’s Community Enhancement Board to create signage standards as to how the construction fences and artwork on the fences should look.

There was discussion as to whether the existing fences along the causeway would be “grandfathered”, if the ordinance were adopted. The Village Attorney discussed that should the regulations be approved, they could not be retroactively applied to those properties with approved site plans. The laws would apply to site plans that have not already been approved or approved site plans to which the property owners might want to make changes.

Dr. Douglas Hornsby attended the meeting at 8:50 p.m.

Concerns were expressed about the police being able to see what was happening on a property, if it were completely fenced and the burden to the property owners in being required to install the fence, prior to obtaining financing for development.

The Board expressed an interest in reviewing the ordinance after the Community Enhancement Board had developed the mural type signage standards for the fences, prior to approval by the Village Commission.

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

Dr. Douglas Hornsby made a motion to recommend approval with the condition that the ordinance be presented to the Board for further review prior to the final reading by the Village Commission. Marvin Wilmoth seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Marvin Wilmoth, Bud Farrey, Dr. Joshua Furman, and Dr. Douglas Hornsby all voting Yes. Doris O'Hare was absent.

5. **APPROVAL OF MINUTES**

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

Dr. Douglas Hornsby made a motion to approve the Minutes as submitted, and Dr. Joshua Furman seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Marvin Wilmoth, Bud Farrey, Dr. Joshua Furman, and Dr. Douglas Hornsby all voting Yes. Doris O'Hare was absent.

6. **ADJOURNMENT**

The meeting adjourned at 8:02 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.)