



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

REVISED
OFFICIAL AGENDA
REGULAR VILLAGE COMMISSION MEETING
VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141
TUESDAY, OCTOBER 9, 2018
6:30 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.

A. PROCLAMATIONS AND AWARDS

1. Swearing in Officer Bony Herrera
2. Oath of Office Code Enforcement Officer Tuchette Torres-Lee
3. Honoring Women in Public Service “Ms. Linda Johnson”

B. CITIZEN PRESENTATIONS TO THE COMMISSION

C. ADDITIONS AND DELETIONS

3. GOOD & WELFARE

4. VILLAGE COMMISSION’S REPORT

5. GRANT WRITER’S REPORT

6. ADVISORY BOARD REPORTS

A. ARTS, CULTURAL & SPECIAL EVENTS BOARD

B. ANIMAL CONTROL ADVISORY BOARD

C. BUSINESS DEVELOPMENT ADVISORY BOARD

D. CITIZENS BUDGET & OVERSIGHT BOARD

E. COMMUNITY ENHANCEMENT BOARD

F. PLANNING & ZONING BOARD

7. VILLAGE ATTORNEY'S REPORT

8. VILLAGE MANAGER'S REPORT

- 9. CONSENT AGENDA: (Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be adopted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and will be considered separately.)**

- A. A RESOLUTION OF THE COUNCIL OF NORTH BAY VILLAGE, FLORIDA, APPROVING AND AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION FOR THE 2018 NATIONAL URBAN AND COMMUNITY FORESTRY GRANT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, AGREEING TO EXECUTE AN AGREEMENT FOR THE GRANT IF THE GRANT IS AWARDED TO THE VILLAGE, AND TO PROVIDE MATCHING FUNDS; PROVIDING AN EFFECTIVE DATE.**

The proposed Resolution will allow Interim Village Manager to apply for a grant to supplement the cost to replace hurricane affected trees.

- **Commission**

10. ORDINANCES FOR FIRST READING AND RESOLUTIONS

- A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BENIHANA NATIONAL OF FLORIDA CORP. FOR SITE PLAN APPROVAL, PURSUANT TO SECTION 5.4(C) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE FOR CONSTRUCTION OF A NEW 9,215 SQUARE FOOT, 34 FOOT HIGH COMMERCIAL STRUCTURE (SINGLE STORY RESTAURANT) AT 1665 79TH STREET CAUSEWAY, TREASURE ISLAND, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (*INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN*)**

The proposed Resolution will approve the Site Plan of a new 9,215 square foot, 34 foot high commercial structure (single story restaurant) at 1665 79th Street Causeway, Treasure Island

- **Commission Action**

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BENIHANA NATIONAL OF FLORIDA CORP. OWNER OF THE BUSINESS ESTABLISHMENT TO BE LOCATED AT 1665 79TH STREET CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR VARIANCE PURSUANT TO SECTION 11.10 OF THE VILLAGE UNIFIED LAND DEVELOPMENT CODE TO ALLOW FAÇADE SIGNS ON THE SOUTH, EAST, AND NORTH SIDES OF THE PROPOSED RESTAURANT, WHERE SECTION 11.9 (C) ALLOWS FAÇADE SIGNS ONLY ON THE BAY FRONTAGE AND ONE OTHER FRONTAGE; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The proposed Resolution will approve the Façade Sign Variance for proposed at 1665 79th Street Causeway, Treasure Island

- **Commission Action**

- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, GRANTING A WAIVER, PURSUANT TO SECTION 9.12(B) OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE, 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 INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The proposed Resolution will approve the construction of a dock and boatlift which will extend 30 feet beyond the seawall, where a minimum of 25 feet is required.

- **Commission Action**

- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. (WORK AUTHORIZATION NO. 18-07) TO CONDUCT A TRAFFIC OPERATIONS ANALYSIS OF SR934/NE 79TH STREET CAUSEWAY; AT A LUMP SUM AMOUNT OF \$15,000; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER JOSE ALVAREZ)**

The proposed Resolution will authorize Kimley-Horn & Associates, Inc. to perform traffic study at NE 79th Street and Larry Paskow Way for a lump sum amount of \$15,000.

- **Commission Action**

- E. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. (WORK AUTHORIZATION NO. 18-08) TO PROVIDE PROFESSIONAL ENGINEERING SERVICES TO CONVERT EXISTING CAD FILES AND AS-BUILT DATA FOR THE VILLAGE'S WATER AND WASTEWATER DISTRIBUTION SYSTEM TO GIS FORMAT FOR COORDINATION AND SUBMITTAL TO THE MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES AT A LUMP SUM AMOUNT OF \$22,300; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The proposed Resolution will authorize Kimley-Horn & Associates, Inc. to perform professional engineering services to convert existing CAD files and Asbuilt Data for Water and Wastewater Distribution system into GIS Format for transmission to Miami Dade County for a lump sum amount of \$22,300.

- **Commission Action**

F. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING COVENANT RUNNING WITH THE LAND AT 1850 79TH STREET CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, UNDER RESOLUTION NO. 1992-39; AUTHORIZING AND DIRECTING MAYOR AND CITY CLERK EXECUTE AND DELIVER A DECLARATION OF AMENDMENT; PROVIDING AN EFFECTIVE DATE (*INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN*)

The proposed Resolution will approve an amendment to the Covenant Running with the Land at 1850 79th Street Causeway to remove the word “solely” for parking. The amendment will provide for redevelopment of the property in conjunction with parking required by the Village for Grandview Palace.

11. 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. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 151 OF THE VILLAGE CODE, ENTITLED “PERMIT FEES” BY AMENDING SECTION 151.11(A)(46)(C) PERTAINING TO AFTER HOURS CONSTRUCTION; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE VILLAGE CODE; AND AN EFFECTIVE DATE. (*INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN*)

The proposed Ordinance is being heard on Second Reading to clarify existing regulations pertaining to after-hours construction work.

- **Commission Action**

B. AN ORDINANCE OF NORTH BAY VILLAGE FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, REPEALING CHAPTER 8 (ZONING), ADOPTING A NEW CHAPTER 8 (ZONING), AMENDING CURRENT SECTION 8.10 (DISTRICT REGULATIONS), MODIFYING SETBACK REQUIREMENTS AND REMOVING THE BRICK PAVER AND STREET TREE LIGHTING REQUIREMENTS FOR NEW DEVELOPMENT IN THE RM-70 DISTRICT, MODIFYING BUILDING HEIGHT AND SETBACK REQUIREMENTS AND ALLOWING GREATER BONUS HEIGHT AND BONUS DENSITY FOR NEW DEVELOPMENT IN THE CG DISTRICT, REDUCING THE MINIMUM HOTEL SLEEPING UNIT SIZE, ALLOWING GREATER HEIGHT AND REDUCED SETBACKS IN THE BAY VIEW OVERLAY DISTRICT, REMOVAL OF SPECIAL EXCEPTION APPROVAL FOR BAY VIEW OVERLAY DEVELOPMENT, REQUIRING PUBLIC BAYWALKS FOR ALL NEW DEVELOPMENT ADJACENT TO BISCAYNE BAY IN THE

RM-70 AND CG DISTRICTS; AMENDING CURRENT SECTION 8.13 (SUPPLEMENTAL DEVELOPMENT STANDARDS), CLARIFYING THAT FENCES ON CORNER LOTS SHALL NOT BE MORE THAN 5 FEET HIGH IN BOTH YARDS WITH STREET FRONTAGE, RAISING MAXIMUM ALLOWABLE SWIMMING POOLS AND SWIMMING POOL APPURTENANCE HEIGHT TO 3 FEET ABOVE GRADE; AMENDING CHAPTER 9, GENERAL SITE DESIGN STANDARDS, AMENDING SECTION 9.3 (OFF STREET PARKING REQUIREMENTS), REDUCING PARKING REQUIREMENTS FOR MULTIFAMILY UNITS, REDUCING PARKING REQUIREMENTS FOR HOTEL SLEEPING UNITS AND ANCILLARY USES, AMENDING SECTION 9.12 (COASTAL CONSTRUCTION WITHIN BISCAYNE BAY), ALLOWING FOR ADMINISTRATIVE APPROVAL FOR BOAT LIFTS AND MOORING PILES IN LIMITED SITUATIONS, AMENDING SECTION 11.9 (DISTRICT SIGN REGULATIONS), REMOVING REQUIREMENTS FOR ALL SIGNS WITHIN A BUILDING TO BE THE SAME STYLE AND COLOR; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed Ordinance is being heard on Second Reading to amend several sections of the Unified Land Development Code.

- **Commission Action**

12. UNFINISHED BUSINESS

13. NEW BUSINESS

A. APPOINTMENT OF MEMBER TO THE COMMUNITY ENHANCEMENT BOARD

- 1. Commission Action**

B. MITIGATION OF FINES REQUEST

- 1. Yair Massri, 1441 South Treasure Drive**

- Commission Action

- 2. Juan Mauricio Cuellar, 1630 South Treasure Drive**

- Commission Action

- 3. A HMET Derya Bayer, 7524 West Treasure Drive**

- Commission Action

14. **APPROVAL OF MINUTES – COMMISSION MEETING**

- A. **REGULAR COMMISSION MEETING – SEPTEMBER 11, 2018**
- B. **“TENTATIVE” BUDGET PUBLIC HEARING – SEPTEMBER 17, 2018**
- C. **SPECIAL COMMISSION MEETING – SEPTEMBER 21, 2018**
- D. **FINAL BUDGET PUBLIC HEARING – SEPTEMBER 25, 2018**
- E. **SPECIAL COMMISSION MEETING – SEPTEMBER 25, 2018**

- **Commission Action**

15. **ADJOURNMENT**

To: North Bay Village Mayor & Village Commission
From: LaKeesha Morris, MSW
Date Submitted: September 28, 2018
Reporting Period: September 1 – September 30, 2018

Grants Submitted this Reporting Period:

No grants were submitted this reporting period.

Grants “Under Construction”

The following grants are currently open and being considered by the Village.

1. Florida Department of Agriculture and Consumer Services

- a. **Date Due:** November 13, 2018
- b. **Amount of Request:** Up to \$20,000 **Required Match:** \$1:\$1
- c. **Summary of RFP:** These grant funds may be used to properly select, plant and care for trees to minimize future storm damage; utilize green infrastructure to reduce stormwater runoff; and improve the urban environment.
- d. **Items Needed to Apply:** Must have a resolution by governing board which states that they concur with the grant proposal and maintenance plan. Need a list of at least three tree species native to the area and suitable for the site and objective must be planted. Provide written approval if required (as part of the proposal) from the Florida Department of Transportation for planting and maintenance on any state right-of-way.

2. Florida Department of Law Enforcement – Edward Byrne JAG

- a. **Date Due:** October 24, 2018
- b. **Amount of Request:** \$3,341
- c. **Summary of RFP:** These grant funds may be used for law enforcement programs, prevention and education programs, drug treatment, and school resource officers (SRO).
- d. **Items Needed to Apply:** The Village intends to use this funding for an SRO. Grant writer needs more information about how this will support the SRO.

3. FEMA – Flood Mitigation Assistance

- a. **Date Due:** TBD – Potentially October 2018
- b. **Amount of Request:** Varies **Match:** Generally 25% of Project Cost

- a. **Summary:** These grant funds may be used for infrastructure protective measures, flood water storage and diversion, water and sanitary sewer protective measures, utility protective measures, stormwater management, aquifer storage and recovery, flood mitigation planning.

 - a. **Items Needed to Apply:** Project must be included in the Miami-Dade County Local Mitigation Strategy (must obtain letter from County Coordinator, Cathie Perkins). Must submit a Benefit Cost Analysis (BCA). For drainage projects, this includes identifying the homes/buildings in the project area that are insured through the National Flood Insurance Program and the history of insurance claims. If less than 50% of the homes/structures in the project area do not have NFIP numbers, then the project will not be competitive. Municipality must be in favorable standing with NFIP. Additional points are awarded for having match funding provided by private organizations/businesses; participation in Community Rating System (CRS); adopting International Building Codes; and/or having a Building Code Effectiveness Grading Schedule rating.
4. **FEMA – Pre-Disaster Mitigation Grant**
- a. **Date Due:** TBD – Potentially October 2018
 - b. **Amount of Request:** Varies **Match:** Minimum 25% of Project Cost
 - c. **Summary:** These grant funds may be used for generators for critical facilities, undergrounding of utilities, or stormwater management projects identified in a FEMA-approved mitigation plan; and Mitigation projects that reduce risk to any natural hazard (e.g., seismic, wildfire, landslide, wind, flood, drought)”.
 - d. **Items Needed to Apply:** Project must be included in the Miami-Dade County Local Mitigation Strategy (must obtain letter from County Coordinator, Cathie Perkins). Must submit a Benefit Cost Analysis (BCA). This is calculated by comparing the cost of not completing the project vs. the cost of completing the mitigation project. Priority is given to applicants enrolled in the National Flood Insurance Program (NFIP) and with a Community Rating System (CRS) score. Additional points are awarded for having match funding provided by private organizations/businesses; adopting International Building Codes, having a Building Code Effectiveness Grading Schedule rating.

Grant Updates

Florida Inland Navigation District awarded \$180,000 for the completion of the Baywalk Plaza Construction (South Side) project.

North Bay Village
2017-2018 Active

	Project Category	Funder Name	Project Title	Contract #	Contract Period	Purpose	Award Amount	Match Required	Has Project Started?	Reimbursement Submitted?	Amount Reimbursed	Next Steps
1	Stormwater	Florida Department of Environmental Protection (TMDL)	North Bay Village Drainage Improvement Project	NS020	7/1/2016 - 6/30/2021	Repair/Replacement of catch basins and drainage improvements	\$ 150,000.00	\$ 150,000.00	No	No	N/A	The Village executed contract with RicMan in December 2017. Village is now in the planning phase for the catch basin improvements. Received approval from DEP to amend the work plan on 9/27/18.
2	Stormwater	Florida Department of Environmental Protection (Legislative Appropriation)	North Bay Village Storm Water Phase II Improvements	LP13044	6/1/2016 - 12/31/2019	Install 13 Flex Valves at Village Outfalls starting in Treasure Island	\$ 225,000.00	\$ -	Yes	No	N/A	The Village executed contract with RicMan in December 2017. 21 Outfalls have been installed. Village is collecting cancelled checks for the final reimbursement report.
3	Stormwater	South Florida Water Management District	North Bay Village Outfall Improvement Project	4600003548	10/1/2016 - 10/31/2018	Installation of Flex Valves at Village Outfalls starting in Treasure Island	\$ 150,000.00	\$ 150,000.00	Yes	No	N/A	The Village executed contract with RicMan in December 2017. 21 Outfalls have been installed. Village is collecting cancelled checks for the final reimbursement report.
4	Baywalk Construction	Florida Department of Transportation	Baywalk Plaza Construction (North)	Pending Completion of LAP Process	FY2020-21	Construction of the Baywalk Plaza Area (North)	\$ 1,000,000.00	Any amount above \$1 Million	No	No	N/A	Village completed the LAP certification process with FDOT in August 2018. The Village is awaiting instructions from FDOT to move forward with the contract.
5	Boardwalk Design	Florida Inland Navigation District	Baywalk/Boardwalk Planning and Design	DA-NBV-16-196	10/1/2016 - 9/30/2019	Design and Permitting of Baywalk/Boardwalk	\$ 100,000.00	\$ 100,000.00	Yes	No	N/A	Challenges with securing site control is a barrier to the completion of this project. The Village was granted a one year extension from FIND in September 2018 to complete the project. The Village will not be reimbursed for any work until a Contract for Construction of the Baywalk/Boardwalk is signed.
6	Baywalk Construction	Florida Inland Navigation District	Baywalk Plaza Construction	DA-NBV-15-194	10/21/2016 - 09/30/2018	Construction of Baywalk Plaza (South Side)	\$ 200,000.00	\$ 200,000.00	Yes	No	N/A	Construction of the first phase of the project is complete. The Village is collecting cancelled checks and invoices to submit the reimbursement request.
7	Police	University of South Florida CUTR	High Visibility Enforcement	PO 244596	10/1/2017-5/15/2018	Overtime hours for officers to conduct increased education	\$ 2,000.00	\$ -	Yes	\$866.79	Yes	The department was not able to spend out this contract.

North Bay Village
2017-2018 Active

	Project Category	Funder Name	Project Title	Contract #	Contract Period	Purpose	Award Amount	Match Required	Has Project Started?	Reimbursement Submitted?	Amount Reimbursed	Next Steps
8	Youth-NEW	The Children's Trust	Our Kids Our Treasure Youth Program	N/A	8/1/2018-7/30/2018	Trust afterschool program	\$ 169,256.00	Any amount over the contract	Yes	N/A	N/A	Grant management and reporting is conducted by the Village. The Village was awarded a five (5) year contract totaling \$846,280 to continue the after-school program.
9	Transit-NEW	Miami-Dade Transit Planning Organization	Village Trolley Route Expansion	N/A	Pending Contract Execution	Funding will be used to extend services of the Village Trolley to connect to the TPO's	\$ 50,000.00	\$ 50,000.00	No	N/A	N/A	The Village received notification of award in July 2018. Pending Contract execution
10	Public Works-NEW	Florida Department of Transportation	Treasure Island ADA Sidewalk/Roadway Improvements	N/A	Pending Contract Execution	Funding will be used for ADA improvements throughout Treasure Island and parts of JFK. (i.e.	\$ 150,000.00	Any amount over the contract	No	N/A	N/A	Pending contract execution.
11	General-NEW	Miami-Dade Age Friendly Initiative	Services for Older Adults	N/A	7/1/2018 - 12/31/2018	Funding will be used to install a small computer lab in the lobby of the Village Hall for use by older adults.	\$ 2,500.00	Any amount over the contract	No	N/A	N/A	The deadline to complete this project is December 31, 2018. The Village will need to identify, purchase and install the computers. Then plan a "grand opening"
12	Baywalk Construction-NEW	Florida Inland Navigation District	Construction of Baywalk Plaza (South Side-Phase II)	N/A	10/1/2018 - 9/30/2020	Funding will be used to complete construction of the	\$ 180,000.00	\$ 180,000.00	No	N/A	N/A	Pending contract execution.
							Total:	\$ 2,378,756.00				

Last Updated BellTower Consulting Group, LLC 9/28/2018

Agenda Item 9A



North Bay Village

Administrative Offices

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

NORTH BAY VILLAGE RECOMMENDATION MEMORANDUM

DATE: September 30, 2018

TO: Mayor Connie Leon Kreps
Vice-Mayor Andreana Jackson
Commissioner Jose Alvarez
Commissioner Laura Cattabriga
Commissioner Eddie Lim

RECOMMENDED BY: Interim Village Manager Lewis Velken *LW*

PRESENTED BY STAFF: Interim Village Manager Lewis Velken

SUBJECT: FY 2019 National Urban Forestry Grant Program

RECOMMENDATION:

It is recommended that the Village Commission approve the attached Resolution authorizing the Village to submit an application in the amount of up to \$20,000 for tree planting, and providing a 50% match if the grant is awarded.

BACKGROUND:

Funding Source: Florida Department of Agriculture and Consumer Services

Program Title: FY2019 National Urban Forestry Grant Program

Grant Request: up to \$20,000

Match Required: 50% of grant request (cash and in-kind)

The Florida Department of Agriculture and Consumer Services released a request for proposals for the 2018 National Urban and Community Forestry Grant Program. The focus of this year's grant program is to support Florida communities affected by recent hurricanes and other weather-related events. Funding is available in the following categories:

- Replacement of Urban Canopy due to Storms (Tree Planting)
- Public Tree Inventory or Assessment
- Information and Education for Storm Preparedness

Agenda Item 9A

The Village desires to apply for funding under the “Replacement of Urban Canopy due to Storms (Tree Planting)” category. The maximum request allowed is \$20,000, and the Village is required to provide a 50% match of the grant request. This can be accomplished through a combination of cash (for trees, maintenance, shrubs/mulch) and in-kind (staff time, staff supplies/equipment).

FINANCIAL IMPACT:

Up to \$10,000 (50% match of grant request)

BUDGETARY IMPACT:

Up to \$10,000 (50% match of grant request)

PERSONNEL IMPACT:

None

Agenda Item 9A



North Bay Village

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MEMORANDUM

North Bay Village

DATE: October 2, 2018

TO: Graciela Mariot
Interim Village Clerk

FROM: Lewis Velken 
Interim 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 AND AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION FOR THE 2018 NATIONAL URBAN AND COMMUNITY FORESTRY GRANT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, AGREEING TO EXECUTE AN AGREEMENT FOR THE GRANT IF THE GRANT IS AWARDED TO THE VILLAGE, AND TO PROVIDE MATCHING FUNDS; PROVIDING AN EFFECTIVE DATE.

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

LV:gm

Mayor
Connie Leon-Kreps

Vice Mayor
Andreana Jackson

Commissioner
Jose R. Alvarez

Commissioner
Laura Cattabriga

Commissioner
Eddie Lim

Agenda Item 9A

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AND AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION FOR THE 2018 NATIONAL URBAN AND COMMUNITY FORESTRY GRANT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, AGREEING TO EXECUTE AN AGREEMENT FOR THE GRANT IF THE GRANT IS AWARDED TO THE VILLAGE, AND TO PROVIDE MATCHING FUNDS; PROVIDING AN EFFECTIVE DATE (*INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN*)

WHEREAS, North Bay Village desires to increase tree canopy in public rights-of-way; and

WHEREAS, the purpose of Florida's Urban and Community Forestry (UCF) Grant Program is to provide financial assistance to local governments to initiate or enhance local urban and community forestry programs within the state of Florida.; and

WHEREAS, North Bay Village intends to submit an application in the amount of up to \$20,000 for the planting of new trees; and

WHEREAS, if approved for the grant, the Village will enter into a Memorandum of Agreement between North Bay Village, Florida and the Florida Department of Agriculture and Consumer Services; and

WHEREAS, if approved for the Grant, the Village will provide matching funds in the amount of \$20,000.00 towards the tree planting project.

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 herein by this reference.

Section 2. Project Authorization. The Village Commission hereby supports the Village's urban forestry efforts and approves the application for the Grant submittal with a matching fund amount of \$20,000.00.

Section 3. Village Manager Authorization. The Village Manager or his designee is hereby authorized to submit said proposal requesting the grant.

Section 4. Effective Date. This Resolution shall become effective upon its

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47 adoption.

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

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53 **FINAL VOTE AT ADOPTION:**

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55 Mayor Connie Leon-Kreps _____

56 Vice Mayor Andreana Jackson _____

57 Commissioner Jose Alvarez _____

58 Commissioner Laura Cattabriga _____

59 Commissioner Eddie Lim _____

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61 **PASSED AND ADOPTED** this 9th day of October 2018.

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Connie Leon-Kreps, Mayor

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67 **ATTEST:**

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Graciela Mariot

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

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Norman C. Powell, Esq.

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Village Attorney

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North Bay Village Resolution: Forestry Grant Application

Agenda Item 9A



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PRESENTED BY STAFF: Interim Village Manager Lewis Velken

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- Information and Education for Storm Preparedness

Agenda Item 9A

The Village desires to apply for funding under the “Replacement of Urban Canopy due to Storms (Tree Planting)” category. The maximum request allowed is \$20,000, and the Village is required to provide a 50% match of the grant request. This can be accomplished through a combination of cash (for trees, maintenance, shrubs/mulch) and in-kind (staff time, staff supplies/equipment).

FINANCIAL IMPACT:

Up to \$10,000 (50% match of grant request)

BUDGETARY IMPACT:

Up to \$10,000 (50% match of grant request)

PERSONNEL IMPACT:

None

Agenda Item 9A



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 2, 2018

TO: Graciela Mariot
Interim Village Clerk

FROM: Lewis Velken 
Interim 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 AND AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION FOR THE 2018 NATIONAL URBAN AND COMMUNITY FORESTRY GRANT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, AGREEING TO EXECUTE AN AGREEMENT FOR THE GRANT IF THE GRANT IS AWARDED TO THE VILLAGE, AND TO PROVIDE MATCHING FUNDS; PROVIDING AN EFFECTIVE DATE.

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

LV:gm

Mayor
Connie Leon-Kreps

Vice Mayor
Andreana Jackson

Commissioner
Jose R. Alvarez

Commissioner
Laura Cattabriga

Commissioner
Eddie Lim

Agenda Item 9A

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AND AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION FOR THE 2018 NATIONAL URBAN AND COMMUNITY FORESTRY GRANT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, AGREEING TO EXECUTE AN AGREEMENT FOR THE GRANT IF THE GRANT IS AWARDED TO THE VILLAGE, AND TO PROVIDE MATCHING FUNDS; PROVIDING AN EFFECTIVE DATE (*INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN*)

WHEREAS, North Bay Village desires to increase tree canopy in public rights-of-way; and

WHEREAS, the purpose of Florida's Urban and Community Forestry (UCF) Grant Program is to provide financial assistance to local governments to initiate or enhance local urban and community forestry programs within the state of Florida.; and

WHEREAS, North Bay Village intends to submit an application in the amount of up to \$20,000 for the planting of new trees; and

WHEREAS, if approved for the grant, the Village will enter into a Memorandum of Agreement between North Bay Village, Florida and the Florida Department of Agriculture and Consumer Services; and

WHEREAS, if approved for the Grant, the Village will provide matching funds in the amount of \$20,000.00 towards the tree planting project.

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 herein by this reference.

Section 2. Project Authorization. The Village Commission hereby supports the Village's urban forestry efforts and approves the application for the Grant submittal with a matching fund amount of \$20,000.00.

Section 3. Village Manager Authorization. The Village Manager or his designee is hereby authorized to submit said proposal requesting the grant.

Section 4. Effective Date. This Resolution shall become effective upon its

Agenda Item 9A

47 adoption.

48

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

52

53 **FINAL VOTE AT ADOPTION:**

54

55 Mayor Connie Leon-Kreps _____

56 Vice Mayor Andreana Jackson _____

57 Commissioner Jose Alvarez _____

58 Commissioner Laura Cattabriga _____

59 Commissioner Eddie Lim _____

60

61 **PASSED AND ADOPTED** this 9th day of October 2018.

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Connie Leon-Kreps, Mayor

66

67 **ATTEST:**

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70

Graciela Mariot

72 Interim Village Clerk

73

74

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

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78

79

Norman C. Powell, Esq.

81 Village Attorney

82

83 North Bay Village Resolution: Forestry Grant Application



Staff Report Site Plan

*Prepared for: North Bay Village,
Commission*

Applicant: Benihana National of Florida Corp

Site Address: 1665 Kennedy Causeway

*Request: Site Plan Approval for Benihana
Restaurant*

Agenda Item 10A

Staff Report
Site Plan

Applicant: Benihana National of Florida Corp.

General Information

Applicant:	Benihana National of Florida Corp
Applicant Address:	21500 Biscayne Blvd, Suite 900, Aventura, FI 33180
Site Address:	1665 Kennedy Cswy
Contact Person:	Travis Radak
Phone Number:	561-283-0721
E-mail Address	tradak@radakovichinc.com

	Existing
Future Land Use	Commercial
Zoning District	CG (General Commercial)
Use of Property	Restaurant
Acreage	1.085 acres (47,250 sq ft)

Legal Description of Subject Property

The Easterly 262.5 feet of the Westerly 1,262.50 feet of the following described tract of land as measured along a line running at right angles to the Westerly line of said tract:

Commence at the ½ mile post on the West line of Section 9, Township 53 South, Range 42 East, Miami-Dade County, Florida, as shown on the Map of Highway Right-of-Way of Proposed Northeast Seventy-Ninth Street Causeway, which is recorded in Plat Book 25, at Page 70, of the Public Records of Dade County, Florida, run North 88°41'24" East, 1,960 feet; thence North 01°37'08" feet to the Point of Beginning of the hereinafter described tract of land:

Thence continue North 01°37'08" West 129.730 feet to the point of curve of a curve to the right; thence to the right along said curve having an interior angle of 90°18'32" and a radius of 50.00 feet for an arc distance of 78.809 feet to a point of tangency; thence North 88°41'24" East 2,169.970 feet to the point of curvature of a curve to the right thence to the right along said curve having an interior angle of 44°32'45" and a radius of 600.00 feet for an arc distance of 466.483 feet to a point of tangency; thence South 46°45'51" East 102.180 feet to the point of intersection with the Northerly line of the existing right-of-way of said Northeast Seventy-Ninth Street Causeway; thence in a Southwesterly, Northwesterly and Westerly direction along the Northerly line of said existing right-of-way to the Point of Beginning.

Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay
East	Future Land Use	Commercial
	Zoning District	General Commercial
	Existing Land Use	Office
South	Future Land Use	Commercial
	Zoning District	General Commercial
	Existing Land Use	Office, Restaurant and Service Commercial
West	Future Land Use	Commercial
	Zoning District	General Commercial
	Existing Land Use	Residential Condominium

Description of Requests

The applicant is requesting site plan approval, pursuant to Section 5.8 of the North Bay Village Code, for development of a 9,215 square foot commercial restaurant structure in the CG (General Commercial) zoning district.

Adequacy of Public Facilities

Water & Sewer

Water and Sewer utilities will continue to be provided by Miami-Dade County. This applicant is proposing to redevelop an existing restaurant, reducing the total square feet of the structure and the reducing the customer service area. The intensity of use is not increasing. The existing water and sewer facilities should not need expansion.

Traffic

The existing restaurant has 5,375 square feet of customer service area and 77 parking spaces. The proposed restaurant has 3,961 square feet of customer service area and 65 parking spaces. The intensity of use is not increasing, the number of parking spaces is not increasing, and the number vehicle trips generated by the proposed redevelopment should not be significantly greater than the existing restaurant. For this reason, the applicant has requested an exemption from the requirement to conduct a traffic impact study. Staff agrees that a traffic impact study is not warranted for this project.

Agenda Item 10A

Staff Report
Site Plan

Applicant: Benihana National of Florida Corp.

Consistency with Comprehensive Plan

Policy	Regulation	Required	Provided
North Bay Village Comprehensive Plan			
Future Land Use Policy 2.1.12	Allowable Uses	A broad range of general and professional office, retail, banking, hotel, service establishments, and high density residential	The proposed restaurant use is consistent with the Commercial Future Land Use Category
Future Land Use Policy 2.1.12	Maximum FAR	3.0	0.2
Future Land Use Policy 2.1.13(1)	Maintenance of commercial areas	Redevelopment of existing commercial uses will not be allowed unless the new development contains a commercial building square footage equal to at least fifty percent (50%) of the existing commercial use	Existing restaurant is 10,400 sq ft. Proposed restaurant building is 9,215 sq ft, which is 89% of the size of the existing.
Future Land Use Policy 2.1.13(2)	Minimum ratio of commercial	There will be no complete substitution of residential for commercial uses in the Village's Commercial Future Land Use category. The minimum cumulative total floor area for commercial uses in all areas designated for the Commercial Future Land Use category is twenty-five percent (25%)	No residential uses are proposed for this project

Agenda Item 10A

Staff Report
Site Plan

Applicant: Benihana National of Florida Corp.

Consistency with Land Development Regulations

Section	Regulation	Required	Provided
North Bay Village LDC			
8.10(E)(2)(k)	Uses permitted	Restaurant	In compliance
8.10(E)(5)(a)	Minimum lot area	10,000 sq ft	47,250 sq ft
8.10(E)(5)(a)	Minimum frontage	75 ft	262.5 ft
8.10(E)(5)(b)	Minimum front setback	40 ft	72 ft
8.10(E)(5)(b)	Minimum side setbacks	15 ft, plus five feet for each story over three (proposed structure is single story)	15 ft on west side 125 ft on east side
8.10(E)(5)(b)	Minimum rear setback	25 ft	25.5 ft
8.10(E)(5)(c)	Maximum building height	130 ft or 12 stories, whichever is less	30.5 ft
8.10(E)(5)(c)	Maximum parking levels	2 stories	All parking is ground level surface parking
8.10(E)(5)(d)	Minimum pervious area	20% of total parcel <u>20% of 47,250 = 9,450 sq ft</u>	10,208 sq ft
8.13(E)(1)(a)(1)	Dumpster screening	Trash and garbage facilities shall be within an enclosed, air-conditioned 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

Agenda Item 10A

Staff Report
Site Plan

Applicant: Benihana National of Florida Corp.

Section	Regulation	Required	Provided
8.13(E)(1)(f)	Mechanical equipment location	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
8.13(E)(1)(g)	Mechanical equipment screening	Service bays, ground-mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered	In compliance
8.13(E)(1)(h)	Delivery Area	Delivery areas should not be used for the storage of vehicles or materials	In compliance
9.3(C)(3)(g)	Minimum number of parking spaces	One space for each 75 square feet of customer service area <u>$3,961 / 75 = 53$ spaces required</u>	65 parking spaces
9.3(E)(4)	Minimum standard parking space dimensions	9 ft by 18 ft	In compliance
9.3(E)(4)	Minimum compact parking space dimensions	8 ft by 16 ft	N/A
9.3(E)(4)	Minimum ADA parking space dimensions	Must comply with all applicable accessibility standards	In compliance
9.3(E)(5)(a)	Compact parking to be approved by Village Commission	Special use exception approval from Village Commission required for compact parking utilization.	N/A
9.3(E)(5)(a)	Maximum number of compact parking spaces	If approved by Commission, 20% of total required parking spaces may be compact spaces	N/A

Agenda Item 10A

Staff Report
Site Plan

Applicant: Benihana National of Florida Corp.

Section	Regulation	Required	Provided
9.3(E)(5)(b)	Valet parking required for compact parking	Applicants seeking approval for the use of compact parking spaces shall provide valet parking services in perpetuity	N/A
9.3(E)(6) & Florida Accessibility Code 208.2	Minimum number of ADA spaces	For facilities with 51 to 75 parking spaces, at least 3 parking spaces must be ADA compliant	3 ADA parking spaces provided
9.3(E)(10)	Landscaping required	Use Miami Dade landscape code	See Miami Dade landscape code review below
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
9.3(E)(17)(b)	Minimum width of maneuvering aisle with 90 degree parking	23 ft	In compliance
9.3(E)(17)(f)(2)	Minimum width of 2-way access aisle	23 ft	In compliance
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

Agenda Item 10A

Staff Report
Site Plan

Applicant: Benihana National of Florida Corp.

Section	Regulation	Required		Provided
		Gross floor area	Spaces	
9.4(B)(1)	Minimum number of loading spaces for multi-family	<10,000	0	1 loading space provided
		10,000-20,000	1	
		20,000-40,000	2	
		40,000-60,000	3	
		>60,000	4	
		<u>9,439 sq ft of gross floor area, 0 loading spaces required</u>		
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
9.11(B)	Miami Dade Shoreline Development Approval Required	Approval from the Miami-Dade County Shoreline Development Review Committee required		Shoreline approval not yet provided
9.12(C)(1)	Seawall maintenance	Seawalls must be kept in good repair		All necessary seawall repairs were recently completed
9.21(C)	Light pole maximum height	20 ft		20 ft
10.5(B)(2)(a)	First finished floor minimum elevation	1 ft above base flood elevation <u>Base flood elevation is 8 ft NGVD at the building site. FFF must be at least 9 ft NGVD</u>		9 ft NGVD
11.9(C)(2)	Maximum number of façade signs for single occupancy establishments	A flat illuminated or nonilluminated sign may be erected on one facade of a building		Plans depict an additional façade sign. Sign variance requested
11.9(C)(2)(b)	Maximum façade sign area for existing establishments	11% of façade area		In compliance

Agenda Item 10A

Staff Report
Site Plan

Applicant: Benihana National of Florida Corp.

Section	Regulation	Required	Provided
11.9(C)(3)	Maximum façade sign area for bay frontage	10% of the façade area, with lettering not to exceed 100 sq ft	In compliance
11.9(C)(5)	Maximum detached sign area	100 sq ft per side	99.75 sq ft
11.9(C)(5)	Detached sign location	Shall not be placed in side or rear yards	In compliance
11.9(C)(5)	Minimum detached sign front setback	10 ft	In compliance
11.9(C)(5)	Detached sign maximum height	24 ft	11.5 ft
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.	Not yet provided
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	20% of percent of the net lot area, less the area covered by buildings. <u>$(47,250 - 9,215) \times 0.2 = 7,607 \text{ sq ft}$</u>	Landscape plan not yet provided
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.	Landscape plan not yet provided

Agenda Item 10A

Staff Report
Site Plan

Applicant: Benihana National of Florida Corp.

Section	Regulation	Required	Provided
18A-6(C)(2)	Street trees	<p>Street trees shall be provided along all roadways at a maximum average spacing of 35' on center (25' for palms).</p> <p><u>With 265.5 linear foot of frontage, either 8 trees or 11 palms are required.</u></p>	Landscape plan not yet 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.	Landscape plan not yet provided
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.	Landscape plan not yet provided
18A-6(C)(5)	Number of required trees	<p>222 trees per acre of net lot area</p> <p><u>22 x 1.085 = 24 required trees</u></p>	Landscape plan not yet provided
18A-6(C)(11)	Limitations on required trees	<p>Of the required trees:</p> <p>At least 30% shall be native species.</p> <p>At least 50% shall be low maintenance and drought tolerant.</p> <p>No more than 30% shall be palms</p>	Landscape plan not yet provided

Agenda Item 10A

Staff Report
Site Plan

Applicant: Benihana National of Florida Corp.

Section	Regulation	Required	Provided
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.	Landscape plan not yet 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>	Landscape plan not yet provided
18A-6(D)(2)	Shrub buffers	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	Landscape plan not yet provided

Agenda Item 10A

Staff Report
Site Plan

Applicant: Benihana National of Florida Corp.

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 style="background-color: yellow;">Landscape plan not yet provided</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>	<p>7 ft strip provided adjacent to ROW</p> <p style="background-color: yellow;">Landscape plan not yet provided</p>

Agenda Item 10A

Staff Report
Site Plan

Applicant: Benihana National of Florida Corp.

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. <u>10 x 65 = 650 sq ft</u></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>~1,000 sq ft landscaped area provided within parking lot</p> <p style="background-color: yellow;">Landscape plan not yet provided</p>
Miami-Dade Biscayne Bay Management Plan			
33D-38(1)b	Minimum rear setback	<p>25 ft plus 50% of building height above 35 ft (measured from mean high water line), up to 75 ft maximum.</p> <p><u>~30 ft required</u></p>	<p style="background-color: yellow;">Only 25.5 ft</p>

Agenda Item 10A

Staff Report
Site Plan

Applicant: Benihana National of Florida Corp.

Section	Regulation	Required	Provided
33D-38(1)c	Public shoreline walkway may be provided when rear setback is not met.	No buildings, accessory uses, belowground structures, ancillary structures or other uses shall be allowed in the setback area described hereinabove. However, if public shoreline walkways are provided, along with covenants and provisions to ensure public use and maintenance of these walkways in perpetuity, then the Committee may recommend that the shoreline setback be decreased.	The site plan does not meet the shoreline setbacks and does not include a complete public baywalk. Shoreline review staff contacted the Village Zoning department to state that the site plan is incompatible with the Ch 33D principles and design guidelines and request that the plans be revised
33D-38(2)a	Minimum visual corridor	20% of lot width on one side, with a 20 ft minimum and a 100 ft maximum. Structures not permitted in view corridor. <u>262.5 x 0.2 = 52.5 ft</u>	125 ft view corridor on east side
33D-38(3)	Minimum side setback	Minimum of 25 ft	Only 15 ft west side setback
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 4-0 on September 4, 2018.

Staff Recommendation

After the Village Planning & Zoning Board public hearing, the Miami-Dade Shoreline Development Review staff contacted Village staff with concerns regarding this site plan and compliance with the County's Shoreline regulations. Their comments relate to setbacks and the lack of a complete public shoreline walkway. Their suggestion is to remove the surplus parking spaces along the waterfront and provide a public baywalk.

Historically, Village staff has recommended approval based on the condition that the applicant must receive site plan approval from the Miami-Dade Shoreline Review Committee prior to issuance of a Village building permit. However, this is the first site plan to be presented in several years for a bay front property which does not include a public baywalk.

Though the current Village Code does not require a public baywalk for strictly commercial developments, the Miami Dade regulations do require the public baywalk. Staff recommends that this site plan be deferred until the Miami-Dade Shoreline Review Committee approves the site plan.

Approval should also be based on the following conditions being met prior to the issuance of a building permit:

- 1) Submittal of a vegetative plan which meets Miami-Dade Chapter 18A requirements
- 2) Submittal of an irrigation plan which meets Miami-Dade Chapter 18A requirements
- 3) Submittal of a landscape plan which meets Miami-Dade Chapter 18A requirements
- 4) Site plan approval from Miami-Dade Shoreline Review Committee.
- 5) Payment of any applicable impact fees.
- 6) Cost recovery charges must be paid pursuant to Village Code 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.
- 7) Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
- 8) 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.
- 9) All applicable state and federal permits must be obtained before commencement of construction.

Agenda Item 10A

Applicant: Benihana National of Florida Corp.

