



City of North Bay Village

Administrative Offices

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

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

OFFICIAL AGENDA

PLANNING & ZONING BOARD MEETING

**CITY COMMISSION CHAMBERS
1700 KENNEDY CAUSEWAY, #132
NORTH BAY VILLAGE, FL 33141**

OCTOBER 30, 2012 – 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 CITY FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION OR A SIGN LANGUAGE INTERPRETER TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT (305) 756-7171 NO LATER THAN FOUR DAYS PRIOR TO THE PROCEEDING. IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS AT (800) 955-8771 (TDD) OR (800) 955-8700 (VOICE) FOR ASSISTANCE.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL
2. (PUBLIC HEARINGS) ALL INDIVIDUALS DESIRING TO PROVIDE TESTIMONY SHALL BE SWORN IN.
 - A. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY CREATING SECTION 152.032 ENTITLED "BAY VIEW OVERLAY (BVO) DISTRICT" TO ESTABLISH AND PROVIDE REGULATIONS FOR THE BAY VIEW OVERLAY DISTRICT; ZONING PROPERTIES AS SHOWN ON MAP 1 AND LEGALLY DESCRIBED IN EXHIBIT A AS "BAY VIEW OVERLAY DISTRICT" IN ADDITION TO THE EXISTING ZONING DESIGNATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.
 - 1.) Board Recommendation

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

B. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 3 OF THE NORTH BAY VILLAGE CONSOLIDATED LAND DEVELOPMENT REGULATIONS, CODE OF ORDINANCES ENTITLED "LAND USE", BY AMENDING SECTION 3.4.2(b) RELATING TO DEVELOPMENT OF MIXED-USE COMMERCIAL AND MULTIFAMILY STRUCTURES WITHIN THE COMMERCIAL DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE

1.) Board Recommendation

3. ADJOURNMENT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY CREATING SECTION 152.032 ENTITLED "BAY VIEW OVERLAY (BVO) DISTRICT" TO ESTABLISH AND PROVIDE REGULATIONS FOR THE BAY VIEW OVERLAY DISTRICT; ZONING PROPERTIES AS SHOWN ON MAP 1 AND LEGALLY DESCRIBED IN EXHIBIT A AS "BAY VIEW OVERLAY DISTRICT" IN ADDITION TO THE EXISTING ZONING DESIGNATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

WHEREAS, the City of North Bay Village 2007 Charrette Master Plan envisioned future development and redevelopment on the north side of the Kennedy Causeway featuring taller thinner buildings allowing unimpeded northward views of Biscayne Bay; and

WHEREAS, the City of North Bay Village (the "City") seeks to encourage the efficient use of land by providing additional flexibility for development on properties with unobstructed northward views of Biscayne Bay; and

WHEREAS, the City has recognized that providing for additional building height and larger setbacks will encourage innovative mixed-use infill development; and

WHEREAS, increasing building setbacks will create larger view corridors, resulting in smaller building footprints, greater open space and expanded bay vistas; and

WHEREAS, the City recognizes that certain limits on height, including the height of parking structures, may decrease the ability to accommodate economic development or necessary parking in the smaller footprints resulting from the use of these incentives; and

WHEREAS, the City desires to ensure adequate parking and economic redevelopment opportunities while improving the public and private access to and view and enjoyment of Biscayne Bay.

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

WHEREAS, the City Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public's interest.

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND CITY COMMISSION OF THE CITY 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. City Code Created. Section 152.032 of the Code of Ordinances for the City of North Bay Village is hereby created to read as follows:

§ 152.032 –Bay View Overlay (BVO) District

(A) General requirements.

(1) Purpose and intent. The BVO District is intended to encourage taller, narrower, mixed use buildings on commercial lots on the north side of Kennedy Causeway where such lots front directly on, and provide unimpeded views north to Biscayne Bay. As such, this District provides the opportunity for development and redevelopment of mixed use residential buildings at greater heights than are otherwise permitted in the CG or CL Zoning Districts if certain requirements are met. In order to provide incentives for re-development and streamline the development approval process, the BVO District has been pre-designated on the Official Zoning Map. Application of the development incentives available in the BVO District to individual properties will be reviewed and approved by the Planning and Zoning Board and City Commission concurrently with the site plan approval process.

(2) Applicability.

- (a) The BVO District provides for an optional set of development regulations that may be voluntarily employed in the mixed use development of lands located within geographic limits of the BVO District shown on the Official Zoning Map.
- (b) All regulations of the underlying zoning district that are not otherwise addressed in these regulations shall apply. Where the underlying zoning district and the BVO District both apply, the BVO District shall govern.
- (c) If a property owner should elect not to develop under these optional regulations, only the regulations of the underlying zoning district shall apply.

(3) Procedure.

(a) BVO Standards Review. Applications to use the development standards provided in the BVO District shall be processed concurrently with all other required development applications. At a minimum, the following applications are necessary and shall be considered in the following order:

1. Special Use Exception review required by 152.030(C)(3), if the property is located in the CG zoning district;
2. Building Height Bonus review to 240 feet pursuant to Section 152.029(C)(8)8(A) through 8(F);
3. Bay View Overlay District standards review; and
4. Site Plan review required by 152.105(C)(9).

(b) Approval. Applications require approval by the City Commission following a single public hearing and a recommendation from the Planning & Zoning Board. In order to approve an application, the City Commission shall find that the development proposed:

1. Is compatible with surrounding intensities and densities of development;
2. Provides access to adequate light and air for surrounding properties; and
3. Preserves views of, and view corridors to, Biscayne Bay consistent with the City's 2007 Master Charrette Plan.

(B) Allowable uses. All uses listed as permitted or special exception uses in the underlying zoning district shall be permitted equally in the BVO District, and such use shall be subject to all conditions, requirements or limitations applicable to the use in the underlying zoning district, except as may otherwise be set forth in this section.

(C) Building heights. A building height of up to a maximum of 340 feet may be proposed under the following conditions:

- (1) Lots over 500 feet in depth. For parcels where the lot depth is more than 500 feet, the following conditions shall apply:
 - (a) The property is approved for a building height of 240 feet under the building height bonus provisions of Sec. 152.029(C)(8)8(A) through 8(F).

- (b) The portion of any building that is more than 240 feet in height must be set back from the front property line by a distance that is not less than the height of said portion of the building.
 - (c) If any portion of a building on the site exceeds 240 feet in height, no part of any building on the site may be closer to either side property line than a distance equal to 20% of the width of the lot.
- (2) Lots under 500 feet in depth. For parcels where the lot depth is less than 500 feet, the following conditions shall apply:
- (a) The property is approved for a building height of 240 feet under the building height bonus provisions of Sec. 152.029(C)(8)8(A) through 8(F):
 - (b) The entire portion of a building that is more than 240 feet in height must be set back from the front property line by a distance that is at least 40 feet, plus two feet for each foot of the highest building height in excess of 240 feet.
 - (c) If any portion of a building on the site exceeds 240 feet in height, the two side yards together must total 60 percent of the width of the lot, provided the smallest side yard may not be less than 20 percent of the width of the lot.
- (D) Parking. If the building height provisions of Section (C) above are utilized, the limitations for parking structure stories of Section 152.029(C)(4) shall not apply if the structure is architecturally designed or screened so that no part of the parking structure, other than the entrance, is visible or discernable from the public right of way.

