



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**

TUESDAY, MAY 29, 2012 – 7:30 P.M.

NOTICE IS HEREBY 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. **A REQUEST BY MIGUEL FORNELLA FOR A SPECIAL USE EXCEPTION UNDER SECTION 152.098 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES FOR THE OPERATION OF A JET SKI RENTAL BUSINESS AT THE COMMERCIAL MARINA AT 7904 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA.**
 - 1.) **Board Recommendation**
 - B. **AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES ENTITLED "ZONING" BY REVISING SECTION 152.111 PERTAINING TO ADULT ENTERTAINMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**
 - 1.) **Board Recommendation**

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

Commissioner
Dr. Paul Vogel

C. DISCUSSION REGARDING YOUTH SERVICE MASTER PLAN

3. APPROVAL OF MINUTES

A. REGULAR MEETING – APRIL 17, 2012

1.) Board Action

4. ADJOURNMENT



Staff Report Special Use Exception Request

*Prepared for: The City of North Bay Village
Planning & Zoning Board*

Applicant: Miguel Fornella

*Request: Operate Jet Ski Business from the Marina
located at 7904 West Drive*



Serving Florida Local Governments Since 1988

2A(1)

General Information

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

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

Legal Description of Subject Property:

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

Item before the Planning & Zoning Board:

The application to be heard before the Planning & Zoning board is for a special use exception, the operation of a jet ski tour/rental business from the marina located at 7904 West Drive.

Description of the Situation

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

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

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



Adjacent Future Land Use Map Classifications and Zoning Districts

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

Consistency with the Comprehensive Plan:

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

2A(3)



Consistency with Land Development Code (LDC):

1. Consistency between the LDC and Comprehensive Plan

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

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

"§ 152.098 - Use exceptions.

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

2A(4)



3. Potential Impacts Upon Adjacent Properties.

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

2A(5)



Recommendation:

Based upon the foregoing analysis and findings, Staff recommends that the application be **approved** with the following stipulations:

1. Access to the jet skis and to the marina must be provided without restrictions. To avoid conflicts with the condominium residents on site there should be written authorization from the condominium association allowing access to the marina for the special use exception.
2. Fueling or refueling the jet skis cannot be done by hand on-site but must be done only at an authorized or permitted fueling station consistent with Section 150.12(D).
3. The hours of operation shall be confined to 10:00 am to 6:00 pm.
4. Parking shall be three spaces including two currently existing for the marina.
5. When jet skis are on-site and not in use, they shall remain secured in a manner which deters theft and prevents harm to the jet skis, docks and other vessels.

Submitted by:

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

May 22, 2012

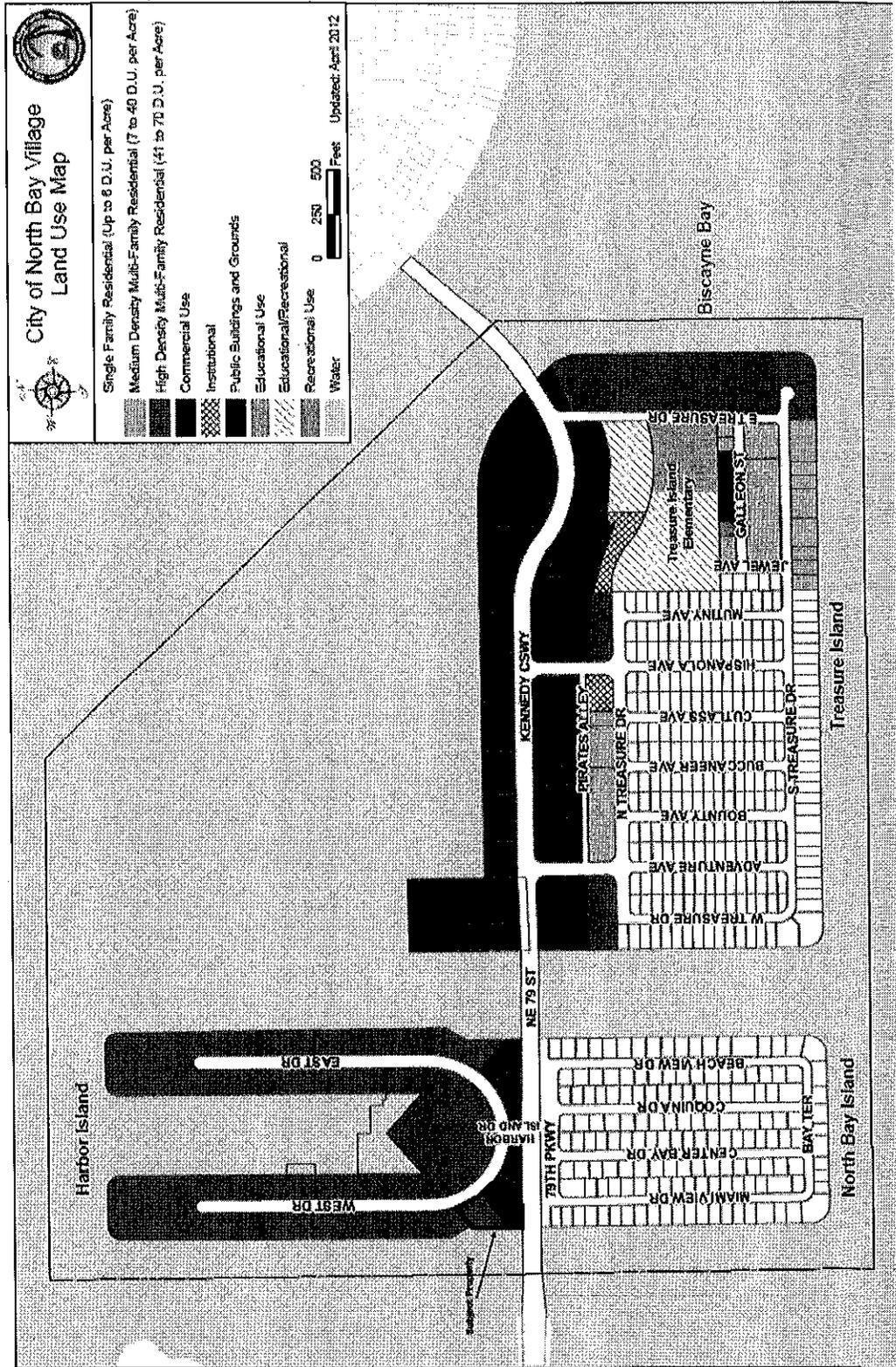
Hearing: Planning & Zoning Board, May 29, 2012

Attachments: Future Land Use Map
Zoning Map
Aerial photographs
Appendix: Code of Ordinances
Application

2A(6)



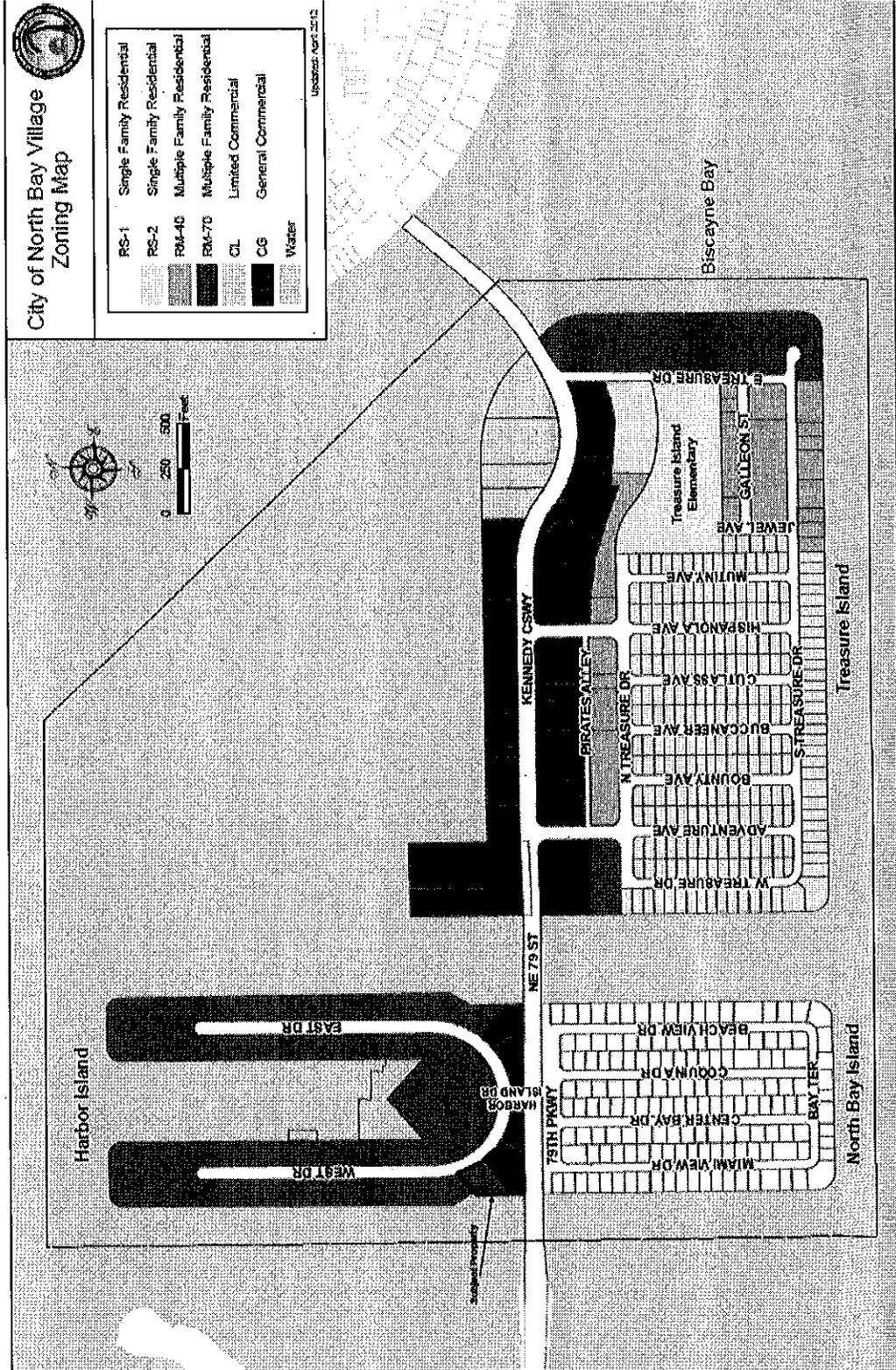
**FUTURE LAND USE
 SUBJECT SITE AND ENVIRONS**



2A(7)



**ZONING
SUBJECT SITE AND ENVIRONS**



2A(8)



**AERIAL PHOTOGRAPHS
SUBJECT SITE AND ENVIRONS**



miamidade.gov

Property Information Map



Aerial Photography - 2009

This map was created on 5/1/2012 9:35:03 AM for reference purposes only.
Web Site © 2002 Miami-Dade County. All rights reserved.

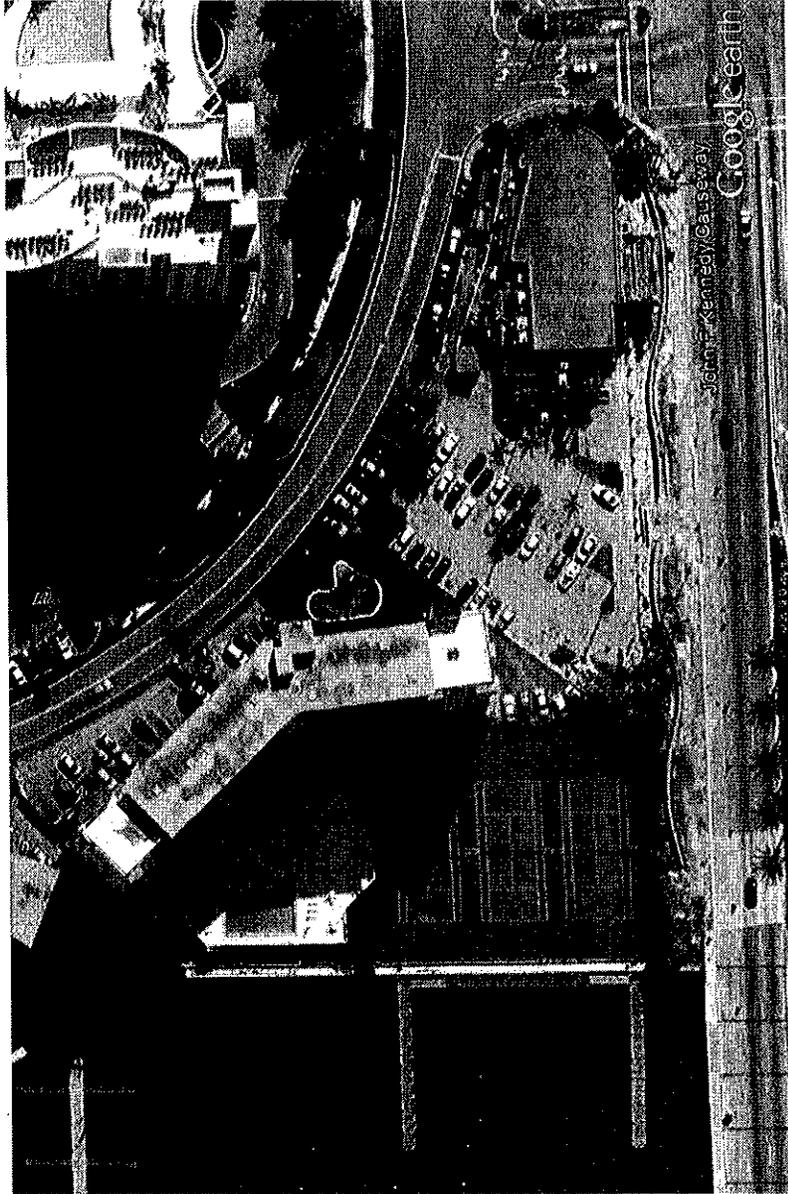
Summary Details:	
Folio No.:	23-3209-026-0001
Property Mailing Address:	REFERENCE ONLY
Property Information:	
Primary Zone:	S200 ARTERIAL BUSINESS
CLIC:	0000 REFERENCE ONLY
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Agri Sq Footage:	0
Lot Size:	0
Year Built:	0
Legal Description:	BAYSHORE YACHT & TENNIS CLUB CONDO DESC HARBOR ISLAND PB 44-72 LOTS 4 & 6 OR 10273-191
Assessment Information:	
INFORMATION NOT AVAILABLE	

2A(9)



Staff Report
Special Use Exception Request

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

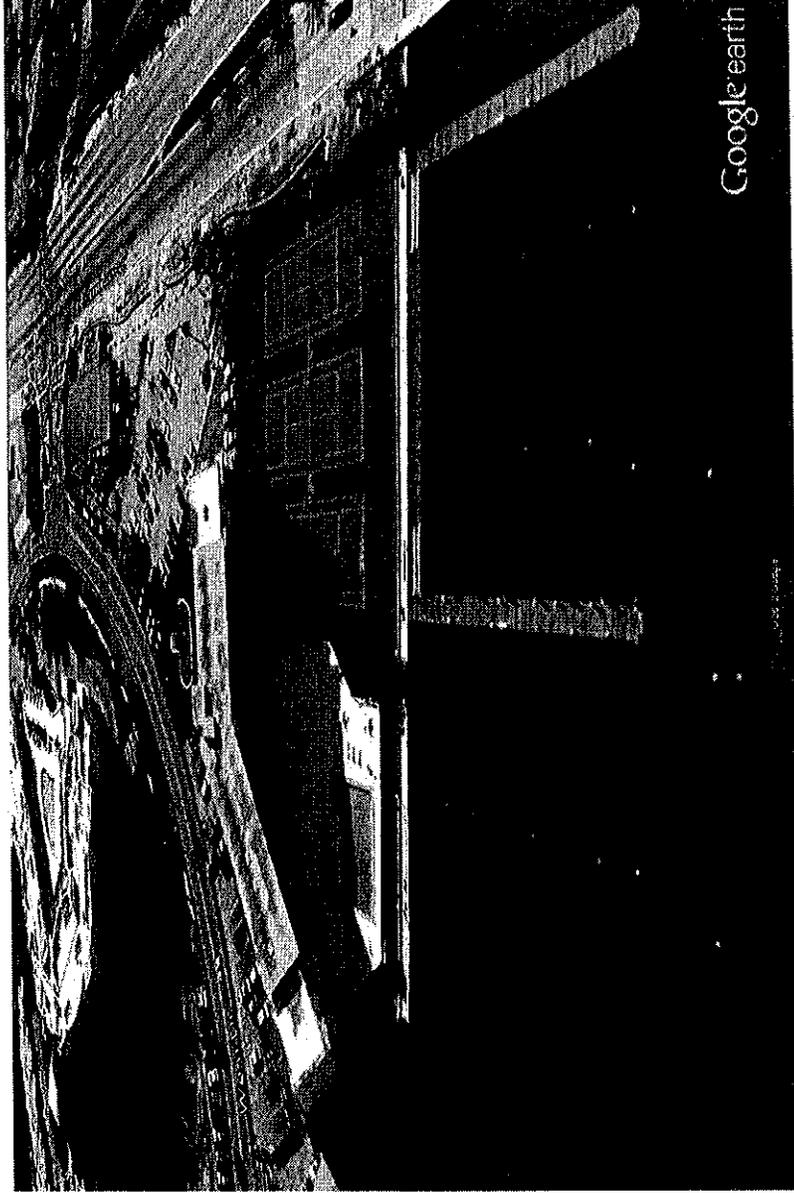


2A(14)



Staff Report
Special Use Exception Request

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



2A(11)



Appendix
Code of Ordinances



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

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

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

FOOTNOTE(S):

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

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

GENERAL PROVISIONS

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

§ 150.01 - Definitions.

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

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

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

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

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

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

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

2A(13)

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

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

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

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

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

§ 150.02 - Enforcement.

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

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

§ 150.03 - Operation of aircraft.

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

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

Cross reference— Penalty, see § 150.99.

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

DOCKS, PIERS, AND OTHER STRUCTURES

§ 150.10 - Private docks (including seawalls).

§ 150.11 - Construction; structural alteration.

§ 150.12 - Marinas.

§ 150.13 - Seawall maintenance and enforcement.

§ 150.10 - Private docks (including seawalls).

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

2A(14)

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

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

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

Cross reference— Penalty, see § 150.99.

§ 150.11 - Construction; structural alteration.

- (A) No person, firm, or corporation shall construct, reconstruct, or repair any docks, piers, dolphins, wharfs, pilings, similar structures of any kind more than twenty-five (25) feet perpendicular from the seawall or shoreline into any waterway within the corporate limits of the city. Provided however, if construction of a docking facility is prevented by the requirement of federal, state or preemptive local environmental laws, rules and regulations (laws) whereby in order to obtain a permit for construction of a docking facility, it is necessary to exceed the same more than twenty-five (25) feet perpendicular from the seawall or shoreline, the docking facility may be constructed such distance from the seawall or shoreline as may be required in order to comply with such laws by obtaining a waiver from the City Commission in accordance with subsection (G), provided further, however the furthestmost distance seaward from the seawall or shoreline shall not exceed seventy-five (75) feet including all dolphins or pilings installed beyond the seaward most line of the dock or pier but not including required rip-rap.
- (B) Plans and specifications for construction, reconstruction, or repair of docks, piers, dolphins, wharfs, pilings, or similar structures shall comply with all provisions of the City Code, shall be approved by the City Manager, and shall be kept permanently in the records of the city. Repair or reconstruction may be made in accordance with the original plans.
- (C) No dock, pier, wharf, dolphin, piling, or similar structure shall be erected in the city unless the structure is set back at least seven and one-half feet from the lot line on each side; and the structure shall not exceed five (5) feet above ground level, except a joint or "party" dock may be permitted on the property line if approved by the City Commission.
- (D) No person, firm, or corporation shall build, maintain, extend, or make any structural alteration on any building, dock, pier, dolphin, wharf, piling, bulkhead, seawall, or similar structure in, upon, or over the waters adjacent to Harbor Island, Treasurer Island, North Bay Island, and Cameo Island within the corporate limits of the city, or do any filling, excavating, or dredging in the waters without first obtaining a written permit to do so from the City Manager.
- (E) Application for any permit or the transfer of any permit required by this section shall be made to the City Manager in writing on forms provided therefore. The permit shall constitute an agreement by the applicant to comply with all conditions imposed upon granting of the permit. The application shall be accompanied by plans and specifications setting forth in detail the work to be done.
- (F) All applications for construction or structural alterations of any building, dock, pier, dolphin, wharf, piling, bulkhead, seawall, or similar structure in, upon, or over the waters within the corporate limits of the city shall require the approval of the City Commission after a public hearing. During the public hearing the City Commission shall consider safety and compatibility as criteria for approving the application.
- (G) Notwithstanding the provisions of paragraph (F), if an applicant seeks a dock or pier length greater than twenty-five (25) feet, the City Commission shall additionally consider the following criteria to determine if a waiver shall be granted:
- (I) If Miami Dade Department of Environmental Management has required specific depth or

2A(15)

- location criteria; and
- (ii) If the Applicant has provided to the City notarized letter(s) of consent from adjoining riparian property owners, and
 - (iii) If the City has received any letter(s) of objection from adjoining riparian property owners; and
 - (iv) Any other factors relevant to the specific site.
- (H) The City Commission may deny, approve, or modify the request and/or impose conditions in the permit, pursuant to paragraph (F), or granting of a waiver, pursuant to paragraph (G), which it deems necessary to protect the waterways of the City in accordance with the public safety and the general welfare. The requirement of approval by the City Commission shall not include applications for repair of existing structures.
- (I) A public hearing held pursuant to this Section shall be quasi judicial and follow the hearing procedures provided in Section 29.02 of the Code.
- (J) Nothing contained in this section shall be construed or apply to prohibiting repair or reconstruction or otherwise limiting those structures which exist at the time of adoption of this section, however, the provisions of subsections (D) and (E) above shall be complied with.

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

Cross reference— Penalty, see § 150.99.

§ 150.12 - Marinas.

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

2A(16)

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

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

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

Cross reference— Penalty, see § 150.99.

§ 150.13 - Seawall maintenance and enforcement.

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

2A(17)

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

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

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

BOATS, VESSELS, AND HOUSEBOATS

§ 150.15 - Adoption of state law.

§ 150.16 - Boat registration and permitting.

§ 150.17 - Business operations prohibited; exception.

§ 150.18 - Houseboats and floating homes.

§ 150.19 - Pollution control; sanitation.

§ 150.20 - Hurricane and storm regulations.

§ 150.21 - Removal of wrecks and debris.

§ 150.99 - Penalty.

§ 150.15 - Adoption of state law.

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

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

§ 150.16 - Boat registration and permitting.

(A) All boats, barges, or vessels of any kind attempting to moor or dock within the City, for the purposes of temporary storage, construction or materials storage must first obtain a Boat Mooring permit. A Boat Mooring permit application shall be submitted to the City, on forms prepared by the City Manager, together with a Boat Mooring Permit application fee as established by the City Commission by ordinance to cover the application review and permit. The Boat Mooring application shall include, at a minimum, the following information:

- (1) The name, address and contact phone number for the real property owner where the vessel is docked, moored or parked;

2A(18)

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

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

Cross reference— Penalty, see § 150.99.