Staff Report
Site Plan

- 10) Applicant shall not lease or sell parking spaces or charge for parking.
- 11) Staging of construction materials shall not occur on the public right-of-way.

Submitted by:

James G. LaRue
James G. LaRue, AICP
Planning Consultant
October 2, 2018

Hearing: Village Commission, October 9, 2018

**AERIAL
SUBJECT SITE AND ENVIRONS**

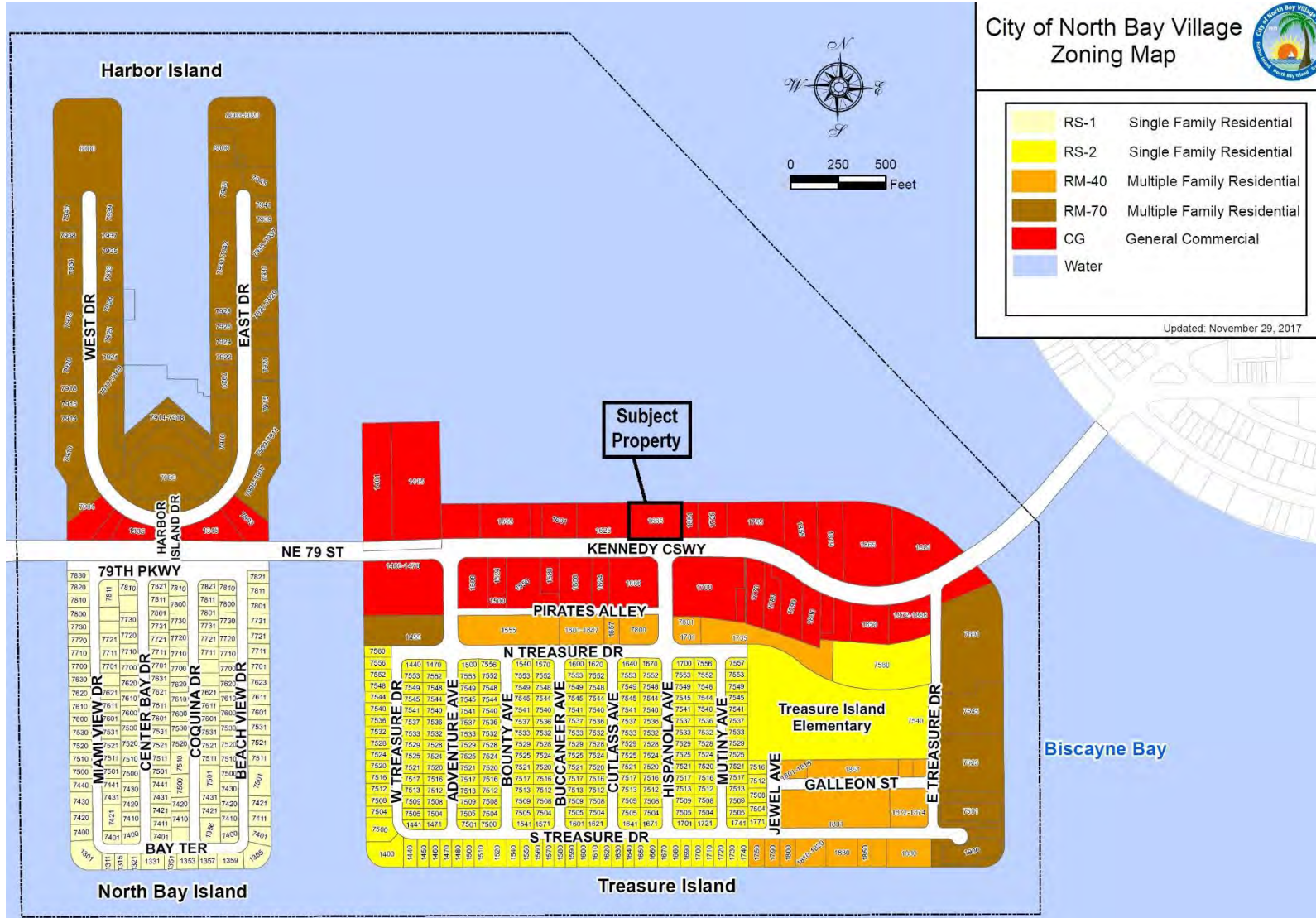


Agenda Item 10A

Applicant: Benihana National of Florida Corp

Staff Report
Site Plan

ZONING SUBJECT SITE AND ENVIRONS





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 2, 2018

TO: Graciela Mariot
Interim Village Clerk

FROM: Lewis Velken, 
Interim 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 BENIHANA NATIONAL OF FLORIDA CORP. FOR SITE PLAN APPROVAL, PURSUANT TO SECTION 5.4(C) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE FOR CONSTRUCTION OF A NEW 9,215 SQUARE FOOT, 34 FOOT HIGH COMMERCIAL STRUCTURE (SINGLE STORY RESTAURANT) AT 1665 79TH STREET CAUSEWAY, TREASURE ISLAND, 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.

LV:gm

Mayor
Connie Leon-Kreps

Vice Mayor
Andreana Jackson

Commissioner
Jose R. Alvarez

Commissioner
Laura Cattabriga

Commissioner
Eddie Lim

Agenda Item 10A

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BENIHANA NATIONAL OF FLORIDA, CORP. FOR SITE PLAN APPROVAL, PURSUANT TO SECTION 5.4(C) OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE FOR CONSTRUCTION OF A NEW 9,215 SQUARE FOOT, 34 FOOT HIGH COMMERCIAL STRUCTURE (SINGLE STORY RESTAURANT) AT 1665 79TH STREET CAUSEWAY, TREASURE ISLAND, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)

WHEREAS, pursuant to Section 5.4 (C) of the North Bay Village Unified Land Development Code, Benihana National of Florida, Corp. has applied to North Bay Village for Site Plan Approval to construct a 9,215 square foot, 34 foot high commercial structure at 1665 79th Street Causeway, Treasure Island, North Bay Village, Florida; and

WHEREAS, Section 5.4 (C) of 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;

WHEREAS, in accordance with Section 5.4 (C) of the Village Code, a public hearing by the Planning and Zoning Board was noticed for September 4, 2018 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 5.4 (C) of the Village Code, a public hearing by the Village Commission was noticed for October 9, 2018 at 6:30 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 herein by this reference.

Section 2. Finding. In accordance with Section 5.4 (C) of the Village Code,

Agenda Item 10A

47 the Village Commission finds that the proposed Site Plan for construction of a 9,215
48 square foot, 34 foot high commercial structure at existing commercial property:

- 49
- 50 A. Protects against and minimizes any undesirable effects upon contiguous and
51 nearby property.
 - 52
 - 53 B. Provides sufficient off-street parking and loading facilities so that it will not be
54 necessary to use the streets in the vicinity for this purpose.
 - 55
 - 56 C. Provides sufficient setbacks, open space, and landscaping in order to protect and
57 enhance the appearance and character of the neighborhood.
 - 58
 - 59 D. Can be accommodated by existing community roads, services, and utilities, or the
60 necessary additions are provided by the developer.

61

62 **Section 3.** **Grant.** The Site Plan to construct a 9,215 square foot, 34 foot high
63 commercial structure at 1665 79th Street Causeway, North Bay Village, Florida, as
64 attached and incorporated as Exhibit “A” entitled Benihana 1665 79th Street Causeway,
65 North Bay Village, FL 33141 is hereby approved.

66

67 **Section 4.** **Conditions.** The Site Plan is approved with the conditions that the
68 following items are met prior to issuance of a Building Permits:

- 69
- 70 1. Submittal of a vegetative plan which meets Miami-Dade Chapter 18A
71 requirements.
 - 72 2. Submittal of an irrigation plan which meets Miami-Dade Chapter 18A
73 requirements.
 - 74 3. Submittal of a landscape plan which meets Miami-Dade Chapter 18A
75 requirements.
 - 76 4. Site plan approval from Miami-Dade Shoreline Review Committee.
 - 77 5. Payment of any applicable impact fees.
 - 78 6. Cost recovery charges must be paid pursuant to Village Code Section 5.12.
79 Specifically, no new development application shall be accepted and no building
80 permit or certificate of occupancy shall be issued for the property until all
81 application fees, cost recovery deposits and outstanding fees and fines related to
82 the property (including fees related to any previous development proposal
83 applications on the property), have been paid in full.
 - 84 7. Building permits and related approvals must be obtained from the Building
85 Official prior to commencement of construction.
 - 86 8. Approval of this site plan does not in any way create a right on the part of the

Agenda Item 10A

87 applicant to obtain a permit from a state or federal agency, and does not create
88 liability on the part of the Village for approval if the applicant fails to obtain
89 requisite approvals or fulfill the obligations imposed by a state or federal agency
90 or undertakes action that result in a violation of federal or state law.

91 9. All applicable state and federal permits must be obtained before commencement
92 of construction.

93 10. Applicant shall not lease or sell parking spaces or charge for parking.

94 11. Staging of construction materials shall occur off-site, and not on the public right-
95 of-way.

96 **Section 5. Appeal.** In accordance with Section 10.41 of the Village Code, the
97 Applicant, or any aggrieved property owner, may appeal the decision of the Village
98 Commission by filing a Writ of Certorari to the Circuit Court of Miami-Dade County,
99 Florida, in accordance with the Florida Rules of Appellate Procedure.

100

101 **Section 6. Violation of Conditions.** Failure to adhere to the terms and
102 conditions contained in this Resolution in Section 4, if any, shall be considered a violation of
103 this Resolution and persons found violating the conditions shall be subject to the penalties
104 prescribed by the Village Code, including but not limited to, the revocation of any of the
105 approval(s) granted in this Resolution. The Applicant understands and acknowledges that it
106 must comply with all other applicable requirements of the Village Code before it may
107 commence construction or operation, and that the foregoing approval in this Resolution may
108 be revoked by the Village at any time upon a determination that the Applicant is in non-
109 compliance with the Village Code.

110

111 **Section 7. Effective Date.** This Resolution shall become effective upon its
112 adoption.

113

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

117

118

Agenda Item 10A

119 **FINAL VOTE AT ADOPTION:**

- 120
- 121 Mayor Connie Leon-Kreps _____
- 122 Vice Mayor Andreana Jackson _____
- 123 Commissioner Jose Alvarez _____
- 124 Commissioner Laura Cattabriga _____
- 125 Commissioner Eddie Lim _____

126

127 **PASSED AND ADOPTED** this 9th day of October 2018.

128

129

130

Connie Leon-Kreps, Mayor

131

132

133 **ATTEST:**

134

135

136

Graciela Mariot
Interim Village Clerk

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

143

144

145

Norman C. Powell, Esq.
Village Attorney

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North Bay Village Resolution: Benihana Site Plan Approval



Staff Report Sign Variance

*Prepared for: North Bay Village,
Commission*

Applicant: Benihana National of Florida Corp

Site Address: 1665 Kennedy Causeway

Request: Façade Sign Variance

Agenda Item 10B

Staff Report
Façade Sign Variance

Applicant: Benihana National of Florida Corp

General Information

Applicant:	Benihana National of Florida Corp
Applicant Address:	21500 Biscayne Blvd, Suite 900, Aventura, FI 33180
Site Address:	1665 Kennedy Cswy
Contact Person:	Travis Radak
Phone Number:	561-283-0721 ext. 201
E-mail Address	tradak@radakovichinc.com

	Existing
Future Land Use	Commercial
Zoning District	CG (General Commercial)
Use of Property	Restaurant
Acreage	1.085 acres (47,250 sq ft)

Legal Description of Subject Property

The Easterly 262.5 feet of the Westerly 1,262.50 feet of the following described tract of land as measured along a line running at right angles to the Westerly line of said tract:

Commence at the ½ mile post on the West line of Section 9, Township 53 South, Range 42 East, Miami-Dade County, Florida, as shown on the Map of Highway Right-of-Way of Proposed Northeast Seventy-Ninth Street Causeway, which is recorded in Plat Book 25, at Page 70, of the Public Records of Dade County, Florida, run North 88°41'24" East, 1,960 feet; thence North 01°37'08" feet to the Point of Beginning of the hereinafter described tract of land:

Thence continue North 01°37'08" West 129.730 feet to the point of curve of a curve to the right; thence to the right along said curve having an interior angle of 90°18'32" and a radius of 50.00 feet for an arc distance of 78.809 feet to a point of tangency; thence North 88°41'24" East 2,169.970 feet to the point of curvature of a curve to the right thence to the right along said curve having an interior angle of 44°32'45" and a radius of 600.00 feet for an arc distance of 466.483 feet to a point of tangency; thence South 46°45'51" East 102.180 feet to the point of intersection with the Northerly line of the existing right-of-way of said Northeast Seventy-Ninth Street Causeway; thence in a Southwesterly, Northwesterly and Westerly direction along the Northerly line of said existing right-of-way to the Point of Beginning.

Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Biscayne Bay
East	Future Land Use	Commercial
	Zoning District	General Commercial
	Existing Land Use	Office
South	Future Land Use	Commercial
	Zoning District	General Commercial
	Existing Land Use	Office, Restaurant and Service Commercial
West	Future Land Use	Commercial
	Zoning District	General Commercial
	Existing Land Use	Residential Condominium

Description of Request

The applicant is requesting a sign variance, pursuant to Section 11.10 of the North Bay Village Unified Land Development Code, to allow façade signs on the south, east, and north sides of the proposed restaurant, where Section 11.9(C) allows façade signs only on the bay frontage and one other frontage.

Required Findings

Village Code Section 11.10 recognizes that there might be instances in which relief from the strict requirements of the sign ordinance would result in improved planning or zoning, and would benefit the community. The standards for granting a sign variance are:

- (A) The sign variance must relate to a particular piece of land;

Applicant Response: None.

Staff Comments: The applicant has requested this sign variance in conjunction with the redevelopment of a Benihana restaurant at 1665 Kennedy Causeway.

- (B) The sign variance can be granted without substantial detriment to the public good;

Applicant Response: Approving the sign will not provide any detriment to the public good in that it is minimal in size and limited to a single corporate color. The east side of the proposed building faces the parking lot and an adjacent 2 story

building with no windows facing the sign

Staff Comments: The sign code places limits on the maximum number of signs allowed per building and per use, as an overabundance of signage can have a detrimental effect on community aesthetics and increase the number of distractions for automobile drivers.

- (C) The benefits of the deviation would outweigh any detriment; and

Applicant Response: None.

Staff Comments: Additional signage provides a benefit to the applicant, as additional advertisement can increase public awareness of the restaurant. However, it is unclear what public benefits would be provided by an additional sign. Whether these private benefits outweigh the public detriments (as described in subsection B above) is a decision that the Village Planning & Zoning Board and Village Commission must decide.

- (D) The variance would not substantially impair the intent or purpose of the Village's Comprehensive Plan and/or Zoning Ordinance.

Applicant Response: Approving the variance does not substantially impair the intent or purpose to the Villages code.

Staff Comments: Agreed.

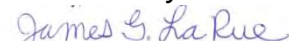
Planning & Zoning Board Recommendation

The North Bay Village Planning and Zoning Board recommended approval of this sign variance request by a vote of 4-0 on September 4, 2018.

Staff Recommendation

Staff finds that the requested variance meets the requirements of subsections A and D of Section 11.10. However, subsections B and C allow for the reviewing bodies to weigh the likely detriments and benefits of the proposed signage before deciding to approve or deny the request. Consequently, if the Commission finds that the benefits of the proposed signage outweigh the detriments, then staff recommends approval of the requested sign variance to allow a façade sign on the east side of the proposed restaurant structure, where it is prohibited by North Bay Village Code.

Submitted by:


James G. LaRue, AICP
Planning Consultant
October 2, 2018

Hearing: Village Commission, October 9, 2018



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 2, 2018

TO: Graciela Mariot
Interim Village Clerk

FROM: Lewis Velken, 
Interim 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 BENIHANA NATIONAL OF FLORIDA CORP. OWNER OF THE BUSINESS ESTABLISHMENT TO BE LOCATED AT 1665 79TH STREET CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR VARIANCE PURSUANT TO SECTION 11.10 OF THE VILLAGE UNIFIED LAND DEVELOPMENT CODE TO ALLOW FAÇADE SIGNS ON THE SOUTH, EAST, AND NORTH SIDES OF THE PROPOSED RESTAURANT, WHERE SECTION 11.9 (C) ALLOWS FAÇADE SIGNS ONLY ON THE BAY FRONTAGE AND ONE OTHER FRONTAGE; 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.

LV:gm

Mayor
Connie Leon-Kreps

Vice Mayor
Andreana Jackson

Commissioner
Jose R. Alvarez

Commissioner
Laura Cattabriga

Commissioner
Eddie Lim

Agenda Item 10B

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RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BENIHANA NATIONAL OF FLORIDA, CORP. OWNER OF THE BUSINESS ESTABLISHMENT TO BE LOCATED AT 1665 79TH STREET CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA FOR VARIANCE PURSUANT TO SECTION 11.10 OF THE VILLAGE UNIFIED LAND DEVELOPMENT CODE TO ALLOW FAÇADE SIGNS ON THE SOUTH, EAST, AND NORTH SIDES OF THE PROPOSED RESTAURANT, WHERE SECTION 11.9 (C) ALLOWS FAÇADE SIGNS ONLY ON THE BAY FRONTAGE AND ONE OTHER FRONTAGE; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)

WHEREAS, pursuant to Section 11.10 of the North Bay Village Unified Land Development Code, Benihana National of Florida, Corp. has applied to North Bay Village for Variance to allow façade signs on the south, east, and north sides of the proposed restaurant; and

WHEREAS, Section 11.9(C) allows façade signs only on the bay frontage and one other frontage; and

WHEREAS, in accordance with Section 4.4 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for September 4, 2018 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 Village Code, a public hearing by the Village Commission was noticed for October 9, 2018 at 6:30 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 herein by this reference.

Agenda Item 10B

47 **Section 2. Finding.** In accordance with Section 11.10 of the Village Code,
48 the Village Commission finds that the proposed Façade Signs:

- 49
- 50 A. Relates to the property located 1665 Kennedy Causeway.
- 51
- 52 B. Sign variance will not provide any detriment to the public good.
- 53
- 54 C. Sign variance provides benefit to the applicant as additional advertisement and
- 55 increases public awareness.
- 56
- 57 D. Variance does not substantially impair the intent or purpose of the Village’s
- 58 Comprehensive Plan and/or Zoning Ordinance.
- 59

60 **Section 3. Grant.** The Façade sign at 1665 79th Street Causeway, North Bay
61 Village, Florida, as attached and incorporated as Exhibit “A” entitled “Benihana 1665
62 79th Street Causeway, North Bay Village, FL 33141” is hereby approved.

63
64 **Section 4. Appeal.** In accordance with Section 10.41 of the Village Code, the
65 Applicant, or any aggrieved property owner, may appeal the decision of the Village
66 Commission by filing a Writ of Certorari to the Circuit Court of Miami-Dade County,
67 Florida, in accordance with the Florida Rules of Appellate Procedure.

68
69 **Section 5. Effective Date.** This Resolution shall become effective upon its
70 adoption.

71
72 The foregoing Resolution was offered by _____, who moved for its
73 adoption. This motion was seconded by _____, and upon being put to a
74 vote, the vote was as follows:

75
76 **FINAL VOTE AT ADOPTION:**

- 77
- 78 Mayor Connie Leon-Kreps _____
- 79 Vice Mayor Andreana Jackson _____
- 80 Commissioner Jose Alvarez _____
- 81 Commissioner Laura Cattabriga _____
- 82 Commissioner Eddie Lim _____
- 83

84 **PASSED AND ADOPTED** this 9th day of October 2018.

85
86
87 _____
88 Connie Leon-Kreps, Mayor
89
90

Agenda Item 10B

91 **ATTEST:**

92

93

94

95 _____
Graciela Mariot

96 Interim Village Clerk

97

98

99 **APPROVED AS TO FORM FOR THE USE OF**

100 **NORTH BAY VILLAGE:**

101

102

103

104 _____
Norman C. Powell, Esq.

105 Village Attorney

106

107 North Bay Village Resolution: Benihana Façade Sign Variance



Staff Report Permit Application for Dock

Prepared for: North Bay Village Commission

Applicant: Holger Piening & Andrea Franke

Site Address: 1700 South Treasure Drive

*Request: Dock and Boat Lift Construction Beyond
the D-5 Triangle and Farther than 25 feet
from the Seawall*



LaRue Planning
& Management Services, Inc.

1375 Jackson Street, Suite 206
Fort Myers, Florida
239-334-3366

Serving Florida Local Governments Since 1988

Agenda Item 10C

Staff Report
Dock Permit Request

Applicant: Holger Piening & Andrea Franke
1700 S Treasure Drive

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 J. Huesmann, P.A.
Contact Phone Number	305-858-0220
E-mail Address	njhuesmann@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 15 feet from the existing seawall into Biscayne Bay and will include a 24,000-pound capacity boat lift which will extend an additional 15.5 feet into Biscayne bay, with the total extension of the proposed structures being 30.5 feet from the seawall. The proposed dock is designed to be located entirely within the D-5 triangle. Only the proposed boat lift will extend outside the D-5 triangle and farther than 25 feet from the seawall. The Village Commission recently denied the applicant's previous request to construct a dock which would have extended 47 feet from the seawall.

Applicable Code Provisions

The construction or alteration of docks, piers, etc is governed by Section 9.12 of the Village Unified Land Development Code. Section 9.12(B) reads as follows:

1. No person, firm, or corporation shall construct any docks, piers, dolphins, wharfs, pilings, boat lifts, or 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 without first-obtaining a waiver from the Village Commission after a public hearing. 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.



Agenda Item 10C

Staff Report
Dock Permit Request

Applicant: Holger Piening & Andrea Franke
1700 S Treasure Drive

2. 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.
3. No person, firm, or corporation shall build, extend, or make any structural alteration on any building, dock, pier, dolphin, wharf, piling, bulkhead, seawall, or similar structure within the corporate limits of the Village, or do any filling, excavating, or dredging in the waters without first obtaining a building permit to do so from the Village Building Department.
4. Application for any permit or the transfer of any permit required by this section shall be made to the Village Building Department 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.
5. Permits for seawalls and dock structures can be approved administratively and do not require a hearing or approval of the Village Commission if:
 - a. All proposed dock structures, including but not limited to boat lifts and mooring piles, are not placed more than 25 feet measured perpendicular from the seawall.
 - b. All proposed dock structures, including but not limited to boat lifts and mooring piles, are entirely within the D-5 triangle as described in Section D5 of the Miami-Dade Public Works Manual.
6. Applications for docks, boat lift, mooring piles or other similar structures that do not meet the administrative approval criteria of Section 6 above shall be heard by the Village Commission at a public hearing. If an applicant seeks a dock or pier length greater than 25 feet measured perpendicular from the seawall (including boat lifts, mooring piles or other structures), the Village Commission shall consider the following criteria to determine if a distance waiver shall be granted:
 - a. If the Applicant has provided to the Village notarized letter(s) of consent from adjoining riparian property owners, and
 - b. If the Village has received any letter(s) of objection from adjoining riparian property owners; and
 - c. Any other factors relevant to the specific site.
7. The Village Commission may deny, approve, or modify the request and/or impose conditions in the permit, or granting of a distance waiver, 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.
8. A public hearing held pursuant to this Section shall be quasi-judicial.
9. Repair or reconstruction of existing structures shall not require approval of the Village Commission but may be approved administratively. However, the provisions of subsections 4 and 5 above shall be complied with.
10. A safety light shall be placed on the part of the structure (either dock, mooring pile, or boat lift) which is furthest from the seawall. The light shall be illuminated from one half hour prior to sunset to one half hour after sunrise.



Staff Comments

The proposed dock will extend 15 feet from the seawall, will be located so that the 7.5 foot side setbacks from the property lines are met, and will be located entirely within the D-5 triangle.

However, since the proposed boat lift will extend outside the D-5 triangle and farther than 25 feet from the seawall (30.5 feet), the Applicant's plans must be approved by the Village Commission at a public hearing. It is the Commission's decision to grant or deny a waiver for these plans.

No letters of consent or letters of objection from adjacent property owners have been submitted with the current application, or submitted separately as of the writing of this report.

The biological assessment that was submitted with the applicant's prior dock application is attached to this report.

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

Staff Recommendations

The applicant's previous plans were denied by the Village Commission. Since then, the applicant has received pre-approval from Miami Dade DERM for the current plans, which include a significantly reduced dock length. Due to that reduction, and since staff has not received any objections to the Applicant's request, we recommend approval of the proposed plans. However, if there are any objections submitted prior to the public hearing or at the public hearing, the Village Commission should consider those objections in their decision to approve or deny the Applicant's plans. 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. A safety light shall be placed on at least one of the boat lift pilings which is furthest from the seawall. The light shall be illuminated from one half hour prior to sunset to one half hour after sunrise.
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 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.
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
August 31, 2018

Hearing: Village Commission, September 25, 2018

Attachments: Biological Assessment Sketch
Dock Plans Provided by Applicant



Agenda Item 10C

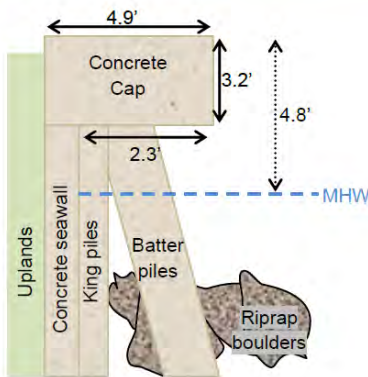
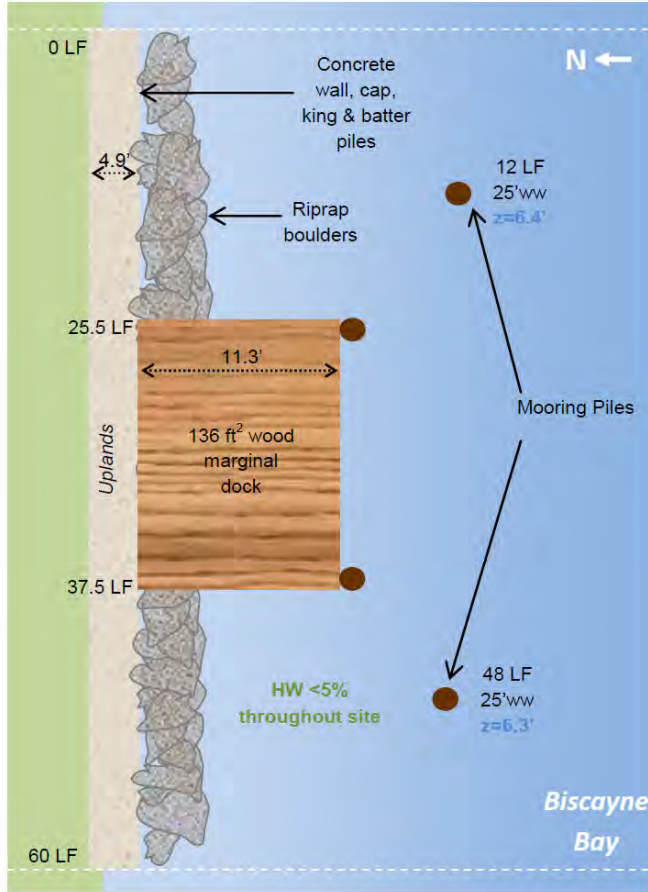
Staff Report
Dock Permit Request

Applicant: Holger Piening & Andrea Franke
1700 S Treasure Drive

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



Sea Wall Cross Section

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) **HW**
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

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

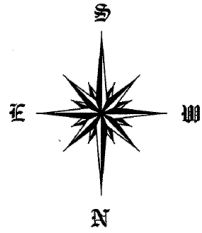
All depths adjusted to MLW. Adjusted 0.5' at 11:30AM.



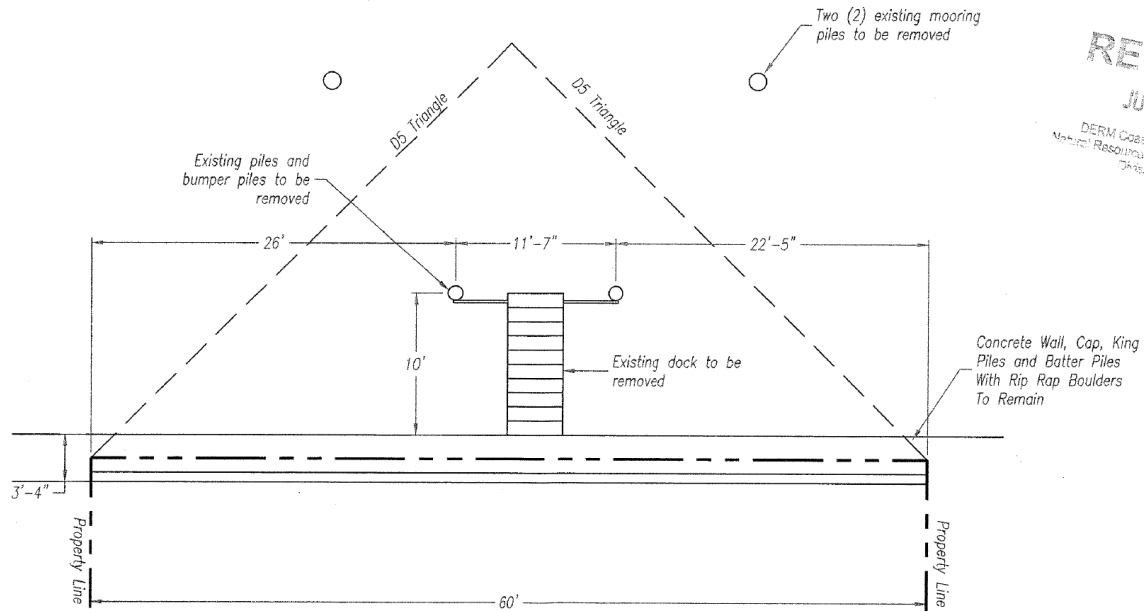
Agenda Item 10C

Applicant: Holger Piening & Andrea Franke
1700 S Treasure Drive

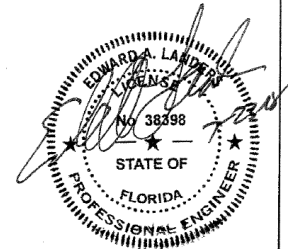
Staff Report
Dock Permit Request



Lot 5 Block 1
TREASURE ISLAND
Plat Book 50 Page 67
Dade County
Florida



RECEIVED
JUL 23 2018
DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)



Site Plan
(Existing Conditions)
Scale: 1/16" = 1'-0"

DER - NATURAL RESOURCES DIVISION
PRELIMINARY APPROVAL
NAME *[Signature]*
DATE *7/23/18*

Dock / Boatlift		DS1	DN1
Piening Holger		WRT	
1700 S Treasure Dr		DATE	09.28.2016
North Bay Village, Florida 33141		PLOT	98
Edward A Landers PE Inc		DWG No.	700 SWR SP 98
PE License # 038398		DIRECTORY	MM/Docks
7650 NW 146 Street #509			
Miami Lakes, Florida 33016			
(305) 823-3938			
Edward A Landers, P.E.			Sheet 1



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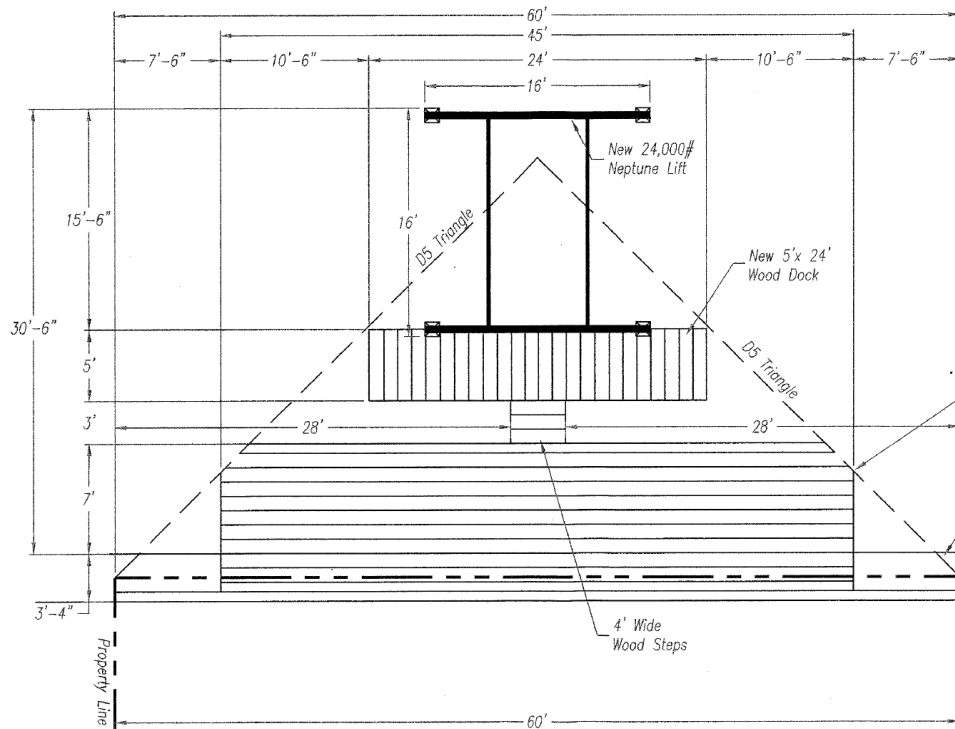
Agenda Item 10C

Applicant: Holger Piening & Andrea Franke
1700 S Treasure Drive

Staff Report
Dock Permit Request



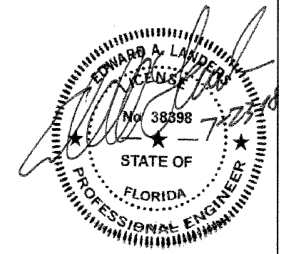
Lot 5 Block 1
TREASURE ISLAND
Plat Book 50 Page 67
Dade County
Florida



RECEIVED
JUL 23 2016

FLORIDA Natural Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

New 10' x 45' Wood Marginal Dock
Concrete Wall, Cap, King Piles and Batter Piles With Rip Rap Boulders To Remain



Site Plan
(Proposed Conditions)
Scale: 1/16" = 1'-0"

NRR - NATURAL RESOURCES DIVISION
PRELIMINARY APPROVAL
NAME: [Signature]
DATE: 7/23/16

Dock / Boatlift	
Piening Holger 1700 S Treasure Dr North Bay Village, Florida 33141	
DSN	DWN
WRT	DATE
	09.29.2016
	PLOT
	25
	DWG No.
	700 SWP SP 96
	DIRECTORY
	MM\Dock
Edward A Landers, P.E.	
Sheet 2	

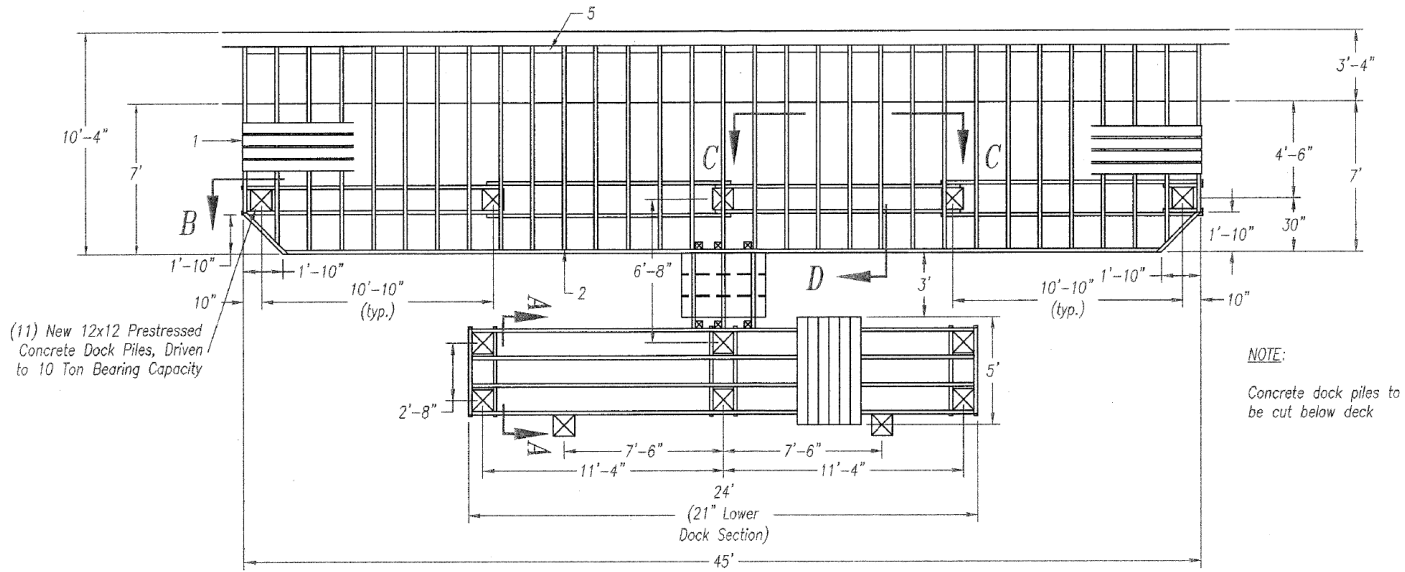


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Agenda Item 10C

Staff Report
Dock Permit Request

Applicant: Holger Piening & Andrea Franke
1700 S Treasure Drive



(11) New 12x12 Prestressed Concrete Dock Piles, Driven to 10 Ton Bearing Capacity

NOTE:
Concrete dock piles to be cut below deck

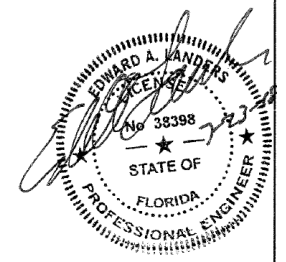
Framing Plan

Scale: 3/16" = 1'-0"

1. 3/4" x 6 Azek Wood Decking with 1" spacing fastened with (2) Stainless Steel deck screws per stringer.
2. 2x8 stringers @ 16" max spacing.
3. 3x10 substringer's with (2) 3/4" wedge anchors @ piles (min. embedment = 4").
4. Hurricane Strap Simpson "Strong-Tie" LTS12 FL#10456.
5. 3x10 with 1/2" wedge anchors @ 36" on center into new retaining wall (min. embedment = 4").

RECEIVED
JUL 23 2018

DERM Coastal Resources Section
Natural Resources Regulation & Restriction
Division (NRRD)



RER - NATURAL RESOURCES DIVISION
PRELIMINARY APPROVAL
NAME: [Signature]
DATE: 7/23/18

Dock / Boatlift		DSN	DWN
Piening Holger		WRT	
1700 S Treasure Dr		DATE	05/07/18
North Bay Village, Florida 33141		PLOT	64
Edward A Landers PE Inc		DWG No.	1700 FP 64
PE License # 038398		DIRECTORY	MM/Docks
7850 NW 146 Street #509			
Miami Lakes, Florida 33016			
(305) 823-3838			
Edward A Landers, P.E.		Sheet	3



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Agenda Item 10C



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, 2018

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: Lewis Velken 
Interim 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 9.12(B) OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE, 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.

LV:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Andreanna Jackson

Commissioner
Jose R. Alvarez

Commissioner
Laura Cattabriga

Commissioner
Eddie Lim

Agenda Item 10C

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, GRANTING A WAIVER, PURSUANT TO SECTION 9.12(B) OF THE VILLAGE’S UNIFIED LAND DEVELOPMENT CODE, 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 INTERIM VILLAGE MANAGER LEWIS VELKEN)

WHEREAS, Holger Piening and Andrea Franke has 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 9.12 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 such construction is necessary based on federal, state, or local laws; and

WHEREAS, the structures will extend 30 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 9.12(B) 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 form adjoining riparian property owners; and
4. Any other factors relevant to the specific site.

WHEREAS, Sections 9.12 of the North Bay Village Code of Ordinances require all applications for construction of docks and boatlifts to be approved by the Village Commission; and

Agenda Item 10C

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WHEREAS, in accordance with Section 9.12 of the Village Code, a public hearing by the Village Commission was noticed for September 11, 2018, 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 5.4 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 9.12(B) of the North Bay Village Code of Ordinances, a waiver is granted to construct a dock and a boatlift, which structures will extend 30 feet from the existing seawall into Biscayne Bay as requested by Holger Piening and Andre Franke for the property situated 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. A safety light shall be placed on at least one of the boatlift pilings which is furthest from the seawall. The light shall be illuminated from one half hour prior to sunset to one half hour after sunrise.
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 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

Agenda Item 10C

90 outstanding fees and fines related to the property (including fees related to any
91 previous development proposal applications on the property), have been paid in
92 full.
93

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

100
101 **Section 5. Appeal.**
102

103 In accordance with Section 4.6 of the Village Code, the Applicant, or any aggrieved property
104 owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the
105 Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate
106 Procedure.
107

108 **Section 6. Violation of Terms and Conditions.**
109

110 Failure to adhere to the terms and conditions contained in this Resolution in Section 4 shall be
111 considered a violation of this Resolution, and persons found violating the conditions shall be
112 subject to the penalties prescribed by the Village Code, including but not limited to the revocation
113 of any of the approval(s) granted in this Resolution.
114

115 The Applicant understands and acknowledges that it must comply with all other applicable
116 requirements of the Village Code before it may commence construction or operation, and that the
117 foregoing approval in this Resolution may be revoked by the Village at any time upon a
118 determination that the Applicant is in non-compliance with the Village Code.
119

120 **Section 7. Effective Date.**
121

122 This Resolution shall become effective upon its adoption.
123

124 The motion to adopt the foregoing Resolution was offered by _____, seconded by
125 _____.
126
127

128 **FINAL VOTE AT ADOPTION:**
129

130 Mayor Connie Leon-Kreps _____
131 Vice Mayor Andreana Jakcson _____
132 Commissioner Jose R. Alvarez _____
133 Commissioner Laura Cattabriga _____
134 Commissioner Eddie Lim _____

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PASSED and ADOPTED this 9th day of October 2018.