Section 3. Findings. The City Commission, in considering the designation of the “Bay View Overlay District,” finds that:

- (1) All property similarly situated will be placed in the Bay View Overlay District.
- (2) All uses permitted under the Bay View Overlay District classification will be in the general public interest, and not merely in the interest of an individual or small group of people.
- (3) All uses permitted in the Bay View Overlay District classification are appropriate in the area included in the proposed change.
- (4) The character of the neighborhood will not be materially and adversely affected by any use permitted in the Bay View Overlay District.
- (5) The proposed change is in accord with the comprehensive master plan and sound comprehensive planning and zoning principles.

Section 4. Zoning Map Amendment. Pursuant to Section 152.100 "Amendments and changes to zoning, comprehensive plan regulations," the zoning designation of Bay View Overlay District for the Properties shown on Map 1 and described in Exhibit A, attached hereto and incorporated herein, is hereby approved.

Section 5. Repeal. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 6. 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 7. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City 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 8. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

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

The Votes were as follows:

Mayor Connie Leon-Kreps _____
Vice Mayor Eddie Lim _____
Commissioner Richard Chervony _____
Commissioner Stuart Blumberg _____

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

FINAL VOTES AT ADOPTION:

Mayor Connie Leon-Kreps _____
Vice Mayor Eddie Lim _____
Commissioner Richard Chervony _____
Commissioner Stuart Blumberg _____

2A(5)

DULY PASSED AND ADOPTED this _____ day of _____ 2012.

Connie Leon-Kreps
Mayor

ATTEST:

Yvonne P. Hamilton
City Clerk

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

City Attorney
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

City of North Bay Village Ordinance: Bay View Overlay

2A(6)



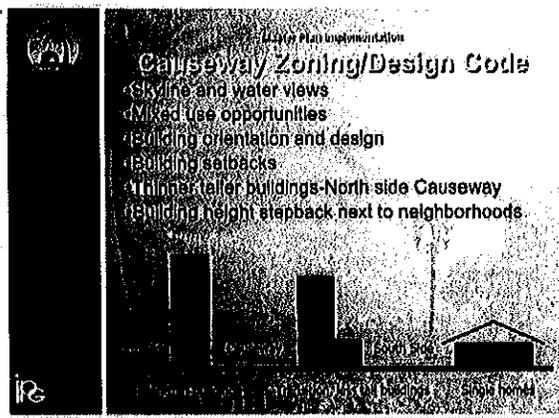
Memorandum

To: Planning & Zoning Board Members
From: James G. LaRue, AICP
Date: October 24, 2012
Subject: Consolidated Land Development Regulations Bay View Overlay Ordinance

Our office has received numerous inquiries about redevelopment opportunities within the City and especially commercial properties fronting along the Causeway. Currently, buildings on properties in the CG District are allowed to be built 240 feet in height by using the height bonus provisions within the RM-70 Zoning District. The height limit in the CL District is 130 feet and the bonus provisions are not available to development in this district. However, we have received inquiries concerning the possibilities of building higher and under what circumstances.

I have reviewed past City planning studies to determine what has been articulated as to the City's vision for its future redevelopment in terms of types of building and how they would look in the future when some of the older buildings are replaced on the Causeway. Many of the inquiries for redevelopment have been for combined commercial and residential as opposed to single use development.

I have been able to locate the City's Master Plan Charrette study prepared in 2007. As a part of that vision summary the concept of desiring taller and thinner buildings in the future on the north side of the Causeway is highlighted. This approach which came out of the charrette sessions emphasized a protection and framing of the bay and sky views to the north. It also called for a building height stepback or transition as you proceed from the north side to the south side of the Causeway. The drawing below illustrates the transition of tall and thin buildings on the north side of the Causeway, less height for the high rises fronting the south side of the Causeway, then dropping down in height for the neighborhood single family homes further south.



2A(7)

In an effort to implement the Charrette concept for future redevelopment in the City we are suggesting an Overlay District along the Kennedy Causeway emphasizing greater Biscayne Bay corridor views and taller thinner buildings. Since the Charrette is calling for graduated building elevations with the tallest being on the north side of the Causeway, and smaller buildings on the south side of the Causeway, our Overlay District is confined to commercial properties abutting the northern side of the Causeway and having northern Biscayne Bay access. (see pertinent excerpts of the Charrette)

The accompanying colored map shows the area included in the Overlay District. We have also provided sample sketches of how hypothetical properties, similar to properties within the proposed district might be developed under the proposed bonus provisions.

In determining the maximum height to be allowed under the Bay View Overlay District the present regulations must be reviewed. The current standard maximum height of a structure in the CG and CL Districts is 130 feet. When multi-family uses are allowed in the CG District, they are expected to meet the requirements of the RM-70 District. The maximum height in the RM-70 district is 150 feet with an additional 90 feet available via the building height bonus provisions of Sec. 152.029(C)(8) to a maximum of 240 feet.

We believe that limiting the Bay View Overlay bonus height to an additional 100 feet is appropriate. It is similar in scale to that of the 90-foot increase allowed under the RM-70 bonus height provisions and results in taller and thinner structures without approaching some of the more grand heights permitted in the downtown areas of larger metropolitan communities such as Miami.

A draft ordinance is included for your review which emphasizes the principles of the City's Master Plan Charrette. The lots of greater depth can accommodate more height by moving the buildings further back. For those parcels where the lot depth is more than 500 feet, building height could go a maximum of 100 feet over the current height limit of 240 feet (RM-70 restrictions applied to mixed use development). To achieve the extra height, an applicant must have approval for the maximum building height of 240 feet under the building height bonus provisions of Sec. 152.029(C) 8(A) – 8(F). Every portion of the building over 240 feet in height must be set back from the property line not less than the height of said portion of the building. Also, in order to preserve the Biscayne view corridors, for these properties of more than 500 feet in length, no part of any building higher than 240 feet can be closer to either side property line than a distance of 20% of the width of the parcel. (see sketch #1 of possible building outline)

Most of the commercial zoned parcels on the north side of the Causeway, and all of the parcels in the CL District, have lot depths less than 500 feet. They also would have to comply with an approval for the bonus height provisions to achieve 240 feet in height. The entire portion of a building greater than 240 feet in height for these parcels must be set back not less than 40 feet plus two feet for each foot of building height in excess of 240 feet. For any of these properties with buildings above 240 feet, no part of any part of any building on site may be closer to either side property line than a distance equal to 30% of the width of the lot line or the side yards together must total 60% of the width of the lot, provided the smallest side is not less than 20% of the width of the lot (see sketch #s 2, 3 and 4 of possible building outlines).



