



North Bay Village

Administrative Offices

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

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

OFFICIAL AGENDA
REGULAR VILLAGE COMMISSION MEETING
VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141

TUESDAY, OCTOBER 24, 2017
7:30 P.M.

NOTICE IS HEREWITH GIVEN TO ALL INTERESTED PARTIES THAT IF ANY PERSON SHOULD DECIDE TO APPEAL ANY DECISION MADE AT THE FORTHCOMING MEETING OF THE VILLAGE COMMISSION, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

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

1. CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

2. PUBLIC HEARINGS ITEMS INCLUDING ORDINANCES FOR SECOND

READING: Please be advised that if you wish to comment upon any of these quasi-judicial items, please inform the Mayor when she requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staffs have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Commission to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Further, details of the quasi-judicial procedures may be obtained from the Village Clerk.

A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, GRANTING A WAIVER, PURSUANT TO SECTION 150.11(G) OF THE VILLAGE CODE OF ORDINANCES, FOR THE CONSTRUCTION OF A DOCK WITH A BOATLIFT AT 1700 SOUTH TREASURE DRIVE, WHICH WILL EXTEND BEYOND THE 25 FOOT LIMIT; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLOSON)

1.) Commission Action

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN APPLICATION BY KIRK LOFGREN FOR INSTALLATION OF A NEW BOATLIFT ON AN EXISTING DOCK AT 7601 EAST TREASURE DRIVE, IN SLIP B63, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN APPLICATION BY KIRK LOFGREN FOR INSTALLATION OF A NEW BOATLIFT ON AN EXISTING DOCK AT 7601 EAST TREASURE DRIVE, IN SLIP B90, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN APPLICATION BY KIRK LOFGREN FOR INSTALLATION OF A NEW BOATLIFT ON AN EXISTING DOCK AT 7601 EAST TREASURE DRIVE, IN SLIP B92, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- E. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN APPLICATION BY KIRK LOFGREN FOR INSTALLATION OF A NEW BOATLIFT ON AN EXISTING DOCK AT 7601 EAST TREASURE DRIVE, IN SLIP C106, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

1.) Commission Action

F. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY P&O GLOBAL TECHNOLOGIES, INC. CONCERNING PROPERTY LOCATED AT 7914, 7916, AND 7918 WEST DRIVE FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.042(E) OF THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE TO ALLOW 29 OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

1.) Commission Action

G. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY P&O GLOBAL TECHNOLOGIES, INC. FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE TO ALLOW THE CONSTRUCTION OF A PORTE COCHERE AND REDUCE THE REQUIRED FRONT YARD SETBACK TO FIVE FEET, WHERE TWENTY-FIVE FEET IS REQUIRED; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FANK K. ROLLASON)

1.) Commission Action

H. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY P&O GLOBAL TECHNOLOGIES, INC. FOR SITE PLAN APPROVAL PURSUANT TO SECTION 5.4(C) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE FOR DEVELOPMENT OF A 54-UNIT, 240 FEET IN HEIGHT, MULTIPLE-FAMILY RESIDENTIAL STRUCTURE AT 7914, 7916, AND 7918 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA; PROVIDING FOR FINDINGS; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

1.) Commission Action

- I. **AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING THE NORTH BAY VILLAGE 1987 COMPREHENSIVE PLAN AS AMENDED BY REVISING THE COASTAL MANAGEMENT ELEMENT; AMENDMENT TO THE COASTAL HIGH HAZARD AREA MAP, AS MANDATED BY FLORIDA STATUTES 163.3178; IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163; FLORIDA STATUTES; AUTHORIZING TRANSMITTAL OF THESE AMENDMENTS TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL, STATE LAND PLANNING AGENCY, AND OTHER APPLICABLE AGENCIES FOR REVIEW AND COMMENT AS REQUIRED BY FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

- 1.) **Commission Action**

3. **ADJOURNMENT**



Staff Report Permit Application for Dock

Prepared for: North Bay Village Commission
Applicant: Holger Piening & Andrea Franke
Site Address: 1700 South Treasure Drive
Request: Permit for a dock, with a waiver to extend more than 25 feet from the bulkhead line, and a boat lift.



Serving Florida Local Governments Since 1988

General Information

Owner	Holger Piening & Andrea Franke
Applicant Address	c/o Nicole Huesmann, D.A. Alhambra Circle, Suite 1200 Coral Gables, Fl. 33134
Site Address	1700 S Treasure Drive
Contact Person	Nicole Huesmann
Contact Phone Number	305-858-0220
E-mail Address	nihuesmann@njhlaw.com
Zoning District	RS-2
Use of Property	Single Family Home

General Description

The applicant is requesting a permit to construct a new dock at a residence in the RS-2 zoning district. The proposed dock will extend 47 feet from the existing seawall into Biscayne Bay and will include a 24,000-pound capacity boat lift. This item was deferred from the June Commission meeting to allow for further review of documents presented by the Applicant.

Applicable Code Provisions

The construction or alteration of docks, piers, etc is governed by Section 150.11 and specifically subsections (A) and (F).

Section 150.11 reads as follows:

- (A) *No person, firm, or corporation shall construct, reconstruct, or repair any docks, piers, dolphins, wharfs, pilings, similar structures of any kind more than 25 feet perpendicular from the seawall or shoreline into any waterway within the corporate limits of the Village. 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 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 Village Commission in accordance with subsection (G), provided further, however the furthestmost distance seaward from the seawall or shoreline shall not exceed 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 Village Code, shall be approved by the Village Manager, and shall be kept permanently in the records of the Village. 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 Village unless the structure is set back at least 7½ feet from the lot line on each side; and the structure shall not exceed five feet above ground level, except a joint or "party" dock may be permitted on the property line if approved by the Village 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 Village, or do any filling, excavating, or dredging in the waters without first obtaining a written permit to do so from the Village Manager.*
- (E) *Application for any permit or the transfer of any permit required by this section shall be made to the Village 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 Village shall require the approval of the Village Commission after a public hearing. During the public hearing the Village 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 25 feet, the Village 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 location criteria; and*
 - (ii) *If the Applicant has provided to the Village notarized letter(s) of consent from adjoining riparian property owners, and*
 - (iii) *If the Village has received any letter(s) of objection from adjoining riparian*



property owners; and

(iv) Any other factors relevant to the specific site.

- (H) The Village 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 Village in accordance with the public safety and the general welfare. The requirement of approval by the Village 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.*

The location of boats, docks and piers is also governed by Section 152.059, most specifically subsection (B) which reads as follows:

- “(B) No docks, piers, mooring posts, or combinations thereof, may project more than 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 Village 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.”*



Staff Comments

The dock will be located so that the 7.5 foot side setbacks from the property lines are met.

However, the dock length is greater than 25 feet from the seawall. North Bay Village Code Section 150.11(A) prohibits docks lengths greater than 25 feet unless a waiver is granted by the Village Commission. Section 150.11(G) provides several criteria for the Commission to consider when reviewing waiver requests (see above code).

The applicant has provided a biological assessment sketch stating the presence of near-shore marine resources, a letter of consent from the adjacent property owner to the East, and emails from DERM verifying their preliminary approval contingent upon agreement from the applicant that boats will be moored only in a bow-in configuration. DERM's final approval will be contingent upon approval from the Village Commission.

The adjacent property owner to the West will not issue a letter of consent for this project. At the June Commission meeting he stated that the variances approved for the construction of the Applicant's single-family residence contributed to his loss of scenic view, and that approval of this 47-foot dock would further obstruct his view. Due to the objections from this neighbor to the West, DERM did request a modification of the plans (to remove a westward mooring pile), and the Applicant did modify the plans to comply with this request.

This item was deferred from the June Commission hearing to allow the Village Attorney time to review case law that the Applicant's Attorney purported to be relevant to this request, and submitted at the time of the hearing.

The seawall at this property was recently repaired according to the recommendations of a Village seawall inspection report.



Recommendations

At the June Commission hearing for this dock length waiver request, the adjoining property owner to the West stated that the Applicant's requested dock length of 47 feet, if approved and built, would result in a loss of scenic view for his property. If the Commission determines that this is a valid objection, it has the option to deny the Applicant's request, according to the provisions of North Bay Village Code Section 150.11(G). Alternatively, if the Commission chooses to approve the Applicant's request, the approval should be subject to the following conditions being met prior to the issuance of a building permit:

1. Installation of solar powered lights at end of dock for safety purposes.
2. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.
3. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
4. Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
5. Authorization or issuance of a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

Submitted by:

James G. LaRue
James G. LaRue, AICP
Planning Consultant

September 1, 2017

Hearing: Village Commission, September 12, 2017

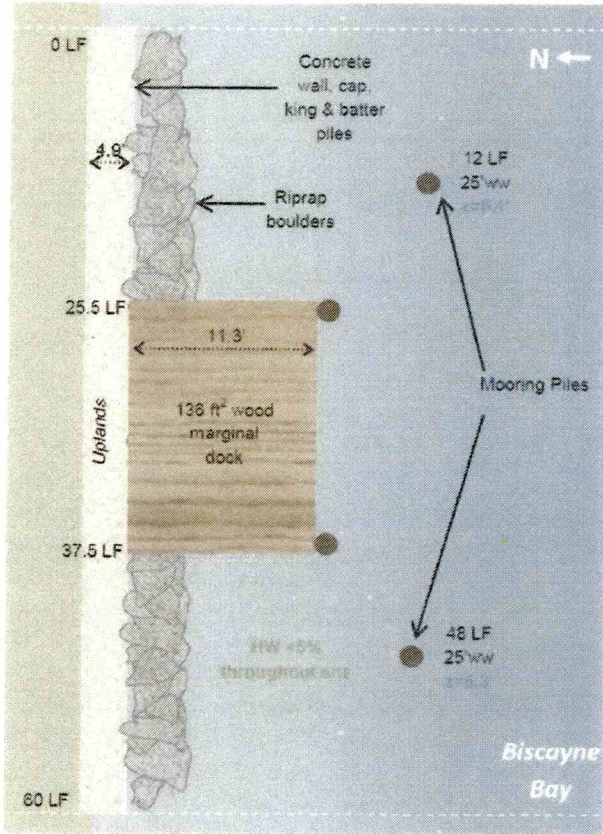
Attachments: Biological Assessment Sketch
 Emails from Miami-Dade DERM
 Statement from Applicant Confirming Agreement of Bow-in Mooring
 Letters from Adjacent Property Owners
 Dock Plans Provided by Applicant



Biological Assessment Sketch

CLI-2014-0247 – Piening – Seawall Cap, Dock & Boatlift
1700 S. Treasure Drive, North Bay Village

Inspection done on 07-22-2014 at 11:00AM
Biologists: M. Rose, A. Alonso



Notes

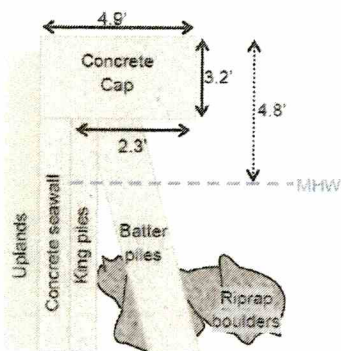
- All waterward distances taken from wetface of seawall cap.
- Water depths at wall affected by presence of riprap.
- Mooring piles documented at 12 and 48 LF, 25' waterward.

Resources

Halodule wrightii (shoal grass) **MHW**
Acetabularia calyculus (mermaid's wine glass)
Siderastrea radians (lesser starlet coral)
Acanthophora spicifera (spiny seaweed)
Padina jamaicensis (white scroll algae)
Caulerpa verticillata (whorled caulerpa)
Caulerpa sertularioides (feather caulerpa)
Halimeda tuna (stalked lettuce leaf algae)
Ceranium sp. (red filamentous algae)
Lutjanus griseus (gray snapper)
Chaetodipterus faber (spadefish)
Caranx hippos (crevalle jack)
Pleuroploca gigantea (horse conch)
 Barnacles
 Sponges

Legend

ww= waterward distance from face of seawall cap
 LF= linear feet from east property line
 MLW = mean low water
 MHW = mean high water
 RR = riprap
 z = water depth



Sea Wall Cross Section

LF	ww extent of RR	Water Depths				Depth Contours		
		at wall	7.5'ww	11.3'ww	23'ww	4'	5'	6'
10.0	11'	2.5'	2.9'	-	5.5'	13.1'ww	18.8'ww	25.5'ww
20.0	8.4'	1.1'	3.0'	4.9'	5.7'	12.2'ww	16.7'ww	25.4'ww
37.5	7'	0.9'	3.8'	4.8'	5.6'	9'ww	16.3'ww	24.7'ww
40.0	7.5'	Exposed rock	3.4'	-	5.7'	15.5'ww	16.9'ww	24'ww
50.0	9'	0.3'	3.7'	-	5.7'	13.8'ww	19'ww	26'ww

All depths adjusted to MLW. Adjusted 0.5' at 11:30AM.



James,

The permit CLI-2014-0247 is ready to issue pending receipt of the following:

1. Structural and zoning approvals from North Bay Village.
2. A permit fee in the amount of \$1,945.00.
3. A statement from the property owner confirming that any vessel moored in either slip will be limited to bow-in mooring only.
4. A letter of consent from the adjacent property owner to the east.

DERM is able to verify the SAJ-42 and issue on behalf of FDEP for this scope of work.

Please let me know if you have any questions.

Regards,

Emily Goodwin, Biologist II
Coastal and Wetlands Resources Section
Division of Environmental Resources Management (DERM)
Miami Dade County Department of Regulatory and Economic Resources
701 N.W. 1st Court - 6th Floor -Miami, FL 33136
(305)372-6931 – Phone (305)372-6479 - Fax
www.miamidade.gov
goodwe@miamidade.gov



From: Goodwin, Emily (RER)
Sent: Wednesday, June 15, 2016 2:37 PM
To: 'Nicole Huesmann'
Cc: Jamesjamesmir@aol.com
Subject: RE: Boat Dock Piening-Franke - 1700 S Traesure Drive - Description of Boats

James and Nicole,

After coordinating internally regarding the configuration, we have decided we are willing to proceed with this configuration without a letter of consent from the adjacent property owner to the west provided the most waterward mooring pile currently located 52' waterward of the seawall is removed from the scope of work to minimize the exceedance beyond the D-5 boundary.

James- with this pile removed from the preliminarily approved set, we'll be able to proceed with these plans. The permit is being drafted and while I'll follow up with a finalized list of pending items ASAP, the pending submittals will include structural and zoning approvals from the City, the permit fee of \$1,945.00, a letter of consent from the adjacent property owner to the east, and the statement from the property owner confirming that any vessel moored in either slip will be limited to bow-in mooring only.

Please let me know if you have any questions.

Regards,

Emily Goodwin, Biologist II
Coastal and Wetlands Resources Section
Division of Environmental Resources Management (DERM)
Miami Dade County Department of Regulatory and Economic Resources
701 N.W. 1st Court - 6th Floor -Miami, FL 33136
(305)372-6931 – Phone (305)372-6479 - Fax
www.miamidade.gov
goodwe@miamidade.gov



*Holger Piening and Andrea Franke
1700 S. Treasure Drive
North Bay Village, FL 33141*

June 21, 2016

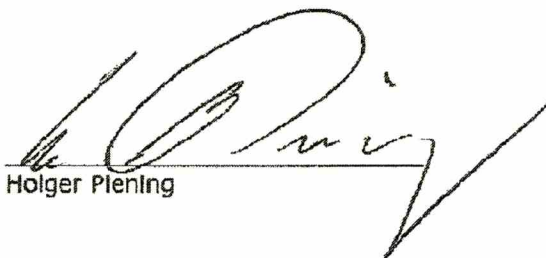
VIA EMAIL

Emily Goodwin, Biologist II
Coastal and Wetlands Resources Section
Division of Environmental Resources Management
701 NW 1st Court
6th Floor
Miami, FL 33136

Regarding: Dock/Boatlift located at 1700 S. Treasure Drive, North Bay Village, FL 33141, Folio 23-3209-009-0050

Dear Ms. Goodwin and to whom it may concern:

Please accept this letter as our confirmation that we, Holger Piening and Andrea Franke, as the property owners of the above referenced property, will ensure that any vessel moored in either boat slip will be limited to bow-in mooring only, as further detailed in the plans and applications for this project.



Holger Piening



Andrea Franke



LETTER OF CONSENT

Note: Please insert applicable information

Date: 3-24-16

Miami-Dade County RER
Class I Permitting Program
701 NW 1st Court
Miami FL, 33136

Re Letter of Consent for Miami-Dade County RER Class I Permit Application Number
CL1 2014 247 (insert Class I Permit application number), for work proposed at
1700 S TREASURE DR NORTH BAY VILLAGE FL 33141
(insert address of proposed work)

Ladies and Gentlemen:

I, GUILLERMO GARCIA (insert name), am the owner of the property located at
1710 S TREASURE DR NORTH BAY VILLAGE FL 33141
(insert address of adjoining riparian property)

which is an adjoining riparian property to the above-referenced property. I have reviewed the
plans entitled DOCK/BOATLIFT

(insert title of plans) - 2-23-16
prepared by ED LANDERS dated 1-23-15-2-18-16 and preliminarily approved
by RER on 3-3-16 for the above-referenced project. Pursuant to Section 24-
48.3(1)(j)(iii) of the Code of Miami-Dade County, Florida, I hereby consent to the above-
referenced project

Sincerely,


Adjoining Riparian Property Owner

SUBSCRIBED AND SWORN TO ME THIS _____ DAY OF _____ 20____	
BY _____	
<input type="checkbox"/> PERSONALLY KNOWN	<input type="checkbox"/> PRODUCED IDENTIFICATION (PLEASE CHECK ONE)
TYPE OF ID PRODUCED _____	
_____ NOTARY PUBLIC	



-----Original Message-----

From: Paul Norris [<mailto:pnorris@med.miami.edu>]

Sent: Thu 9/1/2016 2:01 PM

To: Connie Leon-Kreps

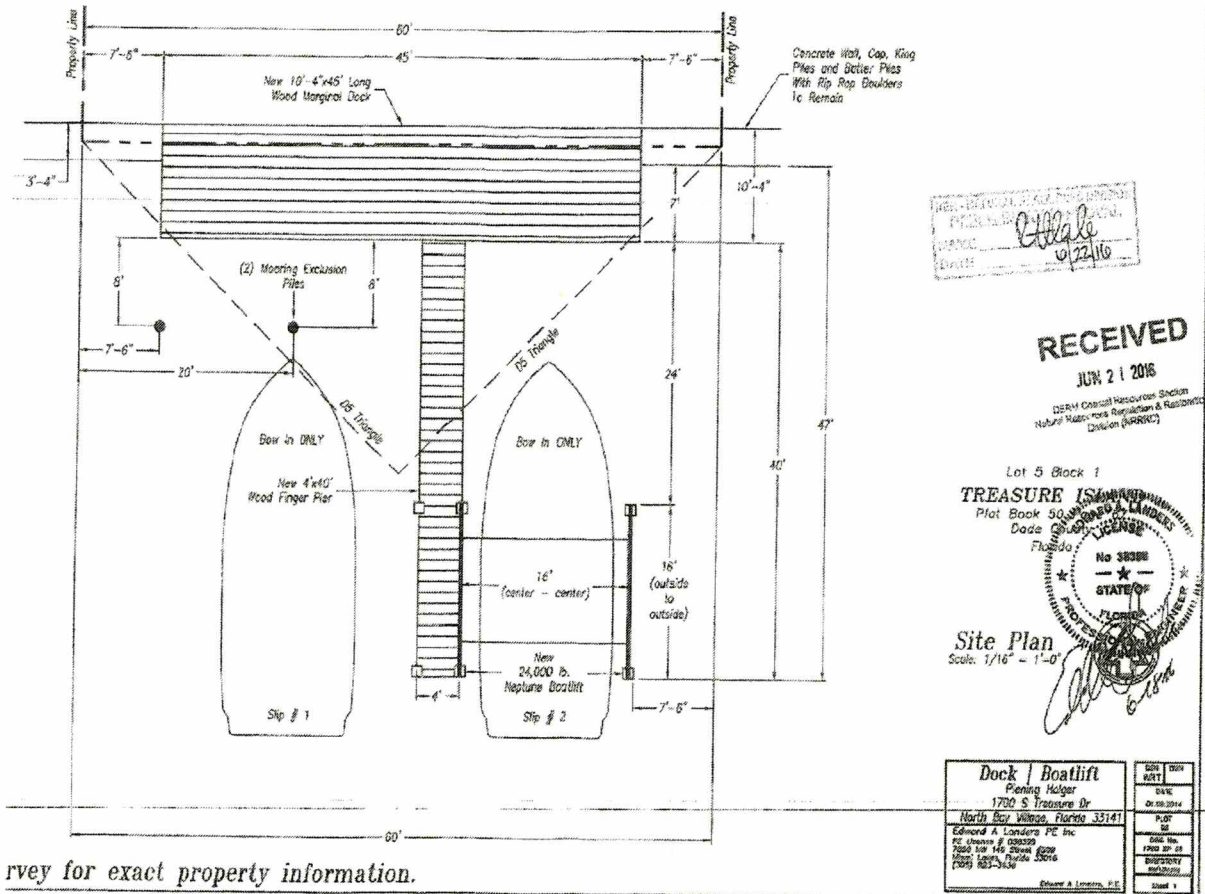
Subject: Mayor Connie Leon-Kreps

Hi, Mayor, This is Dr Norris, we met over the weekend. I am writing on a matter regarding my neighbor at 1700 s treasure dr . He is asking for a variance on his dock which will significantly block my eastern view. (his variance on his house has already blocked a considerable part of my view) I believe the hearing is scheduled for this month however I will be out of town this month until the 26th and I want to be present for the hearing on this important matter. Can the hearing on this matter be scheduled for a date that I will be in town?



Staff Report
 Dock Permit Request

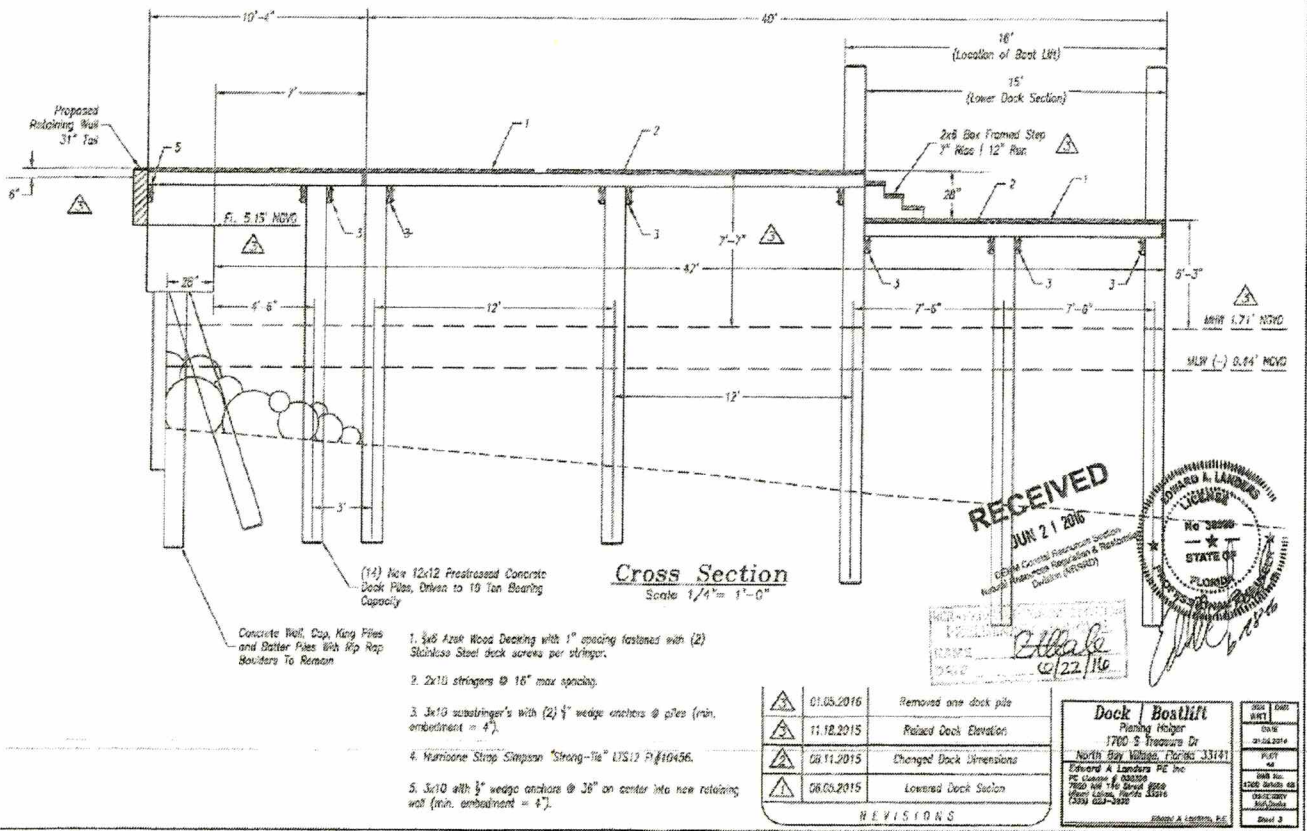
Applicant: Holger Piening & Andrea Franke
 1700 S Treasure Drive



urvey for exact property information.



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Administrative Offices
1886 Kennedy Causeway, Suite 300 North Bay Village, FL 33141
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DOCK APPLICATION FOR PUBLIC HEARING

Page 1 of 3

Site Address 1700 S. Treasure Drive, North Bay Village, FL 33141

Owner Name Holger Piening/Andrea Franke Owner Phone # 305 858 0220

Owner Mailing Address c/o Nicole J. Huesmann, P.A., 150 Alhambra Circle, Suite 1200, Coral Gables, FL 33134

Applicant Name Holger Piening/Andrea Franke Applicant Phone # 305 858 0220

Applicant Mailing Address c/o Nicole J. Huesmann, P.A., 150 Alhambra Circle, Suite 1200, Coral Gables, FL 33134

Contact Person Nicole Huesmann Contact Phone # 305 858 0220

Contact Email Address njhuesmann@njhlaw.com

Legal Description of Property Lot 5, Block 1, Treasure Island, PB 70-67

Existing Zoning FR-2 Lot Size 60x150 Folio Number 23 3209 009 0050

Legal Description see above

Project Description INSTALL A 10' 4" X 45' LONG WOOD (7' WIDE OVER WATER) MARGINAL DOCK / WITH A 40' LONG X 4' WIDE FINGER PIER.

Dock Length Measured Perpendicular from Seawall 47'

Mandatory Submittals (Applicant must check that each item is included with this application)

- | | |
|---|--|
| <input type="checkbox"/> Site plans which depict: | <input type="checkbox"/> Property survey |
| North point | <input type="checkbox"/> Elevations |
| Scale at 1/16 inch to the foot, or larger | <input type="checkbox"/> DERM approval |
| Date of preparation | <input type="checkbox"/> Application fees |
| Dock structures | <input type="checkbox"/> Cost recovery deposit |
| Any mechanical equipment | |
| Any exterior lighting | |
| Any other physical features | |

Contact:

James McKenzie
(305) 785-8682

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

DOCK APPLICATION FOR PUBLIC HEARING

Page 2 of 3

Applications are incomplete until all mandatory submittals have been received by the Village Clerk.

All requests for dock approval from the North Bay Village Code shall be considered at Public Hearings before the Village Commission. Notice of Hearing 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 Village Clerk shall certify that the petition is complete before the hearing is legally advertised. All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

All persons, firms, or corporations requesting dock approval from the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village Clerk shall be deemed a condition precedent to the consideration of such a variance request, pursuant to Section 152.110 of the Village Code.

All new and substantial improvements must comply with the Florida Building Code, Department of Environmental Resource Management (DERM), and FEMA regulations.

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 Staff of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission has voted favorable on the proposed request.

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

Authorized Signature [Signature] as attorney in fact
Print Name Nicole J. Huesmann for Holger Piening and Andrea Franke

(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 28th day of June, 2016

by Nicole J. Huesmann

who is personally known to me or who has produced as identification.

Notary Public Signature [Signature]

Commission Number/Expiration EE 860510 / 12/26/2016

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

DOCK APPLICATION FOR PUBLIC HEARING

Page 3 of 3

Office Use Only:

Date Submitted: 6/28/16

Tentative Meeting Date: _____

Fee Paid: \$ 300.00

Cash or Check # 2915

Date Paid: 6/28/16

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS that **Holger Piening and Andrea Franke**, have made, constituted and appointed, and by these presents do make, constitute and appoint **Nicole J. Huesmann** their true and lawful attorney for them and in their names, place and stead, giving and granting unto **Nicole J. Huesmann** full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises as fully, to all intents and purposes, as they might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that **Nicole J. Huesmann** shall lawfully do or cause to be done by virtue hereof.

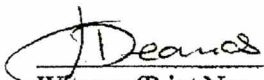
This Power is specifically intended to empower **Nicole J. Huesmann** to take any and all actions and to execute any and all instruments necessary to effectuate destruction and construction of the following legally described property including, but not limited to, the execution and delivery of any contracts for architectural, construction and building purposes, plan and permit applications to North Bay Village/Miami-Dade County, Florida, Notices of Commencements and any other agreements, documents or affidavits required for the destruction and construction, in the form acceptable to **Holger Piening and Andrea Franke**, in their sole discretion, and they hereby confirm and ratify any and all actions taken by **Nicole J. Huesmann** on their behalf prior to this date:

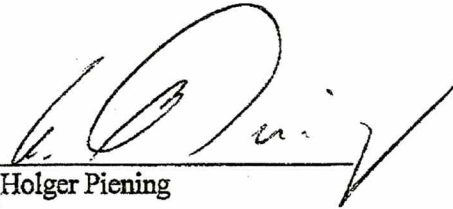
Lot 5, Block 1, Treasure Island as per plat thereof in Plat Book 50 Page 57, of the Public Records of Miami-Dade County, Florida.

Address: 1700 South Treasure Drive, North Bay Village, Florida 33141


IN WITNESS WHEREOF, the undersigned has executed this instrument on the 23rd day of April, 2014.

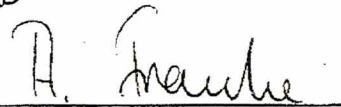
Signed and delivered in the presence of:

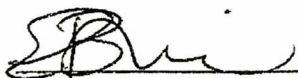

Witness (Print Name Here): Jennifer DeArmas


Holger Piening


Witness (Print Name Here): Erica Blanco


Witness (Print Name Here): Jennifer DeArmas


Andrea Franke


Witness (Print Name Here): Erica Blanco

Page 2

Power of Attorney

STATE OF FLORIDA)

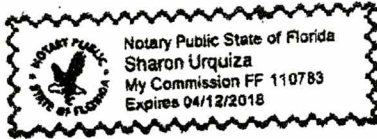
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 23rd day of April, 2014, by **Holger Piening and Andrea Franke**, who are personally known to me or who have produced German Passports as identification, who did not take an oath, and they acknowledged before me that they executed the foregoing instrument as their free act and deed.


NOTARY PUBLIC, STATE OF FLORIDA
Print Name:

My Commission Expires:

[Affix Seal]





OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 8/11/2015

RECEIVED
 JUN 21 2016
 DERM Coastal Resources Section
 Natural Resources Regulation & Restoration
 Division (NRRRD)

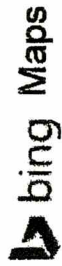
2014-247

Property Information	
Folio:	23-3209-009-0050
Property Address:	1700 S TREASURE DR
Owner	HOLGER PIENING C/O NICOLE J HUESMANN P A ANDREA FRANK
Mailing Address	150 ALHAMBRA CIRCLE #1150 CORAL GABLES, FL 33134
Primary Zone	0600 SINGLE FAMILY, 1401-1550 S
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	4 / 3 / 0
Floors	1
Living Units	1
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	2,357 Sq.Ft
Lot Size	9,000 Sq.Ft
Year Built	1954



Taxable Value Information			
	2013	2014	2015
County			
Exemption Value	\$0	\$0	\$50,000

Print - Maps



1700 S Treasure Dr, North Bay Village, FL 33141

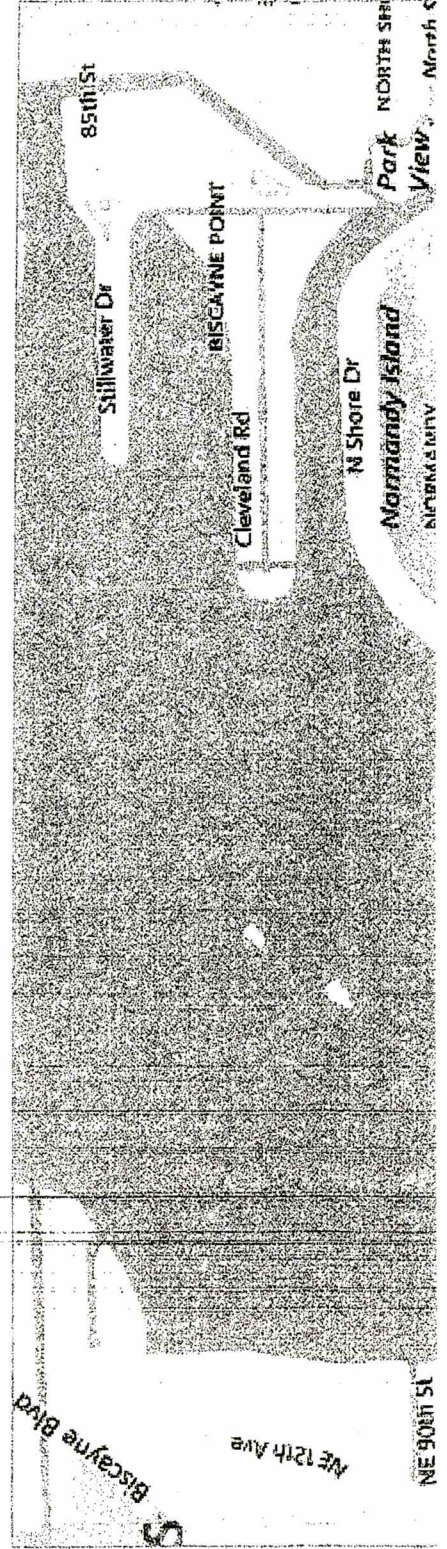
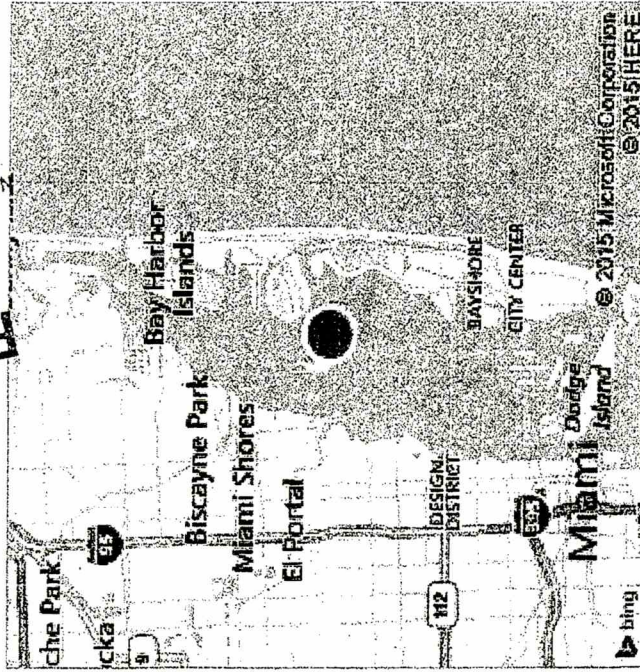
My Notes

On the go? Use m.bing.com to find maps, directions, businesses, and more

<http://www.bing.com/maps/print.aspx?mkt=en-us&z=14&s=r&cp=25.8>

RECEIVED
JAN 21 2016

DEPT. of Natural Resources Section
Natural Resources Regulation & Restoration
Division (NRRD)



October 17, 2016

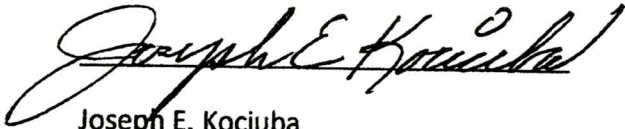
Re: Proposed Dock for property located at 1700 S. Treasure Drive

To whom it may concern;

I have no objection to the construction of the boat Dock for the above referenced property. This project has already been approved by DERM.

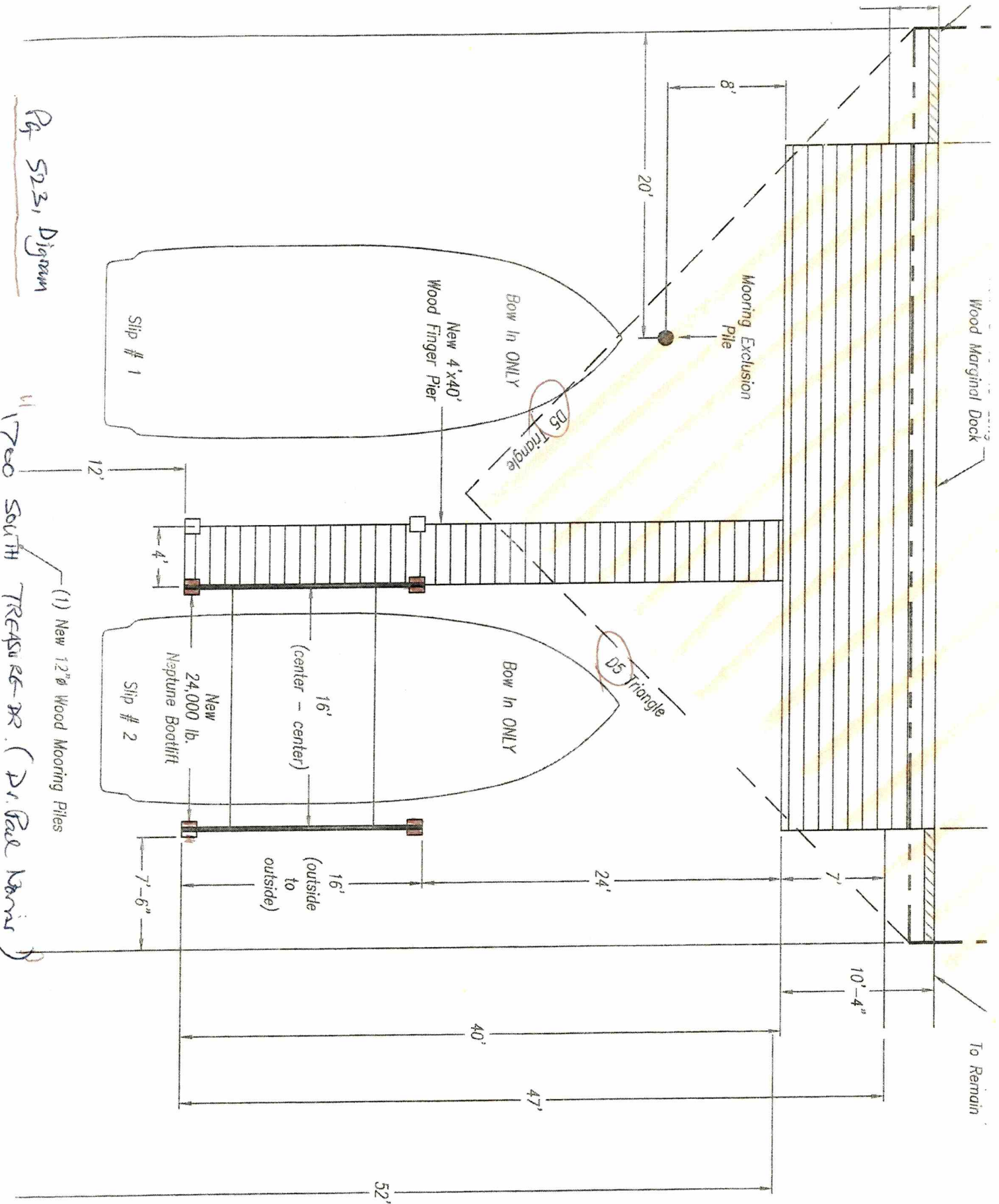
Also, the boat lift will be on the eastern side of our neighbor's property and this will be fine with our view. Any improvements to the property will increase desirability and land value for North Bay Village

Sincerely;

A handwritten signature in cursive script that reads "Joseph E. Kociuba". The signature is written in black ink and is positioned above the printed name.

Joseph E. Kociuba

1720 S. Treasure Dr.



Pg 523, Diagram

1700 SOUTH TREASURY DR. (Dr. Paul Harris)

(1) New 12" Wood Mooring Piles

Sc
L
C

LETTER OF CONSENT

Note: Please insert applicable information

Date: 9-8-16

Miami-Dade County RER
Class I Permitting Program
701 NW 1st Court
Miami FL, 33136

Re: Letter of Consent for Miami-Dade County RER Class I Permit Application Number CLP 2014 247, (insert Class I Permit application number), for work proposed at 1700 S TREASURE DR NORTH BAY VILLAGE FL 33141 (insert address of proposed work)

Ladies and Gentlemen:

I, GUILLERMO GARCIA (insert name), am the owner of the property located at 1710 S TREASURE DR NORTH BAY VILLAGE FL 33141 (insert address of adjoining riparian property)

which is an adjoining riparian property to the above-referenced property. I have reviewed the plans entitled DOCK/BOATLIFT (insert title of plans)

prepared by ED LANDERS dated 11-23-15, and preliminarily approved by RER on 3-3-16 for the above-referenced project. Pursuant to Section 24-48.3(1)(j)(iii) of the Code of Miami-Dade County, Florida, I hereby consent to the above-referenced project.

Sincerely,

Guillermo Garcia
Adjoining Riparian Property Owner

SUBSCRIBED AND SWORN TO ME THIS 9th DAY OF SEP, 2016

BY Guillermo GARCIA

PERSONALLY KNOWN PRODUCED IDENTIFICATION (PLEASE CHECK ONE)

TYPE OF ID PRODUCED FL DL G620 280 40167 0



Chad Miller
Commission #FF980414
Expires: April 10, 2020
Chad Miller
Notary Public

NOTARY PUBLIC

DRAFT

This instrument was prepared by
and, once recorded, please return a copy to:

Edward Martos, Esq.
Weiss, Serota, Helfman, Cole & Bierman, PL
2525 Ponce de Leon Boulevard, Suite 700
Coral Gables, Florida 33134

(Space reserved for Clerk)

DECLARATION OF RESTRICTIVE COVENANT

WHEREAS, the undersigned, Holger Piening and Andrea Franke (“Owners”), are the fee simple owners of the property described on **Exhibit A** attached hereto (the “Property”); and

WHEREAS, Owners filed with North Bay Village (the “Village”) an application for development approvals to allow a boatlift, and to allow dock at the Property to extend more than 25 feet from the bulkhead line (the “Application”); and

WHEREAS, the Owners wish to assure the Village that, if the Application is approved, the resulting dock will have a minimal impact upon views of Biscayne Bay.