§ 150.17 - Business operations prohibited; exception.

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

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

Cross reference— Penalty, see § 150.99

§ 150.18 - Houseboats and floating homes.

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

2A(19)

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

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

Cross reference— Penalty, see § 150.99.

§ 150.19 - Pollution control; sanitation.

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

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

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

Cross reference— Penalty, see § 150.99.

§ 150.20 - Hurricane and storm regulations.

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

2A(2A)

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

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

Cross reference— Penalty, see § 150.99.

§ 150.21 - Removal of wrecks and debris.

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

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

§ 150.99 - Penalty.

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

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

2A(21)

§ 152.030 - CG General Commercial District.

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

2A(22)

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

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

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

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

2A(23)

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

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

2A(24)

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

- (g) The storage of up to ten rental trailers or automobiles is permitted, provided that the trailers or automobiles are backed up against a six-foot high wall, and located not less than 20 feet from any sidewalk, street, or driveway.
- (h) Car washes are permitted as an ancillary use subject to being located 200 feet from residential uses and subject to hours of operation.
- (i) Trash shall be stored in areas shielded from public view. Storage trash containers shall be enclosed and covered.
- (j) Any lights provided to illuminate or advertise the service station, shall be installed and maintained in a manner so as not to create an undue glare on adjacent properties.
- (k) Structures shall not occupy more than 30 percent of the total lot area.
- (l) Driveways shall be permitted at the intersections of primary and secondary arterials, provided the construction of driveway entrances is within the curb return, but shall be at least five feet beyond the end of the curb return. At all intersections, whenever possible, combine driveways servicing both service station and adjacent uses, shall be designated and provided.
- (m) Planter areas and tree wells shall be constructed and equipped with irrigation and drainage facilities and landscaped prior to final building inspection.
- (n) Whenever the use abuts a residential district, a wall shall be erected along the property line eight feet in height.
- (o) Service stations shall not be permitted within 300 feet of the property line of any church, synagogue, hospital, and school.
- (p) No more than four service stations shall be permitted within the City at any one time.
- (6) Theaters for the showing of motion pictures shall provide no less than 400 fixed seats. When the theater is to be used solely for activities of a performing art, or an event of a cultural or civic nature, a lesser number of seats may be required by the Commission.
- (7) Yacht clubs, provided they have a minimum of 150 feet of water frontage and no main building is less than 4,000 square feet in gross floor area.
- (D) *Site development standards.*
 - (1) Minimum lot size:
 - Area—10,000 square feet
 - Frontage—75 feet
 - (2) Minimum yard setbacks:

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

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

2A(25)

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

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

Cross reference— Penalty, § 152.999.

2A(26)

§ 152.044 - Minimum space requirements.

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

- (A) *Residential uses.*
- (1) Single-family: Two (2) spaces for each dwelling unit.
 - (2) Multifamily: One and one-half (1.5) space for each efficiency unit, two (2) parking spaces for one and two-bedroom units, and three (3) parking spaces for three-bedroom units or larger and two-bedroom units, which contain an enclosed den or other space convertible to a bedroom plus an additional ten (10) percent of the total number of required spaces for guest parking, which shall be identified as such.
 - (3) Hotels, motels, and other tourist accommodations: One (1) space for each rental sleeping unit, plus an additional ten (10) percent of the total number of required spaces.
- (B) *Commercial uses.*
- (1) Banks and financial institutions: One (1) space for each three hundred (300) feet of gross floor area, plus sufficient area for eight (8) stacking spaces for each drive-thru window. Drive-thru lanes shall be designed so as to be totally separated from required off-street parking spaces and driveways.
 - (2) Business, vocational, and trade schools: One (1) space for each one hundred (100) square feet of gross floor area.
 - (3) Lodges, fraternal organizations, and union halls: One (1) space for each one hundred (100) square feet of gross floor area.
 - (4) Offices (business, professional, medical, dental, or clinic): One (1) space for each three hundred (300) square feet of gross floor area.
 - (5) Personal service establishments (dry cleaners, laundromats, exercise studios, and other similar uses): One (1) space for each two hundred (200) square feet of gross floor area.
 - (6) Repair service establishments (shoes, watches, appliances, and other similar uses): One (1) space for each two hundred (200) square feet of gross floor area.
 - (7) Restaurants, lounges, and nightclubs: One (1) space for each seventy-five (75) square feet of customer service area.
 - (8) Retail sales establishments: One (1) space for each two hundred (200) square feet of gross floor area, plus sufficient area for four (4) stacking spaces for every drive-thru window. Drive-thru lanes shall be designed so as to be totally separated from required off-street parking spaces and driveways.
 - (9) Service stations: Three (3) spaces, plus three (3) spaces for every service bay.
 - (10) Theaters (motion picture): One (1) space for each three (3) seats or other accommodations provided.
 - (11) Vehicle sales, rental, repair, and service operations: One (1) space for every four hundred (400) square feet of enclosed floor area for sales or rental display, plus two (2) spaces for each service bay.
 - (12) Wholesale trade establishments: One (1) space for every three hundred (300) square feet of gross floor area.
- (C) *Community facilities.*
- (1) Adult congregate living facilities: Three-quarter ($\frac{3}{4}$) space per living unit.

2A(27)

- (2) Churches, synagogues, and other houses for worship: One (1) space for each four (4) seats in the principal assembly area.
 - (3) Government offices and facilities: One (1) space for every three hundred (300) square feet of gross floor area, plus one (1) space for every four (4) seats in any public assembly area.
 - (4) Hospitals: One (1) space for each patient bed.
 - (5) Marinas: One (1) space for every boat slip or berth, plus such additional spaces as may be required for permitted uses such as retail stores and restaurants.
 - (6) Museums, art galleries, and libraries: One (1) space for every four hundred (400) square feet of gross floor area.
 - (7) Nursing or convalescent home: One-half (½) space for each bed.
 - (8) Tennis, handball, and racquetball facilities (indoor or outdoor): Five (5) spaces for every court, plus such additional spaces as may be required for permitted uses such as retail stores and restaurants.
- (D) *Supplemental requirements.*
- (1) Off-street parking requirements for those uses not enumerated but which are closely related and similar to the uses listed above shall be determined by the Planning and Zoning Board in accordance with the requirements for the listed similar use. Requirements for all nonsimilar uses shall be set by the City Commission after a recommendation by the Planning and Zoning Board.
 - (2) For theaters, auditoriums, churches, or other places of public assembly in which occupants may utilize benches, pews, or other similar seating arrangements, each eighteen (18) lineal inches of such seating facilities shall be counted as one (1) seat for the purpose of computing off-street parking requirements.
- (E) *Exceptions to parking requirements.*
- (1) Off-street parking areas adjacent to or within a reasonable distance (the reasonableness of the distance to be determined by the City Commission) from the premises on which parking areas are required by the parking regulations of this subchapter, where practical difficulties or unnecessary hardships are encountered in locating such parking area on the premises and where the purpose of these regulations to relieve congestion in the streets would be best served by permitting such parking off the premises.
 - (2) To waive or reduce the parking and loading requirements in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.

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

Cross reference— Penalty, § 152.999.

2A(28)

§ 152.059 - Boats, docks and piers.

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

- (A) No boat may be used or maintained for overnight sleeping or living purposes, as a place of residence, or for any commercial purpose.
- (B) No docks, piers, mooring posts, or combinations thereof, may project more than twenty-five (25) feet from any bulkhead line, nor extend nearer than seven and one-half feet to any adjacent property line. A waiver may be granted by the City Commission pursuant to Section 150.11(A), upon completion of a marine survey demonstrating the minimum distances from the seawall necessary to meet the minimum depth requirements, approved by DERM, and completed by a licensed professional surveyor and mapper registered to practice in the State of Florida.
- (C) No temporary piers, floating docks, or similar temporary moorings shall be permitted.
- (D) All the regulations, standards, and requirements of Chapter 150 of the city Code shall be complied with.
- (E) Barges and vessels shall be permitted in residential districts only for loading, unloading and on-site construction, in compliance with Chapter 150.

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

Cross reference— Penalty, § 10.99.

2A(29)

Appendix
Application

2A(30)



Al Coletto

owner of the Marina located at 7904 West Dr,

North Bay Village FL 33141, authorize Miguel Angel Fornella, owner of Acqua Marine Sports to
apply for special use of the Marina at the City of North Bay Village.

Al Coletto

Owner Sign Authorization

2A(31)

MAY 3 AM 10:51



City of North Bay Village

1666 Kennedy Causeway, Suite 700 North Bay Village FL 33141
(305) 754-6740 Fax (305) 754-6832 Website-www.nbvillage.com

APPLICATION FOR PUBLIC HEARINGS:

Hearings and Notices: - All petitions for amendments, changes or supplements to these regulations for Variances, Special Use Exceptions, Site Plan Approval, Site Plan Renewal, thereto, for Height Bonus Approval, or for an amendment, change or supplement to the Comprehensive Plan; district zoning map, or petitions appealing an administrative decision shall be considered at Public Hearings before the Planning & Zoning Board and, thereafter, the City Commission. Notice of Public Hearings before the Planning & Zoning Board and the City Commission shall be given by publishing and posting on the property (which is the subject of the request), the time, the place and the nature of the hearing at least 10 days before the hearing. The City Clerk shall certify that the petition is complete before the hearing is legally advertised.

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

Mailing Address: 1865 79st Causeway # 4c
North Bay Village FL 33141

Legal Description of Property: 7904 West DR North Bay Village FL 33141

Existing Zoning: Ce/RM70 Lot Size: _____ Folio: _____*

Reason for Request: (Attach additional Pages if necessary) Special Use Exception to
operate Jet Ski Business at the Marina at
7904 West Drive

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

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

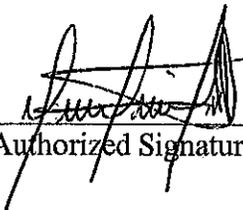
I, (We), the undersigned, am (are) the (owner, tenant, agent, attorney) (designate one) of the subject property herein described. I (We) acknowledge and agree that during the consideration of the application before the Planning & Zoning Board and staff of the City of North Bay Village, no rights shall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

2A(32)

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

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

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



Authorized Signature

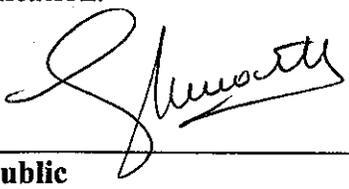
Miguel Fornella

Print Name

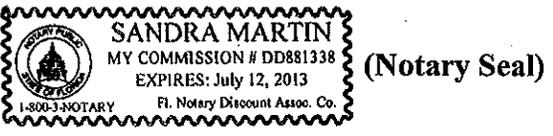
(In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's position in the corporation and embossed with the corporate seal.)

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Sworn to and subscribed to before me this 17th day of APRIL 2012
by MIGUEL FORNELLA
who is personally known to me or who has produced DL F654 541 74 348.0
as identification.



Notary Public



Office Use Only:

Date Submitted: 5/3/2012

Fee Paid: \$2,712.35

Tentative Meeting Date: 5/29/2012

Cash or Check # _____

Date Paid: _____

2A(33)

City of North Bay Village

MIGUELFORNELLA

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

SEP 10 AM 2:53

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

Question 1

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

Question 2

Yes. Please see the attached Business Tax Receipt.

Question 3

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

Question 4

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

Question 5

Six jet skis will be available for rental.

Question 6

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

Question 7

The jet skis will be refueled at the marina.

2A(34)

CITY OF NORTH BAY VILLAGE

THIS LICENSE MUST BE DISPLAYED IN A CONSPICUOUS PLACE

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

(SEAL)

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

OCCUPATIONAL LICENSE NO. 11-0325

This License Expires on September 30, 2012

In Consideration of the Sum of:

Two Thousand Three Hundred and Eighty Dollars and 00/100

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

Name: **Bayshore Marina**

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

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

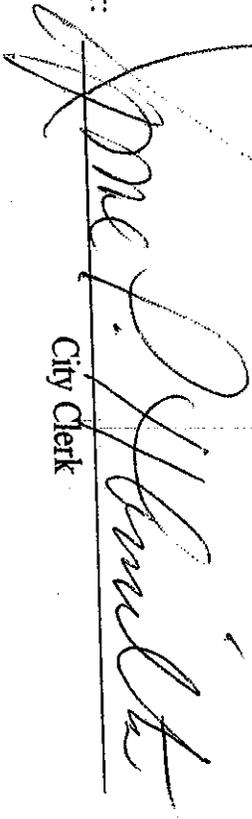
Commercial Marina (14 Docking Site/14 Utility Hookups)

In accordance with Section :150.12(F)(1/3) of the City of North Bay Village Code, for the period beginning **October 1, 2011**

and ending **September 30, 2012,** subject to the provisions of all Ordinances enacted.

Date issued: **October 17, 2011**

Per:

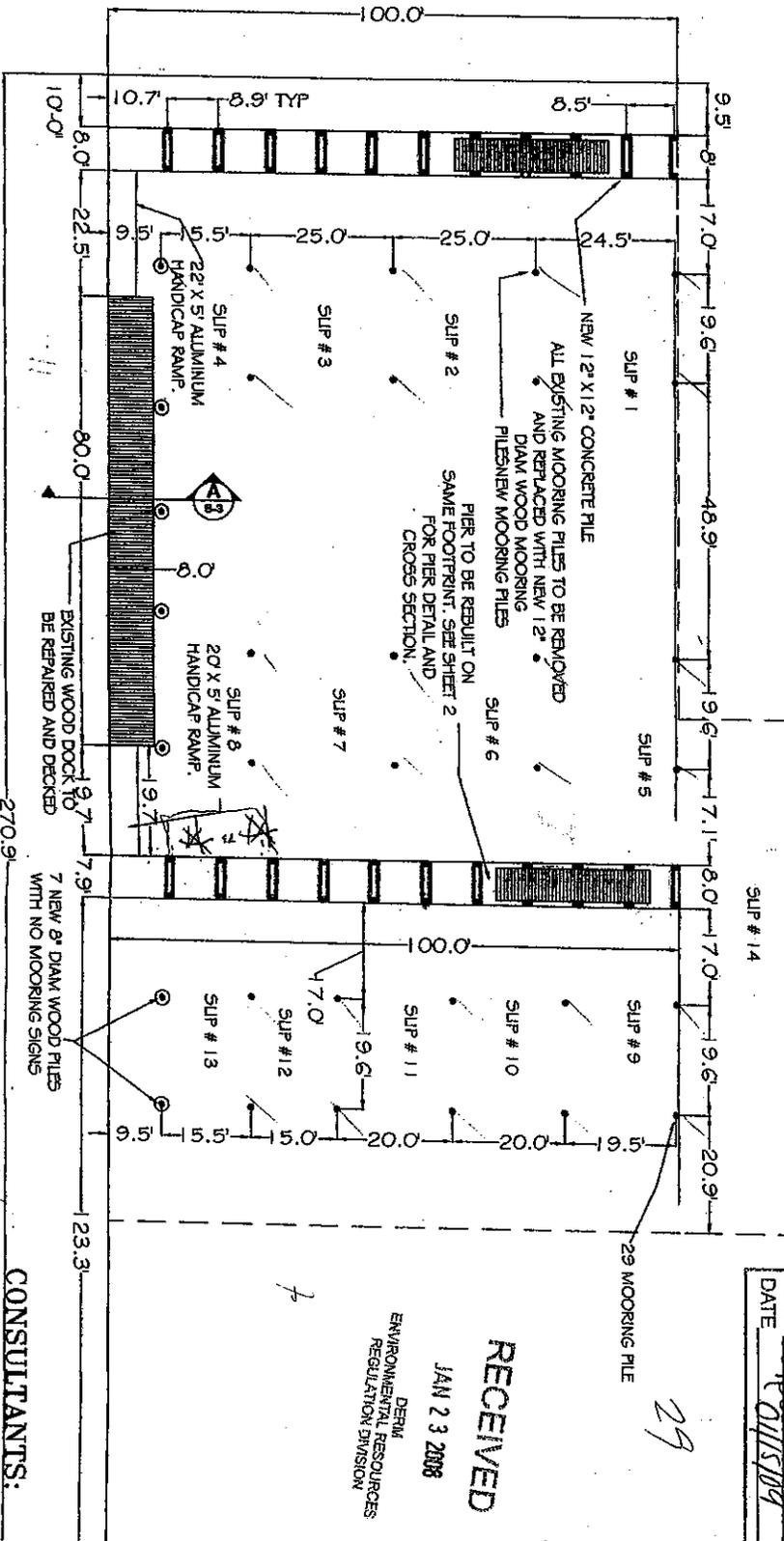
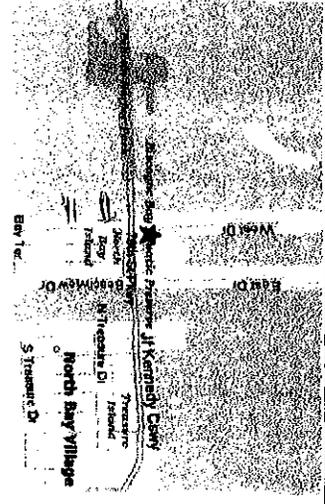


City Clerk

New: Renewal: Transfer:

(Replacement of Existing Marina)

2A(35)



ALL EXISTING PILES AND REMAINS OF OLD DOCKS TO BE REMOVED. ONLY EXISTING MARGINAL WOOD DOCK WILL REMAIN AND IS TO BE REPAIRED UTILIZING EXISTING PILES.

SITE PLAN

SCALE 1" = 20'

CONSULTANTS:

J. N. SHEINGOLD P.E.
12400 SW 75 AVE Phone: (305) 578-1244
Miami, Florida 33155
CONSULTING ENGINEER - GENERAL CONTRACTORS
EST. 1978
PROFESSIONAL BUILDING INSPECTION
PE # 21181

DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

JAN 23 2008

RECEIVED

DERM COASTAL SECTION
FINAL APPROVAL
NAME: [Signature]
DATE: 01/15/09

DERM COASTAL SECTION
PRELIMINARY APPROVAL
NAME: [Signature]
DATE: 01/15/09

2A(30)

date	2/20/08
drawn	[Signature]
checked	[Signature]
project no.	02000000
revision	
sheet no.	1 of 3

job name: ALL COLLETA
7904 W DRIVE
NORTH BAY VILLAGE

title: RECONSTRUCTION OF DOCKING FACILITY

SHORE MARINE INC.

MARINE DESIGN PERMITS AND PLAN-ENGINEERING-REGULATORY COMPLIANCE-INSPECTION & MONITORING

805-219-9590 (M)
CALVO_80@BELLCSOUTH.NET

150-00

1986 AUG 20 AM 10 27

86R282276

135-00

QUIT-CLAIM DEED

RAMCO FORM 6

REC: 12992701132

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

first party, to GEORGE W. HEATON,

AL COLETTA

whose postoffice address is

second party: 1353 Bay Terrace, North Bay Island, North Bay Village, Florida 33145

(Witnesses and both the first and second parties shall include singular and plural, him, their representatives, and heirs of individuals, and the successors and assigns of corporations, wherever the contract is made or fulfilled.)

Witnesseth, That the said first party, for and in consideration of the sum of \$10.00 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Dade State of Florida, to-wit:

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

150.00 Documentary Stamp Collected Dade County Richard P. Brinker Clerk Circuit & County Courts BY W. Unger 8-20-86

135.00 DUTY Documentary Stamp Collected Dade County Richard P. Brinker Clerk Circuit & County Courts BY W. Unger 8-20-86

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

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

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

Witness signatures

Signature of GEORGE W. HEATON with U.S. notary seal

WITNESS STATE OF FLORIDA COUNTY OF DADE

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

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

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

Notary Public Seal for Steven J. Glueck, State of Florida, at Dade

My Commission Expires:

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

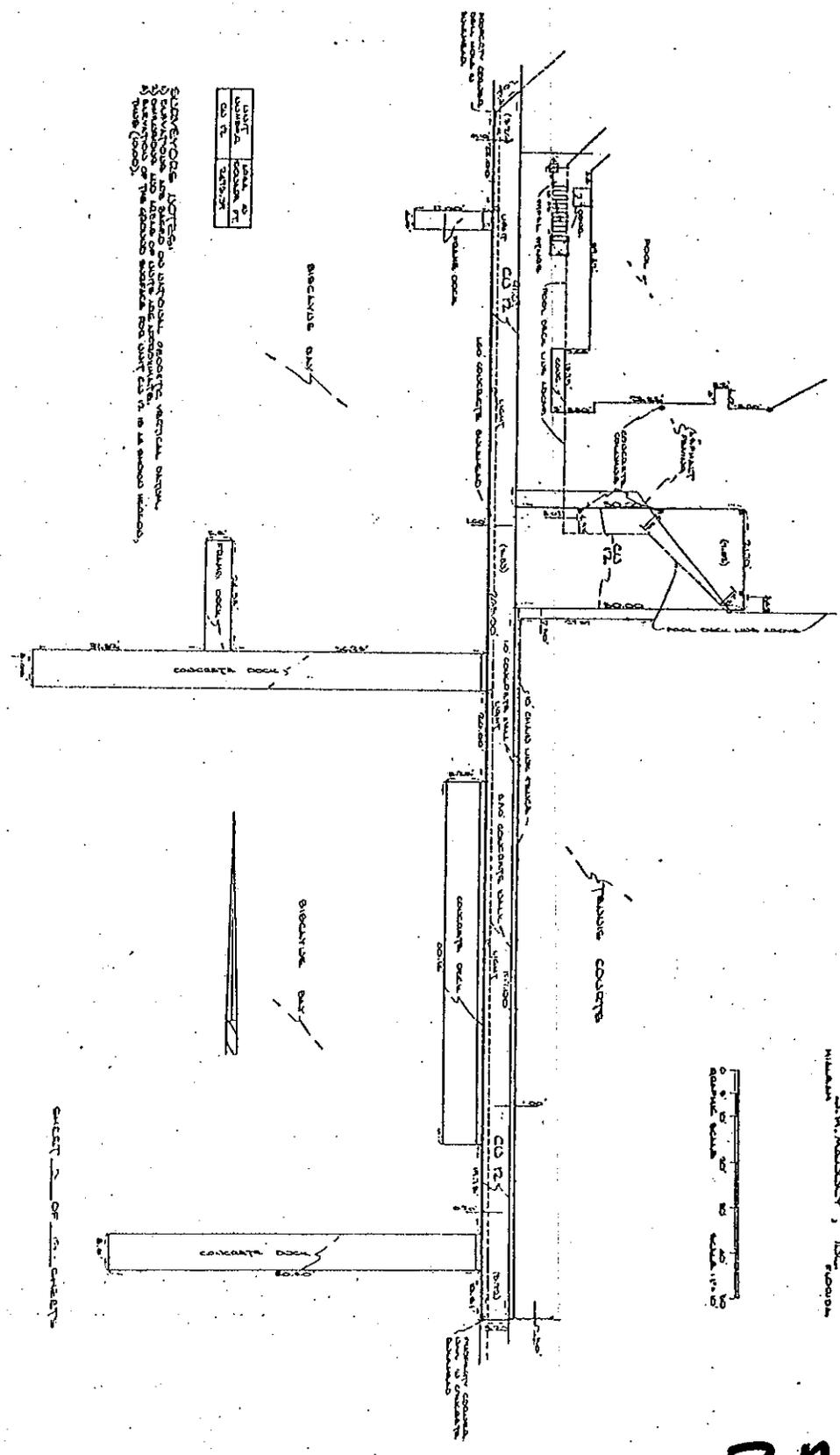
2A(37)

BAYSHORE YACHT AND TENNIS CLUB, A CONDOMINIUM

EXHIBIT '1'

71-183

PORTION OF GROUND FLOOR
PREPARED BY
MILWAUKEE J.H. WILSON & INC. ENGINEERS



DATE	REVISION
10/1/73	1.0
10/1/73	2.0

STRUCTURE NOTES:
1. ALL STRUCTURE SHALL BE CONCRETE.
2. ALL STRUCTURE SHALL BE REINFORCED CONCRETE.
3. ALL STRUCTURE SHALL BE FINISHED WITH
4. ALL STRUCTURE SHALL BE FINISHED WITH
5. ALL STRUCTURE SHALL BE FINISHED WITH
6. ALL STRUCTURE SHALL BE FINISHED WITH

SECTION OF STRUCTURE

2A(39)



City of North Bay Village

Administrative Offices

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

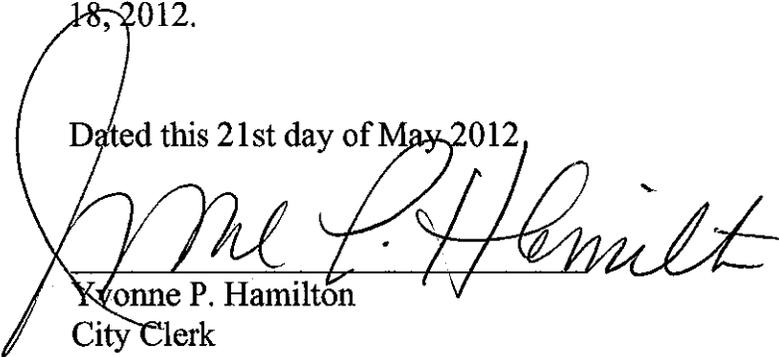
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

Re: 7904 West Drive Marina
Bayshore Yacht & Tennis Club Condominium
PB 44-72/Lots 4 and 6, Harbor Island
North Bay Village, Florida

Request for a Special Use Exception for operation of a
Jet Ski Tour/Rental Business from the Marina

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on May 29, 2012 was posted at the above-referenced property on May 18, 2012.