MAYOR CONNIE LEON-KREPS

ATTEST:

Graciela Mariot
Interim Village Clerk

APPROVED AS TO FORM:

Norman C. Powell, Esq.
Village Attorney

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

Agenda Item 10D



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

NORTH BAY VILLAGE RECOMMENDATION MEMORANDUM

DATE: October 3, 2018

TO: Mayor Connie Leon Kreps
Vice-Mayor Andreana Jackson
Commissioner Jose Alvarez
Commissioner Laura Cattabriga
Commissioner Eddie Lim

RECOMMENDED BY: Commissioner Jose Alvarez

PRESENTED BY STAFF: Interim Village Manager Lewis Velken

SUBJECT: Kimley-Horn & Associates, Inc. Work Authorization No. 18-07 Transportation Engineering Services SR934/NE 79th Street Causeway at Larry Paskow Way

RECOMMENDATION:

It is recommended that the Village Commission approve the attached Resolution approving a Project Agreement for Work Authorization No. 18-07 with Kimley-Horn & Associates, Inc., ("KHA") the Village's Engineering Consultant to perform a traffic operations analysis to determine if improvements should be pursued and what type of improvements would be appropriate.

BACKGROUND:

The Village recently acquire property immediately adjacent to ST934/NE 79th Street Causeway at Larry Paskow Way. As a result, the Village desires to determine if a portion of the property is needed to improve the operations at the subject intersection by constructing turn lane improvements, extending existing turn lanes, or construction of additional roadway connections from Larry Paskow Way to SR934/NE 79th Street Causeway.

FINANCIAL IMPACT:

Per the attached Project Agreement, the total cost is a lump sum of \$15,000.00.

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BUDGETARY IMPACT:

The funding source for this project is the Engineering Services Account No. 430.35.535.3110.

PERSONNEL IMPACT:

None

Mayor
Connie Leon-Kreps

Vice Mayor
Andreanna Jackson

Commissioner
Jose R. Alvarez

Commissioner
Laura Cattabriga

Commissioner
Eddie Lim

PROJECT AGREEMENT

Between

NORTH BAY VILLAGE

And

KIMLEY-HORN AND ASSOCIATES, INC.

For

Work Authorization No. 18-07

SR 934/NE 79th Street Causeway at Larry Paskow Way
Transportation Engineering Services

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PROJECT AGREEMENT

Between

NORTH BAY VILLAGE

And

KIMLEY-HORN AND ASSOCIATES, INC.

For

Work Authorization No. 18-07

SR 934/NE 79th Street Causeway at Larry Paskow Way
Transportation Engineering Services

Pursuant to the provisions contained in the "Continuing Services Agreement for Professional Engineering Services" (hereinafter referred to "CONTINUING SERVICES AGREEMENT") between the NORTH BAY VILLAGE (hereinafter referred to as "VILLAGE") and KIMLEY-HORN AND ASSOCIATES, INC. (KHA), (hereinafter referred to as "CONSULTANT") dated April 11, 2006, this Project Agreement authorizes the CONSULTANT to provide the services as set forth below.

The VILLAGE and CONSULTANT agree as follows:

SECTION 1. SCOPE OF SERVICES

1.1 The CONSULTANT shall provide transportation engineering services associated with SR 934/NE 79th Street Causeway at Larry Paskow Way as described in the "Project Description" attached as Exhibit "1."

1.2 The "Scope of Services" and tasks to be provided by the CONSULTANT for this Project are those services and tasks as listed in Exhibit "2."

1.3 The VILLAGE may request changes that would increase, decrease, or otherwise modify the Scope of Services. Such changes must be contained in a written change order executed by the parties in accordance with the provisions of the Continuing Services Agreement, prior to any deviation from the terms of the Project Agreement, including the initiation of any extra work.

Agenda Item 10D

SECTION 2. DELIVERABLES

As part of the Scope of Services the CONSULTANT shall provide to the VILLAGE the following Deliverables:

See “Scope of Services” as listed in Exhibit “2.”

SECTION 3. TERM/TIME OF PERFORMANCE/DAMAGE

3.1 **Term.** This Project Agreement shall commence on the date this instrument is fully executed by all parties and shall continue in full force and effect until the project is completed, unless otherwise terminated pursuant to Section 6 or other applicable provisions of this Project Agreement. The VILLAGE Manager, in his sole discretion, may extend the term of this Agreement through written notification to the CONSULTANT. Such extension shall not exceed 90 days. No further extensions of this Agreement shall be effective unless authorized by the VILLAGE Commission

3.2 **Commencement.** The CONSULTANT’S services under this Project Agreement and the time frames applicable to this Project Agreement shall commence upon the date provided in a written Notification of Commencement (“Commencement Date”) provided to the CONSULTANT from the VILLAGE. The CONSULTANT shall not incur any expenses or obligations for payment to third parties prior to the issuance of the Notification of Commencement. CONSULTANT must receive written notice from the VILLAGE Manager prior to the beginning the performance of services.

3.3 **Contract Time.** Upon receipt of the Notification of Commencement, the CONSULTANT shall commence services to the VILLAGE on the Commencement Date, and shall continuously perform services to the VILLAGE, without interruption, in accordance with the time frames set forth above. The number of calendar days from the Commencement Date, through the date set forth in the Project Schedule for completion of the Project or the date of actual completion of the Project, whichever shall last occur, not to exceed One Hundred and Eighty (180) days from the Commencement Date, shall constitute the Contract Time.

3.4 All limitations of time set forth in this Agreement are of the essence.

SECTION 4. AMOUNT, BASIS AND METHOD OF COMPENSATION

4.1 **Lump Sum Compensation.** VILLAGE agrees to pay CONSULTANT as compensation for performance of all services as related to the Project a Lump Sum of **\$15,000.00**. It is understood that the method of compensation is that of Lump Sum which means that CONSULTANT shall perform all services set forth for total compensation in the amount stated above. Said Lump Sum includes but is not limited to, compensation for all fees, expenses, and out-of-pocket costs of the CONSULTANT.

Agenda Item 10D

4.2 **Reimbursables.** It is acknowledged and agreed to by CONSULTANT that the lump sum set forth in Section 4.1 includes Direct Expenses and describes the maximum extent of, VILLAGE'S obligation to reimburse CONSULTANT for direct, nonsalary expenses, but does not constitute a limitation of any sort, upon CONSULTANT's obligation to incur such expenses in the performance of services hereunder.

SECTION 5. BILLING AND PAYMENTS TO THE CONSULTANT

5.1 Invoices

5.1.1 **Lump Sum Compensation.** CONSULTANT shall submit invoices which are identified by the specific project number on a monthly basis in a timely manner. These invoices shall identify the nature of the work performed, the phase of work, and the estimated percent of work accomplished in accordance with the Payment Schedule as shown on Exhibit "3", attached hereto and made a part of this Agreement. Invoices for each phase shall not exceed the amounts allocated to said phase.

5.2 **Disputed Invoices.** In the event that all or a portion of an invoice submitted to the VILLAGE for payment to the CONSULTANT is disputed, or additional backup documentation is required, the VILLAGE shall notify the CONSULTANT within fifteen (15) working days of receipt of the invoice of such objection, modification or additional documentation request. The CONSULTANT shall provide the VILLAGE with a written response and any additional information requested by the VILLAGE within five (5) working days of the date of the VILLAGE'S notice. The VILLAGE may request additional information, including but not limited to, all invoices, time records, expense records, accounting records, and payment records of the CONSULTANT. The VILLAGE, at its sole discretion, may pay to the CONSULTANT the undisputed portion of the invoice. The parties shall endeavor to resolve the dispute in a mutually agreeable fashion.

5.3 **Suspension of Payment.** In the event that the VILLAGE becomes credibly informed that any representations of the CONSULTANT, provided pursuant to Subparagraph 5.1, are wholly or partially inaccurate, or in the event that the CONSULTANT is not in compliance with any term or condition of this Project Agreement, the VILLAGE may withhold payment of sums then or in the future otherwise due to the CONSULTANT until the inaccuracy, or other breach of Project Agreement, and the cause thereof, is corrected to the VILLAGE'S reasonable satisfaction.

5.4 **Final Payment.** Submission of the CONSULTANT'S invoice for final payment and reimbursement shall constitute the CONSULTANT'S representation to the VILLAGE that, upon receipt from the VILLAGE of the amount invoiced, all obligations of the CONSULTANT to others, including its consultants, incurred in connection with the Project, shall be paid in full. The CONSULTANT shall deliver to the VILLAGE all documents requested by the VILLAGE evidencing payments to any and all subcontractors, and all final specifications, plans, or other

Agenda Item 10D

documents as dictated in the Scope of Services and Deliverable. Acceptance of final payment shall constitute a waiver of any and all claims against the VILLAGE by the CONSULTANT.

SECTION 6. TERMINATION/SUSPENSION

6.1 **For Cause.** This Agreement may be terminated by either party upon three (3) calendar days' written notice to the other party should such other party fail substantially to perform in accordance with its material terms through no fault of the party initiating the termination. In the event that CONSULTANT abandons this Agreement or causes it to be terminated by the VILLAGE, the CONSULTANT shall indemnify the VILLAGE against any loss pertaining to this termination. In the event that the CONSULTANT is terminated by the VILLAGE for cause and it is subsequently determined by a court of competent jurisdiction that such termination was without cause, such termination shall thereupon be deemed a termination for convenience under Section 6.2 of this Project Agreement and the provision of Section 6.2 shall apply.

6.2 **For Convenience.** This Agreement may be terminated by the VILLAGE for convenience upon five (5) calendar days' written notice to the CONSULTANT. In the event of termination, the CONSULTANT shall incur no further obligations in connection with the Project and shall, to the extent possible terminate any outstanding subconsultant obligations. The CONSULTANT shall be compensated for all services performed to the satisfaction of the VILLAGE and reimbursable expenses incurred prior to the date of termination. In such event, the CONSULTANT shall promptly submit to the VILLAGE its invoice for final payment and reimbursement which invoice shall comply with the provisions of Paragraph 5.1. Under no circumstances shall the VILLAGE make any payment of profit to the CONSULTANT for services which have not been performed.

6.3 **Assignment upon Termination.** Upon termination of this Project Agreement, the work product of the CONSULTANT shall become the property of the VILLAGE and the CONSULTANT shall, within ten (10) working days of receipt of written direction from the VILLAGE, transfer to either the VILLAGE or its authorized designee, a copy of all work product in its possession, including but not limited to, designs, specifications, drawings, studies, reports and all other documents and data in the possession of the CONSULTANT pertaining to this Project Agreement. Upon the VILLAGE'S request, the CONSULTANT shall additionally assign its rights, title and interest under any subcontractor's agreements to the VILLAGE.

6.4 **Suspension for Convenience.** The VILLAGE shall have the right at any time to direct the CONSULTANT to suspend its performance, or any designated part thereof, for any reason whatsoever or without reason, for a cumulative period of up to 30 calendar days. If any such suspension is directed by the VILLAGE, the CONSULTANT shall immediately comply with same. In the event the VILLAGE directs a suspension of performance as provided for herein, through no fault of the CONSULTANT, the VILLAGE shall pay to the CONSULTANT as full compensation for such suspension the CONSULTANT'S reasonable cost, actually incurred and paid, of demobilization and remobilization.

Agenda Item 10D

SECTION 7. PERSONNEL ASSIGNED TO PROJECT

7.1 The CONSULTANT shall assign only qualified personnel to perform any services concerning this Project. At the time of execution of this Agreement, the parties anticipate that the following named individuals will perform those supervisory or primary functions indicated:

NAME	FUNCTION
<u>Gary R Ratay</u>	<u>Project Manager</u>
<u>John McWilliams</u>	<u>Professional Engineer</u>
<u>Cory Dorman</u>	<u>Engineer</u>
<u>Shanda Layne</u>	<u>Administrative</u>
<u>Casey Crozier</u>	<u>Administrative</u>

So long as the individuals named above remain actively employed or retained by the CONSULTANT, they shall perform the functions indicated next to their names. Furthermore, the VILLAGE reserves the right to reject any proposed substitution for any of the above-named individuals, and the VILLAGE shall have the further right to require that any individual assigned to the Project by the CONSULTANT be removed from the Project and reassigned for good cause.

SECTION 8. INCORPORATION OF CONTINUING SERVICES AGREEMENT

All terms and conditions of the “Continuing Service Agreement” between the VILLAGE and the CONSULTANT dated April 11, 2006, not specifically modified by this Project Agreement shall remain in full force and effect and are incorporated into and made a part of this Project Agreement by this reference as though set forth in full.

SECTION 9. SEVERABILITY

If any provision of this Project Agreement or its application to any person or situation shall to any extent, be invalid or unenforceable, the remainder of this Project Agreement, and the application of such provisions to persons or situations other than those to which it shall have been held invalid or unenforceable shall not be affected thereby, and shall continue in full force and effect, and be enforced to the fullest extent permitted by law.

[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK.]

Agenda Item 10D

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: The VILLAGE, signing by and through its _____, attested to by its VILLAGE Clerk, duly authorized to execute same, and by CONSULTANT, by and through its Senior Associate, duly authorized officer to execute same.

ATTEST:

NORTH BAY VILLAGE

Village Clerk

By: _____

Date: _____

APPROVED AS TO FORM:

Village Attorney

ATTEST:

KIMLEY-HORN AND ASSOCIATES, INC.

Secretary

By: _____
Gary R. Ratay, P.E.

Print Name

Date: _____

(CORPORATE SEAL)

WITNESSES:

Print Name: _____

Print Name: _____

Agenda Item 10D

Exhibit “1”

Project Description

It is our understanding that the VILLAGE recently acquired property immediately adjacent to SR 934/NE 79th Street Causeway at Larry Paskow Way. As a result, the VILLAGE desires to determine if a portion of the property is needed to improve the operations at the subject intersection by constructing turn lane improvements, extending existing turn lanes, or construction of additional roadway connections from Larry Paskow Way to SR934/NE 79th Street Causeway. The VILLAGE desires that a traffic operations analysis be performed to determine if improvements should be pursued and what type of improvements would be appropriate.

Agenda Item 10D

Exhibit “2”

Scope of Services

The scope of services will be completed by the CONSULTANT and the following task will be performed in close coordination with VILLAGE staff.

Task 1 – Traffic Operations Analysis

1.1 Data Collection

Intersection turning movement counts will be conducted at the intersection of East Drive/West Drive/Larry Paskow Parkway and SR 934/NE 79th Street Causeway/Larry Paskow Parkway. Traffic data will be collected during the A.M. (7:00 to 9:00 A.M.) peak period and P.M. (4:00 to 6:00 P.M.) peak period.

All traffic counts will be adjusted to account for seasonal variation using the appropriate Florida Department of Transportation (FDOT) seasonal adjustment factors to represent peak season traffic conditions. Existing signal phasing and timing patterns will be obtained from the County for the signalized intersections required to be evaluated in this analysis.

1.2 Conceptual Alternative Development

The CONSULTANT will identify two (2) potential improvement concepts at the study intersections to improve operations and reduce queuing. The concepts will be prepared on readily available aerial photography using the applicable FDOT and AASHTO design standards.

1.3 Intersection Capacity Analysis

Intersection operating conditions will be examined to determine the level of service for the study intersections utilizing Trafficware’s Synchro 10.0 software based upon Highway Capacity Manual (HCM) methodologies. Background traffic growth will be factored into the analysis. A maximum of three (3) capacity analyses scenarios will be examined: existing, future without improvements, and future with improvements (concept 1 and concept 2).

1.4 Documentation of Findings

The traffic operations analysis for the project will be documented in a report. The report will include graphics and tabulations plus text to describe the study procedure, key assumptions, findings and recommendations. A maximum of ten (10) bound copies will be provided along with an electronic (PDF) copy.

Agenda Item 10D

Task 2 – Meetings and Conference Calls

Consultant will prepare for and attend a maximum of (2) meetings at the direction of the VILLAGE. These meetings may consist of meetings with the VILLAGE and/or other regulatory agencies.

INFORMATION PROVIDED BY VILLAGE

We shall be entitled to rely on the completeness and accuracy of all information provided by the VILLAGE. The VILLAGE shall provide all information requested by the CONSULTANT during the project.

SCHEDULE

We will provide our services in an expeditious and orderly manner to meet a mutually agreed upon schedule for the various elements of the project.

Agenda Item 10D

Exhibit “3”

Payment Schedule

The Consultant will accomplish the services outlined in Tasks 1 and 2 for the lump sum budget of **\$15,000.00**.

Agenda Item 10D

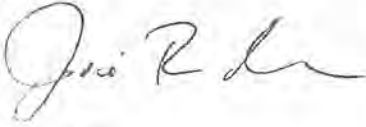


North Bay Village

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 3, 2018
TO: Graciela Mariot
Interim Village Clerk
FROM: Jose Alvarez
Commissioner 
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 THE PROJECT AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. (WORK AUTHORIZATION NO. 18-07) TO CONDUCT A TRAFFIC OPERATIONS ANALYSIS OF SR934/NE 79TH STREET CAUSEWAY; AT A LUMP SUM AMOUNT OF \$15,000; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

JA:gm

Mayor
Connie Leon-Kreps

Vice Mayor
Andreana Jackson

Commissioner
Jose R. Alvarez

Commissioner
Laura Cattabriga

Commissioner
Eddie Lim

Agenda Item 10D

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RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. (WORK AUTHORIZATION NO. 18-07) TO CONDUCT A TRAFFIC OPERATIONS ANALYSIS OF SR934/NE 79TH STREET CAUSEWAY AND LARRY PASKOW WAY; AT A LUMP SUM AMOUNT OF \$15,000.00; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)

WHEREAS, North Bay Village retained the services of Kimley-Horn and Associates, Inc. (“Kimley-Horn”) to provide professional engineering services to the Village pursuant to a Continuing Services Agreement dated April 11, 2006; and

WHEREAS, the Village requested a proposal from Kimley-Horn & Associates, Inc. (KHA) to conduct a traffic operations analysis of SR934/NE 79th Street Causeway and Larry Paskow Way to determine if a portion of the property is needed to improve the operations at the intersection by constructing turn lane improvements, extending existing turn lanes, or constructions of additional roadway connections; and

WHEREAS, KHA submitted Work Authorization No. 18-07 to conduct a traffic operations analysis of SR934/NE 79th Street Causeway and Larry Paskow Way for a lump sum of \$15,000.00.

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 herein by this reference.

Section 2. Approval of the Project Agreement. Project Agreement No. 18-08 between North Bay Village and Kimley-Horn & Associates, Inc., attached hereto as Exhibit 1 to conduct a traffic operations analysis of SR934/NE 79th Street Causeway and Larry Paskow Way for a lump sum of \$15,000.00 is hereby approved.

Section 3. Authorization of Village Officials. The Village Manager and/or her designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Project Agreement.

Agenda Item 10D

47 **Section 4. Execution of the Project Agreement.** The Village Manager is
48 authorized to execute the Project Agreement on behalf of the Village, to execute any
49 required agreements and/or documents to implement the terms and conditions of the
50 Project Agreement, subject to the approval as to form and legality by the Village
51 Attorney.

52
53 **Section 5. Effective Date.** This Resolution shall take effect immediately upon
54 adoption.

55
56 The foregoing Resolution was offered by _____, who moved for its
57 adoption. This motion was seconded by _____, and upon being put to a vote,
58 the vote was as follows:

59
60 **FINAL VOTE AT ADOPTION:**

- 61
- 62 Mayor Connie Leon-Kreps _____
- 63 Vice Mayor Andreana Jackson _____
- 64 Commissioner Jose Alvarez _____
- 65 Commissioner Laura Cattabriga _____
- 66 Commissioner Eddie Lim _____

67
68 **PASSED AND ADOPTED** this 9th day of October 2018.

69
70
71 _____
72 Connie Leon-Kreps, Mayor
73

74
75 **ATTEST:**

76
77
78 _____
79 Graciela Mariot
80 Interim Village Clerk
81

82
83 **APPROVED AS TO FORM FOR THE USE OF**
84 **NORTH BAY VILLAGE:**

85
86
87 _____
88 Norman C. Powell, Esq.
89 Village Attorney
90

91 North Bay Village/Resolution/Kimley Horn & Associates, Inc.-WA #18-07 – Traffic Operations Analysis



Agenda Item 10E

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

NORTH BAY VILLAGE RECOMMENDATION MEMORANDUM

DATE: October 2, 2018

TO: Mayor Connie Leon Kreps
Vice-Mayor Andreana Jackson
Commissioner Jose Alvarez
Commissioner Laura Cattabriga
Commissioner Eddie Lim

RECOMMENDED BY: Interim Village Manager Lewis Velken

PRESENTED BY STAFF: Interim Village Manager Lewis Velken

SUBJECT: Kimley-Horn & Associates, Inc. Work Authorization No. 18-08 Water and Wastewater GIS Program

RECOMMENDATION:

It is recommended that the Village Commission approve the attached Resolution approving a Project Agreement for Work Authorization No. 18-08 with Kimley-Horn & Associates, Inc., (“KHA”) the Village’s Engineering Consultant to convert existing CAD files and As-built Data for the Village’s Water and Wastewater Collection transmission system to GIS format for coordination and submittal to the Miami-Dade County Department of Regulatory and Economic

BACKGROUND:

The Village Water Main Rehabilitation Program is currently in construction. As part of that program, the Contractor is required to provide GIS data to confirm/update the existing system and new sections of water main. The Contractor is required to provide as-built drawings for the new sections of water main as well. KHA will provide the services set forth below after receiving the updated GIS data and as-built drawings from the Contractor:

- Convert available electronic CAD files and existing as-built information associated with the Village’s water distribution system into GIS.
- Review and update the attribute information in the GIS database with the updated data provided as part of the Water Main Rehabilitation Program.
- Adjust the electronic files to be consistent with the Village’s existing utility GIS geodatabase.

Agenda Item 10E

- Develop draft maps based on the updated GIS information and submit draft maps to the Village for one (1) round of review and comment.
- Attend one (1) meeting with the Village to review draft GIS files.
- Review and update the GIS files per Village comments.
- Submit final electronic GIS files to the Village

FINANCIAL IMPACT:

Per the attached Project Agreement, the total cost is a lump sum of \$22,300.00

BUDGETARY IMPACT:

The funding source for this project is the Contractual Services Data Processing Account No. 430.30.533.3131

PERSONNEL IMPACT:

None

PROJECT AGREEMENT

Between

NORTH BAY VILLAGE

And

KIMLEY-HORN AND ASSOCIATES, INC.

For

Work Authorization No. 18-08

Water and Wastewater GIS Program

Agenda Item 10E

PROJECT AGREEMENT

Between

NORTH BAY VILLAGE

And

KIMLEY-HORN AND ASSOCIATES, INC.

For

Work Authorization No. 18-08

Water and Wastewater GIS Program

Pursuant to the provisions contained in the "Continuing Services Agreement for Professional Engineering Services" (hereinafter referred to "CONTINUING SERVICES AGREEMENT") between the NORTH BAY VILLAGE (hereinafter referred to as "VILLAGE") and KIMLEY-HORN AND ASSOCIATES, INC. (KHA), (hereinafter referred to as "CONSULTANT") dated April 11, 2006, this Project Agreement authorizes the CONSULTANT to provide the services as set forth below.

The VILLAGE and the CONSULTANT agree as follows:

SECTION 1. SCOPE OF SERVICES

1.1 The CONSULTANT shall provide professional services associated with converting existing CAD files and as-built data for the VILLAGE's Water Distribution System to a GIS format consistent with the Village's existing GIS utility geodatabase. This scope of work also includes assisting the VILLAGE with submitting electronic Water and Sewer Atlas and Asbuilt information in GIS format to Miami-Dade County.

1.2 The "Scope of Services" and tasks to be provided by the CONSULTANT for this Project are those services and tasks as listed in Exhibit "1."

1.3 The VILLAGE may request changes that would increase, decrease, or otherwise modify the Scope of Services. Such changes must be contained in a written change order executed by the parties in accordance with the provisions of the Continuing Services Agreement, prior to any deviation from the terms of the Project Agreement, including the initiation of any extra work.

Agenda Item 10E

SECTION 2. DELIVERABLES

As part of the Scope of Services the CONSULTANT shall provide to the VILLAGE the following Deliverables:

See “Scope of Services” as listed in Exhibit “1.”

SECTION 3. TERM/TIME OF PERFORMANCE/DAMAGE

3.1 **Term.** This Project Agreement shall commence on the date this instrument is fully executed by all parties and shall continue in full force and effect until the project is completed, unless otherwise terminated pursuant to Section 6 or other applicable provisions of this Project Agreement. The VILLAGE Manager, in his sole discretion, may extend the term of this Agreement through written notification to the CONSULTANT. Such extension shall not exceed 90 days. No further extensions of this Agreement shall be effective unless authorized by the VILLAGE Commission

3.2 **Commencement.** The CONSULTANT’S services under this Project Agreement and the time frames applicable to this Project Agreement shall commence upon the date provided in a written Notification of Commencement (“Commencement Date”) provided to the CONSULTANT from the VILLAGE. The CONSULTANT shall not incur any expenses or obligations for payment to third parties prior to the issuance of the Notification of Commencement. The CONSULTANT must receive written notice from the VILLAGE Manager prior to the beginning the performance of services.

3.3 **Contract Time.** Upon receipt of the Notification of Commencement, the CONSULTANT shall commence services to the VILLAGE on the Commencement Date, and shall continuously perform services to the VILLAGE, without interruption, in accordance with the time frames set forth above. The number of calendar days from the Commencement Date, through the date set forth in the Project Schedule for completion of the Project or the date of actual completion of the Project, whichever shall last occur, not to exceed one hundred eighty (180) days from the Commencement Date, shall constitute the Contract Time.

3.4 All limitations of time set forth in this Agreement are of the essence.

SECTION 4. AMOUNT, BASIS AND METHOD OF COMPENSATION

4.1 **Lump Sum Compensation.** VILLAGE agrees to pay the CONSULTANT as compensation for performance of all services as related to the Project a Lump Sum of **\$22,300.00**. It is understood that the method of compensation is that of Lump Sum which means that the CONSULTANT shall perform all services set forth for total compensation in the amount stated above. Said Lump Sum includes compensation for all fees, expenses, and out-of-pocket costs of the CONSULTANT.

Agenda Item 10E

4.2 **Reimbursables.** It is acknowledged and agreed to by the CONSULTANT that the lump sum set forth in Section 4.1 includes Direct Expenses and describes the maximum extent of, VILLAGE'S obligation to reimburse the CONSULTANT for direct, nonsalary expenses, but does not constitute a limitation of any sort, upon the CONSULTANT's obligation to incur such expenses in the performance of services hereunder.

SECTION 5. BILLING AND PAYMENTS TO THE CONSULTANT

5.1 **Invoices**

5.1.1 **Lump Sum Compensation.** The CONSULTANT shall submit invoices which are identified by the specific project number on a monthly basis in a timely manner. These invoices shall identify the nature of the work performed, the phase of work, and the estimated percent of work accomplished in accordance with the Payment Schedule as shown on Exhibit "2", attached hereto and made a part of this Agreement. Invoices for each phase shall not exceed the amounts allocated to said phase.

5.2 **Disputed Invoices.** In the event that all or a portion of an invoice submitted to the VILLAGE for payment to the CONSULTANT is disputed, or additional backup documentation is required, the VILLAGE shall notify the CONSULTANT within fifteen (15) working days of receipt of the invoice of such objection, modification or additional documentation request. The CONSULTANT shall provide the VILLAGE with a written response and any additional information requested by the VILLAGE within five (5) working days of the date of the VILLAGE'S notice. The VILLAGE may request additional information, including but not limited to, all invoices, time records, expense records, accounting records, and payment records of the CONSULTANT. The VILLAGE, at its sole discretion, may pay to the CONSULTANT the undisputed portion of the invoice. The parties shall endeavor to resolve the dispute in a mutually agreeable fashion.

5.3 **Suspension of Payment.** In the event that the VILLAGE becomes credibly informed that any representations of the CONSULTANT, provided pursuant to Subparagraph 5.1, are wholly or partially inaccurate, or in the event that the CONSULTANT is not in compliance with any term or condition of this Project Agreement, the VILLAGE may withhold payment of sums then or in the future otherwise due to the CONSULTANT until the inaccuracy, or other breach of Project Agreement, and the cause thereof, is corrected to the VILLAGE's reasonable satisfaction.

5.4 **Final Payment.** Submission of the CONSULTANT'S invoice for final payment and reimbursement shall constitute the CONSULTANT'S representation to the VILLAGE that, upon receipt from the VILLAGE of the amount invoiced, all obligations of the CONSULTANT to others, including its consultants, incurred in connection with the Project, shall be paid in full. The CONSULTANT shall deliver to the VILLAGE all documents requested by the VILLAGE evidencing payments to any and all subcontractors, and all final specifications, plans, or other documents as dictated in the Scope of Services and Deliverable. Acceptance of final payment shall constitute a waiver of any and all claims against the VILLAGE by the CONSULTANT.

Agenda Item 10E

SECTION 6. TERMINATION/SUSPENSION

6.1 **For Cause.** This Agreement may be terminated by either party upon three (3) calendar days' written notice to the other party should such other party fail substantially to perform in accordance with its material terms through no fault of the party initiating the termination. In the event that the CONSULTANT abandons this Agreement or causes it to be terminated by the VILLAGE, the CONSULTANT shall indemnify the VILLAGE against any loss pertaining to this termination. In the event that the CONSULTANT is terminated by the VILLAGE for cause and it is subsequently determined by a court of competent jurisdiction that such termination was without cause; such termination shall thereupon be deemed a termination for convenience under Section 6.2 of this Project Agreement and the provision of Section 6.2 shall apply.

6.2 **For Convenience.** This Agreement may be terminated by the VILLAGE for convenience upon five (5) calendar days' written notice to the CONSULTANT. In the event of termination, the CONSULTANT shall incur no further obligations in connection with the Project and shall, to the extent possible terminate any outstanding Subconsultant obligations. The CONSULTANT shall be compensated for all services performed to the satisfaction of the VILLAGE and reimbursable expenses incurred prior to the date of termination. In such event, the CONSULTANT shall promptly submit to the VILLAGE its invoice for final payment and reimbursement which invoice shall comply with the provisions of Paragraph 5.1. Under no circumstances shall the VILLAGE make any payment of profit to the CONSULTANT for services which have not been performed.

6.3 **Assignment upon Termination.** Upon termination of this Project Agreement, the work product of the CONSULTANT shall become the property of the VILLAGE and the CONSULTANT shall, within ten (10) working days of receipt of written direction from the VILLAGE, transfer to either the VILLAGE or its authorized designee, a copy of all work product in its possession, including but not limited to, designs, specifications, drawings, studies, reports and all other documents and data in the possession of the CONSULTANT pertaining to this Project Agreement. Upon the VILLAGE'S request, the CONSULTANT shall additionally assign its rights, title and interest under any subcontractor's agreements to the VILLAGE.

6.4 **Suspension for Convenience.** The VILLAGE shall have the right at any time to direct the CONSULTANT to suspend its performance, or any designated part thereof, for any reason whatsoever or without reason, for a cumulative period of up to 30 calendar days. If any such suspension is directed by the VILLAGE, the CONSULTANT shall immediately comply with same. In the event the VILLAGE directs a suspension of performance as provided for herein, through no fault of the CONSULTANT, the VILLAGE shall pay to the CONSULTANT as full compensation for such suspension the CONSULTANT'S reasonable cost, actually incurred and paid, of demobilization and remobilization.

Agenda Item 10E

SECTION 7. PERSONNEL ASSIGNED TO PROJECT

7.1 The CONSULTANT shall assign only qualified personnel to perform any services concerning this Project. At the time of execution of this Agreement, the parties anticipate that the following named individuals will perform those supervisory or primary functions indicated:

NAME	FUNCTION
<u>Gary R Ratay</u>	<u>Project Manager</u>
<u>Erin Emmons</u>	<u>Professional Engineer</u>
<u>Charlene Mingus</u>	<u>Engineer</u>
<u>Maddy Hollowed</u>	<u>Engineer</u>
<u>Shanda Layne</u>	<u>Administrative</u>
<u>Casey Crozier</u>	<u>Administrative</u>

So long as the individuals named above remain actively employed or retained by the CONSULTANT, they shall perform the functions indicated next to their names. Furthermore, the VILLAGE reserves the right to reject any proposed substitution for any of the above-named individuals, and the VILLAGE shall have the further right to require that any individual assigned to the Project by the CONSULTANT be removed from the Project and reassigned for good cause.

SECTION 8. INCORPORATION OF CONTINUING SERVICES AGREEMENT

All terms and conditions of the "Continuing Service Agreement" between the VILLAGE and the CONSULTANT dated April 11, 2006, not specifically modified by this Project Agreement shall remain in full force and effect and are incorporated into and made a part of this Project Agreement by this reference as though set forth in full.

SECTION 9. SEVERABILITY

If any provision of this Project Agreement or its application to any person or situation shall to any extent, be invalid or unenforceable, the remainder of this Project Agreement, and the application of such provisions to persons or situations other than those to which it shall have been held invalid or unenforceable shall not be affected thereby, and shall continue in full force and effect, and be enforced to the fullest extent permitted by law.

[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK.]

Agenda Item 10E

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: The VILLAGE, signing by and through its _____, attested to by its VILLAGE Clerk, duly authorized to execute same, and by the CONSULTANT, by and through its Senior Associate, duly authorized officer to execute same.

ATTEST:

NORTH BAY VILLAGE

Village Clerk

By: _____

Date: _____

APPROVED AS TO FORM:

Village Attorney

ATTEST:

KIMLEY-HORN AND ASSOCIATES, INC.

Secretary

By: _____
Gary R. Ratay, P.E.

Print Name

Date: _____

(CORPORATE SEAL)

WITNESSES:

Print Name: _____

Print Name: _____

Agenda Item 10E

Exhibit “1”

Scope of Services

The scope of services will be completed by the CONSULTANT and the following tasks will be performed in close coordination with VILLAGE staff.

Task 1 – Water System GIS Data Conversion

The VILLAGE Water Main Rehabilitation Program is currently in construction. As part of that program, the Contactor is required to provide GIS data to confirm/update the existing system and new sections of water main. The Contractor is required to provide as-built drawings for the new sections of water main as well. The CONSULTANT will provide the services set forth below after receiving the updated GIS data and as-built drawings from the Contactor:

- Convert available electronic CAD files and existing as-built information associated with the VILLAGE’s water distribution system into GIS.
- Review and update the attribute information in the GIS database with the updated data provided as part of the Water Main Rehabilitation Program.
- Adjust the electronic files to be consistent with the Village’s existing utility GIS geodatabase.
- Develop draft maps based on the updated GIS information and submit draft maps to the VILLAGE for one (1) round of review and comment.
- Attend one (1) meeting with the VILLAGE to review draft GIS files.
- Review and update the GIS files per VILLAGE comments.
- Submit final electronic GIS files to the VILLAGE.

No surveying services or data collection other than those provided by the Contractor are included in the is scope of work. Should additional field survey or data collection be required and if requested by the VILLAGE, the CONSULTANT will prepare a proposal accordingly.

Task 2 – Water and Sewer GIS Data submittal to Miami-Dade County

North Bay Village, as a utility owner in Miami-Dade County, must comply with requirements of the Miami-Dade County Code of Ordinances (“MDC Code”) for the electronic submittal of Water and Sewer Atlas and Asbuilt information as enforced by the Miami-Dade County Regulatory and Economic Resources Department, Division of Environmental Resources Management (“DERM”). This task is intended to assist the VILLAGE in compliance with Sec. 24-42.2(10)(g) of the MDC Code.

In addition to developing the water system GIS data in Task 1, the CONSULTANT will review the previously submitted wastewater collection system and forcemain GIS data and update the files to reflect changes to the VILLAGE’s wastewater infrastructure information. Submittal of the Water and Sewer Atlas and Asbuilt GIS information to Miami-Dade County is due in

Agenda Item 10E

January 2019. The wastewater system information is available for the January submittal, but the water system information is not yet available. The CONSULTANT will provide the services set forth below, but the submittal schedule is subject to receiving the water system GIS data and as-built drawings from the VILLAGE's Contactor:

- Submit draft electronic water and wastewater GIS files to Miami-Dade County for one (1) round of review and comments. Up to one (1) in-person meeting will be scheduled between the CONSULTANT and Miami-Dade County to discuss submitted files.
- Address Miami-Dade County comments.
- Submit electronic GIS files to the VILLAGE for final submittal to Miami-Dade County

DELIVERABLES

- Draft electronic GIS files
- Final electronic GIS files

SCHEDULE

The CONSULTANT will provide our services as expeditiously as practicable. It is anticipated that Task 1 will be completed within 90 days of receiving the water system GIS data and as-built drawings from the VILLAGE's Water Main Rehabilitation Program Contractor. The Task 2 submittal to Miami-Dade County will follow development of the water system GIS files. The Task 2 submittal to Miami-Dade County associated with the Wastewater system GIS files will be completed on or before the January 2019 deadline.

Agenda Item 10E

Exhibit “2”

Payment Schedule

The CONSULTANT will complete this scope of services for the lump sum amount of **\$22,300.00**. The following is a breakdown of the lump sum fee for reference:

Task	Description	Labor Fee
1	Water System GIS Data Conversion	\$18,800.00
2	Water and Sewer GIS Data submittal to Miami-Dade County	\$3,500.00
TOTAL LUMP SUM FEE.....		\$22,300.00

Agenda Item 10E



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 2, 2018

TO: Graciela Mariot
Interim Village Clerk

FROM: Lewis Velken, 
Interim 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 THE PROJECT AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. (WORK AUTHORIZATION NO. 18-08) TO PROVIDE PROFESSIONAL ENGINEERING SERVICES TO CONVERT EXISTING CAD FILES AND AS-BUILT DATA FOR THE VILLAGE'S WATER AND WASTEWATER COLLECTION TRANSMISSION SYSTEM TO GIS FORMAT FOR COORDINATION AND SUBMITTAL TO THE MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES AT A LUMP SUM AMOUNT OF \$22,300; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

LV:gm

Mayor
Connie Leon-Kreps

Vice Mayor
Andreana Jackson

Commissioner
Jose R. Alvarez

Commissioner
Laura Cattabriga

Commissioner
Eddie Lim

Agenda Item 10E

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. (WORK AUTHORIZATION NO. 18-08) TO PROVIDE PROFESSIONAL ENGINEERING SERVICES TO CONVERT EXISTING CAD FILES AND AS-BUILT DATA FOR THE VILLAGE'S WATER AND WASTEWATER DISTRIBUTION SYSTEM TO GIS FORMAT FOR COORDINATION AND SUBMITTAL TO THE MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES AT A LUMP SUM AMOUNT OF \$22,300.00; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)

WHEREAS, North Bay Village retained the services of Kimley-Horn and Associates, Inc. ("Kimley-Horn") to provide professional engineering services to the Village pursuant to a Continuing Services Agreement dated April 11, 2006; and

WHEREAS, pursuant to Section 24-42.2(10)(g) of the Miami Dade County Code, the Village is required to submit by January 2019 electronic Water and Sewer Atlas and Asbuilt information using software compatible with the GIS system used by Miami-Dade County; and

WHEREAS, KHA submitted Work Authorization No. 18-08 to convert existing CAD files and as-built data for the Village's Water and Wastewater distribution system for a lump sum amount of \$22,300.00.

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 herein by this reference.

Section 2. Approval of the Project Agreement. Project Agreement No. 18-08 between North Bay Village and Kimley-Horn & Associates, Inc., attached hereto as Exhibit 1 to convert existing CAD files and as-built data for the Village's Water and Wastewater distribution system for a lump sum amount of \$22,300.00 is hereby approved.

Section 3. Authorization of Village Officials. The Village Manager and/or her designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Project Agreement.

Agenda Item 10E

47 **Section 4. Execution of the Project Agreement.** The Village Manager is
48 authorized to execute the Project Agreement on behalf of the Village, to execute any
49 required agreements and/or documents to implement the terms and conditions of the
50 Project Agreement, subject to the approval as to form and legality by the Village
51 Attorney.

52
53 **Section 5. Effective Date.** This Resolution shall take effect immediately upon
54 adoption.