NOW THEREFORE, in order to assure the Village that the representations made during consideration of the Application will be abided by, the undersigned owners of the Property freely, voluntarily, and without duress make the following Declaration of Restrictive Covenant (this “Covenant”) covering and running with the Property.

1. Recitals. The above recitals to this Covenant and the Covenant’s exhibit are true and correct and hereby incorporated by reference and made a part hereof.

2. Use Restrictions.

- a. One boat may be kept at the Property overnight—whether moored or stored on a boatlift—without limit on timing or duration.
- b. A second boat may be kept at the Property, whether moored or stored on a boatlift, for no more than five consecutive nights.
- c. No more than two boats (subject to paragraph 2(b) above) may be moored or stored on a boatlift at the Property.
- d. The limits in this paragraph with respect to the number of boats stored on the Property, and the timing and duration of said storage shall not apply to small and low vessels that present little or no material obstruction to views of Biscayne Bay including but not limited to dinghies, kayaks, canoes, paddle boards, or jet skis.

3. Condition Precedent. This Covenant shall be effective only upon the issuance of all governmental approvals necessary for the construction of a dock and installation of a boatlift

substantially in compliance with the plans provided as part of the Application. Said plans are on file with the Village.

4. Covenant Running with the Land. This Covenant on the part of the Owners shall constitute a covenant running with the land. Within thirty (30) days of the Covenant's acceptance by the Village, it shall be recorded in the public records of Miami-Dade County Florida, at Owners' expense. This Covenant shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns until such time as the same this Covenant is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of North Bay Village, and the public welfare.

5. Term. This Covenant is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Covenant is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Covenant has first been modified or released by the Village.

6. Modification, Amendment, Release. This Covenant may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Village Commission, after public hearing. Any modification, amendment or release shall be in a form acceptable to the Village Attorney.

Should this Covenant be so modified, amended or released, the Chief Building Official, or the executive officer of the Building Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

7. Enforcement. Enforcement of this Covenant shall be by action against any parties or person violating it. The prevailing party in any action or suit pertaining to or arising out of this Covenant shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

8. Authorization for Village to Withhold Permits and Inspections. In the event the terms of this Covenant are not being complied with, in addition to any other remedies available, the Village is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Covenant is complied with.

9. Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

10. **Permissive Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the Village, and inspections made and approval of occupancy given by the Village, then such construction, inspection and approval shall create a permissive presumption that the buildings or structures thus constructed comply with the intent and spirit of this Covenant. This presumption shall be classified as a rebuttable presumption under Florida Law.

11. **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect.

12. **Recording.** This Covenant shall be filed of record in the public records of Miami-Dade County, Florida. The Village shall be furnished a recorded copy within thirty (30) days of recordation.

13. **Acceptance of Covenant.** Acceptance of this Covenant does not obligate the Village in any manner, nor does it entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Village Commission and/or any appropriate Village Board retain its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance.

14. **Owners.** The term "Owners" shall include the Owners, and their heirs, successors, and assigns.

[THIS SPACE INTENTIONALLY BLANK; SIGNATURE PAGE AND EXHIBIT A FOLLOW]

IN WITNESS WHEREOF, the undersigned has caused its hand and seal to be affixed hereto on this _____ day of _____, 2017.

WITNESS(ES):

OWNERS

Sign above & print name here:

Holger Piening

Sign above & print name here:

Andrea Franke

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I hereby certify that on this ____ day of _____, 2017, before me personally appeared Holger Piening and Andrea Franke. They are personally known to me or has produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA
Print Name: _____
Commission No.: _____
Commission Expires: _____

Exhibit A
Legal Description

Lot 5, Block 1, TREASURE ISLAND, according to the Plat thereof as recorded in Plat Book 50 at Page 67 of the Public Records of Miami-Dade County, Florida

Identified for tax purposes by folio number 23-3209-009-0050

And commonly known as 1700 S. Treasure Drive in North Bay Village, Florida

Fla. AGO 2012-32 (Fla.A.G.), 2012 WL 4343746

Office of the Attorney General

State of Florida
AGO 2012-32
September 19, 2012

RE: COUNTIES—ZONING—PLANNED DEVELOPMENTS—COMMUNITY PLANNING ACT—CONSENT REQUIREMENTS—authority of county to adopt ordinance containing other landowner consent requirement for applications for zoning changes. Part II, Ch. 163, Fla. Stat.; Art. VIII, s. 1(f), Fla. Const.; Part II, Ch. 125, Fla. Stat.; s. 125.66(4), Fla. Stat.

*1 Mr. Mark H. Scruby
Clay County Attorney
Post Office Box 1366
Green Cove Springs, Florida 32043-1366

Dear Mr. Scruby:

On behalf of the Board of County Commissioners of Clay County, you have requested my opinion on substantially the following questions:

1. In the case of an application to revise the zoning for a portion of a planned development by the owner of said portion, do the provisions of the Community Planning Act, as codified in Part II of Chapter 163, Florida Statutes, authorize a local government to require in its zoning code the consent to the application by some or all of the other individual property owners within the planned development, or by an association of property owners governed under Chapters 718, 719, or 720, Florida Statutes, and operating within the planned development, before the application can be considered for approval?
2. If the answer to Question 1 is in the negative, then in the case of an application to revise the zoning for a portion of a planned development by the owner of said portion, does the common law or any other statutory law authorize a local government to require in its zoning code the consent to the application by some or all of the other individual property owners within the planned development, or by an association of property owners governed under Chapters 718, 719, or 720, Florida Statutes, and operating within the planned development before the application can be considered for approval?
3. In the case of an application to revise the zoning for a portion of a planned development by the owner of said portion, where the planned development is also subject to recorded covenants and restrictions (i) that are private in nature, (ii) that govern use rights and limitations and development standards for all lands within the planned development, and (iii) that give the individual owners of land within the planned development the right to vote on amendments to the covenants and restrictions, does the common law or any other statutory law authorize a local government to require such application to include the favorable outcome of a vote to approve the filing of the application by all or some fixed percentage of such individual members casting ballots?

In sum:

1. and 2. I am not aware of nor have you drawn my attention to any provision of the “Community Planning Act” which would authorize a local governmental agency to delegate its legislative zoning authority to other land owners by requiring their consent prior to the acceptance of a request for rezoning. In the absence of concern for a particular statutory provision, however, this office will not undertake a broad review of multiple chapters of the Florida Statutes in an attempt to justify what the courts have clearly identified as a suspect practice. Finally, there is no common law right of local governments to impose a consent requirement such as the one you propose on applications for rezoning. Rather, the extent of the zoning power is circumscribed by the grant of power from the Legislature to local governments and contained in Chapters 125 and 166, Florida Statutes.

*2 3. This office will not comment on the terms of private contracts or their enforcement. As addressed more fully herein, consent requirements such as the one you have proposed may constitute an unconstitutional delegation of legislative authority and are not favored in the law and may implicate a number of constitutional rights.

According to your letter, the zoning article of Clay County's land development code provides for planned developments in addition to conventional use categories. The code requires that an application to rezone a tract of land into a planned development must be joined by all owners of the property within the boundaries of the proposed tract. Occasionally, a party owning a portion of a planned development may wish to modify some aspect of the plan as it was previously approved. In order for such party to apply for the modification, the code requires that the application be joined by all of the other owners of property within the boundaries of the planned development, not just the owners of the parcel for which the modification is sought. Without the joinder of all these owners, an application for modification will not be accepted.

The Board of County Commissioners has realized the difficulty of acquiring such third party joinder, especially as a development approaches build-out and hundreds or thousands of individual parcels have already been conveyed to third parties. In light of these concerns, the board is considering the adoption of an ordinance amending the joinder provision by reducing the percentage of joining owners from one hundred to some lesser figure or by eliminating it entirely.

As the county attorney, you have advised the board that the submission of an application to amend a portion of an approved planned development cannot lawfully be conditioned on the joinder or consent of third parties who have no ownership interest in the particular parcel, even if the third parties own other property within the planned development and you have so advised the board. However, community concerns with the reduction or elimination of these restrictions has led to the Clay County Board of County Commissioners requesting that an Attorney General Opinion be sought on these issues.

Initially, I must advise you that this office has no authority to comment on validly adopted provisions of the current zoning code of Clay County. This office, like the courts, must assume that a validly adopted statute or ordinance is lawful and effective until it is challenged and declared invalid in an appropriate court case.¹ Thus, my comments are provided to you for use by the commission in considering proposed legislation.

Questions One and Two

Zoning is generally understood to be the regulation of land according to its nature and uses.² The power to restrict the use of land through zoning is delegated to local governments by the Legislature and is limited by the terms of the grant.³ The classification, regulation, prohibition, restriction, permitting, and determination of uses within districts constitutes an exercise of local governmental zoning and police power, possessed by counties and municipalities generally under zoning statutes.⁴ Thus, zoning enactments cannot validly be extended beyond the accomplishment of those purposes within their scope.⁵

*3 In order to be valid, any zoning regulations that are adopted must be reasonable and nondiscriminatory and they must tend to promote the public health, safety, morals, or general welfare.⁶ As the Florida Supreme Court stated in *Griffin v. Sharpe*,⁷ an ordinance enacted under a theory of general police powers must not infringe on constitutional guarantees by invading personal or property rights unnecessarily or unreasonably, denying due process of law or equal protection of laws, or impairing obligations of contract. In addition, such an ordinance must not be inconsistent with the general laws of the state, must not discriminate unreasonably, arbitrarily or oppressively, and must not constitute a delegation of legislative or executive or administrative power.⁸

You have asked whether some statutory provision may authorize a local government to require in its zoning code that consent to an application for rezoning by some or all of the other individual property owners within a planned development is required before the application can be considered for approval. As a general proposition this office has previously concluded that such a requirement might, if enacted, result in an illegal delegation or abdication of legislative power.

In Attorney General Opinion 83-31, this office was asked by the Board of County Commissioners of Santa Rosa County whether an ordinance could be validly enacted which required the written consent of a majority of landowners and homeowners within a designated distance of proposed landing strips or runways of an airport facility prior to the construction of any additional airport facility in the county. A statutory provision, section 330.36, Florida Statutes, provided that no county or municipality could license airports or control their location except by zoning requirements. The statute made no

exception for any other type of county ordinance other than regulation by a zoning ordinance. Thus, the opinion concluded that such an ordinance could not be validly enacted or enforced. The opinion goes on to caution against a possible illegal delegation or abdication of legislative power by the adoption of such an ordinance:

“Additionally, the proposed ordinance, if enacted, might well result in an illegal delegation or abdication of legislative power. An airport or landing field constructed and operated in a proper manner is not a nuisance per se.⁹ Thus, the construction or maintenance and operation of an airport facility are not susceptible to regulation or proscription as a public nuisance by county legislative enactment.¹⁰ The proposed ordinance does not zone any lands or prohibit the use of designated or specific lands at specific locations for airport purposes or establish any safety regulations or standards in the interest of and to protect the public health, safety or welfare. It simply requires the airport owner or developer to obtain the written consent of the majority of the specified landowners and homeowners prior to commencing construction of any additional airport facility in the county, and the only limitation upon such property owners in exercising their power to consent or withhold their consent to ‘the construction of any additional airport facility’ is their own free will and choice or their own whims or unbridled discretion. It permits the adjoining landowners to regulate property rights and deny a landowner his right to use his property, not otherwise restricted or regulated by law, for a lawful use or purpose. In effect, the affected landowners and homeowners are delegated the legislative power vested in the county commission to determine the public policy and regulate property rights and whether an airport facility may be located, maintained and operated at any particular location. The governmental powers of the legislative and governing body of a county cannot be delegated.”¹¹

*4 While consideration generally must be given to the rights of the individual landowner of the property involved as well as the interests of adjoining landowners and others in the adoption of zoning changes,¹² I must caution that an ordinance which delegates the legislative power vested in the county commission to determine the public policy and regulate property rights based on the written consent of all or a majority of the specified landowners and homeowners prior to accepting an application for rezoning might well be seen by a court as an invalid delegation of the legislative power of the county.¹³

Further, under Florida law generally, a property owner acquires no vested rights to the continuation of existing zoning.¹⁴ There is no general constitutional right to be free from all changes in land use laws.¹⁵ A landowner who plans to use his property in accordance with existing zoning regulations is entitled to assume only that such regulations will not be altered to his detriment, unless the change bears a substantial relation to the health, morals, welfare or safety of the public.¹⁶ As discussed above, an ordinance enacted under a theory of general police powers must not infringe on constitutional guarantees by invading personal or property rights unnecessarily or unreasonably, denying due process of law or equal protection of laws, or impairing obligations of contract. Nor may such an ordinance be inconsistent with the general laws of the state, discriminate unreasonably, arbitrarily or oppressively, or constitute a delegation of legislative or executive or administrative power.¹⁷ The adoption of an ordinance which includes a consent requirement as a condition precedent to the application process for rezoning could be seen to interject an element of arbitrariness into that application process.¹⁸ Again, the opinions of residents are not factual evidence and have been determined by the courts to not constitute a sound basis for denial of a zoning change application.¹⁹

You have specifically directed my attention to the Community Planning Act, sections 163.3164 -163.3217, Florida Statutes, and associations of property owners governed under Chapters 718, 719, or 720, Florida Statutes, and operating within the planned development as potential sources of statutory authority for adopting an ordinance imposing a consent requirement to an application for rezoning.

The “Community Planning Act,” codified in Part II, Chapter 163, Florida Statutes, was enacted to

“utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and manage future development consistent with the proper role of local government.”²⁰

*5 The act specifically provides that “no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.”²¹ The comprehensive plan must provide

“the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical,

environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations."²²

The act provides that it is the will of the Legislature that the public be involved in community planning:

"It is the intent of the Legislature that the public participate in the comprehensive planning process to the fullest extent possible. Towards this end, local planning agencies and local governmental units are directed to adopt procedures designed to provide effective public participation in the comprehensive planning process and to provide real property owners with notice of all official actions which will regulate the use of their property. The provisions and procedures required in this act are set out as the minimum requirements towards this end."²³

To facilitate this public participation the act requires public hearings, the opportunity for written comments, and other public information opportunities.²⁴ As Florida courts have noted with regard to zoning decisions:

"The role of the governmental entity is to arrive at sound decisions affecting the use of property within its domain. This includes receiving citizen input regarding the effect of the proposed use on the neighborhood, especially where the input is fact-based."²⁵

However, no provision of the "Community Planning Act" of which I am aware or to which you have drawn my attention would authorize a local governmental agency to delegate its legislative zoning authority to other land owners by requiring their consent prior to the acceptance of a request for rezoning.²⁶

*6 You have also asked whether associations of property owners governed under Chapters 718, 719, or 720, Florida Statutes, and operating within the planned development may be potential sources of statutory authority for adopting an ordinance imposing a consent requirement to an application for rezoning. You are aware of no provisions in these laws which would bear directly on the validity of consent requirements prior to accepting a request for rezoning. Rather, these references, and your previous reference to Part II, Chapter 163, Florida Statutes, are intended to reflect more recent land development regulation and property owner rights laws. In the absence of concern for a particular statutory provision this office will not undertake a broad review of multiple chapters of the Florida Statutes in an attempt to justify what the courts have clearly identified as a suspect practice.

Finally, the zoning power of Florida counties is statutory, not a common law power.²⁷ Local governments have no inherent right to restrict the use of land through zoning; such right is limited by the statute or ordinance creating the same.²⁸ The adoption of zoning ordinances and zoning maps is a legislative act²⁹ and zoning ordinances must find their justification in some aspect of the police power, asserted for the public welfare.³⁰ I am aware of, and you have brought to my attention, no common law right of local governments to impose a consent requirement such as the one you propose on applications for rezoning. Rather, the extent of the zoning power is circumscribed by the grant of power from the Legislature to local governments and contained in Chapters 125 and 166, Florida Statutes.

Question Three

You have asked whether a local government may require an application for rezoning to include the favorable outcome of a vote to approve the filing of the application by all or some of the individual members voting on the matter when private recorded covenants and restrictions call for such a vote. This office will not comment on the terms of private contracts or their enforcement. As addressed more fully herein, consent requirements such as the one you have proposed may constitute

an unconstitutional delegation of legislative authority and are not favored in the law and may implicate a number of constitutional rights.³¹

Sincerely,

Pam Bondi
Attorney General

Footnotes

- ¹ See *Evans v. Hillsborough County*, 186 So. 193 (Fla. 1938) (a statute found on statute books must be presumed to be valid and must be given effect until it is judicially declared unconstitutional); *White v. Crandon*, 156 So. 303 (Fla. 1934) (county commissioners must obey statutes until in proper proceedings they are passed upon by the courts and declared invalid); *State ex rel. Gillespie v. Thursby*, 139 So. 372 (Fla. 1932), *rehearing denied*, 140 So. 775 (Fla. 1932); *Falco v. State*, 407 So. 2d 203 (Fla. 1981) (court has duty, if reasonably possible, and consistent with constitutional rights, to resolve all doubts as to validity of statute in favor of its constitutionality); *State v. Jefferson*, 758 So. 2d 661 (Fla. 2000); Ops. Att’y Gen. Fla. 92-02 (1992) (statutes are presumptively valid and must be given effect until determined otherwise by a court of competent jurisdiction in an appropriate judicial proceeding; 88-09 (1989); 87-36 (1987); cf. 90-47 (1990) (presumptive validity of municipal ordinance).
- ² See 7 Fla. Jur. 2d *Building, Zoning, and Land Controls* s. 53; and see *Barefield v. Davis*, 251 So. 2d 699 (Fla. 1st DCA 1971).
- ³ As a charter county, the zoning power of Clay County is derived from Art. VIII, s. 1(f), Fla. Const., and Part II, Ch. 125, Fla. Stat., particularly s. 125.66(4), Fla. Stat. Cf. *State ex rel. Henry v. Miami*, 158 So. 82 (Fla. 1934) (no such thing as a general legislative power on the part of municipal authorities to control and direct how the private properties of municipal inhabitants shall be held or enjoyed).
- ⁴ See Inf. Op. to Chiaro, dated January 24, 1997.
- ⁵ See *Davis v. Sails*, 318 So. 2d 214 (Fla. 1st DCA 1975); *Prescott v. Charlotte County*, 263 So. 2d 623 (Fla. 2d DCA 1972), *cert. denied*, 267 So. 2d 834 (Fla. 1972).
- ⁶ See *City of Jacksonville v. Sohn*, 616 So. 2d 1173 (Fla. 1st DCA 1993); *Carter v. Town of Palm Beach*, 237 So. 2d 130 (Fla. 1970); Op. Att’y Gen. Fla. 79-71 (1979); 62 C.J.S. *Municipal Corporations* ss. 128, 132-135 (1949); 7 Fla. Jur. 2d *Building, Zoning, and Land Controls* s. 102.
- ⁷ 65 So. 2d 751 (Fla. 1953), and see *City of Port Orange v. Leechase Corp.*, 430 So. 2d 534 (Fla. 5th DCA 1983).
- ⁸ And see *Miami Shores Village v. William N. Brockway Post No. 124 of American Legion*, 24 So. 2d 33 (Fla. 1945); *Wallace v. Town of Palm Beach*, 624 F.Supp. 864 (S.D. Fla. 1985); Inf. Op. to Dellagloria, dated January 5, 2001.
- ⁹ See generally 2A C.J.S. *Aeronautics and Aerospace* s. 70 (1972); *Brooks v. Patterson*, 31 So. 2d 472, 474 (Fla. 1947); cf. *Corbett v. Eastern Air Lines, Inc.*, 166 So. 2d 196 (Fla. 1st DCA 1964).
- ¹⁰ See *Brooks v. Patterson*, *supra*; and *S.H. Kress and Co. v. City of Miami*, 82 So. 775 (Fla. 1919).
- ¹¹ *Crandon v. Hazlett*, 26 So. 2d 638, 642 (Fla. 1946); *State v. City of Tallahassee*, 177 So. 719 (Fla. 1937); *Dade County v. State*, 116 So. 72 (Fla. 1928); see also *Washington ex rel. Seattle Title Trust Co. v. Roberge*, 278 U.S. 116 (1928); and see generally 16 C.J.S. *Constitutional Law* ss. 133, 137 (1956); 62 C.J.S. *Municipal Corporations* ss. 154, 226(10), 227(9) (1949); 101A C.J.S. *Zoning and Land Planning* s. 30 (1979). See also *City of Miami Beach v. Forte Towers, Inc.*, 305 So. 2d 764 (Fla. 1974); *Cassady v. Consolidated Naval Stores Company*, 119 So. 2d 35 (Fla. 1960); *Richey v. Wells*, 166 So. 817 (Fla. 1936); *Bailey v. Van Pelt*, 82 So. 789 (Fla. 1919). Cf. *Cusack Co. v. City of Chicago*, 242 U.S. 526 (1917); *Eubank v. City of Richmond*, 226 U.S. 137 (1912); *Grova v. Baran*, 134 So. 2d 25 (Fla. 2d DCA 1961), *appeal dismissed*, 145 So. 2d 489 (Fla. 1962); *Miller v. Ryan*, 54 So. 2d 60 (Fla. 1951).
- ¹² See 101A C.J.S. *Zoning and Land Planning* s. 71; and see *infra* n.25 providing citations to Florida statutory provisions providing for the consideration of “affected person[s]” during the development process who may include owners of abutting real property.
- ¹³ See *Pollard v. Palm Beach County*, 560 So. 2d 1358 (Fla. 4th DCA 1990) (opinions of residents are not factual evidence and not sound basis for denial of zoning change application); *City of Apopka v. Orange County*, 299 So. 2d 657, 659-660 (Fla. 4th DCA

- 1974); and *Town of Ponce Inlet v. Rancourt*, 627 So. 2d 586 (Fla. 5th DCA 1993); *Marell v. Hardy*, 450 So. 2d 1207 (Fla. 4th DCA 1984) (it is the function of the legislative body charged with responsibility for protecting and enhancing the health, welfare, and safety of public to weigh the advantages and disadvantages of rezoning property).
- 14 *See Villas of Lake Jackson, Ltd. v. Leon County*, 884 F.Supp. 1544 (N.D. Fla. 1995), *opinion modified on reconsideration*, 906 F.Supp. 1509 (N.D. Fla. 1995), *affirmed*, 121 F.3d 610 (C.A. 11 (Fla.) 1997).
- 15 *New Port Largo, Inc. v. Monroe County*, 95 F.3d 1084, (C.A. 11 (Fla.) 1996), *cert. denied*, 117 S.Ct. 2514, 521 U.S. 1121, 138 L.Ed.2d 1016 (1997).
- 16 *City of Miami Beach v. 8701 Collins Ave., Inc.*, 77 So. 2d 428 (Fla. 1954).
- 17 *And see Miami Shores Village v. William N. Brockway Post No. 124 of American Legion*, 24 So. 2d 33 (Fla. 1945); *Wallace v. Town of Palm Beach*, 624 F.Supp. 864 (S.D. Fla. 1985); Inf. Op. to Dellagloria, dated January 5, 2001.
- 18 *See, e.g. Corn v. City of Lauderdale Lakes*, 997 F.2d 1369 (C.A. 11 Fla. 1993), *cert. denied*, 114 S.Ct. 1400, 511 U.S. 1018, 128 L.Ed.2d 73, *appeal after remand*, 95 F.3d 1066, *cert. denied*, 118 S.Ct. 441, 522 U.S. 981, 139 L.Ed.2d 378 (restrictions government imposes on land must be substantially related to general welfare; if not, governmental action is arbitrary and capricious in violation of substantive due process); *Eide v. Sarasota County*, 908 F.2d 716 (C.A. 11 Fla. 1990), *cert. denied*, 111 S.Ct. 1073, 498 U.S. 1120, 112 L.Ed.2d 1179 (property owner may challenge zoning regulation by arguing that regulation is arbitrary and capricious, does not bear substantial relation to public health, safety, morals, or general welfare, and is therefore invalid exercise of police power; owner need only prove that government acted arbitrarily and capriciously either facially or as applied).
- 19 *Pollard v. Palm Beach County*, 560 So. 2d 1358 (Fla. 4th DCA 1990).
- 20 Section 163.3161(2), Fla. Stat.
- 21 Section 163.3161(6), Fla. Stat.
- 22 Section 163.3177(1), Fla. Stat., *and see* the remainder of this statute for the required and optional elements of a comprehensive plan.
- 23 Section 163.3181(1), Fla. Stat.
- 24 *See e.g., s. 163.3181(2), Fla. Stat.; s. 163.3174(1) and (4), Fla. Stat.*, requiring that the local planning agency prepare the comprehensive plan or amendment after public hearings; *s. 163.3184(11), Fla. Stat.*, providing for public hearings during the process for adoption of comprehensive plans of plan amendments. However, I would also note that *section 163.3167(8), Fla. Stat.*, specifically prohibits “[a]n initiative or referendum process in regard to any development order or in regard to any local comprehensive plan amendment or map amendment[.]”
- 25 *See City of Dania v. Florida Power and Light*, 718 So. 2d 813 at 816 (Fla. 4th DCA 1998), citing *Grefkowicz v. Metropolitan Dade County*, 389 So. 2d 1041 (Fla. 3d DCA 1980); *Metropolitan Dade County v. Blumenthal*, 675 So. 2d 598 (Fla. 3d DCA 1995).
- 26 *Cf. s. 163.3184, Fla. Stat.*, which defines “[a]ffected person” to include “owners of real property abutting real property that is the subject of a proposed change to a future land use map” and authorizing any affected person to file a petition with the Division of Administrative Hearings to challenge whether the plan is in compliance with the statute; *s. 163.3187(5)(a), Fla. Stat.*, providing a similar procedure for any “affected person” to challenge the compliance of a small scale development amendment; and *s. 163.3215, Fla. Stat.*, providing standing for aggrieved or adversely affected parties to enforce local comprehensive plans through development orders. *And cf. Preserve Palm Beach Political Action Committee v. Town of Palm Beach*, 50 So. 3d 1176, 1179 (Fla. 4th DCA 2010) (“The right of the people to vote on issues they are entitled to vote on is one of utmost importance in our democratic system of government. But there are issues - such as the right of a small landowner to use his property subject only to government regulations - which should not be determined by popular vote. *Section 163.3167(12)* rightfully protects the small landowner from having to submit her development plans to the general public and ensures that those plans will be approved or not, instead, by the elected officials of the municipality in a quasi-judicial process.”).
- 27 *See Penthouse, Inc. v. Saba*, 399 So. 2d 456 (Fla. 2d DCA 1981), *review denied*, 408 So. 2d 1095 (Fla. 1981).
- 28 *See Florida Tallow Corp. v. Bryan*, 237 So. 2d 308 (Fla. 4th DCA 1970).

- ²⁹ *Pasco County v. J. Dico, Inc.*, 343 So. 2d 83 (Fla. 2d DCA 1977); and see *Starkey v. Okaloosa County*, 512 So. 2d 1040 (Fla. 1st DCA 1987) (rezoning is a legislative prerogative).
- ³⁰ *Flava Works, Inc. v. City of Miami, Fla.*, 800 F.Supp. 2d 1182 (S.D. Fla. 2011); and see *County of Volusia v. City of Deltona*, 925 So. 2d 340 (Fla. 5th DCA 2006), *rehearing denied* (2006), (because the zoning power is an aspect of the police power, a municipality may not enter into a private contract with a property owner for the amendment of a zoning ordinance subject to restrictions in an agreement to be executed between the city and the owner).
- ³¹ *See Villas of Lake Jackson, Ltd. v. Leon County*, 121 F.3d 610 (C.A. 11 Fla. 1997) (any constitutional right based upon zoning regulation governing specific use of real property, to extent claim is based upon deprivation of right to use property itself for that specific purpose is protectable, if it is right for which Constitution gives protection at all, only by procedural due process claim challenging procedures by which regulation was adopted, substantive due process claim based upon arbitrary and capricious action of government in adopting regulation, Takings Clause claim, or under some other constitutional provision that gives landowner protectable right, not specifically involved with real property right itself).

Fla. AGO 2012-32 (Fla.A.G.), 2012 WL 4343746

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North Bay Village

Administrative Offices

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

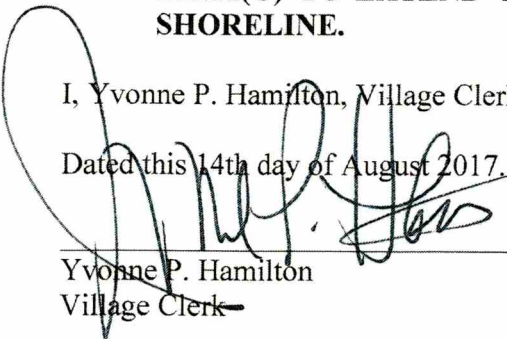
Tel: (305) 756-7171 Fax: (305) 756-7722 Website:

www.nbvillage.com

RE: AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKE FOR CONSTRUCTION OF A NEW DOCK AND BOATLIFT AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE AND THE APPROVAL OF A WAIVER PURSUANT TO SECTION 150.11(A) AND 150.11(G) TO EXTEND THE DOCK FARTHER THAN 25 FEET FROM THE SHORELINE.

I, Yvonne P. Hamilton, Village Clerk, hereby certify that that the petition filed hereto is correct.

Dated this 14th day of August 2017.



Yvonne P. Hamilton
Village Clerk

(North Bay Village Commission Meeting – 9/12/2017)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson



North Bay Village

Administrative Offices

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

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RE: AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKE FOR CONSTRUCTION OF A NEW DOCK AND BOATLIFT AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE AND THE APPROVAL OF A WAIVER PURSUANT TO SECTION 150.11(A) AND 150.11(G) TO EXTEND THE DOCK FARTHER THAN 25 FEET FROM THE SHORELINE.

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing (October 24, 2017 Commission Meeting, to be held on October 24, 2017 was posted at the above-referenced property on October 5, 2017.

Dated this 5th day of October 2017.



Yvonne P. Hamilton, CMC
Village Clerk

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson



North Bay Village

Administrative Offices

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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website:

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RE: AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKE FOR CONSTRUCTION OF A NEW DOCK AND BOATLIFT AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE AND THE APPROVAL OF A WAIVER PURSUANT TO SECTION 150.11(A) AND 150.11(G) TO EXTEND THE DOCK FARTHER THAN 25 FEET FROM THE SHORELINE.

I, Yvonne P. Hamilton, Village Clerk, hereby certify that the attached Notice of Public Hearing (October 24th, 2017 Commission Meeting) 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 North Bay Village Code of Ordinances on October 12, 2017.

Dated this 13th day of October 2017.



Yvonne P. Hamilton, CMC
Village Clerk

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson



NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, OCTOBER 24, 2017** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING REQUEST:

1. AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKE FOR CONSTRUCTION OF A NEW DOCK AND BOATLIFT AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE AND THE APPROVAL OF A WAIVER PURSUANT TO SECTION 150.11(A) AND 150.11(G) TO EXTEND THE DOCK FARTHER THAN 25 FEET FROM THE SHORELINE.

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 COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141. THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS 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 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.

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

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME AS NECESSARY, AS DETERMINED BY THE VILLAGE COMMISSION.

YVONNE P. HAMILTON, CMC
VILLAGE CLERK

Owner/Occupant
1650 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1660 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1680 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1690 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1671 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1710 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1720 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1730 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1740 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1771 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1741 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1721 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1701 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1671 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1641 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
7505 Cutlass Avenue
N. Bay Village, FL 33141

Owner/Occupant
7509 Cutlass Avenue
N. Bay Village, FL 33141

Owner/Occupant
7513 Cutlass Avenue
N. Bay Village, FL 33141

Owner/Occupant
7504 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7508 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7512 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7505 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7509 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7513 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7504 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7508 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7512 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7505 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7509 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7513 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7504 Jewel Avenue
N. Bay Village, FL 33141

Owner/Occupant
7508 Jewel Avenue
N. Bay Village, FL 33141

Owner/Occupant
7512 Jewel Avenue
N. Bay Village, FL 33141

Owner/Occupant
1700 South Treasure Drive
N. Bay Village, FL 33141



**NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, OCTOBER 24, 2017** AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING REQUESTS:

1. AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKFORD FOR CONSTRUCTION OF A NEW DOCK AND BOATLIFT AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE AND THE APPROVAL OF A WAIVER PURSUANT TO SECTION 150.11(A) AND 150.11(G) TO EXTEND THE DOCK FARTHER THAN 25 FEET FROM THE SHORELINE.
2. APPLICATIONS BY KIRK LOFGREN FOR INSTALLATION OF NEW BOATLIFTS AND BOARDING PLATFORMS ON AN EXISTING DOCK IN SLIPS B-63, B-90, B92, AND C-106 AT THE COMMERCIAL MARINA AT 7601 E. TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE.
3. AN APPLICATION BY P&O GLOBAL TECHNOLOGIES, INC. CONCERNING PROPERTY LOCATED AT 7918 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
 - A. SITE PLAN APPROVAL PURSUANT TO SECTION 54(C) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE FOR DEVELOPMENT OF A 54 UNIT, 240 FEET MULTI-FAMILY RESIDENTIAL STRUCTURE.
 - B. BUILDING HEIGHT BONUS APPROVAL PURSUANT TO SECTION 8.10(D)(5) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE.
 - C. BONUS DENSITY PURSUANT TO SECTION 8.10(D)(6) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE.
 - D. A SPECIAL USE EXCEPTION PURSUANT TO SECTION 9.3(E)(5) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE TO ALLOW 29 OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
 - E. A WAIVER ACCORDING TO SECTION 9.3(D)(2) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE TO PERMIT TWO LOADING SPACES, INSTEAD OF THE THREE REQUIRED FOR THE DEVELOPMENT.
 - F. A VARIANCE PURSUANT TO SECTION 152.09(7) OF THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE TO ALLOW THE CONSTRUCTION OF A PORTE COCHERE TO REDUCE THE REQUIRED FRONT YARD SETBACK TO FIVE FEET WHERE TWENTY FIVE FEET IS REQUIRED.

4. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING THE NORTH BAY VILLAGE 1987 COMPREHENSIVE PLAN AS AMENDED BY REVISING THE COASTAL MANAGEMENT ELEMENT, AMENDMENT TO THE COASTAL HIGH HAZARD AREA MAP, AS MANDATED BY FLORIDA STATUTES 163.3178, IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163, FLORIDA STATUTES; AUTHORIZING TRANSMITTAL OF THESE AMENDMENTS TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL, STATE LAND PLANNING AGENCY, AND OTHER APPLICABLE AGENCIES FOR REVIEW AND COMMENT AS REQUIRED BY FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. *(Second Reading)*

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 COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141. THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS 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 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.

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 VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).


THIS HEARING MAY BE CONTINUED FROM TIME TO TIME AS NECESSARY, AS DETERMINED BY THE VILLAGE COMMISSION.

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(October 3, 2017)



North Bay Village
Administrative Offices
1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website:
www.nbvillage.com

MEMORANDUM
North Bay Village

DATE: April 13, 2017
TO: Yvonne P. Hamilton, CMC
Village Clerk
FROM: Frank K. Rollason 
Village Manager
SUBJECT: Introduction of Resolution

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

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, GRANTING A WAIVER, PURSUANT TO SECTION 150.11(G) OF THE VILLAGE CODE OF ORDINANCES, FOR THE CONSTRUCTION OF A DOCK WITH A BOATLIFT AT 1700 SOUTH TREASURE DRIVE, WHICH WILL EXTEND BEYOND THE 25 FOOT LIMIT; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

FKR:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, GRANTING A WAIVER, PURSUANT TO SECTION 150.11(G) OF THE VILLAGE CODE OF ORDINANCES, FOR THE CONSTRUCTION OF A DOCK WITH A BOATLIFT AT 1700 SOUTH TREASURE DRIVE, WHICH WILL EXTEND BEYOND THE 25 FOOT LIMIT; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

WHEREAS, Holger Piening and Andrea Franke have requested a Building Permit to construct a new dock and boatlift at 1700 South Treasure Drive, Treasure Island, in the RS-2, Medium Density Single-Family Zoning District, North Bay Village, Florida; and

WHEREAS, Pursuant to Section 150.11(A) of the Village Code, docks are to be constructed no more than 25 feet perpendicular from the seawall or shoreline into any waterway within the corporate limits of the Village, unless a waiver is granted by the Village Commission; and

WHEREAS, the structures will extend 47 feet from the existing seawall into Biscayne Bay; and

WHEREAS, the Department of Regulatory and Economic Resources (DERM) has granted preliminary approval of the dock and boatlift; and

WHEREAS, Section 150.11(G) authorizes the Village Commission to consider the approval of docks greater than 25 feet upon the following determination:

1. If Miami-Dade Department of Environmental Management has required specific depth or location criteria; and
2. If the applicant has provided to the Village notarized letter(s) of consent from adjoining riparian property owners; and
3. if the Village has received any letter(s) of objection from adjoining riparian property owners; and
4. Any other factors relevant to the specific site.

WHEREAS, Section 150.11(F) of the North Bay Village Code of Ordinances requires all applications for construction of docks and boatlifts to be approved by the Village Commission; and

WHEREAS, in accordance with Section 150.11(F) of the Village Code, a public hearing by the Village Commission was noticed for October 24, 2017, at 7:30 p.m. at Village Hall, 1666 Kennedy Causeway, Suite 101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission.

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

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Findings.

In accordance with Section 150.11(F) of the Village Code, the Village Commission, having considered the testimony and evidence in the record presented by all parties, finds that the dock and the boatlift are safe and environmentally compatible.

Section 3. Grant.

In accordance with Section 150.11(G) of the North Bay Village Code of Ordinances, a waiver is granted to construct a dock and a boatlift, which structures will extend 47 feet from the existing seawall into Biscayne Bay as requested by Holger Piening & Andre Franke for the property located at 1700 South Treasure Drive.

Section 4. Conditions.

Approval is granted with the condition that the following items are met prior to issuance of a Building Permit:

1. Installation of solar powered lights at end of the dock for safety purposes.
2. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.
3. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.

4. Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.

5. Authorization or issuance of a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

Section 5. Appeal.

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 6. Violation of Terms and Conditions.

Failure to adhere to the terms and conditions contained in this Resolution in Section 4 shall be considered a violation of this Resolution and persons found violating the conditions shall be subject to the penalties prescribed by the Village Code, including but not limited to the revocation of any of the approval(s) granted in this Resolution.

The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Village Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Village at any time upon a determination that the Applicant is in non-compliance with the Village Code.

Section 7. Effective Date.

This Resolution shall become effective upon its adoption.

The motion to adopt the foregoing Resolution was offered by _____, seconded by _____.

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps _____
Vice Mayor Eddie Lim _____
Commissioner Jose R. Alvarez _____
Commissioner Dr. Douglas N. Hornsby _____
Commissioner Andreana Jackson _____

PASSED and ADOPTED this 24th day of October 2017.

MAYOR CONNIE LEON-KREPS

ATTEST:

YVONNE P. HAMILTON, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: Construction of New Dock- 1700 South Treasure Drive–Construction of New Dock and Boatlift



Staff Report Permit Application for Boat Lift

Prepared for: North Bay Village Commission

Applicant: Kirk Lofgren

Address: 7601 East Treasure Drive

*Request: Permit for Installation of Boat Lift
in Slip B63*



Serving Florida Local Governments Since 1988

General Information

Property Owner	Grand View Palace Yacht Club, Inc.
Applicant	Kirk Lofgren
Applicant Address	340 Minorca Ave., Suite 7, Coral Gables, FL
Site Address	7601 East Treasure Drive
Contact Person	Kirk Lofgren
Contact Phone Number	305-921-9344
E-mail Address	justina@oceanconsultingfl.com

General Description

The applicant is requesting a permit to install a new 28,000 pound capacity boat lift with a boarding platform on an existing dock in slip B63 at the Grandview Palace property. The proposed boat lift and plank will not extend any further into the bay than the existing dock and neither will the proposed structures cause the dock structure to extend any further into the bay than it currently exists.

Applicable Code Provisions

The construction or alteration of docks, piers, etc is governed by Section 150.11 and specifically subsections (A) and (F).

Section 150.11 reads as follows:

- (A) *No person, firm, or corporation shall construct, reconstruct, or repair any docks, piers, dolphins, wharfs, pilings, similar structures of any kind more than 25 feet perpendicular from the seawall or shoreline into any waterway within the corporate limits of the Village. 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 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 Village Commission in accordance with subsection (G), provided further, however the furthest distance seaward from the seawall or shoreline shall not exceed 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 Village Code, shall be approved by the Village Manager, and shall be kept permanently in the records of the Village. 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 Village unless the structure is set back at least 7½ feet from the lot line on each side; and the structure shall not exceed five feet above ground level, except a joint or "party" dock may be permitted on the property line if approved by the Village 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 Village, or do any filling, excavating, or dredging in the waters without first obtaining a written permit to do so from the Village Manager.*
- (E) *Application for any permit or the transfer of any permit required by this section shall be made to the Village 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 Village shall require the approval of the Village Commission after a public hearing. During the public hearing the Village 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 25 feet, the Village 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 location criteria; and*
 - (ii) If the Applicant has provided to the Village notarized letter(s) of consent from adjoining riparian property owners, and*
 - (iii) If the Village has received any letter(s) of objection from adjoining riparian property owners; and*
 - (iv) Any other factors relevant to the specific site.*
- (H) *The Village 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 Village in accordance with the public safety and the general welfare. The requirement of approval by the Village 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.*

The location of boats, docks and piers is also governed by Section 152.059, most specifically subsection (B) which reads as follows:

- “(B) No docks, piers, mooring posts, or combinations thereof, may project more than 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 Village 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.”*



Staff Comments

One 28,000 pound capacity boat lift with a boarding plank will be installed in slip B63. To support the lift, new wood pilings will be installed within the slip. The installed boat lift will be 12 feet long by 14 feet wide and the boarding platform will be 21 feet long by 15.5 inches wide. Because the lift is being installed in an existing boat slip, the capacity of the docks will not be increased and therefore, this installation should not affect vehicle parking at Grandview Palace or cause an increase in the number of vehicle traffic trips.

The boat lift will not encroach on the 7.5 foot side setbacks from the property lines. Additionally, since the boat lifts will not extend any further into the bay than the existing structures, this project does not require a waiver according to Section 150.11(A).


These plans have also received pre-approval from Miami-Dade DERM. Based on the materials presented by the applicant, the proposed structures are in compliance with the applicable provisions of Sections 152.059 and 150.11. The proposed boatlifts are safe and compatible.