Dated this 21st day of May 2012,


Yvonne P. Hamilton
City Clerk

(City of North Bay Village Planning & Zoning Board Meeting – May 29, 2012)

2A(40)

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

Commissioner
Dr. Paul Vogel



City of North Bay Village

Administrative Offices

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

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

Re: 7904 West Drive Marina
Bayshore Yacht & Tennis Club Condominium
PB 44-72/Lots 4 and 6, Harbor Island
North Bay Village, Florida

Request for a Special Use Exception for operation of a
Jet Ski Tour/Rental Business from the Marina

I, Yvonne P. Hamilton, City Clerk, hereby certify that the attached Notice of Public Hearing was mailed to property owners and residents within 300 feet of the property of the subject request pursuant to Section 152.096(A)(2) of the City of North Bay Village Code of Ordinances on May 17, 2012.

Dated this 21st day of May 2012



Yvonne P. Hamilton
City Clerk

(City of North Bay City Commission Meeting - May 29, 2012)

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

Commissioner
Dr. Paul Vogel

2A(41)



City of North Bay Village

Administrative Offices

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

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

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

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD ITS REGULAR MEETING ON MAY 29, 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 REQUEST AND SUBMIT A RECOMMENDATION TO THE CITY COMMISSION:

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

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE 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.

2A(42)

Mayor
Connie Leon-Kreps

Vice-Mayor
Eddie Lim

Commissioner
Stuart Blumberg

Commissioner
Dr. Richard Chervony

Commissioner
Dr. Paul Vogel

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
(May 17, 2012)

2A(43)

Owner/Occupant
7830 Miami View Drive
North Bay Village, FL 33141

Owner/Occupant
7811 Miami View Drive
North Bay Village, FL 33141

Owner/Occupant
7810 Center Bay Drive
North Bay Village, FL 33141

Owner/Occupant
7821 Center Bay Drive
North Bay Village, FL 33141

Owner/Occupant
7810 Coquina Drive
North Bay Village, FL 33141

360 Condominium Association
360 Harbor Island Drive
North Bay Village, FL 33141

Indigo Lofts Dev. Co., LLC
C/O Scott Greenwald
7301 S.W. 57th Court, #565
Miami, FL 33143

Bayshore Yacht & Tennis
Club Condo Association
7904 West Drive
N. Bay Village, FL 33141

Gator Harbor Investment
1595 N.E. 163rd Street
N. Bay Village, FL 33141

2A(44)

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

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

OWNER/OCCUPANT
7904 WEST DR., APT 808
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 809
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 810
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 811
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 812
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 814
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 815
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 816
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 817
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 902
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 903
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 905
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 907
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 908
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 909
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 910
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 911
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 912
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1008
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 915
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 916
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1007
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1002
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1003
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1004
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1005
N. BAY VILLAGE, FL 33141

2A(45)

OWNER/OCCUPANT
7904 WEST DR., APT 608
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 609
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 610
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 611
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 612
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 614
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 615
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 616
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 617
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 701
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 702
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 703
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 704
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 705
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 706
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 707
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 708
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 709
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 710
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 711
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 712
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 714
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 715
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 716
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 717
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 801
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 802
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 803
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 804
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 805
N. BAY VILLAGE, FL 33141

2A(46)

OWNER/OCCUPANT
7904 WEST DR., APT 406
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 407
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 408
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 409
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 410
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 411
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 412
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 414
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 415
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 416
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 417
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 501
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 315
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 503
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 504
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 505
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 507
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 508
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 509
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 510
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 511
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 601
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 514
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 515
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 516
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 606
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 607
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 602
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 603
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 604
N. BAY VILLAGE, FL 33141

2A(47)

OWNER/OCCUPANT
7904 WEST DR., APT 106
N. BAY VILLAGE, FL
33141

OWNER/OCCUPANT
7904 WEST DR., APT 109
N. BAY VILLAGE, FL
33141

OWNER/OCCUPANT
7904 WEST DR., APT 110
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 112
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 114
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 115
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 116
N. BAY VILLAGE, FL
33141

OWNER/OCCUPANT
7904 WEST DR., APT 117
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 201
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 205
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 203
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 204
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 208
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 206
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 207
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 214
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 209
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 210
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 215
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 216
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 217
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 304
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 303
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 310
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 317
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 401
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 402
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 403
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 404
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 405
N. BAY VILLAGE, FL 33141

2A(48)

OWNER/OCCUPANT
7904 WEST DR., APT 1009
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7904 WEST DR., APT 1010
N. BAY VILLAGE, FL 33141

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

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

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

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

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

OWNER/OCCUPANT
7904 WEST DR., APT 1017
N. BAY VILLAGE, FL 33141

Indigo Lofts Development Co., LLC
C/O Scott A. Greenwald
7301 S.W. 57th Court, Suite 565
Miami, FL 33143

BAYSHORE YACHT &
TENNIS CLUB CONDO
7904 WEST DR., OFFICE
N. BAY VILLAGE, FL 33141

Jumbo Buffet
1335 Kennedy Causeway
N. Bay Village, FL 33141

Shell Gas Service
C/O NV FAA LC
1345 Kennedy Causeway
N. Bay Village, FL 33141

2A(49)

OWNER/OCCUPANT
7910 WEST DR., APT 216
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 301
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 302
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 303
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 304
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 305
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 306
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 307
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 308
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 309
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 310
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 311
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 312
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 314
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7910 WEST DR., APT 315
N. BAY VILLAGE, FL 33141

2A(50)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2A(51)

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

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

Owner/Occupant
7900 Harbor Island Drive, #824
North Bay Village, FL 33141

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

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

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

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

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

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

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

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

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

2A(52)

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

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

Owner/Occupant
7900 Harbor Island Drive, #1010
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1410
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #526
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1502
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #PH18
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1203
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #721
North Bay Village, FL 33141

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

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

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

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

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

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

Owner/Occupant
7900 Harbor Island Drive, #802
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #812
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1417
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #1401
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1514
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1501
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #804
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #512
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1408
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1011
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH11
North Bay Village, FL 33141

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

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

2A(53)

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

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

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

Owner/Occupant
7900 Harbor Island Drive, #1505
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #718
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1422
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #910
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #806
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #517
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #912
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1414
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1523
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #606
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #505
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #919
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1123
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1215
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1407
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #903
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #901
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #803
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #1014
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1025
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1415
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1117
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1207
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1222
North Bay Village, FL 33141

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

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

2A(54)

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

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

Owner/Occupant
7900 Harbor Island Drive, #918
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1503
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1024
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1020
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #601
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1007
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #722
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #914
North Bay Village, FL 33141

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

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

Owner/Occupant
7900 Harbor Island Drive, #1114
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #905
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1213
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #808
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1416
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1109
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #1015
North Bay Village, FL 33141

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

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

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

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

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

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

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

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

2A(55)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2A(56)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Owner/Occupant
7900 Harbor Island Drive, #525
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1111
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #613
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #701
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #622
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #624
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1023
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #715
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #618
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #615
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1105
North Bay Village, FL 33141

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

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

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

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

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

2A(57)

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

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

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

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

Owner/Occupant
7900 Harbor Island Drive, #PH23
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1018
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #913
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1411
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1022
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1403
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #810
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1219
North Bay Village, FL 33141

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

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

Owner/Occupant
7900 Harbor Island Drive, #626
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #506
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1119
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #726
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1516
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1008
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #508
North Bay Village, FL 33141

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

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

Owner/Occupant
7900 Harbor Island Drive, #1210
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1121
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH5
North Bay Village, FL 33141

2A(58)

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

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

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

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

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

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

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

Owner/Occupant
7900 Harbor Island Drive, #825
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1026
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #PH19
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1009
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #524
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH2
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1404
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #510
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1419
North Bay Village, FL 33141

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

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

Owner/Occupant
7900 Harbor Island Drive, #926
North Bay Village, FL 33141

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

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

Owner/Occupant
7900 Harbor Island Drive, #917
North Bay Village, FL 33141

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

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

Owner/Occupant
7900 Harbor Island Drive, #1204
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #PH12
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1214
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1516
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1008
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #508
North Bay Village, FL 33141

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

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

Owner/Occupant
7900 Harbor Island Drive, #1506
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1224
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #915
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #609
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH8
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH10
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #611
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #705
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #925
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1217
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #911
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1223
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1423
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1413
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1402
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1004
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #605
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #814
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #922
North Bay Village, FL 33141

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

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

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

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

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

Owner/Occupant
7900 Harbor Island Drive, #1210
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1121
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH5
North Bay Village, FL 33141

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

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

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

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

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

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

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

Owner/Occupant
7900 Harbor Island Drive, #PH12
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1214
North Bay Village, FL 33141

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

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

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

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

Owner/Occupant
7900 Harbor Island Drive, #PH23
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1018
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #913
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1411
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1022
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1403
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #810
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1219
North Bay Village, FL 33141

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

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

Owner/Occupant
7900 Harbor Island Drive, #626
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #506
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1119
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #726
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #PH12
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1214
North Bay Village, FL 33141

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

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

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

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

Owner/Occupant
7900 Harbor Island Drive, #PH23
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1018
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #913
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1411
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1022
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1403
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #810
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1219
North Bay Village, FL 33141

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

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

Owner/Occupant
7900 Harbor Island Drive, #626
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #506
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1119
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #726
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1516
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1008
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #508
North Bay Village, FL 33141

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

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

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

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

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

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

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

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

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

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

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

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

Owner/Occupant
7900 Harbor Island Drive, #825
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1026
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #PH19
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1009
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #524
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH2
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1404
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #510
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1419
North Bay Village, FL 33141

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

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

Owner/Occupant
7900 Harbor Island Drive, #926
North Bay Village, FL 33141

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

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

Owner/Occupant
7900 Harbor Island Drive, #917
North Bay Village, FL 33141

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

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

Owner/Occupant
7900 Harbor Island Drive, #1204
North Bay Village, FL 33141

2A(63)

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

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

Owner/Occupant
7900 Harbor Island Drive, #1511
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1005
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1517
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH20
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #819
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #519
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #607
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1506
North Bay Village, FL 33141

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

Owner/Occupant
7900 Harbor Island Drive, #915
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #609
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH8
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH10
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #611
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #705
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #925
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1217
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #911
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1223
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1423
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1413
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1402
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1004
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #605
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #814
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #922
North Bay Village, FL 33141

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

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

2A(64)

Owner/Occupant
360 Harbor Island Drive, #5
North Bay Village, FL 33141

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

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

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

Owner/Occupant
360 Harbor Island Drive, #12
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #14
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #6
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #2
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #11
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #10
North Bay Village, FL 33141

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

Owner/Occupant
360 Harbor Island Drive, #4
North Bay Village, FL 33141

Owner/Occupant
360 Harbor Island Drive, #13
North Bay Village, FL 33141

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

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

Owner/Occupant
7900 Harbor Island Drive, #1521
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #PH21
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1409
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #706
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #821
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #115
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #704
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1220
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1424
North Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1013
North Bay Village, FL 33141

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

2A(65)

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

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

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

Owner/Occupant
7914 Harbor Island Drive, #201
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #204
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #206
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #103
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #105
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #302
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #303
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #304
North Bay Village, FL 33141

Owner/Occupant
7914 Harbor Island Drive, #306
North Bay Village, FL 33141

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

2A166

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

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

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

Owner/Occupant
7918 Harbor Island Drive, #109
North Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #309
North Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #209
North Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #110
North Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #210
North Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #108
North Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #310
North Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #312
North Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #212
North Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #211
North Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #112
North Bay Village, FL 33141

Owner/Occupant
7918 Harbor Island Drive, #207
North Bay Village, FL 33141

2A(67)

NORTH MIAMI

Company to spend \$2 million

• STRIP CLUBS, FROM 3NE

not return calls for comment. Herbert Schlanger, the attorney for Swinging Richards, did not respond to an email seeking comment.

Meanwhile, in North Miami, the City Council gave its preliminary approval to lift a ban on the sales of alcohol in all-nude adult clubs.

Sunny Isles Eatery, a group that plans to open an adult entertainment club in the city, asked for a change in the code. The group previously ran Thee Dollhouse in Sunny Isle Beach, where female dancers performed friction dances and participated in onstage showers with each other -- or with customers.

"It's just not competitive to have an adult entertainment facility without alcohol," said Jeff Cazeau, the attorney for Sunny Isles Eatery.

There are currently no strip clubs operating in North Miami.

The item passed with a 4-1 vote on first reading at a council meeting May 8. Councilman Michael Blynn cast the sole dissenting vote. The issue will come before the council again May 22 for a final vote.

According to documents submitted to the city, Sunny Isles Eatery plans to invest \$2 million into the former Locks Company building at 2050 NE 151st St. The tell-tale flashing neon lights common on the exterior of strip clubs will not be present, Cazeau said.

The club is expected to create 40 jobs during the construction period and 50 permanent staff positions.

MEETING NOTICES

May 21 - May 25, 2012

MONDAY, May 21

No Meetings Scheduled

TUESDAY, May 22

- 9:00 a.m. Committee for Quality Education in Miami Beach City Manager's Large Conf. Room, Fourth Floor, City Hall
- 10:00 a.m. MB Visitor & Convention Authority Loews Miami Beach Hotel (901 Collins Ave., Ste. 432)
- 1:00 p.m. Planning Board* Commission Chambers Third Floor, City Hall
- 3:00 p.m. Neighborhood/Community Affairs Committee** City Manager's Large Conf. Room, Fourth Floor, City Hall

WEDNESDAY, May 23

- 11:00 a.m. Beach Renourishment Update Public Works Conf. Room Fourth Floor, City Hall
- 6:00 p.m. Community Development Advisory Committee RHOD Conference Room 555 17th Street

THURSDAY, May 24

- 9:00 a.m. Special Master Hearings Commission Chambers Third Floor, City Hall

FRIDAY, May 25

No Meetings Scheduled

* Aired on MBTV, Atlantic Boulevard 77 & ATAT U-verse 89
 ** Commission Committee Meetings



MIAMI BEACH
 We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historical community.

For any and/or all of the above meetings, one or more members of the Miami Beach City Commission may be in attendance and participate in discussions. City Hall is located at 1700 Convention Center Drive; and the Miami Beach Convention Center is located at 1901 Convention Center Drive. Any meeting may be opened and continued and, under such circumstances, additional legal notice would not be provided. 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), 305-673-7524 (fax) or 305-673-7219 (TTY) five days in advance to initiate your request. TTY users may also call 711 (FL Relay Service). A meeting not noticed in the Weekly Meeting Notice and determined to be an emergency meeting will be posted on the bulletin boards throughout City Hall and will be available on the City's website at web.miamibeachfl.gov/cityclerk/

Fla. Statute 286.0105 Notices of meetings and hearings must advise that a record is required to appeal--Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may 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. The requirements of this section do not apply to the notice provided in s. 200.065(6).

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 ITS REGULAR MEETING ON **MAY 20, 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 REQUEST AND ORDINANCE, AND SUBMIT RECOMMENDATIONS TO THE CITY COMMISSION:

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

AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, ZONING, SECTION 152.111, ADULT ENTERTAINMENT, OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR 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
 (May 11, 2012)

ZA (65)

MAY 22 PM 2:08

MS. Y. P. HAMILTON
CITY CLERK
CITY OF NORTH BAY VILLAGE
1700 KENNEDY CSWY SWT 132
NORTH BAY VILLAGE FL 33141

DEAR MS HAMILTON,
UNFORTUNATELY, I AM UNABLE TO ATTEND THE
COMMISSION MEETING MAY 29. I WOULD LIKE THE
FOLLOWING IDEAS TO BE CONSIDERED,

- 1. PARKING - WILL PEOPLE COMING FROM OUTSIDE NBV TO RENT JETSKIS BE ABLE TO FIND PARKING? (WILL WEST DRIVE RESIDENTS BE UNABLE TO PARK?)
- 2. NOISE LEVEL - JET SKIS HAVE NO MUFFLERS AS DO AUTOMOBILES.
- 3. SAFETY - NO LICENSE OR TRAINING IS REQUIRED TO RENT A JET SKI; SOBRIETY IS NOT A MANDATORY ITEM, NOR IS AGE OR A SENSE OF RESPONSIBILITY.

IF THESE POINTS COULD BE BROUGHT INTO DISCUSSION, IT MIGHT BE WORTHWHILE.

YOURS TRULY,
Mark Linnson

7910 WEST DR., NBV

2A(69)

CITY OF NORTH BAY VILLAGE
MEMORANDUM

DATE: May 24, 2012

TO: Planning and Zoning Board Members

FROM: Dennis Kelly, City Manager
Jim LaRue, Interim City Planner
Susan L. Trevarthen, City Attorney's Office
Kathryn M. Mehaffey, City Attorney's Office

SUBJECT: Zoning Regulations of Adult Entertainment Establishments (Section 152.111 of the Code of Ordinances)

The attached proposed Ordinance, Exhibit A (the "Ordinance"), is for your review and recommendation to the City Commission. It addresses several aspects of the City's current land use regulations related to adult entertainment establishments. The Ordinance is intended to improve clarity of the regulations, while providing for the appropriate location of such uses consistent with all controlling laws.

I. Background

Adult entertainment establishments have limited protection under the freedom of expression clause of the First Amendment of the United States Constitution, because courts have concluded that "adult entertainment" includes an element of expression or speech. The United States Supreme Court has determined that adult entertainment establishments may be regulated by "content-neutral" regulations. A content-neutral regulation does not regulate the actual speech, but instead regulates the secondary effects associated with the speech.

One of the most common and effective ways to regulate adult entertainment establishments is through zoning and distancing requirements that address the location of these establishments. Under the First Amendment case law, such regulations are considered as lawful content-neutral limitations on the time, place, and manner of the activity which achieve the City's substantial government interest in reducing the negative secondary effects associated with adult entertainment establishments. *See City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Daytona Grand, Inc. v. City of Daytona Beach, Florida*, 490 F.3d 860, 870 (11th Cir. 2007).

2B(1)

II. Proposed Regulations

The City's current land use and location requirements for adult entertainment establishments were adopted in 2009. The existing regulations are in need of revision to provide clarity and updates consistent with current law.

The Ordinance moves the majority of the definitions to the proposed adult entertainment establishment business regulations in Exhibit B, where they are more extensively used.¹

Under the Ordinance, adult entertainment establishments are permitted in the CG, General Commercial, zoning district. In addition, the application and approval procedures and criteria have been updated, including removal of the current requirement for a conditional use.

The Ordinance does not substantively change the distance requirements or method of calculating those distances as originally adopted in 2009, but it does streamline the text in order to provide clarity. The revisions specifically *prohibit* variances to these location (distance) standards.

The Ordinance provides that an adult entertainment establishment must be located:

- (i) At least five hundred (500) feet from any residentially zoned district as designated on the City's official zoning district map, and at least five hundred (500) feet from any property on which over twenty-five (25) percent of the floor area is devoted to residential use; and
- (ii) At least five hundred (500) feet from any parcel of land upon which a religious facility, public school, private school, public park, public playground, library, daycare center or nursery for children is located; and
- (iii) At least five hundred (500) feet from any hotel or motel; and
- (iv) At least one thousand (1,000) feet from any parcel of land upon which another adult entertainment establishment is located; and
- (v) At least three hundred fifty (350) feet of a building that contains a business that sells or dispenses alcohol.

¹ The business regulations ordinance is not a land development regulation and is therefore not within the purview of the Planning and Zoning Board. However, it has been provided as background information to assist you with your review of the Ordinance in the context of the City's overall proposed regulatory strategy. The business regulations require a business license for all adult entertainment establishments, and provide application requirements and procedures as well as structural and operational criteria for approval and maintenance of such licenses.

The method for calculating the distance requirements provided in the proposed regulations is not substantively changed from the current code, but is revised to eliminate the confusion that has arisen as the City has attempted to apply and interpret the current wording. The Ordinance provides that distance shall be calculated by following a straight line from any portion of the building used for an adult entertainment establishment, or any building located on the property of the adult entertainment establishment to:

- (i) the nearest point of the property designated as residential on the City's official zoning district map; or
- (ii) the residential area of any property on which over twenty-five (25) percent of the floor area is devoted to residential use; or
- (iii) any area used for a religious facility, public school, private school, public park, public playground, library, daycare center or nursery for children, hotel or motel.

In cases where a minimum distance is required between an adult entertainment establishment and another adult entertainment establishment, or an establishment licensed to serve or sell alcohol, the Ordinance provides that the distance is to be measured from the building line of the existing licensee to the building line of the proposed licensee, using the airline distance between the two (2) buildings.