Our proposal includes properties in the CL District and this district does not now allow for application of the height bonuses afforded in the RM-70 District. If the City desires to include the CL District properties in the Bay View Overlay District, we suggest adding the following language under Sec. 152.031(C)(4), *Maximum building height*.

"When the provisions of the Bay View Overlay District are applied to a property in this zoning district, the bonus height provisions of Sec. 152.029(C)(8) shall apply."

As an added feature of the Bay View Overlay District developers will be rewarded if they fully screen the parking structure or design one that is not discernible from public view. If this is done the limitation of 4 floors of parking as per Sec. 152.029(C)(4) shall not apply.

Finally, this ordinance, which will be presented October 30th, is consistent with the City's Comprehensive Plan. It ensures that vital and practical redevelopment can take place in the future, protecting both the residents of the community and those wishing to develop.

cc: Dennis Kelly, City Manager
Yvonne Hamilton, City clerk
Kathryn Mehaffey, Assistant City Attorney



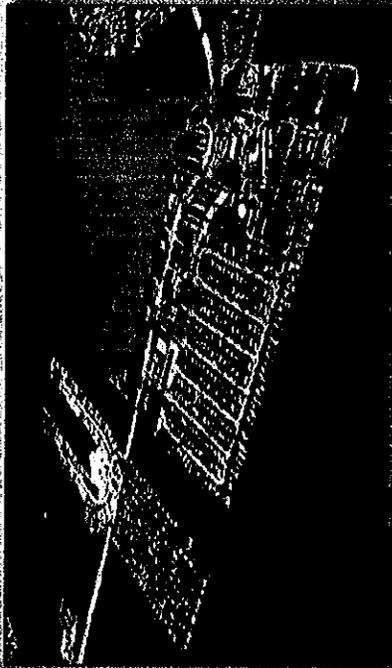
ATTACHMENTS



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2A (10)

City of North Bay Village Charrette Master Plan



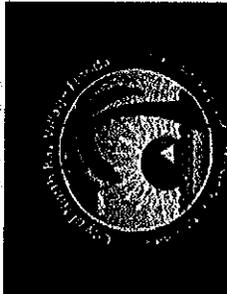
Implementation Phase

January 9th, 2007



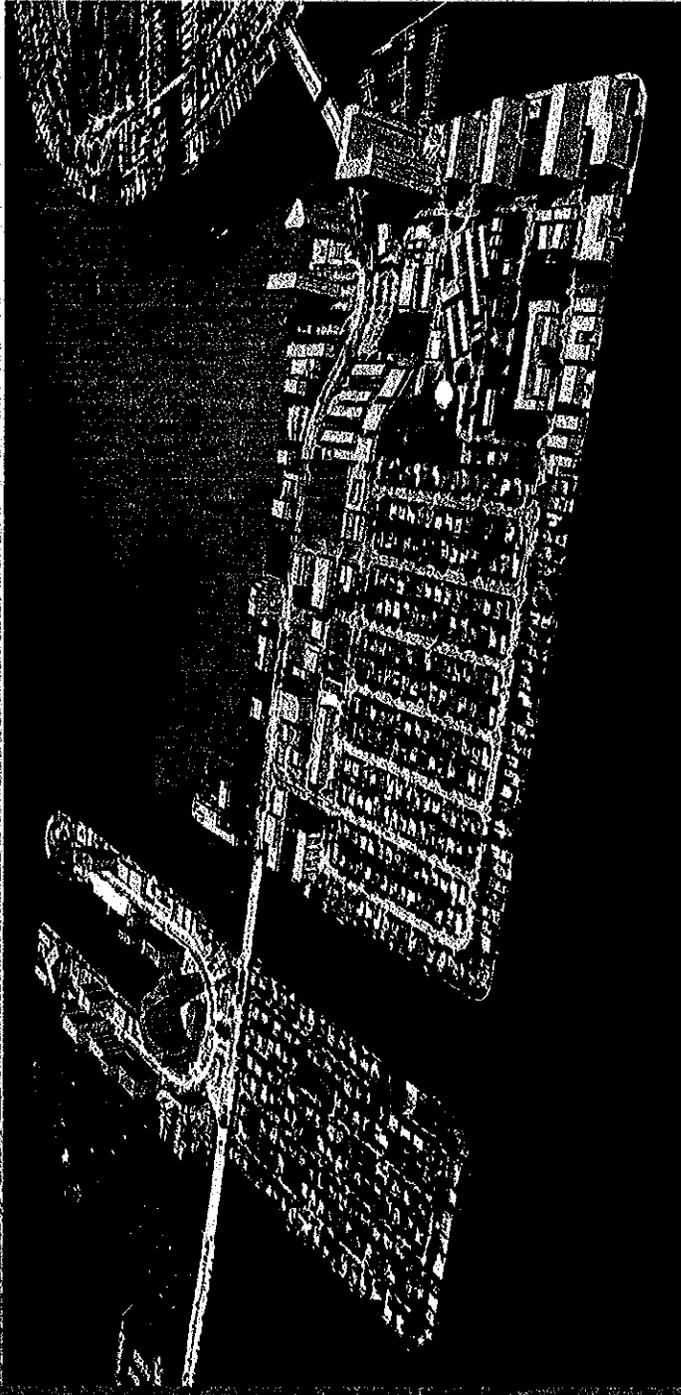
PLANNING GROUP

2A(11)



