



North Bay Village

Administrative Offices

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

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

NOTICE OF COMMISSION ADVISORY BOARD VACANCIES

BUSINESS DEVELOPMENT ADVISORY COMMITTEE 7 VACANCIES

PLANNING & ZONING BOARD 2 VACANCIES

**INTERESTED CITIZENS SHOULD
COMPLETE THE ATTACHED APPLICATION
AND SUBMIT TO THE VILLAGE CLERK
NORTH BAY VILLAGE
1666 KENNEDY CAUSEWAY, #300
N. BAY VILLAGE, FL 33141
YVONNE.HAMILTON@NBVILLAGE.COM**

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez



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BOARD/COMMITTEE APPLICATION

NAME _____ TELEPHONE # _____

MAILING ADDRESS _____

VILLAGE RESIDENT: YES _____ NO _____ HOW MANY YEARS _____

BUSINESS OWNER: YES _____ NO _____ PAST OR PRESENT _____

NAME AND ADDRESS OF BUSINESS _____

HOW LONG HAVE YOU BEEN OPERATING IN THE VILLAGE? _____

CHECK THE BOARD COMMITTEE YOU WOULD LIKE TO SERVE ON:

- | | | | |
|---|--------------------------|----------------------------------|--------------------------|
| ANIMAL CONTROL ADVISORY COMMITTEE | <input type="checkbox"/> | COMMUNITY ENHANCEMENT BOARD | <input type="checkbox"/> |
| ARTS, CULTURAL & SPECIAL EVENTS BOARD | <input type="checkbox"/> | PLANNING & ZONING BOARD | <input type="checkbox"/> |
| BUSINESS DEVELOPMENT ADVISORY COMMITTEE | <input type="checkbox"/> | YOUTH & EDUCATION SERVICES BOARD | <input type="checkbox"/> |
| CITIZENS BUDGET AND OVERSIGHT BOARD | <input type="checkbox"/> | | |

ARE YOU AVAILABLE FOR EVENING MEETINGS? YES _____ NO _____

HAVE YOU EVER SERVED ON A VILLAGE BOARD/COMMITTEE? YES _____ NO _____

HAVE YOU EVER BEEN A VILLAGE EMPLOYEE? YES _____ NO _____

ARE YOU A REGISTERED VOTER? YES _____ NO _____ (Attach copy of Voter Registration Card)

PLEASE GIVE A SUMMARY OF YOUR WORK AND CIVIC SERVICE EXPERIENCE:

PLEASE COMMENT ON HOW YOU THINK YOUR BACKGROUND QUALIFIES YOU TO SERVE ON THIS BOARD AND WHAT YOU MAY BE ABLE TO CONTRIBUTE: (use additional page if necessary)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

RESOLUTION NO. 2012-12

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, ESTABLISHING A BUSINESS DEVELOPMENT ADVISORY COMMITTEE; PROVIDING COMMITTEE MEMBERSHIP; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR EDDIE LIM)

WHEREAS, the City Commission (the "Commission") of the City of North Bay Village (the "City") desires to aggressively attract new commerce to become part of the City business community; and

WHEREAS, the Commission would like to afford City residents with increased opportunities to be employed within the City; and

WHEREAS, well-rounded shopping facilities will be beneficial to the City residents and help build up the City's tax base; and

WHEREAS, recognizing the value of public input, the City desires to include its residents and business owners in the process of improving the economic development of the City; and

WHEREAS, the Commission therefore desires to create a Business Development Advisory Committee to establish a dialog with existing members of the North Bay Village business community and to provide recommendations for the recruitment of new commerce to become part of the City.

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

Section 1. **Recitals.** The foregoing whereas clauses are hereby ratified and confirmed as being true; and the same are hereby made a specific part of this Resolution.

Section 2. **Establishment of Advisory Committee.** A Business Development Advisory Committee is hereby created to establish a dialog with existing members of the North Bay Village business community and to provide recommendations to the City Commission for mechanisms and programs to attract new commerce to become part of the City.

Section 3. **Qualifications.** Committee members shall meet the following qualifications:

1. Have been a resident of the City of North Bay Village for a minimum of two (2) years; or
2. Own or operate a business within the City for a minimum of one (1) years.

Section 4. **Appointment and Composition of Committee.** The Committee shall consist of seven (7) voting members and one (1) non-voting member. The Mayor and Commissioners shall each nominate one voting member. The remaining members shall be appointed by a majority vote of the Commission. The City Manager shall be an ex-officio, non-voting member of the Committee. All nominations shall be subject to a majority vote by the Commission. Nominees shall be a minimum of 18 years of age. Should a vacancy occur on the Committee, the original nominating Commissioner, or if applicable the City Manager, shall nominate a replacement, subject to majority vote of the Commission.