55
56 The foregoing Resolution was offered by _____ a, who moved for its
57 adoption. This motion was seconded by _____, and upon being put
58 to a vote, the vote was as follows:

59
60 **FINAL VOTE AT ADOPTION:**

61
62 Mayor Connie Leon-Kreps _____
63 Vice Mayor Andreana Jackson _____
64 Commissioner Jose Alvarez _____
65 Commissioner Laura Cattabriga _____
66 Commissioner Eddie Lim _____

67
68 **PASSED AND ADOPTED** this 9th day of October 2018.

69
70
71 _____
72 Connie Leon-Kreps, Mayor
73
74

75 **ATTEST:**

76
77
78 _____
79 Graciela Mariot
80 Interim Village Clerk
81

82
83 **APPROVED AS TO FORM FOR THE USE OF**
84 **NORTH BAY VILLAGE:**

85
86
87 _____
88 Norman C. Powell, Esq.
89 Village Attorney
90

91 North Bay Village/Resolution/Kimley Horn & Associates, Inc.-WA #18-08 – Water and Wastewater GIS Program

Agenda Item 10F



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

NORTH BAY VILLAGE RECOMMENDATION MEMORANDUM

DATE: Wednesday, October 03, 2018

TO: Mayor Connie Leon Kreps
Vice-Mayor Andreana Jackson
Commissioner Jose Alvarez
Commissioner Laura Cattabriga
Commissioner Eddie Lim

RECOMMENDED BY: Interim Village Manager Lewis Velken

PRESENTED BY STAFF: Interim Village Manager Lewis Velken *LW*

SUBJECT: Amendment to Covenant Running with Land at 1850 79th Street Causeway

RECOMMENDATION:

It is recommended that the Village Commission approve the attached Resolution amending Covenant Running with Land at 1850 79th Street Causeway to provide for redevelopment of the property in conjunction with parking required by the Village for Grandview Palace.

BACKGROUND:

The current owner of the property is requesting the Village's consideration and approval of a revision to the covenant attached as Exhibit "A" in order to permit future redevelopment in addition to the provision of the parking currently provided to accommodate Grandview Palace.

As a result of early litigation, there is a stipulation approved by Village Resolution No. 1992-39 which sets certain specific parking requirements for the Property in order to serve what is now known as Grandview Palace. In addition to the stipulation, a covenant to preserve the parking was executed on August 18, 1995 and recorded with Miami Dade County. The Covenant limits the use of the property to only parking, which prevents any future mixed use or redevelopment of the property.

FINANCIAL IMPACT:

None

Agenda Item 10F

BUDGETARY IMPACT:

None

PERSONNEL IMPACT:

None

Agenda Item 10F

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING COVENANT RUNNING WITH THE LAND AT 1850 79TH STREET CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, UNDER RESOLUTION NO. 1992-39; AUTHORIZING AND DIRECTING MAYOR AND CITY CLERK EXECUTE AND DELIVER A DECLARATION OF AMENDMENT; PROVIDING AN EFFECTIVE DATE (*INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN*)

WHEREAS, The Atkinson Trust, LLC (the "Owner") is the owner of the following described real property (the "Property"), lying, being and situated at 1850 79th Street Causeway, in North Bay Village, Florida and legally described as listed in Attachment A; and

WHEREAS, September 8, 1995, Owner's predecessor in title recorded a Covenant Running with the Land in the Official Records Book of Miami-Dade County at BK 16914, Page 0870 (the "Covenant") pursuant to stipulation approved by Village Resolution No. 1992-39; and

WHEREAS, the "Covenant" limits the use of the Property "solely" for parking purposes for the benefit of North Bay Landing, now named "Grandview Palace"; and

WHEREAS, the Covenant is subject to release or modification only by resolution of the Village Commission; and

WHEREAS, the Owner desires to allow for use of the property for development in addition to the parking for Grandview Palace; and

WHEREAS, the Owner, desires to amend the Covenant to provide for redevelopment of the property in conjunction with parking required by the Village for Grandview Palace.

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 herein by this reference.

Section 2. Amendment. The real property described in Exhibit "A" is hereby dedicated and committed for perpetual use for parking purposes for North Bay Landing (now known as "Grandview Palace") in addition to other uses which may be developed on the property as permitted by the Village Unified Land Development Code.

Agenda Item 10F

47 **Section 3. Village Manager Authorization.** The Village Manager or his
48 designee is hereby authorized to execute the amendment to the Covenant Running with
49 the Land at 1850 79th Street Causeway.

50
51 **Section 4. Effective Date.** This Resolution shall become effective upon its
52 adoption.

53
54 The foregoing Resolution was offered by _____, who moved for its
55 adoption. This motion was seconded by _____, and upon being put to a
56 vote, the vote was as follows:

57

58 **FINAL VOTE AT ADOPTION:**

59

60 Mayor Connie Leon-Kreps _____
61 Vice Mayor Andreana Jackson _____
62 Commissioner Jose Alvarez _____
63 Commissioner Laura Cattabriga _____
64 Commissioner Eddie Lim _____

65

66 **PASSED AND ADOPTED** this 9th day of October 2018.

67

68

69

70

Connie Leon-Kreps, Mayor

71

72 **ATTEST:**

73

74

75

76 _____
77 Graciela Mariot
78 Interim Village Clerk

79

80

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

83

84

85

86 _____
87 Norman C. Powell, Esq.
88 Village Attorney

89

North Bay Village Resolution: Forestry Grant Application

Agenda Item 10F




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 3, 2018
TO: Graciela Mariot
Interim Village Clerk
FROM: Lewis Velken, 
Interim 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, AMENDING COVENANT RUNNING WITH THE LAND AT 1850 79TH STREET CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, UNDER RESOLUTION NO. 1992-39; AUTHORIZING AND DIRECTING MAYOR AND CITY CLERK EXECUTE AND DELIVER A DECLARATION OF AMENDMENT; PROVIDING AN EFFECTIVE DATE (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)

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

LV:gm

Mayor
Connie Leon-Kreps

Vice Mayor
Andreana Jackson

Commissioner
Jose R. Alvarez

Commissioner
Laura Cattabriga

Commissioner
Eddie Lim

Agenda Item 10F

Atkinson Trust, LLC
4405 Greenway
Baltimore, MD 21218

September 20, 2018

VIA ELECTRONIC MAIL AND HAND DELIVERY

Mr. Lewis Velken
Interim Village Manager
North Bay Village
1666 Kennedy Causeway
3rd Floor
North Bay Village, FL 33141

RE: Modification of Covenant Running with the Land for property located at 1850 79th Street Causeway,

Dear Mr. Velken:

As current owner of the property located at 1850 79th Street Causeway, we are writing to request the Village's consideration and approval of a revision to the covenant attached in order to permit future development *in addition to* the provision of the parking currently provided to accommodate the Grandview Palace required parking. The subject property has been used as overflow parking for the Grandview Palace for a number of years. As a result of early litigation, there is a stipulation approved by Village Resolution 92-39 which sets out certain specific parking requirements for the Property in order to serve what is now known as Grandview Palace. In addition to the stipulation which addresses the number of required spaces, a covenant, attached as Exhibit A, to preserve the parking for use by the condominium was executed on August 18, 1995 and recorded at OR 16914 PF 0870 of the Public Records of Miami Dade County (the "Covenant").

The Covenant, in contrast to the original stipulation and subsequent court proceedings, limits the use of the property to *only* parking, thereby preventing any future mixed use or redevelopment of the property. We acknowledge that any redevelopment *must* include the existing parking spaces to accommodate the Grandview Palace requirements *in addition to* any parking which would be required for any new development. The Covenant modification we are requesting at this time is limited to addressing the word "solely" within the covenant in order to permit redevelopment of the

Agenda Item 10F

property for both the Grandview Palace parking *and* additional commercial development consistent with the Village's Zoning Regulations.

The property is currently under contract for sale to Baranof Holdings, LLC, a Texas limited liability company, and they will be working to process our request and the proposed revision. To that end, I affirm to you that I am authorized to issue this letter on behalf of The Atkinson Trust, LLC and hereby authorize Baranof Holdings, Inc, and their legal counsel, Weiss Serota Helfman Cole & Bierman, P.L. to represent us for the purposes of modifying the Covenant as attached.

Thank you very much for your consideration. If you need additional information or documentation from us, please contact Kathy Mehaffey, of Weiss Serota Helfman, at kmehaffey@wsh-law.com or 954-763-4242.

Sincerely,



James Edwards

The Atkinson Trust, LLC

EXHIBIT A

16914-0870

95R36664 1 1995 SEP 08 15:50

COVENANT RUNNING WITH THE LAND

KNOW ALL MEN BY THESE PRESENTS that the undersigned, First Equitable Realty III, Ltd., a Florida limited partnership, hereafter referred to as Grantor joined by Home Savings Bank, F.S.B., First Mortgagee for in and in consideration of Ten Dollars (\$10.00) and other and good valuable considerations received by it from the City of North Bay Village, Florida hereby covenants and agrees as follows:

1. RECITALS.

A. Grantor is the fee simple titleholder in and to that real property situate lying and being in the City of North Bay Village, Dade County, Florida (City), which is more fully described on Exhibit "A" and Exhibit "B" attached hereto and made a part hereof ("North Bay Landing") and North Bay Landing Parking Lot respectively.

B. First Mortgagee is the owner and holder of the first and only mortgage upon and against the property described in Exhibit "A" and in Exhibit "B" and joins in executing this instrument for the sole purpose of subordinating its mortgage lien to the rights of the City under this instrument.

C. On December 28, 1992, the Grantor's predecessor in title and the City entered into a Stipulation for purposes of settlement and resolution of litigation between the parties. A true copy of said Stipulation was recorded in Official Records Book 15785, Page 1512 of the Public Records of Dade County, Florida and is made a part of this covenant by reference although not physically attached hereto.

D. Under said Stipulation, the real property described in Exhibit "B" attached, as designated to be used for parking for the property described in Exhibit "A" (North Bay Landing).

NOW, THEREFORE, IN CONSIDERATION of the premises and the mutual covenants this day entered into, Grantor hereby covenants and agrees as follows:

1. That the real property described in Exhibit "B" is hereby dedicated and committed for perpetual use solely for parking purposes for North Bay Landing.

2. The covenant herein entered into shall be subject to release or modification only by resolution of the City Commission of the City of North Bay Village, Florida.

3. Said covenant is a prior encumbrance upon the real property described in Exhibit "B" prior to any claim of title or interest by any third party.

2
J
W

Agenda Item 10F

SENT BY TAYLOR BRION

: 8-16-95 : 3:21PM :

TAYLOR BRION-310#17578*21#1305771:# 4/ 7



REC 16914 PG 0871

4. This covenant shall run with the land and shall be binding upon the Grantor, its successors, trustees and assigns for all time in accordance with the terms hereof.

5. First Mortgagee hereby subordinates its interest as Mortgagee to the Covenant herein contained and acknowledges and agrees that its mortgage lien is subject and inferior to this Covenant Running with the Land and the conditions contained in paragraphs 1 through 4, above. First Mortgagee has joined in executing this instrument for the sole purpose of this subordination Covenant.

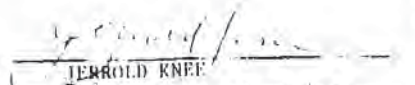
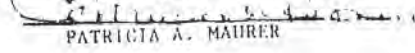
DATED this 18th day of August, 1995.

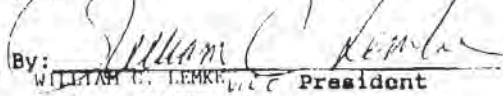
FIRST EQUITABLE REALTY III., LTD.
By its General Partner, First
Equitable Realty III, Inc., a
Florida corporation


SASHA GAMEL

JOSE PERES

By: 
Joel M. Gamel, President
Grantor

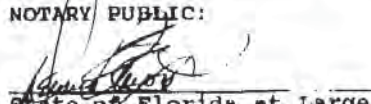
Home Savings Bank, a Federal savings
bank


TERROLD KNEF

PATRICIA A. MAURER

By: 
WILLIAM C. LEMKE, President
First Mortgagee

STATE OF FLORIDA) ss:
COUNTY OF DADE)

The foregoing instrument was acknowledged before me this 18th day of August, 1995, by Joel M. Gamel, President of First Equitable Realty III, Inc., who personally appeared before me at the time of notarization, and who is personally known to me or who has produced NA as identification and who did (did not) take an oath.

NOTARY PUBLIC:

State of Florida at Large
Print: DENNIS P. ELLIOTT

My Commission Expires:
August 14, 1999
Notary ID # 721681
Commission No. CC 488280 2

 DENNIS P. ELLIOTT
Notary Public, State of Florida
My Comm. Exp. 8/14/99
CC 488280 / BONDED

Agenda Item 10F

SFNT BY:TAYLOR BRION : 8-18-95 : 3:22PM : TAYLOR BRION-310#17578*21#1305771:# 5/ 7

OFF REF 16914 PC 0872

STATE OF FLORIDA)
COUNTY OF DADE)

ss:

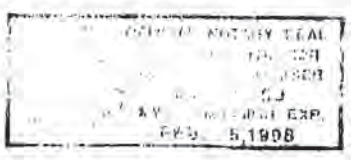
The foregoing instrument was acknowledged before me this 21 day of September, 1995, by WILLIAM C. LEMKE, V. Pres. of HOME SAVINGS BANK, F.S.B., who personally appeared before me at the time of notarization, and who is personally known to me or who has produced (personally known) as identification and who did (did not) take an oath.

NOTARY PUBLIC:

Murray H. Dubbin
State of Florida at Large

Print: _____

My Commission Expires:



L:\DUBBIN\MORTHBAY.VTL\COVENT.LMD

This instrument was prepared by:
MURRAY H. DUBBIN
ATTORNEY AT LAW
801 Brickell Ave., Suite 1401
Miami, FL 33131-2900

OFF
REV 16914 0873

North Bay Landing

All of Lots 1 and 2, Block 8, of FIRST ADDITION TO TREASURE ISLAND, Plat Book 53, at Page 65, of the Public Records of Dade County, Florida, less the following described lands:

Commence at the Southeast corner of Lot 2, Block 8 of FIRST ADDITION TO TREASURE ISLAND, according to the Plat thereof, as recorded in Plat Book 53, at Page 65, of the Public Records of Dade County, Florida; thence run North along the East line of said Lot 2 for a distance of 69 feet to a point, thence run West along a line of 69 feet North of and parallel to the South line of said Lot 2 for a distance of 136 feet to a point; thence run South along a line of 136 feet West of and parallel to the East line of said Lot 2 for a distance of 57 feet to a point; thence run West along a line 12 feet North of and parallel to the South line of said Lot 2 for a distance of 107.71 feet to a point on the West line of said Lot 2; thence run South along the West line of said Lot 2 for a distance of 12.17 feet to the Southwest corner of said Lot 2; thence run East along the South line of said Lot 2 for a distance of 325.69 feet to the point of beginning, all in Block 8 of FIRST ADDITION TO TREASURE ISLAND, according to the Plat thereof, as recorded in Plat Book 53, at Page 65, of the Public Records of Dade County, Florida.

AND

Tract A, Block 8, FIRST ADDITION OF TREASURE ISLAND, according to the Plat thereof, as recorded in Plat Book 53, at Page 65, of the Public Records of Dade County, Florida, less a portion off of the northerly elevation of the subject property acquired by Dade County for the widening of the North Bay Causeway said portion being more particularly described as follows:

Begin at a point on West line of and 355.42 feet North 02°25'14" West of the Southwest corner of said Tract "A". thence run North 63°43'21" East, a distance of 225.67 feet of the northeasterly line of said Tract A; thence North 47°53'36" West along the Northeasterly line of said Tract A; a distance of 75.83 feet to the Right of Way line for the 79th Street Causeway Section 87080-2506 State Road 828; thence South 42°26'03" West on said south Right of Way line a distance of 42.47 feet to the beginning of a curve to the right; thence Southwesterly on said curve having a central angle of 83°38'15" and a radius of 550.48 feet an arc distance of 142.63 feet through an angle of 12°33'49" to a point of reverse curve and the beginning of a radial return concave to the Southeast; thence Southeasterly on said radial return having a central angle of 57°23'06" and a radius of 25 feet and arc distance of 25.03 feet to the end of said radial return and a point on the West line of said Tract A; thence South 02°25'14" East of said West line of said Tract A a distance of 3.95 feet to the POINT OF BEGINNING.

EXHIBIT "A"

Agenda Item 10F

SENT BY TAYLOR BRION

8-16-95 3:23PM
4-12-95 2:26PM

TAYLOR BRION-910#17578*21#1305771:# 7/ 7
TAYLOR BRION-910#17578*21#1305771:# 5/ 5

OFF REC 16914 PG 0874

Commencing at the one-half mile post on the west line of Section 9, Township 33 South, Range 42 East; as shown on the map of highway right-of-way of proposed Northeast seventy-ninth street causeway, which same is recorded in Plat Book No. 35 at Page 79 of the Public Records of Dade County, Florida; thence North 86 degrees 41' 34" east along the center line of the above right-of-way for 1800.00 feet to a point; thence south 1 degree 37' 00" east for 80.00 feet to a point on the south right-of-way of said 79 St. Causeway; thence North 86 degrees 41' 34" east along the South line of said right-of-way for 1943.16 feet to the point of curvature of a curve to the right; thence to the right along said curve having a radius of 257.21 feet and a central angle of 38 degrees 12' 00" for an arc distance of 371.81 feet to a point of reverse curvature; thence to the left along a curve having a radius of 600.40 feet and a central angle of 11 degrees 00' 40" for an arc distance of 136.14 feet to the point of beginning; thence continue along the aforementioned curve having a central angle of 37 degrees 02' 17" for an arc distance of 430.33 feet to a point; thence south 1 degree 37' 00" east for 200.71 feet to a point of curvature of a curve to the right; thence to the right along said curve having a radius of 601.90 feet, a central angle of 12 degrees 37' 47" for an arc distance of 183.28 feet to a point of curvature of a curve to the right; thence continue along said curve to the right having a radius of 136.90 feet, a central angle of 27 degrees 40' 00" and an arc distance of 156.90 feet to a point; thence south 1 degree 37' 00" east for 14.10 feet to a point; thence south 88 degrees 41' 34" west for 60.00 feet to a point; thence north 1 degree 37' 00" west for 136.10 feet to the point of beginning.

RECORDERS NOTE:
The legibility of writing, typing or printing unsatisfactory in this document when received.

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFYING
HARVEY RUVIN,
Clerk of Circuit & County
Courts

EXHIBIT "B"

Agenda Item 10F

EXHIBIT B

**Proposed First Amendment to
COVENANT RUNNING WITH THE LAND**

Agenda Item 10F

This instrument prepared by and
after recording, please return to:

Kathryn Mehaffey
Weiss Serota Helfman Cole & Bierman
200 East Broward Boulevard, Suite 1900
Ft. Lauderdale, FL 33301

Address 1850 79 Street Causeway
Folio: 23-3209-000-251
23-3209-000-253
23-3209-000-260

Reserved for Recording

FIRST AMENDMENT TO **COVENANT RUNNING WITH THE LAND**

WHEREAS, The Atkinson Trust, LLC (the "Owner") is the owner of the following described real property (the "Property"), lying, being and situated in North Bay Village, Florida and legally described as:

SEE ATTACHMENT "A"

And generally located at 1850 79 Street Causeway, North Bay Village, Florida;
and

WHEREAS, on September 8, 1995, Owner's predecessor in title recorded a Covenant Running with the Land in the Official Records Book of Miami-Dade County at BK 16914, Page 0870 (the "Covenant") pursuant to stipulation approved by Village Resolution No. 92-39; and

WHEREAS, the "Covenant" limits the use of the Property "Solely" for parking purposes for the benefit of North Bay Landing, now named "Grandview Palace"; and

Agenda Item 10F

WHEREAS, the Covenant is subject to release or modification only by resolution of the City Commission of the City of North Bay Village, Florida; and

WHEREAS, Owner desires to allow for use of the property for development in addition to the parking for Grandview Palace; and

WHEREAS, Owner, with approval of the Village Commission of North Bay Village, Florida, as granted in Resolution No. _____ desires to amend the Covenant to provide for redevelopment of the property in conjunction with parking required by the Village for Grandview Palace.

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner hereby agrees as follows:

A. The above recitals are true and correct, and are hereby incorporated by reference.

B. The Covenant Running with the Land is hereby amended as follows:

Paragraph 1. Is hereby amended as follows:

1. That the real property described in Exhibit "B" is hereby dedicated and committed for perpetual use ~~solely~~ for parking purposes for North Bay Landing (now known as "Grandview Palace") in addition to other uses which may be developed on the property as permitted by the Village Land Development Regulations.

C. The Covenant Running with the Land, as amended by this First Amendment, remains in full force and effect in accordance with the terms and conditions thereof. All other terms, covenants, stipulations and Resolutions not otherwise amended are hereby confirmed and ratified.

Agenda Item 10F

IN WITNESS WHEREOF, Owner has executed this Covenant this _____
of _____, 2018.

WITNESSES:

THE ATKINSON TRUST, LLC

Print Name: _____

By: _____
James Edwards

Print Name: _____

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

The foregoing instrument was acknowledged before me this ____ day of
_____, 2018, by _____, as _____ of
_____. Personally Known _____ or Produced
Identification _____.
Type of Identification Produced _____

Print or Stamp Name:
Notary Public, State of _____
Commission No.: N/A
My Commission Expires:

Agenda Item 10F

ATTACHMENT "A"

The Land referred to herein below is situated in the County of Miami-Dade, State of Florida, and is described as follows:

COMMENCING AT THE ONE-HALF MILE POST ON THE WEST LINE OF SECTION 9, TOWNSHIP 53 SOUTH, RANGE 42 EAST, AS SHOWN ON THE MAP OF HIGHWAY RIGHT-OF-WAY OF PROPOSED NORTHEAST SEVENTY-NINTH STREET CAUSEWAY, WHICH SAME IS RECORDED IN PLAT [BOOK 25, AT PAGE 70](#), OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, THENCE N 88° 41' 24" E ALONG THE CENTER LINE OF THE ABOVE RIGHT-OF-WAY FOR 1560.00 FEET TO A POINT; THENCE S 1° 37' 08" E FOR 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF SAID SEVENTY-NINTH STREET CAUSEWAY; THENCE N 88° 41' 24" E ALONG THE SOUTH LINE OF SAID RIGHT-OF-WAY FOR 1943.16 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, THENCE TO THE RIGHT ALONG SAID CURVE HAVING A RADIUS OF 557.82 FEET AND A CENTRAL ANGLE OF 38° 12' 00" FOR AN ARC DISTANCE OF 371.91 FEET TO A POINT IF REVERSE CURVATURE; THENCE TO THE LEFT ALONG A CURVE HAVING A RADIUS OF 650.48 FEET AND A CENTRAL ANGLE OF 11° 09' 40" FOR AN ARC DISTANCE OF 126.14 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE AFOREMENTIONED CURVE HAVING A CENTRAL ANGLE OF 37° 02' 17" FOR AN ARC DISTANCE OF 420.33 FEET TO A POINT; THENCE S 1° 37' 08" E FOR 205.71 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE TO THE RIGHT ALONG SAID CURVE HAVING A RADIUS OF 853.98 FEET, A CENTRAL ANGLE OF 12° 57' 47" FOR AN ARC DISTANCE OF 193.28 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE CONTINUE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 324.98 FEET, A CENTRAL ANGLE OF 27° 40' 09" AND AN ARC DISTANCE OF 156.95 FEET TO A POINT; THENCE S 1° 37' 08" E FOR 18.18 FEET TO A POINT; THENCE S 88° 41' 24" W FOR 68.95 FEET TO A POINT; THENCE N 1° 37' 08" W FOR 238.39 FEET TO THE POINT OF BEGINNING.

Agenda Item 11A



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: September 4, 2018

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: Lewis Velken 
Interim Village Manager

SUBJECT: Introduction of Resolution

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

AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 151 OF THE VILLAGE CODE, ENTITLED "PERMITS AND FEES" BY REVISING SECTION 151.11(A), "CONSTRUCTION PERMITS" AND SECTION 151.11(A)(46)(C), "WEEKEND OR AFTER HOURS WORK"; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE VILLAGE CODE; AND AN EFFECTIVE DATE.

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

LV:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Andreanna Jackson

Commissioner
Jose R. Alvarez

Commissioner
Laura Cattabriga

Commissioner
Eddie Lim

Agenda Item 11A

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 151 OF THE VILLAGE CODE, ENTITLED “PERMITS AND FEES” BY REVISING SECTION 151.11(A), “CONSTRUCTION PERMITS” AND SECTION 151.11(A)(46)(C), “WEEKEND OR AFTER HOURS WORK”; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE VILLAGE CODE; AND AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)

WHEREAS, Chapter 151 of the Village Code sets forth regulations and guidelines for the issuance of construction permits; and

WHEREAS, building construction in North Bay Village is generally only permitted during daytime weekday hours from 8:00 A.M. to 5:00 P.M. with the issuance of a Building Permit, pursuant to Section 151.11; and

WHEREAS, in order to address community requests, Section 151.11(A)(46) of the Village Code permits extended construction hours work upon approval by the Village Manager; and

WHEREAS, the Village Commission recognizes the language of the ordinance requires clarification to ensure compliance.

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

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. Chapter 151 of the North Bay Village Code of Ordinances, entitled “Permit Fees” is hereby amended by revising Section 151.11(46)C as follows:

Section 151.11

§ 151.11 - Permits; fees.

(A) No person shall erect or construct, or proceed with the erection or construction of any building or structure, nor add to, enlarge, move, improve, alter, convert, extend or demolish any building or structure, where the cost of the work is more than \$500.00 without first obtaining a building permit. A building permit shall be required for any construction activity, regardless of value, that includes structural, electrical, plumbing, or mechanical work.

Agenda Item 11A

44 ~~Exception: Any construction activities, regardless of the value, that includes structural,~~
45 ~~electrical, plumbing, or mechanical work shall require a permit.~~

46 An applicant for a building permit shall tender a non-refundable permit fee in the amount of
47 \$125.00 with the application. The minimum permit fee shall be \$125.00.

48 When the base permit fee exceeds \$400.00, there shall be imposed a nonrefundable plan
49 review fee equal to one-third of the base building permit fee (including electrical, plumbing,
50 and mechanical) paid at the time of submittal of the building permit application. This fee shall
51 be applied to the total fees at the time of issuance of the building permit. Should a building
52 permit not be issued, this fee shall not be refunded.

53 An additional plan review fee in the amount of \$125.00 per hour or the actual cost of
54 engineering services to the Village shall be passed through and imposed upon the contractor or
55 owner by the Village Building Department to fully offset all fees and costs incurred by the
56 Village in providing the structural engineering review mandated by Miami-Dade County.

57 An additional plan review fee in the amount of \$125.00 per hour or the actual cost of zoning
58 services to the Village shall be passed through and imposed upon the contractor or owner by
59 the Village Building Department to fully offset all fees and costs incurred by the Village in
60 providing the zoning review mandated by the Village Code.

61 These fees shall be paid by the contractor or owner to the Village prior to the issuance of a
62 permit and shall, if not paid, constitute a lien upon the property for which a building permit is
63 sought. These fees shall be due and payable without regard to whether or not a permit is issued
64 by the Building Department.

65 If the applicant has not picked up the resulting building permit within 90 days of receipt of
66 notice from the Village that the application is approved and ready for pick up, then the Village
67 may close the application out and maintain the proper records as required by Florida Statutes.
68 An applicant wishing to receive a permit after the 90-day period must reapply with a new
69 application. There shall be no refund of any prior payments or fees if the application has
70 expired.

71 For purposes of determining the permit fee, the value of the work to be performed under the
72 permit shall be determined as follows:

73 (1) For new construction of and additions to the Florida Building Code occupancies the
74 construction value of the work shall be the current values established by the Miami-Dade
75 Board of County Commission.

76 (2) For miscellaneous permit activity not otherwise provided for in this section, including but
77 not limited to repair, or alterations, or changes to electrical service, the value of the work shall
78 be the actual value of such work as determined by the applicant and approved by the Building
79 Official. The applicant shall be responsible for accurate reporting of the value of the work, and
80 the reported value shall be subject to review and verification by the Building Official.

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81 (1) New buildings and/or additions including, but not limited to, residential, mixed-use
82 residential, residential/office, mixed-use office, institutional, educational, hotels, and condo-
83 hotels:

84 Permit fee shall be the square footage times \$1.00, plus additional fees for electrical, plumbing,
85 and mechanical and sign permits as listed herein.

86 Minimum fee\ \$125.00

87 (2) New commercial construction:

88 Permit fee shall be the square footage times \$0.75 plus additional fees for electrical, plumbing,
89 mechanical, and sign permits as listed herein.

90 Minimum fee\ \$125.00

91 (3) New industrial construction:

92 Storage and industrial use of Group I & S (Florida Building Code) occupancies:

93 a. Permit fee shall be the square footage times \$0.75 plus additional fees for electrical,
94 plumbing, mechanical, and sign permits as listed herein.

95 b. Minimum fee..... \$125.00

96 (4) New parking garage or warehouses:

97 Permit fee shall be the square footage times \$0.75 plus additional fees for electrical, plumbing,
98 mechanical, and sign permits as listed herein.

99 Minimum fee\ \$125.00

100 (5) New construction other than as specified herein (water towers, pylons, bulk storage tank
101 foundations, sea walls, bulkheads, docks and similar construction):

102 Permit fee shall be \$100.00 for the first 100 square feet plus \$12.00 for each additional 100
103 square feet plus additional fees for electrical, plumbing, mechanical, and sign permits as listed
104 herein.

105 Minimum fee\ \$125.00

106 (6) New metal-wood and/or prefab storage sheds:

107 Permit fee shall be \$75.00 for the first 100 square feet plus \$10.00 for each additional 100
108 square feet plus additional fees for electrical, plumbing, mechanical, and sign permits as listed
109 herein.

110 Minimum fee\ \$125.00

111 Note: The following fees shall apply to building permits only and shall not include fees for
112 plumbing, electrical, or mechanical installation.

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- 113 (7)Alterations, remodeling and repairs to building and other structures:
114 Single-family homes, duplexes, and areas within a residential condominium unit:
115 Permit fee shall be estimated value times 1.5 percent.
116 Minimum fee\ \$125.00
- 117 Multifamily residential:
118 Permit fee shall be estimated value times 1.5 percent.
119 Minimum fee\ \$125.00
- 120 Commercial occupancy:
121 Permit fee shall be estimated value times 3.0 percent.
122 Minimum fee\ \$125.00
- 123 Storage and industrial use of Group E & F, Florida Building Code, S & I, Florida Building
124 Code occupancies:
125 Permit fee shall be estimated value times 3.0 percent.
126 Minimum fee\ \$125.00
- 127 Repairs to fire damaged structures (all occupancy):
128 Permit fee shall be estimated value times 3.0 percent.
129 Minimum fee\ \$125.00
- 130 Painting of single-family homes, duplexes:
131 Permit fee shall be estimated value \times 2.5 percent.
132 Minimum fee\ \$125.00
- 133 (8)Installation of exterior operable windows and exterior sliding glass door in new buildings or
134 additions exceeding two stories in height, and the installation, alteration and repair of such
135 windows and doors in existing buildings of any height, as follows:
- 136 New installation or replacement:
137 Permit fee shall be estimated value \times 5.0 percent.
138 Permit fee if the building is included in a master building permit issued by the Village:
139 Estimated value \times 3.0 percent.
140 Minimum fee\ \$125.00
- 141 (9)Painting of multi-family, commercial and industrial buildings:

Agenda Item 11A

- 142 Permit fee shall be estimated value \times 5.0 percent.
- 143 Permit fee if the building is included in a master building permit issued by the Village:
144 Estimated value \times 3.0 percent.
- 145 Minimum fee\125.00
- 146 (10)Painting of single-family dwellings, duplexes:
- 147 Permit fee shall be estimated value \times 2.5 percent.
- 148 Minimum fee\125.00
- 149 (11)Curtain walls including windows and doors therein:
- 150 Permit fee shall be estimated value \times 5.0 percent.
- 151 Permit fee if the building is included in a master building permit issued by the Village:
152 Estimated value \times 3.0 percent.
- 153 Minimum fee\125.00
- 154 (12)Roofs (including re-roofing):
- 155 Permit fee shall be estimated value \times 5.0 percent.
- 156 Permit fee if the building is included in a master building permit issued by the Village:
157 Estimated value \times 3.0 percent.
- 158 Minimum fee\125.00
- 159 (13)Reserved.
- 160 (14)Utility buildings: Pre-fab or built on site:
- 161 Minimum fee\125.00
- 162 (15)Storm shutters:
- 163 Permit fee shall be estimated value \times 5.0 percent.
- 164 Minimum fee\125.00
- 165 (16)Awnings, canopies, residential patios or carports (with Fire Bureau approval):
- 166 Permit fee shall be:
- 167 First seven awnings\75.00
- 168 Each additional awning\7.00
- 169 Canopy\75.00
- 170 Minimum fee\125.00

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- 171 (17) Building moving or other structures:
172 For each 100 square feet or fractional part thereof \$20.00
173 Minimum fee \$250.00
- 174 (18) Construction trailer and sales model:
175 Each trailer \$250.00
- 176 (19) Fences and/or walls (multi-family dwellings, commercial, and industrial buildings):
177 Permit fee shall be estimated value \times 5.0 percent.
178 Minimum fee \$125.00
- 179 Fences and/or walls (single-family dwellings and duplexes):
180 Permit fee shall be estimated value \times 5.0 percent
181 Minimum fee \$125.00
- 182 Fence located on public property:
183 Permit fee, for first 50 feet, plus \$20.00 for each additional 50 feet or a fraction thereof \$100.00
184 Minimum fee \$125.00
- 185 (20) Demolitions:
186 Permit fee shall be estimated value \times 5.0 percent
187 Minimum fee \$125.00
- 188 (a) Construction dumpsters (containers for the placement of construction debris shall not be
189 placed within the public right-of-way without prior authorization by the Building & Zoning
190 Department). Violation of this section shall be governed by Chapter 153 of the Village Code.
- 191 Construction dumpsters:
192 Permit fee \$100.00
- 193 (21) Sandblasting:
194 Permit fee for each single-family residence \$125.00
195 All other structures \$125.00
- 196 (22) All paving in connection with residential or commercial work including concrete drives:
197 Permit fee shall be estimated value \times 5.0 percent.
198 Permit fee if the building is included in a master building permit issued by the Village:
199 Estimated value \times 3.0 percent.

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- 200 Minimum fee\ \$125.00
- 201 (23)Asphalt resurfacing (restriping):
- 202 Permit fee shall be estimated value \times 3.0 percent.
- 203 Minimum fee\ \$125.00
- 204 (24)Concrete slabs:
- 205 Permit fee shall be estimated value \times 5.0 percent.
- 206 Permit fee if the building is included in a master building permit issued by the Village:
- 207 Estimated value \times 3.0 percent.
- 208 Minimum fee\ \$125.00
- 209 (25)Job site lost permit card replacement 50.00
- 210 (26)Certificate of occupancy, temporary or final (required or requested), permit fee per unit
- 211 \$180.00
- 212 (27)Certificate of completion, temporary or final \$180.00
- 213 (28)Elevators, escalators and other transporting devices:
- 214 Each unit for each story or ten feet measured vertically at \$10.00 each, minimum fee\ \$125.00
- 215 (29)Decibel meter reading to determine sound level of mechanical equipment
- 216 Prepaid fee, per site visit or event\ \$125.00
- 217 (30)Air conditioning and refrigeration, including relocation of equipment:
- 218 Mechanical permit fee shall be estimated value \times 5.0 percent.
- 219 Permit fee if the building is included in a master building permit issued by the Village:
- 220 Estimated value \times 3.0 percent.
- 221 Minimum fee\ \$125.00
- 222 (31)Land clearing:
- 223 Each 5,000 square feet of area or fraction thereof\ \$125.00
- 224 Permit fee minimum\ \$125.00
- 225 (32)Soil solidification in any form:
- 226 First \$1,000.00 value of work\ \$75.00
- 227 For each additional \$1,000.00 value of work\ \$10.00
- 228 Minimum fee\ \$125.00

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- 229 (33)Solar energy systems:
- 230 See electrical and plumbing fee schedules.
- 231 (34)Swimming pools (with maximum three-foot deck perimeter):
- 232 Up to 16,000 gallons\\$125.00
- 233 Each 1,000 gallons in excess\\$5.00
- 234 Portable above ground, minimum fee\\$60.00
- 235 Pool piping (see plumbing fee schedule).
- 236 Pool heaters (see plumbing fee schedule).
- 237 Note: Larger decks than those above, see subsection (2), fee schedule.
- 238 (35)Signs (including all interior signs visible from exterior of premises occupied such as
- 239 shopping centers and malls):
- 240 (a)Ground signs (including internal, directional signs, such as parking area, etc., on private
- 241 property) \$125.00
- 242 (b)Projecting signs \$125.00
- 243 (c)Flat signs \$125.00
- 244 (d)Painted on wall signs \$125.00
- 245 (e)Temporary signs \$125.00
- 246 (f)Any change or alteration of approved existing sign, such as metal box, copy lettering, new
- 247 message, repair, etc., (not including removable letters) to be 60 percent of fee for new sign of
- 248 same type or category. Permit fee \$125.00
- 249 (g)Repaint of existing message, minimum fee \$40.00
- 250 (36)Banner signs:
- 251 Permit fee, for the initial permit plus \$60.00 for each renewal\\$125.00
- 252 (37)Store front signs:
- 253 Permit fee\\$125.00
- 254 (38)Fee for re-inspection (structural):
- 255 Fee for visual re-inspection of existing buildings, \$60.00 per half hour, per inspection.
- 256 (a)Improvements to property and installations not specified above shall be based on subsection
- 257 (2), fee schedule.

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258 (b) Failure of licensed contractor to request final inspection when work completed shall subject
259 said contractor to payment of fee of \$75.00 prior to issuance of further permits.

260 (c) For any other building or structural work not mentioned above the fees required by this
261 chapter or any other ordinance of the Village shall be paid, and all requirements of this chapter
262 and any other ordinance shall be enforced by the inspectors specifically charged with such
263 enforcement, or by the Village employee designated by the Building Official, if not otherwise
264 specifically provided for. The fees shall include payment for the permit and for inspection of
265 the work, after the same shall have been completed. If the Building Inspector shall, upon his
266 inspection, after completion of the work or apparatus, find that the same does not conform to
267 and comply with the provisions of this chapter, he shall notify the contractor or owner
268 indicating the corrections required; and when he shall be notified that the corrections have
269 been made, he shall inspect the work or apparatus at a charge of \$125.00 for each re-inspection
270 due to any one of the following reasons.

271 1. Wrong address.

272 2. Condemned work resulting from faulty construction.

273 3. Repairs or corrections not made when inspection is called.

274 4. Work not ready for inspection when called.

275 (d) The payment for re-inspection fees, correction of workmanship or violations, shall be made
276 before any further permits will be issued to the person responsible for or owing same.

277 (e) No permit will be required for general maintenance or repairs which do not change the
278 occupancy, and value of which is less than \$500.00 in labor and materials. No permit is
279 required for the construction or repair of any roof covering if less than 200 square feet in area.

280 (39) Filming.

281 Purpose and objectives.

282 (a) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the
283 context clearly indicates or requires a different meaning:

284 *Film or filming* means any and all still, live or motion picture productions whether made on or
285 by film, electronic tape or any other electronic device used to produce theatrical motion
286 pictures, television entertainment motion pictures, industrial motion pictures, television
287 commercials or print media. Filming shall include the erection and dismantling of the
288 equipment associated therewith.

289 *Permit* means a permit issued by the Village in accordance with the terms of this article.

290 *Village Manager* means the Village Manager or authorized designee.

291 (b) *Applicability of article.* This article shall apply to all the lands within the Village's
292 jurisdiction, whether public or private.