Section 152.111.01(b) of the proposed Code lists the governmental studies which serve as evidence and testimony in support of the City's substantial government interest in adopting the Ordinance and the business regulations. Copies of the studies, which analyze the negative secondary effects of sexually-oriented businesses on the community, and a cover memorandum which summarizes each study, have been provided for your review.

Attachments:

Exhibit A: Zoning Ordinance, for review and recommendation by Planning and Zoning Board

Exhibit B: Draft Business Regulations, for information

Exhibit C: Memorandum Re: Summaries of secondary effects studies

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, ZONING, SECTION 152.111, ADULT ENTERTAINMENT, OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of North Bay Village (the "City") recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the City's regulations are current and consistent with the needs of the City and the requirements of Florida and federal Law; and

WHEREAS, the City Commission relies upon the evidence and testimony presented before the City Commission and on the findings incorporated in the following studies to support the modifications made by this Ordinance:

- (1) The "Survey of Texas Appraisers – Secondary Effects of Sexually-Oriented Businesses on Market Values" study by Connie B. Cooper, FAICP and Eric Damian Kelly, FAICP in association with David C. Keuhl, Ph.D. and Shawn Wilson, MAI (2008)(Texas);
- (2) The "Crime-Related Secondary Effects – Secondary Effects of "Off-Site" Sexually Oriented Businesses" study by Richard McCleary, Ph.D. in association with Alexi Alexander, J.D., Larry Bush, M.A., and Mark Vasquez, B.A. (2008)(Texas);
- (3) "Crime-Related Secondary Effects of Sexually-Oriented Businesses: Report To The City Attorney" by Richard McCleary, Ph.D. (2007)(Los Angeles, California);
- (4) "Survey of Findings and Recommendations of Sexually Oriented Businesses" by Eric Damian Kelly, PhD, FAICP and Connie B. Cooper, FAICP (August 2002) (Toledo, Ohio);
- (5) "A Report on the Secondary Impacts of Adult Use Businesses in the City of Denver," by the Zoning Administration, Office of Planning and Development, Department of Public Safety, Department of Excise and Licenses, Assessor's Office, and in consultation with the City Attorney's Office, Denver, Colorado (January 1998);

EXHIBIT A

- (6) "Sexually Oriented Business Ordinance Revision Committee Legislative Report, Houston, Texas (January 7, 1997);
- (7) "Adult Use Study," by the Newport News Department of Planning and Development, Newport News, Virginia (March 1996);
- (8) "Report to American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses," by Peter R. Hecht, Ph.D. of the Environmental Research Group (March 31, 1996);
- (9) "Adult Entertainment Study" by Department of City Planning, City of New York (November 1994);
- (10) The "Adams County Nude Entertainment Study" by the Adam's County Sheriff's Department (1991)(Colorado);
- (11) "Effects of Adult Entertainment Businesses on Residential Neighborhoods," by the Department of Planning, Research and Development, City of El Paso, TX (Sept. 26, 1986); and
- (12) "NLC Summaries of "SOB Land Use" Studies, Crime Impact Studies by Municipal and State Governments on Harmful Secondary Effects of Sexually-oriented Businesses," National Law Center for Children and Families, 1991, 1994, 1996, 1997, 1999, 2000, 2001, 2002, 2005; and

WHEREAS, based on the evidence and testimony which has been presented to the City Commission, and based upon the findings provided in the studies above, the City Commission finds that there is convincing documented evidence that Adult Entertainment Establishments, because of their very nature, have deleterious effects on existing and future business establishments and residential areas, causing increased crime and the deterioration of property values; and

WHEREAS, the City Commission finds that Adult Entertainment Establishments, because of their very nature, have serious objectionable operational characteristics; and

WHEREAS, the City Commission finds that the regulation of the location of Adult Entertainment Establishments is necessary to prevent undesirable adverse secondary impacts on

surrounding areas; and

WHEREAS, the City Commission desires to minimize and control these adverse secondary impacts and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of adjacent areas; and deter the spread of blight; and

WHEREAS, the City Commission, although concerned about these adverse secondary impacts, upholds constitutionally protected speech and expression and does not desire to infringe on or censor constitutionally protected speech and expression; and

WHEREAS, the City Commission desires to enact a content neutral ordinance that addresses only the adverse secondary impacts of Adult Entertainment Establishments; and

WHEREAS, the Planning and Zoning Board has reviewed this Ordinance at a duly advertised public hearing, and finds that this Ordinance is consistent with the City's Comprehensive Plan and recommended approval of the Ordinance; and

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

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

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

Section 2. City Code Amended. That Section 152.111 "Adult Entertainment", of Chapter 152 "Zoning", of the City of North Bay Village Code of Ordinances is hereby amended to read as follows¹:

¹ Additions to existing city code text are shown by underline; deletions from existing city code text are shown by ~~strikethrough~~.

SECTION 152.111 - ADULT ENTERTAINMENT

§ 152.111.01 – Purpose, Findings and Authority.

(a) Purpose.

In the development and enforcement of this section, it is recognized that there are adult entertainment uses, which because of their very nature are recognized as having serious objectionable characteristics, particularly when several of them are concentrated in any given locations thereby having a deleterious effect upon the adjacent business and residential areas. It is desirable, therefore, to protect the well-being of the youth of the City from objectionable operational characteristics of these adult entertainment uses by locating adult oriented activities away from residential areas and public facilities used frequently by minors such as schools, religious facilities, parks, libraries, playgrounds and day care centers. The City finds that, just as advertising is designed to stimulate one's appetite for desired goods and services, an overabundance or preoccupation with sexual displays or materials arouses the appetites of those so preoccupied, and encourages criminal sexual behavior.

In recognition of the protections afforded to the citizens of the United States under the First and Fourteenth Amendments to the Constitution of the United States, it is neither the intent nor the effect of this Section to:

- _____ (a) inhibit freedom of speech or the press; or
- _____ (b) impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials; or
- _____ (c) restrict or deny access by adults to sexually oriented materials protected by the First Amendment; or
- _____ (d) deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

This Section balances the legitimate governmental purposes of the City against the above-described constitutional rights, by imposing incidental, content-neutral place, time, and manner regulations of adult entertainment establishments without limiting alternative avenues of communication. The special regulations deemed necessary to control the undesirable effects arising from these enterprises are set forth in this Section.

(b) Findings.

Based on the evidence and testimony presented before the City Commission and on the findings incorporated in (i) "Survey of Texas Appraisers – Secondary Effects of Sexually-Oriented Businesses on Market Values" study by Connie B. Cooper, FAICP and Eric Damian Kelly, FAICP in association with David C. Keuhl, Ph.D. and Shawn Wilson, MAI (2008)(Texas); (ii) "Crime-Related Secondary Effects – Secondary Effects of "Off-Site" Sexually Oriented Businesses" study by Richard McCleary, Ph.D. in association with Alexi Alexander, J.D., Larry Bush, M.A., and Mark Vasquez, B.A. (2008)(Texas); (iii) "Crime-Related Secondary Effects of Sexually-Oriented Businesses: Report To The City Attorney" by Richard McCleary, Ph.D.

EXHIBIT A

(2007)(Los Angeles, California); (iv) "Survey of Findings and Recommendations of Sexually Oriented Businesses" by Eric Damian Kelly, PhD, FAICP and Connie B. Cooper, FAICP (August 2002) (Toledo, Ohio); (v) "A Report on the Secondary Impacts of Adult Use Businesses in the City of Denver," by the Zoning Administration, Office of Planning and Development, Department of Public Safety, Department of Excise and Licenses, Assessor's Office, and in consultation with the City Attorney's Office, Denver, Colorado (January 1998); (vi) "Sexually Oriented Business Ordinance Revision Committee Legislative Report, Houston, Texas (January 7, 1997); (vii) "Adult Use Study," by the Newport News Department of Planning and Development, Newport News, Virginia (March 1996); (viii) "Report to American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses," by Peter R. Hecht, Ph.D. of the Environmental Research Group (March 31, 1996); (ix) "Adult Entertainment Study" by Department of City Planning, City of New York (November 1994); (x) The "Adams County Nude Entertainment Study" by the Adam's County Sheriff's Department (1991)(Colorado); (xi) "Effects of Adult Entertainment Businesses on Residential Neighborhoods," by the Department of Planning, Research and Development, City of El Paso, TX (Sept. 26, 1986); (xii) "NLC Summaries of "SOB Land Use" Studies, Crime Impact Studies by Municipal and State Governments on Harmful Secondary Effects of Sexually-oriented Businesses," National Law Center for Children and Families, 1991, 1994, 1996, 1997, 1999, 2000, 2001, 2002, 2005; the City Commission finds as follows:

- (1) Establishments exist or may exist within the city where books, magazines, motion pictures, videos, prints, photographs, periodicals, records, novelties, and devices that depict, illustrate, describe, or relate to specified sexual activities are possessed, displayed, exhibited, distributed, and sold.
- (2) Establishments exist or may exist within the city where:
 - (a) The superficial tissues of one person are manipulated, rubbed, stroked, kneaded, or tapped by a second person, accompanied by the display or exposure of specified anatomical areas;
 - (b) Dancers, entertainers, performers, or other individuals, who, for forms of commercial gain, perform or are presented while displaying or exposing specified anatomical areas; or
 - (c) Lap dancing occurs.
- (3) The activities described in subsections (1) and (2) occur at establishments for the purpose of making a profit and, as such, are subject to regulation by the city in the interest of the health, safety, and general welfare of city residents.
- (4) The competitive commercial exploitation of such nudity and seminudity is adverse to the public's interest, quality of life, tone of commerce, and total community environment.
- (5) The commercial exploitation of nudity and seminudity consists of the use of nude

EXHIBIT A

and seminude entertainment in connection with or for the promotion of the sale of goods or services, and the receipt of money by the person engaging in nude or seminude entertainment in exchange for or as consideration for nude or seminude performance by such individuals.

(6) The commercial exploitation of nude and seminude acts, exhibitions, and nude entertainment occurs frequently at commercial establishments either selling or allowing consumption of alcoholic beverages on the premises.

(7) There is a direct relationship between the consumption of alcoholic beverages and the nude and seminude activities mentioned above, and an increase in criminal activities, disturbances of the peace and good order of the community. The occurrence of these activities is hazardous to the health and the safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole.

(8) The combination of the sale and consumption of alcoholic beverages with the performance of nude and seminude acts, exhibitions and entertainment is adverse to the public's interest and the quality of life, tone of commerce, and total community environment in the city.

(9) To promote and preserve the public peace and good order and to safeguard the health, safety, and welfare of the community and its citizens, it is necessary and advisable for the city to prohibit nude and seminude acts, exhibitions, and entertainment establishments at which alcoholic beverages are, or are available to be, sold or consumed.

(10) There is a direct relationship between the display or depiction of specified anatomical areas as defined in this chapter and an increase in criminal activities and disturbances of the peace and good order of the community, and the occurrence of these activities is hazardous to the health and safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, tone of commerce, and total community environment in the city.

(11) When the activities described in subsections (1) and (2) take place in establishments within the city, other activities that are illegal or unhealthy tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include, but are not limited to, prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and property.

(12) When the activities described in subsections (1) and (2) are present in establishments within the city, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, foster an atmosphere that promotes crime, and ultimately lead residents and businesses to move to other locations.

(13) The establishments used for the activities described in subsections (1) and (2) are frequently used for unlawful and unhealthy sexual activities, including prostitution and sexual liaisons of a casual nature.

(14) To preserve and safeguard the health, safety, and general welfare of the people of the city, it is necessary and advisable for the city to obtain sufficient information regarding the owners of establishments where the activities described in subsections (1) and (2) occur in order to preclude the involvement of organized crime.

(c) Authority.

This Section is enacted pursuant to the City's home rule power to enact regulations to protect the public health, safety, and general welfare of the residents of the city; F.S. § Ch. 163 and Ch. 166; and the city's authority to regulate the sale and consumption of alcoholic beverages under the Twenty-First Amendment of the Constitution of the United States.

§ 152.111.02 - Definitions.

For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. These definitions shall be in addition to the terms relevant to this Section provided in Chapter 119 of this Code.

~~*Adult Bookstore/Adult Video Store.* Shall mean an establishment which offers adult material for sale or rent for commercial gain, having as a substantial percentage or significant portion of its sale or stock in trade, books, magazines, films or video media for sale or rent, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," or an establishment with a segment or section devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales.~~

~~*Adult Booth.* Shall mean a small enclosed or partitioned area inside an adult entertainment establishment which is:~~

~~(1) Designed or used for the viewing of adult material by one (1) or more persons; and~~

~~(2) Is accessible to any person, regardless of whether a fee is charged for access.~~

~~The term "adult booth" includes but is not limited to a "peep show" booth, or other booth used to view "adult material." The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, or a restroom.~~

Adult Entertainment Establishment. Shall mean:

(1) Any adult arcade, adult theater, adult bookstore/adult video store, adult modeling establishment, adult motel, encounter studio, or adult dancing establishment as these uses are defined in Chapter 119 of this Code; or any other establishment or business operated for commercial gain where any employee, operator or owner exposes his or her specified anatomical area for viewing by patrons, including but not limited to massage

EXHIBIT A

establishments, whether or not licensed pursuant to Chapter 480, Florida Statutes, tanning salons, modeling studios, or lingerie studios.

(2) Any establishment where an action is taken which is intended to amuse and which is distinguished or characterized by an emphasis on material depicting, describing or relating to specified sexual activities or specified anatomical areas or which features topless dancers, exotic dancers, strippers, male or female impersonators, the modeling of clothing revealing, or less than completely and opaquely covering, specified anatomical areas, or similar activities.

(3) An adult entertainment establishment shall include the entire site or premises on which the adult entertainment establishment is located, including the exterior and interior of the establishment, or any portion thereof, upon which the activities or operations described in subsection (1) and (2) above are being conducted for commercial gain.

(4) Excluded from this definition are any educational institutions, as defined in Chapter 119, where the exposure of specified anatomical areas is associated with a curriculum or program.

(5) An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment.

Adult material. Shall mean any one (1) or more of the following, regardless of whether it is new or used:

(1) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or

(2) Instruments, novelties, devices or paraphernalia that are designed for use in connection with specified sexual activities.

~~*Adult modeling establishments.* Shall mean any establishment offering nude or partially nude modeling sessions or lingerie, swimwear, or photography modeling sessions between two (2) or more persons or private modeling sessions between two (2) or more persons requiring the exclusion of minors pursuant to Chapter 847, Florida Statutes.~~

~~*Adult theater.* Shall mean an enclosed building used for presenting for observation by patrons motion pictures, films, or video media, distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or specified anatomical areas as defined in this section. An establishment which has adult booths is considered to be an adult theater.~~

~~*Encounter studio.* Shall mean all establishments offering nude or partially nude encounter sessions between two (2) or more persons, and requiring the exclusion of minors pursuant to Chapter 847, Florida Statutes.~~

Massage establishment. Shall mean:

- (1) Any shop, parlor, establishment or place of business wherein all of any one (1) or more of the following named subjects and methods of treatments are administered or practiced: body massage either by hand or by any mechanical or electrical apparatus or device (excluding fever therapy), apply such movements as stroking, friction, rolling, vibration, kneading, cupping, petrissage, rubbing, effleurage, or tapotement.
- (2) Provided, however, that, for the purpose of this ~~section~~ division, the terms "massage establishment" shall not include any massage establishment wherein at least one (1) state licensed massage therapist is employed and on duty full time during the hours opened for business.
- (3) Nothing in this ~~section~~ division shall be construed as applying to state licensed massage therapist, barbers, cosmetologists, manicurists, pedicurists, physical therapists' assistants, midwives, practical nurses, agents, servants of employees in licensed hospitals or nursing home or other licensed medical institutions, licensed physicians, osteopaths, chiropractors, podiatrists, naturopathic physicians or other licensed medical practitioners, or their agents, or employee acting in the course of such agency, service or employment under the supervision of the licensee.

~~*Encounter studio.* Shall mean all establishments offering nude or partially nude encounter sessions between two (2) or more persons, and requiring the exclusion of minors pursuant to Chapter 847, Florida Statutes.~~

~~*Nude dancing establishment.* Shall mean an establishment operated for commercial gain wherein performers or employees of the establishment display or expose to others specified anatomical areas as defined in this section, regardless of whether the performer or employee so exposed is actually engaging in dancing.~~

~~*Sexual conduct.* Shall mean any sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act, erotic touching, caressing or fondling of the breasts, buttocks, or any portion thereof, anus or genitals or the simulation thereof.~~

~~*Specified anatomical areas.* Shall mean as used in this division either of the following:~~

- ~~(1) Less than completely opaquely covered human genitals, pubic region, anal cleft, cleft of the buttocks, and all or any part of the areola of the female breast; and~~
- ~~(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.~~

§ 152.111.03 - Permitted use schedule.

Adult entertainment establishments ~~are~~ shall be permitted in the General Commercial (CG) Zoning district, subject to distance requirements set forth below, ~~as conditional uses upon approval by the City Commission, after public hearing.~~

§ 152.111.04 - Regulations applicable to adult entertainment establishments.

- (a) ~~Required Approval Conditions. Prior to approving a conditional use, after public hearing,~~

2B(12)

EXHIBIT A

An application for an adult entertainment establishment requires the approval of the City Commission after a public hearing, shall find that such use meets the following conditional. No application for an adult entertainment establishment shall be presented to the City Commission unless it satisfies the following requirements:

(1) ~~No~~ The adult entertainment establishment must be located ~~shall be permitted~~ on a parcel of land located in ~~any district other than the CG zoning district, and if to be located within a CG zoning district it cannot be.~~

(2) The adult entertainment establishment must be located:

(i) ~~Within~~ At least five hundred (500) feet ~~offrom~~ any residentially zoned district as designated on the City's official zoning district map, ~~or within and at least five hundred (500) feet of from~~ any property on which over twenty-five (25) percent of the floor area is devoted to residential use; and

(ii) ~~Within~~ At least five hundred (500) feet of from any parcel of land upon which a religious facility, public school, private school, public park, public playground, library, daycare center or nursery for children is located; ~~and~~

(iii) ~~Within~~ At least five hundred (500) feet of from any hotel or motel; ~~or; and~~

(iv) ~~Within~~ At least one thousand (1,000) feet of from any parcel of land upon which another adult entertainment establishment is located; and

(v) At least three hundred fifty (350) feet from a building that contains a business that sells or dispenses alcohol.

(3) No variance shall be granted to the spacing requirements of subsection (2) above.

(4) ~~The~~ The minimum distance separation shall be measured by following a straight line from any portion of the building used for such purpose, or any building located on the property, of the adult entertainment establishment to:

(i) the nearest point of the property designated as residential on the City's official zoning district map; or

(ii) the residential area of any property on which over twenty-five (25) percent of the floor area is devoted to residential use; or

(iii) any area used for a religious facility, public school, private school, or public park, or playground, library, daycare center or nursery for children, hotel or motel.

(5) In cases where a minimum distance is required between an adult entertainment establishment and another adult entertainment establishment, or an establishment licensed to sell or serve alcohol, the distance under this section division shall be measured from the building line of the existing licensee to the building line of the proposed licensee and shall be from the airline distance between the two (2) buildings.

(3) ~~No application for a Business Tax Receipt for an adult entertainment establishment shall be approved for zoning compliance unless such application is accompanied by a certified survey from a registered land surveyor in the State of Florida showing that such~~

EXHIBIT A

~~use meets the distance requirements as set forth in this section. The applicant for such use shall furnish a certified survey from a registered surveyor. Such sketch shall indicate the distance between the place of business, and any existing use as defined by this division, any religious facility, public school, private school, public park, public library, playgrounds, day care center or nursery for children, hotel or motel, or residential zoning district or any property on which over twenty-five (25) percent of the floor area is devoted to residential use. Each sketch shall indicate all such distances and routes. In case of a dispute, the measurement sealed by the City shall govern.~~

~~(4) Will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use.~~

~~(65) The applicant must show a present possessory interest in the property (ownership, or leasehold, or contract to purchase/lease interest) by sufficient documentation.~~

~~(6) Will not be detrimental to the public welfare, properties or improvements in the neighborhood.~~

~~(7) Complies with all other applicable Code provisions.~~

~~(8) Additional conditions. The City Commission may designate such additional conditions in connection with the conditional use, which in the City Commission's opinion will assure that such use will conform to the foregoing requirements. The City Commission shall consider any of the information included in the application and presentation for public hearing.~~

~~(b) Expiration of conditional use approval. An Approved of an adult entertainment establishment conditional use shall lapse after twenty-four (24) six (6) months unless:~~

~~(1) a Business Tax Receipt or building permit has been issued for such use, or~~

~~(2) the next phase of development has been initiated, or~~

~~(3) unless the City Commission has specified a longer approval period, for good cause. Renewal of the Business Tax Receipt shall be subject to City Commission's approval in the same manner specified herein for an original approval of the conditional use.~~

~~(c) Extension of conditional use approvals. Four (4) affirmative votes of the City Commission may grant an extension for a previously approved conditional use if a proper and timely request is made by the applicant prior to the expiration of the approval period.~~

~~(d) Conditional use reapplication. No reapplication for a conditional use shall be accepted by the City within twelve (12) months of the date of final disapproval by the City Commission of a previous application for a conditional use involving the same or substantially the same property, unless evidence is submitted to and accepted by the City Commission which justifies such reconsideration.~~

~~(ce) Application requirements. An application for approval of an adult entertainment establishment a conditional use shall, in addition to the requirements of Section 2.7.2 of the Land Development Regulations, include:~~

EXHIBIT A

- (1) A property survey by a registered surveyor;
- (2) A letter of intent;
- (3) Certified distance survey ~~complying with subsection (a)(1), above, from a registered land surveyor in the State of Florida showing that such use meets the distance requirements as set forth in this section. Such sketch shall indicate the distance between the proposed adult entertainment establishment and:~~

- (i) any other adult entertainment establishment, and
- (ii) any establishment licensed to sell or serve alcohol; and
- (iii) any area used for a religious facility, public school, private school, public park, public library, playgrounds, day care center or nursery for children, hotel or motel, and
- (iv) any residential zoning district, and
- (v) the residential area of any property on which over twenty-five (25) percent of the floor area is devoted to residential use.

Each sketch shall indicate all such distances and routes. In case of a dispute, the measurement scaled by the City shall govern.

- (4) Where the use includes a vehicular use area or landscaped buffer, a proposed landscape plan and information regarding permanent maintenance arrangements;
- (5) A neighborhood location map showing all surrounding zoning, and ~~usage~~ land use designations and existing uses located within 500 feet of the proposed site;
- ~~(6) All information required for any other type of application which is being processed simultaneously or for any other type of application, including but not limited to proposed signage;~~
- ~~(7) Any other information necessary to demonstrate that the proposed conditional use will conform fully with the requirements of this Division;~~
- ~~(8) Detailed security plan;~~
- ~~(9) Hours of operation; and,~~
- ~~(10) Anticipated noise levels and methods to regulate same; and,~~
- (6+) Documents establishing ownership of the property, or valid leasehold, or a contractual interest in a future ownership or leasehold.
- (7) The proposed activities and specific type of adult entertainment establishment proposed.
- (8) For adult entertainment establishments to be established in new construction, a sketch and description showing all new and existing structures on the property, interior layouts and proposed parking areas.