Section 5. **Duties.** The Business Development Advisory Committee shall:

1. Appoint its own chair and vice-chair;
2. Appoint a secretary, who shall keep an accurate record of the Committee's meetings;
3. Provide monthly written reports containing its activities and recommendations concerning the economic development of the City, including but not limited to, the existing business environment in the City and what measures the Commission and City staff may take to attract businesses to the City.

Section 6. Meetings. The Committee shall meet monthly, on the third Wednesday of the month, beginning in May, 2012, and at the call of the Chairperson and all meetings shall be open to the public. A majority of the Committee shall constitute a quorum, and the affirmative vote of the majority of those members present shall be required to take action or make a recommendation. The Secretary shall keep minutes of the Committee meetings. The approved minutes shall be filed with the City Clerk.

Section 7. Attendance. In the event a Committee member fails to attend three (3) regularly scheduled meetings, the Committee member shall automatically be removed from the Committee. The vacancy shall be filled pursuant to Section 4 of this Resolution.

Section 8. Staffing. The City Manager and the City Clerk shall serve as staff to the Committee.

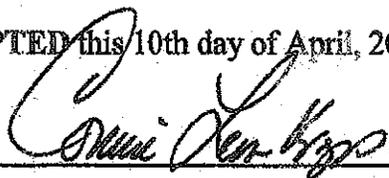
Section 9. Sunset Review. The Committee shall have a Sunset Review by the Commission after 24 months from the effective date of this Resolution. The Committee shall prepare a report containing its activities and recommendations through that period.

Section 10. Effective Date. That this Resolution shall take effect immediately upon adoption.

The motion to adopt the foregoing Resolution was offered by Commissioner Stuart Blumberg, seconded by Mayor Connie Leon-Kreps. The votes were as follows:

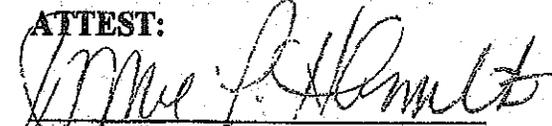
Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Eddie Lim	<u>Yes</u>
Commissioner Stuart Blumberg	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Paul Vogel	<u>Absent</u>

PASSED AND ADOPTED this 10th day of April, 2012.



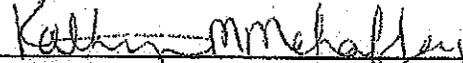
Connie Leon-Kreps, Mayor

ATTEST:



YVONNE P. HAMILTON, CMC
CITY CLERK

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



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

City of North Bay Village Resolution: Business Development Advisory Committee

§ 32.14 Vacancies.

In the event that a vacancy shall occur on the Board by resignation, removal, death, or for any other reason, a successor shall be appointed to fill the unexpired term for such member.

(Ord. No. 04-04, 2-17-04; Ord. No. 04-12, 6-8-04)

§ 32.15 Power and duties.

The Community Enhancement Board shall be charged with the following duties:

- (1) To continually study the needs of the entire Village for floral landscaping, including the entrances of the several islands and the median strips, including both privately owned and publicly owned property.
- (2) Determine the existence of alleged violations of law which adversely affect the aesthetics of the Village.
- (3) Entertain complaints from citizens regarding existence of conditions which are detrimental to the aesthetic values and quality of life of the Village.
- (4) To file a report of its activities with the Village Commission and the Village Manager, including the recommendations to the Commission for the beautification of the Village at least once per year.

(Ord. No. 04-04, 2-17-04; Ord. No. 04-12, 6-8-04; Ord. No. 05-04, 3-15-05)

§ 32.16 Officers.

The Community Enhancement Board shall annually, each by majority vote, elect one of its members as Chairman and one of its members as Vice-Chairman. The Chairman shall chair the meetings of the Board, and shall be the representative of the Board to the Village Manager and the Village Commission. In the case of the absence of the Chairman at any meetings, the Vice-Chairman shall act in his stead. The Village Manager is directed and authorized to furnish, supply, and make available to the Board suitable and proper accommodations for the transactions of the business of the Board. The Board shall designate its own secretary and the Secretary shall make and furnish minutes of the Board's meetings and shall

report to the Village Manager as to the attendance of the meeting and submit the minutes of its meetings to the Village Manager monthly. (Ord. No. 04-04, 2-17-04; Ord. No. 04-12, 6-8-04)

§ 32.17 Meetings; quorum; voting period.

(A) The Community Enhancement Board shall hold regular monthly meetings at such time and place as the Board may determine and may hold special meetings at any other time. All meetings shall be publicly noticed to residents, homeowners, and property owners by publication on the Village's bulletin boards. In the event that the Chairperson shall fail to call a special meeting, upon request of any member of the Board, a special meeting shall be held upon written call of two other members of the Board mailed three days prior to the called meeting.