Master Plan Implementation

City-Wide Urban Form Framework



- Density
- Intensity
- Vision
- Architectural styles



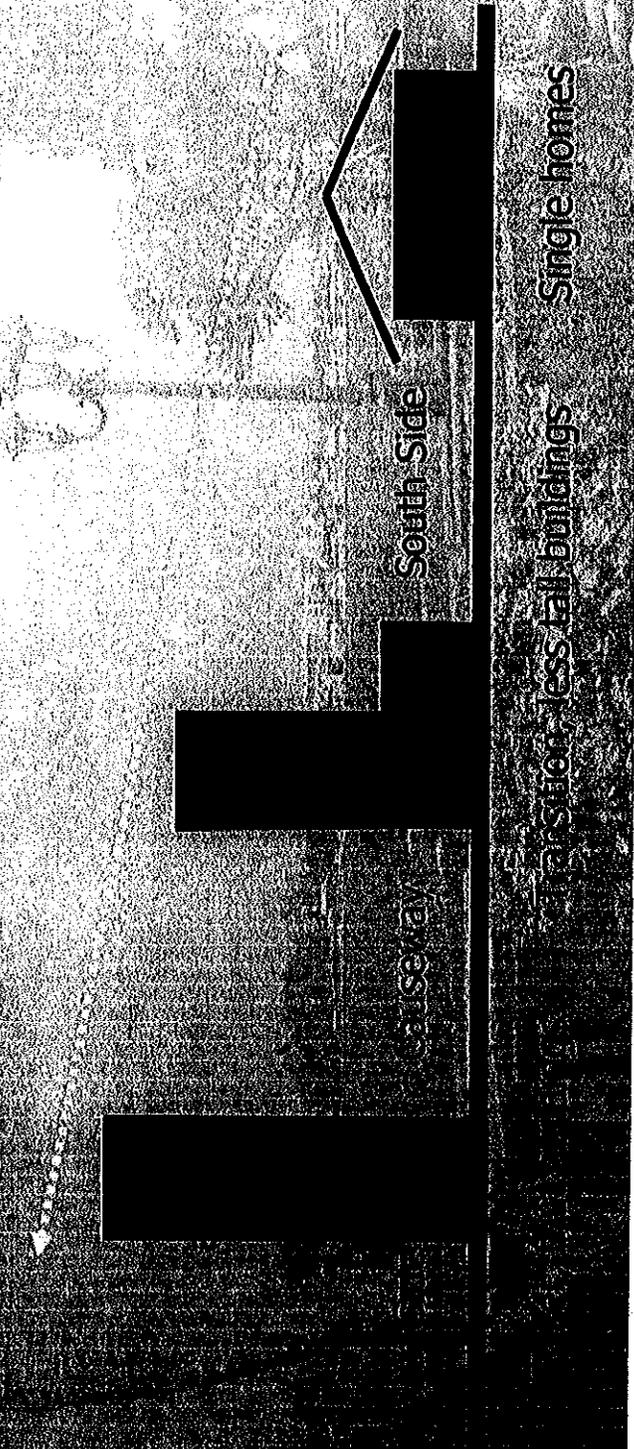
2A(12)



Master Plan Implementation

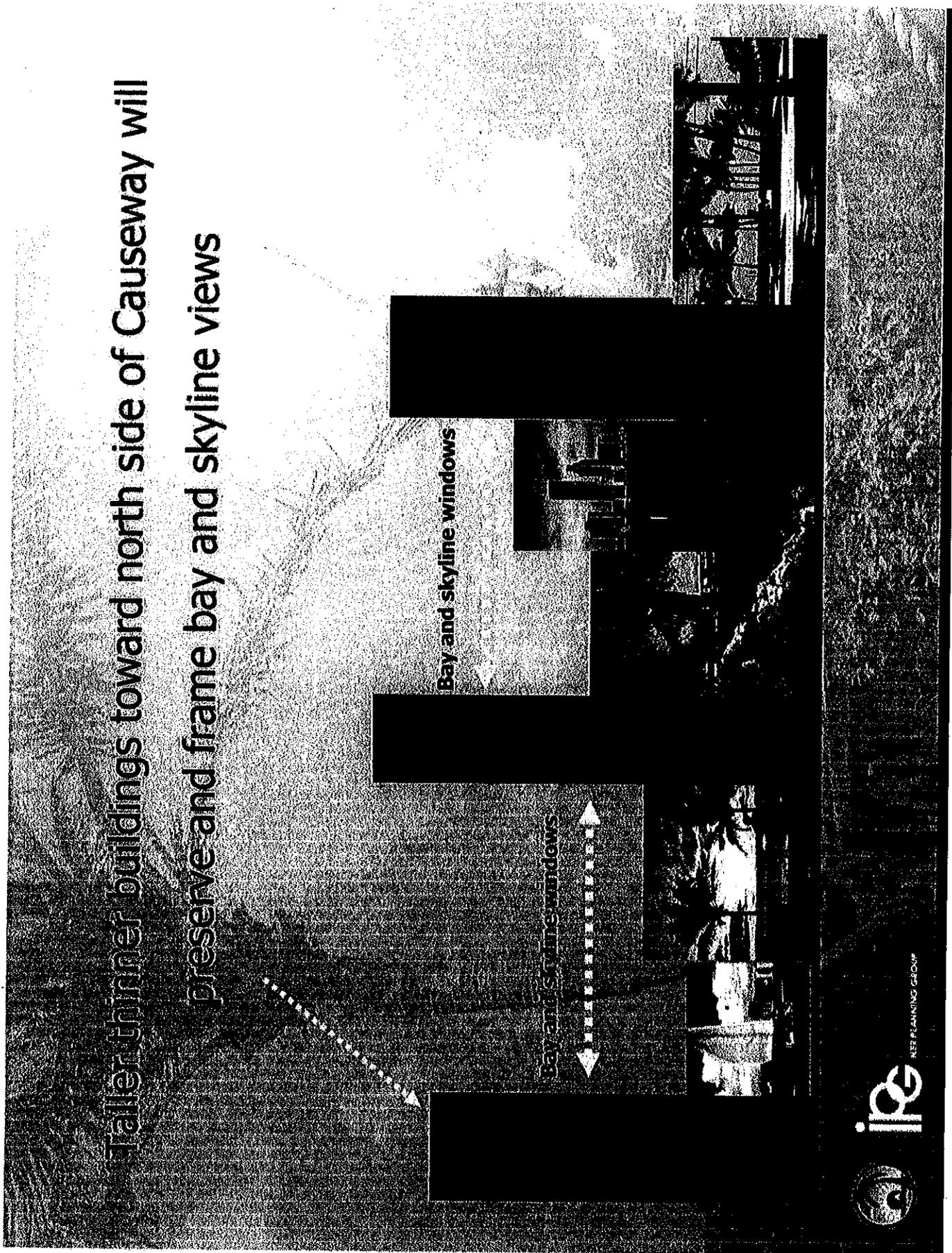
Causeway Zoning/Design Code

- Skyline and water views
- Mixed use opportunities
- Building orientation and design
- Building setbacks
- Thinner taller buildings-North side Causeway
- Building height setback next to neighborhoods



2A(13)

Taller, thinner buildings toward north side of Causeway will
preserve and frame bay and skyline views