Recommendation

Staff recommends **approval** of the application to install the new boat lift with boarding plank, pending the following:

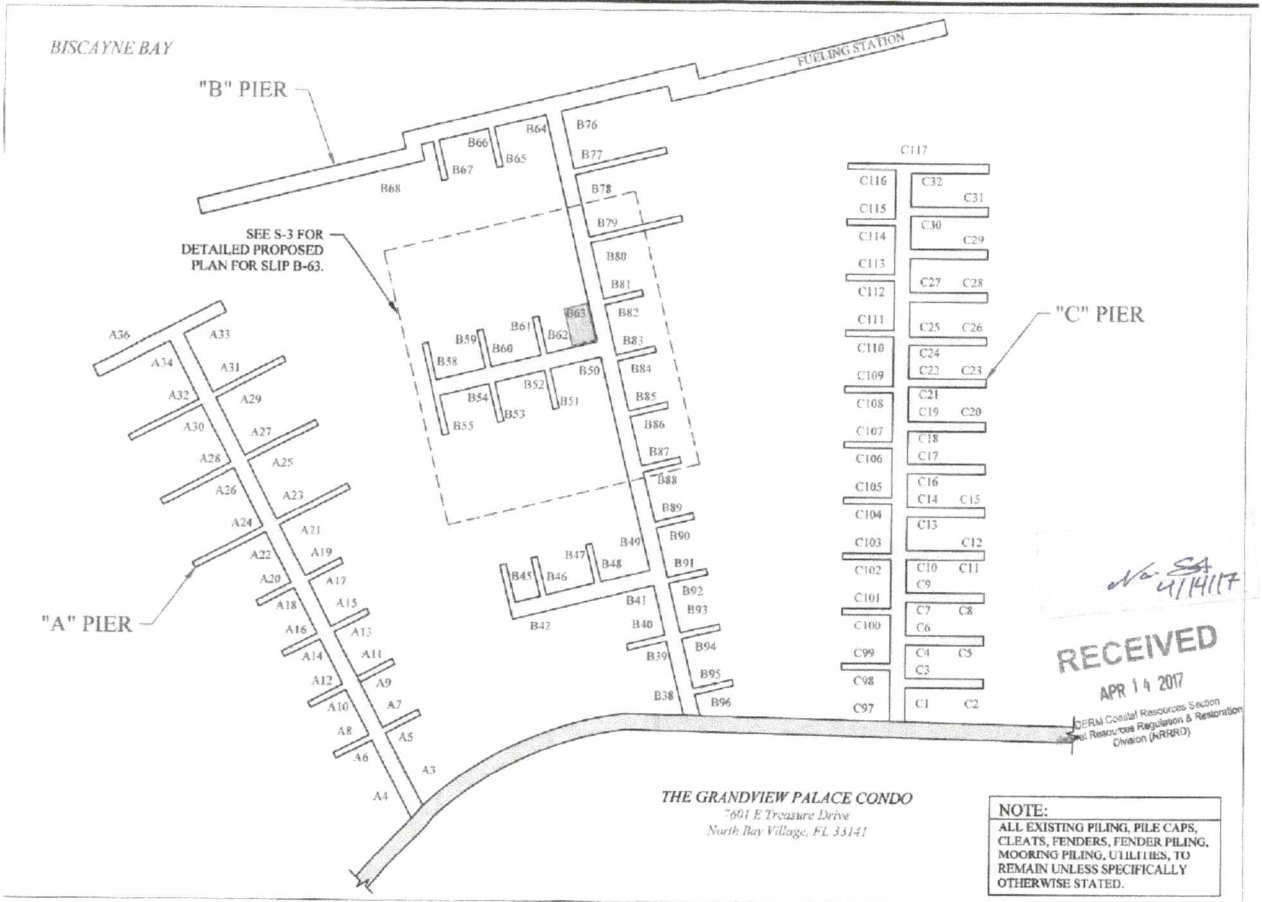
1. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.
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4. Authorization or issuance of a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

Submitted by:


James G. LaRue, AICP
Planning Consultant
October 9, 2017

Hearing: Village Commission, October 24, 2017

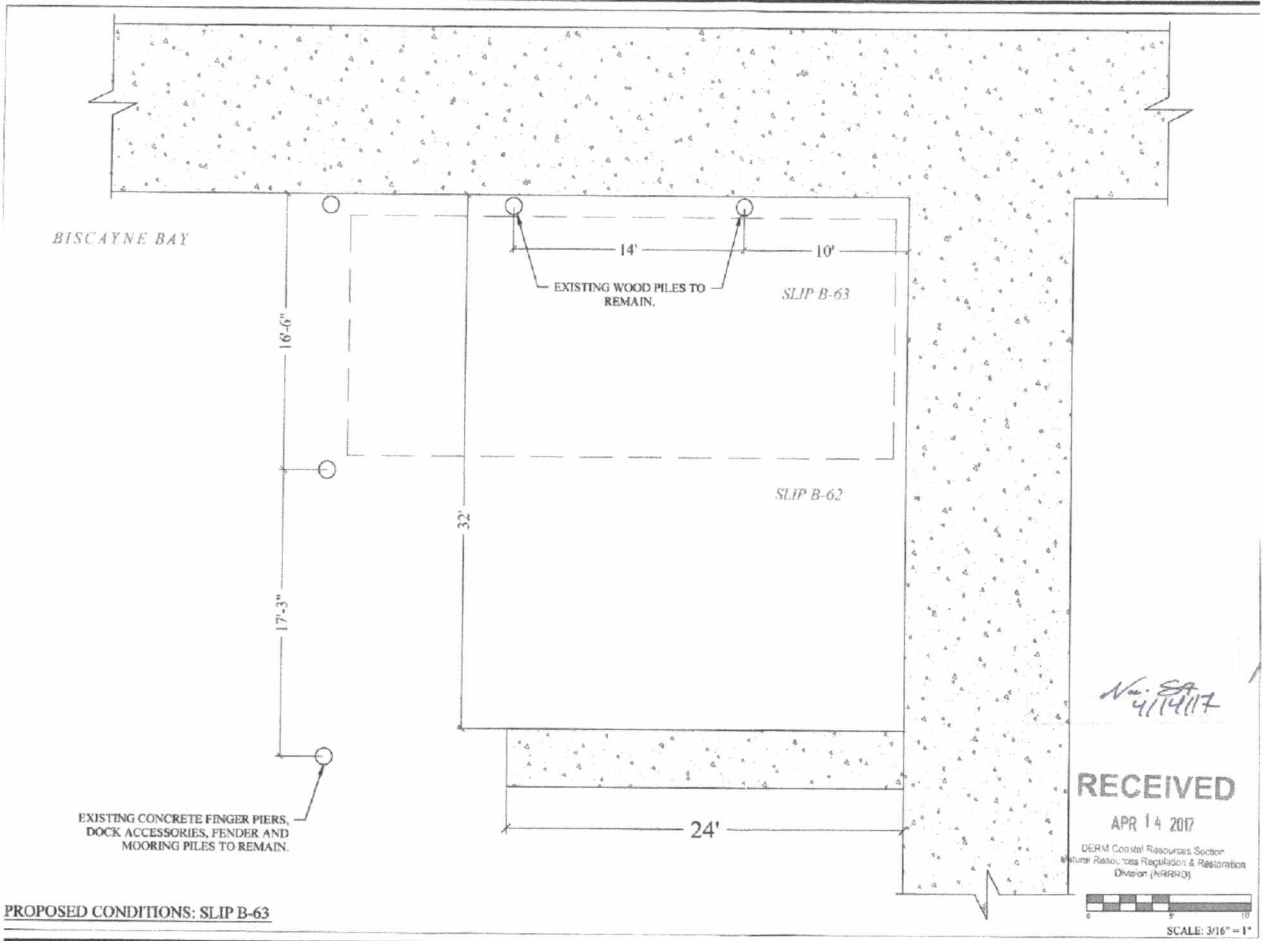


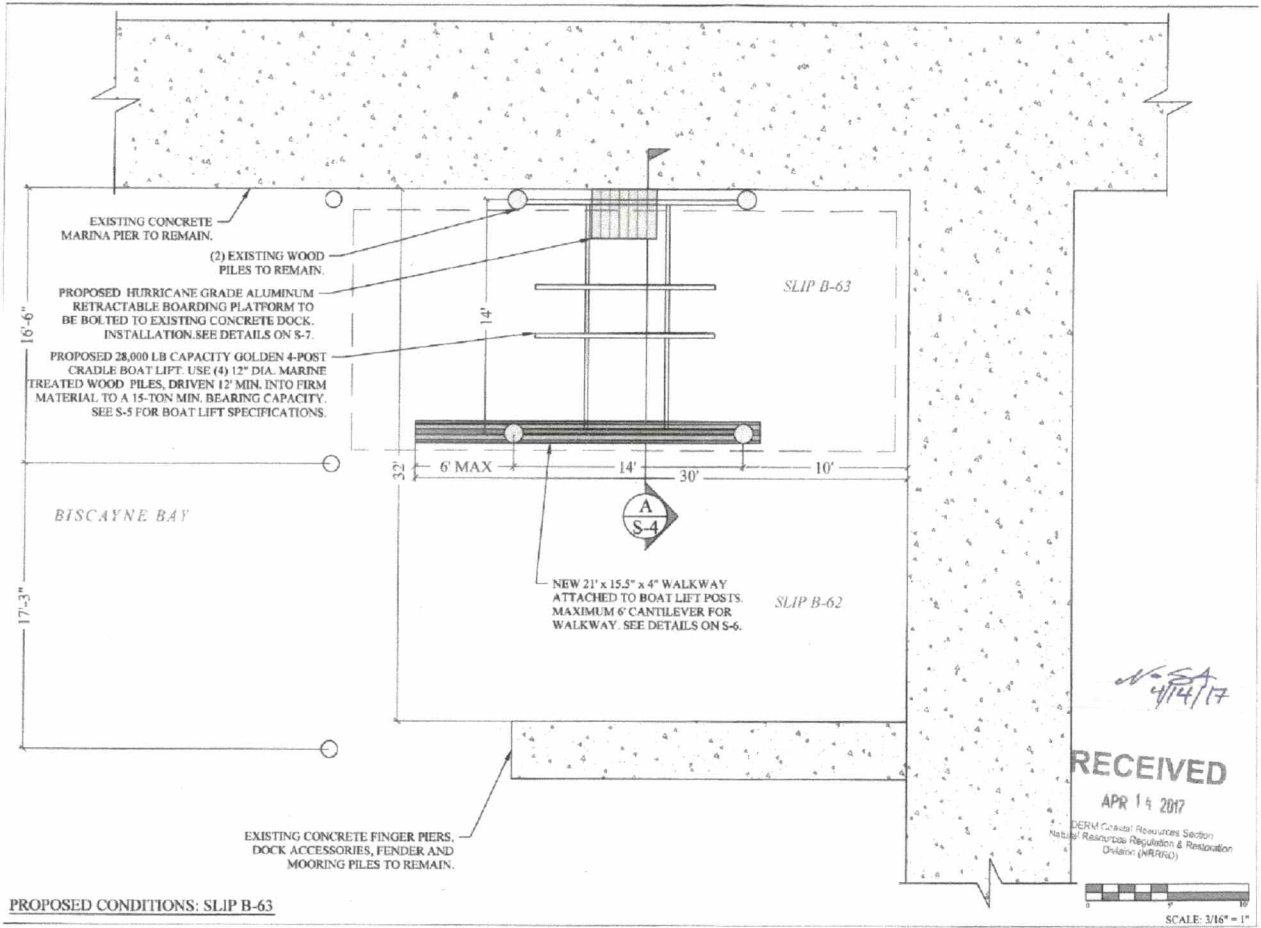


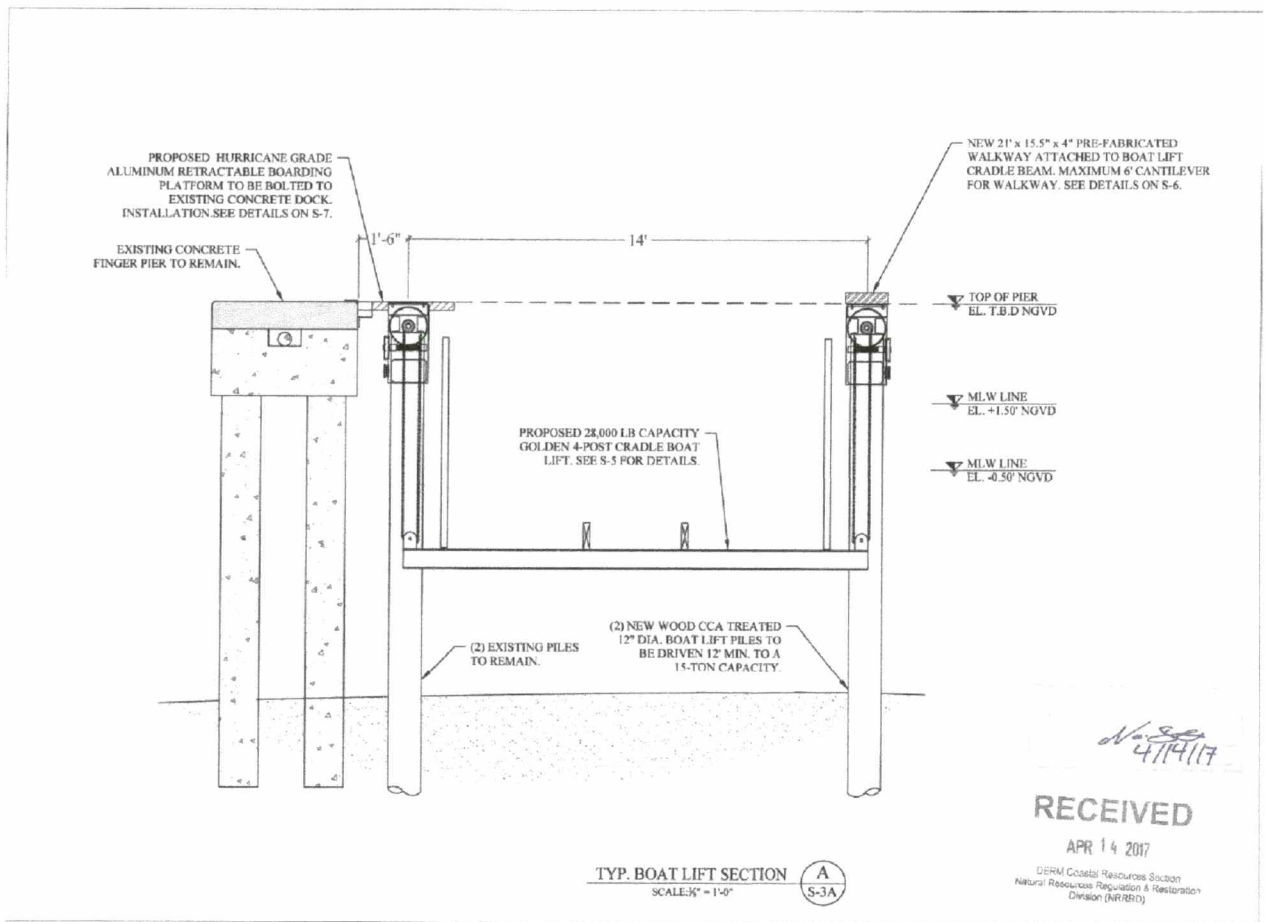
EXISTING CONDITIONS

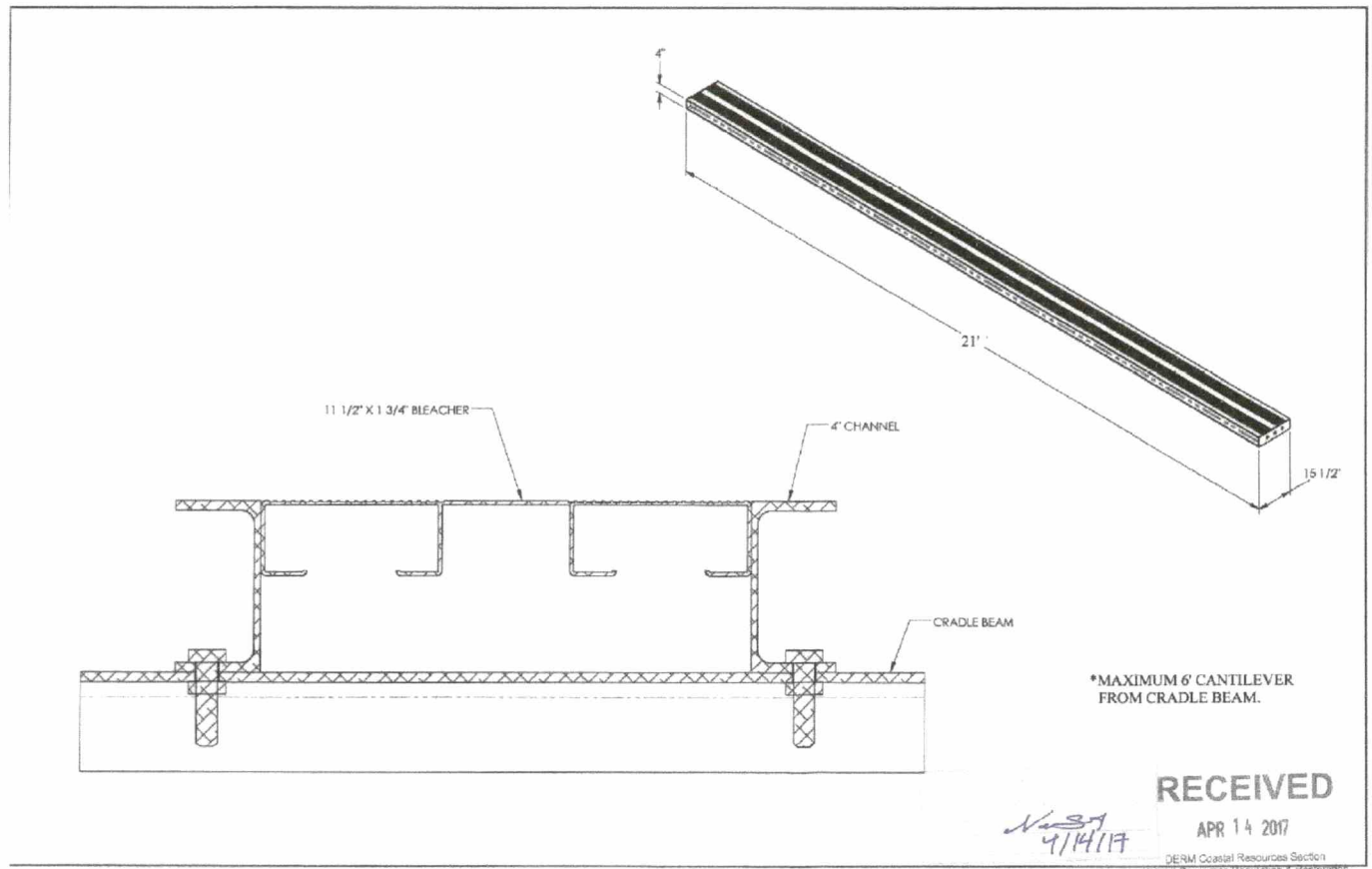


Serving Florida Local Governments Since 1988











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

RE: APPLICATIONS BY KIRK LOFGREN FOR INSTALLATION OF NEW BOATLIFTS AND BOARDING PLATFORMS ON AN EXISTING DOCK IN SLIPS B-63 AT THE COMMERCIAL MARINA AT 7601 E. TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE.

I, Yvonne P. Hamilton, Village Clerk, hereby certify that that the petition filed hereto is correct.

Dated this 2nd day of October 2017.



Yvonne P. Hamilton
Village Clerk

Mayor
Connie Leon-Kreps

Commissioner
Jose Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

Commissioner
Eddie Lim

58



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

RE: APPLICATIONS BY KIRK LOFGREN FOR INSTALLATION OF NEW BOATLIFTS AND BOARDING PLATFORMS ON AN EXISTING DOCK IN SLIPS B-63, B-90, B92, AND C-106 AT THE COMMERCIAL MARINA AT 7601 E. TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE.

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on October 24, 2017 (Commission Meeting) was posted at the above-referenced property on October 5, 2017.

Dated this 5th day of October 2017.



Yvonne P. Hamilton, CMC
Village Clerk

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson



North Bay Village

Administrative Offices

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

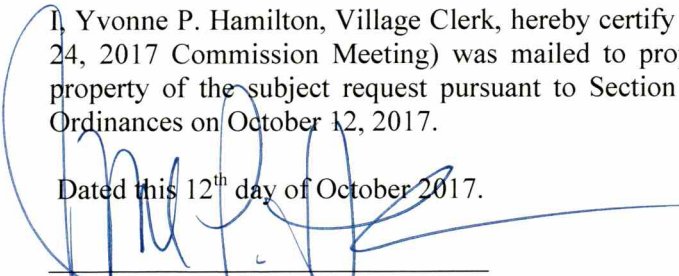
Tel: (305) 756-7171 Fax: (305) 756-7722 Website:

www.nbvillage.com

RE: APPLICATIONS BY KIRK LOFGREN FOR INSTALLATION OF NEW BOATLIFTS AND BOARDING PLATFORMS ON AN EXISTING DOCK IN SLIPS B-63, B-90, B92, AND C-106 AT THE COMMERCIAL MARINA AT 7601 E. TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE.

I, Yvonne P. Hamilton, Village Clerk, hereby certify that the attached Notice of Public Hearing (October 24, 2017 Commission Meeting) 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 North Bay Village Code of Ordinances on October 12, 2017.

Dated this 12th day of October 2017.



Yvonne P. Hamilton, CMC
Village Clerk

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson



**NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, OCTOBER 24, 2017** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING REQUESTS:

1. APPLICATIONS BY KIRK LOFGREN FOR INSTALLATION OF NEW BOATLIFTS AND BOARDING PLATFORMS ON AN EXISTING DOCK IN SLIPS B-63, B-90, B92, AND C-106 AT THE COMMERCIAL MARINA AT 7601 E. TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE.

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 COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141. THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS 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 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.

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

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME AS NECESSARY, AS DETERMINED BY THE VILLAGE COMMISSION.

YVONNE P. HAMILTON, CMC
VILLAGE CLERK

Grandview Palace Condominium
7601 E. Treasure Drive
N. Bay Village, FL 33141

Caribbean Towers Condominium
7545 E. Treasure Drive
N. Bay Village, FL 33141

Treasure Island Elementary
C/O 1450 N.E. 2nd Avenue
Room 602
Miami, FL 33132

Bocados Ricos Corp
1880 Kennedy Causeway
N. Bay Village, FL 33141

Gonzalez Santiago
1886 Kennedy Causeway
N. Bay Village, FL 33141

DDB Investments Fortune
ATTN: Valeria Dahan
1300 Brickell Avenue
Miami, FL 33131

Sunshine Grocery
1900 Kennedy Causeway
N. Bay Village, FL 33141

Pizza D'Light
C/O Jairo Reyes
1865 Kennedy Cswy., #11-C
N. Bay Village, FL 33141

Mr. Greg Lambert
823 N.W. 57th Avenue
Ft. Lauderdale, FL 33309
(Re: 1886B Kennedy Cswy.)

Bridgewater Tower Condo
Attn: Rick Muller
1881 Kennedy Causeway
N. Bay Village, FL 33141

Happy's Store/Sports
1872 Kennedy Causeway
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #2116
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #1901
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #519
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #504
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #1522
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #1903
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #1816
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #614
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #1902
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #624
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #1006
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #2004
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #1618
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #2316
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #911
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #PH122
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #2324
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #1908
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #1904
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #2106
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #2112
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #CU-17
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #2012
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #416
N. Bay Village, FL 33141

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N. Bay Village, FL 33141

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N. Bay Village, FL 33141

Owner/Occupant
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N. Bay Village, FL 33141

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7601 East Treasure Drive, #PH216
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7601 East Treasure Drive, #1606
N. Bay Village, FL 33141

Owner/Occupant
7601 East Treasure Drive, #824
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Owner/Occupant
7601 East Treasure Drive, #823
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Owner/Occupant
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Owner/Occupant
7601 East Treasure Drive, #PH202
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Owner/Occupant
7601 East Treasure Drive, #602
N. Bay Village, FL 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 1A
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 1B
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 1C
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 1D
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 2A
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 2B
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 2C
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 2D
North Bay Village, Fl 33141

Owner/Occupant
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North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 2F
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 2G
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 2H
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 2J
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 2K
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 3A
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 3B
North Bay Village, Fl 33141

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North Bay Village, Fl 33141

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North Bay Village, Fl 33141

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North Bay Village, Fl 33141

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7545 E. Treasure Dr. Apt. 4A
North Bay Village, Fl 33141

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North Bay Village, Fl 33141

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North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 5A
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7545 E. Treasure Dr. Apt. 7A
North Bay Village, Fl 33141

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North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 10A
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 10B
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 10C
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 10D
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 10E
North Bay Village, Fl 33141

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7545 E. Treasure Dr. Apt. 10F
North Bay Village, Fl 33141

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7545 E. Treasure Dr. Apt. 10G
North Bay Village, Fl 33141

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7545 E. Treasure Dr. Apt. 10H
North Bay Village, Fl 33141

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7545 E. Treasure Dr. Apt. 10I
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 10J
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. Apt. 10K
North Bay Village, Fl 33141

Owner/Occupant
7545 E. Treasure Dr. OFC.
North Bay Village, Fl 33141

Owner/Occupant
1881 79th Street Causeway, #1001
N. Bay Village, FL 33141

Owner/Occupant
1881 79th Street Causeway, #1002
N. Bay Village, FL 33141

Owner/Occupant
1881 79th Street Causeway, #1003
N. Bay Village, FL 33141

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1881 79th Street Causeway, #1004
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1881 79th Street Causeway, #1102
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1881 79th Street Causeway, #1103
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N. Bay Village, FL 33141

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1881 79th Street Causeway, #2007
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1881 79th Street Causeway, #401
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N. Bay Village, FL 33141

Owner/Occupant
1881 79th Street Causeway, #907
N. Bay Village, FL 33141



**NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, OCTOBER 24, 2017** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING REQUEST:

1. AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKE FOR CONSTRUCTION OF A NEW DOCK AND BOATLIFT AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE AND THE APPROVAL OF A WAIVER PURSUANT TO SECTION 150.11(A) AND 150.11(G) TO EXTEND THE DOCK FARTHER THAN 25 FEET FROM THE SHORELINE.

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 COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141. THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS 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 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.

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

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME AS NECESSARY, AS DETERMINED BY THE VILLAGE COMMISSION.

YVONNE P. HAMILTON, CMC
VILLAGE CLERK

Owner/Occupant
1650 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1660 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1670 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1680 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1690 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1710 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1720 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1730 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1740 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1771 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1741 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1721 S. Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
7505 Cutlass Avenue
N. Bay Village, FL 33141

Owner/Occupant
7509 Cutlass Avenue
N. Bay Village, FL 33141

Owner/Occupant
7513 Cutlass Avenue
N. Bay Village, FL 33141

Owner/Occupant
7504 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7508 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7512 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7505 Hispanola Avenue
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7509 Hispanola Avenue
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Owner/Occupant
7513 Hispanola Avenue
N. Bay Village, FL 33141

Owner/Occupant
7504 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7508 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7512 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7505 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7509 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
7513 Mutiny Avenue
N. Bay Village, FL 33141

Owner/Occupant
1701 South Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1641 South Treasure Drive
N. Bay Village, FL 33141

Owner/Occupant
1700 South Treasure Drive
N. Bay Village, FL 33141



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Owner/Occupant
7504 Jewel Avenue
N. Bay Village, FL 33141

Owner/Occupant
7508 Jewel Avenue
N. Bay Village, FL 33141

Owner/Occupant
7512 Jewel Avenue
N. Bay Village, FL 33141



North Bay Village

Administrative Offices

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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website:

www.nbvillage.com

MEMORANDUM
North Bay Village

DATE: October 13, 2017

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: Frank K. Rollason
Village Manager

SUBJECT: Introduction of Resolution

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

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN APPLICATION BY KIRK LOFGREN FOR INSTALLATION OF A NEW BOATLIFT ON AN EXISTING DOCK AT 7601 EAST TREASURE DRIVE, IN SLIP B63, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

FKR:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN APPLICATION BY KIRK LOFGREN FOR INSTALLATION OF A NEW BOATLIFT ON AN EXISTING DOCK AT 7601 EAST TREASURE DRIVE, IN SLIP B63, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

WHEREAS, Kirk Lofgren has applied to North Bay Village, on behalf of Grandview Palace Yacht Club, Inc., for permission to install a new boatlift on an existing dock at the Grandview Palace Business Marina at 7601 East Treasure Drive in Slip B63, Treasure Island, North Bay Village, Florida, in the RM-70, High Density Multiple-Family Residential Zoning District; and

WHEREAS, Section 9.12(B)(6) of the Unified Land Development Code requires all applications for docks, boat lifts, mooring piles or other similar structures which are outside the D-5 tringle or greater than 25 feet from the shoreline to be approved by the Village Commission; and

WHEREAS, in accordance with Section 9.12(B)(6) of the Village Code, a public hearing by the Village Commission was noticed for Tuesday, October 24, 2017, at 7:30 p.m. at Village Hall, 1666 Kennedy Causeway, Suite 101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission.

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

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Findings.

In accordance with Section 9.12(B)(7) of the Village Code, the Village Commission, having considered the testimony and evidence in the record presented by all parties, finds that the boatlift is safe and environmentally compatible.

Section 3. Grant.

In accordance with Section 9.12(B)(7) of the North Bay Village Code of Ordinances, approval is granted to install a new boatlift at the marina at 7601 East Treasure Drive, in Slip B63, in accordance with the Site Plan submitted to the Village Clerk's Office.

Section 4. Conditions.

Approval is granted with the condition that the following items are met prior to issuance of a Building Permit:

1. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.
2. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
3. Cost recovery charges must be paid pursuant to Section 5.12. Specifically, no new development application shall be accepted and no building permit shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
4. Authorization or issuance of a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

Section 5. Appeal.

In accordance with Section 4.6 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 6. Violation of Terms and Conditions.

Failure to adhere to the terms and conditions contained in this Resolution in Section 4 shall be considered a violation of this Resolution and persons found violating the conditions shall be subject to the penalties prescribed by the Village Code, including but not limited to the revocation of any of the approval(s) granted in this Resolution.

The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Village Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Village at any time upon a determination that the Applicant is in non-compliance with the Village Code.

Section 7. Effective Date.

This Resolution shall become effective upon its adoption.

The motion to adopt the foregoing Resolution was offered by _____, seconded by _____.

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps	_____
Vice Mayor Eddie Lim	_____
Commissioner Jose R. Alvarez	_____
Commissioner Dr. Douglas Hornsby	_____
Commissioner Andreana Jackson	_____

PASSED and ADOPTED this 24th day of October 2017

MAYOR CONNIE LEON-KREPS

ATTEST:

YVONNE P. HAMILTON, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: Installation of Boatlift at 7601 E. Treasure Drive Marina in Slip B63.



Staff Report Permit Application for Boat Lift

Prepared for: North Bay Village Commission
Applicant: Kirk Lofgren
Address: 7601 East Treasure Drive
Request: Permit for Installation of Boat Lift
in Slip B90



LaRue Planning
& Management Services, Inc.
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366

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General Information

Property Owner	Grand View Palace Yacht Club, Inc.
Applicant	Kirk Lofgren
Applicant Address	340 Minorca Ave., Suite 7, Coral Gables, Fl
Site Address	7601 East Treasure Drive
Contact Person	Kirk Lofgren
Contact Phone Number	305-921-9344
E-mail Address	justina@oceanconsultingfl.com

General Description

The applicant is requesting a permit to install a new 20,000 pound capacity boat lift with a boarding platform on an existing dock in slip B90 at the Grandview Palace property. The proposed boat lift and plank will not extend any further into the bay than the existing dock and neither will the proposed structures cause the dock structure to extend any further into the bay than it currently exists.

Applicable Code Provisions

The construction or alteration of docks, piers, etc is governed by Section 150.11 and specifically subsections (A) and (F).

Section 150.11 reads as follows:

- (A) *No person, firm, or corporation shall construct, reconstruct, or repair any docks, piers, dolphins, wharfs, pilings, similar structures of any kind more than 25 feet perpendicular from the seawall or shoreline into any waterway within the corporate limits of the Village. 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 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 Village Commission in accordance with subsection (G), provided further, however the furthest distance seaward from the seawall or shoreline shall not exceed 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 Village Code, shall be approved by the Village Manager, and shall be kept permanently in the records of the Village. 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 Village unless the structure is set back at least 7½ feet from the lot line on each side; and the structure shall not exceed five feet above ground level, except a joint or "party" dock may be permitted on the property line if approved by the Village 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 Village, or do any filling, excavating, or dredging in the waters without first obtaining a written permit to do so from the Village Manager.*
- (E) *Application for any permit or the transfer of any permit required by this section shall be made to the Village 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 Village shall require the approval of the Village Commission after a public hearing. During the public hearing the Village 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 25 feet, the Village 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 location criteria; and*
 - (ii) If the Applicant has provided to the Village notarized letter(s) of consent from adjoining riparian property owners, and*
 - (iii) If the Village has received any letter(s) of objection from adjoining riparian property owners; and*
 - (iv) Any other factors relevant to the specific site.*
- (H) *The Village 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 Village in accordance with the public safety and the general welfare. The requirement of approval by the Village 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.*

The location of boats, docks and piers is also governed by Section 152.059, most specifically subsection (B) which reads as follows:

- “(B) No docks, piers, mooring posts, or combinations thereof, may project more than 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 Village 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.”*



Staff Comments

One 20,000 pound capacity boat lift with a boarding plank will be installed in slip B90. To support the lift, new wood pilings will be installed within the slip. The installed boat lift will be 12 feet long by 14 feet wide and the boarding platform will be 21 feet long by 15.5 inches wide. Because the lift is being installed in an existing boat slip, the capacity of the docks will not be increased and therefore, this installation should not affect vehicle parking at Grandview Palace or cause an increase in the number of vehicle traffic trips.

The boat lift will not encroach on the 7.5 foot side setbacks from the property lines. Additionally, since the boat lifts will not extend any further into the bay than the existing structures, this project does not require a waiver according to Section 150.11(A).


These plans have also received pre-approval from Miami-Dade DERM. Based on the materials presented by the applicant, the proposed structures are in compliance with the applicable provisions of Sections 152.059 and 150.11. The proposed boatlifts are safe and compatible.

Recommendation

Staff recommends **approval** of the application to install the new boat lift with boarding plank, pending the following:

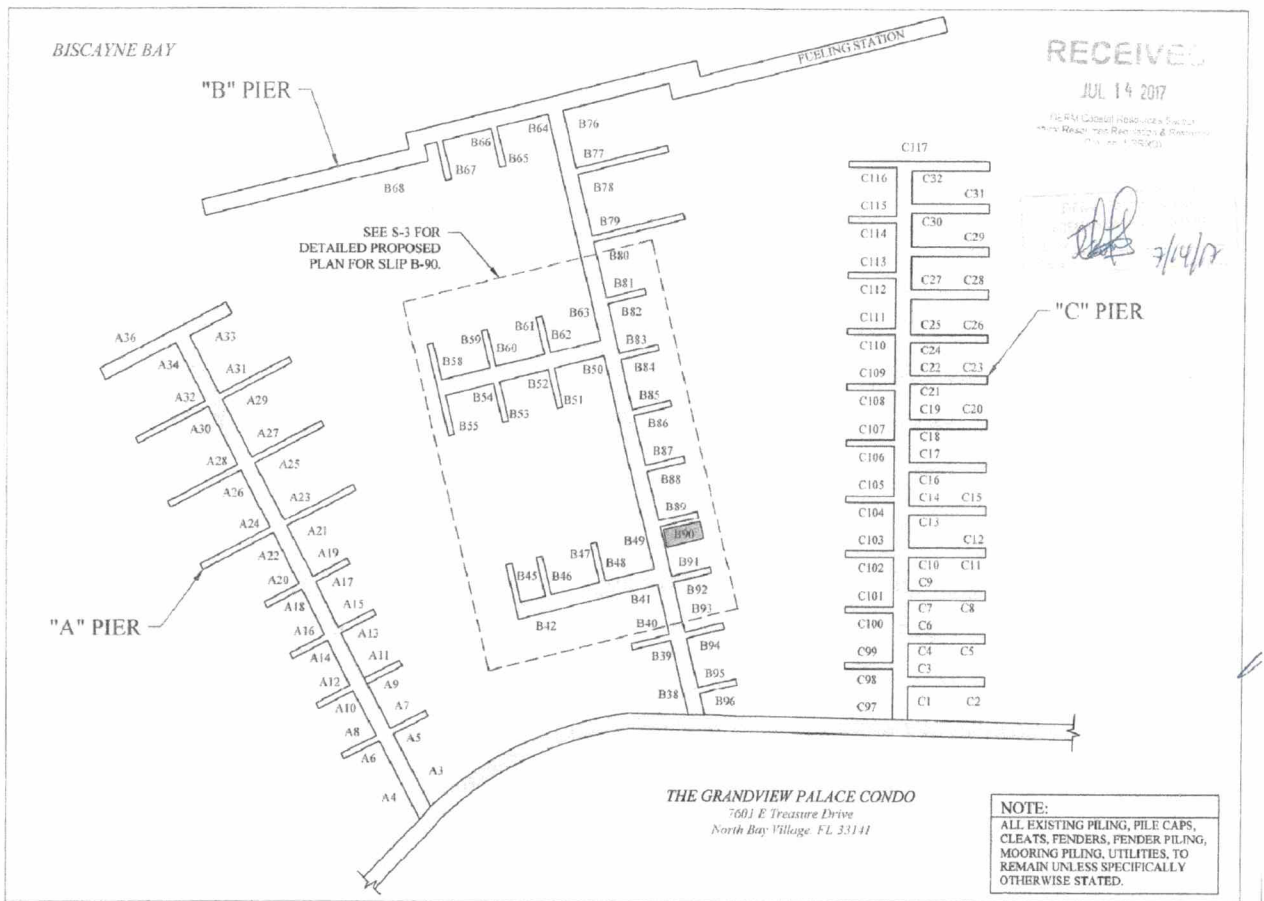
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4. Authorization or issuance of a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

Submitted by:


James G. LaRue, AICP
Planning Consultant
October 9, 2017

Hearing: Village Commission, October 24, 2017

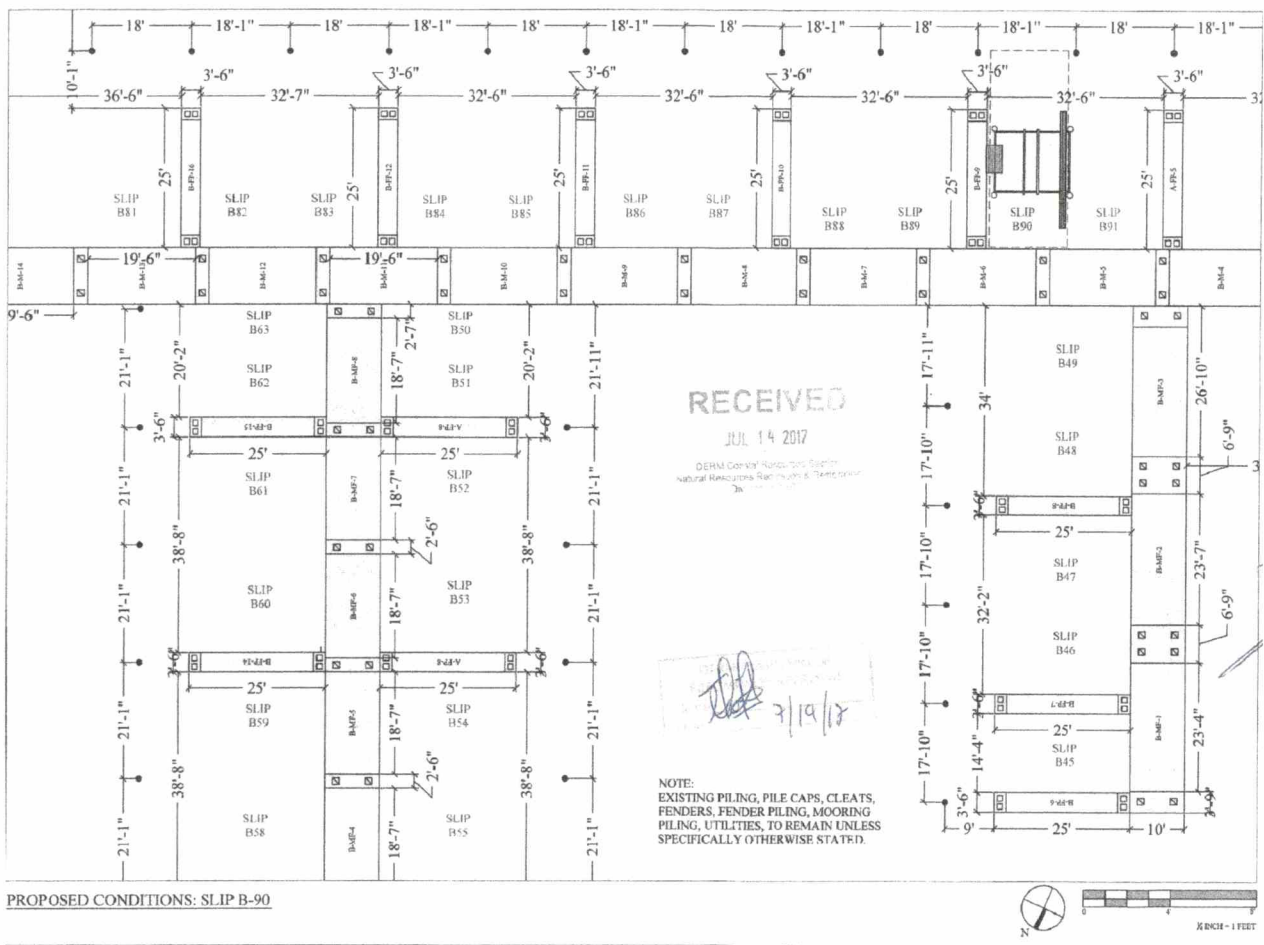




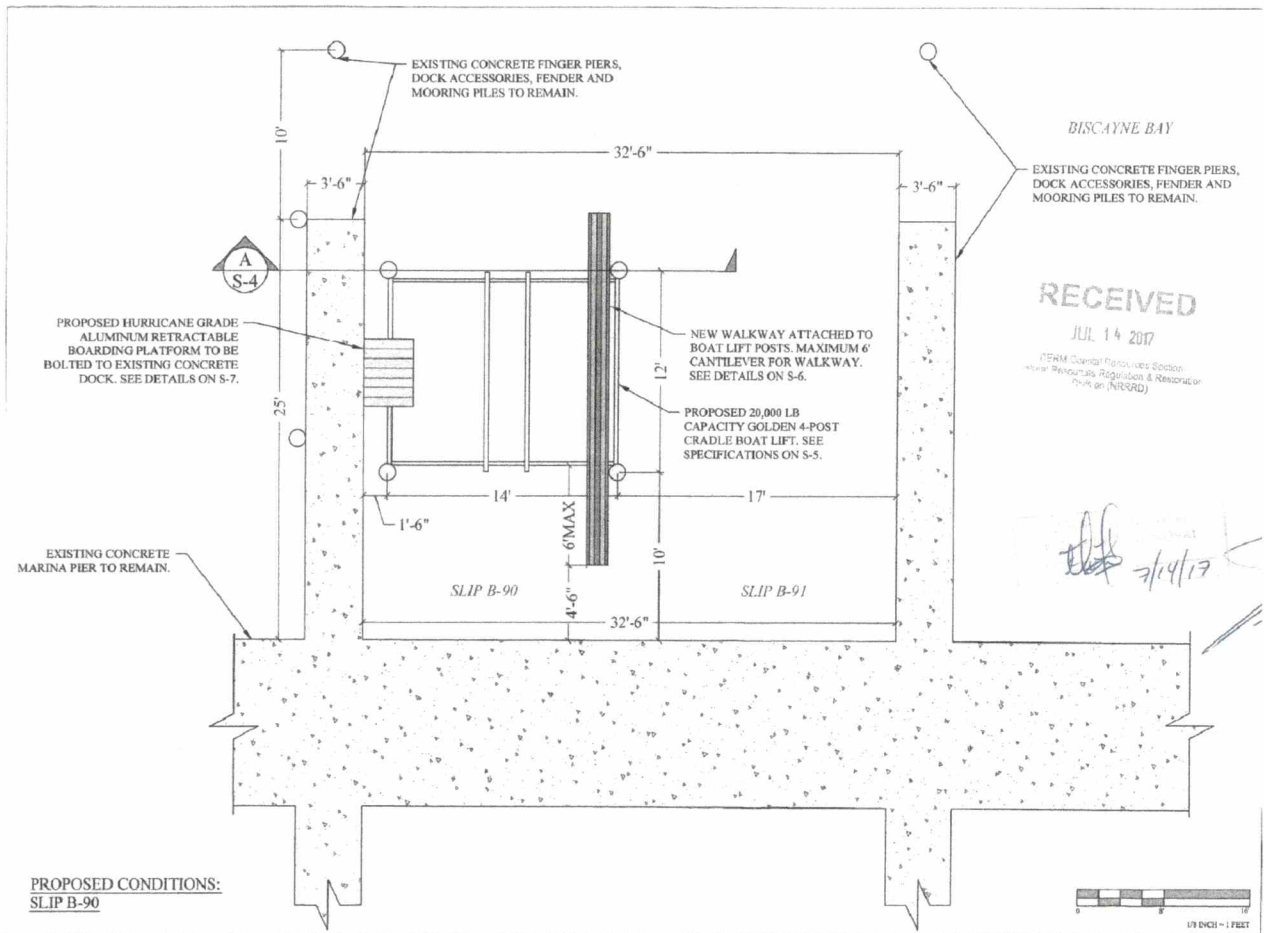
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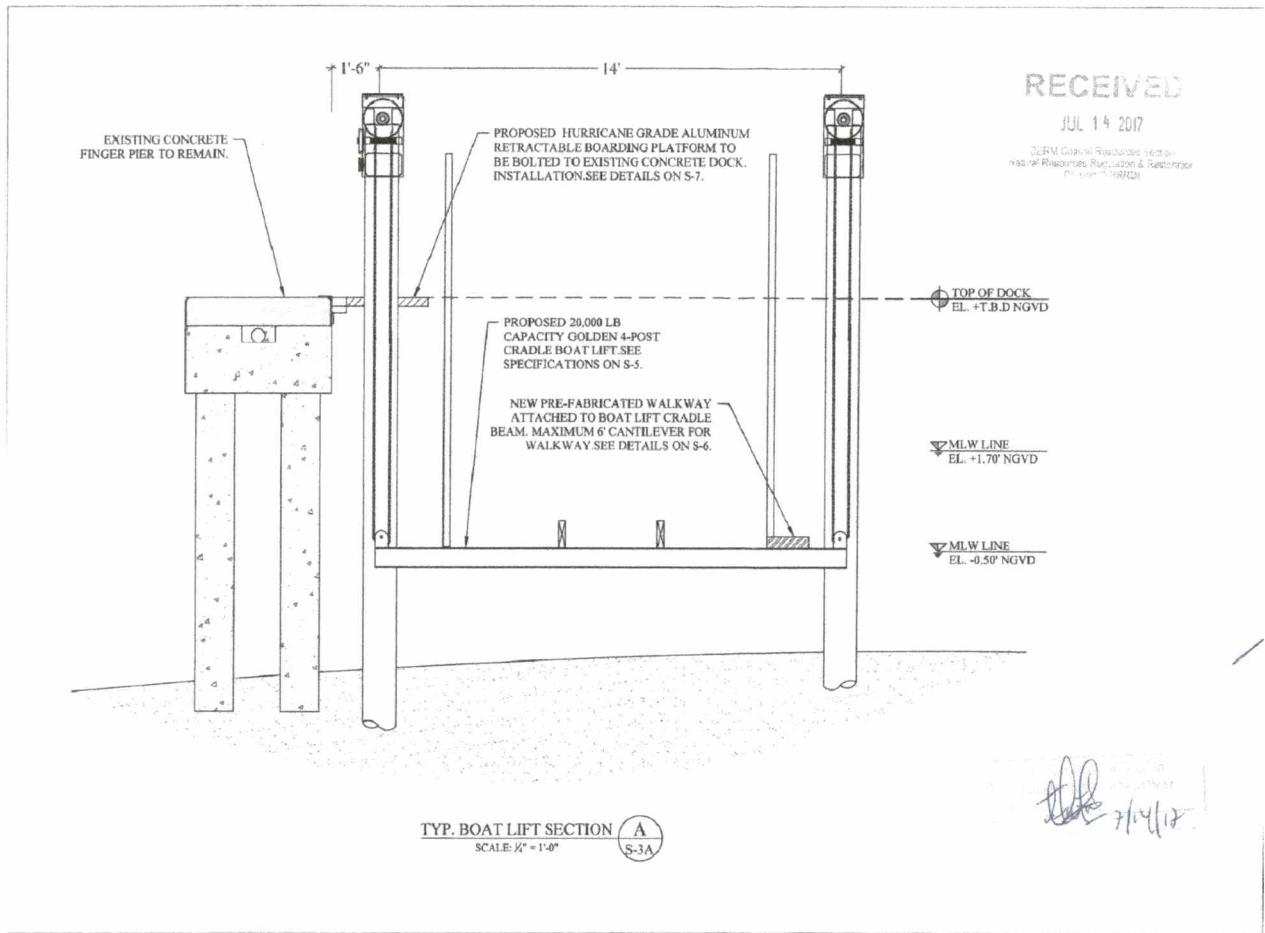
Staff Report
Boat Lift Installation

Applicant: Kirk Lofgren
7601 East Treasure Drive, Slip B90



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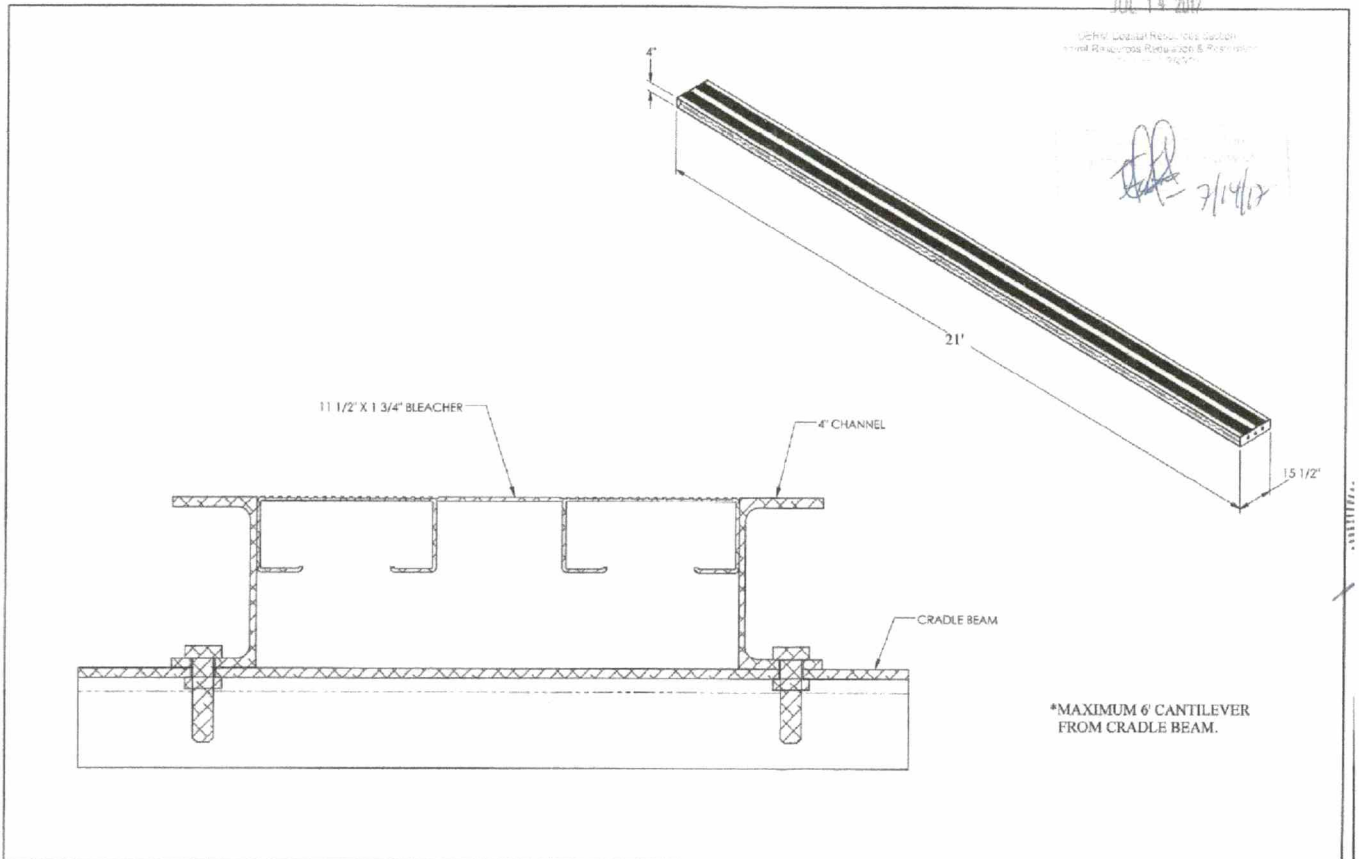


RECEIVED

JUL 19 2017

FLORIDA LOCAL GOVERNMENTS SECTION
LOCAL GOVERNMENTS RESOURCE & REVENUE
SECTION

[Handwritten Signature]
7/19/17





North Bay Village
 Administrative Offices
 1686 Kennedy Causeway, Suite 300 North Bay Village, FL 33141
 Tel: (305) 756-7171 Fax: (305) 756-7722 Website www.nbvillage.com

DOCK APPLICATION FOR PUBLIC HEARING
 Page 1 of 3

Site Address 7601 E. Treasure Drive, North Bay Village FL 33141

Owner Name Grand View Palace Yacht Club, Inc Owner Phone # 305-300-6828

Owner Mailing Address 7601 E. Treasure Drive, CU12

Applicant Name Kirk Lofgren Applicant Phone # 305-921-9344

Applicant Mailing Address 340 Minorca Ave Suite 7 Coral Gables FL 33134

Contact Person Kirk Lofgren Contact Phone # 305-921-9344

Contact Email Address justina@oceanconsultingfl.com

Legal Description of Property THE GRAND VIEW PALACE CONDO LOTS 1&2 BLK 8 & TRACT A BLK 8

Existing Zoning _____ Lot Size 180294 sq ft Folio Number 23-3209-041-6060

Legal Description 1ST ADDN TO TREASURE ISL PB53-65 LOTS 1&2 BLK 8 & TRACT A BLK 8

Project Description To install a new 20K-capacity, cradle boatlift in No. B-90, with a boarding platform.

Dock Length Measured Perpendicular from Seawall _____

Mandatory Submittals (Applicant must check that each item is included with this application)

- | | |
|---|--|
| <input type="checkbox"/> Site plans which depict: | <input type="checkbox"/> Property survey |
| North point | <input type="checkbox"/> Elevations |
| Scale at 1/16 inch to the foot, or larger | <input type="checkbox"/> DERM approval |
| Date of preparation | <input type="checkbox"/> Application fees |
| Dock structures | <input type="checkbox"/> Cost recovery deposit |
| Any mechanical equipment | |
| Any exterior lighting | |
| Any other physical features | |

DOCK APPLICATION FOR PUBLIC HEARING

Page 2 of 3

Applications are incomplete until all mandatory submittals have been received by the Village Clerk.

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All persons, firms, or corporations requesting dock approval from the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village Clerk shall be deemed a condition precedent to the consideration of such a variance request, pursuant to Section 152.110 of the Village Code.

All new and substantial improvements must comply with the Florida Building Code, Department of Environmental Resource Management (DERM), and FEMA regulations.

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 Staff of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission has voted favorable on the proposed request.

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

Authorized Signature 

Print Name Orlando C. Lama, Vice President

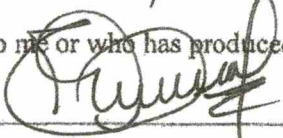
(In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's position in the corporation and embossed with the corporate seal.)

STATE OF FLORIDA -
COUNTY OF Miami-Dade

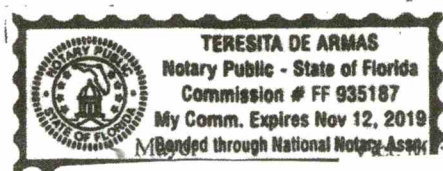
Sworn to and subscribed to before me this 11 day of May, 2017,

by Orlando Lama, Vice-President of GUPVC,

who is personally known to me or who has produced In Person as identification.

Notary Public Signature 

Commission Number/Expiration Nov 12, 2019



DOCK APPLICATION FOR PUBLIC HEARING

Page 3 of 3

Office Use Only:

Date Submitted: 8/23/17

Tentative Meeting Date: 10/10/17

Fee Paid: \$ 300.00

Cash or Check # -

Date Paid: 8/23/17

17-6610



7601 E Treasure Dr. Suite CU-12
North Bay Villaae. Florida 33141

August 9, 2017

To Whom It May Concern:

This serves to confirm that GrandView Palace Yacht Club, Inc. approves of the installation of a new 20,000 lb.-capacity Golden 4-Post Cradle Boat Lift with an Aluminum Boarding Platform in Slip No. B90. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Orlando Lama".

Orlando Lama
Vice President
Grandview Palace Yacht Club, Inc

Phone number: 305 300-6828

Email Address: gvpyc.manager@gmail.com



North Bay Village

Administrative Offices

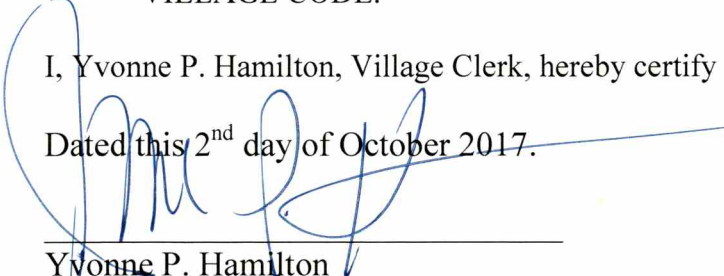
1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

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

RE: APPLICATIONS BY KIRK LOFGREN FOR INSTALLATION OF NEW BOATLIFTS AND BOARDING PLATFORMS ON AN EXISTING DOCK IN SLIPS B-90 AT THE COMMERCIAL MARINA AT 7601 E. TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE.

I, Yvonne P. Hamilton, Village Clerk, hereby certify that that the petition filed hereto is correct.

Dated this 2nd day of October 2017.



Yvonne P. Hamilton
Village Clerk

Mayor
Connie Leon-Kreps

Commissioner
Jose Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

Commissioner
Eddie Lim



North Bay Village

Administrative Offices

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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website:


www.nbvillage.com

MEMORANDUM

North Bay Village

DATE: October 13, 2017

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: Frank K. Rollason 
Village Manager

SUBJECT: Introduction of Resolution

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

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN APPLICATION BY KIRK LOFGREN FOR INSTALLATION OF A NEW BOATLIFT ON AN EXISTING DOCK AT 7601 EAST TREASURE DRIVE, IN SLIP B90, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

FKR:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN APPLICATION BY KIRK LOFGREN FOR INSTALLATION OF A NEW BOATLIFT ON AN EXISTING DOCK AT 7601 EAST TREASURE DRIVE, IN SLIP B90, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

WHEREAS, Kirk Lofgren has applied to North Bay Village, on behalf of Grandview Palace Yacht Club, Inc., for permission to install a new boatlift on an existing dock at the Grandview Palace Business Marina at 7601 East Treasure Drive in Slip B90, Treasure Island, North Bay Village, Florida, in the RM-70, High Density Multiple-Family Residential Zoning District; and

WHEREAS, Section 150.11(F) of the North Bay Village Code of Ordinances requires all applications for construction of boatlifts to be approved by the Village Commission; and

WHEREAS, in accordance with Section 150.11(F) of the Village Code, a public hearing by the Village Commission was noticed for Tuesday, October 24, 2017, at 7:30 p.m. at Village Hall, 1666 Kennedy Causeway, Suite 101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission.

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

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Findings.

In accordance with Section 150.11(F) of the Village Code, the Village Commission, having considered the testimony and evidence in the record presented by all parties, finds that the boatlift is safe and environmentally compatible.

Section 3. Grant.

In accordance with Section 150.11(F) of the North Bay Village Code of Ordinances, approval is granted to install a new boatlift at the marina at 7601 East Treasure Drive, in Slip B90, in accordance with the Site Plan submitted to the Village Clerk's Office.

Section 4. Conditions.

Approval is granted with the condition that the following items are met prior to issuance of a Building Permit:

1. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.
2. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
3. Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
4. Authorization or issuance of a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

Section 5. Appeal.

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 6. Violation of Terms and Conditions.

Failure to adhere to the terms and conditions contained in this Resolution in Section 4 shall be considered a violation of this Resolution and persons found violating the conditions shall be subject to the penalties prescribed by the Village Code, including but not limited to the revocation of any of the approval(s) granted in this Resolution.

The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Village Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Village at any time upon a determination that the Applicant is in non-compliance with the Village Code.

Section 7. Effective Date.

This Resolution shall become effective upon its adoption.

The motion to adopt the foregoing Resolution was offered by _____, seconded by _____.

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps	_____
Vice Mayor Eddie Lim	_____
Commissioner Jose R. Alvarez	_____
Commissioner Dr. Douglas Hornsby	_____
Commissioner Andreana Jackson	_____

PASSED and ADOPTED this 24th day of October 2017

MAYOR CONNIE LEON-KREPS

ATTEST:

YVONNE P. HAMILTON, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: Installation of Boatlift at 7601 E. Treasure Drive Marina in Slip B90.



Staff Report

Permit Application for Boat Lift

Prepared for: North Bay Village Commission

Applicant: Kirk Lofgren

Address: 7601 East Treasure Drive

*Request: Permit for Installation of Boat Lift
in Slip B92*

General Information

Property Owner	Grand View Palace Yacht Club, Inc.
Applicant	Kirk Lofgren
Applicant Address	340 Minorca Ave., Suite 7, Coral Gables, FL
Site Address	7601 East Treasure Drive
Contact Person	Kirk Lofgren
Contact Phone Number	305-921-9344
E-mail Address	justina@oceanconsultingfl.com

General Description

The applicant is requesting a permit to install a new 24,000 pound capacity boat lift with a boarding platform on an existing dock in slip B92 at the Grandview Palace property. The proposed boat lift and plank will not extend any further into the bay than the existing dock and neither will the proposed structures cause the dock structure to extend any further into the bay than it currently exists.

Applicable Code Provisions

The construction or alteration of docks, piers, etc is governed by Section 150.11 and specifically subsections (A) and (F).

Section 150.11 reads as follows:

- (A) *No person, firm, or corporation shall construct, reconstruct, or repair any docks, piers, dolphins, wharfs, pilings, similar structures of any kind more than 25 feet perpendicular from the seawall or shoreline into any waterway within the corporate limits of the Village. 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 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 Village Commission in accordance with subsection (G), provided further, however the furthestmost distance seaward from the seawall or shoreline shall not exceed 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 Village Code, shall be approved by the Village Manager, and shall be kept permanently in the records of the Village. 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 Village unless the structure is set back at least 7½ feet from the lot line on each side; and the structure shall not exceed five feet above ground level, except a joint or "party" dock may be permitted on the property line if approved by the Village 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 Village, or do any filling, excavating, or dredging in the waters without first obtaining a written permit to do so from the Village Manager.*
- (E) *Application for any permit or the transfer of any permit required by this section shall be made to the Village 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 Village shall require the approval of the Village Commission after a public hearing. During the public hearing the Village 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 25 feet, the Village 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 location criteria; and*
 - (ii) If the Applicant has provided to the Village notarized letter(s) of consent from adjoining riparian property owners, and*
 - (iii) If the Village has received any letter(s) of objection from adjoining riparian property owners; and*
 - (iv) Any other factors relevant to the specific site.*
- (H) *The Village 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 Village in accordance with the public safety and the general welfare. The requirement of approval by the Village Commission shall not include applications for repair of existing structures.*
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The location of boats, docks and piers is also governed by Section 152.059, most specifically subsection (B) which reads as follows:

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These plans have also received pre-approval from Miami-Dade DERM. Based on the materials presented by the applicant, the proposed structures are in compliance with the applicable provisions of Sections 152.059 and 150.11. The proposed boatlifts are safe and compatible.

Recommendation

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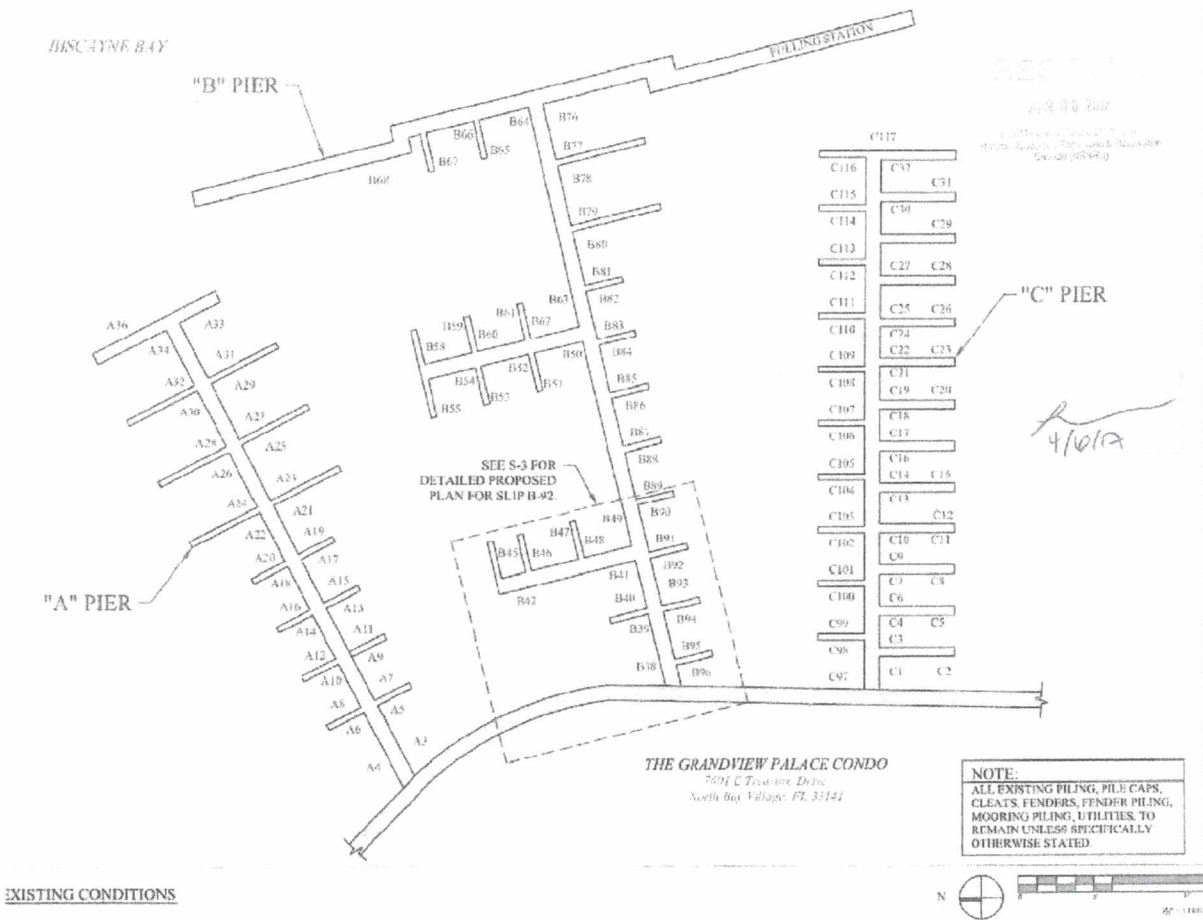
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Submitted by:

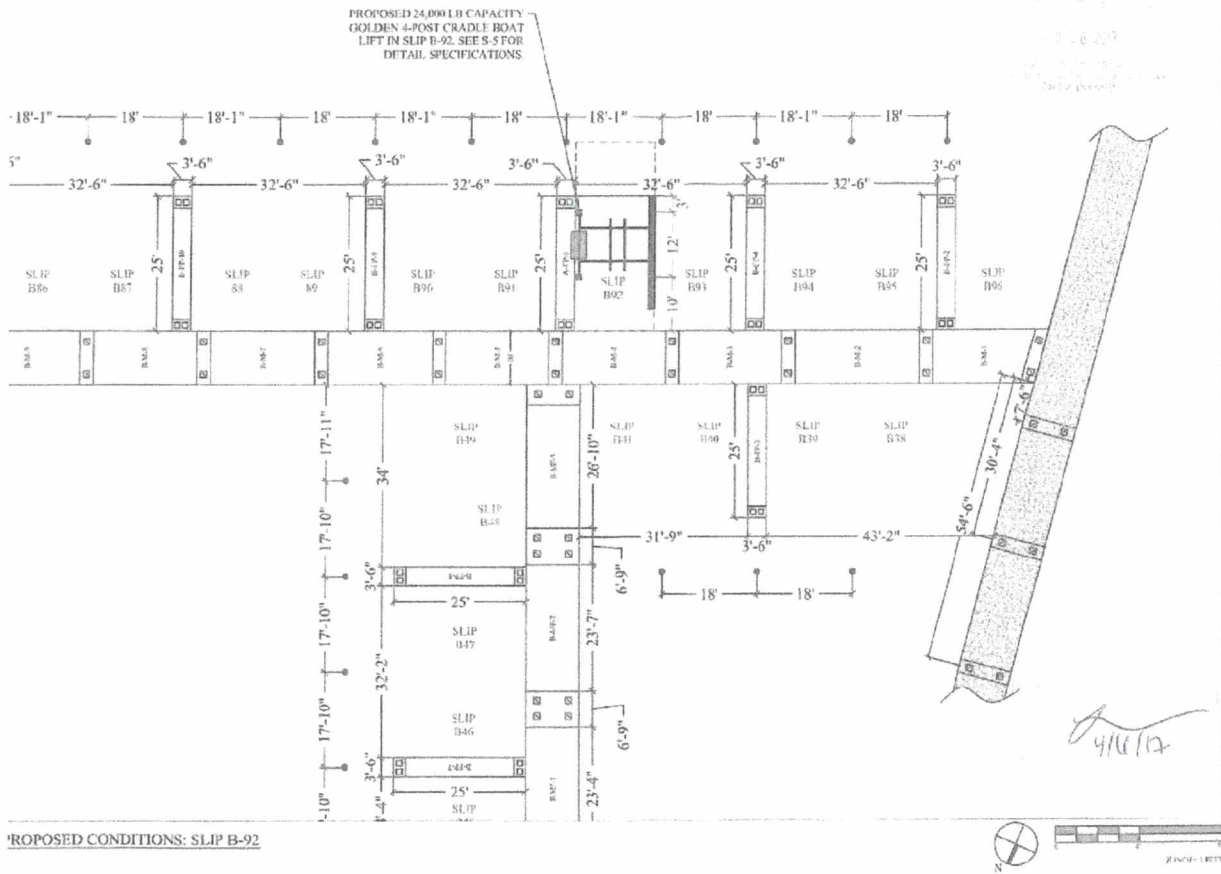

James G. LaRue, AICP
Planning Consultant
August 30, 2017

Hearing: Village Commission, September 12, 2017

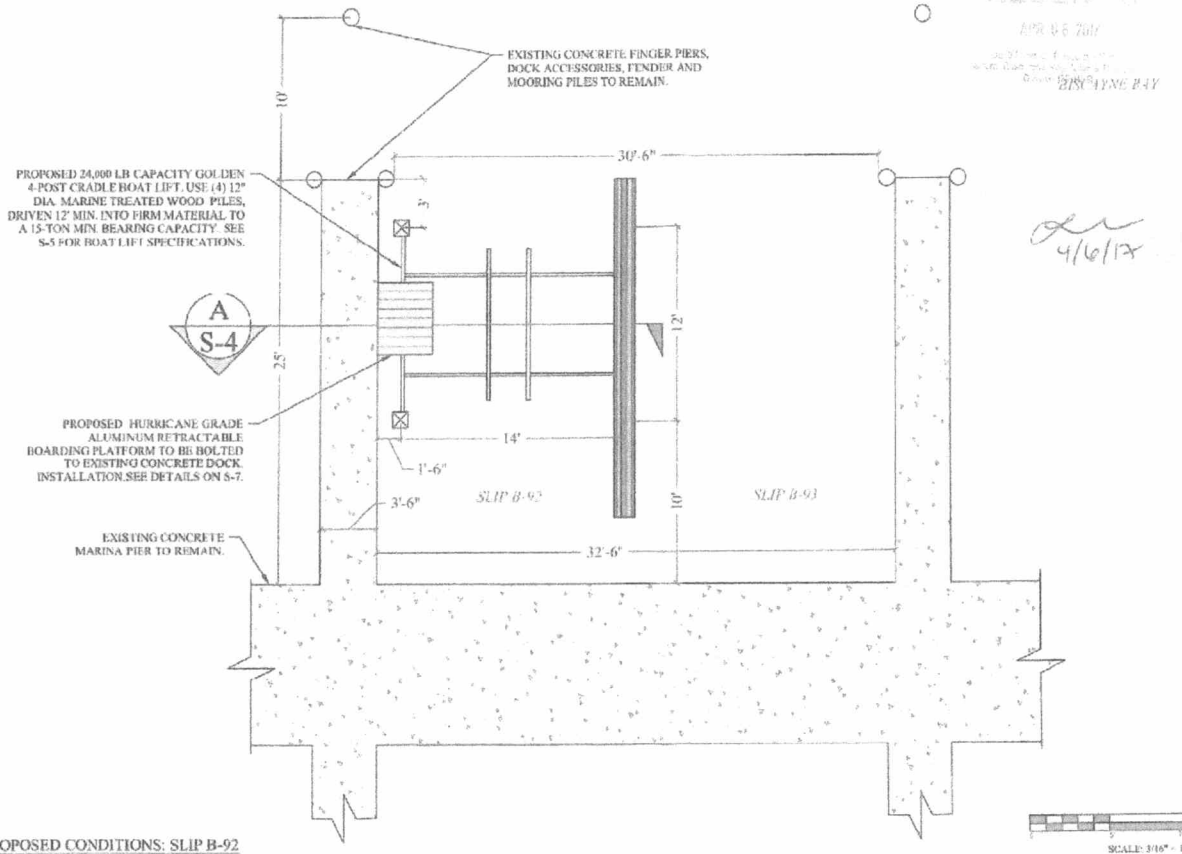




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BRYLYNE RAY

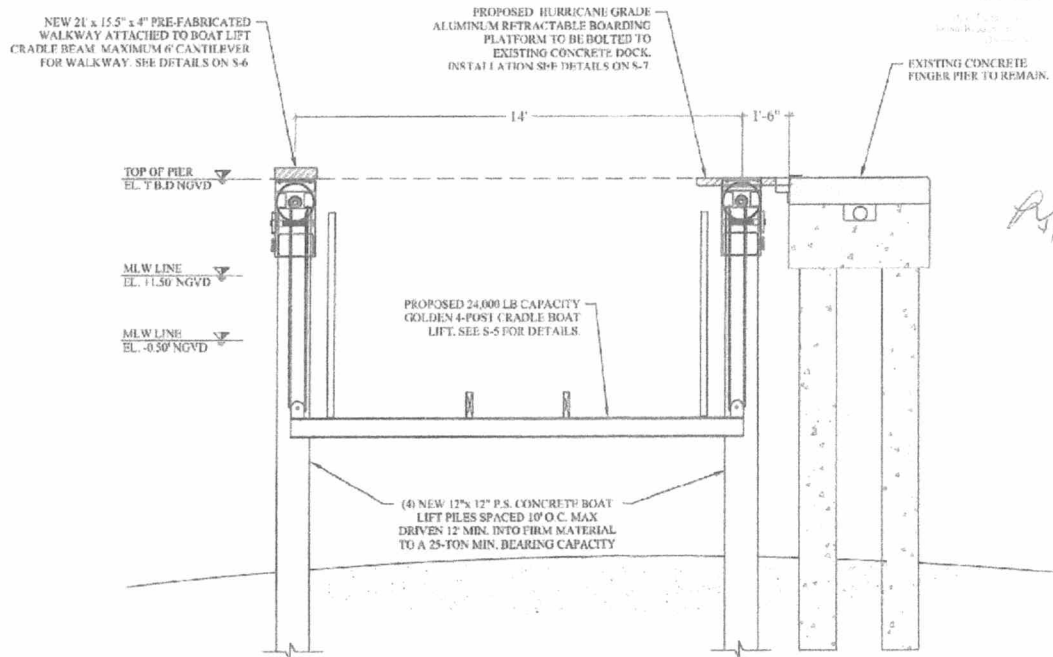


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4/6/17

PROPOSED CONDITIONS: SLIP B-92



Serving Florida Local Governments Since 1988



TYP. BOAT LIFT SECTION (A)
SCALE: 1/4" = 1'-0" S-3A





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

DOCK APPLICATION FOR PUBLIC HEARING

Page 1 of 3

Site Address 7601 E. Treasure Drive, North Bay Village FL 33141

Owner Name Grand View Palace Yacht Club, Inc Owner Phone # 305-861-6000

Owner Mailing Address 7601 E. Treasure Drive, CU12

Applicant Name Kirk Lofgren Applicant Phone # 305-921-9344

Applicant Mailing Address 340 Minorca Ave Suite 7 Coral Gables FL 33134

Contact Person Kirk Lofgren Contact Phone # 305-921-9344

Contact Email Address justina@oceanconsultingfl.com

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Existing Zoning _____ Lot Size 180294 sq ft Folio Number 23-3209-041-6060

Legal Description 1ST ADDN TO TREASURE ISL PB53-65 LOTS 1&2 BLK 8 & TRACT A BLK 8

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Mandatory Submittals (Applicant must check that each item is included with this application)

- Site plans which depict:
- North point
 - Scale at 1/16 inch to the foot, or larger
 - Date of preparation
 - Dock structures
 - Any mechanical equipment
 - Any exterior lighting
 - Any other physical features

- Property survey
- Elevations
- DERM approval
- Application fees
- Cost recovery deposit

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

DOCK APPLICATION FOR PUBLIC HEARING

Page 2 of 3

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Authorized Signature

Kirk Lofgren

Print Name KIRK LOFGREN

(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 County

Sworn to and subscribed to before me this 3rd day of August, 2017,

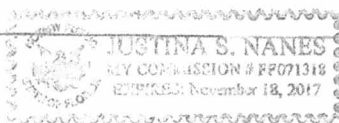
by Mr. Kirk Lofgren

who is personally known to me or who has produced _____ as identification.

Notary Public Signature

Justin

Commission Number/Expiration _____



Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez

DOCK APPLICATION FOR PUBLIC HEARING

Page 3 of 3

Office Use Only:

Date Submitted:

8/3/17

Tentative Meeting Date:

9/12/2017

Fee Paid: \$

300.00

Cash or Check #

2031

Date Paid:

8/3/17

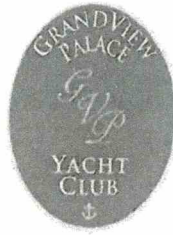
Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez



7601 E Treasure Dr. Suite CU-12
North Bay Villaae. Florida 33141

November 11, 2016

To Whom It May Concern:

This serves to confirm that GrandView Palace Yacht Club, Inc. approves of the installation of a new 24,000 lb.-capacity Golden 4-Post Cradle Boat Lift in Slip No. B-92. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Orlando Lama".

Orlando Lama
Vice President
Grandview Palace Yacht Club, Inc.



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

RE: AN APPLICATION BY KIRK LOFGREN FOR INSTALLATION OF A NEW BOATLIFT AND BOARDING PLATFORM ON AN EXISTING DOCK IN SLIP B92 AT THE COMMERCIAL MARINA AT 7601 E. TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE.

I, Yvonne P. Hamilton, Village Clerk, hereby certify that that the petition filed hereto is correct.

Dated this 16th day August 2017

Yvonne P. Hamilton
Village Clerk

(North Bay Village Commission Meeting – 9/12/2017.)

Mayor
Connie Leon-Kreps

Commissioner
Jose Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

Commissioner
Eddie Lim



North Bay Village
Administrative Offices
1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website:
www.nbvillage.com

MEMORANDUM
North Bay Village

DATE: August 29, 2017
TO: Yvonne P. Hamilton, CMC
Village Clerk
FROM: Frank K. Rollason
Village Manager
SUBJECT: Introduction of Resolution

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

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN APPLICATION BY KIRK LOFGREN FOR INSTALLATION OF A NEW BOATLIFT ON AN EXISTING DOCK AT 7601 EAST TREASURE DRIVE, IN SLIP B92, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

FKR:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN APPLICATION BY KIRK LOFGREN FOR INSTALLATION OF A NEW BOATLIFT ON AN EXISTING DOCK AT 7601 EAST TREASURE DRIVE, IN SLIP B92, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

WHEREAS, Kirk Lofgren has applied to North Bay Village, on behalf of Grandview Palace Yacht Club, Inc., for permission to install a new boatlift on an existing dock at the Grandview Palace Business Marina at 7601 East Treasure Drive in Slip B92, Treasure Island, North Bay Village, Florida, in the RM-70, High Density Multiple-Family Residential Zoning District; and

WHEREAS, Section 150.11(F) of the North Bay Village Code of Ordinances requires all applications for construction of boatlifts to be approved by the Village Commission; and

WHEREAS, in accordance with Section 150.11(F) of the Village Code, a public hearing by the Village Commission was noticed for Tuesday, October 24, 2017, at 7:30 p.m. at Village Hall, 1666 Kennedy Causeway, Suite 101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission.

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

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Findings.

In accordance with Section 150.11(F) of the Village Code, the Village Commission, having considered the testimony and evidence in the record presented by all parties, finds that the boatlift is safe and environmentally compatible.

Section 3. **Grant.**

In accordance with Section 150.11(F) of the North Bay Village Code of Ordinances, approval is granted to install a new boatlift at the marina at 7601 East Treasure Drive, in Slip B92, in accordance with the Site Plan submitted to the Village Clerk's Office.

Section 4. **Conditions.**

Approval is granted with the condition that the following items are met prior to issuance of a Building Permit:

1. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.
2. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
3. Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
4. Authorization or issuance of a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

Section 5. **Appeal.**

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 6. Violation of Terms and Conditions.

Failure to adhere to the terms and conditions contained in this Resolution in Section 4 shall be considered a violation of this Resolution and persons found violating the conditions shall be subject to the penalties prescribed by the Village Code, including but not limited to the revocation of any of the approval(s) granted in this Resolution.

The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Village Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Village at any time upon a determination that the Applicant is in non-compliance with the Village Code.

Section 7. Effective Date.

This Resolution shall become effective upon its adoption.

The motion to adopt the foregoing Resolution was offered by _____, seconded by _____.

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps	_____
Vice Mayor Eddie Lim	_____
Commissioner Jose R. Alvarez	_____
Commissioner Dr. Douglas Hornsby	_____
Commissioner Andreana Jackson	_____

PASSED and ADOPTED this 24th day of October 2017

MAYOR CONNIE LEON-KREPS

ATTEST:

YVONNE P. HAMILTON, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: Installation of Boatlift at 7601 E. Treasure Drive Marina in Slip B92.

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Staff Report

Permit Application for Boat Lift

Prepared for: North Bay Village Commission

Applicant: Kirk Lofgren

Address: 7601 East Treasure Drive

*Request: Permit for Installation of Boat Lift
in Slip C106*



**LaRue Planning
& Management Services, Inc.**
1375 Jackson Street, Suite 206
Fort Myers, Florida
239-354-3366

Serving Florida Local Governments Since 1988

General Information

Property Owner	Grand View Palace Yacht Club, Inc.
Applicant	Kirk Lofgren
Applicant Address	340 Minorca Ave., Suite 7, Coral Gables, FL
Site Address	7601 East Treasure Drive
Contact Person	Kirk Lofgren
Contact Phone Number	305-921-9344
E-mail Address	justina@oceanconsultingfl.com

General Description

The applicant is requesting a permit to install a new 32,000 pound capacity boat lift with a boarding platform on an existing dock in slip C106 at the Grandview Palace property. The proposed boat lift and plank will not extend any further into the bay than the existing dock and neither will the proposed structures cause the dock structure to extend any further into the bay than it currently exists.

Applicable Code Provisions

The construction or alteration of docks, piers, etc is governed by Section 150.11 and specifically subsections (A) and (F).