293 (c) *Permits.*

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- 294 1. Permit required; display. No person shall film within the Village without first applying for
295 and obtaining a permit from the Village Manager. All permits shall be conspicuously displayed
296 at the filming location.
- 297 2. Permit application. Applications for a permit:
- 298 i. Shall be on the form provided by the Village.
- 299 ii. Shall identify the applicant.
- 300 iii. Shall identify the locations where filming is going to be conducted. If the applicant is the
301 owner of the property where filming is going to be conducted, the city shall require proof of
302 ownership, such as the deed, or if applicant is not the owner, then the Village shall require the
303 owner's sworn consent to the filming and proof of ownership.
- 304 iv. Shall require that the applicant provide evidence of public liability insurance in the
305 minimum amount of \$1,000,000.00 or as otherwise established by the Village. All insurance
306 policies shall name the Village as additional insured.
- 307 v. Shall include a parking plan for automobiles, trucks and other vehicles connected with the
308 filming.
- 309 vi. Shall include a site plan for the locations where filming will be conducted.
- 310 vii. May, at the discretion of the Village Manager, require that the applicant post a cash bond to
311 be determined by the Village Manager and be held by the Village to be used, if necessary, to
312 repair damage to public property caused by the filming.
- 313 3. Limitations on permits. Permits issued by the Village shall be subject to the following:
- 314 i. No filming shall be permitted from 11:00 p.m. to 7:00 a.m.
- 315 ii. Other limitations as specified by the Village Manager depending on the location and type of
316 filming such as, requiring off-duty police officers to be present during filming.
- 317 4. Permit fees. A permit fee in the amount of \$200.00 per day shall be due and payable at the
318 time of permit application. Permit fees shall be doubled for all filming, which is done without
319 first obtaining a permit. The additional fee shall be imposed as a penalty.
- 320 5. Permit criteria. A filming permit shall be granted unless the Village Manager finds that the
321 proposed filming:
- 322 i. Unduly impedes governmental business or public access;
- 323 ii. Conflicts with previously scheduled activities; or
- 324 iii. Imperils public safety.
- 325 (d) *Notice to property owners prior to filming.* Forty-eight hours prior to commencing any
326 permitted filming, the permit holder shall notify in writing all property owners within 300 feet

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327 of the filming location. The notice to owners shall include but not be limited to the location,
328 date, hours and subject matter of the filming.

329 (e)*Penalty for violation of article.* Any person who violates the provisions of this article shall
330 be subject to a \$500.00 fine and revocation of the permit.

331 (f)*Exemptions from article.* The following shall be exempt from the provisions of this article:

332 1. Individuals filming or videotaping only for their own personal or family use.

333 2. Employees of print or electronic news media when filming ongoing news events. This
334 exception shall not apply to simulations or reenactments orchestrated by print or electronic
335 news media.

336 3. Indoor motion picture studios.

337 4. Governmental agencies or instrumentalities including, but not limited to, a news service
338 created or established by the United States Information Agency, if Village Manager receives
339 notification prior to filming.

340 (g)*Variances from provisions of article.* Upon application to the Village Commission,
341 variances may be granted from the terms of this article, provided that:

342 1. Signatures indicating consent have been obtained from all of the owners of property located
343 within 300 feet of the filming location;

344 2. A finding is made by the Village Commission that the variance will not be injurious to the
345 area involved or otherwise detrimental to the public welfare; and

346 3. The filming proposed to be done as a result of the variance will be conducted in accordance
347 with all standards in this article other than those for which a variance is being granted.

348 (h)*Appeals.* Any person aggrieved by the terms of a permit issued by the Village Manager, by
349 the decision not to issue a permit, by the revocation of a permit or by the denial of a variance
350 may, within ten days of the decision, appeal to the Village Commission, whose decision shall
351 be final.

352 1. Wrong address.

353 2. Condemned work resulting from faulty construction.

354 3. Repairs or corrections not made when inspection is called.

355 4. Work not ready for inspection when called.

356 (40) Reserved.

357 (41) Plumbing permits and fees; sewer permits and fees:

358 Plumbing permit fee shall be estimated value \times 5.0 percent.

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- 359 Permit fee if the building is included in a master building permit issued by the Village:
360 Estimated value × 3.0 percent.
- 361 Minimum fee\125.00
- 362 Failure of licensed contractor to request final inspection will subject said contractor to payment
363 of\125.00
- 364 (42)Solar heating systems and designs:
- 365 Fee computed as per building fee schedule, subsection
- 366 (4).Note: Due to many variable designs and applications a separate electrical permit may be
367 required.
- 368 (43)Inspections of structural plumbing, electrical components are required during work for
369 final approval of installation.
- 370 When an incomplete or incorrect plat as regards ownership or location of a building is handed
371 to the Inspector of Plumbing, he shall charge a fee for making the correction or completion of
372 the information\125.00
- 373 (43.1)Inspections conducted after normal working hours:
- 374 A. Monday through Friday from 8:00 a.m. through 5:00 p.m., per hour \$100.00
375 With a two-hour minimum fee of\200.00
- 376 B. Weekends (Saturdays and Sundays) and holidays, per hour \$100.00
377 With a minimum three hour fee of\300.00
- 378 C. Same day re-inspection fee, per hour \$60.00
379 During normal working hours, with a two-hour minimum fee of\120.00
- 380 D. Re-inspection fee for next inspection cycle, per hour \$75.00
381 With a one hour minimum fee of\75.00.
- 382 (44)Gas permits and fees (see fee schedule above for plumbing permit fees):
- 383 (a)Gas permits (new work or remodeling) each outlet \$10.00
- 384 (b)Gas piping per appliance \$5.00
- 385 (c)Where appliances are removed and reset on the same outlet \$25.00
- 386 (d)The payment of re-inspection fees, corrections not being ready, or violations is the same as
387 the building fee schedule requirements \$75.00
- 388 (e)Fee for visual re-inspection of existing gas systems \$75.00

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389 (f) Failure of licensed contractor to request final inspection will subject said contractor to
390 payment of a \$75.00 fee prior to the issuance of further permits.

391 (45) Electrical permits and fees. Any person desiring an electrical permit to be issued as
392 required shall, in addition to filing an application therefore, and before such permit is issued,
393 pay a permit fee in accordance with the following schedule.

394 Electrical permit fee shall be estimated value \times 5.0 percent.

395 Permit fee if the building is included in a master building permit issued by the Village:
396 Estimated value \times 3.0 percent.

397 Minimum fee \ \$125.00

398 (a) Miscellaneous permits:

399 1. Giving permission to do temporary work or to do general repairs to radio or television
400 transmitting or receiving stations, picture shows, movie sets, carnivals, circuses, road shows, or
401 similar organizations (permits shall be procured by licensed and qualified electrician who shall
402 supervise installation of all electrical systems). Permit fee \$125.00

403 2. Permit fees shall include payment for the permit and for inspection of work, after the same
404 shall have been completed. If the Electrical Inspector shall, upon his inspection, after
405 completion of the work or apparatus, find that the same does not conform to and comply with
406 the provisions of this chapter, he shall notify the master electrician, indicating the corrections
407 required; and when he shall be notified that the corrections have been made, he shall again
408 inspect the work or apparatus without further charge; but when a third inspection trip or more,
409 is necessary due to any one of the following reasons, a charge of \$75.00 per trip shall be made
410 for each trip over two:

411 Wrong address;

412 Condemned work, resulting from faulty construction;

413 Repairs or corrections not made when inspection is called;

414 Work not ready for inspection when called.

415 (46) The following fees shall be charged in additional to the permit fees set forth above:

416 A. Updating of the information technology system: A surcharge fee equal to five percent of the
417 Total Permit Fees shall be charged for the development, maintenance and updating of an
418 information technology system. This fee will be deposited into an enterprise account to support
419 the information technology system for the Building and Zoning Department.

420 Minimum fee \ \$5.00

421 Maximum fee \ \$500.00

422 B. Document preservation fee to microfilm and maintain record of all building plans for future
423 use.

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424 Pages up to 8.5" × 14", per page\\$0.25

425 Pages larger than 8.5" × 14", per page\\$1.00

426 Maximum fee\\$00.00

427 C. Weekend or after hours demolition or construction work fee: Conducting demolition or any
428 construction related activity work on any day before 8:00 A.M. or after 5:30 p.m on Saturdays,
429 per day 5:00 P.M. on weekends or national holidays shall requires the prior written upon
430 approval by of the Village Manager and an Exception Permit. No work allowed on
431 Sundays.....\$250.00

432 D. Public right-of-way use fee:

433 Temporary crane, trailer, or truck on the right-of-way:

434 For the first five days\\$150.00

435 Plus an additional \$150.00 for every five days or a fraction thereof.

436 E. Temporary use of public property:

437 Temporary public right-of-way usage for 30 days.

438 \$100.00 for the first 50 square feet of Right Of Way (R-O-W) used, plus \$10.00 for each
439 additional square feet for each 30-day usage or any portion of the 30-day period. The right-of-
440 way usage permit shall be issued for a maximum of 30 days. A new permit will be issued with
441 the appropriate fees charged after the expiration date.

442 (B) A permit shall expire and become null and void if the work authorized by the permit is not
443 commenced within 180 days from the date of issuance of the permit or if the work when
444 commenced is suspended or abandoned at any time for a period of 180 days.

445 Work shall be considered to have commenced and be in active progress when, in the opinion of
446 the Building Official a full complement of workmen and equipment is present at the site to
447 diligently incorporate materials and equipment into the structure throughout the day on each
448 full working day, weather permitting, until the structure is completed.

449 Such work on only one day or testing, shall not be considered commencement of work. If the
450 work covered by the permit has not commenced, or has been commenced and been suspended
451 or abandoned, the Building Official may extend such permit for a single period of 180 days
452 from the date of expiration of the initial permit if request for extension is made and received by
453 the city prior to the expiration date of the initial permit. If the work covered by the permit has
454 commenced, is in progress, has not been completed and is being carried on progressively in a
455 substantial manner in accordance with the definition set forth herein, the permit shall be in
456 effect until completion of the job.

457 If work has commenced and the permit becomes null and void or expires because of a lack of
458 progress or abandonment, a new permit covering the proposed construction shall be obtained
459 before proceeding with the work. If a new building permit is not obtained within 180 days
460 from the date the initial permit became null and void, the Building Official shall require that

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461 any work which has been commenced or completed be removed from the building site; or he
462 may issue a new permit, on application, providing the working place and requirements to
463 complete the structure meets all applicable regulations in effect at the time the initial permit
464 became null and void and regulations which may have become effective between the date of
465 expiration and the date of issuance of the new permit. The fee for renewal, re-issuance and
466 extension of permit shall be:

467 (1) Within six months of the expiration date, the fee will be 50 percent of the original base
468 permit fee plus a \$125.00 processing fee.

469 (2) After six months of the expiration date, the fee will be 100 percent of the original base
470 permit fees plus a \$125.00 processing fee.

471 (3) Extension of a permit before the expiration date, the fee will be \$125.00.

472 **Section 3. Severability.** If any section, subsection, clause or provision of this Ordinance is
473 declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be
474 affected by such invalidity.

475 **Section 4. Conflict.** All sections or parts of sections of the North Bay Village Code of
476 Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

477 **Section 5. Inclusion in the Code of Ordinances.** It is the intention of the Commission of
478 North Bay Village, Florida; and it is hereby ordained that the provisions of this Ordinance shall
479 become and made a part of the North Bay Village Code of Ordinances; that the sections of this
480 Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word
481 "Ordinance" may be changed to "Section" or other appropriate word.

482 **Section 6. Effective Date.** This Ordinance shall be effective upon final adoption on
483 second reading.

484
485 The foregoing Ordinance was offered by Vice Mayor Andreana Jackson, who moved for
486 its approval on first reading. This motion was seconded by Commissioner Laura Cattabriga, and
487 upon being put to a vote, the vote was as follows:

488 THE VOTES WERE AS FOLLOWS:

489
490 Mayor Connie Leon-Kreps Yes
491 Vice Mayor Andreana Jackson Yes
492 Commissioner Jose R. Alvarez Yes
493 Commissioner Laura Cattabriga Yes
494 Commissioner Eddie Lim Yes
495

496 **APPROVED ON FIRST READING** during a regular session of the North Bay Village
497 Commission Meeting this 11th day of September 2018.

498
499 The foregoing Ordinance was offered by _____, who moved for its enactment.
500 This motion was seconded by _____ and upon being put to a vote, the vote was as follows:

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501
 502 **FINAL VOTE ON ADOPTION:**
 503
 504 Mayor Connie Leon-Kreps _____
 505 Vice Mayor Andreana Jackson _____
 506 Commissioner Jose R. Alvarez _____
 507 Commissioner Laura Cattabriga _____
 508 Commissioner Eddie Lim _____

509
 510 **PASSED AND ENACTED** by the Commission of North Bay Village this ___ day of
 511 _____ 2018.

Connie Leon-Kreps
Mayor

512
 513
 514
 515
 516
 517
 518
 519 **ATTEST:**
 520
 521 _____
 522 **Graciela Mariot, Interim Village Clerk**

523
 524
 525 **APPROVED AS TO FORM FOR THE USE OF**
 526 **NORTH BAY VILLAGE ONLY:**
 527
 528 _____
 529 **Norman C. Powell, Esq.**
 530 **Village Attorney**

531
 532 North Bay Village Ordinance: After Hours Construction/Permits and Fees.

Staff Report

To: North Bay Village Commission
From: James G. LaRue, AICP
Date: September 11, 2018
Subject: Unified Land Development Code Revisions

Staff is recommending a number of changes to the Village's Unified Land Development Code (ULDC). Some of the changes relate to the Village's latest Comprehensive Plan Amendment. The State Land Planning Agency (DEO) issued a letter on August 28th notifying the Village that the Plan Amendment will not be challenged by DEO. Once the Plan Amendment has been adopted and found in compliance, the Plan Amendment must be implemented in the ULDC, specifying how the transfer of density rights program that was authorized in the Plan Amendment will be administered in the ULDC.

In conjunction with these ULDC revisions related to the Plan Amendment, staff is presenting some additional revisions. Some of these revisions have been suggested by the Village group known as the Bay View Overlay District Developers, whose letter is attached to this report. The intent of these revisions is to provide additional flexibility in the development of properties in the Commercial zoning district, as an incentive to revive the Village's commercial corridor. Other revisions are being recommended by staff to address issues that have been brought to our attention since the ULDC was last updated in 2017. The summary list of significant revisions is as follows:

- (1) Reorganization of Chapter 8, Zoning- Sections have been moved or reorganized in order to address duplicative or confusing code sections. Section numbers have been changed and references to those sections have been updated. Due to the reorganization, it was simplest to strike the current Chapter 8 entirely and show the revised Chapter 8 as new. Substantive changes to Chapter 8, which are not related to the reorganization, are discussed below.
- (2) Reduction of required setbacks from Kennedy Causeway for properties in RM-70 district- The required setbacks from the north side of the Causeway have been reduced from 40 feet to 30 feet and the required setbacks from the south side of the Causeway have been reduced from 60 feet to 30 feet. [Exhibit A page 6; Exhibit B page 8]
- (3) Removal of maximum number of stories for properties in RM-70 district- The maximum building height of "150 feet or 15 stories, whichever is less" has been revised to "150 feet". [Exhibit A page 7; Exhibit B page 8]
- (4) Removal of two requirements for RM-70 developments- The proposed revisions remove the requirement that brick pavers be used for all exterior paved surfaces and removes the requirement for street tree lighting. [Exhibit A pages 8, 9; Exhibit B page 9]
- (5) Building height in CG district-
 - o Removal of maximum number of stories and increase in allowable building height for properties developing strictly commercial in CG district- The maximum building height of "130 feet or 15 stories, whichever is less" has been revised to "150 feet". [Exhibit A pages 21; Exhibit B page 20]

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- Removal of maximum number of stories for properties developing mixed use in CG district- The maximum building height of “150 feet or 15 stories, whichever is less” has been revised to “150 feet”. [Exhibit A pages 18; Exhibit B page 20]
- (6) Revise required setbacks for properties in CG district- The current CG district regulations require different setbacks depending on whether the property is being developed strictly commercial versus mixed use. The proposed revisions standardize the required setbacks regardless of the type of development as follows [Exhibit A pages 18, 21; Exhibit B page 20]:

<i>Location</i>	<i>Distance (Feet)</i>
Kennedy Causeway	30
Other street frontages	25
Rear	25
One side (interior)	15
Second side (interior)	20% of the lot width

- (7) Baywalk required for all waterfront RM-70 and CG properties- The current regulations require multifamily developments in the RM-70 district and mixed use developments in the CG district to provide a public access baywalk. However, the current regulations do not require strictly commercial developments in the CG district to provide a public access baywalk. This proposed revision requires all new development and redevelopment of waterfront properties in the RM-70 and CG districts to provide a public access baywalk. [Exhibit A pages 7, 19; Exhibit B page 45]
- (8) Reduction in required number of parking spaces for hotel sleeping units- The current requirement is one parking space per sleeping unit, plus ten percent of the total. Staff has received comments from several architects and developers indicating that the Village requires an excessive amount of parking for hotels, when compared to other nearby jurisdictions. In order to better compare the various parking requirement of other nearby jurisdictions, see the attached comparative matrix. At the Planning & Zoning Board meeting we submitted the following recommendation, which was more comparable to some of the Village’s less restrictive neighboring jurisdictions:
- 0.5 spaces per sleeping unit for the first 100 units, with submittal of hotel parking plan; and 1 space per sleeping unit for all units in excess of 100; 25% reduction of parking requirements for retail, restaurant, and retail within the hotel

However, following the discussion at the Planning and Zoning Board meeting, we are now considering the following approach:

- 1 space per sleeping unit for the first 100 units; and 0.5 spaces per sleeping unit for all units in excess of 100, with the submittal of a hotel parking plan); 25% reduction of parking requirements for retail, restaurant, and retail within the hotel
- (9) Reduction in required number of parking spaces for three-bedroom (and larger) multi-family dwelling units- The current requirement is three parking spaces per three-bedroom (or larger) dwelling unit, plus ten percent. The proposed revision allows two parking spaces per three-bedroom (or larger) dwelling unit, plus ten percent.

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- (10) Reduction in minimum hotel unit size- The proposed revision reduces the minimum required hotel sleeping unit size from 400 square feet to 200 square feet, based on current hotel building trends. [Exhibit A page 18; Exhibit B page 21]
- (11) Increase maximum building height in the Bayview Overlay District- The proposed revisions increase the maximum allowable building height for properties in the Bay View Overlay District (North side of Causeway on Treasure Island) from 340 feet to 400 ft. [Exhibit A page 22; Exhibit B page 22]
- (12) Reduction of required setbacks in the Bayview Overlay District- The setback requirements proposed are less restrictive than the current regulations. [Exhibit A page 22; Exhibit B page 22]
- (13) Bonus height- [Exhibit A pages 7, 8, 19; Exhibit B page 43]
 - The current regulations only allow for bonus height when developing multifamily structures in the RM-70 district and mixed use structures in the CG district. The proposed revisions would allow for strictly commercial (including hotel) developments in the CG district to also request bonus height.
 - The current regulations allow for a total building height (including bonus height) of 240 feet. The proposed revisions maintain the 240 foot limit for properties in the RM-70 district, but raises the limit to 300 feet for properties in the CG district.
- (14) Bonus density- Implementation of the TDR Comprehensive Plan Amendment- [Exhibit A pages 8, 19; Exhibit B pages 43, 44, 45]
 - Allow for properties with direct access to Kennedy Causeway in the CG district to request bonus density up to 100 dwelling units per acre.
 - In addition to the previously approved sending sites (Village hall and public works sites), Vogel Park is being added to the list of sending sites and the development rights of Vogel Park will now be transferable to private property. The total number bonus density units available for transfer under the program is 136-165, depending on the unit size. Out of that pool, 20 three-bedroom units have been allocated to projects with unexpired site plans. However, no projects utilizing bonus dwelling units have actually been built in the Village.
 - Provide the Village with additional flexibility in use of bonus density fees paid by developers.
- (15) Increase maximum height of swimming pools- The proposed revisions increase the maximum height of swimming pools and their appurtenances from 2 feet above grade to 3 feet above grade.
- (16) Allowance for boat lifts in certain situations to be approved administratively- The proposed revision allows administrative approval, instead of requiring Village Commission approval, of boat lifts and/or mooring piles which are not proposed to extend farther from the seawall than existing dock structures and which will not cause a lifted or moored boat to extend farther from the seawall than is possible using the existing dock structures.
- (17) Removal of requirement for signage in multi-occupant commercial buildings to be the same type and color- This proposed revision removes the requirement that every sign within a multi-occupant building be of the same type and color, providing a practical solution to an otherwise expensive and difficult to enforce requirement.

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- (18) Fence height on corner lots- The proposed revision clarifies that fences on corner lots should be no more than 5 feet tall on both street frontages.

There are also some minor clarifications, adjustments and updates to the Code that have been made, and staff will answer any questions concerning these minor modifications at the September 25th meeting. The Village Planning & Zoning Board recommended approval of the proposed ULDC changes at their September 4th meeting. Please see attached updated zoning map, which is included for reference on the discussion of the proposed BVO district changes and the proposed CG setback changes.

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BAYVIEW ORVERLAY DISTRICT DEVELOPERS

May 17, 2018

Mr. Jim LaRue
LaRue Planning
1375 Jackson Street, Suite #206
Fort Myers, FL 33901

Dear Mr. LaRue,

As discussed, in addition to the proposed increase in density on the Causeway from 70 units to 100 units through the purchase of TDR's from the City, the Bayview Overlay District Developers ("BVODD") collectively believe that two more updates to the Zoning Code would allow for the desired redevelopment of the Causeway. These amendments would initiate the redevelopment of the Causeway, effectively utilizing these additional units, also resulting in a \$40,000 per unit payment to the Village.

The first update would be to adjust the Parking Requirement to require 2 parking spaces instead of 3 parking spaces for a 2 bedroom unit with a Den or a 3 bedroom unit, which is consistent with or greater than the parking requirements in all of Miami Dade. In today's age with ride-sharing and other technologies, the requirement for 3 parking spaces for these units is not only inefficient, but unnecessary. Even with this reduction, the redevelopment of the Causeway will create additional parking, not only for future residents and guests, but also for the added retail customers.

The second amendment is to create a Bayview Overlay District Height Bonus of 60 feet for all properties located in the BVO District upon the payment of a \$1,000 per unit fee. This bonus fee could be used at the Commission's discretion. In addition, this fee could be due upon the modification of a currently existing site plan approval / building permit or the site plan approval of a new project. With this bonus, the maximum height with BVO District would be 300 feet including all the bonuses under Section 8.10.D.5 or 400 feet with the additional setback requirements of the Bayview Overlay District. This structure will immediately bring in funding with the modification of existing site plans or new site plan approvals, addressing the concern of no revenues being generated from the approvals given.

Finally, it is critical that all of these elements come in to place at one time, as that will allow the BVODD the opportunity to redesign their projects and be prepared for the next wave of development. More importantly, these changes will attract the development capital to North Bay Village to allow it to finally transform into a thriving Village once again.

Best Regards,

Scott Greenwald

Jose Norbeto Saal

Miguel Angel Barbagallo

Leonidas Macedo

cc: Mr. Norman Powell, Esq.

C/O 7301 SW 57TH Court
Suite 565
South Miami, FL 33143

C/O Scott@Greenwaldgroup.com
Phone 305-667-2225
Fax 305-661-2289

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Jurisdiction	Required Number of Parking Spaces
N Bay Village	One space for each rental sleeping unit, plus an additional ten percent of the total number of required spaces
N Miami Beach	1.25 spaces for each rental sleeping unit, with meeting rooms 0.75 spaces per sleeping room, without meeting rooms
Miami Shores	1 space per room or suite 1 space per employee 1 space per 3 fixed seats plus 1 space per 25 sq ft in all assembly areas (without fixed seats)
Miami Beach	<p>1 space per unit except as follows:</p> <ul style="list-style-type: none"> • 0.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units, for new floor area for hotel rooms, associated with retaining, preserving and restoring a building or structure that keeps the following intact: <ul style="list-style-type: none"> ○ At least 75 percent of the front and street side facades; ○ At least 75 percent of the original first floor slab; ○ For structures that are set back two or more feet from interior side property line, at least 66 percent of the remaining interior side walls; and ○ All architecturally significant public interiors; ○ or if approved by the historic preservation board. • 0.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units, for properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east • 0.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units, up to a maximum cap of 150 rooms total, for hotels limited by covenant to no restaurants or pools open to the public, no outdoor bar counters, entertainment or special events, and located in a commercial zoning district within 1,000 feet of the boundary of an area that is (1) zoned CD-3 and (2) part of an historic district <p>In addition to the above, in order for any hotel to receive the reduced rate of 0.5 spaces per unit, a hotel guest shuttle service shall be provided and maintained, and a hotel employee parking plan is required, which shall be subject to the review and approval of the planning department. Such hotel employee parking plan shall include mandatory measures to address employee parking, including, but not limited to, provision of transit passes, carpool or vanpool programs, off-site parking when available, monthly city parking passes, and/or other measures intended to limit the impact of employee parking on surrounding neighborhoods. However, suites hotel units as defined in section 142-1104 that are greater than 550 square feet and that contain full cooking facilities on lots that are greater than 50 feet in width, shall have the same parking requirement as apartment buildings</p>

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Sunny Isles	1 space per each room or suite
	MU-R District: 1 parking space per each room or suite plus 1 space per every 100 square foot of restaurant, lounge, nightclub, or similar establishment dispensing food and/or beverages.
	B-2 District: 1 parking space per each room or suite plus 50% of the requirements of this chapter for ancillary retail and service uses within the hotel without ground level window exposure and/or exterior entrances facing the street.
	B-2 District: 1 parking space per each room or suite plus 35% of the requirements of this chapter for ancillary retail and service uses within the hotel and with ground level window exposure and/or exterior entrances facing the street.
Miami-Dade	Hotels, rooming houses: 1 space for each of the first 40 individual guest rooms or suites 1 additional parking space for every 2 guest rooms or suites thereafter 1 space for each 4 employees Public meeting rooms in hotels shall be further controlled as to parking by Subsection (e) of this section and by Subsection (k) where the meeting room does not contain permanent seats; and restaurants by Subsections (i) and (j).
	Motels, tourist courts, bed and breakfast establishments, and transient accommodations: 1 space per sleeping room or bedroom.
Miami 21: D1, T4, T5, & T6 Transect Zones	Lodging: 1 parking space for every 2 lodging units. 1 Bicycle Rack Space for every 20 vehicular spaces required. Parking requirement may be reduced according to the shared parking standard, Article 4, Table 5. Except for sites within 500 feet of an ungated T3 Transect Zone, the parking ratio may be reduced within a TOD area or within a Transit Corridor area by up to thirty percent (30%) by process of Waiver; by up to fifty percent (50%) by process of Waiver and payment into a transit enhancement Trust Fund, as established by Chapter 35 of the City Code; or by one hundred percent (100%) for any Structure with a Floor Area of ten thousand (10,000) square feet or less. Parking may be provided by ownership or lease offsite within 1,000 feet by process of Waiver, except when site is within 500 feet of T3.
	Plus: T4 Zone: 1 additional visitor space for every 5 lodging units. D1, T5, T6-Restricted, & T6-Limited Zones: 1 additional visitor space for every 10 lodging units. T6-Open Zone: 1 additional visitor space for every 15 lodging units.

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CHAPTER 8, ZONING

DIVISION 1, ZONING DISTRICTS ESTABLISHED; ZONING MAP

§ 8.1 – Title.

This chapter shall be known as the “Zoning Regulations for North Bay Village, Florida; 2017 Revision.”

§ 8.2 – Purpose and intent.

~~The purpose of this chapter is to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, conveniences, prosperity and general welfare of the citizens of the Village, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for preservation, protection, development and conservation of the natural resources of land, water and air, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, for adequate public utilities and facilities, for promotion and the civic amenities of beauty and visual interest, for promotion of large scale developments as a means of achieving unified civic design, and for development in accord with the Village’s adopted comprehensive plan, by establishing zoning districts and by regulating the location and use of buildings, signs and other structures, and land and water for trade and residence by regulating and limiting or determining the height, bulk and access to light and air of buildings and structures, the area of yards and other open spaces, and the density of use. To accomplish this intent, the regulations and districts and have been designed with reasonable consideration, among other things, to the character of the districts and their suitability for particular uses.~~

§ 8.3 – Establishment of zoning districts.

~~In order to regulate and restrict the location of commercial, public and semi-public uses, and residences, and the location of buildings erected or altered for specific uses, to regulate or limit population density and the intensity of the use of lot areas, and to regulate and determine the areas of yards, courts, and other open spaces within and surrounding such buildings, the following zoning districts are hereby established:~~

~~A. Single-Family Residential Districts.~~

- ~~1. RS 1 Low Density Single Family Residential District (See Section 8.10.A).~~
- ~~2. RS 2 Medium Density Single Family Residential District (See Section 8.10.B)~~

~~B. Multiple Family Residential Districts.~~

- ~~1. RM 40 Medium Density Multiple Family Residential District (See Section 8.10.C).~~
- ~~2. RM 70 High Density Multiple Family Residential District (See Section 8.10.D).~~

~~C. CG General Commercial District (See Section 8.10.E).~~

~~D. Bay View Overlay District (See Section 8.10F)~~

~~E. Government Use District (See Section 8.10G)~~

§ 8.4 – Reference to district names.

~~For the purpose of reference hereafter in these regulations, unless specifically provided to the contrary, the term *Residential* shall include both single-family and multi-family districts.~~

§ 8.5 – Identification of district maps.

~~Such land and the zoning district classification thereof shall be shown on a map designated as the Zoning District Map of the Village, dated and certified by the Village upon adoption. This Zoning District Map and all notations, dimensions, references, and symbols shown thereon pertaining to such districts, shall be as much a part of these regulations as if fully described herein, and shall be filed as part of these regulations. The map and any later alterations shall be available for public inspection in the offices of the Village Manager or his designee. These regulations shall be similarly dated, filed, and made available for public reference.~~

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§ 8.6 – Publication of district maps.

- A. ~~The Village Manager or his designee shall cause to be published, or prints made available, no later than March 31 of the year following adoption of these regulations, the Official Zoning District Map, clearly showing the zoning district boundaries and zoning district names and designations for the incorporated area of the Village. In each calendar year thereafter, if there have been any changes in the zoning district boundaries or in reorganization of districts and district classifications in the preceding year, such amended map shall be published no later than March 31, and shall reflect all changes as of December 31 of the preceding year.~~
- B. ~~Any person desiring a copy of the Official Zoning District Map shall pay a fee for each copy, as set by ordinance.~~

§ 8.7 – Interpretation of district boundaries

- A. ~~Map symbols.~~ A district name or letter number combination shown on the Zoning District Map indicates that the regulations pertaining to the district designated by that name or letter number combination extend throughout the whole incorporated area of the Village, bounded by the district boundary lines within which the name or letter number combination is shown or indicated, except as otherwise provided by this section.
- B. ~~Interpretation.~~ Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of these regulations, the following rules shall apply:
- ~~1. In cases where a boundary line is given a position within a street, alley, or easement, it shall be deemed to be in the center of the right of way of the street, alley, or easement. If the actual location of the street, alley, or easement varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.~~
 - ~~2. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.~~
 - ~~3. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where bounded approximately by lot lines, said lines shall be construed to be the boundary of such districts unless the boundaries are otherwise indicated on the map or by ordinance.~~
 - ~~4. In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on the Zoning District Map.~~
 - ~~5. All water areas within the zoning jurisdiction are considered to be within a zoning district and controlled by applicable district regulations. District boundaries over water areas are located by noted or scaled dimensions, by relation to physical features, by coincidence with Village limit lines, or by a straight line projection of the centerlines of streets as indicated on the Zoning District Map. Straight line district boundaries over water areas shall be assumed to continue as straight lines until they intersect with each other, with Village limit lines or county limit lines.~~

§ 8.8 – New land area.

Any land hereafter created within or annexed to the corporate area of the Village shall take the classification of "RS-1" Low Density Single Family Residential. This shall include the extension of existing bulkhead lines or the creation of islands not contiguous to existing islands.

DIVISION 2, APPLICATION OF DISTRICT REGULATIONS

§ 8.9 – General regulations.

- A. ~~Compliance with regulations.~~
- ~~1. No land or water area may be used except for a purpose permitted in the district in which it is located.~~
 - ~~2. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered,~~

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~~nor shall any building or part thereof be used except for a use permitted in the district in which the building is located.~~

- ~~3. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered to exceed the height limit herein established for the district in which the building is located.~~
- ~~4. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the area regulations of the district in which the building is located.~~
- ~~5. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the off-street parking and loading regulations of the district in which the building is located.~~
- ~~6. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the floor area, floor area ratio, or open space ratio regulations of the district in which it is located.~~

~~B. Encroachment reduction of lot area.~~

~~The minimum yards, parking space, and open spaces, including lot area per family, required by these regulations for each and every building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area be reduced below the requirements of these regulations.~~

~~C. Accessory buildings; prior construction. No accessory building, structure, or dock shall be constructed upon a lot until the construction of the main use building has actually commenced. No accessory building shall be used unless the main use building on the lot is also being used.~~

~~D. Location on a lot required. Every building or structure hereafter erected, moved, or structurally altered shall be located on a lot as herein defined, and except as hereinafter provided, in no case shall there be more than one principal building on one lot.~~

§ 8.10—District regulations.

~~A. RS-1 Low Density Single-Family Residential District.~~

~~1. Purpose and intent.~~

~~The purpose of this District is to provide for low density single family residential development in a spacious setting, together with other principal uses as may be approved as use exceptions and such accessory uses as may be necessary and compatible.~~

~~2. Uses permitted.~~

~~Single family residential dwellings including duly licensed home occupation.~~

~~3. Use exceptions as may be approved under Section 8.11~~

~~4. Prohibited uses.~~

~~a. All other uses not specifically or provisionally permitted herein.~~

~~5. Site development standards.~~

~~a. Minimum lot size:~~

~~Area—7,000 square feet~~

~~Frontage—70 feet~~

~~b. Minimum yard setbacks:~~

Setback	Distance (Feet)
Front	20
Side (corner)	20
Side (interior)	10
Rear	15
Waterfront	25

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The foregoing is applicable except for Lots 1 through 7 of Block 1 and 1 through 4 of Block 2, respectively, of the subdivision known as North Bay Island, which shall have a minimum waterfront setback of 20 feet.

- c. ~~Maximum building height:~~
Three stories, not to exceed 35 feet above grade.
- d. ~~Minimum floor area:~~
One story—2,000 square feet
Two story—2,600 square feet

~~B. RS-2 Medium Density Single-Family Residential District.~~

- 1. ~~Purpose and intent.~~
The purpose of this District is to provide for medium-density single-family residential development in a relatively spacious setting, together with other principal uses as may be approved as use exceptions and such accessory uses as may be necessary and compatible.
- 2. ~~Uses permitted.~~
Single-family residential dwellings including duly licensed home occupation.
- 3. ~~Use exceptions as may be approved under Section 8.11~~
- 4. ~~Prohibited uses.~~
 - a. ~~All other uses not specifically or provisionally permitted herein.~~
- 5. ~~Site development standards.~~
 - a. ~~Minimum lot size:~~
Area—6,000 square feet
Frontage—60 feet
 - b. ~~Minimum yard setbacks:~~

Setback	Distance (Feet)
Front	20
Side (corner)	15
Side (interior)	7½
Rear	15
Waterfront	25

- c. ~~Maximum building height:~~
Three stories, not to exceed 35 feet above grade.
- d. ~~Minimum floor area:~~
One story—1,500 square feet
Two story—2,000 square feet

~~C. RM-40 Medium Density Multiple Family Residential District.~~

- 1. ~~Purpose and intent.~~
The purpose of this District is to provide for medium density multi-family residential development, together with other principal uses as may be approved as use exceptions and such accessory uses as may be necessary and compatible. This district is intended to be utilized as a transitional buffer between single-family residences and high density apartments or commercial uses.
- 2. ~~Uses permitted.~~
 - a. ~~Multi-family residential dwellings.~~
 - b. ~~Management offices within structures containing eight or more dwelling units.~~
 - c. ~~Duly licensed home occupation.~~

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3. ~~Prohibited uses.~~
 a. ~~All other uses not specifically or provisionally permitted herein.~~

4. ~~Site development standards.~~
 a. ~~Minimum lot size.~~
 ~~Area—10,000 square feet~~
 ~~Frontage—100 feet~~

- b. ~~Minimum yard setbacks.~~

Setback	Distance (Feet)
Front	25
Side (corner)	25
Side (interior)	20
Rear	15
Waterfront	25
Adjacent single family structure	100

- c. ~~Maximum density.~~
~~Forty (40) efficiency or one bedroom dwelling units per net acre. The following required amount of lot area per unit shall determine the number of other dwelling unit types permitted.~~

Unit Type	Required Lot Area (Sq Ft / Unit)	Density (Units/Acre)
Efficiency	1,085	40.1
One bedroom	1,085	40.1
Two bedroom	1,200	36.3
Three bedroom or larger	1,320	33.0

- d. ~~Maximum building height.~~
~~45 feet or four (4) stories, whichever is less~~
- e. ~~Exclusion of grade level parking from height limitation.~~
 (1) ~~A grade level of parking, not exceeding ten (10) feet in height, shall not be included in this height limitation.~~
- (2) ~~The grade level parking floor may include other nonresidential uses, including laundry rooms, recreational rooms, storage rooms, and an office for building management.~~
- f. ~~Minimum pervious area: 25 percent of the total lot area shall be retained as pervious area and shall be landscaped and maintained.~~
- g. ~~Minimum floor area.~~

Unit Type	Floor Area (Sq. Ft.)
Efficiency	400
One bedroom	750
Two bedroom	1,000
Three bedroom or larger	1,150

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- 5. ~~Single family homes approved under the provisions of Section 8.11 consistent with the setback provisions of the RS 1 (Low Density Single Family Residential District).~~
- 6. ~~Use exceptions as may be approved under Section 8.11.~~

~~D. RM-70 High Density Multiple Family Residential District.~~

- 1. ~~Purpose and intent.~~
~~The purpose of this district is to provide for high density multi-family residential structures together with other principal uses as may be approved as use exceptions and such accessory uses as may be necessary and compatible.~~
- 2. ~~Use permitted.~~
 - a. ~~Multi-family residential dwellings including duly licensed home occupation.~~
 - b. ~~Management offices within structures containing eight (8) or more dwellings units or guest rooms.~~
 - c. ~~Office retail and service commercial facilities of an ancillary nature within structures containing 100 or more dwelling units or guest rooms subject to the following conditions:~~
 - (1) ~~Access to such nonresidential facilities shall be only inside the building.~~
 - (2) ~~There shall be no external advertising signs, display windows or entrances, provided, however, that~~
 - (3) ~~Within a building containing 400 or more dwelling units, entrances, external signs and display windows are permitted under the following conditions which:~~
 - (a) ~~The signs do not abut or face a public right of way and cannot be read from the public right of way;~~
 - (b) ~~Such external signs shall be affixed flat against the facade or awning canopy of the commercial facility;~~
 - (c) ~~Such external signs shall not exceed in area ten percent of the area of the facade of the facility;~~
 - (d) ~~Such external signs shall be compatible as to materials, background and style with all adjacent and contiguous commercial facilities, and~~
 - (e) ~~Such external signs shall not be self illuminated, "activated", "animated", "flashing", or "beacon light" signs as defined in Section 11.2 of the ULDC.~~
- 3. ~~Prohibited uses.~~
 - a. ~~All other uses not specifically or provisionally permitted herein.~~
- 4. ~~Site development standards.~~
 - a. ~~Minimum lot size.~~
~~Area—27,000 square feet;~~
~~Frontage—75 feet~~
 - b. ~~Minimum yard setbacks.~~

Location	Distance (Feet)
Kennedy Causeway (north side)	40
Kennedy Causeway (south side)	60
Other street frontages	25
Rear	25
Adjacent single family district	100
One side (interior)	15
Second side (interior)	20% of the lot width
Total side setback area free of structures at ground level	60

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c. ~~Maximum density.~~

~~Seventy (70) efficiency or one (1) bedroom dwelling units per net acre. The following required amount of lot area per unit shall determine the number of other dwelling unit types permitted.~~

Unit Type	Required Lot Area (Sq. Ft./Unit)	Density (Units/Acre)
Efficiency	623	70.0
One bedroom	623	70.0
Two bedroom	685	63.6
Three bedroom or larger	750	58.1

d. ~~Maximum building height: 150 feet or 15 stories, whichever is less.~~

e. ~~Minimum pervious area: Twenty percent (20%) of the total parcel. The lot area at grade level shall be retained as pervious area and shall be landscaped.~~

f. ~~Minimum floor area:~~

Unit Type	Floor area (Sq. Ft.)
Efficiency or hotel room	600
One bedroom	900
Two bedroom	1,200
Three bedroom or larger	1,350

g. ~~Minimum boardwalk/baywalk accessibility criteria.~~

~~(1) Properties contiguous to Biscayne Bay and its natural tributaries 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.~~

~~(2) These properties shall also provide a connective public easement connecting contiguous properties and the public right of way to these shoreline access areas.~~

5. ~~Height bonus.~~

a. ~~The following maximum building height bonuses are permitted in the RM-70 District when any of the design bonus alternatives listed in subsections 8.10.D.5.c(1) through (6) are incorporated into proposed project and the incorporated alternatives are subsequently approved by the Village Commission upon recommendation of the Planning and Zoning Board.~~

b. ~~Bonus approval shall be done at the time of Site Plan Review as required by Section 5.8.B.9. Each bonus alternative may be claimed once for a development and multiple awards for the same bonus feature shall not be permitted.~~

c. ~~The Village Commission may grant bonuses subsequent to a public hearing when it is determined by the Commission that the proposed bonus amenities are substantive in nature, contribute to an overall project design which takes into account the public's critical interests in new development and where the proposed plan is otherwise in substantial conformity with the Village's Comprehensive Plan.~~

~~(1) Twenty foot height bonus.~~

~~An additional impact fee of \$1,500.00 per unit in the building shall be paid to North Bay Village for beautification of the John F. Kennedy Causeway (State Road 934). This fee shall be set towards a Causeway Beautification Fund and/or~~