(9) For adult entertainment establishments to be established in redeveloped sites, a sketch and description or building plan that details all proposed interior and exterior changes to any existing building or structure.

~~The application process shall be consistent with existing regulations pertaining to public hearings.~~

(d) Review of applications. Applications shall be reviewed and be ~~considered~~ approved or denied by the City Commission within sixty (60) days of the applicant filing a complete application with the City, as follows:

(1) No application shall be accepted until it is deemed complete by the City Planner.

(2) The City Planner shall review all of the information submitted to determine conformity with this section.

(3) The submitted application will be reviewed for completeness within 20 business days, and any corrections, revisions or deficiencies provided to the applicant within that 20-day period.

(4) Upon each re-submittal of corrected plans, the City Planner shall have ten business days to review the application and provide any corrections, revisions or deficiencies to the applicant. This process shall continue until the applicant has submitted a complete application, or demands that the application be reviewed as is, without further revisions.

(5) If an applicant fails to provide additional information as requested by the City Planner within two (2) months of the request or respond to the City Planner with a time when the information will be submitted, the application shall be deemed to be withdrawn by the applicant. The applicant shall be entitled to one (1) sixty-day extension upon request, providing the request for extension is granted prior to the expiration of the two (2) month period.

(6) The City Commission shall approve or deny the sign permit within sixty days of the City's receipt of the complete application, or the applicant's demand for review as submitted, based on whether it complies with the requirements of this section. A written notice of the City Commission's decision shall be provided to the applicant, either in the form of an approved permit or written notice of denial. Such notice shall describe the applicant's appeal rights, and be provided to the applicant within ten (10) business days of the decision.

~~(f) Revocation of conditional use. Failure to comply with the conditional use requirements as established by the City Commission shall result in a revocation of the conditional use by the City Manager or his designee, after proper written notice sent by certified mail or overnight courier, and failure to cure within ten (10) calendar days of the date of the notice. The ten day cure period may be extended by the City Manager or his designee for good cause.~~

(e) Minimum space requirements. An adult dancing establishment shall be subject to the Minimum Space Requirements (for parking) as provided for "Restaurants, Lounges and Nightclubs," in Section 152.044(b)(7) of this Code.

(f) Regulation of obscenity subject to state law. It is not the intent of the City Commission to legislate with respect to matters of obscenity. These matters are regulated and preempted by

general law.

(g) Regulation of massage establishments subject to state law. It is not the intent of the City Commission to legislate, limit, or conflict with respect to matters pertaining to massage establishments that are regulated by state agency, the department of business and professional regulation, board of massage, and by general law, F.S. Chapter 480.

~~(hg) Appeal.~~ The applicant may appeal the decision of the City Manager or his designee to revoke a conditional use to the City Commission by filing a timely notice of appeal with any court of competent jurisdiction in Miami-Dade County in accordance with applicable law and court rules. ~~An administrative appeal must be filed within fifteen (15) days following receipt of the notice of the City Manager's decision. The City Commission shall hear appeals at a Public Hearing, and enter a decision on all appeals within ninety (90) days of the date of filing the appeal, and shall provide due notice of the appeal to the parties and the public. While the appeal is pending, the conditional use may not continue. The City Commission may reverse, affirm or modify any order, requirement, decision or determination appealed from and shall make any order, requirement, decision or determination that, in the City Commission's opinion, ought to be made in the circumstances.~~

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.

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 relettered 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.

The motion to approve the foregoing Ordinance on first reading was made by _____, seconded by _____.

THE VOTES WERE AS FOLLOWS:

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

APPROVED ON FIRST READING during a regular session of the City Commission of North Bay Village this ___ day of _____ 2012.

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

FINAL VOTE ON ADOPTION:

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

PASSED AND ENACTED BY THE CITY COMMISSION OF NORTH BAY VILLAGE, FLORIDA, THIS _____ DAY OF _____, 2012.

Connie Leon-Kreps, Mayor

ATTEST:

Yvonne Hamilton, City Clerk

2B(18)

**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.

2B(19)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, CREATING CHAPTER 119 OF THE CODE OF ORDINANCES PERTAINING TO ADULT ENTERTAINMENT LICENSING AND BUSINESS REGULATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of North Bay Village (the "City") recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the City's regulations are current and consistent with the needs of the City and the requirements of Florida and federal Law; and

WHEREAS, the City Commission desires to provide adult entertainment business regulations pursuant to the City's home rule powers; and

WHEREAS, the City Commission relies upon the evidence and testimony presented before the City Commission, and on the findings incorporated in the following studies to support the modifications made by this Ordinance:

- (1) The "Survey of Texas Appraisers – Secondary Effects of Sexually-Oriented Businesses on Market Values" study by Connie B. Cooper, FAICP and Eric Damian Kelly, FAICP in association with David C. Keuhl, Ph.D. and Shawn Wilson, MAI (2008)(Texas);
- (2) The "Crime-Related Secondary Effects – Secondary Effects of "Off-Site" Sexually Oriented Businesses" study by Richard McCleary, Ph.D. in association with Alexi Alexander, J.D., Larry Bush, M.A., and Mark Vasquez, B.A. (2008)(Texas);
- (3) "Crime-Related Secondary Effects of Sexually-Oriented Businesses: Report To The City Attorney" by Richard McCleary, Ph.D. (2007)(Los Angeles, California);
- (4) "Survey of Findings and Recommendations of Sexually Oriented Businesses" by Eric Damian Kelly, PhD, FAICP and Connie B. Cooper, FAICP (August 2002) (Toledo, Ohio);

- (5) "A Report on the Secondary Impacts of Adult Use Businesses in the City of Denver," by the Zoning Administration, Office of Planning and Development, Department of Public Safety, Department of Excise and Licenses, Assessor's Office, and in consultation with the City Attorney's Office, Denver, Colorado (January 1998);
- (6) "Sexually Oriented Business Ordinance Revision Committee Legislative Report, Houston, Texas (January 7, 1997);
- (7) "Adult Use Study," by the Newport News Department of Planning and Development, Newport News, Virginia (March 1996);
- (8) "Report to American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses," by Peter R. Hecht, Ph.D. of the Environmental Research Group (March 31, 1996);
- (9) "Adult Entertainment Study" by Department of City Planning, City of New York (November 1994);
- (10) The "Adams County Nude Entertainment Study" by the Adam's County Sheriff's Department (1991)(Colorado);
- (11) "Effects of Adult Entertainment Businesses on Residential Neighborhoods," by the Department of Planning, Research and Development, City of El Paso, TX (Sept. 26, 1986); and
- (12) "NLC Summaries of "SOB Land Use" Studies, Crime Impact Studies by Municipal and State Governments on Harmful Secondary Effects of Sexually-oriented Businesses," National Law Center for Children and Families, 1991, 1994, 1996, 1997, 1999, 2000, 2001, 2002, 2005; and

WHEREAS, based on the evidence and testimony which has been presented to the City Commission, and based upon the findings provided in the studies above, the City Commission finds that there is convincing documented evidence that Adult Entertainment Establishments, because of their very nature, have deleterious effects on existing and future business establishments and residential areas, causing increased crime and the deterioration of property values; and

WHEREAS, the City Commission finds that Adult Entertainment Establishments, because of their very nature, have serious objectionable operational characteristics; and

WHEREAS, the City Commission finds that the regulation of the location and operation of Adult Entertainment Establishments is necessary to prevent undesirable adverse secondary impacts on surrounding areas; and

WHEREAS, the City Commission desires to minimize and control these adverse secondary impacts and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of adjacent areas; and deter the spread of blight; and

WHEREAS, the City Commission, although concerned about these adverse secondary impacts, upholds constitutionally protected speech and expression and does not desire to infringe on or censor constitutionally protected speech and expression; and

WHEREAS, the City Commission desires to enact a content neutral ordinance that addresses only the adverse secondary impacts of Adult Entertainment Establishments; and

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

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

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

Section 2. City Code Amended. That Chapter 119 "Adult Entertainment Establishments," of the City of North Bay Village Code of Ordinances is hereby created to read as follows:¹

CHAPTER 119. ADULT ENTERTAINMENT ESTABLISHMENTS.

¹ All text is new. Additions to definitions which currently exist in another city code section are shown by underline; deletions from the existing definition are shown by ~~strikethrough~~.

ARTICLE I. ADULT ENTERTAINMENT LICENSING.**Section 119.01 – Purpose, Findings and Authority.**

(a) *Purpose.* In the development and enforcement of this chapter, it is recognized that there are adult entertainment uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated in any given location thereby having a deleterious effect upon the adjacent business and residential areas. It is desirable, therefore, to protect the well-being of the youth of the City from objectionable operational characteristics of these adult entertainment uses by locating adult oriented activities away from residential areas and public facilities used frequently by minors such as schools, religious facilities, parks, libraries, playgrounds and day care centers. The City finds that, just as advertising is designed to stimulate one's appetite for desired goods and services, an overabundance or preoccupation with sexual displays or materials arouses the appetites of those so preoccupied, and encourages criminal sexual behavior.

In recognition of the protections afforded to the citizens of the United States under the First and Fourteenth Amendments to the Constitution of the United States, it is neither the intent nor the effect of this chapter to:

- (1) inhibit freedom of speech or the press;
- (2) impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials;
- (3) restrict or deny access by adults to sexually oriented materials protected by the First Amendment; or
- (4) deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

This chapter balances the legitimate governmental purposes of the City against the above-described constitutional rights, by imposing incidental, content-neutral place, time, and manner regulations of adult entertainment establishments without limiting alternative avenues of communication. The special regulations deemed necessary to control the undesirable effects arising from these enterprises are set forth in this chapter.

(b) *Findings.* Based on the evidence and testimony presented before the City Commission and on the findings incorporated in (i) "Survey of Texas Appraisers – Secondary Effects of Sexually-Oriented Businesses on Market Values" study by Connie B. Cooper, FAICP and Eric Damian Kelly, FAICP in association with David C. Keuhl, Ph.D. and Shawn Wilson, MAI (2008)(Texas); (ii) "Crime-Related Secondary Effects – Secondary Effects of "Off-Site" Sexually Oriented Businesses" study by Richard McCleary, Ph.D. in association with Alexi Alexander, J.D., Larry Bush, M.A., and Mark Vasquez, B.A. (2008)(Texas); (iii) "Crime-Related Secondary Effects of Sexually-Oriented Businesses: Report To The City Attorney" by Richard McCleary, Ph.D. (2007)(Los Angeles, California); (iv) "Survey of Findings and

Recommendations of Sexually Oriented Businesses” by Eric Damian Kelly, PhD, FAICP and Connie B. Cooper, FAICP (August 2002) (Toledo, Ohio); (v) “A Report on the Secondary Impacts of Adult Use Businesses in the City of Denver,” by the Zoning Administration, Office of Planning and Development, Department of Public Safety, Department of Excise and Licenses, Assessor’s Office, and in consultation with the City Attorney’s Office, Denver, Colorado (January 1998); (vi) “Sexually Oriented Business Ordinance Revision Committee Legislative Report, Houston, Texas (January 7, 1997); (vii) “Adult Use Study,” by the Newport News Department of Planning and Development, Newport News, Virginia (March 1996); (viii) “Report to American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses,” by Peter R. Hecht, Ph.D. of the Environmental Research Group (March 31, 1996); (ix) “Adult Entertainment Study” by Department of City Planning, City of New York (November 1994); (x) The “Adams County Nude Entertainment Study” by the Adam’s County Sheriff’s Department (1991)(Colorado); (xi) “Effects of Adult Entertainment Businesses on Residential Neighborhoods,” by the Department of Planning, Research and Development, City of El Paso, TX (Sept. 26, 1986); (xii) “NLC Summaries of “SOB Land Use” Studies, Crime Impact Studies by Municipal and State Governments on Harmful Secondary Effects of Sexually-oriented Businesses,” National Law Center for Children and Families, 1991, 1994, 1996, 1997, 1999, 2000, 2001, 2002, 2005, the City Commission finds as follows:

- (1) Establishments exist or may exist within the city where books, magazines, motion pictures, videos, prints, photographs, periodicals, records, novelties, and devices that depict, illustrate, describe, or relate to specified sexual activities are possessed, displayed, exhibited, distributed, and sold.
- (2) Establishments exist or may exist within the city where:
 - (a) The superficial tissues of one person are manipulated, rubbed, stroked, kneaded, or tapped by a second person, accompanied by the display or exposure of specified anatomical areas;
 - (b) Dancers, entertainers, performers, or other individuals, who, for forms of commercial gain, perform or are presented while displaying or exposing specified anatomical areas; or
 - (c) Lap dancing occurs.
- (3) The activities described in subsections (1) and (2) occur at establishments for the purpose of making a profit and, as such, are subject to regulation by the city in the interest of the health, safety, and general welfare of city residents.
- (4) The competitive commercial exploitation of such nudity and seminudity is adverse to the public's interest, quality of life, tone of commerce, and total community environment.
- (5) The commercial exploitation of nudity and seminudity consists of the use of nude and seminude entertainment in connection with or for the promotion of the sale of goods

or services, and the receipt of money by the person engaging in nude or seminude entertainment in exchange for or as consideration for nude or seminude performance by such individuals.

(6) The commercial exploitation of nude and seminude acts, exhibitions, and nude entertainment occurs frequently at commercial establishments either selling or allowing consumption of alcoholic beverages on the premises.

(7) There is a direct relationship between the consumption of alcoholic beverages and the nude and seminude activities mentioned above, and an increase in criminal activities, disturbances of the peace and good order of the community. The occurrence of these activities is hazardous to the health and the safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole.

(8) The combination of the sale and consumption of alcoholic beverages with the performance of nude and seminude acts, exhibitions and entertainment is adverse to the public's interest and the quality of life, tone of commerce, and total community environment in the city.

(9) To promote and preserve the public peace and good order and to safeguard the health, safety, and welfare of the community and its citizens, it is necessary and advisable for the city to prohibit nude and seminude acts, exhibitions, and entertainment establishments at which alcoholic beverages are, or are available to be, sold or consumed.

(10) To preserve the public peace and good order, and to safeguard the health, safety, and welfare of the community and its residents, it is necessary and advisable to regulate and restrict the conduct of owners, operators, agents, employees, entertainers, performers, patrons, spectators, and persons on the premises of the commercial establishment subject to this chapter.

(11) There is a direct relationship between the display or depiction of specified anatomical areas as defined in this chapter and an increase in criminal activities and disturbances of the peace and good order of the community, and the occurrence of these activities is hazardous to the health and safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, tone of commerce, and total community environment in the city.

(12) When the activities described in subsections (1) and (2) take place in establishments within the city, other activities that are illegal or unhealthy tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include, but are not limited to, prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and property.

- (13) When the activities described in subsections (1) and (2) are present in establishments within the city, they tend to blight neighborhoods, adversely affect neighboring businesses, lower property values, foster an atmosphere that promotes crime, and ultimately lead residents and businesses to move to other locations.
- (14) Physical contact between employees exhibiting specified anatomical areas and customers within establishments at which the activities described in subsections (1) and (2) occur poses a threat to the health of both and may lead to the spread of communicable, infectious, and social diseases.
- (15) To preserve and safeguard the health, safety, and general welfare of the people of the city, it is necessary and advisable for the city to regulate the conduct of owners, managers, operators, agents, employees, entertainers, performers, and customers at establishments where the activities described in subsections (1) and (2) occur.
- (16) The potential dangers to the health, safety, and general welfare of the residents of the city from the activities described in subsections (1) and (2) occurring at establishments without first obtaining a license under this chapter are so great as to require the licensure of such establishments before they are permitted to operate.
- (17) "Lap dancing" does not contain an element of communication, and is therefore conduct rather than expression.
- (18) "Lap dancing" in establishments poses a threat to the health of the participants and promotes the spread of communicable, infectious, and social diseases.
- (19) Adult entertainment establishments are frequently used for unlawful and unhealthy sexual activities, including prostitution and sexual liaisons of a casual nature.
- (20) The concern over sexually transmitted diseases is a legitimate health concern of the city that demands reasonable regulation of adult entertainment establishments in order to protect the health and well-being of the citizens.
- (21) The prevention of sexual contact between patrons and employees at adult dancing establishments is unrelated to the suppression of free expression, but serves to address the concerns raised in the findings contained in this chapter. Although the dancer's erotic message may be slightly less effective from four (4) feet away, the ability to engage in the protected expression is not significantly impaired.
- (22) Separating dancers from patrons, and prohibiting dancers and patrons from engaging in sexual fondling and caressing in adult dancing establishments, would reduce the opportunity for prostitution transactions and thus should help to deter prostitution.
- (23) To preserve and safeguard the health, safety, and general welfare of the people of the city, it is necessary and advisable for the city to obtain sufficient information

regarding the owners of establishments where the activities described in subsections (1) and (2) occur in order to preclude the involvement of organized crime.

(24) Removal of doors on adult booths and requiring sufficient lighting in adult theaters advances the substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring at adult theaters.

(25) Requiring that the facilities of adult theaters be constructed of materials that are easy to clean, that the facilities be cleaned on a regular basis, and that the employees cleaning the facilities take reasonable precautions to avoid contact with possible disease-transmitting media is reasonably related to the protection of both employees and patrons from sexually transmitted diseases.

(26) Licensing is a legitimate, reasonable means of accountability to ensure that operators of adult entertainment establishments comply with the reasonable regulations within this chapter and the location requirements of the Zoning Code, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

(c) *Authority.* This chapter is enacted pursuant to the City's home rule power to enact regulations to protect the public health, safety, and general welfare of the residents of the city; F.S. § Ch. 163 and Ch. 166; and the city's authority to regulate the sale and consumption of alcoholic beverages under the Twenty-First Amendment of the Constitution of the United States.

Section 119.02 – Definitions.

Adult Bookstore/Adult Video Store. Shall mean an adult entertainment establishment which offers adult material for sale or rent for commercial gain, or having such materials as a substantial percentage or significant portion of its sale or stock in trade, or an establishment with a substantial or significant portion or section devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, or actual sales. A substantial or significant portion of its stock in trade shall be deemed to occur when: (1) twenty-five (25) percent or 400 square feet (whichever is less) of the floor area of the establishment contains the items listed above; or (2) the items listed above comprise at least twenty-five (25) percent of the value of the stock in trade of the establishment.

Adult Booth. Shall mean a small enclosed or partitioned area inside an adult entertainment establishment which is:

- (1) Designed or used for the viewing of adult material by one (1) or more persons; and
- (2) Accessible to any person, regardless of whether a fee is charged for access.

The term "adult booth" includes but is not limited to a "peep show" booth, or other booth used to view "adult material." The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, or a restroom.

Adult dancing establishment. Shall mean an adult entertainment establishment wherein performers or employees of the establishment display or expose to others specified anatomical areas as defined in this chapter, regardless of whether the performer or employee so exposed is actually engaging in dancing.

Adult domination/submission parlor. Shall mean an adult entertainment establishment specializing in bondage, sadomasochism, humiliating activities or other similar activities which depicts, describes or relates to the "specified sexual activities" or "specified anatomical areas," as defined below.

Adult entertainment. Shall mean any action intended to amuse which is distinguished or characterized by an emphasis on material depicting, describing or relating to specified sexual activities or specified anatomical areas or which features topless dancers, exotic dancers, strippers, male or female impersonators, the modeling of clothing revealing or less than completely and opaquely covering specified anatomical areas, or similar activities.

Adult entertainment establishment. Shall mean:

- (1) Any adult arcade, adult theater, adult bookstore/adult video store, adult modeling establishment, adult motel, encounter studio, or adult dancing establishment as these uses are defined in this Chapter; or any other establishment or business operated for commercial gain where any employee, operator or owner exposes his or her specified anatomical area for viewing by patrons, including but not limited to massage establishments, whether or not licensed pursuant to Chapter 480, Florida Statutes, tanning salons, modeling studios, or lingerie studios.
- (2) Any establishment where an action is taken which is intended to amuse and which is distinguished or characterized by an emphasis on material depicting, describing or relating to specified sexual activities or specified anatomical areas or which features topless dancers, exotic dancers, strippers, male or female impersonators, the modeling of clothing revealing, or less than completely and opaquely covering, specified anatomical areas, or similar activities.
- (3) An adult entertainment establishment shall include the entire site or premises on which the adult entertainment establishment is located, including the exterior and interior of the establishment, or any portion thereof, upon which the activities or operations described in subsection (1) and (2) above are being conducted for commercial gain.
- (4) Excluded from this definition are any educational institutions, as defined herein, where the exposure of specified anatomical areas is associated with a curriculum or program.
- (5) An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment.

Adult material. Shall mean any one (1) or more of the following, regardless of whether it is new or used:

- (1) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or
- (2) Instruments, novelties, devices or paraphernalia that are designed for use in connection with specified sexual activities.

Adult modeling establishments. Shall mean any establishment offering nude or partially nude modeling sessions or lingerie, swimwear, or photography modeling sessions between two (2) or more persons or private modeling sessions between two (2) or more persons requiring the exclusion of minors pursuant to Chapter 847, Florida Statutes.

Adult motel. Shall mean a hotel, motel, boarding house or rooming house or other place of temporary lodging presenting adult material by means of closed circuit television, for observation by patrons therein.

Adult theater/Adult movie theater. Shall mean an enclosed building used for presenting adult materials for observation by patrons or any material which may not be exposed to minors under F.S. Ch. 847. An establishment which has adult booths is considered to be an adult theater. Theaters designed to allow the outdoor viewing of adult material are not permitted.

Educational institution. Shall mean any premises or site upon which there is an institution of learning, whether public or private, which conducts regular classes, courses of study, or both, required for accreditation by or membership in the State Department of Education of Florida, Southern Association of Colleges and Secondary Schools, or the Florida Council of Independent Schools. This term also includes art galleries and museums open to the public; or other accredited special institutions of learning.

Establishment. Shall mean the site or premises on which the adult entertainment establishment is located, including the interior of the establishment, or portion of it, upon which certain activities or operations are being conducted for commercial gain.

Encounter studio. Shall mean all establishments offering nude or partially nude encounter sessions between two (2) or more persons, nude dance/photo sessions, or sexual consultations, which have as their dominant or primary theme matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein or requiring the exclusion of minors pursuant to Chapter 847, Florida Statutes.

Lap dance or lap dancing. Also known as a "straddle dance," "face dance," "friction dancing," or "flash dance," shall mean the use by an employee, whether clothed or partially or totally nude, of a part of his or her body to touch, massage, rub, stroke, caress, or fondle the genital or pubic area of a person while at the establishment, or the touching of the genital or pubic area of an employee by a person while at the establishment. It shall be a "lap dance" regardless of whether the "touch" or "touching" occurs while the employee is displaying or exposing a specified anatomical area. It shall also be a "lap dance" regardless of whether the "touch" or "touching" is direct or through a medium. However, incidental touching shall not constitute lap dancing.