Section 150.11 reads as follows:

- (A) *No person, firm, or corporation shall construct, reconstruct, or repair any docks, piers, dolphins, wharfs, pilings, similar structures of any kind more than 25 feet perpendicular from the seawall or shoreline into any waterway within the corporate limits of the Village. 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 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 Village Commission in accordance with subsection (G), provided further, however the furthest distance seaward from the seawall or shoreline shall not exceed 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 Village Code, shall be approved by the Village Manager, and shall be kept permanently in the records of the Village. 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 Village unless the structure is set back at least 7½ feet from the lot line on each side; and the structure shall not exceed five feet above ground level, except a joint or "party" dock may be permitted on the property line if approved by the Village 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 Village, or do any filling, excavating, or dredging in the waters without first obtaining a written permit to do so from the Village Manager.*
- (E) *Application for any permit or the transfer of any permit required by this section shall be made to the Village 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 Village shall require the approval of the Village Commission after a public hearing. During the public hearing the Village 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 25 feet, the Village 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 location criteria; and*
 - (ii) *If the Applicant has provided to the Village notarized letter(s) of consent from adjoining riparian property owners, and*
 - (iii) *If the Village has received any letter(s) of objection from adjoining riparian property owners; and*
 - (iv) *Any other factors relevant to the specific site.*
- (H) *The Village 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 Village in accordance with the public safety and the general welfare. The requirement of approval by the Village 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.*

The location of boats, docks and piers is also governed by Section 152.059, most specifically subsection (B) which reads as follows:

- “(B) No docks, piers, mooring posts, or combinations thereof, may project more than 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 Village 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.”*



Staff Comments

One 32,000 pound capacity boat lift with a boarding plank will be installed in slip C106. To support the lift, new wood pilings will be installed within the slip. The installed boat lift will be 12 feet long by 14 feet wide and the boarding platform will be 21 feet long by 15.5 inches wide. Because the lift is being installed in an existing boat slip, the capacity of the docks will not be increased and therefore, this installation should not affect vehicle parking at Grandview Palace or cause an increase in the number of vehicle traffic trips.

The boat lift will not encroach on the 7.5 foot side setbacks from the property lines. Additionally, since the boat lifts will not extend any further into the bay than the existing structures, this project does not require a waiver according to Section 150.11(A).

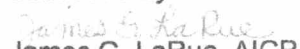
These plans have also received pre-approval from Miami-Dade DERM. Based on the materials presented by the applicant, the proposed structures are in compliance with the applicable provisions of Sections 152.059 and 150.11. The proposed boatlifts are safe and compatible.

Recommendation

Staff recommends **approval** of the application to install the new boat lift with boarding plank, pending the following:

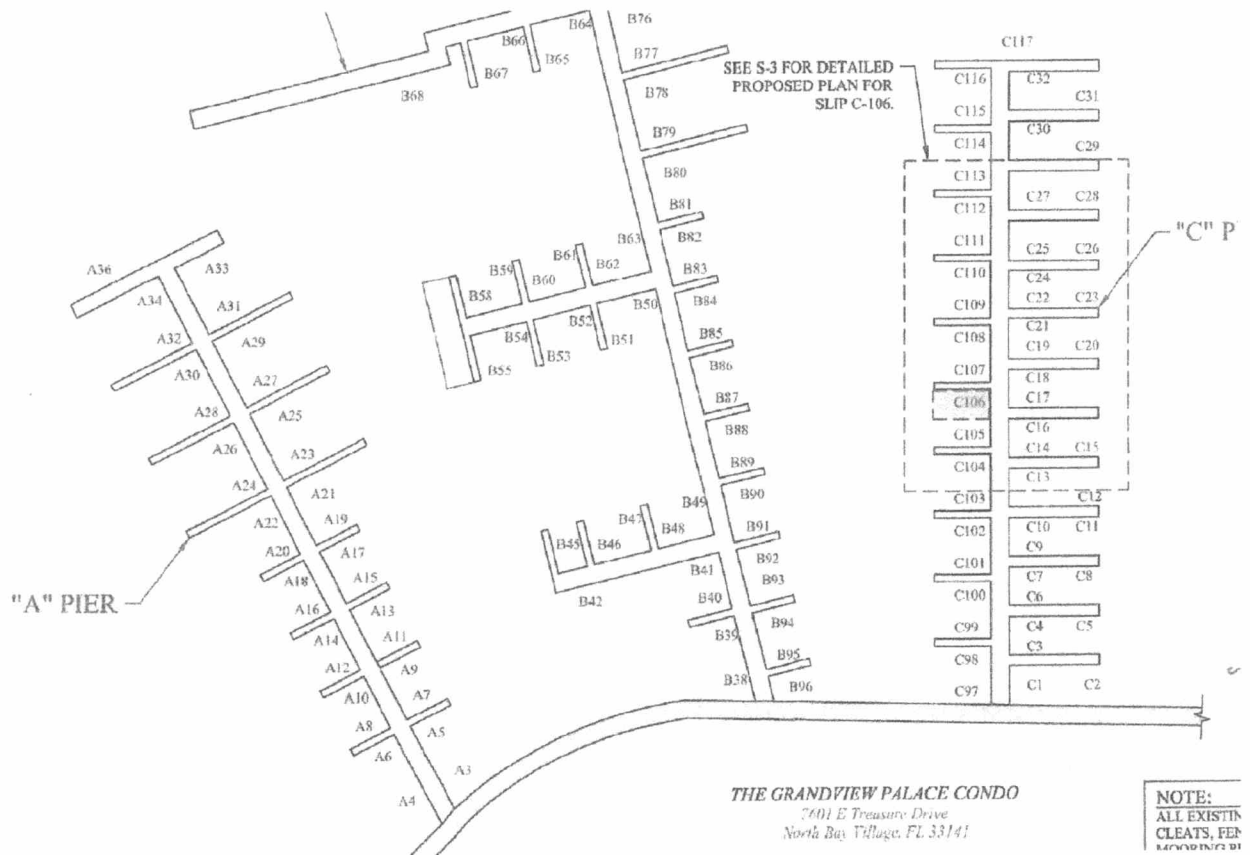
1. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.
2. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
3. Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
4. Authorization or issuance of a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

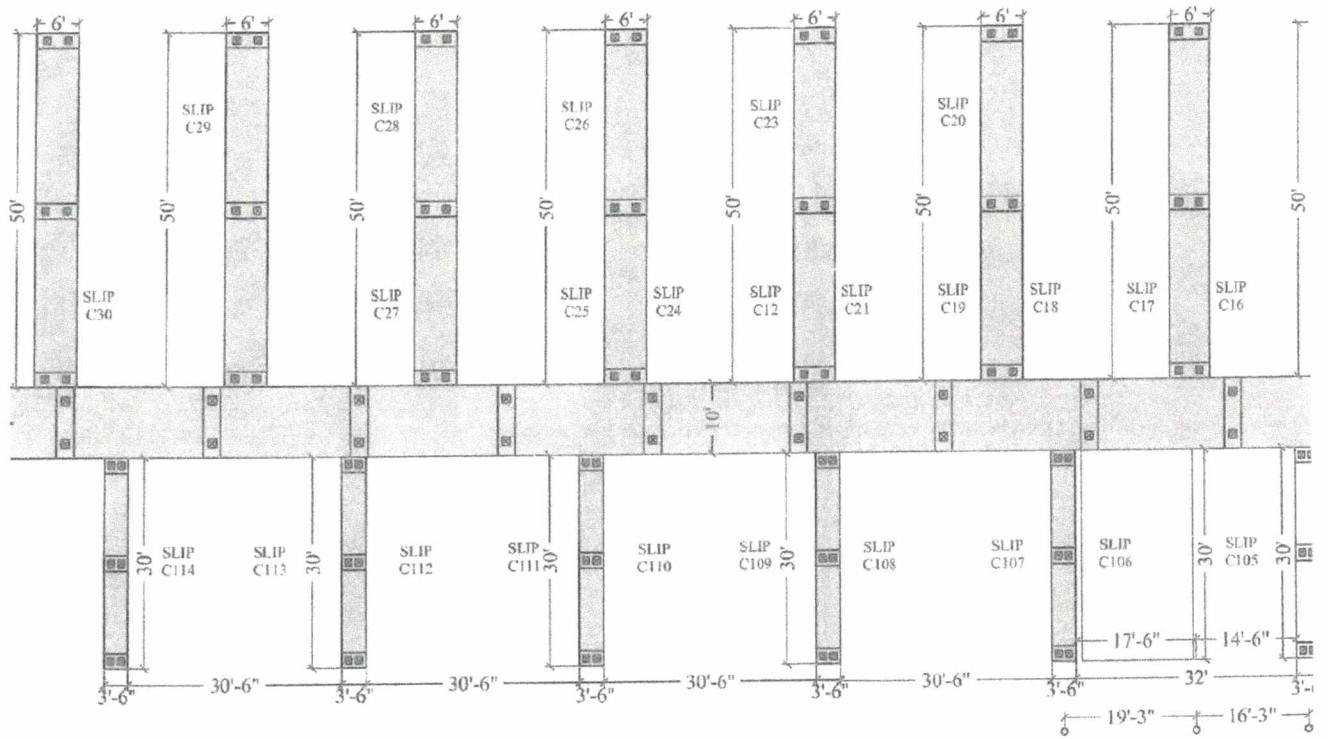
Submitted by:

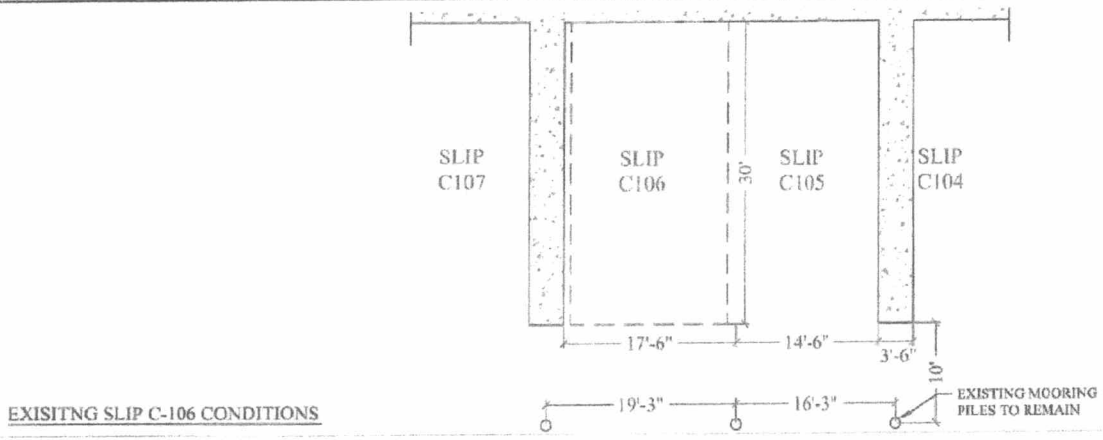

James G. LaRue, AICP
Planning Consultant
August 30, 2017

Hearing: Village Commission, September 12, 2017

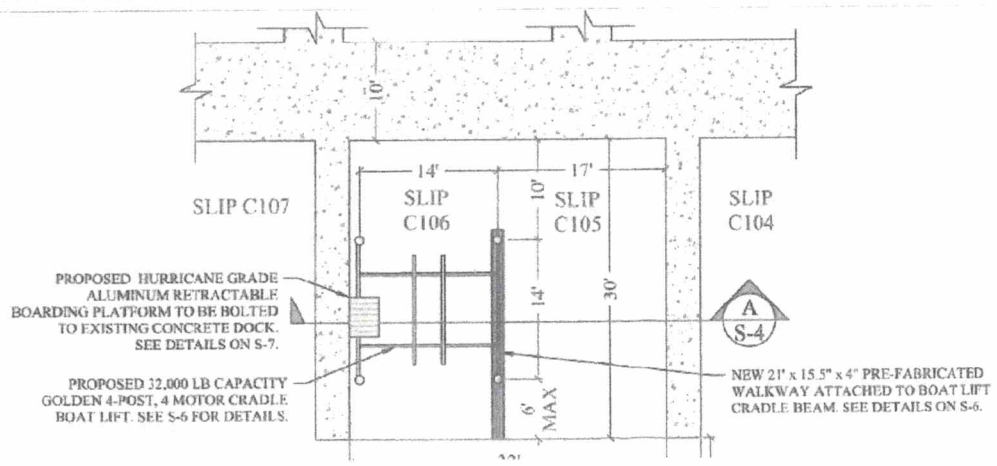






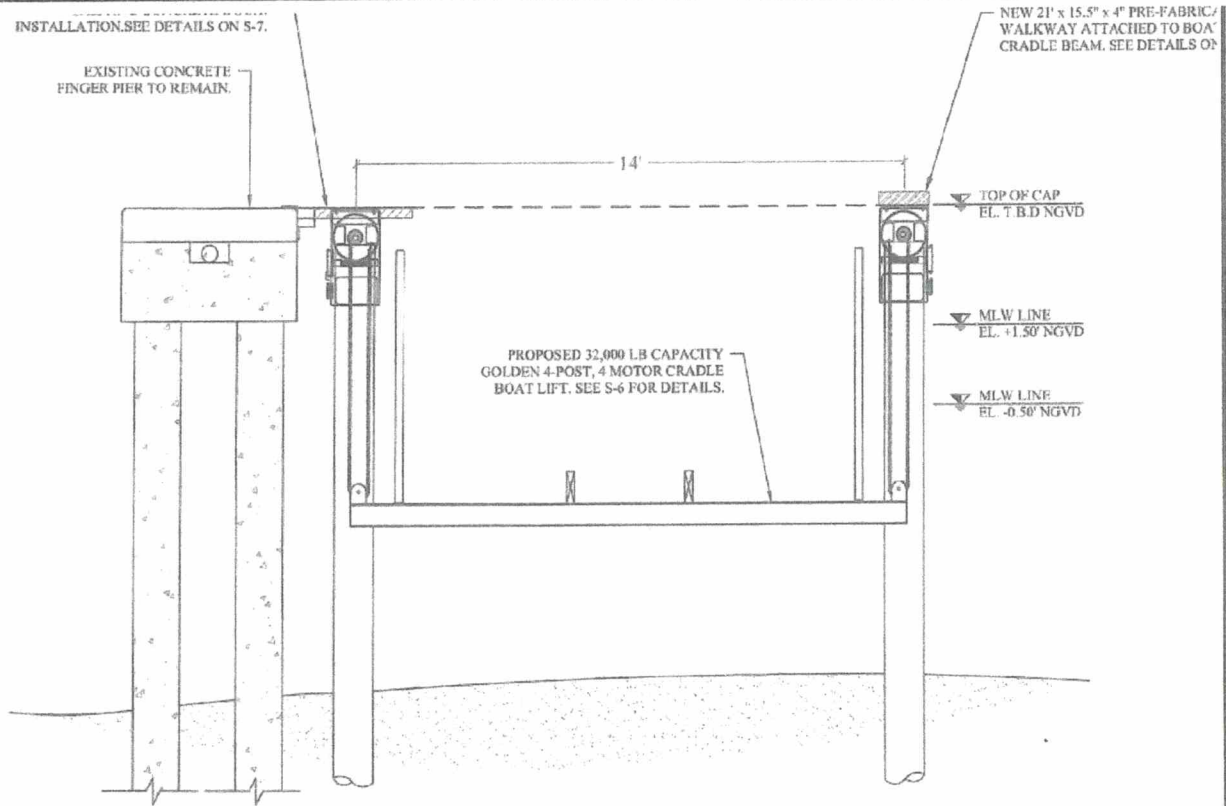


EXISTING SLIP C-106 CONDITIONS



RI

DERM
 Natural Res.





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

DOCK APPLICATION FOR PUBLIC HEARING

Page 1 of 3

Site Address 7601 E. Treasure Drive, North Bay Village FL 33141

Owner Name Grand View Palace Yacht Club, Inc Owner Phone # 305-861-6000

Owner Mailing Address 7601 E. Treasure Drive, CU12

Applicant Name Kirk Lofgren Applicant Phone # 305-921-9344

Applicant Mailing Address 340 Minorca Ave Suite 7 Coral Gables FL 33134

Contact Person Kirk Lofgren Contact Phone # 305-921-9344

Contact Email Address justina@oceanconsultingfl.com

Legal Description of Property THE GRAND VIEW PALACE CONDO LOTS 1&2 BLK 8 & TRACT A BLK 8

Existing Zoning _____ Lot Size 180294 sq ft Folio Number 23-3209-041-6060

Legal Description 1ST ADDN TO TREASURE ISL PB53-65 LOTS 1&2 BLK 8 & TRACT A BLK 8

Project Description To install a new 28K-capacity, cradle lift boatlift in Slip No. C-106 and a boarding platform.

Dock Length Measured Perpendicular from Seawall _____

Mandatory Submittals (Applicant must check that each item is included with this application)

- | | |
|---|--|
| <input type="checkbox"/> Site plans which depict: | <input type="checkbox"/> Property survey |
| North point | <input type="checkbox"/> Elevations |
| Scale at 1/16 inch to the foot, or larger | <input type="checkbox"/> DERM approval |
| Date of preparation | <input type="checkbox"/> Application fees |
| Dock structures | <input type="checkbox"/> Cost recovery deposit |
| Any mechanical equipment | |
| Any exterior lighting | |
| Any other physical features | |

Mayor
 Connie Leon-Kreps

Vice Mayor
 Eddie Lim

Commissioner
 Dr. Richard Chervony

Commissioner
 Wendy Duvall

Commissioner
 Jorge Gonzalez

DOCK APPLICATION FOR PUBLIC HEARING

Page 2 of 3

Applications are incomplete until all mandatory submittals have been received by the Village Clerk.

All requests for dock approval from the North Bay Village Code shall be considered at Public Hearings before the Village Commission. Notice of Hearing 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 Village Clerk shall certify that the petition is complete before the hearing is legally advertised. All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

All persons, firms, or corporations requesting dock approval from the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village Clerk shall be deemed a condition precedent to the consideration of such a variance request, pursuant to Section 152.110 of the Village Code.

All new and substantial improvements must comply with the Florida Building Code, Department of Environmental Resource Management (DERM), and FEMA regulations.

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 Staff of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission has voted favorable on the proposed request.

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

Authorized Signature _____

[Handwritten Signature]

Print Name Orlando C. Lama, Vice President

(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 20 day of February, 2017,

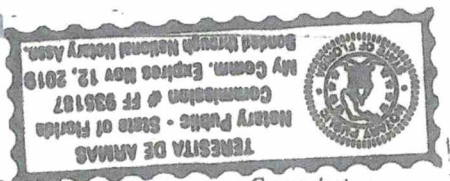
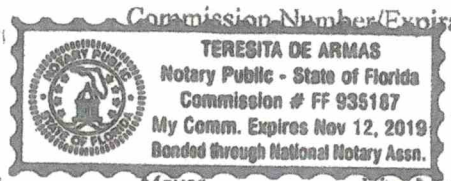
by Orlando C Lama

who is personally known to me or who has produced In Person as identification.

Notary Public Signature _____

[Handwritten Signature]

Commission Number/Expiration NOV 12, 2019



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

DOCK APPLICATION FOR PUBLIC HEARING
Page 3 of 3

Office Use Only:

Date Submitted: 8/11/17
Tentative Meeting Date: 9/12/17
Fee Paid: \$
Cash or Check # \$300.00
Date Paid: 8/11/17

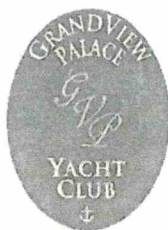
Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Jorge Gonzalez



7601 E Treasure Dr. Suite CU-12
North Bay Village, Florida 33141

April 21, 2017

To Whom It May Concern:

This serves to confirm that GrandView Palace Yacht Club, Inc. approves of the installation of the following boatlifts at the marina:

1. A new 28,000 lb. capacity Cradle Boatlift with an Aluminum Boarding Platform in Slip B63;
2. A new 24,000 lb. capacity Golden 4-Post Cradle Boatlift with an Aluminum Boarding Platform in Slip B92;
3. A new 32,000 lb. capacity Golden 4-Post Cradle Boatlift with an Aluminum Boarding Platform in Slip C105;
4. A new 32,000 lb.-capacity Golden 4-Post Cradle Boatlift with an Aluminum Boarding Platform in Slip C106.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Orlando Lama".

Orlando Lama
Vice President
Grandview Palace Yacht Club, Inc.

Phone number: 305 300-6828

Email Address: gvoyc.manager@gmail.com



North Bay Village

Administrative Offices

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

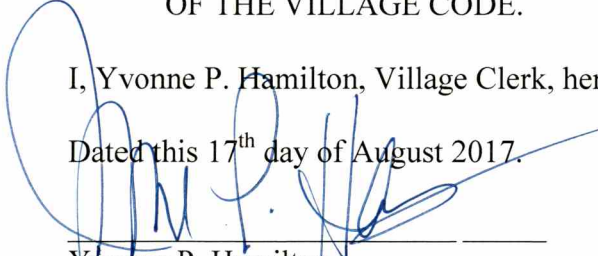
Tel: (305) 756-7171 Fax: (305) 756-7722 Website:

www.nbvillage.com

RE: AN APPLICATION BY KIRK LOFGREN FOR INSTALLATION OF NEW BOATLIFTS AND BOARDING PLATFORMS ON AN EXISTING DOCK IN SLIP C-106 AT THE COMMERCIAL MARINA AT 7601 E. TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE.

I, Yvonne P. Hamilton, Village Clerk, hereby certify that that the petition filed hereto is correct.

Dated this 17th day of August 2017.



Yvonne P. Hamilton
Village Clerk

(North Bay Village Commission Meeting – October 24, 2017)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson



North Bay Village

Administrative Offices

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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website:

www.nbvillage.com

MEMORANDUM

North Bay Village

DATE: August 29, 2017

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: Frank K. Rollason
Village Manager

SUBJECT: Introduction of Resolution

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

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN APPLICATION BY KIRK LOFGREN FOR INSTALLATION OF A NEW BOATLIFT ON AN EXISTING DOCK AT 7601 EAST TREASURE DRIVE, IN SLIP C106, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

FKR:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN APPLICATION BY KIRK LOFGREN FOR INSTALLATION OF A NEW BOATLIFT ON AN EXISTING DOCK AT 7601 EAST TREASURE DRIVE, IN SLIP C106, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

WHEREAS, Kirk Lofgren has applied to North Bay Village, on behalf of Grandview Palace Yacht Club, Inc., for permission to install a new boatlift on an existing dock at the Grandview Palace Business Marina at 7601 East Treasure Drive in Slip C106, Treasure Island, North Bay Village, Florida, in the RM-70, High Density Multiple-Family Residential Zoning District; and

WHEREAS, Section 150.11(F) of the North Bay Village Code of Ordinances requires all applications for construction of boatlifts to be approved by the Village Commission; and

WHEREAS, in accordance with Section 150.11(F) of the Village Code, a public hearing by the Village Commission was noticed for Tuesday, October 24, 2017, at 7:30 p.m. at Village Hall, 1666 Kennedy Causeway, Suite 101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission.

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

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Findings.

In accordance with Section 150.11(F) of the Village Code, the Village Commission, having considered the testimony and evidence in the record presented by all parties, finds that the boatlift is safe and environmentally compatible.

Section 3. **Grant.**

In accordance with Section 150.11(F) of the North Bay Village Code of Ordinances, approval is granted to install a new boatlift at the marina at 7601 East Treasure Drive, in Slip C106, in accordance with the Site Plan submitted to the Village Clerk's Office.

Section 4. **Conditions.**

Approval is granted with the condition that the following items are met prior to issuance of a Building Permit:

1. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.
2. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
3. Cost recovery charges must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
4. Authorization or issuance of a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

Section 5. **Appeal.**

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 6. Violation of Terms and Conditions.

Failure to adhere to the terms and conditions contained in this Resolution in Section 4 shall be considered a violation of this Resolution and persons found violating the conditions shall be subject to the penalties prescribed by the Village Code, including but not limited to the revocation of any of the approval(s) granted in this Resolution.

The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Village Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Village at any time upon a determination that the Applicant is in non-compliance with the Village Code.

Section 7. Effective Date.

This Resolution shall become effective upon its adoption.

The motion to adopt the foregoing Resolution was offered by _____, seconded by _____.

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps	_____
Vice Mayor Eddie Lim	_____
Commissioner Jose R. Alvarez	_____
Commissioner Dr. Douglas Hornsby	_____
Commissioner Andreana Jackson	_____

PASSED and ADOPTED this 24th day of October 2017

MAYOR CONNIE LEON-KREPS

ATTEST:

YVONNE P. HAMILTON, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: Installation of Boatlift at 7601 E. Treasure Drive Marina in Slip C106.



Staff Report Special Use Exception

Prepared for: North Bay Village,
Commission

Applicant: P&O Global Technologies, Inc.

Site Address: 7914, 7916, and 7918 West Drive

Request: Special Exception for up to twenty percent
of the required parking spaces to be
designated for compact vehicles

General Information

Owner/Applicant:	P&O Global Technologies, Inc.
Applicant Address:	11098 Biscayne Blvd, Suite 203, Miami, FL 33161
Site Address:	7914, 7916, and 7918 West Drive
Contact Person:	Graham Penn
Phone Number:	305-374-5300
E-mail Address	gpenn@brzoninglaw.com

	Existing
Future Land Use	High Density Multi-family Residential
Zoning District	RM-70
Use of Property	Vacant
Acreage	33,600 sq ft

Legal Description of Subject Property

Lot 1 – 7914 West Drive
Harbor Island PB 44-72
Lot 14
Lot Size 80.000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

Lot 2 – 7916 West Drive
Harbor Island PB 44-72
Lot 16
Lot Size 80.000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

Lot 3 – 7918 West Drive
Harbor Island PB 44-72
Lot 18
Lot Size 80.000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Park
East	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominiums & Commercial Parking Lot
South	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominium
West	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay

Description of Request

The applicant is requesting a special use exception pursuant to Sections 152.042(e) and 152.098 of the North Bay Village Code of Ordinances to allow up to twenty (20) percent of the development's required parking spaces to be designed specifically for compact vehicles.

The applicant is requesting site plan approval of a 54 unit, 19 story multifamily residential structure. According to the North Bay Village off-street parking standards, the project will require 148 parking spaces. The applicant is requesting a special exception approval to allow up to 20% (29 spaces) of the required parking spaces to be compact. Standard size parking spaces must be at least 9 feet wide by 18 feet long. Compact parking spaces must be at least 8 feet wide by 16 feet long.

Consistency with Comprehensive Plan

The request for compact spaces, if approved for this site plan, is consistent with the Village's Comprehensive Plan, and the provision of safe on-site traffic flow as per Transportation Policy 3.2.7.

Consistency with Special Use Exception Standards

The granting of no more than 20% of the required parking spaces to be compact parking spaces, for this site plan, would not "substantially affect adversely the uses permitted in these regulations of adjacent property".

Planning & Zoning Board Recommendation

The North Bay Village Planning and Zoning Board recommended approval of the site plan with the staff recommended conditions by a vote of 5-0 on September 5, 2017.

Staff Findings and Recommendations

Staff finds that this request is consistent with Sections 152.042(e) and 152.098 in that this special use exception will not adversely affect the uses permitted in the regulations of adjacent properties.

Staff recommends **approval** of this request for 29 of the 148 required parking spaces to be less than standard size but at least 8 feet wide by 16 feet long and designated for compact vehicles, contingent upon a positive approval of a site plan for this development.

The Commission can recommend to approve, deny, or approve this request with conditions.

Submitted by:

James G. LaRue
James G. LaRue, AICP
Planning Consultant

October 11, 2017

Hearing: Village Commission, October 24, 2017



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

APPLICATION FOR VARIANCE, INCLUDING EXTENSION OF AN UNEXPIRED VARIANCE AND/OR SPECIAL EXCEPTION APPROVAL

Instructions: Submit this application, along with 15 sets of scaled plans (1 set 36"x24" and 14 11"x17" sets) and the required information and fee, to the Village Clerk's Office at 1666 Kennedy Causeway, Suite 300. Applications are due by 12:00 noon on the deadline date and must be complete to be accepted and place on the agenda. A sign will be posted on the property, and public hearings will be conducted by the Planning & Zoning Board and the Village Commission.

Site Address: **7918 West Drive**

Owner Name **P&O Global Technologies, Inc.** Owner Phone # **see contact**

Owner Mailing Address **see contact**

Applicant Name **Same** Applicant Phone # **see contact**

(if different from Owner)

Applicant Mailing Address **see contact**

Contact Person **Graham Penn**

Contact Phone # **305 377 6229**

Contact Email Address **gpenn@brzoninglaw.com**

Legal Description of Property **Lots 14, 16, 18 of the Harbor Island Subdivision, Recorded in Plat Book 44, Page 72 of the Public Records of Miami-Dade County, Florida**

Existing Zoning **RM-70** Lot Size **.77 acres** Folio Number **23-3209-001-0160**

Project Description **54 Unit Multifamily Development**

Section of North Bay Village Code from which the Applicant is Seeking Relief **152.042(E)**

Variance Requested **Special Use Exception to Permit 29 Compact Parking Spaces**

Reason for Request **See attached.**

APPLICATION FOR VARIANCE, INCLUDING EXTENSION OF AN UNEXPIRED VARIANCE AND/OR SPECIAL EXCEPTION APPROVAL

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

**APPLICATION FOR VARIANCE, INCLUDING EXTENSION OF AN UNEXPIRED
VARIANCE AND/OR SPECIAL EXCEPTION APPROVAL**

Office Use Only:

Date Submitted: _____

Fee Paid: \$ _____

Tentative Meeting Date: _____

Cash or Check # _____

Date Paid: _____

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

APPLICATION FOR VARIANCE, INCLUDING EXTENSION OF AN UNEXPIRED VARIANCE AND/OR SPECIAL EXCEPTION APPROVAL

Mandatory Submittals (check that each item is included with this application):

- X Plans depicting work to be completed (including property survey)
- X Application fees

Optional Submittals:

- X Response to required findings
- _____ Signed consent letters from neighboring property owners
- _____ Optional plan versions for consideration by Village Commission

Applications are incomplete until all mandatory submittals have been received by the Village Clerk.

All requests for variances from the North Bay Village Code shall be considered at Public Hearings before the Village Commission. Notice of Hearing 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 Village Clerk shall certify that the petition is complete before the hearing is legally advertised. All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

All persons, firms, or corporations requesting a variance from the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village Clerk shall be deemed a condition precedent to the consideration of such a variance request.

All new and substantial improvements must comply with the Florida Building Code, Department of Environmental Resource Management (DERM), and FEMA regulations.

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 North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village Commission has voted favorable on the proposed request.

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and Zoning Board and the Village Commission pursuant to the Village 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 Village Commission revoked.

Authorized Signature _____

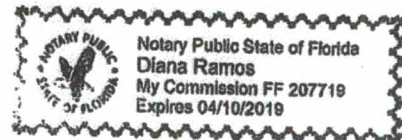
Print Name Graham Penn, Attorney for Property Owner

STATE OF FLORIDA
COUNTY OF MIAMI DADE

Sworn to and subscribed to before me this 9 day of August, 2017,
by Graham Penn, who is personally known to me or who has produced
_____ as identification.

Notary Public Signature _____

Commission Number/Expiration _____



- | | | | | |
|-----------------------------------|--------------------------------|--|---|---|
| Mayor
Connie Leon-Kreps | Vice Mayor
Eddie Lim | Commissioner
Jose R. Alvarez | Commissioner
Dr. Douglas N. Hornsby | Commissioner
Andreana Jackson |
|-----------------------------------|--------------------------------|--|---|---|



North Bay Village

Administrative Offices

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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website:

www.nbvillage.com

MEMORANDUM
North Bay Village

DATE: October 13, 2017

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: Frank K. Rollason
Village Manager

SUBJECT: Introduction of Resolution

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

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY P&O GLOBAL TECHNOLOGIES, INC. CONCERNING PROPERTY LOCATED AT 7914, 7916, AND 7918 WEST DRIVE FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.042(E) OF THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE TO ALLOW 29 OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

FKR:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY P&O GLOBAL TECHNOLOGIES, INC. CONCERNING PROPERTY LOCATED AT 7914, 7916, AND 7918 WEST DRIVE FOR A SPECIAL USE EXCEPTION PURSUANT TO SECTION 152.042(E) OF THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE TO ALLOW 29 OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 152.042(E) of the North Bay Village Land Development Code, P&O Global Technologies, Inc. has applied to North Bay Village for approval of a special use exception to allow twenty percent of the parking spaces in the development of a 54 unit, 240 feet in height, multiple-family residential structure at 7914, 7916, and 7918 West Drive. North Bay Village, Florida to be designed specifically for compact vehicles; and

WHEREAS, Section 8.11 of the North Bay Village Unified Land Development Code set forth the authority of the Village Commission to consider and act upon an application for a special use exception; and

WHEREAS, in accordance with Section 4.4 of the North Bay Village Unified Land Development Code, a public hearing by the Planning and Zoning Board was noticed for Tuesday, September 5, 2017, at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request; and

WHEREAS, in accordance with Section 4.4 of the North Bay Village Unified Land Development Code, a public hearing by the Village Commission was noticed for Tuesday, October 24, 2017 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

WHEREAS, the Village Commission has reviewed the application, and considered the recommendation of the Planning and Zoning Board and comments from the public, and determined that the proposed use does not substantially affect adversely the subject property or adjacent properties.

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

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Finding.

In accordance with Section 152.042(E) of the North Bay Village Unified Land Development Code, the Village Commission finds that the proposed special use exception to allow twenty percent of the parking spaces in the development of the 54 unit, 240 feet in height, multiple-family residential structure at 7914, 7916, and 7918 West Drive, Harbor Island, North Bay Village, Florida to be designed specifically for compact vehicles; will not substantially affect adversely the uses permitted in these regulations of adjacent property.

Section 3. Grant.

The special use request to allow twenty percent of the parking spaces to be designed specifically for compact vehicles in the development at 7914, 7916, and 7918 West Drive, Harbor Island, North Bay Village, Florida is hereby granted with the condition that there shall be a permanent condition of approval in the Condominium Bylaws that valet parking shall continue in perpetuity.

Section 4. Appeal.

In accordance with Section 4.6 of the North Bay Village Unified Land Development Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 5. Effective Date.

This motion was seconded by _____, and upon being put to a vote, the vote was as follows:

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps _____
Vice Mayor Eddie Lim _____
Commissioner Jose Alvarez _____
Commissioner Dr. Douglas N. Hornsby _____
Commissioner Andreana Jackson _____

PASSED AND ADOPTED this 24th day of October 2017.

Mayor Connie Leon-Kreps

Attest:

Yvonne P. Hamilton, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: Special Use Exception to allow Compact Parking Spaces in the development at 7914, 7916, and 7918 West Drive.



Staff Report Variance

Prepared for: North Bay Village,
Commission

Applicant: P&O Global Technologies, Inc.

Site Address: 7914, 7916, and 7918 West Drive

Request: Variance to allow a porte cochere to be
constructed 5 feet from the front property
line, where 25 feet is required

General Information

Owner/Applicant:	P&O Global Technologies, Inc.
Applicant Address:	11098 Biscayne Blvd, Suite 203, Miami, FL 33161
Site Address:	7914, 7916, and 7918 West Drive
Contact Person:	Graham Penn
Phone Number:	305-374-5300
E-mail Address	gpenn@brzoninglaw.com

	Existing
Future Land Use	High Density Multi-family Residential
Zoning District	RM-70
Use of Property	Vacant
Acreage	33,600 sq ft

Legal Description of Subject Property

Lot 1 – 7914 West Drive
 Harbor Island PB 44-72
 Lot 14
 Lot Size 80.000 x 140
 OR 19456—1179 01 2001 2(3)
 COC23266-2683 04 2005 2

Lot 2 – 7916 West Drive
 Harbor Island PB 44-72
 Lot 16
 Lot Size 80.000 x 140
 OR 19456—1179 01 2001 2(3)
 COC23266-2683 04 2005 2

Lot 3 – 7918 West Drive
 Harbor Island PB 44-72
 Lot 18
 Lot Size 80.000 x 140
 OR 19456—1179 01 2001 2(3)
 COC23266-2683 04 2005 2

Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Park
East	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominiums & Commercial Parking Lot
South	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominium
West	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay

Description of Request

The Applicant is requesting a variance pursuant to Section 152.0971 of the North Bay Village Code of Ordinances in connection with a site plan for a 54 unit multifamily residential structure to allow a porte cochere to be constructed within 5 feet of the front property line, where Section 8.10(D)(4)(b) requires a setback of at least 25 feet.

Required Findings

The Sec. 152.0971(B) requires that in order to authorize, recommend or grant any variance, the reviewing body(ies) must make an affirmative finding with respect to the criteria listed below:

- (1) The variance will be in harmony with the general appearance and character of the community;

Applicant Response: The Village Code of Ordinances permits fabric canopies to locate in the front setback, but excludes other similar architectural features, such as the concrete eyebrow structure contemplated by the Applicant. A concrete eyebrow functioning to protect the drop off area of the building is a much superior and durable option for this development than a fabric canopy. It will allow for an attractive front area that will be in harmony with the neighborhood.

Staff Comments: There are several examples of other structures along West Drive with porte cocheres or awnings that extend into the front setback area. Staff agrees that granting this variance is in harmony with the general appearance and character of the community.

- (2) The variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

Applicant Response: The approval of the requested setback non-use variance will allow for a superior design of development and will present no negative impact on the public welfare.

Staff Comments: Staff agrees that the proposed porte cochere will not be injurious or detrimental to the public welfare.

- (3) The improvement is designed and arranged on the site in a manner that minimizes aerial and visual impact on the adjacent residences.

Applicant Response: The improvement has been designed to fully integrate with the building in a harmonious manner

Staff Comments: Agreed.

Planning & Zoning Board Recommendation

The North Bay Village Planning and Zoning Board recommended approval of the site plan with the staff recommended conditions by a vote of 5-0 on September 5, 2017.

Staff Recommendation

Staff finds that the requested variance generally meets the requirements of Sections 152.0971(B). Consequently, staff recommends **approval** of the requested variance to construct the porte cochere within 5 feet of the front property line, where 25 feet is required by North Bay Village Code.

Submitted by:

James G. LaRue
James G. LaRue, AICP
Planning Consultant

October 11, 2017

Hearing: Village Commission, October 24, 2017



North Bay Village

Administrative Offices

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

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APPLICATION FOR VARIANCE, INCLUDING EXTENSION OF AN UNEXPIRED VARIANCE AND/OR SPECIAL EXCEPTION APPROVAL

Instructions: Submit this application, along with 15 sets of sealed plans (1 set 36"x24" and 14 11"x17" sets) and the required information and fee, to the Village Clerk's Office at 1666 Kennedy Causeway, Suite 300. Applications are due by 12:00 noon on the deadline date and must be complete to be accepted and place on the agenda. A sign will be posted on the property, and public hearings will be conducted by the Planning & Zoning Board and the Village Commission.

Site Address: **7918 West Drive**

Owner Name **P&O Global Technologies, Inc.** Owner Phone # **see contact**

Owner Mailing Address **see contact**

Applicant Name **Same** Applicant Phone # **see contact**
(if different from Owner)

Applicant Mailing Address **see contact**

Contact Person **Graham Penn**

Contact Phone # **305 377 6229**

Contact Email Address **gpenn@brzoninglaw.com**

Legal Description of Property **Lots 14, 16, 18 of the Harbor Island Subdivision, Recorded in Plat Book 44, Page 72 of the Public Records of Miami-Dade County, Florida**

Existing Zoning **RM-70** Lot Size **.77 acres** Folio Number **23-3209-001-0160**

Project Description **54 Unit Multifamily Development**

Section of North Bay Village Code from which the Applicant is Seeking Relief _____

Variance Requested **Front Setback Variance to Allow Porte Cochere to Locate 5 Feet from Front Property Line**

Reason for Request **See attached.**

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

Mandatory Submittals (check that each item is included with this application):

- X Plans depicting work to be completed (including property survey)
- X Application fees

Optional Submittals:

- X Response to required findings
- _____ Signed consent letters from neighboring property owners
- _____ Optional plan versions for consideration by Village Commission

Applications are incomplete until all mandatory submittals have been received by the Village Clerk.

All requests for variances from the North Bay Village Code shall be considered at Public Hearings before the Village Commission. Notice of Hearing 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 Village Clerk shall certify that the petition is complete before the hearing is legally advertised. All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

All persons, firms, or corporations requesting a variance from the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village Clerk shall be deemed a condition precedent to the consideration of such a variance request.

All new and substantial improvements must comply with the Florida Building Code, Department of Environmental Resource Management (DERM), and FEMA regulations.

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 North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village Commission has voted favorable on the proposed request.

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and Zoning Board and the Village Commission pursuant to the Village 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 Village Commission revoked.

Authorized Signature _____

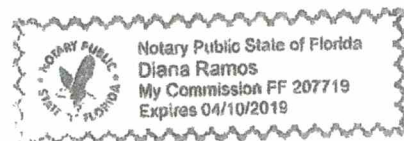
Print Name Graham Penn, Attorney for Property Owner

STATE OF FLORIDA
COUNTY OF MIAMI DADE

Sworn to and subscribed to before me this 17 day of August, 2017,
by Graham Penn, who is personally known to me or who has produced
_____ as identification.

Notary Public Signature _____

Commission Number/Expiration 4/10/19



Mayor Connie Leon-Kreps	Vice Mayor Eddie Lim	Commissioner Jose R. Alvarez	Commissioner Dr. Douglas N. Hornsby	Commissioner Andreana Jackson
----------------------------	-------------------------	---------------------------------	--	----------------------------------

**APPLICATION FOR VARIANCE, INCLUDING EXTENSION OF AN UNEXPIRED
VARIANCE AND/OR SPECIAL EXCEPTION APPROVAL**

Office Use Only:

Date Submitted: _____

Fee Paid: \$ _____

Tentative Meeting Date: _____

Cash or Check # _____

Date Paid: _____

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson



North Bay Village

Administrative Offices

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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website:

www.nbvillage.com

MEMORANDUM

North Bay Village

DATE: October 13, 2017

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: Frank K. Rollason
Village Manager

SUBJECT: Introduction of Resolution

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

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY P&O GLOBAL TECHNOLOGIES, INC. FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE TO ALLOW THE CONSTRUCTION OF A PORTE COCHERE AND REDUCE THE REQUIRED FRONT YARD SETBACK TO FIVE FEET, WHERE TWENTY-FIVE FEET IS REQUIRED; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

FKR:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY P&O GLOBAL TECHNOLOGIES, INC. FOR A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE TO ALLOW THE CONSTRUCTION OF A PORTE COCHERE AND REDUCE THE REQUIRED FRONT YARD SETBACK TO FIVE FEET, WHERE TWENTY-FIVE FEET IS REQUIRED; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FANK K. ROLLASON)

WHEREAS, P&O Global Technologies, Inc. has applied to North Bay Village for a Variance pursuant to Section 152.0971 of the North Bay Village Land Development Code in connection with the development of a 54 unit, 240 feet in height, multiple-family residential structure to allow the construction of a porte cochere and reduce the required front-yard setback to five feet where twenty-five feet is required; and

WHEREAS, Section 152.0971 of the Land Development Code and Section 4.9 of the Unified Land Development Code set forth the authority of the Village Commission to consider and act upon an application for a variance.

WHEREAS, in accordance with Section 4.4 of the Unified Land Development Code, a public hearing by the Planning and Zoning Board was noticed for September 5, 2017 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request; and

WHEREAS, in accordance with Section 4.4 of the Unified Land Development Code, a public hearing by the Village Commission was noticed for October 24, 2017 at 7:30 p.m. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

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

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Findings.