~~(2) Twenty foot height bonus.~~

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- A developer shall pay a fee of \$1,500.00 per unit in the building, which shall be utilized for the construction of a Village-wide boardwalk. This fee shall be set towards a Boardwalk Fund and/or
- (3) Twenty-foot height bonus.
A developer shall pay a fee of \$1,500.00 per unit in the building, which shall be utilized for the remodeling of the entrances to the islands. This fee shall be set towards an Island Entrance Remodeling Fund and/or
- (4) Ten-foot height bonus.
A developer shall pay a fee of \$750.00 per unit in the building, which shall be utilized for providing art in public places. This bonus is applicable only in conjunction with one of the above three mentioned bonuses. This fee shall be set towards an Art in Public Places Fund and/or
- (5) Ten-foot height bonus.
A developer shall pay a fee of \$750.00 per unit in the building, which shall be utilized for the planting of trees for the interior island streets. This fee shall be set towards a tree fund for the interior island streets and/or
- (6) Ten-foot height bonus.
A developer shall be required to pay a fee of \$750.00 per unit in the building, which shall be utilized for sidewalk enhancement, as well as the replacement of walkway areas from plain concrete to brick pavers. This fee shall be set towards a sidewalk enhancement fund.
6. ~~Density bonus.~~
- a. ~~Each parcel shall have the ability to purchase additional buildable units from North Bay Village in the following manner:~~
- (1) ~~for a price of \$40,000.00 per unit; or~~
- (2) ~~provision of two (2) parking spaces per bonus unit, said spaces to be in the form of surface parking, or ground floor parking within a garage, located on the parcel and such parking spaces shall be labeled as being available at all times to the general public.~~
- b. ~~These units shall be derived from land currently owned by the Village, which will not be developed into residential buildings in the future.~~
- c. ~~Any money realized by the Village for such units shall be utilized for future Village parks and for the purchase of land for additional open green space.~~
- d. ~~These units are to come from the development rights of Village Hall as well as the public works property on Treasure Island.~~
- e. ~~The total buildable units are: 129 Efficiencies; 129 1-Bedroom Units; 117 2-Bedroom Units; 106 3-Bedroom Units.~~
- f. ~~Monies due from development under the bonus participation program shall be paid to North Bay Village within 90 days of site plan approval by the Village Commission. After payment of the monies due or construction and approval by the Village of the public parking spaces, the appropriate number of units will be included in the maximum number of units buildable on the property. This fee shall be set towards a Village Park Fund.~~
7. ~~Allocation of funds.~~
Funds paid to North Bay Village as a result of the bonus participation program shall be transferred between all accounts created for the purposes listed herein.
8. ~~Additional required features and requirements.~~
All properties developed under the RM-70 Zoning requirements shall provide the following:
- a. ~~Public access boardwalk as required by the Miami-Dade County Shoreline Review Committee. (Developer shall dedicate an easement to the Village conveying the boardwalk and a public access corridor).~~
- b. ~~All exterior paving surfaces, except for covered parking garages, shall be constructed of~~

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- brick pavers.
- c. ~~A water feature shall be provided in the front of each development.~~
 - d. ~~Developments shall comply with existing landscaping requirements, as well as changes implemented in the future to conform to contiguous developments and landscaping plans implemented for the causeway and interior island areas.~~
 - e. ~~Developments shall provide streetscape benches along the boardwalk areas.~~
 - f. ~~All parking garages shall be constructed with architectural features that hide them from public view (glass, screening, greenery etc.).~~
 - g. ~~Lighting shall be provided in all areas in the front of development where trees are planted.~~
9. ~~Special exceptions for certain undersized parcels.~~
- a. ~~Purpose and intent.~~

~~This section recognizes that certain parcels exist in the RM-70 District which do not meet the minimum lot size requirements set forth in Section 8.10D4a. to permit a building to be erected, converted, enlarged, reconstructed, moved or structurally altered. Some of said parcels are improved and some unimproved. The purpose of this section is to establish criteria whereby undersized parcels may be put to reasonable use, consistent with the Village's Comprehensive Plan for development and in furtherance of a policy which discourages overdevelopment and urban congestion.~~
 - b. ~~Uses permitted.~~

~~Uses permitted shall be the same as permitted in Section 8.10.D.2~~
 - c. ~~Site development standards:~~
 - (1) ~~Minimum lot size:~~
 - ~~Area — 10,800 square feet~~
 - ~~Frontage — 30 feet~~
 - (2) ~~Minimum yard setbacks shall be the same as specified in Section 8.10.D.4.b provided that existing buildings, which were completed prior to April 1, 1983, (existing structures) and were lawfully constructed so that any existing setback encroaches into the setback area prescribed by current law but not in excess of 33 1/3 percent of the current setback requirements (nonconforming setback) shall be subject to the provisions of subsection (c.(4) hereafter.~~
 - (3) ~~Maximum density shall be as prescribed in Section 8.10.D.4.c except that~~
 - (a) ~~on minimum undersized parcels of 10,800 square feet in area and frontage of 30 feet, there shall be a maximum of six (6) residential units;~~
 - (b) ~~in the case of undersized parcels which exceed the minimum required lot area of 10,800 square feet and the minimum required frontage of 30 feet, in addition to six (6) units there shall be allowed one (1) unit for each whole 750 square feet of land area in excess of the minimum required lot area of 10,800 square feet~~
 - (4) ~~Maximum building height on undersized parcels.~~
 - (a) ~~The maximum building height on minimum undersized parcels shall be three (3) stories or 36 feet above code approved grade, whichever is less. Except, in the event an existing structure is the subject of a nonconforming setback, the new covered or roofed area of the third floor (if there is one) shall be reduced in area on the basis of one and five tenths percent (1.5%) of the area of the second floor for each foot of nonconforming encroachment into the setback area.~~
 - (b) ~~The maximum building height on undersized parcels which exceed the minimum required lot area of 10,800 square feet and minimum frontage of 30 feet shall be one (1) floor for each whole 1,750 square feet of land area in excess of the minimum required lot area of 10,800 square feet, not to exceed six (6) stories or 72 feet above code approved grade, whichever is less.~~
 - (c) ~~Provided further, as to buildings newly constructed under the provisions of this ULDC,~~

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grade level beneath the building parking not exceeding ten (10) feet in height shall not be included in the height limitation herein imposed.

- (5) Minimum pervious area: 25 percent of the total lot area shall be retained as pervious area and shall be landscaped and maintained.
- (6) Minimum floor area shall be as prescribed in Section 8.10.D.4.5
- (7) Offstreet parking: The offstreet parking requirements as set forth in Sections 9.1 through 9.3 shall apply to buildings under this section except that every dwelling unit, regardless of size, shall require two (2) parking spaces.
- (8) All Village and County landscaping requirements shall be fully applicable to buildings under this section.

10. Planned Residential Development (PRD) Zoning Overlay.

a. Purpose and intent.

The purpose and intent of the Planned Residential Development (PRD) Overlay Zoning District to create a living environment that is responsive to the needs of its residents; to provide flexibility in planning, design, and development consistent with the Village's Comprehensive Plan; to encourage innovative approaches for the design of community environments; to provide for an efficient use of land, to provide an environment compatible with surrounding land use; to adapt the zoning process to changes in development and construction technology; to encourage infill and the redevelopment of the Village's multi-family areas; and to promote the public health, safety and general welfare of North Bay Village. The PRD shall be deemed an Overlay Zoning District and shall be approved only after public hearings for a specific site.

b. Compatibility with existing zoning and existing development.

When applying the terms and conditions imposed by this section, the Planning and Zoning Board and the Village Commission shall determine compatibility with already existing zoning for the property subject to the application and shall require applicants for PRD approval to demonstrate compatibility with already existing or approved developments adjacent to the property for which the PRD approval is being sought.

c. Ownership requirements.

The applicant for approval of a PRD shall be either the owner(s) or the contract purchaser or lessee of the entire property encompassed by the PRD application. If the applicant is the contract purchaser or a lessee, then the owner of the entire property shall execute a notarized consent to the filing of the application. The application for approval of a PRD shall not be assignable or transferable to other parties.

d. Development parameters.

All applications for PRD shall comply with the following applicable development parameters:

- (1) The subject property shall be zoned for RM-70 multi-family use;
- (2) The subject property shall contain a minimum of one legally platted lot for the construction of no less than ten (10) residential units and twenty (20) off-street parking spaces, or two (2), but not more than three (3), platted lots contiguous, as of the effective date of this section [Jan. 22, 2002];
- (3) The subject property shall be deemed one (1) parcel of land and in the event that two (2) or more platted lots shall constitute a PRD, the applicant shall submit a Unity of Title in a form acceptable to the Village Attorney;
- (4) The following definitions shall apply to this section:
 - (a) *Floor area ratio (FAR)*. Total gross area of a building or buildings, excluding parking garage structure, on any lot divided by the area of the lots.
 - (b) *Gross floor area*. Total area of all floors of a building that are enclosed including common areas such as elevators (area of shafts at ground floor only), stairs (except open stairways and enclosed stairways which are means of egress required by the fire department), corridors, interior recreation areas, storage, cabana, lobby,

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restrooms, etc. All these items are excluded: The garage structure with any required means of egress, and any open but covered walkways, exterior balconies, open decks, and terraces at the recreational area.

~~(c) Pedestal. Portion of a building that contains the parking level entry lobby, office, manager's unit, storage, mechanical room, recreational facilities, and parking structures.~~

~~(d) Tower. Portion of the building that contains residential units, parking structures, and may also include recreational facilities.~~

~~(5) Restrictions on floor area.~~

~~(a) No structure shall contain a FAR of greater than 3.0 for one lot; 3.75 for two lots; and 4.00 for three lots.~~

~~(b) No more than one-half of a floor area used for amenities can be allocated for dwelling units.~~

~~e. Permitted uses. Multifamily residential and recreational facilities ancillary thereof thereto.~~

~~f. Site development standards.~~

~~(1) Standard Building Setbacks.~~

~~(a) Setbacks for a new building without pedestal and tower design shall be as set forth in the following table:~~

Location	Distance (Feet)
Kennedy Causeway (north side)	40
Kennedy Causeway (south side)	60
Other street frontages	25
Rear	25
Adjacent single-family district	100
One side (interior)	15
Second side (interior)	20% of the lot width
Total side setback area free of structures at ground level	60

~~(b) For buildings with pedestal and tower design, the following setbacks shall apply:~~

~~i. Front pedestal—20 feet~~

~~ii. Front tower—25 feet~~

~~iii. Rear pedestal/tower—25 feet~~

~~iv. Sides pedestal—Ten feet~~

~~•Tower—One side—15 feet~~

~~•Tower—Other side—20 percent of frontage~~

~~(2) Flex setback.~~

~~Designer has the option to offer creative design solutions to the building configurations and the Village will allow the tower (and pedestal for sites involving only one lot) to encroach into the setbacks as per the following "flex box" criteria.~~

~~i. The aggregate square footage of the floor area encroaching into the setback must be adjusted by deducting it from the buildable "box" allowed under the preceding standard setback regulations~~

~~ii. Up to 25 percent (25%) of the square footage of all balconies shown on the plan as encroaching into the setback may be excluded from the calculation of the total square footage of the encroachment.~~

~~iii. and In no instance is the designer allowed to build more area per floor than what is permitted under this the standard buildable "box".~~

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- iv. ~~In no instance may any wall length, which encroaches into any side yard setback, be longer than one third of the length of a wall which is permitted under the buildable "box" and the standard setback regulations. Balconies with railings or other physical containment, which do not exceed 42 inches in height are not included in the measurement of the wall length.~~
- v. ~~The length of wall measurement shall be made at the point of maximum encroachment into the flex setback area.~~

~~(3) Building height.~~

- ~~(a) No structure shall exceed 170 feet in overall height above base flood elevation (BFE) including all structures for stairways, storage, mechanical, elevator, recreational uses, et cetera.~~
 - ~~i. The total area of these uses stairways, storage, mechanical, elevator, recreational uses, et cetera shall not exceed 30 percent of the footprint of the last residential floor.~~
- ~~(b) No structure shall exceed 150 feet from base flood elevation to the roof of the last residential floor and 160 feet for the overall height of the structure except that an elevator shaft may exceed 160 feet in height based on evidence of necessity as a result of requirements for elevator construction.~~
- ~~(c) No Pedestal shall exceed 30 feet in height from grade.~~

~~(4) Off street parking for multiple lot sites.~~

- ~~(a) Off street parking shall be required as set forth for residential uses under Section 9.3.C.~~
- ~~(b) All parking spaces must be screened from ground level view.~~
- ~~(c) All parking spaces must be designed to meet the requirements of Section 9.3.E.~~
- ~~(d) The driveway required in 90-degree parking shall be a minimum of 22 feet zero inches wide.~~

~~(5) Off street parking for single lot sites only~~

- ~~(a) Driveways and maneuvering areas shall be designed in order to ensure safe travel in and out of the garage structure. Drives and access ramps are permitted to be smaller than twenty two (22) feet in width if they are either limited to one way traffic or designed so that gates or other barriers prevent the entry of more than one vehicle at a time. No drive aisle may be less than 10.5 feet in width.~~
- ~~(b) Notwithstanding the above or the requirements of Section 9.3(E), mechanical parking lifts may be permitted in an enclosed garage structure if approved by the Village Commission through the PRD site plan review process, during which time, the Village Commission shall have the right to determine whether a valet parking program will be required for any new development utilizing mechanical parking lifts. A mechanical parking lift is an automated mechanism that lifts vehicles to make space available to park other vehicles below it in a vertical tandem fashion. Both parking spaces created by a mechanical parking lift may be counted towards the total number of required parking spaces. A mechanical parking structure may be permitted if it meets the following standards:
 - ~~i. The mechanical parking lifts and the garage structure shall be designed so that the noise or vibration from the operation of the lifts shall not be plainly audible to, or felt by, any individual standing outside on property adjacent to the garage structure. Noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions.~~
 - ~~ii. All mechanical parking lifts must be installed by the manufacturer or a manufacturer approved installer.~~
 - ~~iii. All lifts must be maintained and kept in good working order and must be inspected by a licensed mechanical engineer at least once every six months.~~~~

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A copy of the inspection report must be provided to the Village.

- iv. ~~All free-standing mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage.~~
- v. ~~All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift.~~
- vi. ~~All mechanical lift components shall be Underwriters Laboratories (UL) approved.~~
- vii. ~~All non-mechanical parking spaces in the garage structure must measure at least nine (9) feet in width by eighteen (18) feet in depth.~~
- viii. ~~The building owner or condominium association must maintain a service contract with the manufacturer or manufacturer approved service company at all times to ensure continued operation of lifts. Proof of the service contract must be provided to the Village annually.~~
- ix. ~~The ceiling height of any parking level with parking lifts within a garage shall be a minimum of 11 feet 6 inches.~~
- x. ~~The parking lift platform must be sealed and of a sufficient width and length to completely cover the bottom of the vehicle on the platform to prevent dripping liquids or debris onto the vehicle below.~~

~~(6) Entrance feature/porte cochere.~~

- ~~(a) A covered/sheltered entrance feature with a vertical clearance of at least fourteen (14) feet shall be permitted to be located up to the front property line.~~
- ~~(b) If loading spaces are provided at this location, 14½ feet of vertical clearance shall be provided.~~
- ~~(c) Columns may be provided to support a porte cochere.~~

~~(7) Balconies.~~

- ~~(a) Exterior balconies/terraces and covered walkways, excluding rooftops and other non-covered areas, may extend into setbacks a maximum of 25 percent of the allowable setback measurement but may not extend beyond the pedestal setback.~~
- ~~(b) Balconies projecting into setbacks shall be deemed as encroachments herein, but shall not be calculated as part of the floor area ratio.~~
- ~~(c) Notwithstanding anything herein to the contrary, in no event shall the total square footage of balconies exceed more than 25 percent of the total square footage of the buildable box.~~

~~(8) Landscape requirements. (Refer also to Ch. 18, Miami-Dade Landscape Code.)~~

- ~~(a) A minimum of 30 percent of the exposed roof deck of the pedestal and any open areas with amenities shall be landscaped,~~
- ~~(b) In addition "hardscape" (pavers, fountains, awnings, etc.) may be permitted if approved by the Village.~~
- ~~(c) An applicant shall be required to submit a detailed landscape plan to the Village. The landscape plan shall be sensitive to surrounding properties and shall be utilized to enhance the subject property.~~

~~(9) Minimum Unit size. All units shall comply with the minimum size requirements as follows:~~

Unit Type	Floor Area (Sq. Ft.)
Efficiency	600
One-bedroom	900
Two-bedroom	1,200
Three-bedroom or larger	1,350

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- g. ~~Application procedure. The applicant shall submit an application to the Village Manager, or his/her designee, on a form(s) prescribed by the Village Manager. The Village Manager shall require at least the following information which shall be considered the PRD application:~~
- ~~(1) Letter of intent;~~
 - ~~(2) Payment of \$5,000.00 development review application fee for each application submitted. Fees incurred by the Village for special planning and/or legal consultant services during the development plan approval process shall be reimbursed to the Village by the applicant;~~
 - ~~(3) A detailed site plan showing dimensions of building(s), structure(s), setback(s), open space(s), landscaping and off-street parking. The landscaping plan shall provide buffering and/or masking of all parking facilities;~~
 - ~~(4) Proposed floor plans and elevations (including signage) for all buildings and structures encompassing the size, placement and number of units;~~
 - ~~(5) A complete list of uses and the square footage for each use;~~
 - ~~(6) A certified copy of a land survey;~~
 - ~~(7) Detailed calculations of water consumption increase and calculation of wastewater;~~
 - ~~(8) Any other documentation as the Village Manager, or his/her designee, reasonably determines is necessary to properly review the proposed project; and~~
 - ~~(9) Within ten days prior to the Planning and Zoning Board public hearing, the applicant shall furnish to the Village Manager, or his/her designee to make available for viewing
 - ~~(a) an architectural model built to scale and photographs depicting same or a~~
 - ~~(b) digital model on DVD depicting the proposed lot and structure including elevations all in relation to adjoining properties and structures thereon.~~
 - ~~(c) Said model shall be retrieved by the developer within thirty (30) calendar days following the final public hearing before the Village Commission, and the DVD and photographs depicting the model shall become a part of the public records.~~
 - ~~(d) Said model shall demonstrate the proposed structure as well as existing structures on either side. The applicant shall affirmatively demonstrate that all setbacks for the new structure shall not conflict with the existing or approved structure on either side of the proposed structure.~~~~
- h. ~~Public hearing procedure. At a public hearing, the applicant shall have the burden of proof in demonstrating that the PRD application complies with the purpose and intent of the PRD ordinance. In determining whether to grant approval of the PRD application, with or without appropriate and necessary conditions and safeguards, the Planning and Zoning Board and Village Commission shall determine whether the application complies with the purpose and intent of this section and shall make the following findings:~~
- ~~(1) Whether the application is consistent with the Village's Comprehensive Plan.~~
 - ~~(2) Whether the proposed development will have a favorable effect on the economy of the Village.~~
 - ~~(3) Whether the proposed development application will generate or result in excessive noise or traffic.~~
 - ~~(4) Whether the proposed development will cause an undue or excessive burden on public facilities and services, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities, which have been constructed, or which are planned or budgeted for construction.~~
 - ~~(5) Whether the proposed development will tend to create a fire hazard or other dangerous conditions.~~
 - ~~(6) Whether the proposed development will cause excessive overcrowding or concentration of people or population that would create evacuation concerns.~~

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~~(7) Whether the proposed development will be compatible with the surrounding area and its development, and will demonstrate innovative design in order to minimize impact on surrounding properties.~~

~~(8) Whether the proposed development is a reasonable use of the property and results in a public benefit including, but not limited to, the enhancement of the subject real property and/or the redevelopment of structures in deteriorated or poor condition.~~

~~i. Legal effect of PRD.~~

~~(1) Notwithstanding anything in the Code to the contrary, the approval of a PRD application shall be deemed an Overlay Zoning District to the existing zoning of the property.~~

~~(2) The approved PRD application shall encompass the approved development and the development regulations applicable to the property, and shall not be subject to any variances as may be required by other sections of this Code.~~

~~(3) However, the Village Commission shall be prohibited from approving a PRD application that would increase the intensity, density or height above that which is permitted in these PRD regulations.~~

~~(4) In the event that the owner wishes to modify an approved PRD application in any fashion which would increase the amount of square footage of the building(s) or lessen landscaping or open space, or create an undue burden on any public facilities, a new PRD application shall be filed and shall be subject to the terms and conditions of this section.~~

~~(5) In the further event that the owner shall not begin development pursuant to the approved PRD application for a period exceeding 12 months, the PRD designation shall lapse and the Overlay Zoning District for the subject property shall terminate.~~

~~(6) The Village Commission shall have full authority to approve, approve with modifications, or deny a PRD application based upon its legislative determination that the application, as proposed or modified, serves and protects or does not serve and protect the public health, safety and welfare to at least an equivalent degree as the underlying zoning. Likewise, the Village Commission shall have authority to impose reasonable conditions and safeguards necessary to protect the public health, safety and welfare upon the approval of any PRD application.~~

~~(7) Nothing contained in this section shall supersede or abrogate the express provisions of the Village's Comprehensive Plan, and all development orders issued by the Village shall not exceed the density limitations imposed by the Village's Comprehensive Plan. It shall be the duty of the Village Manager, or his/her designee, to advise the Village Commission whether any individual application will cause the density to exceed any density restrictions imposed by the Village's Comprehensive Plan.~~

~~E. CG General Commercial District~~

~~1. Purpose and intent. The purpose of this district is to encourage the development of general office, retail, service commercial, tourist accommodations, and commercial residential mixed use.~~

~~2. Uses permitted:~~

~~(a) Bank or financial institution.~~

~~(b) Clinic, urgent care, or hospital.~~

~~(c) Dry cleaning substation or laundromat.~~

~~(d) Lounge or nightclub (subject to the provisions of Chapter 111 of the Village Code).~~

~~(e) Medical or dental office/laboratory.~~

~~(f) Personal services establishments, including but not limited to shoe repair, barber and beauty shop, stock brokerage, employment agency, travel bureau, and messenger service.~~

~~(g) Post office.~~

~~(h) Professional offices, including but not limited to architecture, accounting, engineering, investigative, investment and tax counseling law, medicine, and real estate.~~

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- ~~(i) Multi-family residential dwellings.~~
- ~~(j) Tourist accommodations including hotels, motels, vacation rentals, and time sharing units.~~
- ~~(k) Restaurants, coffee shops, delicatessens and fast order food establishments (excluding any form of drive-in or drive-thru service regardless of the type of establishment; see subsection E.3.a).~~
- ~~(l) Outdoor seating/dining shall be subject to the following requirements and conditions:
 - ~~(1) An application must be filed with the Village Manager, or his/her designee, for administrative review and approval, which shall include layout of all tables, chairs, benches, and other furniture; pedestrian ingress and egress; location of refuse containers; and other elements necessary to illustrate the proposed outdoor seating/ dining use and area (all drawings must be titled, indicate orientation, and be at an acceptable scale).~~
 - ~~(2) Outdoor seating/dining areas and uses of the public right-of-way and/or any private property may be approved, denied, or approved with conditions, modifications, safeguards, or stipulations appropriately and reasonably related to the intent, purposes, standards, and requirements of the related regulations by the Village Manager. Such permit shall not be transferable in any manner and is strictly a conditional use permit, issued for a period of one year, renewable annually via payment of the annual occupational license fee for such outdoor seating/dining uses.~~
 - ~~(3) The fee for outdoor dining/seating use and area will be charged annually in the amount of \$250.00; the permit fee shall be added to the occupational license fee for the main business.~~
 - ~~(4) The applicant shall provide an indemnity agreement that is acceptable to the Village Manager. This agreement will include specification of liability insurance provided.~~
 - ~~(5) The conditional use permitting of outdoor seating/dining use and area may be revoked by the Village Manager or his/her designee, upon finding that one or more conditions of these regulations have been violated, or that the outdoor seating/dining area and use are being operated in a manner that constitutes a public nuisance, or in any way that constitutes a reasonable risk of potential liability to the Village.~~
 - ~~(6) Outdoor seating/dining use and area may be temporarily suspended by the Village for public use/purpose, utility, sidewalk or road repairs, emergency situations, or violations of provisions contained herein. The length of suspension shall be determined by the Village Manager as necessary. Removal of all street furniture and related obstructions shall be the responsibility of the owner/operator of the outdoor seating/dining.~~
 - ~~(7) Outdoor seating/dining area shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris. The applicant shall be responsible for daily cleaning and sweeping of the outdoor seating/dining area and for the cleanliness and maintenance of any outdoor planters immediately adjacent to the outdoor seating/dining area. Use of Village sidewalks for trash and garbage removal shall be prohibited.~~
 - ~~(8) Outdoor seating/dining use and area shall not interfere with the free and unobstructed pedestrian or vehicular circulation of traffic, public access to any street intersections, crosswalks, public seating areas and conveniences, bus stops, alleys, service easements, handicap facilities, or access to any other commercial establishments. The width and location of the sidewalk pedestrian passage shall be as follows:
If there is seating on one side of the sidewalk, a minimum of five feet of sidewalk must remain clear and unobstructed for pedestrian passage;~~
 - ~~(9) Outdoor seating/dining area on the public rights-of-way shall be open and unenclosed. No building structures of any kind shall be allowed in and over any portion of the outdoor seating/dining area located on public property.~~
 - ~~(10) Tables, chairs and all other furniture used in the operation of an outdoor seating/dining area shall not be anchored or restrained in any manner. Individual table umbrellas, planters, or other such non-stationary elements may be permitted within the outdoor~~~~

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- seating/dining area and where applicable, shall have a minimum clearance height of seven feet above grade.
- ~~(11) Outdoor seating/dining use and area shall be restricted to the length of the sidewalk or public right of way immediately fronting the cafe or other establishment~~
 - ~~(12) Outdoor seating/dining area shall be at the same elevation as the adjoining sidewalk or public right of way.~~
 - ~~(13) Carts and trays for serving food are permitted in the outdoor seating/dining area.~~
 - ~~(14) Outdoor seating/dining use and area shall not be provided with amplified sound of any kind.~~
 - ~~(15) Outdoor seating/dining areas may serve alcoholic beverages where such service is strictly incidental to the service of food and from a service bar only; provided no entertainment of any kind is furnished. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within.~~
 - ~~(16) Any administrative decision may be appealed to the Village Commission in accordance with the requirements of this Code.~~
 - ~~(17) The hours of operation shall coincide with that of the primary restaurant.~~
 - ~~(m) Retail sales establishments, including but not limited to the sale of appliances, books, stationery, drugs, hardware, liquor, groceries, meats, produce and fish; however, such retail sales shall be restricted to merchandise stored and displayed within the main structure.~~
 - ~~(n) Radio and television transmitting station and studio.~~
 - ~~(o) Storage facilities in connection with permitted uses or non-industrial mini-storage facilities in conjunction with other retail, commercial or mixed uses, including the rental of motor vehicles and trailers consistent with off-street parking restrictions (Section 9.6(A)) for self-hauling purposes and the storage of said vehicles on premises, subject to site plan approval by the Village Commission; provided, however, that all such material, including waste and cooling systems and the above-described motor vehicles and trailers shall be stored or erected entirely within the walls of a building. Such rental vehicles shall not be over 30 feet in length. Parking shall be provided for the storage facility portion of any mixed use facility at the rate of one space for every 8,000 square feet of storage area.~~
 - ~~(p) Studios for artists, photographers, sculptors, or musicians, including: the teaching of art, music, dancing, or artistic instruction.~~
 - ~~(q) Daycare or nursery~~
 - ~~(r) Repair service establishments (shoes, watches, appliances, and other similar uses)~~
 - ~~(s) Gym or fitness center~~
 - ~~(t) Commercial parking lot~~
 - ~~(u) Business, vocational, and trade schools~~
 - ~~(v) Pharmacy~~
 - ~~(w) Animal hospital, grooming, and/or kennel~~
 - ~~(x) Funeral home or mortuary~~
 - ~~(y) Art gallery~~
 - ~~(z) Religious institution~~
 - ~~(aa) Lodges, fraternal organizations, and union halls~~
3. ~~Special uses permitted. Uses permitted upon approval of the Village Commission in accordance with the provisions pertaining to use exceptions (See Section 8.11).~~
- ~~a. Drive thru or drive in service.~~
 - ~~b. Marinas, provided that the following provisions are adhered to:
 - ~~(1) No docks or piers, including mooring piles, catwalks, and other appurtenances, shall be constructed closer than 7.5 feet to any adjacent property line.~~
 - ~~(2) In no case shall a dock or pier project more than ten percent into the width of any waterway.~~~~

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- ~~(3) Fire prevention and fire control equipment shall be provided as required by the South Florida Building Code.~~
- ~~(4) In conjunction with the dockage or moorage of vessels, the following water-related activities, vessels and structures are prohibited:

 - ~~(a) Commercial vessels.~~
 - ~~(b) Haul-out facilities for major boat repair or overhaul work.~~
 - ~~(c) Unscreened storage of boating supplies or accessories in the required front yard setback area.~~
 - ~~(d) Permanent live-aboard vessels except as required for work or security purposes.~~~~
- ~~c. Mixed-use commercial and multifamily structures, provided they conform with the following requirements and standards:

 - ~~(1) Minimum lot size of 27,000 square feet.~~
 - ~~(2) Minimum setbacks:~~~~

Location	Distance (Feet)
Kennedy Causeway (north side)	40
Kennedy Causeway (south side)	60
Other street frontages	25
Rear	25
Side, (each)	15, plus five feet for each story over three
Second side	20% of lot width
Adjacent to single-family district	100
Total side setback area free structure at the ground level shall be at least 60 feet.	

- ~~(3) Maximum building height: 150 feet or 15 stories, whichever is less, a maximum of four stories may be utilized for a parking structure.~~
- ~~(4) Minimum pervious area: 20 percent of the total parcel. The lot area at grade level shall be retained as pervious area and shall be landscaped.~~
- ~~(5) Maximum density: 70 efficiency or one bedroom dwelling units per net acre. The following required amount of lot area per unit shall determine the number of other dwelling unit types permitted.~~

Unit Type	Required Lot Area (sf/unit)	Density (Units/Acre)
Efficiency	622	70.0
One-bedroom	622	70.0
Two-bedroom	685	63.6
Three or more bedrooms	750	58.1

- ~~(6) Minimum floor area.~~

Unit Type	Floor area (sf)
Efficiency or hotel room	400
One-bedroom	750
Two-bedroom	1,000
Three or more bedrooms	1,150

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- ~~(7) Minimum boardwalk/baywalk accessibility criteria: Properties contiguous to Biscayne Bay and its natural tributaries 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. These properties shall also provide a connective public easement connecting contiguous properties and the public right of way to these building shoreline access areas.~~
- ~~(8) Height bonus. The following maximum building height bonuses are permitted in the RM-70 District when any of the design bonus alternatives listed in 8(A) through 8(H) are incorporated into proposed project and the incorporated alternatives are subsequently approved by the Village Commission upon recommendation of the Planning & Zoning Board. Bonus approval shall be done at the time of Site Plan Review as required by Section 5.8. Each bonus alternative may be claimed once for a development and multiple awards for the same bonus feature shall not be permitted. The Village Commission may grant bonuses subsequent to a public hearing when it is determined by the Commission that the proposed bonus amenities are substantive in nature, contribute to an overall project design which takes into account the public's critical interests in new development and where the proposed plan is otherwise in substantial conformity with the Village's Comprehensive Plan.~~
- ~~(a) *Twenty-foot height bonus.* An additional impact fee of \$1,500.00 per unit in the building shall be paid to North Bay Village for beautification of the John F. Kennedy Causeway (State Road 934). This fee shall be set towards a Causeway Beautification Fund and/or~~
- ~~(b) *Twenty-foot height bonus.* A developer shall pay a fee of \$1,500.00 per unit in the building, which shall be utilized for the construction of a Village-wide boardwalk. This fee shall be set towards a Boardwalk Fund and/or~~
- ~~(c) *Twenty-foot height bonus.* A developer shall pay a fee of \$1,500.00 per unit in the building, which shall be utilized for the remodeling of the entrances to the islands. This fee shall be set towards an island entrance Remodeling Fund and/or~~
- ~~(d) *Ten-foot height bonus.* A developer shall pay a fee of \$750.00 per unit in the building, which shall be utilized for providing art in public places. This bonus is applicable only in conjunction with one of the above three mentioned bonuses. This fee shall be set towards an Art in Public Places Fund and/or~~
- ~~(e) *Ten-foot height bonus.* A developer shall pay a fee of \$750.00 per unit in the building, which shall be utilized for the planting of trees for the interior island streets. This fee shall be set towards a tree fund for the interior island streets and/or~~
- ~~(f) *Ten-foot height bonus.* A developer shall be required to pay a fee of \$750.00 per unit in the building, which shall be utilized for sidewalk enhancement, as well as the replacement of walkway areas from plain concrete to brick pavers. This fee shall be set towards a sidewalk enhancement fund~~
- ~~(g) *Reserved*~~
- ~~(9) *Density bonus.* Each parcel shall have the ability to purchase additional buildable units from North Bay Village for a price of \$40,000.00 per unit. These units shall be derived from land currently owned by the Village, which will not be developed into residential buildings in the future. The money from these units shall be utilized for future Village parks and for the purchase of land for additional open green space. These units are to come from the development rights of Village Hall as well as the public works property on Treasure Island. The total buildable units are: 129 Efficiencies; 129 1-Bedroom Units; 117 2-Bedroom Units; 106 3-Bedroom Units. Monies due from development under the bonus participation program shall be paid to North Bay Village within 90 days of site plan approval by the Village Commission. Thereafter, the appropriate number of units will be~~

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- deemed to the property. {This fee shall be set towards a Village Park Fund}.
- (10) Other requirements:
- (a) A Public access boardwalk as required by the Miami Dade County Shoreline Review Committee. (Developer shall dedicate an easement to the Village conveying the boardwalk and a public access corridor).
 - (b) All exterior paving surfaces, except for covered parking garages, shall be constructed of brick pavers.
 - (c) A water feature shall be provided in the front of each development.
 - (d) Developments shall comply with existing landscaping requirements, as well as changes implemented in the future to conform to contiguous developments and landscaping plans implemented for the causeway and interior island areas.
 - (e) Developments shall provide streetscape benches along the boardwalk areas.
 - (f) All parking garages shall be constructed with architectural features that hide them from public view. (glass, screening, greenery etc.).
 - (g) Lighting shall be provided in all areas in the front of development where trees are planted.
- (11) Funds paid to North Bay Village as a result of any bonus participation program shall be transferred between all accounts created for the purposes listed herein.
- (d) Printing and publishing establishments, including blueprinting and photostating, provided that no such use shall occupy more than 1,500 square feet of gross floor area.
- (e) Service stations, provided that the following provisions are adhered to:
- (1) All structures shall be designed in a manner that is compatible with the overall environmental and architectural design goals of the community.
 - (2) All properties shall have at least 150 feet of frontage.
 - (3) All new and used merchandise shall be stored and displayed within the main structure except tires, accessories, and lubrication items, which may be maintained in movable or enclosed cabinets.
 - (4) No used or discarded automotive parts or equipment or permanently disabled or wrecked vehicles shall be located outside the main structure except within an enclosed trash storage area.
 - (5) Major repairs or engine overhauling or transmission repair, painting, body and fender repair, and tire recapping is not permitted.
 - (6) The rental of heavy equipment and the sale or rental of merchandise not related to the motoring public, other than as specified herein, is excluded.
 - (7) The storage of up to ten rental trailers or automobiles is permitted, provided that the trailers or automobiles are backed up against a six-foot high wall, and located not less than 20 feet from any sidewalk, street, or driveway.
 - (8) Car washes are permitted as an ancillary use subject to being located 200 feet from residential uses and subject to hours of operation.
 - (9) Trash shall be stored in areas shielded from public view. Storage trash containers shall be enclosed and covered.
 - (10) Any lights provided to illuminate or advertise the service station, shall be installed and maintained in a manner so as not to create an undue glare on adjacent properties.
 - (11) Structures shall not occupy more than 30 percent of the total lot area.
 - (12) Driveways shall be permitted at the intersections of primary and secondary arterials, provided the construction of driveway entrances is within the curb return, but shall be at least five feet beyond the end of the curb return. At all intersections, whenever possible, combine driveways servicing both service station and adjacent uses, shall be designated and provided.
 - (13) Planter areas and tree wells shall be constructed and equipped with irrigation and drainage facilities and landscaped prior to final building inspection.