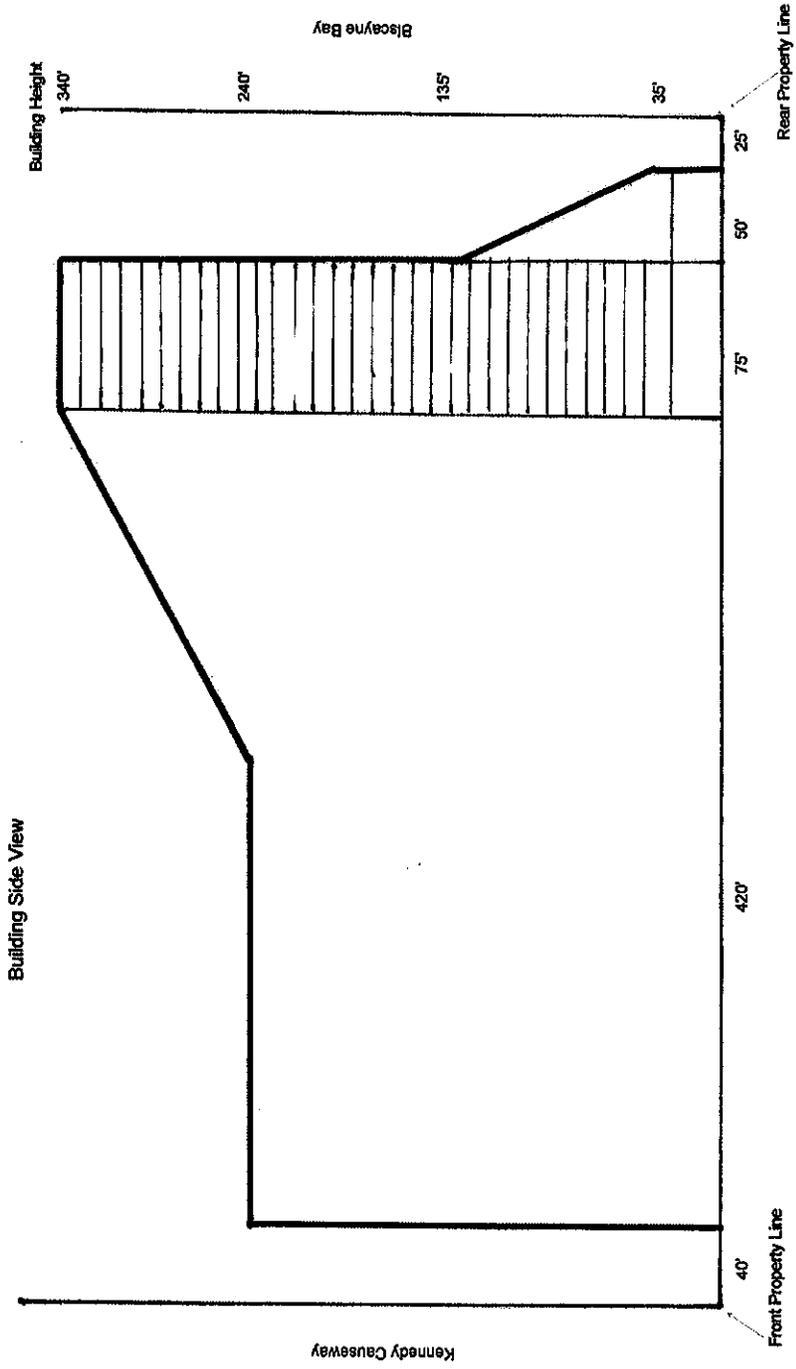
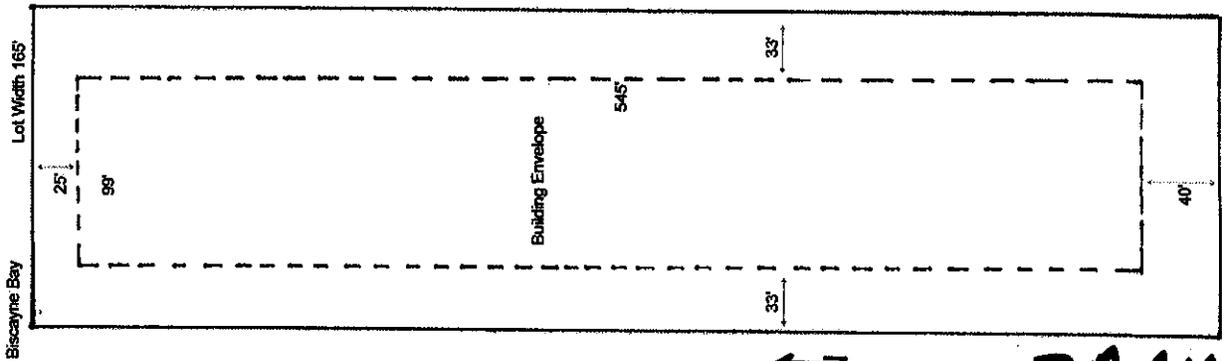


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REG. PLANNING GROUP

2A(14)

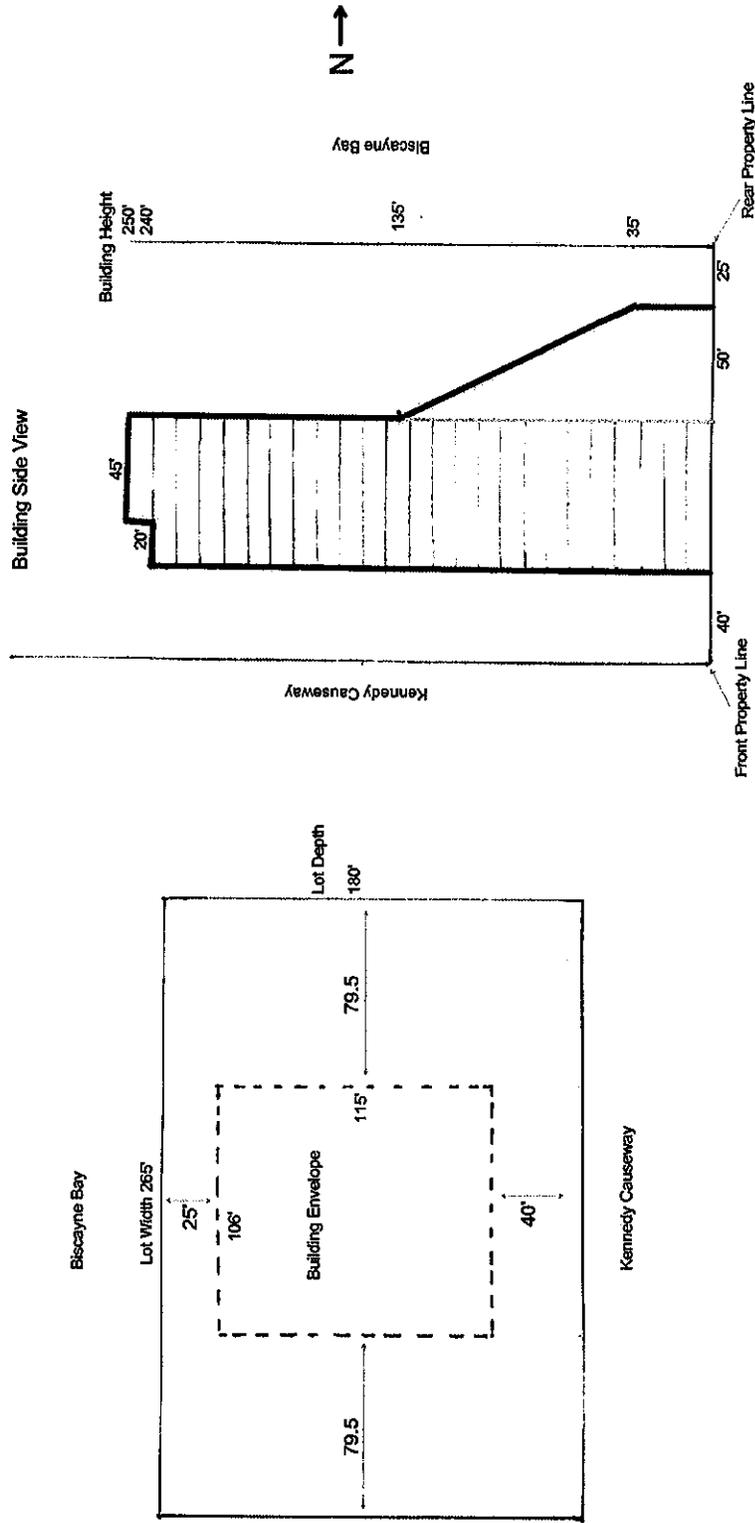
Sketch #1 Lot Depth 610' Lot Width 165'



Comments: The red line indicates the maximum possible outline of the building.