Licensed premises. See "Establishment."

Massage establishment. Shall mean:

- (1) Any shop, parlor, establishment or place of business wherein all of any one (1) or more of the following named subjects and methods of treatments are administered or practiced: body massage either by hand or by any mechanical or electrical apparatus or device (excluding fever therapy), apply such movements as stroking, friction, rolling, vibration, kneading, cupping, petrissage, rubbing, effleurage, or tapotement.
- (2) Provided, however, that, for the purpose of this chapter, the terms "massage establishment" shall not include any massage establishment wherein at least one (1) state licensed massage therapist is employed and on duty full time during the hours opened for business.
- (3) Nothing in this chapter shall be construed as applying to state licensed massage therapist, barbers, cosmetologists, manicurists, pedicurists, physical therapists' assistants, midwives, practical nurses, agents, servants of employees in licensed hospitals or nursing home or other licensed medical institutions, licensed physicians, osteopaths, chiropractors, podiatrists, naturopathic physicians or other licensed medical practitioners, or their agents, or employee acting in the course of such agency, service or employment under the supervision of the licensee.

Nude entertainment establishment. Shall mean any establishment which features male or female entertainers, performing in a state of full nudity, displayed in a setting, section, stage or cubicle within a business, which has as its principal or incidental purpose the offering for viewing to adults of performances which have as their dominant or primary theme matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below.

Full nudity. Shall mean the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola; the exposure of any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum anal region or pubic hair region; or the exposure of any device worn as a cover over

the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola.

Patron. Shall mean any natural person other than an employee, operator, licensee, or governmental officer while such persons are performing duties pursuant to this Code or other law.

Private performance. Shall mean the display or exposure of any specified anatomical area by an employee of an adult entertainment establishment to a person other than another employee, while the person is in an area not accessible during such display to all other persons in the establishment, or while the person is in an area in which the person is totally or partially screened or partitioned during such display from the view of all persons outside the area.

Regulated use or adult entertainment establishment. Shall include, but not be limited to, the following:

- (1) Adult bookstore/adult novelty store/adult video store;
- (2) Adult dancing establishment;
- (3) Adult domination/submission parlor;
- (4) Adult theater/adult movie theater;
- (5) Adult motel;
- (6) Encounter studio/modeling studio;
- (7) Massage establishment; and
- (8) Any bookstore, video store, motion picture theater, motel/hotel, dancing establishment, massage establishment, or photo or modeling studio: (a) that includes the word "adult" in its name; (b) where an employee, operator, or owner exposes his or her specified anatomical area for viewing by patrons; or (c) that requires the exclusion of minors under Chapter 847, Florida Statutes, shall be considered a regulated use.

Specified anatomical areas. Shall mean:

- (1) Less than completely and opaquely covered:
 - a. Human genitals and pubic region; or
 - b. Cleavage of the human buttocks; or
 - c. That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola, including the areola; this definition shall include the entire lower portion of the human female breast, but shall not include a portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, provided the areola is not so exposed; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified criminal offense. Shall mean:

- (1) A conviction under F.S. § 60.05 (Nuisance Abatement);
- (2) A conviction under F.S. Ch. 480 (Massage Practice);
- (3) A conviction under F.S. Ch. 561 (Beverage Law: Administration) or F.S. Ch. 562 (Beverage Law: Enforcement); or
- (4) A judgment against or conviction under F.S. Ch. 823 (Public Nuisances).

Specified sexual activities. Shall mean:

- (1) Human genitals in a state of sexual stimulation, arousal, or tumescence; or
- (2) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellatio, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse or sodomy; or
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or
- (4) Excretory functions as part of or in connection with the activities set forth in subsections (1)—(3).

Section 119.03 - Adult entertainment license.

(a) No adult entertainment establishment shall be allowed to operate without first having been issued an adult entertainment license by the City Clerk pursuant to this chapter.

(b) Adult entertainment licenses referred to in this chapter shall be licenses limited to the following classifications:

- (1) Adult bookstore /adult video store;
- (2) Adult theater/adult movie theater;
- (3) Adult dancing establishment;
- (4) Adult domination/submission parlor;
- (5) Adult motel;
- (6) Encounter studio/modeling studio;
- (7) Massage establishment; or
- (8) Any other adult use as defined in this chapter.

(c) No adult entertainment license shall be issued to a nude entertainment establishment, or any establishment engaging in any display of full nudity.

(d) An adult entertainment license for a particular adult entertainment establishment shall be limited to one (1) classification of license.

(e) An adult entertainment establishment may hold more than one (1) classification of adult entertainment license.

Section 119.04 - Administration.

The ultimate responsibility for the administration of this chapter is vested in the City Commission. Several agencies have been delegated responsibility pursuant to the provisions outlined in this chapter:

- (1) The City Clerk or designee shall be the "business licensing section" responsible for issuing the official notice of the grant, denial, revocation, renewal, suspension, or cancellation of adult entertainment licenses for existing or proposed adult entertainment establishments.
- (2) The Chief of Police is responsible for verifying information contained in an application for an adult entertainment license by means of a criminal background check, and for inspecting a proposed, licensed, or unlicensed establishment in the city in order to ascertain whether it is in compliance with applicable articles and criminal statutes, and for enforcing applicable ordinances and criminal statutes, including those provisions set forth in articles this Chapter and in Section 152.111 of this Code.
- (3) The building official is responsible for inspecting a proposed establishment for which a license is being applied in order to ascertain whether it complies with or is complying with article II of this chapter and all applicable building codes, statutes, ordinances, and regulations in effect in the city. The building official shall compare and certify that all aspects of the submitted floor plan, site plan, and certified survey accurately depict the actual structure, and comply with the provisions of this chapter.
- (4) The fire department is responsible for the inspection of licensed premises or a proposed establishment to ascertain whether it complies with or is complying with Article II of this chapter and all applicable fire codes, statutes, ordinances, and regulations in effect in the city.
- (5) The City Planner is responsible for ascertaining whether a proposed establishment for which a license is being sought complies with section 152.111 of the City Code, the applicable portions of article II, and all applicable zoning regulations in effect in the city, and whether a licensed establishment is complying with section 152.111 of the City Code, Article II of this chapter, and all applicable zoning regulations and land use laws in effect in the city.
- (6) Any employee of the agencies referenced in subsections (2) through (5) above who is authorized by the person in charge of the agency shall at any reasonable hour, when the agency has reasonable cause to believe that a violation of this chapter may exist, have access to and shall have the right to inspect the premises of all licensees under this chapter for compliance with any or all of the applicable codes, statutes, ordinances, and regulations in effect in the city and within the responsibilities of their respective agencies as outlined in this chapter.

Section 119.05 - Application.

- (a) *Filing.* A person desiring to operate an adult entertainment establishment shall file with the business licensing section a sworn license application on a standard application form supplied by the business licensing section.
- (b) *Contents.* The application shall contain the following information and shall be accompanied by the following documents:
 - (1) If the applicant is:

- a. An individual, his or her legal name, aliases, and date of birth, driver's license number or a state or federally issued identification card number;
 - b. A partnership, the full and complete name of the partners, dates of birth, driver's license numbers or state or federally issued identification card numbers of all partners, and all aliases used by all of the partners, whether the partnership is general or limited, and, if in existence, a copy of the partnership agreement; or
 - c. A corporation, the exact and complete corporate name, the date of its incorporation, evidence that the corporation is in good standing, the legal names and dates of birth, driver's license numbers or state or federally issued identification card numbers of all officers, directors and principal stockholders, and all aliases used, the capacity of all officers, directors, and principal stockholders, and, if applicable, the name of the registered corporate agent, and the address of the registered office for service of process; and
- (2) The application shall list the current local and legal domiciliary residential addresses of all individual applicants, partners in a partnership application, and the principal stockholders of a corporate applicant; for purposes of this subsection, principal stockholders are natural persons and not corporate or other legal entities; when the principal stockholder is a corporate or other legal entity, the application must trace back the ownership through layers of corporate organization to the eventual principal stockholder who is a natural person; and
- (3) If the applicant intends to conduct business under a name other than that of the applicant, the applicant shall state the establishment's fictitious name and the county of registration under F.S. § 865.09, all legal names, dates of birth, addresses and all aliases used by all owners; and
- (4) Whether the applicant, or other individuals listed pursuant to subsection (1) above, has within the five-year period immediately preceding the date of the application, ever been convicted of a specified criminal offense and, if so, the specified criminal act involved, the date of conviction, and the place of conviction; and
- (5) Whether the applicant, or other individuals listed pursuant to subsection (1) above, has (a) had a previous license issued under this chapter suspended or revoked, or by court order, been required to cease operation, including the name and location of the establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation, and (b) whether the applicant, or any other individuals listed pursuant to subsection (a), has been a partner in a partnership or an officer, director or principal stockholder of a corporation whose license issued under this chapter has previously been suspended or revoked, including the name and location of the establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation; and
- (6) Whether the applicant, or other individuals listed pursuant to subsection (1) above, holds other licenses under this chapter and, if so, the names and locations of such other licensed establishments; and

- (7) The single classification of license for which the applicant is filing and the general nature of adult use for which the applicant is seeking a license, including a statement concerning the degree to which the anticipated activities at the adult entertainment establishment meet the definitions of the enumerated adult use classifications listed in the definitions section (section 119.02); such characterization shall serve as an initial basis for the permitted activities allowed under the license issued as well as a basis for the fee charged; and
- (8) The location of the proposed establishment, including a legal description of the property site, and a legal street address; and
- (9) The names of all employees, dates of birth, and aliases used for the proposed establishment, if known, or, if currently unknown, a statement to that effect; and
- (10) The applicant's mailing address, residential address and residential telephone number (if any); and
- (11) A site plan and certified survey drawn to appropriate scale of the proposed establishment including, but not limited to, all property lines, rights-of-way, and the location of buildings, parking areas and spaces, curb cuts, and driveways and shall state and indicate on the survey that the distance and location requirements of section 152.111.04 have been satisfied; and
- (12) A floor plan drawn to appropriate scale of the proposed establishment including, but not limited to:
 - a. All windows, all doors, all entrances and exits; and
 - b. Proposed seating arrangement; and
 - c. All fixed structural interior features including, but not limited to, doors, aisles, walls, stages, partitions, projection booths, admission booths, adult booths, concession booths, stands, counters, platforms, and similar structures; and
 - d. All proposed improvements or enlargements to be made, which shall be indicated and calculated in terms of percentage of increase in floor size; and
- (13) The name, address and phone number of the person whom the building official should contact to schedule the inspection; and
- (14) The phone number and address of the existing or proposed establishment; and
- (15) The name, phone number and address of the manager; and
- (16) A detailed security plan;
- (17) A notarized, signed, and sworn statement that the information within the application is truthful, independently verifiable, and complete and that the photocopies of

the attached driver's licenses or state or federally issued identification cards are true and correct copies of the originals.

(c) *Copies.*

(1) In addition to the requirements of subsection (b) above, the applicant shall supply a minimum of five (5) copies of the application, or more as may be required, to the business licensing section.

(2) An application shall not be considered complete until the application satisfies the requirements of subsection (b) and subsection (c)(1) above.

(d) *Application fee.* Each application shall be accompanied by a nonrefundable fee to be set by resolution of the City Commission to recoup the costs related to administering the licensing program. If the application for a license is approved and a license is granted, half of the application fee shall be applied as a credit towards the annual license fee required for the first year pursuant to subsection 119.08(f).

(e) *Rejection of application.* In the event the business licensing section is notified by one of the agencies listed in subsections 119.04(2) through (5) above, that the applicant has not satisfied the application requirements for a proposed establishment, the applicant shall be notified of such fact within the time frame specified in this chapter, with a detailed list of reasons, and the application shall be denied.

Section 119.06 - Investigation of application.

(a) Upon receipt of a complete application filed properly with the business licensing section and upon payment of the nonrefundable application fee, the business licensing section shall send the attached photocopies of the application to the Police Chief, the fire department, building official, and City Planner. Each agency shall promptly conduct an investigation of the applicant and the proposed establishment in accordance with its responsibilities outlined in Article II of this chapter. At the conclusion of its investigation, each agency shall indicate on the photocopy of the application whether the application satisfies each requirement of this chapter, and shall date and sign the application.

(b) Any of the foregoing reviewers shall recommend denial of an application upon finding that the proposed establishment will be in violation of a provision of article II or of any building, fire, or zoning code, statute, ordinance or regulation. If the application fails to satisfy this Code or any building, fire or zoning code, statute, ordinance or regulation, the reviewer shall state specifically its reasons, on a separate letter attached to the photocopy of the application.

Section 119.07 - Administrative review.

(a) The reviewers shall conduct and complete an investigation of the application within twenty-one (21) days of receipt of the application. If a provision of this chapter, any building, fire, zoning, or any other applicable code, statute, ordinance or regulation is found to be applicable to the applicant who is in violation of any such provisions, the respective reviewer shall notify the business licensing section of the violation, state the reasons, and offer suggestions for correction. Upon receipt of notice of a violation from a reviewer, the business

licensing section shall wait until day twenty-one (21) for the review from the other agencies. Then, the business licensing section shall notify the applicant of the denial. All communications regarding approval or denial shall be issued by and through the business licensing section. Oral statements issued directly or independently by the reviewers shall not be deemed to create a reliance or estoppel situation as to the provisions of this chapter.

(b) The business licensing section shall issue or deny an application for an adult entertainment license within forty (40) days from the date of the filing of a complete application. Upon the expiration of the forty-day period, the applicant may demand a license and begin operating the establishment for which a license is sought. The date of the proper filing of the application shall be the date the applicant furnishes the fully completed and sworn application, the required number of copies, and the appropriate, non-refundable application fee.

(c) If the applicant has satisfied the requirements of this chapter, the business licensing section shall notify the applicant and issue the license to the applicant upon payment of the appropriate annual license fee provided in subsection 119.08(f), with credit as provided in subsection 119.05(d).

(d) The business licensing section shall deny the application upon notification by one of the reviewers that:

(1) The application violates or fails to meet the provisions of this chapter, any building, fire, zoning, or any other applicable code, statute, ordinance or regulation;

(2) The application contains material false information, or information material to the decision was omitted; failure to list an individual required to be listed, and whose listing would result in a denial, is presumed to be material false information for purposes of denial of the application; the certification that the licensee owns, possesses, operates and exercises control over the proposed or existing adult use establishment is a material representation for purposes of this chapter;

(3) The applicant, or other individuals listed pursuant to section 119.05(b) has a license under this chapter, or has had a license under this chapter, which has been suspended or revoked;

(4) The granting of the application would violate a statute or ordinance, or an order from a court of law that effectively prohibits the applicant from obtaining an adult entertainment license; or

(5) An applicant, or any other individual required to be listed, has been convicted of a specified criminal offense;

a. For which:

i. Less than two (2) years has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or

- ii. Less than five (5) years has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - iii. Less than five (5) years has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within any twenty-four-month period.
- b. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.
 - c. An applicant who has been convicted of a specified criminal offense may qualify for an adult entertainment establishment license only when the time period set forth above has elapsed and if his or her civil rights have been restored.
- (c) If a person applies for a license at a particular location within a period of one (1) year from the date of denial of a previous application for a license at the location, and there has not been an intervening change in the circumstances material to the decision regarding the former reason(s) for denial, the application shall not be accepted for consideration.

Section 119.08 - License.

- (a) *Contents.* An adult entertainment license shall state on its face the name of the licensee, the business name, local residential and legal domiciliary residential address of the licensee, the name of the establishment, the street address of the establishment, the classification of the license, a twenty-four-hour working phone number, the date of issuance, and the date of expiration.
- (b) *Term.* All licenses issued under this chapter shall be annual licenses which shall commence running on October 1, on which date they shall have been paid for, and shall expire on September 30 of the following year. If a license is issued after October 1, but prior to March 31 of the following year, the applicant shall pay the prorated license fee. If a license is issued after March 31, but prior to October 1 of the same year, the applicant shall pay one-half (½) the appropriate license fee.
- (c) *Renewal.* Licenses shall be entitled to renewal annually subject to the provisions of this chapter. Before the October 1 expiration date, the annual license may be renewed by presenting the license for the previous year, by paying the appropriate license fee, and by updating the information supplied with the latest application or certifying that the information supplied previously remains unchanged.
- (d) *Expiration.* A license shall expire for failure to obtain a renewal pursuant to this chapter by October 1. An expired license may be renewed no later than November 30 of the same year upon:

(1) The submission of an affidavit stating that the establishment has not been operated as an adult entertainment establishment from the date of expiration of the license;

(2) The payment of the appropriate license fee; and

(3) Payment of a penalty of ten (10) percent of the appropriate license fee for the month of October and, if renewed after October 31, an additional penalty of five (5) percent of the appropriate license fee for the month of November.

(e) *Cancellation.* All licenses not renewed by November 30 shall be deemed expired by the business licensing section unless such license is involved in litigation. The applicant may reapply for an adult entertainment license. Upon the payment of the application fee, satisfaction of the application requirements, and payment of the license fee, operation of the adult entertainment establishment may continue.

(f) *Annual license fees.* The annual license fees under this chapter for an adult entertainment establishment shall be set by resolution of the City Commission.

(g) *Collection of fees.* The business licensing section shall be responsible for the collection of the application and annual license fees pursuant to this chapter.

Section 119.09 - Transfer of license.

(a) A licensee shall not transfer his or her license to another person, or surrender possession, control, or operation of the licensed establishment to such other person.

(b) A licensee shall not transfer his or her license to another location.

(c) An attempted transfer of a license either directly or indirectly in violation of this section is declared void and, in that event, the license shall be deemed abandoned, and the license shall be forfeited.

Section 119.10 - Changed name.

No licensee may change the name of an adult entertainment establishment unless and until he or she satisfies all of the following requirements:

(a) Provides the business licensing section with thirty (30) days' notice in writing of the proposed name change;

(b) Pays to the business licensing section a change-name fee to be set by resolution of the City Commission; and

(c) Complies with F.S. § 865.09, the Florida Fictitious Name Statute.

Section 119.11 - Enforcement.

(a) *Suspension.*

(1) *Violation of regulations.* In the event a licensed adult entertainment establishment is operating in violation of a building, fire, or zoning code, statute, ordinance or regulation, whether federal, state, or local, or the respective requirements of article II of this chapter, the appropriate agency shall promptly notify a code enforcement officer, who shall notify the licensee of the violation. The licensee shall have ten (10) business days in which to correct the violation. If the licensee fails to correct the violation within ten (10) business days, the agency shall notify a code enforcement officer, who shall schedule a hearing before the special master. If the special master determines that a licensed establishment is in violation of a building, fire, or zoning statute, code, ordinance, or regulation, whether federal, state, or local, the code enforcement officer shall notify the business licensing section, which shall forthwith suspend the license and shall notify the licensee of the suspension. The suspension shall remain in effect until the code enforcement officer notifies the business licensing section in writing that the violation of the provision in question has been corrected. Nothing in this section shall take away other enforcement powers of the special master or any other agency provided by the City Code or statute.

(2) *Illegal transfer.* Upon the written notification by one of the agencies that a licensee is or has engaged in a license transfer contrary to section 119.09, the business licensing section shall officially suspend the license and notify the licensee of the suspension. The suspension shall remain in effect until all of the requirements of this chapter have been satisfied and a new license has been issued by the business licensing section.

(3) *Violations of article II of this chapter.*

a. In the event two (2) or more convictions for violations of the rules and regulations within article II or of any health code, statute or regulation occur within a two-year period, the business licensing section shall, upon notification of the date of the second conviction, suspend the license and notify the licensee of the suspension. The suspension shall remain in effect for a period of sixty (60) days.

b. In the event one (1) or more convictions for violations of the rules and regulations of article II or of any health code, statute or regulation occur within a period of two (2) years from the date of the violation from which the conviction resulted, for which the license was suspended for sixty (60) days under subsection a. above, the business licensing section shall, upon notification of the date of the first conviction, suspend the license again and notify the licensee of the suspension. The time during which the license was previously suspended for sixty (60) days shall not be included within the two-year period. The suspension shall remain in effect for a period of ninety (90) days.

c. In the event one (1) or more convictions for violations of a rule or regulation of article II or of any health code, statute or regulation occur within a period of two (2) years from the date of the violation from which the conviction resulted, for which the license was suspended for ninety (90) days under subsection b., the business licensing section shall, upon notification of the date of the first

conviction, suspend the license again and notify the licensee of the suspension. The time during which the license was previously suspended for ninety (90) days shall not be included within the two-year period. The suspension shall remain in effect for a period of one hundred eighty (180) days.

d. The renewal of, or new application for, a license pursuant to this chapter shall not defeat the terms of this section.

(4) *Effect of suspension.* If a license is suspended, all operations within the adult entertainment establishment shall cease for the period of the suspension, and the license shall be suspended for the suspension period. The State of Florida, Division of Alcoholic Beverages and Tobacco and the Department of Business and Professional Regulation shall be notified of the suspension, and no other person shall be allowed to operate an adult entertainment establishment at that location for a period of one hundred eighty (180) days.

(5) *Effective date of suspension.* All periods of suspension shall begin fifteen (15) calendar days after the date the business licensing section mails the notice of suspension to the licensee, or on the date the licensee surrenders his or her license to the business licensing section, whichever occurs first.

(b) *Revocation.*

(1) *False information.* In the event it is learned or found, or upon sufficient cause determined that a license was granted based upon false information, misrepresentation of fact, or mistake of fact by the licensee or his or her agent, the respective agency that has knowledge of the false information shall notify the business licensing section. The business licensing section shall notify the licensee in writing of the business licensing section's intent to revoke the license. The licensee shall have ten (10) days from the date of receipt of the notification to request a hearing. The hearing shall be scheduled before the special master. If the licensee does not request a hearing, the license shall be considered revoked ten (10) days after the receipt of the notification. If the licensee does request a hearing, the license shall remain in effect during the pendency of the action before the special master.

(2) *Convictions for violations of article II of this chapter.* In the event one (1) or more convictions for violations of article II or of any applicable health code, statute or regulation occur within a period of two (2) years from the date of the violation from which the conviction resulted, for which the license was suspended for a period of one hundred eighty (180) days pursuant to subsection (a)(4), the business licensing section shall forthwith revoke the license and notify the licensee of the revocation. The time during which the license was previously suspended for one hundred eighty (180) days shall not be included within the two-year period.

(3) *Effect of revocation.* If a license is revoked, the licensee shall not be allowed to obtain another adult entertainment license for a period of two (2) years, and no license shall be issued during that time period to another person for the location and premises upon which the adult entertainment establishment was situated.

(4) *Effective date.* The revocation shall take effect fifteen (15) calendar days after the date the business licensing section mails the notice of revocation to the licensee, or on the date the licensee surrenders his or her license to the business licensing section, whichever occurs first.

Section 119.12 - Records and reports; consent.

(a) Each licensee shall keep such records and make such reports as may be required by the business licensing section and the agencies to implement this chapter and to carry out its purpose.