(B) All meetings of the Board shall be open to the public and four members shall constitute a quorum.

(C) A majority vote of the Board shall be required on all recommendations made to the Village Commission.

(Ord. No. 04-04, 2-17-04; Ord. No. 04-12, 6-8-04)

CIVIL SERVICE BOARD

§ 32.20 Establishment.

For provisions concerning the Civil Service Board, see § 33.021.

PLANNING AND ZONING BOARD

§ 32.30 Creation; members.

(A) *Created; composition.* A Planning & Zoning Board is hereby created which shall be composed of five members to be appointed by the Village Commission. The Board shall be composed of one member from North Bay Island, one member from Harbor Island, one member from Treasure Island and two at-large members.

(B) *Qualifications of members.* The members of the Board shall be appointed and shall be qualified electors of the Village as defined in the

Charter, and shall also be and remain during their respective terms of office, residents of the Village.

(C) *Terms, vacancies, removal from office.* The original members of the Board shall be appointed by the Village Commission at the meeting in which this section is finally adopted. Members of the Board shall be appointed by the Village Commission for a term of two years.

(D) *Participation of ex officio members.* The Mayor and the Village Manager shall serve as ex officio members of the Planning and Zoning Board; however, their participation in matters before the Board shall be limited to discussion and their presence shall not constitute a quorum in the absence of other members, nor shall they be entitled to vote or otherwise participate in making recommendations to the Village Commission. (1964 Code, § 2-40; Ord. 186, passed 6-2-65; Am. Ord. 275, passed 8-18-76; Ord. No. 04-15, 7-27-04)

State law reference—Municipal planning and zoning, F.S. § 163.01 et seq.

§ 32.31 Vacancy.

In the event that a vacancy shall occur on the Planning and Zoning Board by reason of resignation, removal, death, or for any other reason, a successor shall be appointed to fill the unexpired term of the member. Any member may be removed from office by the Village Commission upon majority vote of the Commission.

(1964 Code, § 2-40(c); Ord. 186, passed 6-2-65; Am. Ord. 275, passed 8-18-76)

§ 32.32 Officers.

The Planning and Zoning Board shall annually, each by majority vote, elect one of its members as Chairman and one of its members as Vice-Chairman. At all meetings the Vice-Chairman, in case of the absence of the Chairman, shall act in his stead. The Board shall designate its own Secretary and professional advisors, the compensation thereof to be fixed by the Village Commission.

(1964 Code, § 2-40(d); Ord. 186, passed 6-2-65; Am. Ord. 275, passed 8-18-76)

§ 32.33 Meetings.

The Planning and Zoning Board shall hold regular meetings at such time and place as the Mayor and Commission may establish by Resolution and may hold special meetings at any other time on written call of the Chairman, mailed three days prior to the called meeting. Notices of all meetings shall be sent to residents, home owners, and property owners in accordance with the current practice of the Village Clerk in noticing meetings of the Village Commission. In the event that the Chairman shall fail to call a special meeting, upon request of any member of the Board, a special meeting shall be held upon written call of two other members of the Board mailed three days prior to the called meeting. All meetings of the Board shall be open to the public and three members shall constitute a quorum. A majority vote of the Board shall be required on all recommendations made to the Village Commission.

(1964, Code, § 2-40(e); Ord. 186, passed 6-2-65; Am. Ord. 275, passed 8-18-76; Ord. No. 01-03, § 1, 3-27-01)

§ 32.34 Powers; rules and regulations.

(A) The Planning and Zoning Board shall have the authority and duties set forth in § 152.101.

(B) The Board shall adopt its own rules and regulations and rules of procedure including but not limited to rules and regulations in connection with the processing of applications for variances. (1964 Code, § 2-40(f) and (g); Ord. 186, passed 6-2-65; Am. Ord. 275, passed 8-18-76)

POLICE DEPARTMENT

§ 32.40 Arrests without warrant.

Any officer of the Village may arrest, without a warrant, any person committing a crime against the state, in his sight or presence, whether it be an offense against the Village or not. The arrested person shall be held for the Sheriff of Dade County.

(1964 Code, § 15-7; Ord. 2, passed 8-9-45)

avoid spot zoning, spot zoning, for the purposes of these regulations, is defined as having one or more of the following characteristics:

- (a) Individuals seeking to have property rezoned for their private use, with the application showing little or no evidence of consideration of the general welfare of the public, the effect on the surrounding property (including adequate buffers), whether all uses permitted in the classification sought are appropriate to the location proposed, or conformity to the comprehensive master plan or to generally accepted comprehensive planning and zoning principles (including alterations to the population density patterns and increase of load on utilities, schools, and traffic).
 - (b) The amount of land involved is small (one acre or less).
 - (c) The proposed rezoning would grant privileges not generally extended to property similarly located in the area.
- (2) No proposed zoning amendment shall be approved unless:
- (a) The proposed amendment will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
 - (b) There is a convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest, and not merely in the interest of an individual or small group of people.
 - (c) There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district

requirements, and not merely uses which an applicant states he intends to make of the property involved).