2A(16)

Sketch #2 Lot Depth 180' Lot Width 265'

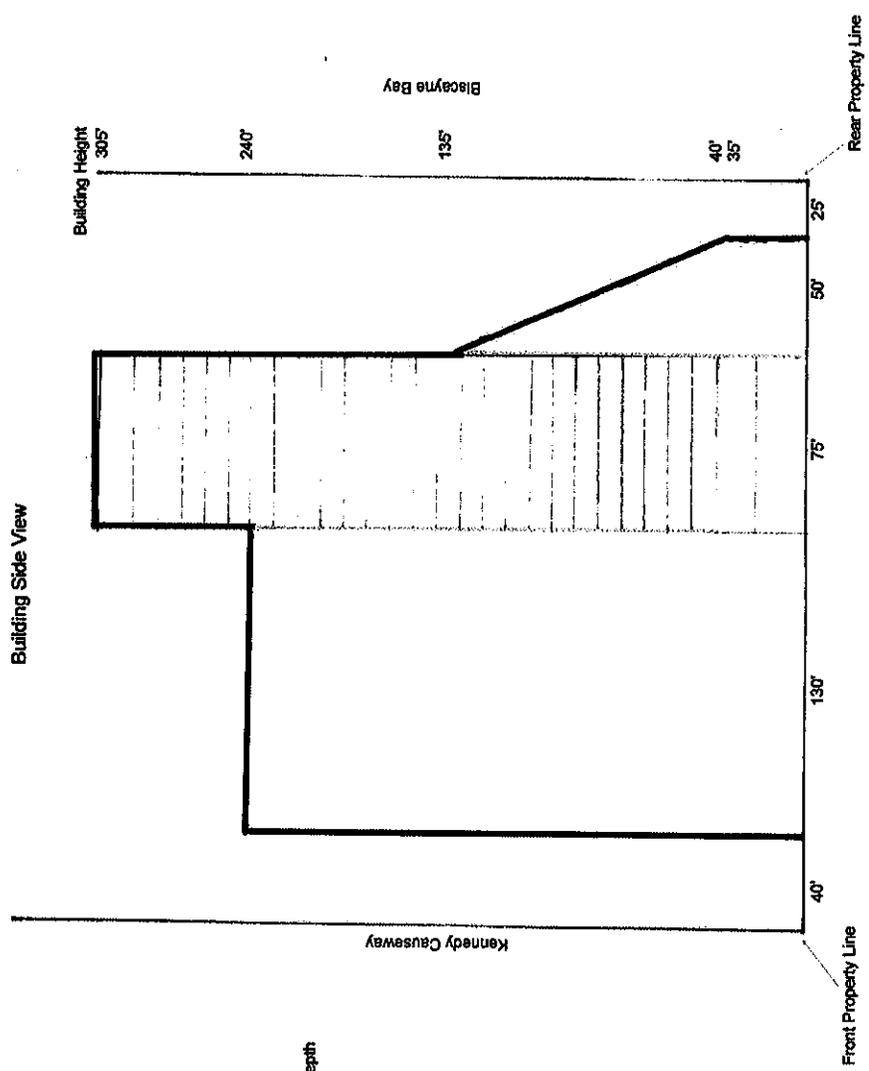
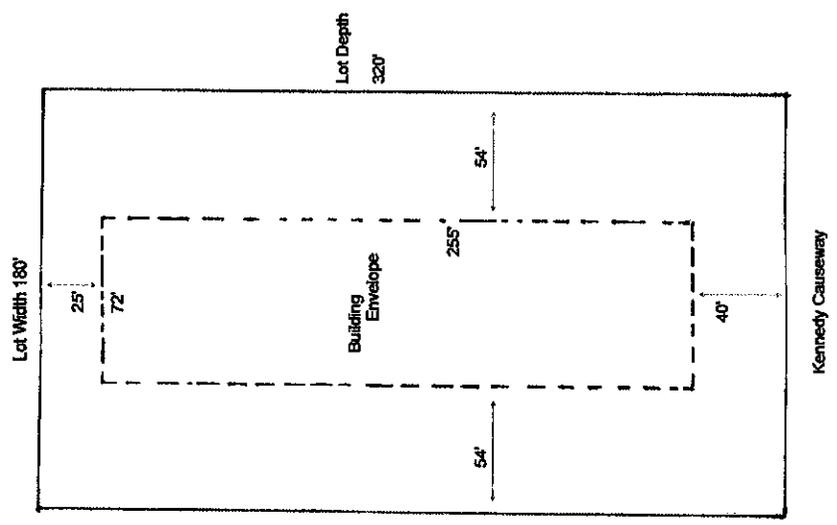


Comments: The red line indicates the maximum possible outline of the building.

2A(17)

Sketch #3 Lot Depth 320' Lot Width 180'