(b) By holding a license under this chapter, the licensee shall be deemed to have consented to the provisions of this chapter, and to the exercise by the applicable agencies of their respective responsibilities under this chapter.

[Sections 119.13-119.19 Reserved]

ARTICLE II - ADULT ENTERTAINMENT ESTABLISHMENTS: BUSINESS REGULATIONS.

Section 119.20 - Hours of operation.

(1) It shall be unlawful for an operator of an adult entertainment establishment to allow such establishment to remain open for business, or to allow an employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 2:00 a.m. and 10:00 a.m. on all days.

(2) It shall be unlawful for an employee of an adult entertainment establishment to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 2:00 a.m. and 10:00 a.m. on all days.

Section 119.21 - Alcoholic beverages prohibited.

(1) No alcoholic beverages shall be sold, served, or consumed in an adult entertainment establishment.

(2) No person or employee shall expose to public view his or her specified anatomical areas, or simulation thereof, in an establishment selling, serving, or allowing the consumption of alcoholic beverages.

(3) No person maintaining, owning or operating an establishment selling, serving or allowing the consumption of alcoholic beverages shall allow a person or employee to expose to public view his or her specified anatomical areas, or simulation thereof, within the establishment.

(4) No person maintaining, owning or operating an establishment selling, serving or allowing the consumption of alcoholic beverages shall allow the exposure to public view of specified anatomical areas, or the simulation thereof, within the establishment.

(5) No person shall cause and no person maintaining, owning or operating an establishment selling, serving or allowing the consumption of alcoholic beverages shall allow the

exposition of graphic representation, including pictures or projection of film, which depicts specified anatomical areas engaged in specified sexual activities, or other sexual acts prohibited by law, or simulation thereof, within the establishment.

Section 119.22 - Supplementary requirements; prohibitions.

(1) *Adult theater:* In addition to the general requirements for an adult entertainment establishment contained in this article, an adult theater shall comply with the following special requirements:

(a) If the adult theater contains a hall or auditorium area, the area shall comply with each of the following provisions:

1. Have individual or separate seats, not couches, benches, beds, or the like, to accommodate the maximum number of persons who may occupy the area; and
2. Have a continuous main aisle alongside of the seating areas in order that each person seated in the areas shall be visible from the aisle at all times; and
3. Have a sign posted in a conspicuous place at or near each entrance way to the hall or auditorium area listing the maximum number of persons who may occupy the hall or auditorium area, which number shall not exceed the number of seats within the auditorium area; and
4. Have premises equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than 1 foot-candle as measured at floor level; and
5. It shall be the duty of the licensee, the owners, and operator and it shall also be the duty of any agents and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises; and
6. Have an AIDS crisis sign visible to all patrons on the side of the door that opens and allows patrons to enter the theater.

(b) **Furnishing of adult theaters:**

1. Each adult theater subject to this article shall cover the floor of areas accessible to patrons with smooth and nonpermeable flooring material which can withstand frequent effective cleaning in accordance with subsection (1)(c)3. Carpeting of any type is prohibited; and
2. Each adult theater shall use smooth and non-permeable upholstery material which can withstand frequent cleaning in accordance with paragraph (1)(c)3. to cover furniture permitted by this chapter for use of patrons; and

3. Each adult theater shall have, in areas accessible to patrons, interior wall surfaces which can withstand frequent cleaning in accordance with paragraph (1)(c)3; and

4. Each adult theater shall use only those shades, blinds and vertical blinds which can withstand frequent cleaning in accordance with paragraph (1)(c)3. Draperies are prohibited.

(c) Sanitation:

1. All areas of each adult theater which are accessible to patrons shall be maintained in a clean and sanitary condition. The surfaces of all floors, furniture, counter tops, shades, blinds, vertical blinds, doors and walls of areas accessible to patrons shall be cleaned in accordance with paragraph (1)(c)3;

2. All floors, furniture, counter tops, shades, blinds, vertical blinds, doors and walls of areas accessible to patrons of adult theaters subject to this chapter shall be renovated or be replaced as needed. All furniture must be kept free from holes and rips; and

3. Any individual cleaning or sanitizing of the areas accessible to patrons shall be accomplished a minimum of 1 time each 24 hours with a 1:10 bleach solution (1 part bleach to 10 parts water), mixed daily, as recommended by the U.S. Center for Disease Control as a precaution for the prevention of transmission of the HIV virus and other diseases. A copy of the approved procedure shall be kept on file at the adult theater and a copy shall be provided to each person cleaning or sanitizing the areas accessible to the patrons. Each such individual shall certify that he or she has read and understood the procedure. Records of the sanitation performed on the premises as required herein shall be kept and maintained on the premises and posted in a conspicuous place. The signed copy of the sanitation procedure executed by each sanitation employee and the sanitation record referenced above shall be kept as a part of the records of the adult theater, and open for inspection by the applicable agencies.

(2) *Adult dancing establishment:* In addition to the general requirements for an adult entertainment establishment contained in article II of this chapter, an adult dancing establishment shall observe the following special requirements:

(a) It shall have a stage provided for the display or exposure of specified anatomical areas by an employee to a person other than another employee, consisting of a permanent platform (or other similar permanent structure) raised a minimum of 18 inches above the surrounding floor and encompassing an area of at least 100 square feet; and

(b) The exposure by an employee of specified anatomical areas, or simulation thereof, to public view shall be restricted to the stage required above; and nonemployees or patrons shall not be allowed closer than 4 feet to the stage edge when an employee exposes those anatomical areas; and

(c) The establishment provides 2 security officers consisting of sworn law enforcement officers or identified security personnel if the occupant capacity is less than or equal to 150 persons, and an additional sworn law enforcement officer or identified security personnel for each additional increase of occupant capacity of 100 persons. The security officers or personnel shall be granted unfettered access to all parts of the establishment in order to monitor the interior and exterior of the establishment; and

(d) The establishment provides at least 1 responsible person under the supervision of a manager to check identification at the door to ensure that minors do not enter; and

(e) In all areas in which a private performance shall occur:

1. The private performance area shall be at least 100 square feet in size; and

2. Have a permanently open entrance way not less than 7 feet wide and not less than 7 feet high, which entrance way will never be closed or partially closed by a curtain, door or other partition which would be capable of wholly or partially obscuring a person situated in the area; and

3. Have a wall-to-wall, floor-to-ceiling partition of solid construction without holes or openings, which partition may be completely or partially transparent and which partition separates the employee from the person viewing the display; and

4. Have, except for the entrance way, walls or partitions of solid construction without holes or openings in such walls or partitions.

(f) Parking. All adult dancing establishments shall offer valet parking, and shall further comply with the parking requirements of Chapter 152.

(g) Sign. All adult dancing establishments shall post in a conspicuous area at least 1 sign which states that patrons may not touch employees and drugs are prohibited.

(h) Food service.

(i) No person shall cause and no person maintaining, owning or operating an establishment storing, preparing, serving, selling, or allowing the consumption of food shall allow the exposition or graphic representation, including pictures or projection of film, which depicts specified anatomical areas engaged in specified sexual activities, or other sexual acts prohibited by law, or simulation thereof, within the establishment.

(ii) Notwithstanding the foregoing, any person maintaining, owning or operating an adult dancing establishment may sell, serve or allow the consumption of customary bar snacks on the premises.

Section 119.23 - Violations of ordinance.

It shall be unlawful for a person to be an operator of an adult entertainment establishment which does not satisfy all of the requirements of article II of this chapter.

Section 119.24 - Allowing employee to engage in prohibited acts.

It shall be unlawful for an operator of an adult entertainment establishment to knowingly, or with reason to know, allow an employee:

- (1) To engage in a lap dance with a person at the establishment; or
- (2) To contract or otherwise agree with a person to engage in a lap dance with a person at the establishment; or
- (3) To contract or otherwise agree with a person to engage in specified sexual activity at the establishment; or
- (4) To display or expose a specified anatomical area while simulating a specified sexual activity with another person at the establishment, including with another employee; or
- (5) To allow a person, excluding another employee, to touch a portion of the clothed or unclothed body of the employee below the neck and above the knee, excluding that part of the employee's arm below the wrist, referred to as the hand; or
- (6) To engage in a private performance unless such employee is in an area that complies with the special requirements set forth in section 119.22(2); or
- (7) To intentionally touch the clothed or unclothed body of a person at the adult entertainment establishment, excluding another employee, at a point below the neck and above the knee of the person, excluding that part of the person's arm below the wrist, referred to as the hand.
- (8) To display or expose at the establishment a specified anatomical area unless such employee is continuously positioned away from a person other than another employee, and unless such employee is in an area as described in section 119.22(2); or

Section 119.25 - Engaging in prohibited activity.

It shall be unlawful for an employee of an adult entertainment establishment:

- (1) To engage in a lap dance with a person at an establishment; or
- (2) To contract or otherwise agree with a person to engage in a lap dance with a person at an establishment; or
- (3) To contract or otherwise agree with a person to engage in specified sexual activity at the establishment; or
- (4) To display or expose a specified anatomical area while simulating a specified sexual activity with another person at the establishment, including with another employee; or

(5) To allow a person, excluding another employee, to touch a portion of the clothed or unclothed body of the employee below the neck and above the knee, excluding that part of the employee's arm below the wrist, referred to as the hand.

(6) To engage in a private performance unless such employee is in an area which complies with the special requirements set forth in section 119.22(2); or

(7) To intentionally touch the clothed or unclothed body of a person at the adult entertainment establishment, excluding another employee, at a point below the neck and above the knee of the person, excluding that part of the person's arm below the wrist, referred to as the hand; or

(8) To display or expose at the establishment a specified anatomical area unless such employee is continuously positioned away from a person other than another employee, and unless such employee is in an area as described in section 119.22(2); or

Section 119.26 - Advertising prohibited activity.

It shall be unlawful for an operator of an adult entertainment establishment to advertise the presentation of an activity prohibited by an applicable state statute or local ordinance.

Section 119.27 - Specified criminal offense.

It shall be a violation of this Code if the operator is convicted or is adjudged guilty of a specified criminal offense that occurred at the establishment.

Section 119.28 - Minors prohibited.

It shall be unlawful for an operator of an adult entertainment establishment to knowingly, or with reason to know, allow:

- (1) Admittance to the establishment of a person under 18 years of age; or
- (2) A person under 18 years of age to remain at the establishment; or
- (3) A person under 18 years of age to purchase goods or services at the establishment; or
- (4) A person to work at the establishment as an employee who is under 18 years of age.

Section 119.29 - Touching of employee by nonemployee.

It shall be unlawful for a person in an adult entertainment establishment, other than another employee, to intentionally touch the unclothed or clothed body of an employee at a point below the neck and above the knee of the employee, excluding that part of the employee's arm below the wrist, referred to as the hand.

Section 119.30 - Use of rest rooms or dressing rooms.

(1) Notwithstanding any provision of this Code to the contrary, it shall not be unlawful for an employee of an adult entertainment establishment to expose a specified anatomical area during the employee's bona fide use of a rest room, or during the employee's bona fide use of a dressing room, which is accessible only and restricted to employees.

(2) The restrictions of this article also apply to all rest rooms and dressing rooms.

(3) Notwithstanding any provision of this Code to the contrary, it shall not be deemed unlawful for a person to expose a specified anatomical area during that person's bona fide use of a rest room.

Section 119.31 - Violation subject to prosecution.

A violation of any requirement of this article may be prosecuted by the city attorney in a court of competent jurisdiction and/or before the city special master for code enforcement.

Section 119.32 - Miscellaneous.

(a) *Appeal process.* Subject to article I, after a denial of an application for a license, or a notice of suspension or revocation of a license, the aggrieved party may timely file a notice of appeal with any court of competent jurisdiction in accordance with applicable law and court rules.

(b) *Variances.* In the event the notice of denial of an application for a license was grounded in whole or in part upon failure to comply with or satisfy all applicable zoning regulations, the applicant may apply for a variance in accordance with the provisions of the City Code. However, no variance shall be granted from Section 152.111.04(2).

(c) *Notice.* A notice required under this chapter shall be accomplished by sending a written notification by certified mail, return receipt requested, to the mailing address set forth on the application for the license. This mailing address shall be considered the correct mailing address unless the business licensing section has been otherwise notified in writing by certified mail, return receipt requested, by the licensee of the new address. The licensee shall have the burden of proving the business licensing section received the new address.

(d) *Immunity from prosecution.* The city or an agency of the city shall be immune from prosecution, civil or criminal, for reasonable, good-faith trespass upon an adult entertainment establishment while acting within the scope of its authority under this chapter.

(e) *Enforcement of this chapter.* The City Commission, Chief of Police, or state attorney may bring suit in any court of competent jurisdiction to restrain, enjoin, or otherwise present the violation of this chapter.

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.

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 relettered 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.

The motion to approve the foregoing Ordinance on first reading was made by _____, seconded by _____.

THE VOTES WERE AS FOLLOW:

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

APPROVED ON FIRST READING during a regular session of the City Commission of North Bay Village this ___ day of _____ 2012.

2B(49)

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

FINAL VOTE ON ADOPTION:

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

PASSED AND ENACTED BY THE CITY COMMISSION OF NORTH BAY VILLAGE, FLORIDA, THIS _____ DAY OF _____, 2012.

Connie Leon-Kreps, Mayor

ATTEST:

Yvonne 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.

2B(50)

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

Memo

To: Planning and Zoning Board Members
City Manager

From: Susan L. Trevarthen, Esq., AICP
Kathryn M. Mehaffey, Esq.

Date: May 23, 2012

Subject: Summary of Adult Use Studies Regarding Zoning Regulations of Adult
Entertainment Establishments of Land Development Regulations

The following memorandum provides a summary of the municipal and state government summaries on the secondary effects of sexually-oriented businesses. The studies summarized below are listed in the proposed Ordinance.

1. The "Survey of Texas Appraisers – Secondary Effects of Sexually-Oriented Businesses on Market Values" study by Connie B. Cooper, FAICP and Eric Damian Kelly, FAICP in association with David C. Keuhl, Ph.D. and Shawn Wilson, MAI (2008)(Texas)

This study, commissioned as part of a two part study by the Texas City Attorneys Association was conducted by planning consultants, recognized as experts within the field of sexually oriented business regulations and impacts, in order to evaluate the impacts of retail-only adult businesses on the property values of surrounding properties. This study surveyed 195 Texas appraisers who were Members of the Appraisal Institute (MAI) and Senior Residential Appraisers (SRA). The survey questionnaire included a number of uses besides different types of sexually oriented businesses that appraisers often found concerning in relationship to market values in order to decrease the likelihood of targeted responses. The study found that both live and retail-only sexually oriented businesses had a large negative impact on market values of both single family homes and community shopping centers. Further, for single family homes, 86% of survey respondents felt those negative impacts would not diminish until at least a ¼ mile separation existed and 71% felt those negative impacts would not diminish until a ½ mile separation existed. For community shopping centers, 63% felt the negative effects did not diminish until at least ¼ mile away and 44% said the negative impacts did not diminish until ½ mile away. While the study focused on retail-only sexually oriented

2B(51)

businesses, the survey results clearly showed the same significant impacts for sexually oriented businesses with live entertainment or video components.

2. The “Crime-Related Secondary Effects – Secondary Effects of “Off-Site” Sexually Oriented Businesses” study by Richard McCleary, Ph.D. in association with Alexi Alexander, J.D., Larry Bush, M.A., and Mark Vasquez, B.A. (2008)(Texas)

The second part of the study commissioned by the Texas City Attorneys Association is a statistical analysis which explains the criminological theory of secondary effects and applies that theory to sexually oriented businesses. The study provides analyses of other studies evaluating the crime rate impacts of sexually oriented businesses and concludes with a case study of crime data from a Texas jurisdiction. The study concludes that sexually oriented businesses pose significant public safety hazards related to prostitution, drugs, assault, robbery and vandalism. The study also analyzed a 2006 study supporting location of sexually oriented businesses. The 2008 analysis demonstrated with the 2006 study’s own data the increased risks of crime and showed that the risk diminished exponentially with distance from the sexually oriented business. As such, the sexually oriented businesses were neighborhood point-sources creating significant risk for crime victimization.

3. “Crime-Related Secondary Effects of Sexually-Oriented Businesses: Report To The City Attorney” by Richard McCleary, Ph.D. (2007)(Los Angeles, California)

This study statistically evaluated the facts and materials in *Alameda Books v. City of Los Angeles*, U.S. District Court, Central District of California, Case No. CV 95-7771, and also evaluated 2006 data to consider the differences between retail only sexually oriented bookstores and sexually oriented businesses with retail and arcade/on-site viewing components. The study developed several conclusions:

- 1) There are three factors which produce large, significant crime-related secondary effects include: 1) sexually oriented businesses draw patrons from large geographical areas; 2) because patrons are disproportionately male, open to vice overtures, reluctant to report victimizations to the police, etc., these patrons are “soft” targets; and 3) the large number of “soft” targets concentrated at the site of a sexually oriented business attracts predatory criminals, including purveyors who dabble in crime and criminals who pose as vice purveyors in order to lure or lull potential victims.
- 2) Thirty years of empirical studies employing a wide range of designs have found that sexually oriented businesses have large, significant crime-related secondary impacts.

- 3) While all sexually oriented business subclasses pose significant public safety hazards, these hazards vary based on the opportunities for different types of crime created by the subclass of business.
- 4) Considering the two subclasses of stand-alone bookstores and combined bookstore-arcades, the combined bookstore-arcade poses higher risks for crime.
- 5) The risk of victimization at the site of a combined bookstore-arcade is more than double the risk at the site of a stand alone bookstore. These risks both diminish with distance, but the two types of businesses are not equal until approximately 900 feet from the business.

4. "Survey of Findings and Recommendations of Sexually Oriented Businesses" by Eric Damian Kelly, PhD, FAICP and Connie B. Cooper, FAICP (August 2002) (Toledo, Ohio)

This study evaluated the secondary effects of sexually oriented businesses and included an analysis of ordinances, police calls and field studies of the sexually oriented businesses in Toledo, and provided findings and recommendations for zoning, licensing and other regulatory changes. The Survey was conducted working with a steering committee which included the City's planning department, police force, building services, and legal department. Issues and concerns were additionally identified and analyzed through meetings with city council members, neighborhood groups and representatives of the sexually oriented businesses. One important issue highlighted in this report was the importance of the definitions, where the City regulated adult uses through zoning but the definitions failed to adequately identify the targets which resulted in the inability to regulate a sex toy shop with limited books and videos, as an adult entertainment establishment. The study analyzed the secondary effects of the external impacts of sexually oriented businesses on adjacent neighborhoods as well as the impacts of activities at these businesses that might not be protected by the First Amendment but that caused additional impacts in the community – often stemming from activities that started inside the business which were either unprotected activities or which often spilled out into the community.

The study found that clustering of two or more sexually oriented businesses resulted in a statistically significant increase in crime rates. There were also significant differences in criminal activity based on the type of sexually oriented business. Sexually oriented businesses with live entertainment were likely to have disproportionately higher criminal activity. For instance, in the analysis of Toledo's existing businesses, sexually oriented cabarets accounted for only 20% of the sexually oriented businesses but generated 44% of the total police calls. Adding an on-site entertainment component to any sexually oriented business, including a bookstore, lengthened the amount of time that patrons remained on the premises and increased the opportunity and likelihood for interaction with other patrons thereby increasing the negative impacts of the use above that of a simple retail establishment. In analyzing the data on a business by business type and ownership, the study concluded that the effects of Management on the secondary impacts of a business are also significant, thus supporting the need for an effective

licensing ordinance. Of the Adult Cabarets, one establishment had 102 incidents while one had 25, two had only 8 and one had no incidents reported. Of 26 calls to "encounter and touching" establishments, one establishment accounted for 69% of the calls. Of 37 calls to sexually oriented bookstores, 17 calls went to two stores which were under common ownership.

One of the major concerns identified in the study was location. A perfectly legitimate business located across from a school or in another location whereby residential neighbors, often including children, have a forced exposure to the business, will have significantly higher negative impacts on the neighborhood. The business becomes a "pig in the parlor" rather than a "pig in the barn."

The study recommended specific revisions to Toledo's ordinance including revisions to definitions, location criteria including distance criteria from sensitive uses and other sexually oriented businesses, inventory thresholds and access control, as well as extensive licensing requirements based on the type of sexually oriented business.

5. "A Report on the Secondary Impacts of Adult Use Businesses in the City of Denver," by the Zoning Administration, Office of Planning and Development, Department of Public Safety, Department of Excise and Licenses, Assessor's Office, and in consultation with the City Attorney's Office, Denver, Colorado (January 1998)

In 1996, an Adult Use Study Team was established to assess the secondary impacts caused by adult use businesses on nearby properties and neighborhoods, and to determine the availability of sites for adult businesses. This Team found that adult use businesses caused negative secondary impacts to nearby properties and neighborhoods, including criminal activity, litter, noise, traffic problems, and depreciation in residential property values. A survey of residents in areas where adult use businesses were located demonstrated that the litter generated by such businesses included printed material containing pornography, used condoms, sex paraphernalia, and used syringes. The criminal activity, which was significantly higher around adult use businesses compared with the city as a whole, included disturbing the peace, public indecency, prostitution, drug-related violations, loitering, robbery, larceny, theft from motor vehicle, and urinating in public.

6. "Sexually Oriented Business Ordinance Revision Committee Legislative Report, Houston, Texas (January 7, 1997)

This report was drafted by a committee tasked with updating prior research studies completed in 1983, 1986, and 1991 in order to determine and make recommendations on any needed reforms to the city's existing sexually oriented business ordinance. The committee found that criminal activities, anonymous sex, spreading of sexually transmitted diseases, and other such acts were occurring within sexually oriented

businesses. In order to try to regulate these secondary effects, the committee determined that it was necessary to license all of the entertainers and managers of sexually oriented businesses, provide for certain configurations and lighting requirements within the businesses to aid the police department in their investigations, provide distancing requirements from the city's family centers, parks, and neighborhoods, and provide for the elimination of "glory holes" to reduce the risk of anonymous sex.

7. "Adult Use Study," by the Newport News Department of Planning and Development, Newport News, Virginia (March 1996)

This study examined adult use studies from other cities around the country as well as the secondary effects of the adult uses currently operating in Newport News. The studies from other cities indicated that adult uses increase crime and decrease property values in the areas surrounding the uses. In Newport News, the police calls for service indicated that the adult uses experienced crime problems that impacted nearby neighborhoods or businesses. A survey of realtors in the city indicated that adult uses lessen nearby residential property values and may lessen nearby commercial property values depending on the type of adult use and the amount of concentration. The study determined that regulation of adult uses was warranted, and after evaluating the dispersal and concentration theories, recommended spatial separation of adult uses, and separation of these uses from residential areas.