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~~(14) Whenever the use abuts a residential district, a wall shall be erected along the property line eight feet in height.~~

~~(15) Service stations shall not be permitted within 300 feet of the property line of any church, synagogue, hospital, and school.~~

~~(16) No more than four service stations shall be permitted within the Village at any one time.~~

~~(f) Theaters for the showing of motion pictures shall provide no less than 400 fixed seats. When the theater is to be used solely for activities of a performing art, or an event of a cultural or civic nature, a lesser number of seats may be required by the Commission.~~

~~(g) Yacht clubs, provided they have a minimum of 150 feet of water frontage and no main building is less than 4,000 square feet in gross floor area.~~

~~4. Prohibited uses. Boat storage facilities utilized for the purpose of storing boats shall be prohibited in the CG (General Commercial) District.~~

~~5. Site development standards:~~

~~a. Minimum lot size:~~

~~Area—10,000 sf~~

~~Frontage—75 feet~~

~~b. Minimum yard setbacks:~~

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

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

~~d. Minimum pervious area: 20 percent of the total parcel. The lot area at grade level shall be retained as pervious area and shall be landscaped.~~

~~e. Refer also to Miami Dade Landscaping requirements.~~

~~F. Bay View Overlay (BVO) District.~~

~~1. General requirements.~~

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

~~b. Applicability.~~

~~(1) The BVO District provides for an optional set of development regulations that may be voluntarily employed in the mixed use development of lands located within geographic limits of the BVO District shown on the official zoning map.~~

~~(2) All regulations of the underlying zoning district that are not otherwise addressed in these regulations shall apply. Where the underlying zoning district and the BVO District both apply, the BVO District shall govern.~~

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~~(3) If a property owner should elect not to develop under these optional regulations, only the regulations of the underlying zoning district shall apply.~~

~~c. Procedure.~~

~~(1) BVO standards review. Applications to use the development standards provided in the BVO District shall be processed concurrently with all other required development applications. At a minimum, the following applications are necessary and shall be considered in the following order:~~

~~(a) Use exception review required;~~

~~(b) Building height bonus review to 240 feet pursuant to Section 8.10.D.5;~~

~~(c) Bay View Overlay District standards review; and~~

~~(d.) Site plan review required.~~

~~(2) Approval. Applications require approval by the Village Commission following a single public hearing and a recommendation from the Planning and Zoning Board. In order to approve an application, the Village Commission shall find that the development proposed:~~

~~(a) Is compatible with surrounding intensities and densities of development;~~

~~(b) Provides access to adequate light and air for surrounding properties; and~~

~~(c) Preserves views of, and view corridors to, Biscayne Bay consistent with the Village's 2007 Master Charrette Plan.~~

~~2. Allowable uses. All uses listed as permitted or special exception uses in the underlying zoning district shall be permitted equally in the BVO District, and such use shall be subject to all conditions, requirements or limitations applicable to the use in the underlying zoning district, except as may otherwise be set forth in this section.~~

~~3. Building heights. A building height of up to a maximum of 340 feet may be proposed under the following conditions:~~

~~a. Lots over 500 feet in depth. For parcels where the lot depth is more than 500 feet, the following conditions shall apply:~~

~~(1) The property is approved for a building height of 240 feet under the building height bonus provisions of Section 8.10.D.5.~~

~~(2) The portion of any building that is more than 240 feet in height must be set back from the front property line by a distance that is not less than the height of said portion of the building.~~

~~(3) If any portion of a building on the site exceeds 240 feet in height, no part of any building on the site may be closer to either side property line than a distance equal to 20 percent of the width of the lot.~~

~~b. Lots under 500 feet in depth. For parcels where the lot depth is less than 500 feet, the following conditions shall apply:~~

~~(1) The property is approved for a building height of 240 feet under the building height bonus provisions of Section 8.10.D.5.~~

~~(2) The entire portion of a building that is more than 240 feet in height must be set back from the front property line by a distance that is at least 40 feet, plus two feet for each foot of the highest building height in excess of 240 feet.~~

~~(3) If any portion of a building on the site exceeds 240 feet in height, the two side yards together must total 60 percent of the width of the lot, provided the smallest side yard may not be less than 20 percent of the width of the lot.~~

~~G. Government Use District~~

~~1. Purpose and intent. The Government Use Zoning District is intended for federal, state and local government activities, transportation facilities, public facilities and utilities and other similar facilities owned or operated by government that generally serve and benefit the community.~~

~~2. Uses permitted:~~

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- ~~_____ a. _____ Government owned facilities~~
- ~~_____ b. _____ Government operated facilities~~
- ~~3. _____ *Special uses permitted.* Uses permitted upon approval of the Village Commission in accordance with the provisions pertaining to use exceptions.~~
- ~~4. _____ Site development standards~~
 - ~~_____ a. _____ Minimum lot size~~
 - ~~_____ (1) _____ Area: no minimum lot size~~
 - ~~_____ (2) _____ Frontage: no minimum frontage~~
 - ~~_____ b. _____ Minimum yard setbacks~~
 - ~~_____ (1) _____ Kennedy Causeway: 20 feet~~
 - ~~_____ (2) _____ Other street frontages: 10 feet~~
 - ~~_____ (3) _____ Rear: 10 feet~~
 - ~~_____ (4) _____ Abutting commercial zoning district: 5 feet~~
 - ~~_____ (5) _____ Abutting multi-family zoning district: 7 feet~~
 - ~~_____ (6) _____ Abutting single-family zoning district: 15 feet~~
 - ~~_____ c. _____ Maximum building height: 150 feet~~
 - ~~_____ d. _____ Minimum pervious area: Fifteen percent of the total parcel~~

§ 8.11 – Use exceptions

A. Purpose and intent.

~~In order to provide for adjustment in the relative locations of uses and buildings of the same or of different classifications; to promote the usefulness of these regulations as instruments for fact-finding, interpretation, application, and adjustment; and to supply the necessary flexibility to their efficient operation, use exceptions are permitted by these regulations.~~

B. Use exceptions permitted.

~~The Village Commission may permit the following buildings and uses as use exceptions, provided there are clear indications that such exceptions will not substantially affect adversely the uses permitted in these regulations of adjacent property.~~

- ~~1. Structural alterations to special uses, after these uses are approved by the Village Commission.~~
- ~~2. Other special uses as may be enumerated in specific zoning districts.~~
- ~~3. Assisted living facility or nursing facility.~~
- ~~4. Temporary sales/marketing office approval for no more than 12 months.~~
- ~~5. Farmers' market~~

C. Expiration of use exception.

~~After the Village Commission has approved a use exception, the use exception shall expire after two years, measured from the date of final Commission action, if no substantial construction or change of use has taken place in accordance with the plans for which the use exception was granted.~~

D. Reapplication for use exception.

~~No application for a use exception shall be filed less than one year after the date of disapproval by the Village Commission of an application for a use exception involving the same land or any portion thereof.~~

DIVISION 3, SUPPLEMENTAL USE REGULATIONS

§ 8.12 – Supplemental Use Regulations

A. Accessory uses and structures.

~~The following accessory uses and structures shall be permitted when such uses or structures are ancillary, in connection with, and incidental to, the principal use or structure allowed within the zoning district in question in which the principal use or structure is located.~~

- ~~1. Permitted accessory uses by zoning district~~
 - ~~a. In all residential districts:~~

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- ~~(1) Private garages or carports provided:
 - ~~(a) No solid wall exterior facades or enclosures are allowed;~~
 - ~~(b) Enclosures must create window facades proportional to the existing windows at the front of the home;~~
 - ~~(c) A landscaped area is created in front of the enclosed garage to a depth of 24" inches and covering the width of the original garage opening; and~~
 - ~~(d) Such greenspace shall be cut out from any existing driveway material that may run up to the new enclosure, or enclosure may maintain a garage door facade.~~~~
- ~~(2) Private swimming pools, cabanas, whirlpools, saunas, spas and hot tubs.~~
- ~~(3) Private tennis, basketball or volleyball courts or other similar outdoor recreational uses.~~
- ~~b. In all zoning districts
 - ~~(1) Television and radio antenna structures, except for those of a microwave relay or transmission nature, subject to the provisions of Section 8.13(N).~~
 - ~~(2) Caretaker or watchman quarters when such quarters are associated with an active construction project.~~
 - ~~(3) Storage structures, provided no structure exceeds 150 square feet in gross floor area and is not more than 12 feet high from grade.~~
 - ~~(4) Doghouse, pens, and other similar structures for the keeping of commonly accepted household pets, provided, however, the requirements of Sections 91.03 and 91.10 through 91.12 of the Village Code of Ordinances are complied with.~~
 - ~~(5) Disaster Shelters~~~~
- ~~2. Special Regulations. The following regulations shall apply to all accessory uses and structures:
 - ~~a. No accessory structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.~~
 - ~~b. All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which they are located~~
 - ~~c. All accessory uses and structures shall comply with the site development standards applicable in the zoning district in which they are located, unless specifically authorized otherwise herein.~~
 - ~~d. All accessory uses shall be arranged and maintained so as not to encroach into any required yard setback area, unless specifically authorized otherwise within the provisions of this chapter.~~
 - ~~e. All accessory structures shall comply with all provisions of the South Florida Building Code, as amended.~~~~

DIVISION 4, SUPPLEMENTAL DEVELOPMENT STANDARDS

§ 8.13— Supplemental Development Standards

A. Awnings and canopies.

- ~~1. 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:
 - ~~a. Buildings/storefronts should have awnings or other means to provide pedestrians with sun/rain protection unless physically unsuited.~~
 - ~~b. Continuous awnings over several stores are prohibited.~~
 - ~~c. 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.~~
 - ~~d. High gloss vinyl (plastic) awnings, backlit, and metal 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~~~~

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creates a discreet peripheral washing of the awning, may be appropriate in some instances.

- e. ~~Metal awnings should be contemporary in design and shall be subject to the same restrictions and guidelines as other awning materials.~~
- f. ~~Awnings shall be maintained in good repair, free from tears, fading or peeling.~~
- g. ~~Awnings may be supported by poles and connected to the building underneath.~~
- h. ~~Awnings needing vertical support columns are prohibited in the setback area.~~
- i. ~~The awnings on corner buildings shall continue around the corner for compatibility with building form and pedestrian patterns, wherever possible.~~
- j. ~~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 eight feet above the sidewalk.~~
- k. ~~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.~~

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

- 1. ~~No boat may be used or maintained for overnight sleeping or living purposes or as a place of residence.~~
- 2. ~~No boat may be used for any commercial purpose.~~
- 3. ~~Docks shall be constructed and permitted according to Section 9.12.~~
- 4. ~~Temporary piers, floating docks, or similar temporary moorings are prohibited.~~
- 5. ~~All the regulations, standards, and requirements of Chapter 150 and Section 9.12 of the Village Code shall be complied with.~~
- 6. ~~Barges and vessels shall be permitted in residential districts only for loading, unloading and on-site construction, in compliance with Chapter 150 and Section 9.12.~~

~~C. *Clotheslines.*~~

~~No clotheslines, drying racks, poles, railings, or other similar devices for hanging clothes, rags, or other fabrics shall be erected or maintained in a front or corner side yard.~~

~~D. *Construction materials on premises before permit issued; removal of materials.*~~

- 1. ~~Construction materials and equipment shall not be deposited on any premises, lot, or proposed building site in any district prior to the obtaining of a building permit as required herein.~~
- 2. ~~Surplus materials and construction equipment shall be removed from the premises if the job is abandoned, and before occupancy of the completed structure will be permitted.~~

~~E. *Dumpster enclosures.*~~

- 1. ~~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:~~

~~a. When associated with new construction or rehabilitation valued at more than 30 percent of the building value as determined by the building official:~~

~~(1) Restaurant and/or drinking uses, trash and garbage facilities shall be within an enclosed, air-conditioned garbage room; and~~

~~(2) Commercial, office or multifamily uses, trash and garbage facilities shall be within an enclosed, cross-ventilated garbage room.~~

- b. ~~When located outside of the building, the trash and garbage facilities shall be enclosed within a decorative CBS, wood, metal or recycled products material, opaque structure. The structure (including opaque gates) shall be painted or finished to match the building~~

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~~appearance. No such containers shall be kept, utilized, left stored or maintained in front of any principal structure, except on collection day.~~

- ~~c. Dumpster enclosures shall be located in visually obscure areas of the site and shall be designed in a manner as to visually screen the dumpster from adjacent view, and shall include a dumpster locking device on containers that include food waste to prevent access to the dumpster by birds or rodents.~~
- ~~d. 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.~~
- ~~e. 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.~~
- ~~f. 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.~~
- ~~g. Service bays, ground-mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered.~~
- ~~h. Exterior service bays and delivery areas should not be used for the storage of vehicles or materials.~~

~~F. Fences, walls and hedges.~~

~~1. When required~~

- ~~a. An eight foot high wall, hedge, or fence shall be required along all side and rear commercial property lines which are contiguous to a residential zoned property, subject to vision clearance requirements established elsewhere in this section.~~
- ~~b. All permitted outdoor storage areas in multifamily residential and commercial zones shall be visually screened from public view by an eight foot high solid wood or masonry fence or wall.~~
- ~~c. Fences or walls to be built in connection with other permitted recreational uses such as baseball backstops, tennis courts, handball courts, and the like shall be permitted at the height necessary for the particular use.~~
- ~~d. All vacant lots adjacent to Kennedy Causeway shall be hedged along that portion of the lot which is adjacent to Kennedy Causeway.
 - ~~(1) The hedge shall not exceed four feet in height and not be lower than two feet in height and shall be of sufficient thickness and density so as to provide a physical barrier similar in effect to a fence.~~
 - ~~(2) The hedges shall be continuously and regularly trimmed, and any dead plants, or plants which fail to bear leaves, shall be regularly and timely replaced.~~
 - ~~(3) The remainder of the lots shall be fenced or hedged so as to prevent the unauthorized entry of motor vehicles thereon.~~~~
- ~~e. Concrete Block Walls. No fence, solid contiguous wall or ledge consisting of blocks or concrete shall be erected, constructed, installed or maintained in any manner parallel to the 79th Street Causeway.~~

~~2. Prohibitions~~

- ~~a. No fence, wall, or hedge may be constructed, installed, or maintained within six feet of any fire hydrant or other emergency apparatus.~~
- ~~b. No fence, wall, or hedge may be constructed, installed, or maintained which in any manner creates a visual obstruction to vehicular traffic. In no event shall any fence which obstructs or obscures vision, or any wall or hedge exceed four feet in height within 30 feet of the intersection of official right of way lines.~~
- ~~c. No wall or fence shall exceed five feet in height within any required front yard setback, provided such fence or wall does not create a visual obstruction to pedestrian or vehicular traffic. Additionally:
 - ~~(1) Landscaping shall be required on the street side of any such wall or fence;~~
 - ~~(2) Any concrete wall or concrete block wall shall be sustained in a finished condition.~~~~

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- ~~d. Hedge heights shall not exceed twelve (12) feet in height in the front, rear and side setbacks in the RS-1 and RS-2 Districts, provided that:
 - ~~(1) Such hedges do not interfere with vehicular traffic or visibility on public rights-of-way;~~
 - ~~(2) Such hedges are neatly trimmed;~~
 - ~~(3) The property owner responsible for planting the hedge shall maintain the entire hedge, including the sides facing the neighboring properties in order avoid any hindrance to said neighboring property.~~
 - ~~(4) Hedge planting is strictly prohibited within the Village right-of-way or easement area.~~~~
- ~~e. Walls and fences in the rear and side setbacks shall not exceed a height of six feet.~~
- ~~f. No chain link, wire or cable fencing or fences similar in appearance to any of the foregoing, will be permitted within front setbacks. (This includes all areas past the front edge of the house running towards the street.)~~
- ~~g. Ornamental entrances, fountains, plant containers, and similar architectural features exceeding the wall height restriction will be permitted, provided that:
 - ~~(1) No such feature shall exceed in height the wall height restriction for that district plus three feet; and~~
 - ~~(2) There shall be only one such feature in any front, side or rear yard, except that there may be two entrance gates.~~~~
- ~~h. Planting of vegetation in easement areas shall conform to the following:
 - ~~(1) No trees may be planted within any easement or public right-of-way area as shown on the recorded plats of the various subdivisions of the Village ("easement areas").
 - ~~(a) Nothing in this section shall be construed to prohibit the planting of low growth landscaping in the easement or right-of-way areas ("easement landscaping").~~
 - ~~(b) Easement or right-of-way landscaping is subject to removal by the Village without notice in the event that this landscaping impedes access to these areas. The Village shall not be responsible for damage to the removed landscaping;~~
 - ~~(c) Prior to planting such easement landscaping in easement areas, the property owner shall execute a permission for removal, release and indemnification agreement, in a form acceptable to the Village, pertaining to such easement.~~~~~~
- ~~i. For single family properties on North Bay Island. The linear footage of any property's street front Village easement or right-of-way area must maintain a greenspace (pervious) area whereby the permissible paved area is to be limited to only 40 percent of that total linear footage.
 - ~~(1) The protected greenspace shall be restricted from any paving materials including but not limited to asphalt, concrete, brick, pavers, gravel or solid cover of mulch.~~
 - ~~(2) The depth of that protected pervious area must be maintained at full easement depth from the street to the property boundaries.~~
 - ~~(3) Any paving of the property frontage beyond the easement area (within front yard), and greater than 40 percent of the permitted linear footage must create a green landscape facade to decrease the sight line of that paved surface from the street view.~~~~
- ~~j. For single family properties on all islands.
 - ~~(1) Front yard area may be paved up to 40 percent of the total linear footage.~~
 - ~~(2) The balance of footage may only be paved if a greenspace is created between the Village's sidewalk and the paved area, for a depth of no less than 48 inches, and heavily landscaped to create green landscape facade to decrease the sight line of that paved surface from the street.~~~~
- ~~k. Nonconforming uses of land. The lawful use of land existing at the time of the passage of this ordinance or an amendment thereto, although such uses do not conform to the provisions of this ordinance, may be continued subject to the following provisions:
 - ~~(1) Front yard areas may not be increased in paved areas.~~
 - ~~(2) All rights and obligations subject to the nonconforming use of the land run with the land~~~~

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and are not personal to the present owner or tenant of the nonconforming use of land and are not affected by a change in ownership or tenancy.

3. ~~General requirements~~

a. ~~Construction and materials.~~

- ~~(1) No fence or wall may be constructed of materials which will be hazardous to the health, safety, or welfare of persons or animals.~~
- ~~(2) Fences which are erected with sheathing, pickets or slats on one side only shall have such materials placed on the side of the fence facing the adjacent property in such a manner as to conceal the structural elements of the fence from off premises view.~~
- ~~(3) Walls or fences constructed of concrete block shall be constructed so that the side facing away from the property on which the wall or fence is located shall be finished with stucco or some other approved material.~~

b. ~~Maintenance. All fences, walls, and hedges shall be maintained in a safe, attractive, and non-hazardous condition.~~

- ~~(1) Hedges shall not extend over or into the public right-of-way for the full height of the hedge.~~
- ~~(2) Maximum height.~~
 - ~~(a) No fence or wall shall exceed six feet in height and no hedge shall exceed six feet except as may be permitted or further restricted elsewhere in this section.~~
 - ~~(b) The height of a wall, fence, or hedge shall be the vertical distance measured from the average elevation of the finished building site to the top of the wall, fence, or hedge.~~
 - ~~(c) The average elevation shall be measured along the wall, fence, or hedge line that the same is to be placed.~~
 - ~~(d) The land within the area which the wall, fence, or hedge is to be placed may not be increased or decreased to effect the permitted height unless the entire building site is to be graded to level off this area.~~

4. ~~Temporary fence around construction site. Nothing in this section shall be deemed to prohibit the erection and maintenance of a temporary fence around construction sites on which actual construction activity is taking place pursuant to a valid active building permit.~~

- ~~a. The fence may exceed the height limitations in this zoning code if the fence is constructed of solid wood (or plywood) and is decorated in an attractive and artful design as shall be determined by the Village Commission or appropriately designated board.~~
- ~~b. In no event shall the fence exceed eight feet in height.~~
- ~~c. Chain link fences shall not be the permitted around construction sites unless screening is used with the chain link to conceal construction materials from outside view.~~

5. ~~Existing nonconforming fences and/or walls; removal.~~

- ~~a. Intent. It is the intent of this division to recognize that the eventual elimination of existing fences, that do not conform with the provisions of this chapter, in as expeditious a manner as is reasonable, is as much a subject of the health, safety, and welfare of the citizens of the Village as is the prohibition of new fences that would violate the provisions of these regulations. It is also the intent of this division that there shall not be any unreasonable burden upon established private property rights.~~
- ~~b. Continuance. Subject to the amortization schedule below, a nonconforming fence may be continued and shall be maintained in good condition, but shall not be:~~
 - ~~(1) Enlarged or changed to another nonconforming fence.~~
 - ~~(2) Reestablished after its removal.~~
 - ~~(3) Reestablished after being damaged or deteriorated whereby the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost.~~
- ~~c. It shall be the responsibility of the Code Enforcement Officer to make an inventory and a record of all nonconforming fences and to serve notice on the owners or users of such~~

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~~fences within 30 days after the adoption of these regulations. The period of nonconformity shall nonetheless begin as of the date of the passing of this division. The inventory shall include the following:~~

- ~~(1) Owner.~~
- ~~(2) Type of fence~~
- ~~(3) Location.~~
- ~~(4) Reason for classification as nonconforming.~~
- ~~(5) Date fence was erected.~~

~~G. Height exceptions.~~

~~Church steeples, bell towers, chimneys, tanks, decorative features, elevator lift housing, air conditioning units, or other mechanical or functional features may exceed zoning district height requirements, except as may be otherwise stipulated herein.~~

~~H. Outdoor dining and sidewalk cafes.~~

- ~~1. Café tables in the right of way can bring activity to the street. They can provide a wonderful means of people watching for diners and pedestrians. Consideration should be given to unification of these elements within a block from street to street.~~
- ~~2. Restaurants and bars are also encouraged to provide outdoor service in courtyards or arcades.~~
- ~~3. Sidewalk cafés on the public right of way may be allowed upon approval by the Village Commission.~~
- ~~4. Outdoor restaurants, bars or sidewalk cafés must be associated with an adjacent licensed restaurant and comply with all other zoning regulations and conform to the following criteria:~~
 - ~~a. An application must be filed with the Village Manager, or his/her designee, for administrative review and approval, which shall include:~~
 - ~~(1) Layout of all tables, chairs, benches, and other furniture;~~
 - ~~(2) Pedestrian ingress and egress;~~
 - ~~(3) Location of refuse containers; and other elements necessary to illustrate the proposed outdoor seating/dining use and area (all drawings must be titled, indicate orientation, and be at an acceptable scale).~~
 - ~~b. Outdoor seating/dining areas and uses of the public right of way and/or any private property may be approved, denied, or approved with conditions, modifications, safeguards, or stipulations appropriately and reasonably related to the intent, purposes, standards, and requirements of the related regulations by the Village Manager.~~
 - ~~(1) Such permit shall not be transferable in any manner and is strictly a conditional use permit, issued for a period of one year, renewable annually via payment of the annual occupational license fee for such outdoor seating/dining uses.~~
 - ~~(2) The fee for outdoor dining/seating use and area will be charged annually in the amount of \$250.00; the permit fee shall be added to the occupational license fee for the main business.~~
 - ~~c. The applicant shall provide an indemnity agreement that is acceptable to the Village Manager. This agreement will include specification of liability insurance to be provided.~~
 - ~~d. The conditional use permitting of outdoor seating/dining use and area may be revoked by the Village Manager or his/her designee, upon finding that:~~
 - ~~(1) One or more conditions of these regulations have been violated, or~~
 - ~~(2) That the outdoor seating/dining area and use are being operated in a manner that constitutes a public nuisance, or in any way that constitutes a reasonable risk of potential liability to the Village.~~
 - ~~e. Outdoor seating/dining use and area may be temporarily suspended by the Village for public use/purpose, utility, sidewalk or road repairs, emergency situations, or violations of provisions contained herein.~~
 - ~~f. The length of suspension shall be determined by the Village Manager as necessary.~~
 - ~~g. Removal of all street furniture and related obstructions shall be the responsibility of the~~

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owner/operator of the outdoor seating/dining.

- h. ~~Outdoor seating/dining area shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris. The applicant shall be responsible for daily cleaning and sweeping of the outdoor seating/dining area and for the cleanliness and maintenance of any outdoor planters immediately adjacent to the outdoor seating/dining area.~~
- i. ~~Use of Village sidewalks for trash and garbage removal shall be prohibited.~~
- j. ~~Outdoor seating/dining use and area shall not interfere with the free and unobstructed pedestrian or vehicular circulation of traffic, public access to any street intersections, crosswalks, public seating areas and conveniences, bus stops, alleys, service easements, handicap facilities, or access to any other commercial establishments.~~
- k. ~~If there is seating on one side of the sidewalk, a minimum of five feet of sidewalk must remain clear and unobstructed for pedestrian passage;~~
- l. ~~Outdoor seating/dining area on the public rights-of-way shall be open and unenclosed. No building structures of any kind shall be allowed in and over any portion of the outdoor seating/dining area located on public property.~~
- m. ~~Tables, chairs and all other furniture used in the operation of an outdoor seating/dining area shall not be anchored or restrained in any manner.~~
- n. ~~Individual table umbrellas, planters, or other such non-stationary elements may be permitted within the outdoor seating/dining area and where applicable, shall have a minimum clearance height of seven feet above grade.~~
- o. ~~Outdoor seating/dining use and area shall be restricted to the length of the sidewalk or public right-of-way immediately fronting the cafe or other establishment~~
- p. ~~Outdoor seating/dining area shall be at the same elevation as the adjoining sidewalk or public right-of-way.~~
- q. ~~Carts and trays for serving food are permitted in the outdoor seating/dining area.~~
- r. ~~Outdoor seating/dining use and area shall not be provided with amplified sound of any kind.~~
- s. ~~Outdoor seating/dining areas may serve alcoholic beverages where such service is strictly incidental to the service of food and from a service bar only; provided:
 - (1) ~~No entertainment of any kind is furnished.~~
 - (2) ~~No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within.~~~~
- t. ~~Any administrative decision may be appealed to the Village Commission in accordance with the requirements of this Code.~~
- u. ~~The hours of operation shall coincide with that of the primary restaurant.~~
- v. ~~Placement of tables, chairs and related equipment shall be situated to ensure that a minimum of five feet straight pathway on the sidewalk is maintained at all times as an unobstructed pedestrian path.~~
- w. ~~Serving through windows is not permitted.~~
- x. ~~Food preparation shall only occur in the enclosed restaurant.~~

y. ~~Because tables provide sufficient advertisement, no additional signs for sidewalk café are permitted.~~

z. ~~Outdoor furniture shall be substantial enough not to blow over with normal winds.~~

aa. ~~All outdoor furniture and fixtures shall be tastefully compatible and approved by the Planning and Zoning Official.~~

bb. ~~All disposable table materials such as plates, glasses, and napkins shall be imprinted with the name of the café (stickers may be used). This regulation is to control litter.~~

cc. ~~Sidewalk cafés shall receive a revocable permit subject to the procedures established by the Village.~~

l. ~~Recreational and camping equipment.~~

~~Recreational and camping equipment in the form of travel and camping trailers, truck trailers, and~~

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~~motor travel homes, designed and used as temporary living quarters for recreation, camping, or travel use may be parked in the open on sites containing single family residences, subject to the following conditions:~~

- ~~a. No more than one piece of recreation or camping equipment shall be parked on the site.~~
- ~~b. Such parking shall be limited to the equipment owned or leased by the owner-occupant or occupant-lessee of the site concerned, or owned or leased by a bona fide out-of-Dade County house guest of the occupant of the site concerned, with the parking of such equipment by the guest not to exceed 14 days.~~
- ~~c. The location for such parked equipment shall be to the rear of the front building line and behind the side street building line, in each case the building line referred to being that portion furthest from the street.~~
- ~~d. Such equipment and the area of parking shall be maintained in a clean, neat, and presentable manner and the equipment shall be in a usable condition at all times.~~
- ~~e. Such equipment shall, at all times, have attached a current vehicle registration license tag.~~
- ~~f. No major repairs or overhaul work on such equipment shall be made or performed on the site or any other work performed thereon which would constitute a nuisance under existing ordinances.~~
- ~~g. When parked on the site, such equipment shall not:
 - ~~(1) Be used for living or sleeping quarters, or~~
 - ~~(2) Be used for housekeeping or storage purposes and~~
 - ~~(3) Shall not have attached thereto any service connection lines, except as may periodically be required to maintain the equipment.~~~~
- ~~h. The maximum length permitted for such equipment shall not exceed 30 feet and the maximum height shall not exceed ten feet.~~
- ~~i. Such equipment shall be so secured that it will not be a hazard or menace during high winds or a hurricane.~~

~~J. *Safe and sanitary dwelling unit standards.*~~

~~The following shall be the minimum standards to be enforced in North Bay Village relative to the safe and sanitary maintenance of dwellings and dwelling units:~~

- ~~1. All foundation walls shall be structurally sound, reasonably rodent proof, and maintained in good repair.~~
- ~~2. Foundation walls shall be considered to be sound if they are capable of bearing imposed loads and are not deteriorated.~~
- ~~3. Every dwelling unit shall be reasonably weathertight, watertight, and rodent proof.
 - ~~a. Floors, walls, ceilings, and roofs shall be capable of affording adequate shelter and privacy and shall be kept in good repair.~~
 - ~~b. Windows and exterior doors shall be reasonably weathertight, watertight and rodent proof, and shall be maintained in good working condition.~~
 - ~~c. All parts of the structure that show evidence of rot or other deterioration shall be repaired or replaced.~~~~
- ~~4. Every inside and outside stairway, porch, and every appurtenance thereto, shall be maintained in a safe condition and be capable of supporting loads which normal use may impose.~~
- ~~5. Every chimney and smoke pipe, and all flue and vent attachments thereto, shall be maintained in such condition that there will be no leakage or backing up of smoke and noxious gases into the dwelling.~~
- ~~6. All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.~~
- ~~7. Every plumbing fixture, water pipe, waste pipe, and drain shall be maintained in good sanitary working condition, free from defects, leaks, and obstructions.~~
- ~~8. The floor surface of every water closet compartment, bathroom, and shower room shall be maintained so as to be reasonably impervious to water and so as to permit such floor to be~~

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easily kept in a clean and sanitary condition.

9. ~~Every supplied facility, piece of equipment, or utility shall be maintained in a safe and satisfactory working condition.~~
10. ~~No owner or occupant shall cause any service, facility, equipment, or utility required to be removed from or discontinued for any occupied dwelling or dwelling unit except for such temporary interruption as may be necessary while actual repairs, replacement, or alterations are in process.~~
11. ~~For these purposes, every owner of a building containing three or more dwelling units, shall provide the continuing service of a person or persons solely to assure that the minimum requirements of maintenance and sanitation, as provided herein are maintained on the premises at all times.~~
12. ~~The provisions of the Dade County Minimum Housing Code shall apply as a minimum standard for Village enforcement.~~

~~K. Security guards.~~

1. ~~Definitions: The term security guards shall be synonymous with burglar guards and shall refer to steel bars commonly installed on the exterior or interior of doors or entryways and windows or breezeways or private residences, including free standing as well as multifamily residences and commercial and industrial buildings.~~
2. ~~No security guards may be installed on the exterior of doors and entryways, windows and breezeways on front and side elevations of buildings which face a street or public right-of-way.~~
3. ~~Continuance and removal of nonconforming security guards.~~
 - a. ~~A nonconforming security guard (one which is in existence at the effective date of this section) may be maintained and continued in use as a legal nonconforming use.~~
 - b. ~~However, no such security guard may be enlarged or replaced by another nonconforming device.~~
 - c. ~~At such time as title to the property changes, all nonconforming security guards shall be removed.~~
 - d. ~~Title change shall be defined to mean any change of record ownership, other than by survival or by inheritance of a tenant by the entreaties.~~

~~L. Setback encroachments.~~

~~Every part of every required front, side, and rear yard setback shall be open and unobstructed from the ground to the sky except as herein provided.~~

1. ~~Cornices, roof overhangs, window air conditioning units, awnings, chimneys, and sills may extend into a required side or rear yard, provided any such extension does not exceed 36 inches into the required yard.~~
2. ~~Balconies shall be permitted to project to a distance of 48 inches into the required yard, provided there is a seven foot clear span.~~
3. ~~Fences and privacy walls as provided in Section 8.13(F).~~
4. ~~Swimming pool and pool decks as provided in Section 8.13(M).~~
5. ~~Signs as provided in Chapter 11.~~
6. ~~Landscaping retaining walls, parking curbs/bumpers, and other similar features less than 6 inches in height.~~
7. ~~Light poles and flag poles as provided in Section 8.13(N)~~
8. ~~In single family districts only, the following setback encroachments are allowed:~~
 - a. ~~Ground mounted mechanical equipment, including air conditioning equipment, pool equipment, heat pumps, water heaters, generators and other similar equipment, may be placed in a side yard setback area; provided the unobstructed side setback area is not reduced by more than 50 percent of what is required in the zoning district regulations and provided the equipment placed in the setback area does not operate above 70 decibels.~~
 - b. ~~A garden window for the cultivation of small plants may extend into the setback~~

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- area not more than 24 inches
9. In all zoning districts other than single family, the following setback encroachments are allowed:
- a. A canopy shall be permitted to extend from the entrance door to the front property line provided:
 - i. The canopy does not exceed 12 feet in height or be screened or enclosed in any manner; and
 - ii. The canopy shall be required to be removed during hurricane warning periods.
 - iii. A clear space is provided between the grade and the bottom of the valance of at least six and one-half feet.
 - iv. Additional awning/canopy requirements of section 8.13(A) shall be complied with.
 - b. An entrance feature/port cochere may extend from the entrance door into the front setback area provided:
 - i. Support columns may not be placed closer than 7 feet to the property line.
 - ii. At least 14.5 feet of vertical clearance shall be provided.
 - ii. The width of the entry feature/port cochere shall not exceed 25 feet or 20% of the subject property frontage width, whichever is greater.
 - ii. The entrance feature/port cochere may extend from the entrance door to the front property line, or a distance of 35 feet, whichever is more restrictive.

M. *Swimming pools.*

1. Purpose and intent. The Legislature finds that drowning is the leading cause of death of young children in this state and is also a significant cause of death for medically frail elderly persons in this state, that constant adult supervision is the key to accomplishing the objective of reducing the number of submersion incidents, and that when lapses in supervision occur a pool safety feature designed to deny, delay, or detect unsupervised entry to the swimming pool, spa or hot tub will reduce drowning and near drowning incident.
- In addition to the incalculable human cost of the submersion incidents, the health care costs, loss of lifetime productivity and legal and administrative expenses associated with drowning of young children and medically frail elderly persons in this state each year and the lifetime costs for the care and treatment of young children who have suffered brain disability due to near-drowning incident each year is enormous.
2. Standards and requirements.
- a. Any swimming pool operated by a residential homeowner, or condominium association, or by the resident of a single family dwelling shall be permitted as an accessory use and shall exist only in conjunction with the principal use on the same lot, subject to the regulations stated herein.
 - b. A swimming pool may be permitted in any rear yard; however, in no instance shall it be located nearer than the following distances from any property line or structure:

Setback	Distance (Feet)
Front	25
Side (interior)	7.5
Rear or Easement	7.5
Structure	5
Side (corner)	15

- c. Access. Exterior access to a swimming pool shall be through a self-closing and self-latching

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- ~~gate with latches placed at least four feet above grade and operable from the pool area only.~~
- ~~d. Drainage. If a patio is provided adjacent to or surrounding a swimming pool, it shall be designed so as to be self-draining away from the pool.~~
 - ~~e. Lighting. Artificial lighting used to illuminate the premises shall be shielded and directed away from adjacent properties and streets, shining only on the subject site.~~
 - ~~f. Height. Swimming pools and appurtenances shall not exceed a height of two feet above grade.~~
 - ~~g. Additional requirements. In addition to the foregoing requirements, all regulations and standards of Sections 151.01 through 151.18 of the Village's Code of Ordinances, and the Florida Building Code shall be complied with.~~
- ~~3. Barriers for swimming pools, spas and hot tubs required.~~
- ~~Barriers must be placed around the perimeter of the pool, spa or hot tub and must be separate from any fence, wall, or other enclosure surrounding the yard unless the fence, wall, or other enclosure or portion thereof is situated on the perimeter of the pool, spa or hot tub that is being used as part of the barrier, and meets the barrier requirements of this chapter, chapter 151 of this Code, and the Florida Building Code.~~
- ~~a. Barrier construction~~
 - ~~(1) A wall of a dwelling may serve as part of the barrier if it does not contain any door or window that opens to provide direct access from the home to the swimming pool, spa or hot tub.~~
 - ~~(2) Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:~~
 - ~~(a) All doors and windows providing direct access from the home to the pool, spa or hot tub shall be equipped with an exit alarm complying with this chapter and chapter 151 of this Village's Code, as well as the Florida Building Code that has a minimum sound pressure rating of 85 dB.~~
 - ~~(b) At 10 feet the exit alarm shall produce a continuous audible warning when the door and its screen are opened.~~
 - ~~i. The alarm shall sound immediately after the door is opened and be capable of being heard throughout the house during normal household activities.~~
 - ~~ii. The alarm shall be equipped with a manual means to temporarily deactivate the alarm for a single opening. Such deactivation shall last no more than 15 seconds.~~
 - ~~iii. The deactivation switch shall be located at least 54 inches above the threshold of the door.~~
 - ~~iv. Separate alarms are not required for each door or window if sensors wired to a central alarm sound when contact is broken at any opening.~~
 - ~~(c) All doors providing direct access from the home to the pool, spa or hot tub must be equipped with a self-closing, self-latching device with positive mechanical latching/locking installed a minimum of 54 inches above the threshold, which is approved by the authority having jurisdiction.~~
 - ~~(d) Exceptions:~~
 - ~~i. Screened or protected windows having a bottom sill height of 48 inches or more measured from the interior finished floor at the pool, spa or hot tub access level.~~
 - ~~ii. Windows facing the pool, spa or hot tub on floor above the first story. Screened or protected pass-through kitchen windows 42 inches or higher with a counter beneath.~~
 - ~~(3) The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool, spa and/or hot tub.~~
 - ~~(4) The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier which faces away from the swimming pool, spa and/or hot tub.~~
 - ~~(5) Where the top of the pool, spa or hot tub structure is above grade the barrier may be at~~

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- ground level or mounted on top of the pool, spa or hot tub structure.
- ~~(6) Where the barrier is mounted on top of the pool, spa or hot tub structure, the maximum vertical clearance between the top of the pool, spa or hot tub structure and the bottom of the barrier shall be 4 inches.~~
 - ~~(7) Maximum mesh size for chain link fences shall be a 2¼ inch square unless the fence is provided with slats fastened at the top or bottom which reduce the openings to no more than 1¾ inches. A mesh safety barrier meeting the following minimum requirements shall be considered a barrier as defined in this section:
 - ~~(a) Individual component vertical support posts shall be capable of resisting a minimum of 52 pounds (229 N) of horizontal force prior to breakage when measured at a 36-inch height above grade.~~
 - ~~(b) Vertical posts of the child mesh safety barrier shall extend a minimum of 3 inches below deck level and shall be spaced no greater than 36 inches apart.~~
 - ~~(c) The mesh utilized in the barrier shall have a minimum tensile strength according to ASTM D 5034 of 100 lbf., and a minimum ball burst strength according to ASTM D 3787 of 150 lbf. The mesh shall not be capable of deformation such that a ¼ inch round object could pass through the mesh. The mesh shall receive a descriptive performance rating of no less than "trace discoloration" or "slight discoloration" when tested according to ASTM G 53 (Weatherability, 1,200 hours).~~
 - ~~(d) When using a molding strip to attach the mesh to the vertical posts, this strip shall contain, at a minimum, #8 by percent inch screws with a minimum of two screws at the top and two at the bottom with the remaining screws spaced a maximum of 6 inches apart on center.~~
 - ~~(e) Patio deck sleeves (vertical post receptacles) placed inside the patio surface shall be of a nonconductive material.~~
 - ~~(f) A latching device shall attach each barrier section at a height no lower than 45 inches above grade. Common latching devices which include, but are not limited to, devices that provide the security equal to or greater than that of a hook and eye type latch incorporating a spring actuated retaining level (commonly referred to as a safety gate hook).~~
 - ~~(g) The bottom of the child mesh safety barrier shall not be more than 1 inch above the deck or installed surface (grade).~~~~
 - ~~(8) The barrier may not have any gaps, openings, indentations, protrusions, or structural components that could allow a young child to crawl under, squeeze through, or climb over the barrier as herein described below.~~
 - ~~(9) One end of a removable child barrier shall not be removable without the aid of tools. Openings in any barrier shall not allow passage of a 4-inch diameter sphere.~~
 - ~~(10) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool, spa or hot tub side of the fence.~~
 - ~~(11) Spacing between vertical members shall not exceed 1¾ inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1¾ inches in width.~~
 - ~~(12) Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1¾ inches.~~
 - ~~(13) Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.~~
 - ~~(14) Where an aboveground pool, spa or hot tub structure is used as a barrier or where the barrier is mounted on top of the pool, spa or hot tub structure, and the means of access is a ladder or steps;
 - ~~(a) The ladder or steps either shall be capable of being secured, locked or removed to~~~~

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as provided in Section 153 of the North Bay Village Code.

~~N. Towers, antennas, poles and masts.~~

~~1. Generally.~~

~~Prior to the erection of a water tower, standpipe, windmill, tower, aerial, antenna, pole, mast, or other vertical structure over ten feet in height above the roof of a permitted structure, or over 20 feet in height if erected at grade, the requirements of this section and the South Florida Building Code shall be observed.~~

~~a. Plans and specification required.~~

~~Plans and specifications for the structures listed above shall be submitted to the Building Official showing:~~

- ~~(1) All dimensions, size, and kind of members, footings, and guy wires;~~
- ~~(2) The location, depth, and type of guy anchors and footings;~~
- ~~(3) The type and weight of the antenna, apparatus, or structure to be attached to or supported by the structure; and~~
- ~~(4) An application made for a permit.~~

~~b. Maximum height.~~

- ~~(1) The vertical height of any of the above structures shall not be greater than 90 percent of the horizontal distance from its base to the nearest property line.~~
- ~~(2) Radio towers, where incidental to a business use in the commercial district, may extend to a height of 150 feet measured from ground elevation.~~
- ~~(3) Poles, masts, and towers for supporting antenna used in the operation of amateur radio stations, citizen band radio stations, and citizen band radio stations licensed by the Federal Communications Commission shall be excepted from the above regulations and shall be governed by the following requirements:~~
 - ~~(a) All poles, masts, towers, and beam array antennas shall be placed not less than five feet from a public right-of-way line or adjacent property line, or nearer than one foot from any easement.~~
 - ~~(b) All such installations shall conform to the requirements of the National Electrical Code and applicable FCC regulations, and be located not less than eight feet from any power line over 250 volts, including the beam elements or any part thereof.~~
 - ~~(c) Permits shall be required for the installation of any poles, masts, or towers over 20 feet above the roof of any structure to which they may be attached, and for any installation over 35 feet in height when erected from grade. Applications for permits shall be accompanied by three copies of plans and specifications showing:

 - ~~—(1) All dimensions, size and kind of members, f~~
 - ~~—(2) Footings and guy wires;~~
 - ~~—(3) The location, depth and type of guy anchors and footings; and~~
 - ~~—(4) The type and weight of the antenna, apparatus or structure to be attached to or supported by the structure.~~~~
 - ~~(d) Poles shall be of an approved creosoted type or treated or painted with a chemical preservative and an outer coat of oil base paint before installation. The color shall match the surrounding development.~~
 - ~~(e) The recommended depth of holes for various type poles shall be subject to acceptable engineering standards:~~

Pole Height Above-ground (feet)	Hole-Depth in Firm Ground (feet)	Hole-Depth in Rock Ground (feet)
16	3.5	3
20	4	3
25	5	3

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35	6	4
50	7	5

- ~~(f) If the earth is damp or soggy, the depth of hole is to be increased by one foot.~~
 - ~~(g) If carrying a beam, poles must be properly guyed, as is the case where the pulling effect of the wire antenna or weight of other installations will require guying.~~
 - ~~(h) Wood masts shall be chemically treated, painted with an outside coat of oil base paint, and suitably guyed at the top and middle in at least three different directions.~~
 - ~~(i) Masts to support a beam, whether of wood or metal pipe, shall comply with all the applicable regulations in regard to the location, guying and the like, and the maximum allowable weight of antenna, rotator and components shall not exceed 150 pounds.~~
 - ~~(j) Towers of steel, iron or aluminum, whether of the rigid non demountable type or the rigid, demountable type with the crank up, crank down and either the hinged base or swivel crank over features shall carry no more weight on the top than specified by the manufacturers specifications.~~
 - ~~(k) In calculating the height of demountable type towers, the top of the lower rigid section shall be considered the top for the purpose of this section.~~
 - ~~(l) Beam array antennas shall be mounted so as to provide easy servicing and easy access for the removal at approach of hurricanes, or provide for the lowering of such beam.~~
2. ~~Dish antennas.~~
- ~~a. Application. This section shall apply only to private noncommercial dish antennas as defined in subsection (B)(2) below. This section shall supplement and not repeal or modify the requirements of Section 8.10(E)(5).~~
 - ~~b. Definitions:~~
 - ~~(1) Dish antenna means a dish antenna intended for the purpose of receiving communications from orbiting satellites and other extraterrestrial sources, a low noise amplifier (L.N.A) which is situated at the focal point of the receiving component for the purpose of magnifying and transferring signals, a coaxial cable for the purpose of carrying signals to the interior of a building.~~
 - ~~(2) A private noncommercial dish antenna is a dish antenna for a single family residence which is erected solely for the use of its owners. Said antenna shall not be used for the purpose of obtaining revenue.~~
 - ~~c. Placement. Private noncommercial dish antennae may be permitted in North Bay Village provided:~~
 - ~~(1) They are located in the rear yard.~~
 - ~~(2) They are placed no closer to any property boundary line than a distance equal to their height as measured from ground level to the top of the antenna but in no event closer than ten feet to said property lines.~~
 - ~~(3) On corner properties, no portion of the apparatus may extend beyond the imaginary extension of the line of the house structure.~~
 - ~~(4) Roof mounted dish antennae shall not be permitted except on two story buildings with a flat roof, provided the antenna cannot be viewed from ground level, and in no instance is to exceed in height 15 [feet] above the roof.~~
 - ~~d. Dimensions. The height of dish antennas, on the ground, shall not exceed 15 feet from ground level nor shall their diameter exceed 12 feet.~~
 - ~~e. Number allowed; color. Only one dish antenna shall be allowed per single family house, and antennas shall be neutral in color, and one color only.~~
 - ~~f. Anchorage. All dish antennae shall be anchored securely to the ground or structure in~~

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- ~~compliance with the requirements of the South Florida Building Code relative to structures.~~
- ~~g. Permit required. No dish antenna shall be erected until a permit has been issued by North Bay Village. All applications for a permit shall be accompanied by a site plan showing the proposed location of the antenna, the type, color, height and diameter of the antenna and the proposed landscaping.~~
 - ~~h. Screening. A private noncommercial dish antenna shall be screened by landscaping on its sides so as to obscure its visibility from the abutting properties' ground view.~~
 - ~~i. Once installed, dish antennas and related appurtenances must be maintained in good and operable condition, and the surrounding landscaping shall likewise be continuously maintained for the intended screening purpose.~~
 - ~~j. Nonconforming uses. All dish antennas that are legally existing on October 23, 1990, shall be allowed to remain until such time that they may be replaced, or the cost of repairs exceeds 50 percent of the replacement at which time they shall conform in all respects to this section.~~

~~3. Screening of mechanical equipment.~~

~~Lack of, or inadequate screening of, mechanical equipment can have negative visual impacts on the Village's streetscape, ambient landscape, and community image. Such impacts shall be minimized through compliance with the following requirements:~~

- ~~a. Mechanical equipment located on the ground, such as air conditioning units, heating units, satellite dishes, irrigation pumps, propane tank displays and refilling areas, utilities lift stations and the like shall be screened from public view. Screening shall, at a minimum be at the same height as the equipment. Structural screening shall be architecturally integrated into the overall project design and shall be compatible, in terms of style, construction materials, colors, and finish, with the principle structure(s). Landscaping may be substituted for structural screening if plantings are compatible with the landscape plan for the project and are of such size and maturity as to be able to provide a fully opaque screen at time of planting.~~
- ~~b. Equipment and appurtenances mounted on roof tops shall be kept to a minimum. All exposed roof top mounted equipment and appurtenances shall be fully screened from view from any public right of way. All screening shall, at a minimum be at the same height as the equipment and appurtenances. Screening shall be an integral part of the design of the building(s) and shall be architecturally consistent with the style, colors, construction materials and finish of the building(s).~~
- ~~c. Painting of exposed appurtenances to blend with the color of adjacent materials of the building may be approved where utilization of approved roof designs precludes full screening of exposed surfaces.~~

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CHAPTER 8, ZONING

DIVISION 1, ZONING DISTRICTS ESTABLISHED; ZONING MAP

§ 8.1 – Title.