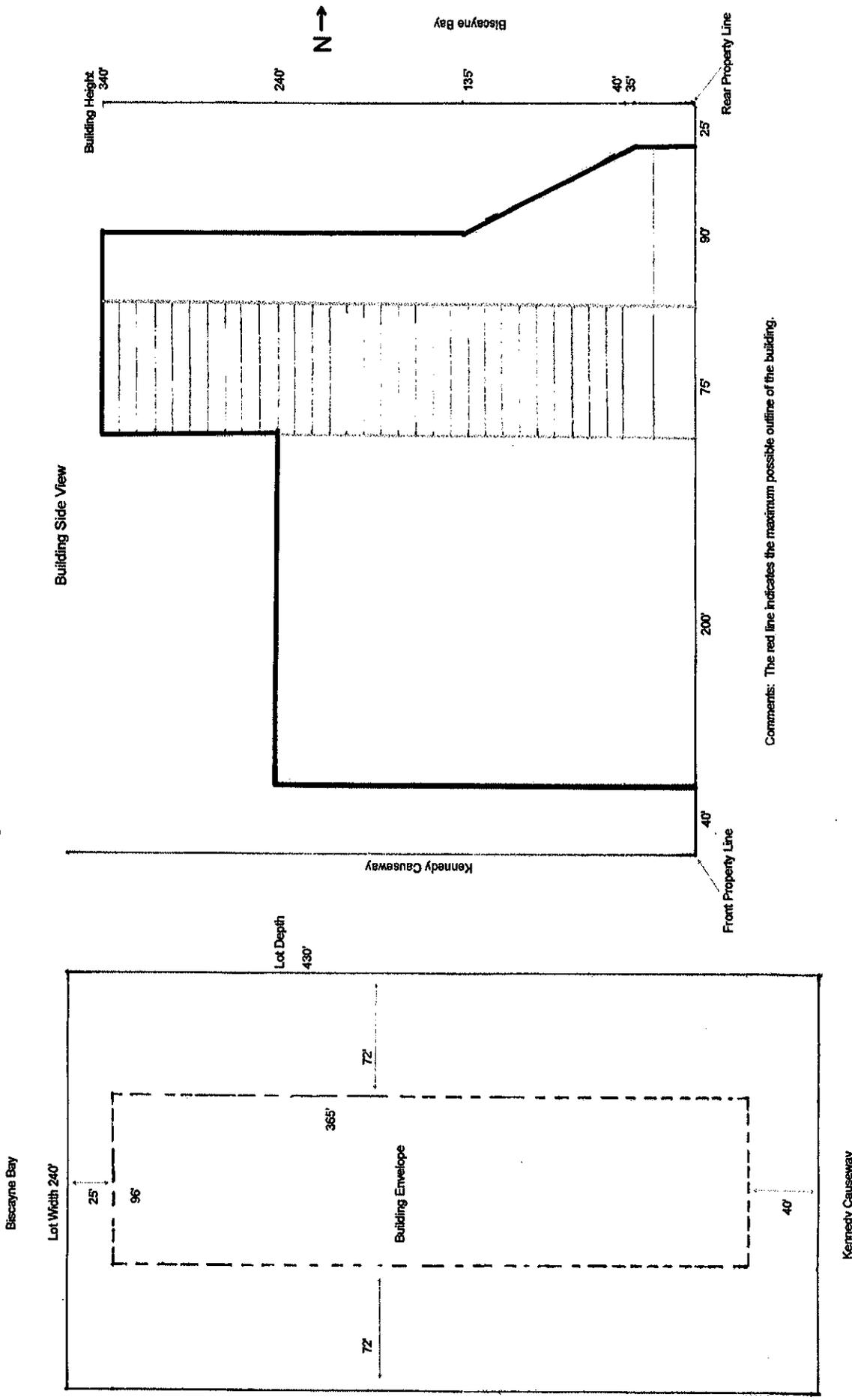
Biscayne Bay



Comments: The red line indicates the maximum possible outline of the building.

2A(18)

Sketch #4 Lot Depth 430' Lot Width 240'



Comments: The red line indicates the maximum possible outline of the building.

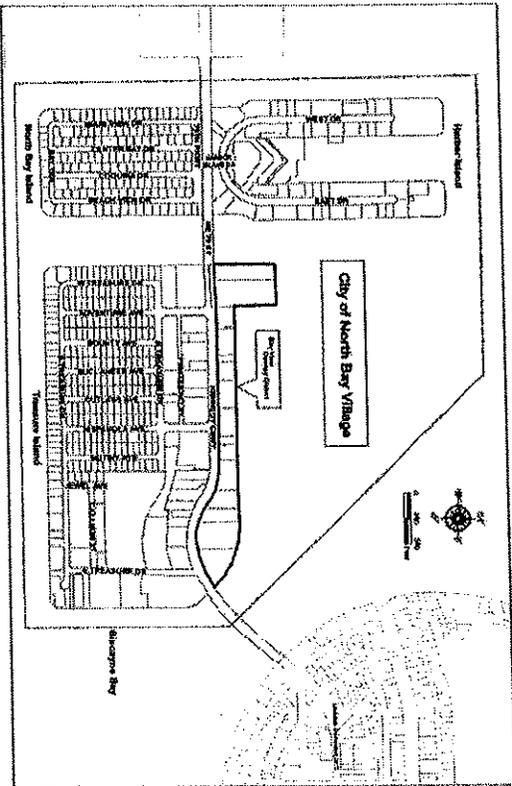
N ↑

2A(19)

CITY OF NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A SPECIAL MEETING ON **OCTOBER 30, 2012 AT 7:30 P.M., IN THE CITY COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY #132** NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING ORDINANCES ON FIRST READING AND SUBMIT A RECOMMENDATION TO THE CITY COMMISSION:

1. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 3 OF THE NORTH BAY VILLAGE CONSOLIDATED LAND DEVELOPMENT REGULATIONS, CODE OF ORDINANCES ENTITLED "LAND USE", BY AMENDING SECTION 3.4.2(D) RELATING TO DEVELOPMENT OF MIXED-USE COMMERCIAL AND MULTIFAMILY STRUCTURES WITHIN THE COMMERCIAL DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.
2. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY CREATING SECTION 152.032 ENTITLED "BAY VIEW OVERLAY (BVO) DISTRICT" TO ESTABLISH AND PROVIDE REGULATIONS FOR THE BAY VIEW OVERLAY DISTRICT; ZONING PROPERTIES AS SHOWN ON MAP 1 AND LEGALLY DESCRIBED IN EXHIBIT A AS "BAY VIEW OVERLAY DISTRICT" IN ADDITION TO THE EXISTING ZONING DESIGNATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.



INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE PLANNING & ZONING BOARD C/O THE BUILDING & ZONING CLERK, 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FL 33141. THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE CITY 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 CITY COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

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

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY CITY-SPONSORED PROCEEDING, PLEASE CONTACT (305) 604-2489 (VOICE) OR (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
CITY CLERK

(October 11, 2012)

2A(20)



Memorandum

To: Planning & Zoning Board Members
From: James G. LaRue, AICP
Date: October 22, 2012
Subject: Consolidated Land Development Regulations Glitch Revision

Recently, as your City's Planning and Zoning Official we have had numerous inquiries about development or redevelopment for commercial properties along the Causeway. In reviewing the City's Consolidated Land Development Regulations there are some unclear sections governing residential and commercial development (mixed use) on commercial properties. Specifically, see Section 3.4.2(b) below:

- (b) *Special uses permitted within the commercial district.* The following uses shall be permitted upon approval of the city commission in accordance with the provisions pertaining to use exceptions:
- (1) General educational facilities.
 - (2) Fast order food establishments.
 - (3) Multi-family dwellings, provided they conform with all site development standards as set forth under high density residential in Table 5-1. Where duplication or conflicts may appear between the requirements of the general commercial and the high density residential district, the more restrictive shall apply.

Subsection (b) 3 seems to limit mixed use development by stating that the most restrictive regulations of the separate zoning districts would prevail in any mixed use development. This probably wasn't meant to apply to such areas as height, and/or setbacks for a building with combined commercial and residential uses but it is confusing and seems to be in conflict with the City's Chapter 152 zoning provisions.