In accordance with Section 152.0971 of the Land Development Code, the Village Commission finds that:

- A. The variance will be in harmony with the general appearance and character of the community;
- B. The variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- C. The improvement is designed and arranged on the site in a manner that minimizes aerial and visual impact on the adjacent residences.

Section 3. Grant.

The Variance requested to allow the construction of a porte cochere and reduce the required front-yard setback to five feet, where twenty-five feet is required, in accordance with the Site Plan submitted to the Village Clerk on August 9, 2017 is hereby approved.

Section 4. Conditions.

The Variance is approved subject to the following condition:

1. Pursuant to the Site Plan approval, the Applicant shall obtain a building permit for all requests approved herein within two years of the date of the Site Plan approval. If a building permit is not obtained or an extension granted within the prescribed time limit then this approval shall become null and void.
2. Pursuant to Section 7.5 of the Unified Land Development Village Code, the Variance shall lapse after two years of Commission approval if no substantial construction takes place.

Section 5. Appeal.

In accordance with Section 4.6 of the Unified Land Development Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 6. Effective Date.

This Resolution shall become effective upon its adoption.

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

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps	_____
Vice Mayor Eddie Lim	_____
Commissioner Jose Alvarez	_____
Commissioner Dr. Douglas N. Hornsby	_____
Commissioner Andreana Jackson	_____

PASSED AND ADOPTED this 24th day of October 2017.

Mayor Connie Leon-Kreps

Attest:

Yvonne P. Hamilton, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: P&O Global Technologies-7914, 7916, & 7918 West Drive-Variance for Porte Cochere.



Staff Report Site Plan

Prepared for: North Bay Village,
Commission

Applicant: P&O Global Technologies, Inc.

Site Address: 7914, 7916, and 7918 West Drive

Request: Site Plan Approval for Multi-Family
Residential Building

General Information

Owner/Applicant:	P&O Global Technologies, Inc.
Applicant Address:	11098 Biscayne Blvd, Suite 203, Miami, FL 33161
Site Address:	7914, 7916, and 7918 West Drive
Contact Person:	Graham Penn
Phone Number:	305-374-5300
E-mail Address	gpenn@brzoninglaw.com

	Existing
Future Land Use	High Density Multi-family Residential
Zoning District	RM-70
Use of Property	Vacant
Acreage	33,600 sq ft

Legal Description of Subject Property

Lot 1 – 7914 West Drive
Harbor Island PB 44-72
Lot 14
Lot Size 80,000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

Lot 2 – 7916 West Drive
Harbor Island PB 44-72
Lot 16
Lot Size 80,000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

Lot 3 – 7918 West Drive
Harbor Island PB 44-72
Lot 18
Lot Size 80,000 x 140
OR 19456—1179 01 2001 2(3)
COC23266-2683 04 2005 2

Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Park
East	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominiums & Commercial Parking Lot
South	Future Land Use	High Density Multi-Family Residential
	Zoning District	RM-70
	Existing Land Use	Condominium
West	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay

Description of Requests

The applicant is requesting:

1. Variance request, pursuant to Section 152.02971 of the North Bay Village Code, for construction of a porte cochere 5 feet from the front setback line, where a setback of 25 feet is required.
2. Special Use Exception request, pursuant to Section 152.042(E) of the North Bay Village Code, to allow 20% of the required parking spaces to be compact size (8 ft x 16 ft) parking spaces, instead of the standard size (9 ft x 18 ft) parking spaces.
3. Loading space reduction waiver request, pursuant to Section 9.3(D)(2) of the North Bay Village Code, to allow construction of only 2 loading spaces instead of the required 3.
4. Density bonus request, pursuant to Section 8.10(D)(6) of the North Bay Village Code, for approval of 7 additional three-bedroom dwelling units.
5. Height bonus request, pursuant to Section 8.10(D)(5) of the North Bay Village Code, to construct a 240 foot tall multifamily structure instead 150 foot standard maximum.
6. Site plan approval, pursuant to Section 5.4(C) of the North Bay Village Code, for development of a 54 dwelling unit, 19 story multi-family residential structure in the RM-70 (high density multiple-family residential) zoning district.

Consistency with Comprehensive Plan

The multifamily residential use is consistent with the description of the Residential Future Land Use category under Policy 2.1.1a of the Future Land Use Element.

Height Bonus Analysis

The applicant is requesting a height bonus review under Section 8.10(D)(5) of the North Bay Village Code of Ordinances to allow construction of a 240 foot, 19 story, structure.

The maximum height allowed by the RM-70 district regulations is 150 ft or 15 stories. However, the bonus height program allows for the Commission to approve up to an additional 90 feet of height. If the Village Commission approves this request, the total bonus height fees amount to \$364,500.

Density Bonus Analysis

The applicant is requesting a density bonus review under Section 8.10(D)(6) of the North Bay Village Code of Ordinances to allow construction of 28 two-bedroom dwelling units, 9 three-bedroom dwelling units, 12 four-bedroom dwelling units, 4 seven-bedroom dwelling units, and 1 eight-bedroom penthouse; for a total of 54 dwelling units on a 0.77 acre lot. For density and parking purposes, any dwelling unit with more than two bedrooms is treated as a three-bedroom unit.

In order to build this number of dwelling units, the applicant is requesting approval of bonus density, to purchase 7 three-bedroom bonus density units, according to the provisions of North Bay Village Code Section 8.10(D)(6).

The bonus density program allows for a total of either 117 two-bedroom units or 107 three-bedroom units to be approved. At this time, the Village has approved several other site plans with bonus density under this program. In total, 30 three-bedroom bonus density units and 4 two-bedroom bonus density units have been approved; though none of these other projects have been issued building permits.

There are ample bonus density units remaining in the North Bay Village bonus density program to be allocated if the Village Commission approves the applicant's bonus density request. The total bonus density fees amount to \$280,000.

Adequacy of Public Facilities

Water & Sewer

Water and Sewer utilities will be provided by Miami-Dade County. This project will be required to meet Sewer Concurrency requirements as prescribed by the Public Works Director of North Bay Village.

Traffic

The applicant's traffic impact study (TIS) for this project was performed by CPH, Inc. A review of the applicant's (TIS) was conducted by Mohsen Salehi, traffic engineer for LaRue Planning. The TIS analyzed roadway segments and intersections on Harbor Island and Kennedy Causeway.

According to the TIS, the project is anticipated to generate approximately 30 trips during the AM peak hour (6 entry/24 exit) and 47 trips during the PM peak hour (31 entry/16 exit). Additionally, the eastbound turning lane at Kennedy Causeway and Larry Paskow Way is currently operating with a 95th percentile queue that equals or exceeds the turning lane.

Due to the additional vehicle trips that the applicant's proposed development will be generating at the already overburdened intersection of Kennedy Causeway and Larry Paskow Way, staff is recommending that the approval of this site plan should be conditional upon payment of proportionate share of costs for the following off-site improvements per FDOT review and approval:

- 1) Extension of the left turn storage land from Kennedy Causeway onto Larry Paskow Way.
- 2) Modification of the southbound turning lane on Larry Paskow Way

It is estimated that the applicant's proportionate fair share for the above improvements is \$50,000. This amount should be paid by the applicant and placed in escrow by the Village until the improvements are made.

Additionally, the Village will undertake a request that FDOT analyze and potentially adjust the traffic signal timing at Larry Paskow Way.

Comparison of Submitted Site Plan with Land Development Regulations

Section	Regulation	Required	Provided										
North Bay Village LDC													
8.10(D)(2)(a)	Uses permitted	Multifamily residential dwellings	In compliance										
8.10(D)(4)(a)	Minimum lot area	27,000 sq ft	33,600 sq ft (0.77 acres)										
8.10(D)(4)(a)	Minimum frontage	75 ft	240 ft										
8.10(D)(4)(b)	Minimum front setback	25 ft	The plans include a porte cochere which is setback only 5 ft from the front property line. Applicant is requesting a front setback variance.										
8.10(D)(4)(b)	Minimum side setback	15 ft on one side. 20% of lot width on the other side Combination of both side setbacks to be at least 60 ft <u>20% of 240 = 48</u>	15 ft on south side 48 ft on north side Combination of both side setbacks equal to 63 ft										
8.10(D)(4)(b)	Minimum rear setback	25 ft	25 ft										
8.10(D)(4)(c)	Required lot area per dwelling unit	<table border="1"> <thead> <tr> <th>Unit type</th> <th>Lot area/unit</th> </tr> </thead> <tbody> <tr> <td>Efficiency</td> <td>620</td> </tr> <tr> <td>1-br</td> <td>620</td> </tr> <tr> <td>2-br</td> <td>685</td> </tr> <tr> <td>3-br</td> <td>750</td> </tr> </tbody> </table> 28 x 685 = 19,180 26 x 750 = 19,500 19,180 + 19,500 = 38,680 sq ft of required lot area	Unit type	Lot area/unit	Efficiency	620	1-br	620	2-br	685	3-br	750	With 28 two-bedroom units and 26 three-bedroom units, the proposal requires at least 38,680 sq ft of lot area, which exceeds the 33,600 of actual lot area. Applicant is requesting bonus density.
Unit type	Lot area/unit												
Efficiency	620												
1-br	620												
2-br	685												
3-br	750												
Comprehensive Plan Future Land Use Policy 2.1.1a	Maximum density	70 dwelling units per acre	70 dwelling units per acre										

Section	Regulation	Required	Provided	
8.10(D)(4)(d)	Maximum building height	150 ft or 15 stories, whichever is less	240 ft and 19 stories Applicant is requesting bonus height	
8.10(D)(4)(e)	Minimum pervious area	20% of total parcel <u>20% of 33,600 = 6,720 sq ft</u>	7,597 sq ft	
8.10(D)(4)(f)	Minimum dwelling unit floor area	Unit type	2-BR units are 1,215 sq ft and up; 3-BR units are 1,712 sq ft and up	
		Floor area		
		Efficiency		600
		1-br		900
		2-br		1,200
		3-br	1,350	
8.10(D)(4)(g)(1)	Baywalk/boardwalk requirement	Properties contiguous to Biscayne Bay shall provide a public access boardwalk/baywalk in the riparian right-of-way or an upland shoreline access easement adjacent to and parallel to the riparian right-of-way.	Provided	
8.10(D)(4)(g)(2)	Public access requirement	Properties that are required to provide a baywalk/boardwalk shall also provide a connective public easement connecting contiguous properties and the public right-of-way to these shoreline access areas.	Provided	
8.10(D)(5)	Building height bonus	Additional height may be purchased	Applicant is requesting to purchase bonus height	
8.10(D)(6)	Building density bonus	Additional density may be purchased, not to exceed 70 units per acre	Applicant is requesting to purchase bonus density	

Section	Regulation	Required	Provided
8.10(D)(8)(a)	Easement dedication	For properties required to provide the baywalk/boardwalk, the developer shall dedicate an easement to the Village conveying the boardwalk and a public access corridor	Will be a condition of site plan approval
8.10(D)(8)(b)	Paving surfaces	Except for covered garages, all exterior paving surfaces shall be constructed of brick pavers	Provided
8.10(D)(8)(c)	Required water feature	A water feature shall be provided in the front	Provided
8.10(D)(8)(f)	Screening of parking garages	Parking garages shall be constructed with architectural features that obscure it from public view	Provided
8.10(D)(8)(g)	Street tree lighting	Lighting shall be provided in all areas in front where trees are planted	Applicant has stated that street tree lighting will be provided
8.10(D)(8)(e)	Benches	Streetscape benches required along boardwalk area	Provided
9.1(E)(4)	Minimum standard parking space dimensions	9 ft by 18 ft	Not all parking spaces meet these dimensions. Applicant is requesting compact parking special use exception
9.1(E)(4)	Minimum compact parking space dimensions	8 ft by 16 ft	In compliance
9.1(E)(4)	Minimum ADA parking space dimensions	Must comply with all applicable accessibility standards	Provided

Section	Regulation	Required	Provided
9.1(E)(6) & Florida Accessibility Code 208.2.3	Minimum number of ADA spaces	2% of total number resident parking spaces must be ADA compliant. <u>134 x 0.02 = 3 ADA spaces required for residents</u> <u>1 additional ADA compliant space required for facilities with 1 - 25 guest parking spaces</u>	4 ADA parking spaces provided
9.3(E)(5)(a)	Maximum number of compact parking spaces	20% of total required parking spaces <u>20% of 148 = 29</u>	29
9.3(E)(11)	Minimum setback of ROW from parking spaces	20 ft	In compliance
9.3(E)(13)	Minimum separation of parking from walkways and streets	Parking spaces shall be separated from walkways, sidewalks, streets, or alleys by an approved wall, fence, curbing, or other protective device	In compliance
9.3(E)(16)	Back-out parking prohibition	Parking spaces shall be designed so that no vehicle shall be required to back into a public ROW to obtain egress	In compliance

Section	Regulation	Required	Provided										
9.1(C)(2)(b)(1)	Minimum number of parking spaces per dwelling unit	<p>2 spaces per two-bedroom unit</p> <p>3 spaces per three-bedroom unit</p> <p>Plus 10% of total required spaces</p> <p><u>28 x 2 = 56</u></p> <p><u>26 x 3 = 78</u></p> <p><u>10% of 134 = 14</u></p> <p><u>134 + 14 = 148 spaces required</u></p>	148 parking spaces provided										
9.4(C)(1)	Minimum loading space dimensions	12 ft by 30 ft, and at least 14.5 ft of vertical clearance	In compliance										
9.4(D)	Loading space joint usage	Loading spaces for two or more uses may be collectively provided if so located as to be usable by all.	N/A										
9.4(A)(4)	Loading and standard parking space restriction	No areas supplied to meet required off-street parking facilities may be utilized to meet the requirements for loading spaces.	In compliance										
9.4(B)(2)	Minimum number of loading spaces for multi-family	<table border="1"> <thead> <tr> <th>Gross floor area</th> <th>Spaces</th> </tr> </thead> <tbody> <tr> <td><25,000</td> <td>0</td> </tr> <tr> <td>25,000-50,000</td> <td>1</td> </tr> <tr> <td>50,000-100,000</td> <td>2</td> </tr> <tr> <td>>100,000</td> <td>3</td> </tr> </tbody> </table> <p><u>230,134 sq ft of gross floor area, 3 load spaces required</u></p>	Gross floor area	Spaces	<25,000	0	25,000-50,000	1	50,000-100,000	2	>100,000	3	<p>Only 2 loading spaces provided. However, one loading space is located adjacent to trash storage room and freight elevator. The other loading space is located under porte cochere and will be dedicated to resident deliveries and moving needs.</p> <p>Applicant requesting loading space reduction waiver</p>
Gross floor area	Spaces												
<25,000	0												
25,000-50,000	1												
50,000-100,000	2												
>100,000	3												
8.13(L)(2)	Maximum balcony encroachment into required setback area	4 ft	In compliance										

Section	Regulation	Required	Provided
9.3(E)(17)(b)	Minimum width of maneuvering aisle with 90 degree parking	23 ft	In compliance
9.3(E)(17)(f)(1)	Minimum width of 1-way access aisle	13 ft	In compliance
9.3(E)(17)(f)(2)	Minimum width of 2-way access aisle	23 ft	In compliance
8.13(E)(1)(a)(2)	Dumpster screening	Trash and garbage facilities shall be within an enclosed, cross-ventilated garbage room	Provided
8.13(E)(1)(d)	Dumpster placement	Dumpster enclosures shall be placed in such a manner as to allow sanitation trucks to pick up garbage in a manner they are designed for	In compliance
8.13(E)(1)(e)	Mechanical equipment screening	Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grilles, and shall be painted in muted colors or match the building and shall not be visible from the street.	In compliance
8.13(E)(1)(f)	Mechanical equipment screening	Service bays, mechanical (HVAC) equipment and delivery areas should be located away from and not visible from the streets, waterways, sidewalks, and adjacent properties.	In compliance

Section	Regulation	Required	Provided
Miami-Dade Landscaping Chapter 18A			
18A-4(C)	Vegetative survey	A vegetation survey shall be provided for all sites at the same scale as the landscape plan.	A vegetative survey is not needed as site has already been cleared.
18A-4(D)	Irrigation plan	An Irrigation Plan shall be submitted. Where a landscape plan is required, an irrigation plan shall be submitted concurrently.	Not yet provided
18A-6(A)(5)	Maximum lawn area	50% of percent of the net lot area $33,600 \times 0.5 = 16,800$	2,688 sq ft
18A-6(C)(1)	Tree height	Except street trees, all trees shall be minimum 10' high with minimum 2" caliper, except that 30% of tree requirement may be met by native species with a minimum 8' height.	
18A-6(C)(2)	Street trees	Street trees shall be provided along all roadways at a maximum average spacing of 35' on center (25' for palms). <u>With 240 linear foot of frontage, either 7 trees or 10 palms are required.</u>	11 crepe myrtles provided along street

Section	Regulation	Required	Provided
18A-6(C)(3)	Trees under power lines	Where overhead power lines require low growing trees, street trees shall have a minimum height of 8', 1.5" caliper, and a maximum average spacing of 25 feet on center.	In compliance
18A-6(C)(4)	Palms	Palms which are spaced no more than 25 feet on center and have a 14 foot minimum height or 4 inches minimum caliper diameter may count as a required tree.	
18A-6(C)(5)	Number of required trees	28 trees per acre required in multi-family residential zoning categories <u>28 x 0.77 = 22 required trees</u>	56 trees shown on plant list, of which 27 are palms. However, not all trees on plant list are shown labeled on landscape plan
18A-6(C)(11)	Limitations on required trees	Of the required trees: At least 30% shall be native species. At least 50% shall be low maintenance and drought tolerant. No more than 30% shall be palms	In compliance Not shown In compliance.
18A-6(C)(12)	Limitations on required trees	80% of required trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.	Not shown

Section	Regulation	Required	Provided
18A-6(D)(1)	Shrubs	<p>All shrubs must be a minimum of 18 inches a time of planting.</p> <p>10 shrubs are required for each required tree.</p> <p>30% shall be native species</p> <p>50% shall be low maintenance and drought tolerant</p> <p>80% of required shrubs shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low Maintenance Landscape Plants for South Florida list.</p>	<p>All required shrubs are at least 18 inches.</p> <p>In compliance</p> <p>In compliance</p> <p>Not shown</p> <p>Not shown</p>
18A-6(D)(2)	Shrub buffers	<p>When used as a visual screen, buffer, or hedge, shrubs shall be planted at a maximum average spacing of 30" on center or if planted at a minimum height of 36", shall have a maximum average spacing of 48" on center</p>	

Section	Regulation	Required	Provided
18A-6(H)	Use buffers	<p>Where dissimilar land uses exist on adjacent properties, that area shall be provided with a buffer consisting of trees spaced to a maximum average of 35' on center with shrubs which normally grow to a height of 6', or a 6' wall with trees, within a 5' wide landscape strip.</p> <p>Shrubs shall be a minimum of 30" high and planted at a maximum of 36" on center; or if planted at a minimum height of 36", shall have a maximum average spacing of 48" on center.</p>	<p>There is a park on the north side of the subject property and a multi-family use on the south side of the property.</p> <p>Buffering is not required on either side as neither use meets the Miami-Dade Code 18A-3 definition of dissimilar use.</p>
18A-6(I)	Parking lot buffers	<p>All parking lots adjacent to a right of way shall be screened by a continuous planting with a 7' landscape strip incorporating said planting</p> <p>Shrubs shall be a minimum of 18" high and planted at a maximum of 30" on center; or if planted at a minimum height of 36", shall have a maximum average spacing of 48" on center.</p>	In compliance

Section	Regulation	Required	Provided
18A-6(J)	Parking lot landscaping	<p>10' square of landscaped area per parking space shall be provided within a parking lot.</p> <p>Trees shall be planted within the parking lot at a minimum density of 1 tree per 80' square of landscaped area, exclusive of parking lot buffers.</p> <p>Each tree shall have a minimum of 5' of planting area width, exclusive of curb dimension.</p>	<p>In compliance.</p> <p>In compliance</p> <p>In compliance</p>
Miami-Dade Biscayne Bay Management Plan			
33D-38(1)b	Minimum rear setback	<p>50% of building height above 35 ft (measured from mean high water line), up to 75 ft maximum.</p> <p><u>~60 ft required</u></p>	Only 25 ft provided
33D-38(2)a	Minimum visual corridor	<p>20% of lot width on one side, with a 20 ft minimum and a 100 ft maximum. Structures not permitted in view corridor.</p> <p><u>48 ft required</u></p>	48 ft on north side
33D-38(3)	Minimum side setback	Minimum of 25 ft	48 ft on north side
33D-33(4)	Waiver from County	A waiver may be obtained from the Miami-Dade Shoreline Review Committee for exemption from the above requirements	Not yet provided

Planning & Zoning Board Recommendation

The North Bay Village Planning and Zoning Board recommended approval of the site plan with the staff recommended conditions by a vote of 5-0 on September 5, 2017.

Staff Findings and Recommendations

HEIGHT BONUS:

Staff recommends **approval** of the height bonus.

DENSITY BONUS:

Staff recommends **approval** of the density bonus.

LOADING SPACE REDUCTION WAIVER:

Staff recommends **approval** of the loading space reduction waiver.

SPECIAL EXCEPTION REQUEST FOR COMPACT PARKING:

As outlined in the accompanying compact parking special exception staff report, staff recommends **approval** of the request to allow 20% of the required parking spaces to be compact (8'x16') spaces.

FRONT SETBACK VARIANCE REQUEST FOR PORTE COCHERE:

As outlined in the accompanying variance request staff report, staff recommends **approval** of the variance request to construct a porte cochere within 5 feet of the front property line.

SITE PLAN:

Under the recently adopted Village Unified Land Development Code, site plan approval now only requires one public hearing before the Village Commission. Staff recommends **approval** of the site plan based on our analysis, as highlighted in this report. Approval should also be based on the following conditions being met prior to the issuance of a building permit:

- 1) Submittal of an irrigation plan which meets Miami-Dade Chapter 18A requirements
- 2) Submittal of a landscape plan which meets Miami-Dade Chapter 18A requirements
- 3) The public access easement and baywalk easement must be dedicated and recorded. Applicant shall agree, in writing, that the baywalk shall be open to the public daily, during hours to be determined by the Village; and baywalk lighting shall remain on while boardwalk is open to the public.
- 4) Site plan approval from Miami-Dade Shoreline Review Committee.
- 5) Meeting School Board Concurrency requirements as determined by School Board Staff.
- 6) Payment of any applicable impact fees.
- 7) Payment of bonus density fees, as required under Section 8.10(D)(6).
- 8) Payment of bonus height fees, as required under Sections 8.10(D)(5)
- 9) Payment of proportionate share of costs for transportation facility improvements.
- 10) Tie-in to Village's wastewater system at a Village designed location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.
- 11) Cost recovery charges must be paid pursuant to Section 5.12. Specifically, no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
- 12) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.

- 13) Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
- 14) All applicable state and federal permits must be obtained before commencement of construction.
- 15) Each dwelling unit must be assigned at least two parking spaces. Parking spaces may not be sold or leased to non-residents. Owners may not sell parking spaces except in conjunction with the sale of a dwelling unit.
- 16) Applicant shall not lease or sell parking spaces.
- 17) Applicant shall not charge for guest parking.
- 18) Staging of construction materials shall occur off-site, and not on the public right-of-way.
- 19) Residents and guests of this development shall not utilize street parking and may only use the required parking within the building.

Submitted by:

James G. LaRue
James G. LaRue, AICP
Planning Consultant

October 11, 2017

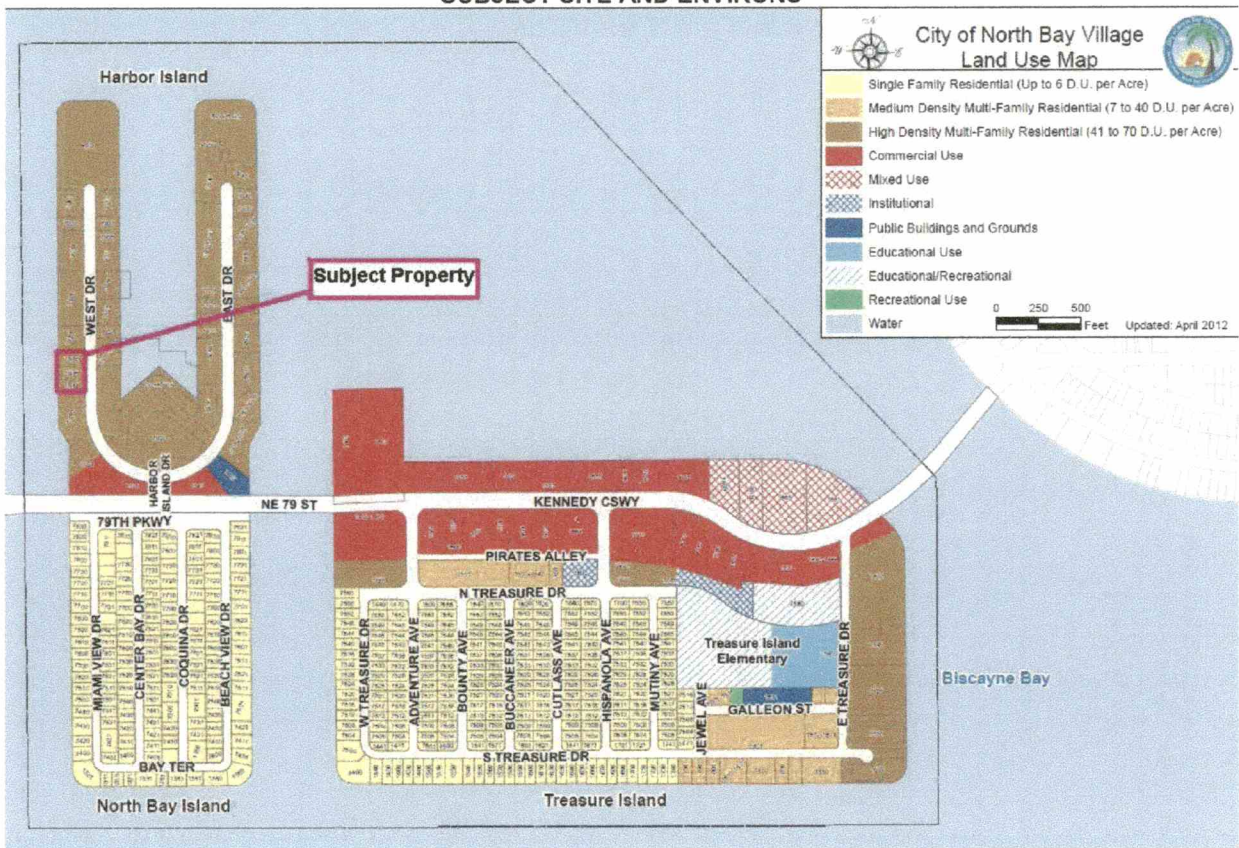
Hearing: Village Commission, October 24, 2017

Attachments: Future Land Use Map
Zoning Map
Aerial photograph

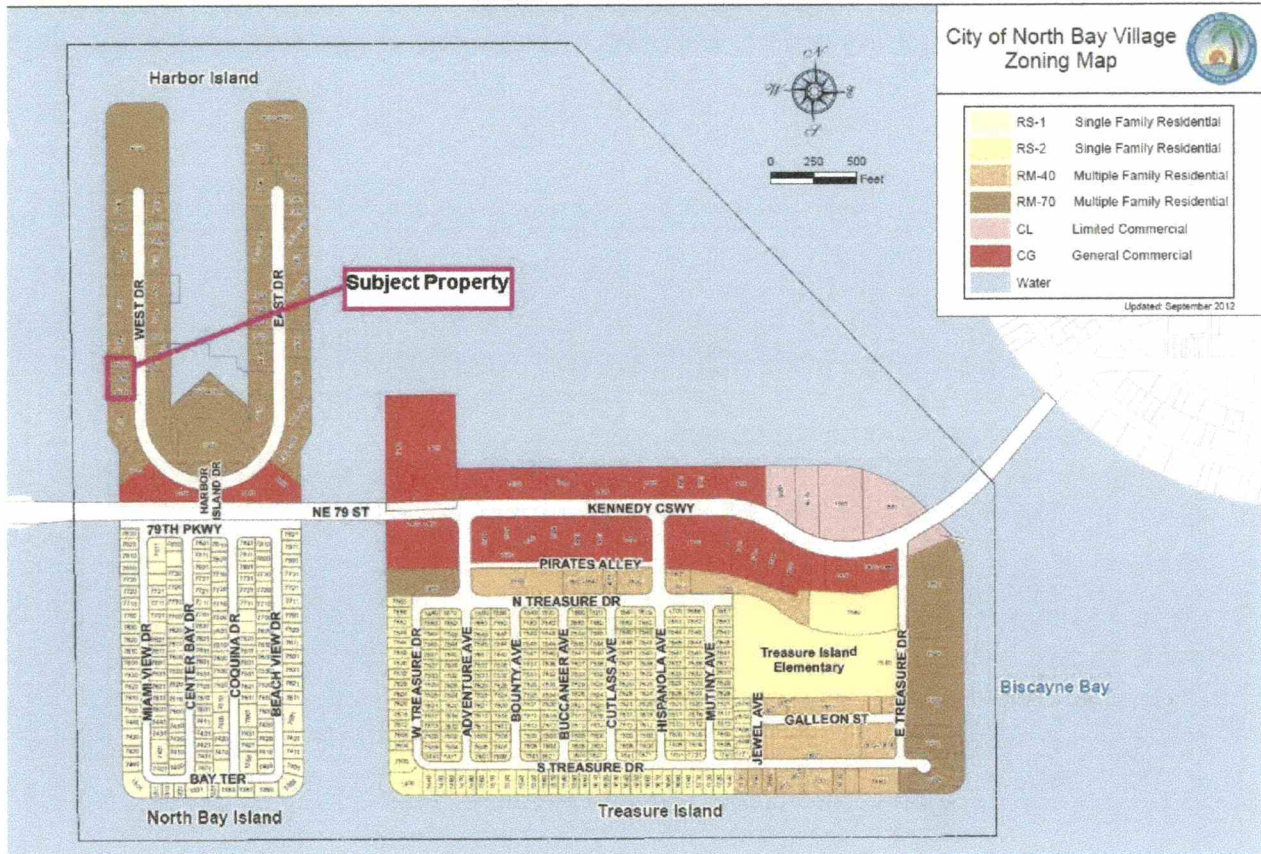
**AERIAL
SUBJECT SITE AND ENVIRONS**



FUTURE LAND USE
SUBJECT SITE AND ENVIRONS



ZONING
SUBJECT SITE AND ENVIRONS





BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

Direct: 305-377-6229
E-Mail: gpenn@brzoninglaw.com

VIA HAND DELIVERY

August 16, 2017

Frank Rollason,
Village Manager
North Bay Village
1666 Kennedy Causeway, 3rd Floor
North Bay Village, Florida 33141

RE: Site Plan Application / Front Setback Variance / Loading Space Waiver for 7918 West Drive.

Dear Mr. Rollason:

Our law firm represents P&O Global Technologies, Inc. (the "Applicant"), the owner of 7918 West Drive (the "Property"). Please consider this letter the Applicant's letter of intent supporting the following requests: (1) site plan approval for a 54-unit multi-family development in the RM-70 zoning district; (2) special exception approval for the use of compact parking spaces; and (3) a minor front setback variance for the proposed porte cochere.

I am enclosing the required forms, plans, and impact studies. As you will note, the proposed development is consistent in all respects with the Village's Zoning Ordinance and Land Development Code (the "Code").

Proposed Development. The Applicant is proposing to locate a fifty-four (54) unit residential building on the Property. The plan

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includes all of the required elements that apply to development in the RM-70 zone.

Building Design and Operation. The proposed development is intended to bring a signature building to this portion of the Village, while limiting the visual impact of the project on our neighbors. The design provides the required side setbacks - including a full forty-eight (48) foot setback on the north side. At the same time, the building has been designed so that the tower portion takes up a much smaller portion of the lot than would be permitted under the Village's standards. In comparison to the "tombstone" type building permitted under the RM-70 standards, the proposed design will result in a significantly reduce visual impact. The building is proposed to be 240 feet tall, which is permitted following Village Commission approval.

The proposed development incorporates all of the required parking for the building. The development plan proposes to accommodate either self-parking or a valet operation, with a simple gate located at the bottom of the garage ramp to secure the facility. The Applicant is proposing to provide 29 compact parking spaces in the facility and hereby requests the Village Commission approval for that element of the design.

Baywalk on Property. The Applicant is proposing to develop a wide public baywalk access providing access to Biscayne Bay along the entire western boundary of the Property. While open to the public, the baywalk will remain in the ownership of the Applicant and the Village and the public will therefore incur no costs in the continued maintenance of the baywalk area. The baywalk on the Property will be linked with the new baywalk in the Park and, assuming the necessary approvals are issued, the boardwalk linking the Park to the Space 01 baywalk.

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The Applicant will be filing an application with the Miami-Dade County Shoreline Development Review Committee seeking approval of the proposed baywalk on the Property.

Public Hearing Requests. As required by Section 5.6 of the Village's Code, the Applicant hereby makes the following public hearing requests:

- Site plan approval of a major development (over 10,000 square feet of floor area).
- Building height bonus review to 240 feet pursuant to subsections 152.029 (C)(8)8(A) through 8(F).
- Additional density (to reach 70 units per acre) pursuant to Section 152.029(c)(8)(H).
- Special use exception for the use of compact parking spaces.
- Waiver of Section 152.044(E) to permit two loading spaces instead of the required three.
- A variance to permit the building's eyebrow style porte cochere to encroach into the front setback in the same manner as a canopy (setback of 5 feet).

The Applicant is unaware of any additional special permits, variances or exemptions that would be required by the proposed development. As noted above, the Applicant will be seeking additional approval of the Miami-Dade County Shoreline Development Review Board.

Compliance with Zoning and Village Code Standards. The proposed development will comply with all the requirements of the

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Village's RM-70 zoning district, the Village's site plan review standards and the Village's design guidelines.

Village's Site Plan Review Criteria. The following are the Village's site plan review criteria and the status of the compliance of the development with each requirement:

Section 152.105(C)

- (1) Protects against and minimizes any undesirable effects upon contiguous and nearby property.

The submitted plan complies with this requirement. The building has been designed in a manner to limit negative impacts on the Property's neighbors.

- (2) Provides sufficient off-street parking and loading facilities so that it will not be necessary to use the streets in the vicinity for this purpose.

The submitted plan complies with this requirement. The proposed garage parking will remain sufficient to serve the uses within the building. Parking has been provided in a convenient manner for both residents and guests, which will encourage the use of the garage.

- (3) Provides a sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood.

The submitted plan complies with this requirement. The tower portion of the building has been designed to help maximize neighboring views.

- (4) Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.

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As indicated by the submitted memos prepared by CPH Engineers and Kimley Horn and Associates, the impact of the proposed development will be accommodated by the existing roadway network and the Village's water and sewer system.

Loading Space Reduction. Pursuant to Section 152.044(E), the Village Commission may approve an exception to reduce the number of loading spaces where the character or use of the building "is such as to make unnecessary the full provision of parking or loading facilities." The proposed building will be high end, 54-unit multi-family building. As such, it has limited need for daily loading. Two loading spaces will be more than enough to serve the low-impact use of the building.

Variance Standards. The following are the Village's non-use variance review criteria, which apply to the requested setback variance for the porte cochere structure and the status of the compliance of the development with each requirement:

Section 152.0971(B)

- (1) The variance will be in harmony with the general appearance and character of the community;

The Village Code of Ordinances permits fabric canopies to locate in the front setback, but excludes other similar architectural features, such as the concrete eyebrow structure contemplated by the Applicant. A concrete eyebrow functioning to protect the drop off area of the building is a much superior and durable option for this development than a fabric canopy. It will allow for an attractive front area that will be in harmony with the neighborhood.

- (2) The variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

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The approval of the requested setback non-use variance will allow for a superior design of development and will present no negative impact on the public welfare.

- (3) The improvement is designed and arranged on the site in a manner that minimizes aerial and visual impact on the adjacent residences.

The improvement has been designed to fully integrate with the building in a harmonious manner.

Village's Site Plan Review Criteria. The following are the Village's site plan review criteria and the status of the compliance of the development with each requirement:

Section 152.105(C)

- (a) Protects against and minimizes any undesirable effects upon contiguous and nearby property.

The submitted plan complies with this requirement. The building has been designed in a manner to limit negative impacts on the Property's neighbors.

- (b) Provides sufficient off-street parking and loading facilities so that it will not be necessary to use the streets in the vicinity for this purpose.

The submitted plan complies with this requirement. The proposed garage parking will remain sufficient to serve the residential use within the building.

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(c) Provides a sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood.

The submitted plan complies with this requirement.

(d) Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.

As indicated by the submitted expert reports, the impact of the proposed development will be accommodated by the existing roadway network and the water and sewer system, as currently contemplated to be expanded by the Village.

Village's Design Standards. As you know, the Village adopted a set of urban design standards codified in Section 155 of the Village Code. The following are the relevant design standards and the status of the compliance of the development with each requirement.

We believe that the proposed development is generally consistent with the requirements, although a minor divergence will be necessary to accommodate trash loading. As you know, the design standards are guidelines intended to be applied where "reasonable and practicable." As explained below and on the submitted plans, the proposed design of the trash pick-up area is consistent with the limited needs of a 54 unit multi-family building.

Section 155.03

Building and site design relationships shall conform to the following standards

1. Buildings or structures located along strips of land or on single sites and not part of a unified multi-building complex shall strive to achieve visual harmony with the surroundings.

The submitted plan complies with this requirement.

2. Retail or office establishments, which are located on corners, are recommended to place windows on each wall that faces a street, parking area or driveways.

This requirement is inapplicable to the Property.

3. In the case of buildings with multiple storefronts and shopping centers with out-parcel development, facade treatment shall be coordinated. Such facade treatments include: building colors, windows, storefronts, signage and awnings.

This requirement is inapplicable to the Property

4. All vending machines, any facility dispensing merchandise, or a service on private property shall be confined to a space built into the building or buildings, or enclosed in a separate structure compatible with the main building.

This requirement is inapplicable to the Property.

5. When garage structures are provided, such shall be designed to incorporate a decorative grid treatment into the structure's facade at ground level.

The parking structure complies with this requirement.

6. Storefronts shall have easily identifiable entrances.

This requirement is inapplicable to the Property.

7. Window displays shall be done in such a manner as to capture the pedestrians' customers' attention, establishing a positive and professional image for the business, and informing the potential customers of the merchandise.

This requirement is inapplicable to the Property.

8. "Take out" or "pick up" windows for retail or other establishments shall not be located on a building facade that faces a public right-of-way, unless they are designed in such a manner as to be an aesthetic asset to the building and neighborhood.

This requirement is inapplicable to the Property.

9. Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grills and shall be painted in muted colors or match the building and shall not be visible from the street.

The submitted plan complies with this requirement.

10. All service bays, mechanical (HVAC) equipment and delivery areas shall be located away from and not visible from the streets, waterways, sidewalks and adjacent properties.

The submitted plan complies with this requirement; all service bays, HVAC equipment, and similar areas will be hidden from public view. The trash room will be fully enclosed. Given the nature of the development, garbage pick-up and deliveries will be limited.

11. Service bays, ground-mounted air conditioning units and other mechanical equipment shall be buffered and completely screened from public and on-site pedestrian view.

The submitted plan complies with this requirement

12. Exterior service bays and delivery areas shall not be used for the storage of vehicles or materials.

The development will comply with this requirement.

13. The sale, dismantling or servicing of any vehicles, equipment, materials, or supplies shall not take place within the service area or delivery area.

The development will comply with this requirement.

14. Driveways and loading spaces associated with exterior service bays shall be so that vehicles using the space do not hinder the use of traffic lanes, streets, or adjacent properties.

The submitted plan complies with this requirement. The loading and service area will be located in a manner that does not impede traffic on the Property or on the neighboring parcels. Sufficient stacking area has been provided for parking and drop off areas.

15. Pre-fabricated homes are prohibited in new construction.

This requirement is inapplicable to the Property.

16. Fences shall be made of wrought iron or aluminum bars with intermittent posts. Masonry walls are also permitted, with forty (40) percent of the wall opaque. Chain link fences and privacy wood fences are prohibited along the Corridors. Sharp projections, barbed wire or other hazardous materials are not permitted as any part of a fence or wall. Wrought iron and aluminum bar fences shall be either black, white or match the color of the building. Masonry walls shall match the building

color or reflect Florida coastal themes. Color shall be muted tones.

The submitted plan complies with this requirement.

17. Temporary construction shall be enclosed by black vinyl coated chain-link fences. Construction walls/fences are encouraged to contain art work and graphics. Commercial advertisements are prohibited.

The development complies with this requirement.

18. Reflective/mirrored glass shall be discouraged.

The submitted plan complies with this requirement.

19. Buildings shall not have unfinished surfaces visible to the public.

The submitted plan complies with this requirement.

Section 155.04 New Construction.

A. Buildings should have a recognizable entrance facing the public street.

1. Design and location of balconies should reinforce the building form.
2. All projects should consider the overall form, and detail of the building. Box buildings are discouraged.

The submitted plan complies with these requirements. The building features changes in material and in plane that will create the most attractive new building in the Village.

Section 155.05 Site Design Relationships

A. The coordination of facade components help establish an identity for an office building, industrial building or shopping plaza. Therefore, for all unified developments and shopping centers including principal buildings and out parcel development, all buildings and signage shall demonstrate compatibility in materials and consistency in style throughout all exterior elevations. The following standards shall apply to all new and substantial development. Buildings and signage shall demonstrate the following:

1. Compatibility with adjacent land uses in terms of scale and lot coverage.

The submitted plan complies with this requirement.

2. Utilize color schemes that blend with those of neighboring developments, as well as consistency in color schemes for the site. Accent colors and materials shall be chosen to enhance architectural detail.

The development will comply with this requirement.

3. In the case of buildings with multiple storefronts and shopping centers with out-parcel development, façade treatment shall be coordinated and have like details. Such façade treatments include: building colors, building, floors, storefront, signage, awnings, roof materials, and roof pitch.

This requirement is inapplicable to the Property.

4. Building signs shall be designed as integral architectural elements with proportions related to the surfaces to which they are attached.

The development will comply with this requirement at the time of sign approval.

Section 155.08 Bayview

- A. Buildings should provide view/light/breeze corridors to the bay.

The submitted plan complies with this requirement. Care has been taken to minimize the project's visual impact when viewed from West Drive in order to provide generous view corridors to Biscayne Bay. As noted above, the northern setback is forty-eight (48) feet.

- B. Building pedestal should not form continuous sheer wall along the bay. Decorative surfaces, multi-level decks, berming and sufficient setbacks shall reduce the impact of the pedestal.

The submitted plan complies with this requirement.