8. "Report to American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses," by Peter R. Hecht, Ph.D. of the Environmental Research Group (March 31, 1996)

This study compiled new data, examined municipal land use studies and historical data from the late eighteenth century through 1996, and drew conclusions based on statements and conclusions of previous land use studies. This study concluded that sexually oriented businesses provide a potential focus for illicit and undesirable activities by providing a place of contact for numerous potential customers for prostitution, pandering, and other activities. In addition, when alcohol is provided on site or nearby, or when there is a large concentration of sexually oriented businesses, the quantity of undesirable activities increases. This provides for a snowball effect of undesirable activities that feed upon and support each other. The research also revealed that sexually oriented businesses have more of an impact on smaller towns than they do on larger towns. This study also concluded that when these businesses are located near residential areas or educational and religious institutions, a number of children were exposed to inappropriate models of behavior, and were victims of opportunistic personal crimes.¹

In addition, it was also concluded that sexually oriented businesses have a negative impact upon both residential and commercial property values located within three blocks of the adult use. The presence of sexually oriented businesses was

¹ It should be noted that it was also determined that the elderly and women were also susceptible to opportunistic personal crimes when sexually oriented businesses were located in close proximity to residential areas, or religious and educational institutions.

considered by real estate appraisers and lenders to be evidence of community decline and decay. Also, other research indicated that areas with sexually oriented businesses experience lower rates of appreciation in property values and/or higher turnover in properties in comparison to comparable areas without sexually oriented businesses.

9. "Adult Entertainment Study" by Department of City Planning, City of New York (November 1994)

The City of New York commenced this study following a 35% increase in adult entertainment establishments over a 10 year period. At the time of the study, New York City had no adult use regulations -- a triple XXX video store was subject to the same regulations as family video store. The study evaluated existing studies in other localities, studies and reports on adult entertainment establishments in New York City and an analysis and survey of the impacts adult entertainment establishments were having on the communities in New York City. In evaluating the impacts of these establishments, the City considered impacts identified by the City Planning Commission in a 1977 study, impacts identified by the Office of Midtown Enforcement and a Chelsea Business Survey, impacts identified through public hearing, a Times Square Business Improvement District Study and in newspaper reports and correspondence. The study also included an analysis of criminal complaint data and property assessed values.

The results of the Department's study of local impacts mimicked the findings of other studies. Specifically, the location of adult uses created "dead zones" in commercial areas that shoppers avoid, greater concentrations of crime in areas surrounding adult uses especially where multiple establishments were located. These issues resulted in additional perceived issues pressuring neighboring business to hire private security guards for parking lots and closing area businesses early. A survey of 100 business owners in one New York City community found that 61% felt the location of the adult video stores in their community had a negative impact on their businesses and a telling 88% thought the potential for doing business in the area had been negatively affected by the establishments. Additional concerns identified by the City in addition to the crime, deterioration of the business and residential climates, included quality of life impacts such as littering, noise, night-time operations, offensive signage and exposure of children to inappropriate materials. The City's survey of realtors found that 80% reported that an adult entertainment establishment decreased market values as at least 500 feet from the establishment. While the Planning Department's survey of assessed values did not clearly identify negative impacts resulting from the establishment of adult uses, the Department found that the diversity of the City and the limitation of available data would make create issues with due to the difficulty in isolating specific impacts attributable to any particular land use. However, the Department found that regardless of trackable deterioration in assessed values, the perceptions created by the establishment of the adult uses created a disincentive to invest resulting in a deterioration in the neighborhood surrounding the adult establishment.

10. The "Adams County Nude Entertainment Study" by the Adam's County Sheriff's Department (1991)(Colorado)

This study was an update to a 1988 study conducted by the Adams County Sheriff's Office in order to provide support for a proposed nude entertainment ordinance, which prohibited persons to appear in a "state of nudity"² for the purpose of entertaining patrons. The 1988 study consisted of two phases: first, an April 1988 study of six representative locations in Adams County was undertaken to determine the transiency of adult business customers. Second, crime statistics in two Adams County areas featuring adult businesses were gathered for the years of 1986 and 1987. The study concluded that there was a direct correlation between nude entertainment establishments and an increase in crime, alcohol related offenses, and transiency of patrons. After review of this study, the County Commissioners passed the nude entertainment ordinance which 1) restricted the hours of operation; 2) provided distance requirements; 3) provided a six-month amortization period reducing the number of adult businesses from 28 to 14; and 4) provided a public nuisance provisions for repeat or continuing violations. Subsequently, this ordinance was challenged and upheld by the Colorado Supreme Court. The court found that the ordinance did not violate constitutionally protected free speech because it did not ban nude dancing altogether and it did not unreasonably inhibit the presentation of nude dancing. The 1991 report re-evaluated the 1988 study based on 1990 statistics and found no significant changes with a few exceptions. One exception showed a block from the original study which had experienced a 900 percent increase in reported crimes including a 290% increase attributable to adult businesses offering nude entertainment and/or alcohol.

11. "Effects of Adult Entertainment Businesses on Residential Neighborhoods," by the Department of Planning, Research and Development, City of El Paso, TX (Sept. 26, 1986)

This study, done by the Department of Planning, Research and Development, the City Attorney's Office, the Police Department Data Processing Division, and New Mexico State University, involved one year of studying the impacts of sexually oriented businesses on the El Paso area. A separate report by New Mexico State University on perceived neighborhood problems was also included in this study. Three control areas and three study areas were used to evaluate the secondary effects of sexually oriented businesses. The study concluded that the following conditions existed within the study areas:

- (1) The housing base within the study area decreased substantially with a concentration of sexually oriented businesses
- (2) Property values decreased for properties located within a 1-block radius of sexually oriented businesses
- (3) There was an increase in listings on the real estate market for

² A "state of nudity" occurs when such a person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

- properties located near sexually oriented businesses
- (4) The presence of sexually oriented businesses resulted in a relative deterioration of the residential area of a neighborhood
 - (5) There was a significant increase in crime near sexually oriented businesses
 - (6) The average crime rate in the study areas was 72% higher than the rate in the control areas
 - (7) Sex-related crimes occurred more frequently in neighborhoods with even one sexually oriented business;
 - (8) Residents in the study areas perceived far greater neighborhood problems than residents in control areas; and
 - (9) Residents in study areas had a greater fear of deterioration and crime than residents in control areas.

The study of perceived neighborhood problems done by New Mexico State University revealed a strong, consistent pattern of higher neighborhood crime, resident fear and resident dissatisfaction in the neighborhoods containing sexually oriented businesses.

12. "NLC Summaries of "SOB Land Use" Studies, Crime Impact Studies by Municipal and State Governments on Harmful Secondary Effects of Sexually-oriented Businesses," National Law Center for Children and Families, 1991, 1994, 1996, 1997, 1999, 2000, 2001, 2002, 2005.

This is a collection of summaries of 43 municipal and state government studies on the secondary effects of sexually-oriented businesses conducted between 1977 and 1998. The summaries identify a historical trend of negative secondary effects from sexually oriented businesses, related to all types of criminal and economic/market behaviors.

NORTH MIAMI

Company to spend \$2 million

• STRIP CLUBS, FROM 3NE

not return calls for comment. Herbert Schlanger, the attorney for Swinging Richards, did not respond to an email seeking comment.

Meanwhile, in North Miami, the City Council gave its preliminary approval to lift a ban on the sales of alcohol in all-nude adult clubs.

Sunny Isles Eatery, a group that plans to open an adult entertainment club in the city, asked for a change in the code. The group previously ran Thee Dollhouse in Sunny Isle Beach, where female dancers performed friction dances and participated in onstage showers with each other -- or with customers.

"It's just not competitive to have an adult entertainment facility without alcohol," said Jeff Cazeau, the attorney for Sunny Isles Eatery.

There are currently no strip clubs operating in North Miami.

The item passed with a 4-1 vote on first reading at a council meeting May 8. Councilman Michael Blynn cast the sole dissenting vote. The issue will come before the council again May 22 for a final vote.

According to documents submitted to the city, Sunny Isles Eatery plans to invest \$2 million into the former Locks Company building at 2050 NE 151st St. The tell-tale flashing neon lights common on the exterior of strip clubs will not be present, Cazeau said.

The club is expected to create 40 jobs during the construction period and 50 permanent staff positions.

MEETING NOTICES

May 21 - May 25, 2012

MONDAY, May 21

No Meetings Scheduled

TUESDAY, May 22

- 9:00 a.m. Committee for Quality Education In Miami Beach City Manager's Large Conf. Room, Fourth Floor, City Hall
- 10:00 a.m. MB Visitor & Convention Authority Lewis Miami Beach Hotel 1601 Collins Ave., Ste. 432
- 1:00 p.m. Planning Board* Commission Chambers Third Floor, City Hall
- 3:00 p.m. Neighborhood/Community Affairs Committee** City Manager's Large Conf. Room, Fourth Floor, City Hall

WEDNESDAY, May 23

- 11:00 a.m. Beach Renourishment Update Public Works Conf. Room Fourth Floor, City Hall
- 6:00 p.m. Community Development Advisory Committee RHCD Conference Room 555 17th Street

THURSDAY, May 24

- 9:00 a.m. Special Master Hearings Commission Chambers Third Floor, City Hall

FRIDAY, May 25

No Meetings Scheduled

* Aired on MBTV, Atlantic Boulevard 77 & AT&T U-verse 99
 ** Commission Committee Meetings



We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historical community.

For any and/or all of the above meetings, one or more members of the Miami Beach City Commission may be in attendance and participate in discussions. City Hall is located at 1700 Convention Center Drive; and the Miami Beach Convention Center is located at 1901 Convention Center Drive. Any meeting may be opened and continued and, under such circumstances, additional legal notice would not be provided. 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), 305-673-7824 (fax) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (FL Relay Service). A meeting not noticed in the Weekly Meeting Notice and determined to be an emergency meeting will be posted on the bulletin boards throughout City Hall and will be available on the City's website at web.miamibeachfl.gov/cityclerk/

Fla. Statute 286.0105 Notices of meetings and hearings must advise that a record is required to appeal--Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person desires to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may 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. The requirements of this section do not apply to the notice provided in s. 200.065(3).

**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 ITS REGULAR MEETING ON **MAY 29, 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 REQUEST AND ORDINANCE, AND SUBMIT RECOMMENDATIONS TO THE CITY COMMISSION:

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

AN ORDINANCE OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 152, ZONING, SECTION 152.111, ADULT ENTERTAINMENT, OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR 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
 (May 11, 2012)**

2 B(59)

MINUTES

PLANNING & ZONING BOARD MEETING

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

TUESDAY, APRIL 17, 2012 – 7:30 P.M.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

The meeting was called to order by the Chair, Reinaldo Trujillo, at 7:40 P.M. and the Pledge of Allegiance was recited.

Present at Roll Call were the Chair, Reinaldo Trujillo; the Vice Chair, Jorge Gonzalez; Barry Beschel; James Carter; and Bud Farrey. As a quorum was determined to be present, the meeting commenced.

City staff present were City Manager Dennis Kelly; Interim City Planner James LaRue; City Attorney Kathy Mehaffey; and Building Clerk Ana DeLeon.

Also present were Tzvi Bogomilsky of the Harambam Congregation; Jim Steger of KLA Schools; Manny Synalovski of Manuel Synalovski Associates, LLC; and Chris Heggen of Kimley-Horn and Associates, Inc.

2. PUBLIC HEARINGS (ALL INDIVIDUALS DESIRING TO PROVIDE TESTIMONY SHALL BE SWORN IN.)

City Attorney Kathy Mehaffey read the provisions for conduct of quasi-judicial public hearings, and asked for disclosure of ex-parte communications or site visits on the part of members of the Board. Board member Barry Beschel disclosed that he had visited and walked the site.

The Clerk swore in all those who planned to speak at the public hearing.

The City Attorney read the title of the request.

A. A REQUEST BY SOTREZA, LLC ON BEHALF OF HARAMBAM CONGREGATION, INC. FOR A SPECIAL USE EXCEPTION, PURSUANT TO SECTION 152.098(A) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES TO OPERATE A PRE-

SCHOOL/ DAY CARE CENTER AT 7800 HISPANOLA AVENUE (FORMERLY USED AS A TEMPLE), LOT 1 AND 2 AND EAST ½ OF LOT 3, BLOCK 1 OF COMMERCIAL ADDITION TO TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, WITHIN THE RM-40, MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT.

The Chair introduced Interim City Planner James LaRue to make his presentation. Mr LaRue described the special use exception request as a request by KLA Schools to operate an early childhood education school (meeting the parameters of a day care center), used Monday to Friday from 7 A.M. to 6 P.M.; and utilizing floor space of approximately 9,893 sq. ft., as did the synagogue previously occupying the site. The maximum enrollment would be 172 students and a staff of 18 would be employed. Mr. LaRue categorized the intended future use as institutional and quasi-public consistent with the Comprehensive Plan because of the intended education use, the categorization subject to reaffirmation by the City Commission.

Mr. LaRue referred to his staff memo citing the importance of analysis of traffic impacts and parking provisions for this type of use. Based on staff size and a staggered two-shift pick-up and drop-off schedule with no queuing and parking spaces not being blocked he said that he had submitted an update to his original recommendation of approximately 35 parking spaces; and noted that the record should state that an existing temporary use of the parking area for overflow parking from a nearby building should cease as a condition of approval.

The traffic impact report, which he had examined today, appeared to reflect no negative impact in the level of service on the streets; and although it looked satisfactory to him he suggested questioning the traffic engineer who was present at the meeting.

The Interim City Planner emphasized that this hearing was not for site plan approval, but just for special use; and that the site plan would be reviewed at a later time. At this time he recommended that all outdoor areas should be properly maintained and fenced; that there be adherence to all licensing requirements; again, that overflow parking use cease; and that the hours of operation, and use on weekdays only, be affirmed for the record.

The Chair, Reinaldo Trujillo, asked to hear from the applicant before questioning the Interim City Planner.

Representing the applicant, Manuel Synalovski of Manuel Synalovski Associates LLC, took the podium to make his presentation. He began by addressing the issue of temporary surface parking, submitting to the Board a copy of a letter, a copy of which had been previously forwarded to staff, from the current owner of the property attesting to the fact that the current parking use is temporary only and will cease upon closing on the sale of the property.

Mr. Synalovski described the project as taking the existing building of approximately 9,860 interior sq. ft. and repurposing it into a day care center operated by KLA Schools, one of the premier providers of early childhood education in the nation for children from 3 months to 5 years of age and offering a unique and sophisticated curriculum.

He referred to the site plan to indicate the placement of the required outdoor play area on the north side of the lot, where there were no nearby neighbors who would be affected by the noise of children playing. Parking on the site would run north/south from N. Treasure Drive to Pirates Alley. He described the factors that would make drop-off and pick-up of the children manageable with no queuing, including: two staggered sessions with a half-hour difference in drop-off and pick-up times, either 8:30 A.M. - 2:30 P.M. or 9 A.M. - 3 P.M.; early drop-offs at 7 A.M. and after-school care as late as 6 P.M.; enrollment distributed between 3 day programs and 5 day programs, and full day and half day programs; and an expected daily percentage of absenteeism among children of this age.

Also referring to the site plan, he described that the field color of the building will be white, with trim accents in the characteristic colors of KLA Schools. Most of the glass areas on the building will remain with stained glass replaced by clear glass, and some glass will be added. Buffer areas and landscaping will be maintained and added. The parking field of 32 spaces will support parking for 18 staff members with the balance of parking for parent drop-offs and pick-ups in staggered use, which according to his traffic engineer was sufficient parking. His traffic engineer also judged that the three street intersections of concern to the Interim City Planner would not be affected negatively. A canopy for outdoor shade would be added to the site, and while the exterior architecture of the building would remain essentially unchanged, the interior would be gutted and redesigned for their purposes.

Mr. Synalovski stated that they agreed with staff's recommendation of approval, and the items conditional for approval, such as the plan of staggered use and the cessation of the use of the site for overflow parking.

He provided the Board with the original traffic study and the additional traffic documentation requested by Interim City Planner LaRue, and introduced the traffic engineer, Chris Heggen of Kimley-Horn and Associates. Mr. Heggen informed the Board that with regard to the queuing and parking needs internal to the site for drop-off and pick-ups, he first studied an existing KLA school in Pembroke Pines. From this study, he derived the functional ratio of .16 vehicles per student for parent parking which when applied to this site in two shifts yielded 32 required parking spaces. Secondly, he also looked into the off-site traffic impacts and specifically the intersections of Hispanola and N. Treasure Drive, Pirates Alley and Adventure Avenue, and Adventure Avenue and Kennedy Causeway. He concluded that adding traffic generated by the school to the existing traffic would not degrade the overall level of service.

The Chair, Reinaldo Trujillo questioned where the drop-offs would take place, and Mr. Synalovski clarified that staff would greet parents at the entrance to the building inside the property on the north side, and bring the child inside after the parent had parked. The Chair remarked that he had concerns about drop-offs taking place off the property and creating congestion on N. Treasure Drive and Hispanola Avenues.

The Chair also questioned the impact of the traffic flow on Pirates Alley, which was very narrow and heavily used in the morning particularly by trucks making deliveries. The traffic engineer, Chris Heggen responded that he had not looked at that aspect, and Mr. Synalovski suggested that it might take communication with other users of the Alley. The Chair added that there was a history of complaints by residents of the condominium in the vicinity of Pirates Alley and the Hess station regarding the noise from users of the Alley.

The Vice Chair, Jorge Gonzalez, questioned the logistics of parking, traffic flow, and queuing. Mr. Synalovski explained that staff expedited drop-offs by meeting parents at their cars, and that queuing was discouraged and generally not anticipated.

The Chair asked Interim City Planner James LaRue about the temporary parking on the site, questioning whether these parked vehicles, which could number as many as 15, would be able to find other parking. He noted that the City did not have 15 parking spaces available on the street. Mr. LaRue suggested that parking questions could be addressed more in the site plan separately from the special use exception, and also that the traffic flow could be altered with ingress and egress possibly changed. Tzvi Bogomilsky, President of the Harambam Congregation (current owners of the property), explained that the Causeway Tower had approached them to use the property for a minimal rent as a convenience to patrons who wished to run in and out quickly, and that the second deck in their parking structure was not much used currently.

The Chair suggested that reversing traffic flow through the site, to establish ingress through Pirates Alley from Hispanola, and egress on N. Treasure Drive, would minimize the impact on Pirates Alley and eliminate the problems that had been mentioned there. Mr. Synalovksi said that they would be able to agree to that immediately, and that the current traffic flow design was a result of the previous City Planner objecting to the use of Hispanola Avenue. The Chair judged that the length of the Alley should be sufficient to prevent back up on Hispanola Avenue when entering from that point.

Board member James Carter inquired about the use of vans or buses, to which Mr. Synalovski replied that it was not anticipated. Board member Carter also questioned how the parking would be handled on those days when all 172 students might be expected to attend a school event. Mr. Synalovski explained that they realized the limitations of the site and that the school would not run programs that generated traffic problems, such as all-school assemblies.

Board member Barry Beschel expressed similar concerns about Pirates Alley, and asked for the traffic engineer's comments on a reversed traffic flow and its impact on Hispanola. Mr. Heggen, the traffic engineer, concurred that this minimized the impact on Pirates Alley. Since the goal of the school's drop-off and pick-up plan was to avoid queuing, he felt that the Pirates Alley portion of the revised traffic flow pattern should be enough of a safety measure to prevent back-up on Hispanola Avenue in the event that a couple of arriving cars did extend beyond school property.

The Chair, Reinaldo Trujillo, opened the meeting to the public.

The first speaker was Javier Kitaigorodsky, a resident of the Lexi, who agreed that the traffic plan made sense; asked if school zone yellow lights could be expected in the area; and expressed his approval of the quality of the school. Chris Heggen, the traffic engineer, explained that with children under the age of 5 years, child pedestrians were not expected and therefore no school zone lights were needed.

The next speaker was Arlene Cohen, a resident of the Lexi, who questioned the adequacy of the parking provisions if one shift of 50 to 75 parents all showed up at the same time. Mr. Synalovski explained again the details of how the school's system made that highly unlikely, and referred to the study of their other school which demonstrated the adequacy of the parking ratio. He went on to say that a smooth and pleasant drop-off and pick-up experience was critical to keeping their customers happy, and the school would monitor the situation and make adjustments if necessary.

The next speaker was Mario Garcia, of 7540 Cutlass Avenue, who liked the school for the City, but was concerned that parents might want to park in the area and walk their children into the school, and asked if parents would be educated not to park in the surrounding area. Mr. Synalovski agreed that educating the parents was an important part of their disciplined approach to running the system successfully, and that parents were discouraged from parking remotely for safety and for quicker departures.

The next speaker was Tzvi Bogomilsky, President of the Harambam Congregation, who informed the Board that he had been approached by many groups interested in the property but had waited for the best use and not necessarily the highest price. He described this as an easy project and good for the City and asked for its approval.

The Chair suggested the idea that angled parking might facilitate departure. He asked Mr. Bogomilsky if there were any plans to incorporate something into the site that would recognize its history of use, as something of a landmark that would be appreciated by the Jewish community. Mr. Bogomilsky referred to the years of court proceedings contesting historic designation for the site, and stated that while the building has sentimental value it has no historic architectural value. He explained that the plaques and stained glass windows would be removed and found proper homes, and the cornerstone would remain to mark the site.

Resident Mario Garcia inquired as to whether pedestrians would still be able to use the property as a shortcut, and Mr. Synalovski responded that that could prove to be problematic for the school during school hours when children were attending.

The Chair, Reinaldo Trujillo, closed the meeting to the public at 8:55 P.M.

The Interim City Planner James LaRue made his recommendation for the approval of the special use exception, recommending that approval include a statement for the record that the intended use qualifies as a quasi-public use; that the traffic impact is not shown to be negative and is not a condition of approval; that the playground be kept in good condition; that all licensing requirements be met and building permits be obtained; that overflow parking use cease; that the weekday hours of operation be affirmed; and with a reconfiguration of the egress and ingress of traffic to the site based on the testimony at the meeting.

The Chair asked whether the reconfiguration of the traffic flow should be part of the special use exception approval motion, or whether it should be part of the site plan application. The City Attorney advised that it could be done either way, or that a statement regarding the alteration of the traffic flow could be included for the record.

1.) Board Recommendation

Board member Bud Farrey made the Motion to recommend the approval of the request for a Special Use Exception to operate a pre-school/day care center at 7800 Hispanola Avenue, consistent with the conditions of the staff recommendation for approval; and stating for the record that the site plan should reflect the alteration of the drop-off and pick-up traffic pattern to establish ingress on Pirates Alley and egress on North Treasure Drive, per the discussion. The Motion was seconded by Board member Barry Beschel. The votes were as follows: Barry Beschel-Yes; James Carter-Yes; Bud Farrey-Yes; Jorge Gonzalez-Yes; and Reinaldo Trujillo-Yes. The Motion carried 5-0.

3. APPROVAL OF MINUTES

A. REGULAR MEETING – MARCH 20, 2012

1.) Board Action

Board member Barry Beschel made a Motion, seconded by Board member Bud Farrey, to approve the minutes of the regular meeting of March 20, 2012. The Motion carried with all in favor 5-0.

4. ADJOURNMENT

The meeting was adjourned at 9:00 P.M.

*Prepared and submitted by: Katharine Price
Clerical Assistant*

*Adopted by the Planning & Zoning Board on
this _____ day of _____.*

Reinaldo Trujillo, Chair

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the City Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)