We have drafted an ordinance that eliminates this potential conflict. It is consistent with the intent of your Comprehensive Plan and we will review it with you at our October 30th meeting.

cc: Dennis Kelly, City Manager
Yvonne Hamilton, City clerk
Kathryn Mehaffey, Assistant City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 3 OF THE NORTH BAY VILLAGE CONSOLIDATED LAND DEVELOPMENT REGULATIONS, CODE OF ORDINANCES ENTITLED "LAND USE", BY AMENDING SECTION 3.4.2(b) RELATING TO DEVELOPMENT OF MIXED-USE COMMERCIAL AND MULTIFAMILY STRUCTURES WITHIN THE COMMERCIAL DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY)

WHEREAS, the City of North Bay Village (the "City") has long permitted the development of mixed-use commercial and multifamily structures in the City's commercial zone, following the public hearing approval of a use exception; and

WHEREAS, Section 152.030 of the Code of Ordinances for the City of North Bay Village (the "City Code") provides the relevant standards governing the development of mixed-use commercial and multifamily structures in the City's General Commercial ("CG") zone; and

WHEREAS, Section 152.030(C)(3) of the City Code requires any mixed-use commercial and multifamily structures in the CG zone to comply with the standards of City Code Section 152.029; and

WHEREAS, the City's Consolidated Land Development Regulations serve as the companion and supplementary standards to the City Code; and

WHEREAS, due to an oversight during the drafting of the Consolidated Land Development Regulations, an inconsistency was created between the standards applied to residential or mixed-use development in the City's commercial zone in the Land Development Regulations and the standards of the City Code; and

WHEREAS, the Consolidated Land Development Regulations have not been amended to reflect subsequent changes made to the City Code; and

WHEREAS, the City has determined it is necessary to amend the Consolidated Land Development Regulations in order to make them consistent with the standards of the City Code and to encourage the orderly development of the City.

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND CITY COMMISSION OF THE CITY 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. City Code Amended. Section 3.4.2(b) "Special uses permitted within the commercial district" of the City of North Bay Village Consolidated Land Development Regulations is hereby amended to read as follows¹:

§ 3.4.2 — Commercial

* * *

(b) *Special uses permitted within the commercial district.* The following uses shall be permitted upon approval of the city commission in accordance with the provisions pertaining to use exceptions:

* * *

(3) Multifamily dwellings whether or not accompanied by non-residential uses shall be required to conform with all site development standards as set forth under Section 152.029(C) of the Zoning Regulations for the City of North Bay Village. , provided they conform with all site development standards as set forth under high density residential in Table 5-1. Where duplication or conflicts may appear between the requirements of the general commercial and the high density residential district, the more restrictive shall apply. Non-residential uses located on the same parcel as multifamily dwellings shall not be subject to the requirements of § 3.4.1.

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

¹ Additions to existing City Code text are shown by underline; deletions from existing City Code text are shown by ~~strikethrough~~.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and, if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, and they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. That it is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City 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. That this Ordinance shall be effective immediately upon adoption on second reading.

APPROVED ON FIRST READING during a regular session of the City Commission of North Bay Village this ____ day of _____.

The Votes were as follows:

Mayor Connie Leon-Kreps _____
Vice Mayor Eddie Lim _____
Commissioner Richard Chervony _____
Commissioner Stuart Blumberg _____

A motion to adopt the foregoing Ordinance on final reading was offered by _____, seconded by _____

FINAL VOTES AT ADOPTION:

Mayor Connie Leon-Kreps _____
Vice Mayor Eddie Lim _____
Commissioner Richard Chervony _____
Commissioner Stuart Blumberg _____

PASSED AND ENACTED by the City Commission of North Bay Village, Florida, this ___ day of _____.

Connie Leon-Kreps
Mayor

Yvonne Hamilton, City Clerk, CMC

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

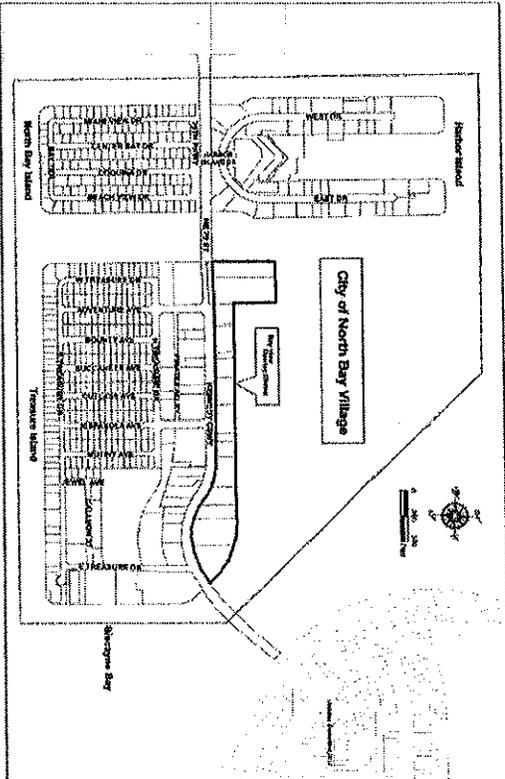
**City Attorney
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.**

City of North Bay Village Ordinance: Amendment to Section 3.4.2(b) of the Consolidated Land Development Regulations

CITY OF NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A SPECIAL MEETING ON **OCTOBER 30, 2012 AT 7:30 P.M., IN THE CITY COMMISSION CHAMBERS AT 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FLORIDA.** DURING THIS MEETING, THE BOARD WILL CONSIDER THE FOLLOWING ORDINANCES ON FIRST READING AND SUBMIT A RECOMMENDATION TO THE CITY COMMISSION:

1. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 3 OF THE NORTH BAY VILLAGE CONSOLIDATED LAND DEVELOPMENT REGULATIONS, CODE OF ORDINANCES ENTITLED "LAND USE", BY AMENDING SECTION 3.4.2(b) RELATING TO DEVELOPMENT OF MIXED-USE COMMERCIAL AND MULTIFAMILY STRUCTURES WITHIN THE COMMERCIAL DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.
2. AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY CREATING SECTION 152.032 ENTITLED "BAY VIEW OVERLAY (BVO) DISTRICT" TO ESTABLISH AND PROVIDE REGULATIONS FOR THE BAY VIEW OVERLAY DISTRICT; ZONING PROPERTIES AS SHOWN ON MAP 1 AND LEGALLY DESCRIBED IN EXHIBIT A AS "BAY VIEW OVERLAY DISTRICT" IN ADDITION TO THE EXISTING ZONING DESIGNATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.



INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE PLANNING & ZONING BOARD C/O THE BUILDING & ZONING CLERK, 1700 KENNEDY CAUSEWAY, #132, NORTH BAY VILLAGE, FL 33141. THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE CITY CLERK DURING REGULAR WORKING HOURS. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0106, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE CITY COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

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

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSONS WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY CITY-SPONSORED PROCEEDING, PLEASE CONTACT (305) 604-2489 (VOICE) OR (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC

CITY CLERK

(October 11, 2012)

28(6)