- C. Buildings should be designed with distinctive form. Stepped form and distinctive roof lines create a more interesting skyline and increase building recognition.

The submitted plan complies with this requirement.

- D. Pool decks should include landscaping to provide shade and tropical image.

The submitted plan complies with this requirement.

- E. All projects shall provide bay walkways along the rear of the property, which can be connected to other properties.

The submitted plan complies with this requirement.

Section 155.14 Landscaping

(A) Landscaping should compliment the old Florida/Maritime theme, using native plant materials and street furnishings that carry the theme, and provide continuity throughout the district. In addition, public safety will be a priority using the principles of CPTED to create high visibility areas and natural access control. With regards to landscape design for both new construction and existing buildings, the following should apply:

The submitted plan complies with this requirement.

(B) Ornamental trees or palms should be placed in front of buildings in such a manner as to provide visual transparency. Shade trees and palms shall be used adjacent to open spaces, parking lots, and residential streets. Planting areas shall be designed with multi-layers of plant material including shrubs and ground covers.

The submitted plan complies with this requirement.

1. Landscaping should compliment and enhance the overall architectural and design theme of the property, but not overpower it.

The submitted plan complies with this requirement.

2. Rhythm should be maintained along public streets through the uniform placement of trees.

The submitted plan complies with this requirement.

3. Blank walls greater than 25' in length and other unattractive areas of a site or building should be heavily screened with landscaping. Rooflines or storefronts of twenty-five (25) feet or greater shall be broken by vertical landscaping materials. Shade and accent trees planted at twenty (20) foot intervals shall be required to achieve this screening.

The submitted plan complies with this requirement. There are no "blank" walls in the proposed design.

4. Large parking areas and driveways shall be heavily landscaped along the perimeter and with interior and terminal islands.

The submitted plan complies with this requirement.

5. Landscape design should utilize the CPTED principles of natural surveillance, natural access control and territorial reinforcement.

The submitted plan complies with this requirement.

6. The use of native trees, shrubs and ground covers is encouraged to be incorporated into the landscaping around proposed developments. Local flora will be maintained as part of the built environment and the demand on our local water resources will be minimized.

The submitted plan complies with this requirement.

7. The placement and design of landscaping shall maximize visibility to provide natural surveillance.

The submitted plan complies with this requirement.

8. Landscape design shall incorporate with design of other physical features, such as sidewalk, pavements, lighting and fences; to emphasize public entrances, define and reinforce ownership of property.

The submitted plan complies with this requirement.

9. Tree and palm heights and spread shall allow sufficient visibility, not completely block views of/from doors, windows, and streets.

The submitted plan complies with this requirement.

10. Shrubs and ground cover shall be planted along public right-of-ways or around parking, and public open areas.

The submitted plan complies with this requirement.

11. Landscape design will utilize principles of xeriscape landscaping, while retaining the tropical beach resort atmosphere.

The submitted plan complies with this requirement.

12. Landscape plans must be drawn, signed and sealed by a Florida Registered Architect or Landscape Architect.

The submitted plan complies with this requirement.

13. In addition to the design standards, all landscaping shall meet the standards of the Village of North Bay Village Landscape Code.

The submitted plan complies with this requirement.

14. Landscaping in 15' line of site triangle at intersections of right-of-ways and at driveways shall conform to height clearances of bushes and trees, and maximum tree calipers in accordance with the Village Code.

The submitted plan complies with this requirement.

Section 155.17 Off-Street Parking and Loading

- A. Minimum off-street parking and loading requirements shall conform to the Village Code relating to Parking and Loading Requirements. The following criteria shall also be considered:
 1. Parking lots and other vehicular use areas are to be designed to be functional and aesthetically enhance neighborhood building, group of buildings, or facility they serve.

The submitted plan complies with this requirement.

2. Off-street loading areas shall be located where they will not disturb adjacent uses and should not be the visual focal point of a driveway, parking area, adjacent properties, or the right of way. This may be accomplished by providing any or a combination of the following: masonry wall extensions of the building line, opaque landscape screening, berming, and through selective placement or orientation of the loading area.

The submitted plan complies with this requirement. The Property's loading areas have been located in a manner to limit their impact on adjacent sites.

3. Developments which include out-parcels shall be designed to provide safe and efficient vehicular and pedestrian circulation within the out-parcel, between the out-parcel and the principle development and off-site. All pedestrian connections should be well marked and lighted.

The submitted plan complies with this requirement.

4. Sites requiring large areas of surface parking should attempt to distribute parking into smaller areas broken up by intervening areas of landscaping, open space and buildings wherever possible rather than aggregating parking into continuous street facing strips.

The limited surface parking area on the plan is surrounded by landscaped areas.

5. Parking areas must provide adequate drainage.

The submitted plan complies with this requirement.

6. With the exception of temporary parking lots, the landscaped areas of an at-grade parking lot should be defined with a six-inch curb.

The submitted plan complies with this requirement.

7. Parking garages and structures shall contain commercial use on the ground floor and architectural detailing so not to appear as a garage on elevations facing the street.

The submitted plan complies with this requirement. The parking areas within the garage will be essentially invisible to the street.

8. Multiple levels of parking structures should be parallel to grade on waterfront elevations.

The submitted plan complies with this requirement.

9. Stairways and elevators should be glass enclosed or open clearly visible to the street or other populated areas to prevent vandalism.

The submitted plan complies with this requirement.

10. Ramps, stairwells and any other portion of the garage should be buffered with the use of decorative grilles and screens.

The submitted plan complies with this requirement. The proposed garage will be completely screened.

Section 155.18 Dumpster Enclosures, Garbage / Mechanical Equipment Rooms

A. Mechanical equipment is necessary to the function of the buildings, which comprise a successful development. Unfortunately, space must be found for components that are sometimes large, noisy and unsightly. Mechanical equipment, particularly when added after the building is in use, can interrupt the streetscape and public views, decreasing the comfort and livability throughout the area. Enclosures and Mechanical Rooms shall conform to the following criteria:

1. When associated with a restaurant and/or drinking use, trash and garbage facilities are recommended to be within an enclosed, air-conditioned garbage room for new construction or when buildings are being substantially rehabilitated, if feasible.

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The development will comply with this requirement. The proposed trash room serving the project will be located in the western portion of the building.

2. When located outside of the building, the facilities are preferred to be enclosed within a CBS opaque structure. The structure (including opaque gates) shall be painted to match the building, unless otherwise required by a special use district.

This requirement is inapplicable to the Property.

3. Dumpster enclosures shall be designed in a manner as to visually screen the dumpster from adjacent view and shall be located in visually obscure areas of the site.

The submitted plan complies with this requirement as the dumpster enclosure will be an enclosed trash room within the building.

4. Dumpster enclosures shall be placed in such a manner as to allow front end loader sanitation trucks to pick up garbage in a forward motion. Backing out the sanitation truck is prohibited.

The limited size of the Property, along with the Applicant's desire to keep as much open space as possible along the street has led the Applicant to design a loading solution that will required either rear loading garbage access or the trucks to back out of the Property. Given the relatively low impact of trash pick-up from an exclusively residential building, we expect that this design choice will benefit the surrounding area.

5. Roof-mounted mechanical equipment and elevator shafts shall be screened by a parapet wall or grilles, and shall be painted in muted colors or match the building, and shall not be visible from the street.

The submitted plan complies with this requirement.

6. All service bays, mechanical (HVAC) equipment and delivery areas should be located away from and not visible from the streets, waterways, sidewalks, and adjacent properties.

The submitted plan complies with this requirement.

7. Service bays, ground-mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered.

The submitted plan complies with this requirement.

8. Exterior service bays and delivery areas should not be used for the storage of vehicles or materials.

The development will comply with this requirement.

Section 155.19 Awnings and Canopies

- A. Pedestrian related concerns are a priority in the creation of a successful development. Overhead protection from rain and sun should be provided for pedestrians. Awnings have an impact on the appearance of the storefront and building and tend to bring pedestrians closer to shop windows and entrances. Consideration shall be given to the following where applicable:
 1. Buildings/storefronts should have awnings or other means to provide pedestrians with sun/rain protection unless physically unsuited.

The submitted plan complies with this requirement. Our requested variance will allow for superior sun and rain protection.

2. Continuous awnings over several stores are prohibited. Individual awnings should be distinct from its adjacent neighbor. When multiple awnings are attached to one building, awnings shall be of identical height and depth.

This requirement is inapplicable to the Property.

3. Backlit awnings are prohibited. These awnings, because of their high visibility, become attention getting devices - such as a sign, rather than means to provide comfort and protection for the pedestrian. Such awnings overwhelm the appearance of the buildings they are attached to, detracting from architectural qualities. Awnings that incorporate subtle down-lighting in a manner which creates a discreet peripheral washing of the awning, may be appropriate in some instances. High gloss vinyl (plastic) awning, backlit and metal awnings are not permitted.

The submitted plan complies with this requirement. There are no backlit awnings proposed in the development.

4. Metal awnings should be contemporary in design and shall be subject to the same restrictions and guidelines as other awning materials.

There are no metal awnings proposed for the development.

5. Awnings shall be maintained in good repair, free from tears, fading or peeling. Awnings may be supported by poles and connected to the building underneath. Awnings needing vertical support columns are prohibited in the setback area.

The submitted plan complies with this requirement.

6. The awnings on corner buildings shall continue around the corner for compatibility with building form and pedestrian patterns, wherever possible.

The submitted plan complies with this requirement.

7. Signs on awnings/canopies are prohibited.

The submitted plan complies with this requirement.

8. Awnings shall not to be used where there is an existing projecting concrete sunscreen, except that a vertical awning valance may be suspended below the sunscreen with a clear height of 8 feet above the sidewalk.

The submitted plan complies with this requirement.

9. Awnings should utilize color schemes that blend with those of neighboring developments as well as consistency in color schemes for the site. Accent colors should be chosen to enhance architectural details. Solid color and broad striped fabric patterns are preferred.

The submitted plan complies with this requirement.

Landscape Maintenance. As required by Chapter 18A of the Miami-Dade County Code, the Applicant will be submitting a full irrigation plan at the time of permit. The landscaping, as required by code, will be irrigated on a regular basis.

The landscaping, once installed, shall be maintained under the following schedule:

Frank Rollason
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A. Lawn/Grass

- 1) Cut bimonthly as required.
- 2) Fertilize and weed control as necessary.
- 3) Treat for pests and/or diseases as necessary.

B. Trees/Shrubs

- 1) Trim, fertilize and treat for pests as needed.
- 2) Replace as required.

Conclusion. We look forward to the Village's review and recommendation on the application. If you have questions or concerns, please call me at (305) 377-6229.

Sincerely,

A handwritten signature in black ink, appearing to read 'Graham Penn', with a stylized flourish at the end.

Graham Penn



North Bay Village

Administrative Offices

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

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

SITE PLAN APPLICATION FOR PUBLIC HEARING

Page 1 of 3

Site Address **7918 West Drive**

Owner Name **P&O Global Technologies, Inc.** Owner Phone # **see contact**

Owner Mailing Address **see contact**

Applicant Name **see contact** Applicant Phone # **see contact**

Applicant Mailing Address **see contact**

Contact Person **Graham Penn** Contact Phone # **305 377 6229**

Contact Email Address **gpenn@brzoninglaw.com**

Legal Description of Property **Lots 14, 16, 18 of the Harbor Island Subdivision, Recorded in Plat Book 44, Page 72 of the Public Records of Miami-Dade County, Florida**

Existing Zoning **RM-70** Proposed Zoning **RM-70** Lot Size **0.77 acres**

Folio Number **23-3209-001-0160**

Project Description **54 unit multifamily development**

Mandatory Submittals (Applicant must check that each item is included with this application)

- Property survey
- Site plans which depict:
 - North point
 - Scale at 1/16 inch to the foot, or larger
 - Date of preparation
 - Existing and proposed easements
 - Existing and proposed utilities
 - Property lines
 - Location of streets, alleys and ROW
 - Structures
 - Mechanical equipment
 - Parking and loading spaces
 - Fences
 - Signs
 - Exterior Lighting
 - Any other physical features
- Floor plans including
 - Layout of each level
 - Layouts for each dwelling unit type
 - Parking and loading space dimensions
 - Width of drive aisles
- Elevations
- Tabular project summary indicating:
 - Total acreage
 - Dwelling units per acre
 - Number of bedrooms per dwelling unit
 - Number of each dwelling unit type
 - Pervious surface area
 - Open space
 - Structure setbacks
 - Off-street parking and loading spaces
 - Floor area of each dwelling unit type
 - Floor area of each commercial use
 - Gross floor area
 - Building height
 - Floor area ratio
- Landscape plan
- Analysis of Services
 - Potable water
 - Sanitary Sewer
 - Traffic
- Application fees
- Cost recovery deposit

SITE PLAN APPLICATION FOR PUBLIC HEARING

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Applications are incomplete until all mandatory submittals have been received by the Village Clerk.

All requests for site plan approval from the North Bay Village Code shall be considered at Public Hearings before the Planning & Zoning Board and/or the Village Commission. Notice of Hearing 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 Village Clerk shall certify that the application is complete before the hearing is legally advertised. All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

All persons, firms, or corporations requesting site plan approval from the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village Clerk shall be deemed a condition precedent to the consideration of such a request, pursuant to Section 152.110 of the Village Code.

All new and substantial improvements must comply with the Florida Building Code, Department of Environmental Resource Management (DERM), and FEMA regulations.

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 North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held and the Village Commission has voted favorable on the proposed request.

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and Zoning Board and the Village Commission pursuant to the Village 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 Village Commission revoked.

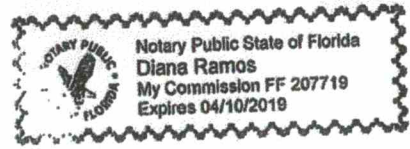
Authorized Signature _____
Print Name **Graham Penn**

(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 9 day of August, 2017,
by Graham Penn
who is personally known to me or who has produced _____ as identification.

Notary Public Signature _____
Commission Number/Expiration _____



SITE PLAN APPLICATION FOR PUBLIC HEARING

Page 3 of 3

Office Use Only:

Date Submitted: _____

Tentative Meeting Date: _____

Fee Paid: \$ _____

Cash or Check # _____

Date Paid: _____



North Bay Village

Administrative Offices

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

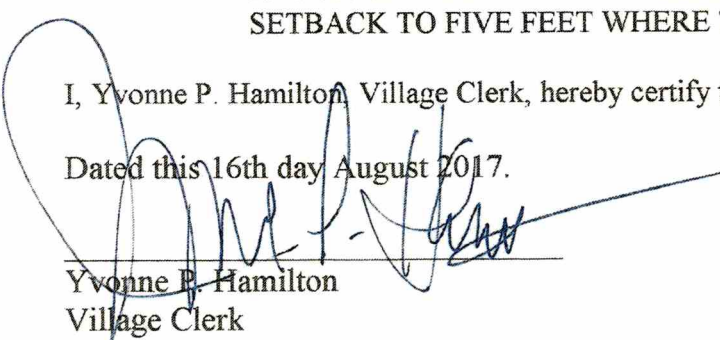
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

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

- A. SITE PLAN APPROVAL PURSUANT TO SECTION 152.105(C)(9) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES FOR DEVELOPMENT OF A 54 UNIT, 240 FEET MULTI-FAMILY RESIDENTIAL STRUCTURE.
- B. BUILDING HEIGHT BONUS APPROVAL PURSUANT TO SECTION 152.029(C)(8)(A) THROUGH 8(F) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
- C. BONUS DENSITY PURSUANT TO SECTION 152.029(C)(8)(H) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES.
- D. A SPECIAL USE EXCEPTION PURSUANT TO SECTIONS 152.042(E) AND 152.098 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW 29 OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
- E. A WAIVER ACCORDING TO SECTION 152.044(E) OF NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT TWO LOADING SPACES, INSTEAD OF THE THREE REQUIRED FOR THE DEVELOPMENT.
- F. A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO ALLOW THE CONSTRUCTION OF A PORTE COCHERE TO REDUCE THE REQUIRED FRONT YARD SETBACK TO FIVE FEET WHERE TWENTY FIVE FEET IS REQUIRED.

I, Yvonne P. Hamilton, Village Clerk, hereby certify that that the petition filed hereto is correct.

Dated this 16th day August 2017.


Yvonne P. Hamilton
Village Clerk

(North Bay Village Planning & Zoning Board Meeting – September 5, 2017.)

Mayor
Connie Leon-Kreps

Commissioner
Jose Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

Commissioner
Eddie Lim

63

217



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

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

- A. SITE PLAN APPROVAL PURSUANT TO SECTION **5.4(C)** OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE FOR DEVELOPMENT OF A 54 UNIT, 240 FEET MULTI-FAMILY RESIDENTIAL STRUCTURE.
- B. BUILDING HEIGHT BONUS APPROVAL PURSUANT TO SECTION **8.10(D)(5)** OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE.
- C. BONUS DENSITY PURSUANT TO SECTION **8.10(D)(6)** OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE.
- D. A SPECIAL USE EXCEPTION PURSUANT TO SECTION **9.3(E)(5)** OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE TO ALLOW 29 OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
- E. A WAIVER ACCORDING TO SECTION **9.3(D)(2)** OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE TO PERMIT TWO LOADING SPACES, INSTEAD OF THE THREE REQUIRED FOR THE DEVELOPMENT.
- F. A VARIANCE PURSUANT TO SECTION **152.0971** OF THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE TO ALLOW THE CONSTRUCTION OF A PORTE COCHERE TO REDUCE THE REQUIRED FRONT YARD SETBACK TO FIVE FEET WHERE TWENTY FIVE FEET IS REQUIRED.

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

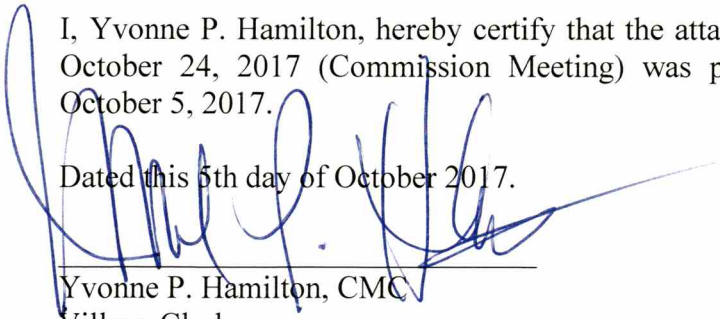
Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

I, Yvonne P. Hamilton, hereby certify that the attached Notice of Public Hearing to be held on October 24, 2017 (Commission Meeting) was posted at the above-referenced property on October 5, 2017.

Dated this 5th day of October 2017.



Yvonne P. Hamilton, CMC
Village Clerk



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

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

- A. SITE PLAN APPROVAL PURSUANT TO SECTION **5.4(C)** OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE FOR DEVELOPMENT OF A 54 UNIT, 240 FEET MULTI-FAMILY RESIDENTIAL STRUCTURE.
- B. BUILDING HEIGHT BONUS APPROVAL PURSUANT TO SECTION **8.10(D)(5)** OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE.
- C. BONUS DENSITY PURSUANT TO SECTION **8.10(D)(6)** OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE.
- D. A SPECIAL USE EXCEPTION PURSUANT TO SECTION **9.3(E)(5)** OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE TO ALLOW 29 OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
- E. A WAIVER ACCORDING TO SECTION **9.3(D)(2)** OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE TO PERMIT TWO LOADING SPACES, INSTEAD OF THE THREE REQUIRED FOR THE DEVELOPMENT.
- F. A VARIANCE PURSUANT TO SECTION **152.0971** OF THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE TO ALLOW THE CONSTRUCTION OF A PORTE COCHERE TO REDUCE THE REQUIRED FRONT YARD SETBACK TO FIVE FEET WHERE TWENTY FIVE FEET IS REQUIRED.

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

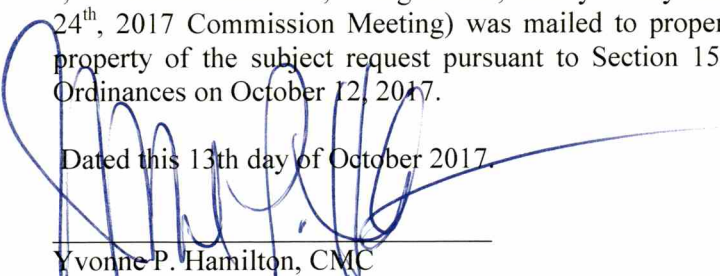
Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

I, Yvonne P. Hamilton, Village Clerk, hereby certify that the attached Notice of Public Hearing (October 24th, 2017 Commission Meeting) 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 North Bay Village Code of Ordinances on October 12, 2017.

Dated this 13th day of October 2017.



Yvonne P. Hamilton, CMC
Village Clerk



NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, OCTOBER 24, 2017** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING REQUESTS:

1. AN APPLICATION BY P&O GLOBAL TECHNOLOGIES, INC. CONCERNING PROPERTY LOCATED AT 7918 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
 - A. SITE PLAN APPROVAL PURSUANT TO SECTION **5.4(C)** OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE FOR DEVELOPMENT OF A 54 UNIT, 240 FEET MULTI-FAMILY RESIDENTIAL STRUCTURE.
 - B. BUILDING HEIGHT BONUS APPROVAL PURSUANT TO SECTION **8.10(D)(5)** OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE.
 - C. BONUS DENSITY PURSUANT TO SECTION **8.10(D)(6)** OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE.
 - D. A SPECIAL USE EXCEPTION PURSUANT TO SECTION **9.3(E)(5)** OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE TO ALLOW 29 OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
 - E. A WAIVER ACCORDING TO SECTION **9.3(D)(2)** OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE TO PERMIT TWO LOADING SPACES, INSTEAD OF THE THREE REQUIRED FOR THE DEVELOPMENT.
 - F. A VARIANCE PURSUANT TO SECTION **152.0971** OF THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE TO ALLOW THE CONSTRUCTION OF A PORTE COCHERE TO REDUCE THE REQUIRED FRONT YARD SETBACK TO FIVE FEET WHERE TWENTY FIVE FEET IS REQUIRED.

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 COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141. THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS 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 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.

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

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME AS NECESSARY, AS DETERMINED BY THE VILLAGE COMMISSION.

YVONNE P. HAMILTON, CMC
VILLAGE CLERK

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

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

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

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

Owner/Occupant
360 Harbor Island Drive, #1
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Owner/Occupant
360 Harbor Island Drive, #6
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360 Harbor Island Drive, #2
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360 Harbor Island Drive, #7
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360 Harbor Island Drive, #14
N. Bay Village, FL 33141

Owner/Occupant
7900 Harbor Island Drive, #1418
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7900 Harbor Island Drive, #619
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7900 Harbor Island Drive, #625
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N. Bay Village, FL 33141

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7900 Harbor Island Drive, #611
N. Bay Village, FL 33141

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

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

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

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

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

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

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

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

Owner/Occupant
7900 Harbor Island Drive, #PH14
N. Bay Village, FL 33141

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Owner/Occupant
7900 Harbor Island Drive, #528
N. Bay Village, FL 33141

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Owner/Occupant
7900 Harbor Island Drive, #1510
N. Bay Village, FL 33141

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

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

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

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

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

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

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

Owner/Occupant
7900 Harbor Island Drive, #1202
N. Bay Village, FL 33141

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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, #302
 North Bay Village, FL 33141

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

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

Owner/Occupant
 7914 Harbor Island Drive, #106
 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, #201
 North Bay Village, FL 33141

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

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

Owner/Occupant
 7914 Harbor Island Drive, #301
 North Bay Village, FL 33141

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

Owner/Occupant
 7914 Harbor Island Drive, #202
 North Bay Village, FL 33141

Owner/Occupant
 7914 Harbor Island Drive, #305
 North Bay Village, FL 33141

Owner/Occupant
 7914 Harbor Island Drive, #203
 North Bay Village, FL 33141

Owner/Occupant
 7914 Harbor Island Drive, #205
 North Bay Village, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 1
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 2
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 3
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 4
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 5
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 11
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 12
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 14
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 15
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 16
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 22
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 23
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 24
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 25
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 26
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 19
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 20
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 21
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 27
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 28
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 29
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 30
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 31
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 6
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 7
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 8
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 9
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 10
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 17
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7917 WEST DR., APT 18
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7921 WEST DR., APT 1
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7921 WEST DR., APT 2
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7921 WEST DR., APT 3
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7921 WEST DR., APT 4
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7921 WEST DR., APT 5
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7921 WEST DR., APT 6
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7921 WEST DR., APT 7
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7921 WEST DR., APT 8
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 1
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 2
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 3
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 4
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 5
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 6
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 7
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 8
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 9
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 10
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 11
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 12
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 14
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 15
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 16
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 17
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 18
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 19
N. BAY VILLAGE, FL 33141

BUSINESS MANAGER
OFFICE
7925 WEST DR.
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 20
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 21
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 22
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 23
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 24
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., APT 25
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., SLIP 1
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., SLIP 2
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., SLIP 3
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7925 WEST DR., SLIP 4
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7927 WEST DR., APT 7
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7927 WEST DR., APT 8
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 301
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 302
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 303
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 304
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 305
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 306
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 307
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 308
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 309
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 310
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 311
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 401
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 402
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 403
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 404
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 405
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 406
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 407
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 408
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 409
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 410
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 411
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 501
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 502
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 503
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 504
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 505
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 506
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 507
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 508
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 509
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 510
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 511
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 601
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 602
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 603
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 604
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 605
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 606
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 607
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 608
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 609
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 610
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 611
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 701
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 702
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 703
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 704
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 705
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 706
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 707
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 708
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 709
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 710
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 711
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 801
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 802
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 803
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 804
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 805
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 806
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 807
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 808
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 809
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 810
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 811
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 901
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 902
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 903
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 904
N. BAY VILLAGE, FL 33141

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7928 WEST DR., APT 905
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7928 WEST DR., APT 906
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7928 WEST DR., APT 907
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7928 WEST DR., APT 908
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7928 WEST DR., APT 909
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 910
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 911
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 1001
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 1002
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 1003
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 1004
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 1005
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OWNER/OCCUPANT
7928 WEST DR., APT 1006
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7928 WEST DR., APT 1007
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 1008
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 1009
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 1010
N. BAY VILLAGE, FL 33141

OWNER/OCCUPANT
7928 WEST DR., APT 1011
N. BAY VILLAGE, FL 33141



**NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, OCTOBER 24, 2017** AT 7:30 P.M. OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING REQUESTS:

1. AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKE FOR CONSTRUCTION OF A NEW DOCK AND BOATLIFT AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE AND THE APPROVAL OF A WAIVER PURSUANT TO SECTION 150.11(A) AND 150.11(G) TO EXTEND THE DOCK FARTHER THAN 25 FEET FROM THE SHORELINE.
2. APPLICATIONS BY KIRK LOHREIN FOR INSTALLATION OF NEW BOATLIFTS AND BOARDING PLATFORMS ON AN EXISTING DOCK IN SLIPS B-63, B-90, B92, AND C-106 AT THE COMMERCIAL MARINA AT 7601 E. TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE.
3. AN APPLICATION BY P&O GLOBAL TECHNOLOGIES, INC. CONCERNING PROPERTY LOCATED AT 7918 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
 - A. SITE PLAN APPROVAL PURSUANT TO SECTION 54(C) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE FOR DEVELOPMENT OF A 34 UNIT, 240 FEET MULTI-FAMILY RESIDENTIAL STRUCTURE.
 - B. BUILDING HEIGHT BONUS APPROVAL PURSUANT TO SECTION 8.10(D)(5) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE.
 - C. BONUS DENSITY PURSUANT TO SECTION 8.10(D)(6) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE.
 - D. A SPECIAL USE EXCEPTION PURSUANT TO SECTION 9.34(E)(5) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE TO ALLOW 29 OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
 - E. A WAIVER ACCORDING TO SECTION 9.34(D)(2) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE TO PERMIT TWO LOADING SPACES, INSTEAD OF THE THREE REQUIRED FOR THE DEVELOPMENT.
 - F. A VARIANCE PURSUANT TO SECTION 152.09(7) OF THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE TO ALLOW THE CONSTRUCTION OF A PORTE COCHERE TO REDUCE THE REQUIRED FRONT YARD SETBACK TO FIVE FEET WHERE TWENTY FIVE FEET IS REQUIRED.
4. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING THE NORTH BAY VILLAGE 1987 COMPREHENSIVE PLAN AS AMENDED BY REVISING THE COASTAL MANAGEMENT ELEMENT: AMENDMENT TO THE COASTAL HIGH HAZARD AREA MAP, AS MANDATED BY FLORIDA STATUTES 163.3178; IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163, FLORIDA STATUTES; AUTHORIZING TRANSMITTAL OF THESE AMENDMENTS TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL, STATE LAND PLANNING AGENCY, AND OTHER APPLICABLE AGENCIES FOR REVIEW AND COMMENT AS REQUIRED BY FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. *(Second Reading)*

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 COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141. THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS 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 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.

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

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME AS NECESSARY, AS DETERMINED BY THE VILLAGE COMMISSION.

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(October 3, 2017)



North Bay Village

Administrative Offices

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


Tel: (305) 756-7171 Fax: (305) 756-7722 Website:

www.nbvillage.com

MEMORANDUM
North Bay Village

DATE: October 13, 2017

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: Frank K. Rollason 
Village Manager

SUBJECT: Introduction of Resolution

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

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY P&O GLOBAL TECHNOLOGIES, INC. FOR SITE PLAN APPROVAL PURSUANT TO SECTION 5.4(C) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE FOR DEVELOPMENT OF A 54-UNIT, 240 FEET IN HEIGHT, MULTIPLE-FAMILY RESIDENTIAL STRUCTURE AT 7914, 7916, AND 7918 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA; PROVIDING FOR FINDINGS; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

FKR:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

244

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA APPROVING A REQUEST BY P&O GLOBAL TECHNOLOGIES, INC. FOR SITE PLAN APPROVAL PURSUANT TO SECTION 5.4(C) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE FOR DEVELOPMENT OF A 54-UNIT, 240 FEET IN HEIGHT, MULTIPLE-FAMILY RESIDENTIAL STRUCTURE AT 7914, 7916, AND 7918 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA; PROVIDING FOR FINDINGS; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

WHEREAS, pursuant to Section 5.4(C) of the North Bay Village Unified Land Development Code, Global Technologies, Inc. has applied to North Bay Village for approval of a Site Plan to construct a 54-unit, 240 feet in height, multiple-family residential structure in the RM-70 (High Density Multiple-Family) Zoning District, utilizing the bonus height and bonus density provisions pursuant to Sections 8.10(D)(5) and 8.10(D)(6); and a waiver according to Section 9.3(D)(2) to permit two loading spaces, instead of the three required for this development; and

WHEREAS, Section 5.8(B)(9) and Section 4.9(B)(2) of the North Bay Village Unified Land Development Code set forth the authority of the Village Commission to consider and act upon an application for Site Plan approval; and

WHEREAS, in accordance with Section 4.4 of the North Bay Village Unified Land Development, a public hearing by the Planning and Zoning Board was noticed for September 5, 2017 at 7:30 P.M. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request with conditions; and

WHEREAS, in accordance with Section 4.4 of the North Bay Village Unified Land Development Code, a public hearing by the Village Commission was noticed for October 24, 2017 at 7:30 p.m. at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission.

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

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Finding.

In accordance with Section 5.8(B)(9) of the Village Code, the Village Commission finds that the proposed Site Plan for construction of a 54-unit, 240 feet in height, multi-family

residential structure at 7914, 7916, and 7918 West Drive:

- A. Protects against and minimizes any undesirable effects upon contiguous and nearby property.
- B. Provides sufficient off-street parking and loading facilities so that it will not be necessary to use the streets in the vicinity for this purpose.
- C. Provides sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood.
- D. Can be accommodated by existing community roads, services, and utilities, or the necessary additions are provided by the developer.

Section 3. Grant.

The Site Plan to construct a 54 unit, 240 feet in height, multi-family residential structure at 7916, 7914, and 7918 West Drive, North Bay Village, Florida, as submitted to the Village Clerk on August 9, 2017 is hereby approved.

Section 4. Conditions.

The Site Plan is approved with the condition that the following items are met prior to issuance of a Building Permit:

- 1) Submittal of an irrigation plan which meets Miami-Dade Chapter 18A requirements
- 2) Submittal of a landscape plan which meets Miami-Dade Chapter 18A requirements
- 3) The public access easement and baywalk easement must be dedicated and recorded. Applicant shall agree, in writing, that the baywalk shall be open to the public daily, during hours to be determined by the Village; and baywalk lighting shall remain on while boardwalk is open to the public.
- 4) Site plan approval from Miami-Dade Shoreline Review Committee.
- 5) Meeting School Board Concurrency requirements as determined by School Board Staff.
- 6) Payment of any applicable impact fees.

- 7) Payment of bonus density fees, as required under Section 8.10(D)(6).
- 8) Payment of bonus height fees, as required under Sections 8.10(D)(5).
- 9) Payment of proportionate share of costs for transportation facility improvements.
- 10) Tie-in to Village's wastewater system at a Village designed location (proposed connection point) and payment of pro-rata costs involved in tying into appropriate connection point.
- 11) Cost recovery charges must be paid pursuant to Section 5.12. Specifically, no new development application shall be accepted and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
- 12) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 13) Approval of this site plan does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
- 14) All applicable state and federal permits must be obtained before commencement of construction.
- 15) Each dwelling unit must be assigned at least two parking spaces. Parking spaces may not be sold or leased to non-residents. Owners may not sell parking spaces except in conjunction with the sale of a dwelling unit.
- 16) Applicant shall not lease or sell parking spaces.
- 17) Applicant shall not charge for guest parking.
- 18) Staging of construction materials shall occur off-site, and not on the public right-of-way.
- 19) Residents and guests of this development shall not utilize street parking and may only use the required parking within the building.

Section 5. Appeal.

In accordance with Section 4.6 of the North Bay Village Unified Land Development Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 6. Violation of Conditions.

Failure to adhere to the terms and conditions contained in this Resolution in Section 4, if any, shall be considered a violation of this Resolution and persons found violating the conditions shall be subject to the penalties prescribed by the Village Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Village Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Village at any time upon a determination that the Applicant is in non-compliance with the Village Code.

Section 7. Effective Date.

This Resolution shall become effective upon its adoption.

The foregoing Resolution was offered by _____, who moved for its adoption.

This motion was seconded by _____, and upon being put to a vote, the vote was as follows:

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps	_____
Vice Mayor Eddie Lim	_____
Commissioner Jose Alvarez	_____
Commissioner Dr. Douglas N. Hornsby	_____
Commissioner Andreana Jackson	_____

PASSED AND ADOPTED this 24th day of October 2017.

Mayor Connie Leon-Kreps

Attest:

Yvonne P. Hamilton, CMC
Village Clerk

APPROVED AS TO FORM:

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

North Bay Village Resolution: 7914, 7916, and 7918 West Drive Site Plan Approval

Memorandum

To: North Bay Village Commission Members
From: James G. LaRue, AICP
Date: June 19, 2017
Subject: Text Amendment to the Coastal Management Element of the Comprehensive Plan

This item before the Commission is an Amendment to the Coastal Management Element of the North Bay Village Comprehensive Plan, which is necessary due to a 2015 Florida legislative rule change known as "Peril of Flood" (Section 163.3178, F.S.). North Bay Village was chosen by the South Florida Regional Planning Council (SFRPC) as a "pilot community" to be included in a Community Planning Technical Assistance Grant that the SFRPC received from the State. The grant focuses on helping Florida communities find creative solutions to combat the impacts of storm surge and sea level rise, while protecting the functioning of important State resources. The SFRPC has used this grant to provide the requisite data and analysis and the resulting amended policy language. The LaRue Planning staff worked alongside the SFRPC to ensure the proposed amendment will provide helpful policy changes while also meeting the statutory requirements of Section 163.3178, F.S. Attached is a summary prepared by the SFRPC outlining the changes we are undertaking in the Plan Amendment package. The Planning & Zoning Board reviewed the proposed Amendment package and found it consistent with the Comprehensive Plan, recommending approval to the Village Commission at the May 2nd meeting.



Memorandum

To: Planning & Zoning Board Members
From: James G. LaRue, AICP
Date: April 20, 2017
Subject: Text Amendment to the Coastal Management Element of the Comprehensive Plan

This item before the Board is an Amendment to the Coastal Management Element of the North Bay Village Comprehensive Plan, which is necessary due to a 2015 Florida legislative rule change known as "Peril of Flood" (Section 163.3178, F.S.). North Bay Village was chosen by the South Florida Regional Planning Council (SFRPC) as a "pilot community" to be included in a Community Planning Technical Assistance Grant that the SFRPC received from the State. The grant focuses on helping Florida communities find creative solutions to combat the impacts of storm surge and sea level rise, while protecting the functioning of important State resources. The SFRPC has used this grant to provide the requisite data and analysis and the resulting amended policy language. The LaRue Planning staff worked alongside the SFRPC to ensure the proposed amendment will provide helpful policy changes while also meeting the statutory requirements of Section 163.3178, F.S. Attached is a summary prepared by the SFRPC outlining the changes we are undertaking in the Plan Amendment package. The Planning & Zoning Board will review the proposed Amendment package and make a Comprehensive Plan consistency recommendation to the Village Commission at the May 2nd meeting.



SUMMARY: Peril of Flood Amendment to North Bay Village's Coastal Management Element

Prepared by
South Florida Regional Planning Council (SFRPC)

The Florida State Legislature passed the Peril of Flood Act in 2015. This legislation placed new requirements for local governments to address flooding, including flooding from sea level rise. These requirements are incorporated in 163.3178(2)(f), Florida Statutes. This plan amendment is proposed to bring North Bay Village into compliance with this new state law.

Background on Peril of Flood and Components

SFRPC has evaluated North Bay Village's susceptibility to current and future flood risk and prepared a comprehensive plan amendment which enhances North Bay Village's response to Peril of Flood, fulfilling the requirements set forth by Senate Bill 1094¹. These 2015 Florida legislative changes, known as "Peril of Flood" (Section 163.3178, F.S.) specify requirements for the coastal management element required for local government comprehensive plans. The language directs coastal communities to include **redevelopment component** in their coastal management element which outlines the principles that must:

1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, storm water runoff, and the related impacts of sea-level rise.
2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by FEMA.
3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with Chapter 161.
6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by FEMA to achieve flood insurance premium discounts for their residents."

The redevelopment component shall be based on current research and local data, and be consistent with coastal resource plans prepared and adopted pursuant to general or special law. Innovative modeling tools and information are constantly being developed in terms of infrastructure and habitat impacts from future flood risk². This consideration provides for the translation of science to policy through comprehensive planning.

¹ SB 1094, Florida Senate (2015), *available at* <https://www.flsenate.gov/Session/Bill/2015/1094/BillText/Filed/PDF> (last visited March 30, 2017)

² See Erin L. Deady & Thomas Ruppert, *The Link Between Future Flood Risk and Comprehensive Planning*, 37 ELULS REPORTER 7, 10 (Sept. 2015), *available at*

Background on North Bay Village's Flood Risk

- North Bay Village is entirely within the AE FEMA Flood Zone Designation
- The current Coastal High-Hazard Area (CHHA) is mainly within about a ½ mile of roadway segments along the southwest corner of Treasure Island, mainly along Treasure Drive. Despite the installation of a pump at the corner where flooding is most extensive, tidal flooding was observed in this area during the King Tide Flooding in 2016. The Village has an RFP out to install backflow preventers on over 50 of their existing storm water outfalls.
- By 2030, the CHHA only widens the extent along existing areas or road segment currently within the CHHA, but by 2060, it may expand to large portions of both Treasure Island and North Bay Island.
- The entire extent of the Village is landward of the coastal construction control lines
- North Bay Village is investigating participation in the National Flood Insurance Program Community Rating System

North Bay Village's Peril of Flood Language Summary

Goal: Achieve a flood resistant community by: promoting protecting and adapting public infrastructure, services, natural systems and resources from climate change impacts; providing for a redevelopment component that outlines the principles that shall be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise as identified by the Peril of Flood legislation, (Section 163.3178, F.S.) and; continuing to coordinate with other agencies to address climate change at the local, County, Regional, State, Federal, and global levels.

Based upon modeling of current and future sea level rise, compounded with extreme tides, using the NOAA Sea Level Rise Inundation Methodology, the Village shall consider results from this project to identify potential impacts, and identify map areas vulnerable to these impacts. This shall include the identification of existing, pending, and proposed development and infrastructure potentially at risk due to current and future flood hazard.

Key Changes include:

- **Additions to Objective 8.1 on evacuation and hazard mitigation strategies**
 - Policy 8.1.10: Implement County’s Hurricane Procedures, to identify immediate actions necessary to protect the health, welfare, and safety of its residents.
 - Policy 8.1.11: Monitor updates to the Miami-Dade County Local Mitigation Strategy (LMS) and the Miami-Dade County Emergency Operations Plan procedures
- **Additions to Objective 8.4 on runoff reduction**
 - Policy 8.4.2: Reduce unpaved landscape and use native landscaping methods recommended by the County
- **Additions to Objective 8.6 on Coastal High Hazard Area Land Use and Infrastructure**
 - Policy 8.6.6: to integrate innovative climate adaptation and mitigation
- **Additions to Objective 8.7 on evaluate sea level rise risks of existing infrastructure**
 - Policy 8.7.1: to work with Southeast Florida Regional Climate Compact
 - Policy 8.7.6: to review Florida Department of Economic Opportunity’s “Community Resiliency Initiative: Planning for Sea Level Rise,”
 - Policy 8.7.7: to use NOAA methods for Sea Level Rise modelling
 - Policy 8.7.8: to participate in the Miami-Dade Water and Sewer Department’s “Resilient Utilities Coalition”
 - Policy 8.7.9: to utilize technical assistance from County, Regional, and State resources
 - Policy 8.7.10: to complete (in progress) lining of waterwater pipes by December 2017
 - Policy 8.7.11: to continue installing flap gates, sleeve valves and/or duckbill valves as appropriate



- **Additions to Objective 8.9 to achieve a flood resilient community (THIS IS THE KEY ONE) Assessments will inform redevelopment practices as identified by the Peril of Flood legislation, (Section 163.3178, F.S.)**
 - Policy 8.9.1: to evaluate Miami Dade County and other local government post-disaster guidelines and propose appropriate guidelines for post-disaster development
 - Policy 8.9.2: to implement development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas. These include but are not limited to cost effective solutions which will be explored in the supplemental data and analysis report
 - Policy 8.9.12: integrate adaptation strategies into Village the Land Development Code, and Comprehensive Plan.
 - Policy 8.9.13: continue to work with the South Florida Regional Planning Council and other agencies
 - Policy 8.9.14: continue to investigate participation in the National Flood Insurance Program Community Rating System

COASTAL MANAGEMENT ELEMENT Goals, Objectives, and Policies

GOAL: Protect human life and the environment and limit destruction in areas subject to natural disaster through implementation of hazard mitigation strategies.