- (d) There is convincing evidence that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- (e) The proposed change is in accord with the comprehensive master plan and sound comprehensive planning and zoning principles.

(C) Reconsideration of district boundary changes. When a proposed change in district boundaries has been acted upon by the Village Commission and disapproved or failed of passage, such proposed change, in the same or substantially similar form, shall not be reconsidered by the Village Commission for a period of at least six months following the date of such action. (Ord., passed 4-1-83)

§ 152.101 Planning and zoning board; authority and duties.

(A) The Planning and Zoning Board as established in §§ 32.30 through 32.34 shall have the authority and duty to consider, act upon, and recommend to the Village Commission as to all petitions for amendments, changes, or supplements to these regulations; variances or special exceptions thereto; amendments; changes in the district boundaries of the Zoning District Map; or petitions appealing an administrative decision. The Board shall also have the power to study and recommend to the Village Commission on all matters within the general purview of comprehensive planning and zoning.

(B) Periodic review. It shall also be the duty of the Planning and Zoning Board, in cooperation with the Village Attorney, to continuously review the provisions of these regulations, the comprehensive master plan, and the Zoning District Map to offer recommendations for the improvement thereof to the Village Commission. At maximum intervals of five years, these regulations, the comprehensive master plan, and the Zoning District Map shall also be subject to a comprehensive review and a report thereof, with recommenda-

tions submitted jointly by the planning and Zoning Board and the Village Attorney, and shall be presented to the Village Commission at a public meeting.

(C) Decisions.

- (1) All recommendations of the planning and Zoning Board shall be made by motion at a public hearing of the Board. Any member who has a special financial interest, direct or indirect, shall make that interest known and shall abstain from participation therein in any manner. Willful violation of this provision shall constitute malfeasance in office and shall render the action voidable by the Village Commission. No action shall be taken without a quorum, and majority vote of those present shall prevail.
- (2) The Village Clerk shall forward copies of all petitions to the Planning and Zoning Board, at least two weeks prior to the public hearing called for any such petition. The Planning and Zoning Board, or any of its members, may inspect the premises and area under consideration. Prior to making its recommendation the Board shall consider the written recommendations thereon of the Building Official and Plan Examiner.
- (3) After the public hearing, the report and recommendation of the Planning and Zoning Board shall be transmitted in writing to the Village Commission as a part of the record. The report of the Planning and Zoning Board shall include a recommendation on each and every request by the petitioner, but shall not be necessarily limited by the scope of the petition.

(Ord., passed 4-1-83)

Cross reference—Establishment, organization of Planning and Zoning Board, §§ 32.30—32.34.

§ 152.102 Action by Village Commission.

(A) If an application is before the Village Commission pursuant to this subchapter, accompanied by a Planning and Zoning Board recommendation, the Commission shall have authority to consider and take final action upon any and all

matters and requests contained in the application, any other provisions in this subchapter to the contrary notwithstanding. In making any final decision, the Commission shall be guided by these regulations and the purposes thereof stated in § 152.107 of this subchapter, and by sound comprehensive planning and zoning principles, and may take any action within the confines of such guides and standards. The action of the Commission may impose conditions or be more restrictive than any petition being considered. No further variances may be granted without prior notice and hearing before the Planning and Zoning Board. When any final action has been taken by the Village Commission, its record together with a certified copy of its minutes and the motion pertaining to such action shall be transmitted to the Building Official and Plan Examiner, and shall be open to the public for inspection during the normal hours of business for Village Hall.

(B) Before action is taken by the Village Commission on any petition, the Commission shall consider the recommendations and reports of the Planning and Zoning Board and of the Building Official and Plan Examiner.

(C) If a written protest against an amendment, supplement, change, variance, or special use exception is filed with the Village Clerk, signed by the owners of 50% or more within 500 feet of the perimeter of the property being considered, or if the Planning and Zoning Board recommends, after a public hearing as described above, that the proposed amendment, supplement, change, variance, or special use exception be disapproved by a unanimous vote of the full Planning and Zoning Board, such amendment, supplement, change, variance, or special use exception shall not become effective except by a favorable vote of at least $\frac{4}{5}$ of a all of the members of the Village Commission.

(Ord., passed 4-1-83)

§ 152.103 Lapse of special exception or variance.

After the Village Commission has approved a special use exception or granted a variance, the special use exception or variance so approved or granted shall lapse after the expiration of one