To implement this goal, the Village has further established the following objectives and policies.

Objective 8.1: The Village shall continue to coordinate with Miami-Dade County Emergency Operations Center to provide ~~improve~~ hurricane warning notice and information about evacuation conditions for residents in order to maintain or reduce hurricane evacuation times ~~in accordance with the 1998 baseline time of twelve (12) hours.~~

Policy 8.1.1: The Village shall periodically update its Emergency Evacuation Assistance Program to identify and provide notice to citizens who require evacuation assistance.

Policy 8.1.2: The Village shall work with Miami-Dade Transit Authority to ensure adequate transportation is available to all citizens who require such assistance.

Policy 8.1.3: Continue the coordination program with Miami-Dade County on hurricane evacuation of the Village's citizens to County-wide shelters (from the pickup point on Treasure Island).

Policy 8.1.4: Upon posting of a hurricane watch, the Village shall contact Village residents identified through the special assistance survey conducted as per Policy 8.1.1 through e-mail and direct phone calls to urge evacuation and establish the need for evacuation assistance upon posting of a hurricane warning.

Policy 8.1.5: The Village shall coordinate with the County and the South Florida Regional Planning Council to reduce or maintain evacuation time to twelve (12) hours. The Village shall adopt an evacuation policy in concert with Miami-Dade County Emergency Operations Center which immediately informs residents when an evacuation order has been issued.

Policy 8.1.6: Critical evacuation roadway links shall receive high priority for annual maintenance and capital improvement expenditures.

Policy 8.1.7: Hurricane Storm Surge Evacuation Zones shall be the areas designated/delineated by Miami-Dade County, as requiring evacuation and/or early evacuation in any storm event impacting Zone B (Orange Zone). ~~The Village shall adopt an early evacuation policy that directs an early evacuation of all residents immediately upon posting of a hurricane warning and again once an evacuation order has been issued.~~

Policy 8.1.8: The Coastal High-Hazard Area, shall be defined as stated in Florida Statutes Chapter 163, as the areas below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, as described in Florida Statutes 163.3178(2)(h). The area defined should be based upon the most recently available data published by the Florida division of emergency management. ~~Hurricane Storm Surge Evacuation Zones shall be the areas designated/delineated by Miami-Dade County, as requiring evacuation and/or early evacuation in any storm event impacting Zone B (Orange Zone).~~

Policy 8.1.9: The Village will conduct specific measures to ensure that properties fronting along the 79th Street (Kennedy) Causeway will conform to the adopted Revitalization Plan for this corridor. As a minimum, these measures shall include:

- a. Creation of an inventory of corridor buildings by age in order to establish which buildings do not conform to Florida Building Code Hurricane Standards.
- b. Annual corridor building inspections by the Village Building Official to determine the status of those structures in relation to Florida Building Code Hurricane Standards.
- c. Continued emphasis on early evacuation measures to ensure that the revitalization strategies maintain or reduce hurricane evacuation clearance times in County-wide or Village initiated early evacuation.
- d. Establishing a cost impact index within one (1) year that determines the potential costs of damages to substantial structures, properties, and infrastructure in the absence of building renovation or replacement under the Village's Revitalization Plan.
- e. Performing yearly inspections to determine risk exposure of water/sewer lines, overhead utility lines, traffic signal heads, and other infrastructure to hurricane storm surges within Zone B (Orange Zone).
- f. Requiring new residential development or redevelopment within the corridor to offset increased demand on shelter space, if warranted, by providing \$200 per shelter space for the demand created or \$70 per residential unit constructed. Such cost is to be funded by the developer of the residential project.
- g. Limiting public expenditures in the Coastal High Hazard Area, except for:
 1. upkeep and maintenance of existing infrastructure;
 2. provision of public access to the shoreline; and
 3. that needed to make public facilities more disaster resistant.
- h. Executing an interlocal agreement(s) with the Village and Miami-Dade County Office of Emergency Management and any other applicable agency such as FDOT, FHP, and any other affected municipality to reduce clearance times during evacuations.
- i. Requiring new development or redevelopment along the corridor water access properties to provide public access to the shoreline areas.
- j. Annual staff reports will be completed recording cumulative impacts on causeway evacuation clearance times based on new residential development or redevelopment in the corridor.

Policy 8.1.10: The Village will continue to implement programs and policies in conjunction with Miami-Dade County to protect residents and businesses from disasters and mitigate hazards. The Village will implement the post-disaster programs and procedures outlined in the County's Hurricane Procedures, to identify immediate actions necessary to protect the health, welfare, and safety of its residents.

Policy 8.1.11: The Village shall monitor updates to the Miami-Dade County Local Mitigation Strategy (LMS) and the Miami-Dade County Emergency Operations Plan procedures to ensure that all applicable provisions of the hazard mitigation are incorporated and/or addressed in local hazard mitigation procedures.

GOAL: Provide for increased safe and nondestructive public use of natural coastal resources for North Bay Village.

To implement this goal, the Village has further established the following objectives and policies.

Objective 8.2: Increase public access to coastal views and recreational opportunities such as boardwalks and fishing areas to the extent possible in an already built-out area.

Policy 8.2.1: Identify mechanisms for obtaining public access rights from new coastal development projects.

GOAL: Provide for the conservation and protection of coastal resources.

To implement this goal, the Village has further established the following objectives and policies.

Objective 8.3: Continue to regulate and encourage proper coastal management techniques through site plan review and zoning mechanisms.

Policy 8.3.1: Continue to enforce the ordinance requiring landscapers to store grass clippings in bags.

Policy 8.3.2: Implement and improve shoreline clean-up operations where needed to reduce the amount of debris that accumulates along portions of the Village's shoreline.

Policy 8.3.3: Encourage the use of rip rap as a desirable option when restoring bulkheads to prevent erosion, enhance stability, and improve aquatic habitat.

Policy 8.3.4: Continue to coordinate with Miami-Dade County Department of Regulatory and Economic Resources – Division of Environmental Resources Management on permitting for docks and for coastal development in general.

Policy 8.3.5: Give preference to stormwater management techniques such as berming and backsloping, the use of low maintenance, salt tolerant landscaping, and retention and infilling techniques.

Policy 8.3.6: Continue to monitor all applicable resource protection plans and determine their effect upon existing Village policies and requirements.

Policy 8.3.7: The Village will ensure that any new regulation to protect water resources is consistent with SFWMD's environmental resource permitting and consumptive permitting use permitting rules.

Policy 8.3.8: The Village will ensure that any new regulation to protect water resources is consistent with the most current Miami-Dade County's 20 Year Work Plan and South Florida Water Management District's (SFWMD) environmental resource permitting and consumptive permitting use permitting rules.

Objective 8.4: Reduce the amount of surface water runoff, if economically feasible.

Policy 8.4.1: Provide facilities for on-site infiltration or offsite discharge of stormwater, after water quality treatment, to the extent economically feasible, during development or redevelopment of North Bay Village, or during rehabilitation of the stormwater sewer system.

~~**Policy 8.4.2:** Maintain or increase unpaved landscape to ease stormwater infiltration. Adhere to native landscaping methods which align to Miami-Dade County's recommended salt tolerant and water absorbent vegetation. The Village will implement landscaping programs and processes via local development review processes, establishing meaningful and legitimate standards and providing salient guidelines for more detailed land development and use regulations in reference to promoting vegetation that is highly water absorbent, can withstand the marine environment, and the impacts of tropical storm winds.~~

Objective 8.5: The Coastal High Hazard Areas in the Village shall be the area below the elevation of the category 1 storm surge line as established by a "Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model".

~~**Policy 8.5.1:** The definition for Coastal High Hazard Areas shall be the area below the elevation of the category 1 storm surge line as established by a "Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model".~~

Policy 8.5.1-5.2: The Village shall inventory and identify all reimbursable improvements in the coastal area eligible for federal funding and include this information in the Village's local mitigation strategy plan.

Objective 8.6: Coastal High Hazard Area Land Use and Infrastructure: Limit Village funds used to improve infrastructure within its planning area that would have the effect of directly subsidizing development above the adopted intensity and density standards of the Village.

Policy 8.6.1: The Village shall not fund any public infrastructure capacity expansion if such funding and such expansion would have the effect of directly subsidizing a specific private development.

Policy 8.6.2: Objective 8.6 and Policy 8.6.1 above shall be implemented in such a way as to not preclude the Village's plan to extend sewer lines, improve drainage facilities or reconfigure streets in order to provide adequate infrastructure to serve the Future Land Use Plan development pattern or development for which rights were vested prior to enactment of this Plan.

Policy 8.6.3: The Village shall prohibit any future proposed land use amendment and/or development or redevelopment activity which would increase the adopted density/intensity of the Coastal High Hazard Area as it currently is defined.

Policy 8.6.4: The Village will conduct yearly inventories of existing infrastructure focusing on the condition of water, sewer, and stormwater runoff systems. This analysis will determine if the existing systems need to be repaired, expanded, or replaced to maintain adopted level of service standards and meet infrastructure demands of proposed developments.

Policy 8.6.5: Funding for infrastructure improvements necessary to meet the demands generated by the development or redevelopment will be part of the Village's yearly updating process in its Capital Improvements Plan. Funding phasing for the infrastructure improvements will coincide with these development demands. The Village shall not fund infrastructure improvements (or increase infrastructure capacity) that would support population densities and intensities above the levels allowed for in the Future Land Use map.

Policy 8.6.6: The Village shall support development measures which integrate innovative climate adaption and mitigation designs where possible.

Objective 8.7: In accordance with Village Resolution No. 2014-84A, the Village shall address the issue of, and prepare for the impacts of, sea level rise. All infrastructure projects must consider potential impacts of sea level rise during all project phases. The Village manager will evaluate sea level rise risks to existing infrastructure.

Policy 8.7.1: The Village shall collaborate with stakeholders at least every 5 years or earlier to analyze the best available data and maintain efforts to identify and understand the risks, vulnerabilities and opportunities for strategies within the ~~25 to 100 year~~ updated planning horizons and projections set by the Southeast Florida Regional Climate Compact. The Village will adjust and change planning horizons and projections to continue to meet the standard proposed by the Compact.

Policy 8.7.2: The Village shall determine a procedure to review vulnerable critical facilities and assets and rank them relative to importance, level of vulnerability, and life expectancy.

Policy 8.7.3: The Village shall educate property owners about mitigation strategies they can implement to protect their property.

Policy 8.7.4: New development will be required to meet new building standards as determined by the Village and or State as applicable.

Policy 8.7.5: The Village shall develop a strategic plan to address recurring flooding issues which takes into account an anticipated increase in flooding from excess rainfall, storm surge, and sea level rise.

Policy 8.7.6: The Village shall review the Florida Department of Economic Opportunity's "Community Resiliency Initiative: Planning for Sea Level Rise," as well as other state and federal planning resources, as part of its efforts to establish effective strategies to plan for and adapt to sea level rise. In examining the statewide planning framework, the Village can better determine how best to integrate sea level rise adaptation policies into existing processes.

Policy 8.7.7: The National Oceanic and Atmospheric Administration (NOAA) Sea Level Rise Inundation Methodology will be used to model current and future sea level rise, compounded with extreme tides. The Village shall identify potential adverse impacts and identify and map areas vulnerable to these impacts by May 2018. This analysis shall include the identification of existing, pending, and proposed development and infrastructure that would be inappropriate or unsafe as a consequence of current and future flood hazards.

Policy 8.7.8: The Village shall participate in the "Resilient Utilities Coalition" which aims to create a peer to peer professional network to improve the resiliency of key water and wastewater infrastructure in South Florida. The organization was founded by the Miami-Dade Water and Sewer Department.

Policy 8.7.9: The Village shall monitor planning guidance, modeling and vulnerability analysis methodologies, effective modes for communicating sea level rise risks, and continually request technical assistance to support sea level rise adaptation policies from the State of Florida, South Florida Regional Planning Council, Miami-Dade County, the Southeast Florida Regional Climate Compact, and the Department of Economic Opportunity. The Village shall coordinate with the Southeast Florida Regional Climate Compact for needed support in data and analysis regarding sea level rise vulnerability for the Village.

Policy 8.7.10: The Village shall complete (in progress) lining of wastewater pipes by February 2018 and continue to evaluate and implement measures where feasible to flood proof coastal pumping stations and electrical facilities in vulnerable areas.

Policy 8.7.11: The Village shall continue to reinforce increased inflow into the storm water system in vulnerable areas by installing flap gates, sleeve valves and/or duckbill valves as appropriate and:

1. Continue to evaluate the need for new pumping stations in vulnerable areas.

2. Continue to ensure development and redevelopment consider the best available data on minimum floor elevation, including FEMA flood zones.

Objective 8.8: The Village shall provide immediate response to post-hurricane situations in concert with its post-disaster redevelopment plan, to be adopted within one year of this Plan's adoption, which will reduce or eliminate the exposure of human life and public and private property to natural hazards.

Policy 8.8.1: After a hurricane, but prior to re-entry of the population into evacuated areas, the Village Commission shall meet to hear preliminary damage assessments, appoint a Recovery Task Force, and consider a temporary moratorium of building activities not necessary for the public health, safety, and welfare.

Policy 8.8.2: The Recovery Task Force shall include the Building Official, Public Works Director and other Village staff members as directed by the Village Commission. Staff shall be provided by the Departments whose Directors sit on the Task Force. The Task Force shall be terminated after implementing its responsibility.

Policy 8.8.3: The Recovery Task Force shall review and decide upon emergency building permits; coordinate with Miami-Dade County, State and Federal Officials to prepare disaster assistance applications; analyze and recommend to the Village Commission hazard mitigation options including reconstruction or relocation of damaged public facilities; develop a redevelopment plan; and recommend amendments to the Village's Comprehensive Plan, Miami-Dade County's Emergency and Evacuation Assistance Program, and other appropriate policies and procedures.

Policy 8.8.4: The Recovery Task Force shall propose immediate repair and clean-up actions needed to protect the public health and safety of citizens including repairs to potable water, wastewater, and power facilities; removal of building and/or vegetative debris; stabilization or removal of structures about to collapse; and minimal repairs to make dwelling habitable such as minor roof repairs and other weatherproofing/security measures. These actions shall receive first priority in permitting decisions. Long term redevelopment activities shall be postponed until the Recovery Task Force has completed its tasks.

Policy 8.8.5: The Recovery Task Force shall propose Comprehensive Plan amendments which reflect the recommendations in any interagency hazard mitigation reports or other reports prepared pursuant to Section 406 of the Disaster Relief Act of 1974 (PL93-288).

Policy 8.8.6: If rebuilt, structures which suffer damage in excess of fifty percent (50%) of their appraised value shall be rebuilt to meet all current requirements, including those enacted since construction of the structure.

- Policy 8.8.7:** Structures which suffer recurring damage to pilings, foundations, or load-bearing walls shall be required to rebuild landward of their current location to modify the structure to structurally enhance the structure, institute other mitigation measures, or delete the areas most prone to damage.
- Policy 8.8.8:** Repair or reconstruction of the existing seawalls in the Village must be accompanied by appropriate shoreline protection, revetment or rip-rap, in order to maintain the stability of the seawall and the conditions of the adjacent navigable waters.
- Policy 8.8.9:** Following a natural disaster, and prior to the implementation of long-term redevelopment, the Village shall do the following: Based upon the damage assessment report prepared by the Miami-Dade Transportation and Public Works Department, the Village shall consult with its Public Works officials and consultant engineer to evaluate options for damaged public facilities including abandonment, repair in place, relocation, and repair with structural modification, to determine the most strategic approach to long-term development. The evaluation shall include, but not be limited to, issues pertaining to damage caused by natural disaster, cost to construct repairs, cost to relocate, cost to structurally modify, limitations of right-of-way, and maintenance costs.
- Policy 8.8.10:** Structures existing within the Coastal High Hazard Area which suffer recurring damage (damage in excess of fifty percent [50%] of current replacement cost of construction) shall be modified in accordance with the most recent Florida Building Code requirements. This may include, but is not limited to, retrofitting, stormproofing, and other structural upgrades to structures.
- Policy 8.8.11:** Structures which are damaged in excess of fifty percent (50%) of their current replacement value shall be required to be rebuilt to meet all current land development requirements as determined by the Village Building Official.
- Policy 8.8.12:** The Village shall utilize the following criteria to distinguish between immediate repair and clean up actions and long-term redevelopment subsequent to a natural disaster.
1. *Potable Water Facilities:* Immediate repair shall include implementation of necessary actions, including but not limited to, repairing or replacing water lines and plumbing facilities to ensure a closed system, proper disinfection, and sufficient pressure to meet demands for fire flow and domestic water (for consumption purposes only), the utilization of auxiliary pumps and electrical generators.

Long-term redevelopment shall include implementation of the necessary actions to return the Village's water distribution system to at least its condition prior to the onset of the natural disaster. This may include relocation of facilities, retrofitting, stormproofing, and other structural upgrading.
 2. *Wastewater Facilities:* Immediate repair shall include implementation of necessary actions, including but not limited to, repairing or replacing wastewater lines and pumping facilities, utilization of auxiliary pumps and electrical generators, and methods to remove and treat raw sewage to avoid discharge of raw sewage into adjacent water bodies and onto land.

Long-term redevelopment shall include implementation of necessary actions to return the Village's sanitary sewer system to at least its condition prior to the onset of the natural disaster. This may include relocation of facilities, retrofitting, stormproofing, and other structural upgrading.

3. **Drainage Facilities:** Immediate repair shall include implementation of necessary actions, including but not limited to, the removal of sand and debris from drainage structures, pumping of stormwaters, utilization of temporary electrical generators to ensure function of the system to address potential flooding.

Long-term redevelopment shall include: Implementation of actions necessary to return the Village's stormwater system to at least its condition prior to the onset of the natural disaster. They may include relocation of facilities, retrofitting, stormproofing, and other structural upgrading.

4. **Habitable Structures:** Immediate repair shall include removal of debris and vegetation; stabilization or removal of structures about to collapse and minimal repairs to make dwellings and other structure habitable such as minor roofing repairs and other weatherproofing/security measures. In these instances, building permits shall not be necessary prior to performing the work but retroactive permits shall be required in accordance with the provisions set forth in Ordinance No. 92-99 of Miami-Dade County, Florida.

Long-term redevelopment activities shall include normal construction activities for rebuilding and/or substantial structural repairs in accordance with the Florida Building Code and other limitations contained within the Village's Comprehensive Plan and Land Development Regulations.

~~Policy 3.8.13 The process for making long-term redevelopment decisions in a post-disaster period shall be consistent with the following general guidance and principles for the relocation, removal or modification of damaged structures:~~

- ~~1. The Village adopts the following definitions for making decisions pertaining to redevelopment in the Coastal High Hazard Area. Based upon the following definitions, all rebuilding activities shall be subject to Coastal Construction Code Standards and Coastal High Hazard Area limitations:~~

~~a. "Repair" means the restoration of a portion of the structure, including the foundation of the structure, to its original design configuration or an equivalent structural standard. Repair of a structure assumes that a significant portion of the structure, including its foundation, remains intact. If the supported structure or its foundation has collapsed to the point that either the supported structure or the foundation requires substantial rebuilding, then such activity shall not constitute repair. If a structure, as a result of damage to either the supported structure or the foundation, is no longer habitable, such structure shall be presumed to require substantial rebuilding.~~

~~b. "Rebuilding" means any construction activity, including alteration of an existing foundation, which would result in structural stability such that the survivability of the structure during a coastal storm is increased. Rebuilding shall also include any construction activity, which, as noted above, involves the substantial rebuilding of either the supported structure or the foundation of the structure.~~

- ~~2. Rebuilding (as defined above) activities will be in accordance with Florida Department of Environmental Protection's requirements for development seaward of the Coastal Construction Control Line and all structural requirements of the Florida Building Code. Further, prior to approving such redevelopment activities, the Village shall require the applicant to provide documentation that the structure being~~

shall be as immediate as possible from the Federal Emergency Management Agency Velocity Zone and the Coastal Construction Control Line. The applicant shall provide proof that the structure cannot be moved any further landward on the lot without causing harm to public health and safety. The Village may vary building setback requirements in order to accomplish the intent of this policy.

3. The Village shall keep a record of all repairs and rebuilding activities. Structures may not be rebuilt (as defined above) more than twice in any 100 year period in the Velocity Zones.

Objective 8.9: The Village will achieve a flood resilient community status by phasing out inappropriate and unsafe development in the coastal areas when opportunities arise, using studies, surveys, and data to assess flooding risks which result from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise. Assessments will provide the basis for redevelopment practices as identified by the Peril of Flood legislation. (Section 163.3178, F.S.).

Policy 8.9.1: The Village shall evaluate Miami-Dade County and other local government post-disaster guidelines and propose appropriate guidelines for post-disaster development. The proposed guidelines will also address the relocation, mitigation, or replacement of Coastal High Hazard Area infrastructure and will implement the Village's coastal management element. The post-disaster guidelines shall distinguish between the recovery phase and long-term redevelopment including the removal, relocation, or structural modifications of damage and unsafe structures and infrastructure.

Policy 8.9.2: The Village will implement development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas. The process for making long-term redevelopment decisions in a post disaster period shall be consistent with the following general guidelines and principles for the relocation, removal or modification of damaged structures:

1. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
2. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
3. In order to reduce flood risk from, or associated with, high-tide events, storm surge, flash floods, stormwater runoff and the impacts related to sea-level rise, continue to promote the use of the development and redevelopment principles, strategies and engineering solutions contained in the supplemental data and analysis report from the South Florida Regional Planning Council, the Florida Building Code and the Village's Land Development Code.

Policy 8.9.3: The Village adopts the following definitions for making decisions pertaining to redevelopment in the Coastal High Hazard Area.

1. Based upon the following definitions, all rebuilding activities shall be subject to Coastal Construction Code Standards and Coastal High Hazard Area limitations:
 - a. "Repair" means the restoration of a portion of the structure, including the foundation of the structure, to its original design configuration of an equivalent structural standard. Repair of a structure assumes that a significant portion of the structure, including its foundations, remains intact. If the supported structure or

its foundation has collapsed to the point that either the supported structure or the foundation requires substantial rebuilding, then such activity shall not constitute repair. If a structure, as a result of damage to either the supported structure or the foundation, is no longer habitable, such structure shall be presumed to require substantial rebuilding.

- b. “*Rebuilding*” means any construction activity including alteration of an existing foundation, which would result in structural stability such that the survivability of the structure during a coastal storm is increased. Rebuilding shall also include any construction activity which, as noted above, involves the substantial rebuilding of either the supported structure or the foundation of the structure.
2. Rebuilding (as defined above) activities will be in accordance with Florida Department of Environmental Protection’s requirements for development seaward of the Coastal Construction Control Line, and all structural requirements of the Florida Building Code. Further, prior to approving such redevelopment activities, the Village shall require the applicant to provide documentation that the structure being built is as landward as possible from the Federal Emergency Management Agency Velocity Zone and the Coastal Construction Control Line. The applicant shall provide proof that the structure cannot be moved any further landward on the lot without causing harm to public health and safety. The Village may vary building setback requirements in order to accomplish the intent of this policy.
 3. The Village shall keep a record of all repairs and rebuilding activities. Structures may not be rebuilt (as defined above) more than twice in any 100-year period in the Velocity Zones.

Policy ~~8.9.4~~ 8.9.14: The Village shall identify land and structures in the Coastal High Hazard Area, inventory their assessed value, judge the utility of land for public use and make recommendations for acquisition when post-disaster opportunities arise. Because of the extremely high land and existing structure costs in the Village, should acquisition opportunities arise, the Village will explore funding options such as grants and/or loans.

Policy ~~8.9.5~~ 8.9.15: When undertaking post-disaster redevelopment activities, development permits may be waived for short term recovery measures such as: emergency repairs to streets, water, electricity, or other utilities to restore service; removal of debris; and public assistance matters including temporary shelter or housing.

Policy ~~8.9.6~~ 8.9.16: In planning post-disaster redevelopment activities for repair and clean up, factors to be considered in order to protect the public health and safety shall include:

1. Repairs to potable water, wastewater and power facilities.
2. Removal of debris.
3. Stabilization or removal of structures in a perilous conditions.
4. Minimal repairs to make structures habitable.

These conditions shall receive first priority in determining the appropriateness of emergency building permits. Long-term redevelopment activities shall be postponed until the Recovery Task Force has coordinated immediate repair and clean-up operations.

Policy ~~8.9.7~~^{8.9.17}: Permitting Decision Priorities. Immediate recovery actions needed to protect the public health and safety shall take priority in permitting decisions following hurricane or other storm events or natural disasters. Such priority actions will include, but not be limited to, debris removal; roadway and infrastructure repair; water use restrictions, if necessary; access restrictions, if required to protect lives or property, and other similar activities needed to assure the safe movement of people, goods and supplies within the impacted area. Long term repair or recovery actions, such as relocating infrastructure, rebuilding of damaged structures and the like, will be distinguished from the short-term actions herein described.

Policy ~~8.9.8~~^{8.9.18}: The applicable provisions of the Florida Building Code relating to hurricane precautions inspections and permitting are hereby adopted by reference.

Policy ~~8.9.9~~^{8.9.19}: The Village adopts the following criteria relating to the consideration of relocating public infrastructure, cognizant of the Village's geographic limitations and development status:

1. The land upon or under which the infrastructure existed is gone or reconfigured so that replacement is not possible technically or financially as determined by the Village Commission.
2. The costs of repairs or retrofitting versus relocation costs.
3. Opportunities arising out of acquisition of land by the Village or other government entity.

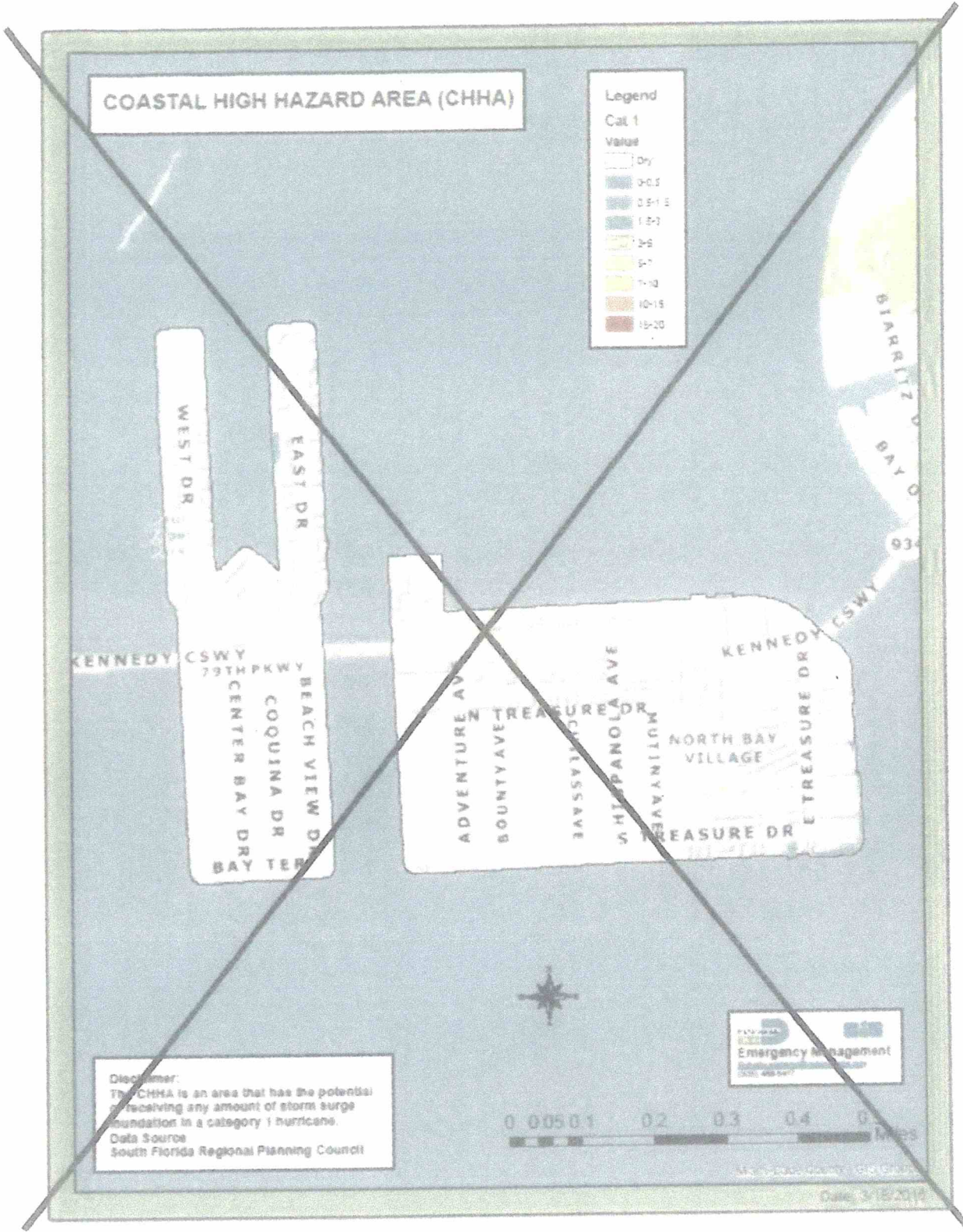
Policy ~~8.9.10~~^{8.9.20}: Notwithstanding the preceding policies, no regulations, permitting procedure or post disaster redevelopment planning shall be approved or applied to property, as the case may be, so as to constitute a taking or inordinately burden an existing use of real property or a vested right to a specific use of real property within the meaning of the Bert J. Harris, Jr., Private Property Rights Protection Act, codified as Section 70.001, Florida Statutes.

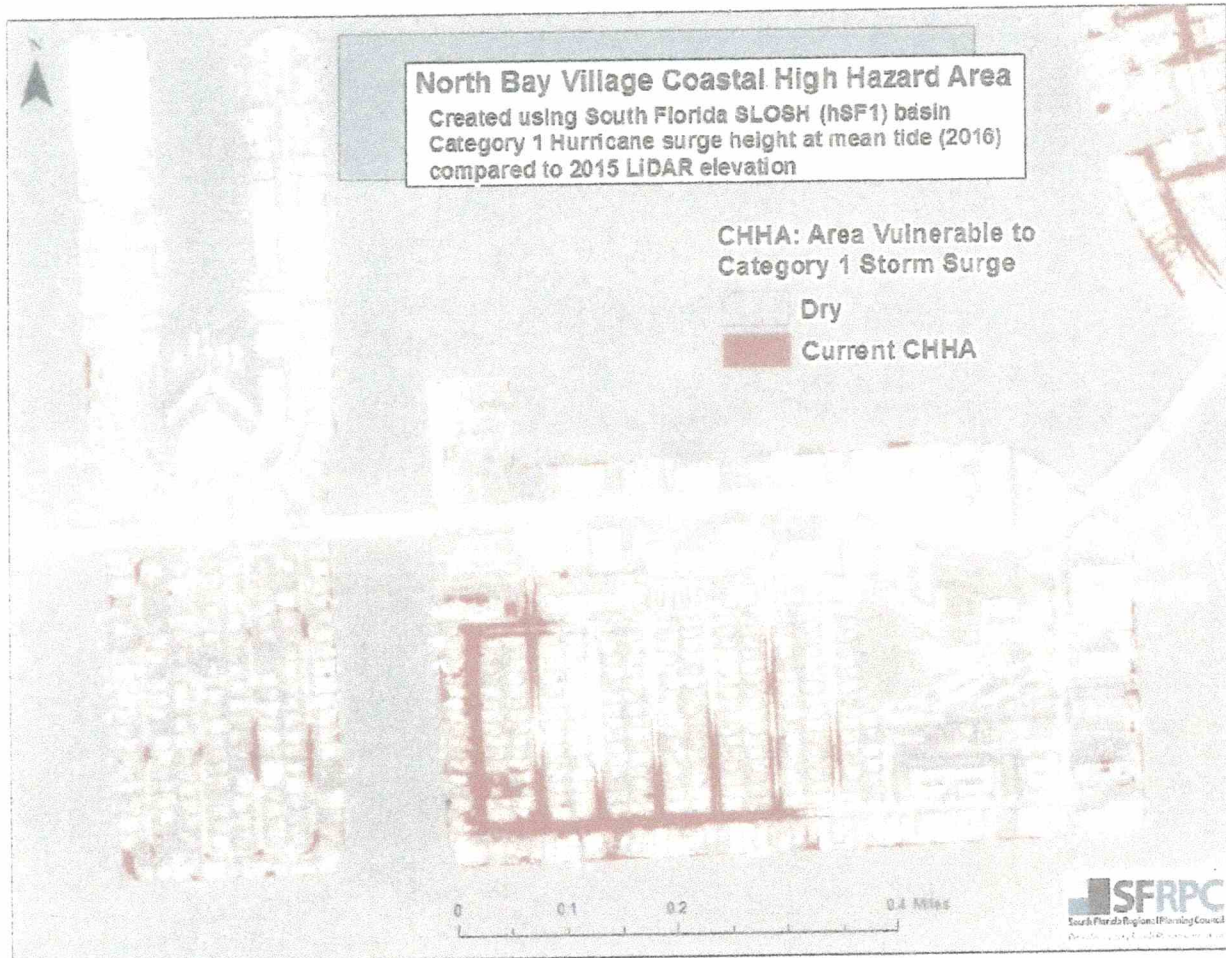
Policy ~~8.9.11~~^{8.9.21}: The Village recognizes that certain vested development rights may exist for property within the Village. The Village will consider such claims after a petition is made to the Village and, after due public hearings, the Village Commission may grant approval to the request. The documentation for a claim shall follow the procedures found in Section 2-114.1, Code of Miami-Dade County, Florida.

Policy ~~8.9.12~~: Adaptation strategies may apply to the Village Land Development Code, as well as the Comprehensive Plan. Through implementation of all plans, the Village will continue to ensure that all new buildings or structures shall meet, or exceed, the flood-resistant construction requirements of the Florida Building Code and federal flood plain management regulations including for wind, flood proofing and storm surge protection.

Policy ~~8.9.13~~: The Village will continue to work with the South Florida Regional Planning Council and other agencies at the local, County, Regional, State, Federal, and global levels to address climate change and to encourage best practices with regards to redevelopment and flood mitigation.

Policy ~~8.9.14~~: The Village will continue to investigate participation in the National Flood Insurance Program Community Rating System.





North Bay Village – Comprehensive Plan
 Coastal Management Element
 Amended: ~~2014-10-24~~ May 2017



**NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, OCTOBER 24, 2017** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING REQUESTS:

1. AN APPLICATION BY HOLGER PIENING AND ANDREA FRANKKE FOR CONSTRUCTION OF A NEW DOCK AND BOATLIFT AT 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE AND THE APPROVAL OF A WAIVER PURSUANT TO SECTION 150.11(A) AND 150.11(G) TO EXTEND THE DOCK FARTHER THAN 25 FEET FROM THE SHORELINE.
2. APPLICATIONS BY KIRK LOFGREN FOR INSTALLATION OF NEW BOATLIFTS AND BOARDING PLATFORMS ON AN EXISTING DOCK IN SLIPS B-63, B-90, B92, AND C-106 AT THE COMMERCIAL MARINA AT 7601 E. TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, PURSUANT TO SECTION 150.11(F) OF THE VILLAGE CODE.
3. AN APPLICATION BY P&O GLOBAL TECHNOLOGIES, INC. CONCERNING PROPERTY LOCATED AT 7918 WEST DRIVE, HARBOR ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR THE FOLLOWING:
 - A. SITE PLAN APPROVAL PURSUANT TO SECTION 5.4(C) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE FOR DEVELOPMENT OF A 54 UNIT, 240 FEET MULTI-FAMILY RESIDENTIAL STRUCTURE.
 - B. BUILDING HEIGHT BONUS APPROVAL PURSUANT TO SECTION 8.10(D)(5) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE.
 - C. BONUS DENSITY PURSUANT TO SECTION 8.10(D)(6) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE.
 - D. A SPECIAL USE EXCEPTION PURSUANT TO SECTION 9.3(E)(5) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE TO ALLOW 29 OF THE DEVELOPMENT'S REQUIRED PARKING SPACES TO BE DESIGNED SPECIFICALLY FOR COMPACT VEHICLES.
 - E. A WAIVER ACCORDING TO SECTION 9.3(D)(2) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE TO PERMIT TWO LOADING SPACES, INSTEAD OF THE THREE REQUIRED FOR THE DEVELOPMENT.
 - F. A VARIANCE PURSUANT TO SECTION 152.0971 OF THE NORTH BAY VILLAGE LAND DEVELOPMENT CODE TO ALLOW THE CONSTRUCTION OF A PORTE COCHERE TO REDUCE THE REQUIRED FRONT YARD SETBACK TO FIVE FEET WHERE TWENTY FIVE FEET IS REQUIRED.
4. AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING THE NORTH BAY VILLAGE 1987 COMPREHENSIVE PLAN AS AMENDED BY REVISING THE COASTAL MANAGEMENT ELEMENT, AMENDMENT TO THE COASTAL HIGH HAZARD AREA MAP, AS MANDATED BY FLORIDA STATUTES 163.3178, IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163, FLORIDA STATUTES; AUTHORIZING TRANSMITTAL OF THESE AMENDMENTS TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL, STATE LAND PLANNING AGENCY, AND OTHER APPLICABLE AGENCIES FOR REVIEW AND COMMENT AS REQUIRED BY FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. *(Second Reading)*

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 COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141. THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS 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 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.

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

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME AS NECESSARY, AS DETERMINED BY THE VILLAGE COMMISSION.

YVONNE P. HAMMILTON, CMC
VILLAGE CLERK

(October 3, 2017)



North Bay Village


Administrative Offices

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

Tel: (305) 756-7171 Fax: (305) 756-7722 Website:

www.nbvillage.com

MEMORANDUM
North Bay Village

DATE: June 13, 2017
TO: Yvonne P. Hamilton, CMC
Village Clerk
FROM: Frank K. Rollason 
Village Manager
SUBJECT: Introduction of Ordinance

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

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING THE NORTH BAY VILLAGE 1987 COMPREHENSIVE PLAN AS AMENDED BY REVISING THE COASTAL MANAGEMENT ELEMENT; AMENDMENT TO THE COASTAL HIGH HAZARD AREA MAP, AS MANDATED BY FLORIDA STATUTES 163.3178; IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163; FLORIDA STATUTES; AUTHORIZING TRANSMITTAL OF THESE AMENDMENTS TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL, STATE LAND PLANNING AGENCY, AND OTHER APPLICABLE AGENCIES FOR REVIEW AND COMMENT AS REQUIRED BY FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

FKR:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Jose R. Alvarez

Commissioner
Dr. Douglas N. Hornsby

Commissioner
Andreana Jackson

ORDINANCE NO. _____

AN ORDINANCE OF NORTH BAY VILLAGE, FLORIDA AMENDING THE NORTH BAY VILLAGE 1987 COMPREHENSIVE PLAN AS AMENDED BY REVISING THE COASTAL MANAGEMENT ELEMENT; AMENDMENT TO THE COASTAL HIGH HAZARD AREA MAP, AS MANDATED BY FLORIDA STATUTES 163.3178; IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163; FLORIDA STATUTES; AUTHORIZING TRANSMITTAL OF THESE AMENDMENTS TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL, STATE LAND PLANNING AGENCY, AND OTHER APPLICABLE AGENCIES FOR REVIEW AND COMMENT AS REQUIRED BY FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

WHEREAS, North Bay Village recognizes the need to plan for orderly growth and development; and

WHEREAS, Chapter 163, Florida Statutes provides for amendments to Adopted Comprehensive Plans under the Expedited Review Process; and

WHEREAS, the Village Commission desires to amend the Goals, Objectives and Policies of the Comprehensive Plan; and

WHEREAS, the Village Commission desires to adopt development and redevelopment principles and strategies that reduce the risk of flooding, storm surge and impacts of sea level rise, and

WHEREAS, the Village Commission wishes to include a redevelopment component in its Coastal Management Element of its Comprehensive Plan that specifically complies with Section 163.3178, F.S.

WHEREAS, the Village has reviewed the proposed amendments to the Comprehensive Plan and said proposed amendments were reviewed by the Village's Local Planning Agency (LPA) at a duly advertised meeting on June 7, 2017 which determined such amendments to be consistent with the Comprehensive Plan; and

WHEREAS, the Village Commission has agreed with the recommendations of the Local Planning Agency that the proposed amendments comply with the requirements of Chapter 163, Florida Statutes, and that the proposed amendments are consistent with the Comprehensive Plan; and

WHEREAS, the Village Commission held its duly advertised public hearing for the transmittal of the proposed amendments on June 27, 2017; and

WHEREAS, the Village Commission has received and responded to timely comments from certain review agencies which have been granted such authority under Florida Statute 163.3184(3)(b)3; and

WHEREAS, Village Commission held its duly advertised second public hearing for Adoption of this Ordinance on June 27, 2017.

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

Section 1. The Commission of the North Bay Village, Florida hereby adopts the proposed Comprehensive Plan Amendments, attached as Exhibit "A". Text Amendments to the Coastal Management Element. This Amendment enhances North Bay Village's response to Peril of Flood, fulfilling the requirements set forth by Senate Bill 1094. These 2015 Florida legislative changes, known as "Peril of Flood" (Section 163.3178, F.S.) specify requirements for the coastal management element required for local government comprehensive plans.

Section 2. The Village Clerk is hereby directed to transmit three (3) copies of the amendments of the current Comprehensive Plan to the State Land Planning Agency, along with copies to the South Florida Regional Planning Council; Florida Department of Environmental Protection; Florida Department of State, Division of Historic Resources; Florida Department of Transportation; South Florida Water Management District; Florida Department of Education, the Miami-Dade County Planning Division; and to any other unit of local government which has filed a written request for a copy.

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

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

Section 5. Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the State Land Planning Agency."

A motion to approve the foregoing Ordinance on first reading on June 27, 2017 was offered by Commissioner Andrea Jackson, seconded by Commissioner Dr. Douglas N. Hornsby.

The Votes were as follows:

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Eddie Lim	<u>Yes</u>
Commissioner Jose R. Alvarez	<u>Yes</u>
Commissioner Dr. Douglas N. Hornsby	<u>Yes</u>
Commissioner Andreana Jackson	<u>Yes</u>

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

FINAL VOTES AT ADOPTION:

Mayor Connie Leon-Kreps	_____
Vice Mayor Eddie Lim	_____
Commissioner Jose R. Alvarez	_____
Commissioner Dr. Douglas N. Hornsby	_____
Commissioner Andreana Jackson	_____

DULY PASSED AND ADOPTED ___ day of _____ 2017.

Connie Leon-Kreps
Mayor

ATTEST:

Yvonne P. Hamilton
Village Clerk

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

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

North Bay Village Ordinance: Peril of Flood