This chapter shall be known as the “Zoning Regulations for North Bay Village, Florida; 2017 Revision.”

§ 8.2 – Purpose and intent.

The purpose of this chapter is to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, conveniences, prosperity and general welfare of the citizens of the Village, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for preservation, protection, development and conservation of the natural resources of land, water and air, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, for adequate public utilities and facilities, for promotion and the civic amenities of beauty and visual interest, for promotion of large-scale developments as a means of achieving unified civic design, and for development in accord with the Village’s adopted comprehensive plan, by establishing zoning districts and by regulating the location and use of buildings, signs and other structures, and land and water for trade and residence by regulating and limiting or determining the height, bulk and access to light and air of buildings and structures, the area of yards and other open spaces, and the density of use. To accomplish this intent, the regulations and districts and have been designed with reasonable consideration, among other things, to the character of the districts and their suitability for particular uses.

§ 8.3 – Establishment of zoning districts.

In order to regulate and restrict the location of commercial, public and semi-public uses, and residences, and the location of buildings erected or altered for specific uses, to regulate or limit population density and the intensity of the use of lot areas, and to regulate and determine the areas of yards, courts, and other open spaces within and surrounding such buildings, the following zoning districts are hereby established:

A. Single-Family Residential Districts.

1. RS-1 Low Density Single-Family Residential District (See Section 8.10).
2. RS-2 Medium Density Single-Family Residential District (See Section 8.11)

B. Multiple Family Residential Districts.

1. RM-40 Medium Density Multiple Family Residential District (See Section 8.12).
2. RM-70 High Density Multiple Family Residential District (See Section 8.13).

C. CG General Commercial District (See Section 8.16).

D. Bay View Overlay District (See Section 8.17)

E. Government Use District (See Section 8.18)

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§ 8.4 – Reference to district names.

For the purpose of reference hereafter in these regulations, unless specifically provided to the contrary, the term *Residential* shall include both single-family and multi-family districts.

§ 8.5 – Identification of district maps.

Such land and the zoning district classification thereof shall be shown on a map designated as the Zoning District Map of the Village, dated and certified by the Village upon adoption. This Zoning District Map and all notations, dimensions, references, and symbols shown thereon pertaining to such districts, shall be as much a part of these regulations as if fully described herein, and shall be filed as part of these regulations. The map and any later alterations shall be available for public inspection in the offices of the Village Manager or his designee. These regulations shall be similarly dated, filed, and made available for public reference.

§ 8.6 – Publication of district maps.

- A. The Village Manager or his designee shall cause to be published, or prints made available, no later than March 31 of the year following adoption of these regulations, the Official Zoning District Map, clearly showing the zoning district boundaries and zoning district names and designations for the incorporated area of the Village. In each calendar year thereafter, if there have been any changes in the zoning district boundaries or in reorganization of districts and district classifications in the preceding year, such amended map shall be published no later than March 31, and shall reflect all changes as of December 31 of the preceding year.
- B. Any person desiring a copy of the Official Zoning District Map shall pay a fee for each copy, as set by ordinance.

§ 8.7 – Interpretation of district boundaries

- A. *Map symbols.* A district name or letter-number combination shown on the Zoning District Map indicates that the regulations pertaining to the district designated by that name or letter-number combination extend throughout the whole incorporated area of the Village, bounded by the district boundary lines within which the name or letter-number combination is shown or indicated, except as otherwise provided by this section.
- B. *Interpretation.* Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of these regulations, the following rules shall apply:
1. In cases where a boundary line is given a position within a street, alley, or easement, it shall be deemed to be in the center of the right-of-way of the street, alley, or easement. If the actual location of the street, alley, or easement varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.
 2. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
 3. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where bounded approximately by lot lines, said lines shall be construed to be the boundary of such districts unless the boundaries are otherwise indicated on the map or by ordinance.

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4. In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on the Zoning District Map.
5. All water areas within the zoning jurisdiction are considered to be within a zoning district and controlled by applicable district regulations. District boundaries over water areas are located by noted or scaled dimensions, by relation to physical features, by coincidence with Village limit lines, or by a straight line projection of the centerlines of streets as indicated on the Zoning District Map. Straight line district boundaries over water areas shall be assumed to continue as straight lines until they intersect with each other, with Village limit lines or county limit lines.

§ 8.8 – New land area.

Any land hereafter created within or annexed to the corporate area of the Village shall take the classification of "RS-1" - Low Density Single-Family Residential. This shall include the extension of existing bulkhead lines or the creation of islands not contiguous to existing islands.

§ 8.9 – General regulations.

A. Compliance with regulations.

1. No land or water area may be used except for a purpose permitted in the district in which it is located.
2. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or part thereof be used except for a use permitted in the district in which the building is located.
3. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered to exceed the height limit herein established for the district in which the building is located.
4. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the area regulations of the district in which the building is located.
5. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the off-street parking and loading regulations of the district in which the building is located.
6. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the floor area, floor area ratio, or open space ratio regulations of the district in which it is located.

B. Encroachment reduction of lot area. The minimum yards, parking space, and open spaces, including lot area per family, required by these regulations for each and every building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area be reduced below the requirements of these regulations.

C. Accessory buildings; prior construction. No accessory building, structure, or dock shall be constructed upon a lot until the construction of the main use building has actually commenced. No accessory building shall be used unless the main use building on the lot is also being used.

D. Location on a lot required. Every building or structure hereafter erected, moved, or structurally altered shall be located on a lot as herein defined, and except as hereinafter provided, in no case shall there be more than one principal building on one lot.

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DIVISION 2. APPLICATION OF DISTRICT REGULATIONS

§ 8.10 – RS-1 Low Density Single-Family Residential District.

A. Purpose and intent.

The purpose of this District is to provide for low-density single-family residential development in a spacious setting, together with other principal uses as may be approved as use exceptions and such accessory uses as may be necessary and compatible.

B. Uses permitted.

Single-family residential dwellings including duly licensed home occupation.

C. Use exceptions as may be approved under Section 8.19

D. Prohibited uses.

All other uses not specifically or provisionally permitted herein.

E. Site development standards.

1. Minimum lot size:

Area—7,000 square feet

Frontage—70 feet

2. Minimum yard setbacks:

<u>Setback</u>	<u>Distance (Feet)</u>
<u>Front</u>	<u>20</u>
<u>Side (corner)</u>	<u>20</u>
<u>Side (interior)</u>	<u>10</u>
<u>Rear</u>	<u>15</u>
<u>Waterfront</u>	<u>25</u>

The foregoing is applicable except for Lots I through 7 of Block 1 and 1 through 4 of Block 2, respectively, of the subdivision known as North Bay Island, which shall have a minimum waterfront setback of 20 feet.

3. Maximum building height:

Three stories, not to exceed 35 feet above grade.

4. Minimum floor area:

One story—2,000 square feet

Two story—2,600 square feet

§ 8.11 – RS-2 Medium Density Single-Family Residential District.

A. Purpose and intent.

The purpose of this District is to provide for medium-density single-family residential development in a relatively spacious setting, together with other principal uses as may be approved as use

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exceptions and such accessory uses as may be necessary and compatible.

B. Uses permitted.

Single-family residential dwellings including duly licensed home occupation.

C. Use exceptions as may be approved under Section 8.19

D. Prohibited uses.

All other uses not specifically or provisionally permitted herein.

E. Site development standards.

1. Minimum lot size:

Area—6,000 square feet

Frontage—60 feet

2. Minimum yard setbacks:

<u>Setback</u>	<u>Distance (Feet)</u>
<u>Front</u>	<u>20</u>
<u>Side (corner)</u>	<u>15</u>
<u>Side (interior)</u>	<u>7½</u>
<u>Rear</u>	<u>15</u>
<u>Waterfront</u>	<u>25</u>

3. Maximum building height:

Three stories, not to exceed 35 feet above grade.

4. Minimum floor area:

One story—1,500 square feet

Two story—2,000 square feet

§ 8.12 – RM-40 Medium Density Multiple Family Residential District.

A. Purpose and intent.

The purpose of this District is to provide for medium density multi-family residential development, together with other principal uses as may be approved as use exceptions and such accessory uses as may be necessary and compatible. This district is intended to be utilized as a transitional buffer between single-family residences and high density apartments or commercial uses.

B. Uses permitted.

1. Multi-family residential dwellings.

2. Management offices within structures containing eight or more dwelling units.

3. Duly licensed home occupation.

C. Prohibited uses.

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All other uses not specifically or provisionally permitted herein.

D. Site development standards.

1. Minimum lot size.

Area—10,000 square feet

Frontage—100 feet

2. Minimum yard setbacks.

<u>Setback</u>	<u>Distance (Feet)</u>
<u>Front</u>	<u>25</u>
<u>Side (corner)</u>	<u>25</u>
<u>Side (interior)</u>	<u>20</u>
<u>Rear</u>	<u>15</u>
<u>Waterfront</u>	<u>25</u>
<u>Adjacent single family structure</u>	<u>100</u>

3. Maximum density.

Forty (40) efficiency or one-bedroom dwelling units per net acre. The following required amount of lot area per unit shall determine the number of other dwelling unit types permitted.

<u>Unit Type</u>	<u>Required Lot Area (Sq Ft / Unit)</u>	<u>Density (Units/Acre)</u>
<u>Efficiency</u>	<u>1,085</u>	<u>40.1</u>
<u>One-bedroom</u>	<u>1,085</u>	<u>40.1</u>
<u>Two-bedroom</u>	<u>1,200</u>	<u>36.3</u>
<u>Three-bedroom or larger</u>	<u>1,320</u>	<u>33.0</u>

4. Maximum building height.

45 feet or four (4) stories, whichever is less

5. Exclusion of grade level parking from height limitation.

a. A grade level of parking, not exceeding ten (10) feet in height, shall not be included in this height limitation.

b. The grade level parking floor may include other nonresidential uses, including laundry rooms, recreational rooms, storage rooms, and an office for building management.

6. Minimum pervious area: 25 percent of the total lot area shall be retained as pervious area and shall be landscaped and maintained.

7. Minimum floor area.

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<u>Unit Type</u>	<u>Floor Area (Sq. Ft.)</u>
<u>Efficiency</u>	<u>400</u>
<u>One-bedroom</u>	<u>750</u>
<u>Two-bedroom</u>	<u>1,000</u>
<u>Three-bedroom or larger</u>	<u>1,150</u>

E. Single-family homes approved under the provisions of Section 8.19 consistent with the setback provisions of the RS-1 (Low Density Single-Family Residential District).

F. Use exceptions as may be approved under Section 8.19.

§ 8.13 – RM-70 High Density Multiple Family Residential District.

A. Purpose and intent.

The purpose of this district is to provide for high-density multi-family residential structures together with other principal uses as may be approved as use exceptions and such accessory uses as may be necessary and compatible.

B. Uses permitted.

1. Multi-family residential dwellings including duly licensed home occupation.
2. Management offices within structures containing eight (8) or more dwellings units or guest rooms.
3. Office retail and service commercial facilities of an ancillary nature within structures containing 100 or more dwelling units or guest rooms subject to the following conditions:
 - a. Access to such nonresidential facilities shall be only inside the building.
 - b. There shall be no external advertising signs, display windows or entrances, provided, however, that
 - c. Within a building containing 400 or more dwelling units, entrances, external signs and display windows are permitted under the following conditions:
 - (1) The signs do not abut or face a public right-of-way and cannot be read from the public right-of-way;
 - (2) Such external signs shall be affixed flat against the facade or awning canopy of the commercial facility;
 - (3) Such external signs shall not exceed in area ten percent of the area of the facade of the facility;
 - (4) Such external signs shall be compatible as to materials, background and style with all adjacent and contiguous commercial facilities, and
 - (5) Such external signs shall not be self-illuminated, "activated", "animated", "flashing", or "beacon light" signs as defined in Section 11.2 of the ULDC.

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C. Prohibited uses.

All other uses not specifically or provisionally permitted herein.

D. Site development standards.

1. Minimum lot size.

Area—27,000 square feet;

Frontage—75 feet

2. Minimum yard setbacks.

<u>Location</u>	<u>Distance (Feet)</u>
<u>Kennedy Causeway</u>	<u>30</u>
<u>Other street frontages</u>	<u>25</u>
<u>Rear</u>	<u>25</u>
<u>Adjacent single-family district</u>	<u>100</u>
<u>One side (interior)</u>	<u>15</u>
<u>Second side (interior)</u>	<u>20% of the lot width</u>
<u>Total side setback area free of structures at ground level</u>	<u>60</u>

3. Maximum density.

a. Base density. The following table shall determine the number of dwelling units permitted by right.

<u>Unit Type</u>	<u>Required Lot Area (Sq. Ft./Unit)</u>	<u>Density (Units/Acre)</u>
<u>Efficiency</u>	<u>623</u>	<u>70.0</u>
<u>One-bedroom</u>	<u>623</u>	<u>70.0</u>
<u>Two-bedroom</u>	<u>685</u>	<u>63.6</u>
<u>Three-bedroom or larger</u>	<u>750</u>	<u>58.1</u>

b. Bonus density. Bonus density may be approved according to the Transfer of Density Rights program in Section 8.36.

4. Maximum building height.

a. Base height: The maximum building height allowed by right is 150 feet.

b. Bonus height may be approved according to Section 8.35.

5. Minimum pervious area: Twenty percent (20%) of the total parcel. The lot area at grade level shall be retained as pervious area and shall be landscaped.

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6. Minimum floor area:

<u>Unit Type</u>	<u>Floor area (Sq. Ft.)</u>
<u>Efficiency</u>	<u>600</u>
<u>One-bedroom</u>	<u>900</u>
<u>Two-bedroom</u>	<u>1,200</u>
<u>Three-bedroom or larger</u>	<u>1,350</u>

E. Landscaping: Provided according to Miami-Dade Landscaping Chapter 18A.

F. Additional requirements.

All properties developed under the RM-70 Zoning requirements shall provide the following:

1. Public access boardwalk as required by the Miami-Dade County Shoreline Review Committee. (Developer shall dedicate an easement to the Village conveying the boardwalk and a public access corridor according to Section 8.37).
3. A water feature shall be provided in the front of each development.
4. Developments shall comply with existing landscaping requirements, as well as changes implemented in the future to conform to contiguous developments and landscaping plans implemented for the causeway and interior island areas.
5. Developments shall provide streetscape benches along the boardwalk areas.
6. All parking garages shall be constructed with architectural features that hide them from public view (glass, screening, greenery etc.).

§ 8.14 – Undersized parcels in the RM-70 High Density Multiple Family Residential District.

A. Purpose and intent.

This section recognizes that certain parcels exist in the RM-70 District which do not meet the minimum lot size requirements set forth in Section 8.13(D)(1). to permit a building to be erected, converted, enlarged, reconstructed, moved or structurally altered. Some of said parcels are improved and some unimproved. The purpose of this section is to establish criteria whereby undersized parcels may be put to reasonable use, consistent with the Village's Comprehensive Plan for development and in furtherance of a policy which discourages overdevelopment and urban congestion.

B. Uses permitted.

Uses permitted shall be the same as permitted in Section 8.13(B)

C. Site development standards:

1. Minimum lot size:

Area —10,800 square feet

Frontage—30 feet

2. Minimum yard setbacks shall be the same as specified in Section 8.10(D)(2) provided that existing buildings, which were completed prior to April 1, 1983, (existing structures) and were lawfully constructed so that any existing setback encroaches into the setback area prescribed

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by current law but not in excess of 33 1/3 percent of the current setback requirements (nonconforming setback) shall be subject to the provisions of Section 8.14(C)(4) hereafter.

3. Maximum density shall be as prescribed in Section 8.13(D)3 except that
 - a. on minimum undersized parcels of 10,800 square feet in area and frontage of 30 feet, there shall be a maximum of six (6) residential units;
 - b. in the case of undersized parcels which exceed the minimum required lot area of 10,800 square feet and the minimum required frontage of 30 feet, in addition to six (6) units there shall be allowed one (1) unit for each whole 750 square feet of land area in excess of the minimum required lot area of 10,800 square feet
4. Maximum building height on undersized parcels.
 - a. The maximum building height on minimum undersized parcels shall be three (3) stories or 36 feet above code-approved grade, whichever is less.

Except, in the event an existing structure is the subject of a nonconforming setback, the new covered or roofed area of the third floor (if there is one) shall be reduced in area on the basis of one and five-tenths percent (1.5%) of the area of the second floor for each foot of nonconforming encroachment into the setback area.
 - b. The maximum building height on undersized parcels which exceed the minimum required lot area of 10,800 square feet and minimum frontage of 30 feet shall be one (1) floor for each whole 1,750 square feet of land area in excess of the minimum required lot area of 10,800 square feet, not to exceed six (6) stories or 72 feet above code approved grade, whichever is less.
 - c. Provided further, as to buildings newly constructed under the provisions of this ULDC, grade level beneath the building parking not exceeding ten (10) feet in height shall not be included in the height limitation herein imposed.
5. Minimum pervious area: 25 percent of the total lot area shall be retained as pervious area and shall be landscaped and maintained.
6. Minimum floor area shall be as prescribed in Section 8.13(D)(6)
7. Offstreet parking: The offstreet parking requirements as set forth in Sections 9.2 through 9.4 shall apply to buildings under this section except that every dwelling unit, regardless of size, shall require two (2) parking spaces.
8. All Village and County landscaping requirements shall be fully applicable to buildings under this section.

§ 8.15 – Optional Regulations for RM-70 High Density Multiple Family Residential District.

A. Purpose and intent.

The purpose and intent of the Planned Residential Development (PRD) Overlay Zoning District to create a living environment that is responsive to the needs of its residents; to provide flexibility in planning, design, and development consistent with the Village's Comprehensive Plan; to encourage innovative approaches for the design of community environments; to provide for an efficient use of land, to provide an environment compatible with surrounding land use; to adapt the zoning process to changes in development and construction technology; to encourage infill and the redevelopment of the Village's multi-family areas; and to promote the public health, safety and general welfare of North Bay

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Village. The PRD shall be deemed an Overlay Zoning District and shall be approved only after public hearings for a specific site.

B. Compatibility with existing zoning and existing development.

When applying the terms and conditions imposed by this section, the Planning and Zoning Board and the Village Commission shall determine compatibility with already existing zoning for the property subject to the application and shall require applicants for PRD approval to demonstrate compatibility with already existing or approved developments adjacent to the property for which the PRD approval is being sought.

C. Ownership requirements.

The applicant for approval of a PRD shall be either the owner(s) or the contract purchaser or lessee of the entire property encompassed by the PRD application. If the applicant is the contract purchaser or a lessee, then the owner of the entire property shall execute a notarized consent to the filing of the application. The application for approval of a PRD shall not be assignable or transferable to other parties.

D. Development parameters.

All applications for PRD shall comply with the following applicable development parameters:

1. The subject property shall be zoned for RM-70 multi-family use;
2. The subject property shall contain a minimum of one legally platted lot for the construction of no less than ten (10) residential units and twenty (20) off-street parking spaces, or two (2), but not more than three (3), platted lots contiguous, as of the effective date of this section [Jan. 22, 2002];
3. The subject property shall be deemed one (1) parcel of land and in the event that two (2) or more platted lots shall constitute a PRD, the applicant shall submit a Unity of Title in a form acceptable to the Village Attorney;
4. The following definitions shall apply to this section:
 - a. *Floor area ratio (FAR).* Total gross area of a building or buildings, excluding parking garage structure, on any lot divided by the area of the lots.
 - b. *Gross floor area.* Total area of all floors of a building that are enclosed including common areas such as elevators (area of shafts at ground floor only), stairs (except open stairways and enclosed stairways which are means of egress required by the fire department), corridors, interior recreation areas, storage, cabana, lobby, restrooms, etc. All these items are excluded: The garage structure with any required means of egress, and any open but covered walkways, exterior balconies, open decks, and terraces at the recreational area.
 - c. *Pedestal.* Portion of a building that contains the parking level entry lobby, office, manager's unit, storage, mechanical room, recreational facilities, and parking structures.
 - d. *Tower.* Portion of the building that contains residential units, parking structures, and may also include recreational facilities.
5. *Restrictions on floor area.*
 - a. No structure shall contain a FAR of greater than 3.0 for one lot; 3.75 for two lots; and 4.00 for three lots.

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b. No more than one-half of a floor area used for amenities can be allocated for dwelling units.

E. Permitted uses. Multifamily residential and recreational facilities ancillary thereto.

F. Site development standards.

1. Standard Building Setbacks.

a. Setbacks for a new building without pedestal and tower design shall be as set forth in the following table:

<u>Location</u>	<u>Distance (Feet)</u>
<u>Kennedy Causeway (north side)</u>	<u>40</u>
<u>Kennedy Causeway (south side)</u>	<u>60</u>
<u>Other street frontages</u>	<u>25</u>
<u>Rear</u>	<u>25</u>
<u>Adjacent single-family district</u>	<u>100</u>
<u>One side (interior)</u>	<u>15</u>
<u>Second side (interior)</u>	<u>20% of the lot width</u>
<u>Total side setback area free of structures at ground level</u>	<u>60</u>

b. For buildings with pedestal and tower design, the following setbacks shall apply:

1. Front pedestal—20 feet
2. Front tower—25 feet
3. Rear pedestal/tower—25 feet
4. Sides pedestal—Ten feet
 - Tower—One side—15 feet
 - Tower—Other side—20 percent of frontage

2. Flex setback.

Designer has the option to offer creative design solutions to the building configurations and the Village will allow the tower (and pedestal for sites involving only one lot) to encroach into the setbacks as per the following "flex box" criteria.

- a. The aggregate square footage of the floor area encroaching into the setback must be adjusted by deducting it from the buildable "box" allowed under the preceding standard setback regulations
- b. Up to 25 percent (25%) of the square footage of all balconies shown on the plan as encroaching into the setback may be excluded from the calculation of the total square footage of the encroachment.
- c. In no instance is the designer allowed to build more area per floor than what is permitted under the standard buildable "box".
- d. In no instance may any wall length, which encroaches into any side yard setback, be longer than one-third of the length of a wall which is permitted under the buildable "box" and the standard setback regulations. Balconies with railings or

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other physical containment, which do not exceed 42 inches in height are not included in the measurement of the wall length.

- e. The length of wall measurement shall be made at the point of maximum encroachment into the flex setback area.

3. Building height.

- a. No structure shall exceed 170 feet in overall height above base flood elevation (BFE) including all structures for stairways, storage, mechanical, elevator, recreational uses, et cetera. The total area of stairways, storage, mechanical, elevator, recreational uses, et cetera shall not exceed 30 percent of the footprint of the last residential floor.
- b. No structure shall exceed 150 feet from base flood elevation to the roof of the last residential floor and 160 feet for the overall height of the structure except that an elevator shaft may exceed 160 feet in height based on evidence of necessity as a result of requirements for elevator construction.
- c. No Pedestal shall exceed 30 feet in height from grade.

4. Off-street parking for multiple lot sites.

- a. Off-street parking shall be required as set forth for residential uses under Section 9.3(C)
- b. All parking spaces must be screened from ground level view.
- c. All parking spaces must be designed to meet the requirements of Section 9.3.E.
- d. The driveway required in 90-degree parking shall be a minimum of 22 feet zero inches wide.

5. Off-street parking for single lot sites only

- a. Driveways and maneuvering areas shall be designed in order to ensure safe travel in and out of the garage structure. Drives and access ramps are permitted to be smaller than twenty-two (22) feet in width if they are either limited to one-way traffic or designed so that gates or other barriers prevent the entry of more than one vehicle at a time. No drive aisle may be less than 10.5 feet in width.
- b. Notwithstanding the above or the requirements of Section 9.3(E), mechanical parking lifts may be permitted in an enclosed garage structure if approved by the Village Commission through the PRD site plan review process, during which time, the Village Commission shall have the right to determine whether a valet parking program will be required for any new development utilizing mechanical parking lifts. A mechanical parking lift is an automated mechanism that lifts vehicles to make space available to park other vehicles below it in a vertical tandem fashion. Both parking spaces created by a mechanical parking lift may be counted towards the total number of required parking spaces. A mechanical parking structure may be permitted if it meets the following standards:
 - (1) The mechanical parking lifts and the garage structure shall be designed so that the noise or vibration from the operation of the lifts shall not be plainly audible to, or felt by, any individual standing outside on property adjacent to the garage structure. Noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions.
 - (2) All mechanical parking lifts must be installed by the manufacturer or a

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manufacturer approved installer.

- (3) All lifts must be maintained and kept in good working order and must be inspected by a licensed mechanical engineer at least once every six months. A copy of the inspection report must be provided to the Village.
- (4) All free-standing mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage.
- (5) All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift.
- (6) All mechanical lift components shall be Underwriters Laboratories (UL) approved.
- (7) All non-mechanical parking spaces in the garage structure must measure at least nine (9) feet in width by eighteen (18) feet in depth.
- (8) The building owner or condominium association must maintain a service contract with the manufacturer or manufacturer-approved service company at all times to ensure continued operation of lifts. Proof of the service contract must be provided to the Village annually.
- (9) The ceiling height of any parking level with parking lifts within a garage shall be a minimum of 11 feet 6 inches.
- (10) The parking lift platform must be sealed and of a sufficient width and length to completely cover the bottom of the vehicle on the platform to prevent dripping liquids or debris onto the vehicle below.

6. Entrance feature/porte cochere.

- a. A covered/sheltered entrance feature with a vertical clearance of at least fourteen (14) feet shall be permitted to be located up to the front property line.
- b. If loading spaces are provided at this location, 14½ feet of vertical clearance shall be provided.
- c. Columns may be provided to support a porte cochere.

7. Balconies.

- a. Exterior balconies/terraces and covered walkways, excluding rooftops and other non-covered areas, may extend into setbacks a maximum of 25 percent of the allowable setback measurement but may not extend beyond the pedestal setback.
- b. Balconies projecting into setbacks shall be deemed as encroachments herein, but shall not be calculated as part of the floor area ratio.
- c. Notwithstanding anything herein to the contrary, in no event shall the total square footage of balconies exceed more than 25 percent of the total square footage of the buildable box.

8. Landscape requirements. (Refer also to Ch. 18, Miami-Dade Landscape Code.)

- a. A minimum of 30 percent of the exposed roof deck of the pedestal and any open areas with amenities shall be landscaped,

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- b. In addition "hardscape" (pavers, fountains, awnings, etc.) may be permitted if approved by the Village.
- c. An applicant shall be required to submit a detailed landscape plan to the Village. The landscape plan shall be sensitive to surrounding properties and shall be utilized to enhance the subject property.

9. Minimum Unit size. All units shall comply with the minimum size requirements as follows:

<u>Unit Type</u>	<u>Floor Area (Sq. Ft.)</u>
<u>Efficiency</u>	<u>600</u>
<u>One-bedroom</u>	<u>900</u>
<u>Two-bedroom</u>	<u>1,200</u>
<u>Three-bedroom or larger</u>	<u>1,350</u>

G. Application procedure. The applicant shall submit an application to the Village Manager, or his/her designee, on a form(s) prescribed by the Village Manager. The Village Manager shall require at least the following information which shall be considered the PRD application:

- 1. Letter of intent;
- 2. Payment of \$5,000.00 development review application fee for each application submitted. Fees incurred by the Village for special planning and/or legal consultant services during the development plan approval process shall be reimbursed to the Village by the applicant;
- 3. A detailed site plan showing dimensions of building(s), structure(s), setback(s), open space(s), landscaping and off-street parking. The landscaping plan shall provide buffering and/or masking of all parking facilities;
- 4. Proposed floor plans and elevations (including signage) for all buildings and structures encompassing the size, placement and number of units;
- 5. A complete list of uses and the square footage for each use;
- 6. A certified copy of a land survey;
- 7. Detailed calculations of water consumption increase and calculation of wastewater;
- 8. Any other documentation as the Village Manager, or his/her designee, reasonably determines is necessary to properly review the proposed project; and
- 9. Within ten days prior to the Planning and Zoning Board public hearing, the applicant shall furnish to the Village Manager, or his/her designee to make available for viewing
 - a. an architectural model built to scale and photographs depicting same or a
 - b. digital model on DVD depicting the proposed lot and structure including elevations all in relation to adjoining properties and structures thereon.
 - c. Said model shall be retrieved by the developer within thirty (30) calendar days following the final public hearing before the Village Commission, and the DVD and photographs depicting the model shall become a part of the public records.
 - d. Said model shall demonstrate the proposed structure as well as existing structures on either side. The applicant shall affirmatively demonstrate that all setbacks for the

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new structure shall not conflict with the existing or approved structure on either side of the proposed structure.

H. Public hearing procedure. At a public hearing, the applicant shall have the burden of proof in demonstrating that the PRD application complies with the purpose and intent of the PRD ordinance. In determining whether to grant approval of the PRD application, with or without appropriate and necessary conditions and safeguards, the Planning and Zoning Board and Village Commission shall determine whether the application complies with the purpose and intent of this section and shall make the following findings:

1. Whether the application is consistent with the Village's Comprehensive Plan.
2. Whether the proposed development will have a favorable effect on the economy of the Village.
3. Whether the proposed development application will generate or result in excessive noise or traffic.
4. Whether the proposed development will cause an undue or excessive burden on public facilities and services, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities, which have been constructed, or which are planned or budgeted for construction.
5. Whether the proposed development will tend to create a fire hazard or other dangerous conditions.
6. Whether the proposed development will cause excessive overcrowding or concentration of people or population that would create evacuation concerns.
7. Whether the proposed development will be compatible with the surrounding area and its development, and will demonstrate innovative design in order to minimize impact on surrounding properties.
8. Whether the proposed development is a reasonable use of the property and results in a public benefit including, but not limited to, the enhancement of the subject real property and/or the redevelopment of structures in deteriorated or poor condition.

I. Legal effect of PRD.

1. Notwithstanding anything in the Code to the contrary, the approval of a PRD application shall be deemed an Overlay Zoning District to the existing zoning of the property.
2. The approved PRD application shall encompass the approved development and the development regulations applicable to the property, and shall not be subject to any variances as may be required by other sections of this Code.
3. However, the Village Commission shall be prohibited from approving a PRD application that would increase the intensity, density or height above that which is permitted in these PRD regulations.
4. In the event that the owner wishes to modify an approved PRD application in any fashion which would increase the amount of square footage of the building(s) or lessen landscaping or open space, or create an undue burden on any public facilities, a new PRD application shall be filed and shall be subject to the terms and conditions of this section.
5. In the further event that the owner shall not begin development pursuant to the approved PRD application for a period exceeding 12 months, the PRD designation shall lapse and the Overlay Zoning District for the subject property shall terminate.

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6. The Village Commission shall have full authority to approve, approve with modifications, or deny a PRD application based upon its legislative determination that the application, as proposed or modified, serves and protects or does not serve and protect the public health, safety and welfare to at least an equivalent degree as the underlying zoning. Likewise, the Village Commission shall have authority to impose reasonable conditions and safeguards necessary to protect the public health, safety and welfare upon the approval of any PRD application.
7. Nothing contained in this section shall supersede or abrogate the express provisions of the Village's Comprehensive Plan, and all development orders issued by the Village shall not exceed the density limitations imposed by the Village's Comprehensive Plan. It shall be the duty of the Village Manager, or his/her designee, to advise the Village Commission whether any individual application will cause the density to exceed any density restrictions imposed by the Village's Comprehensive Plan.

§ 8.16 – CG General Commercial District.

- A. Purpose and intent. The purpose of this district is to encourage the development of general office, retail, service commercial, tourist accommodations, and commercial-residential mixed use.
- B. Uses permitted:
 1. Bank or financial institution.
 2. Clinic, urgent care, or hospital.
 3. Dry cleaning substation or laundromat.
 4. Lounge or nightclub (subject to the provisions of Chapter 111 of the Village Code).
 5. Medical or dental office/laboratory.
 6. Personal services establishments, including but not limited to shoe repair, barber and beauty shop, stock brokerage, employment agency, travel bureau, and messenger service.
 7. Post office.
 8. Professional offices, including but not limited to architecture, accounting, engineering, investigative, investment and tax counseling law, medicine, and real estate.
 9. Mixed use multi-family and commercial structures.
 - a. Residential multifamily dwellings are permitted only in conjunction with permitted commercial uses.
 - b. Redevelopment of existing commercial uses will not be allowed unless the new development contains a commercial building square footage equal to at least fifty percent (50%) of the existing commercial use.
 10. Tourist accommodations including hotels, motels, vacation rentals, and time sharing units.
 11. Restaurants, coffee shops, delicatessens and fast order food establishments (excluding any form of drive-in or drive-thru service regardless of the type of establishment; unless granted special use exception as provided for in Section 8.16(C)(1) and Section 8.19. Outdoor seating/dining shall be subject to the requirements and conditions in Section 8.28.
 12. Retail sales establishments, including but not limited to the sale of appliances, books, stationery, drugs, hardware, liquor, groceries, meats, produce and fish; however, such retail

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sales shall be restricted to merchandise stored and displayed within the main structure.

13. Radio and television transmitting station and studio.
 14. Storage facilities in connection with permitted uses or non-industrial mini-storage facilities in conjunction with other retail, commercial or mixed uses, including the rental of motor vehicles and trailers consistent with off-street parking restrictions (Section 9.6(A)) for self-hauling purposes and the storage of said vehicles on premises, subject to site plan approval by the Village Commission; provided, however, that all such material, including waste and cooling systems and the above described motor vehicles and trailers shall be stored or erected entirely within the walls of a building. Such rental vehicles shall not be over 30 feet in length. Parking shall be provided for the storage facility portion of any mixed use facility at the rate of one space for every 8,000 square feet of storage area.
 15. Studios for artists, photographers, sculptors, or musicians, including: the teaching of art, music, dancing, or artistic instruction.
 16. Daycare or nursery
 17. Repair service establishments (shoes, watches, appliances, and other similar uses)
 18. Gym or fitness center
 19. Commercial parking lot
 20. Business, vocational, and trade schools
 21. Pharmacy
 22. Animal hospital, grooming, and/or kennel
 23. Funeral home or mortuary
 24. Art gallery
 25. Religious institution
 26. Lodges, fraternal organizations, and union halls
- C. Special uses permitted. Uses permitted upon approval of the Village Commission in accordance with the provisions pertaining to use exceptions (See Section 8.19).
1. Drive-thru or drive-in service.
 2. Marinas, provided that the following provisions are adhered to:
 - a. No docks or piers, including mooring piles, catwalks, and other appurtenances, shall be constructed closer than 7.5 feet to any adjacent property line.
 - b. In no case shall a dock or pier project more than ten percent into the width of any waterway.
 - c. Fire prevention and fire control equipment shall be provided as required by the South Florida Building Code.
 - d. In conjunction with the dockage of moorage of vessels, the following water-related activities, vessels and structures are prohibited:
 - (1) Commercial vessels.
 - (2) Haul-out facilities for major boat repair or overhaul work.
 - (3) Unscreened storage of boating supplies or accessories in the required front yard

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setback area.

- (4) Permanent live-aboard vessels except as required for work or security purposes.
3. Printing and publishing establishments, including blueprinting and photostating, provided that no such use shall occupy more than 1,500 square feet of gross floor area.
4. Service stations, provided that the following provisions are adhered to:
 - a. All structures shall be designed in a manner that is compatible with the overall environmental and architectural design goals of the community.
 - b. All properties shall have at least 150 feet of frontage.
 - c. All new and used merchandise shall be stored and displayed within the main structure except tires, accessories, and lubrication items, which may be maintained in movable or enclosed cabinets.
 - d. No used or discarded automotive parts or equipment or permanently disabled or wrecked vehicles shall be located outside the main structure except within an enclosed trash storage area.
 - e. Major repairs or engine overhauling or transmission repair, painting, body and fender repair, and tire recapping is not permitted.
 - f. The rental of heavy equipment and the sale or rental of merchandise not related to the motoring public, other than as specified herein, is excluded.
 - g. The storage of up to ten rental trailers or automobiles is permitted, provided that the trailers or automobiles are backed up against a six-foot high wall, and located not less than 20 feet from any sidewalk, street, or driveway.
 - h. Car washes are permitted as an ancillary use subject to being located 200 feet from residential uses and subject to hours of operation.
 - i. Trash shall be stored in areas shielded from public view. Storage trash containers shall be enclosed and covered.
 - j. Any lights provided to illuminate or advertise the service station, shall be installed and maintained in a manner so as not to create an undue glare on adjacent properties.
 - k. Structures shall not occupy more than 30 percent of the total lot area.
 - l. Driveways shall be permitted at the intersections of primary and secondary arterials, provided the construction of driveway entrances is within the curb return, but shall be at least five feet beyond the end of the curb return. At all intersections, whenever possible, combine driveways servicing both service station and adjacent uses, shall be designated and provided.
 - m. Planter areas and tree wells shall be constructed and equipped with irrigation and drainage facilities and landscaped prior to final building inspection.
 - n. Whenever the use abuts a residential district, a wall shall be erected along the property line eight feet in height.
 - o. Service stations shall not be permitted within 300 feet of the property line of any church, synagogue, hospital, and school.
 - p. No more than four service stations shall be permitted within the Village at any one time.
5. Theaters for the showing of motion pictures shall provide no less than 400 fixed seats.

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When the theater is to be used solely for activities of a performing art, or an event of a cultural or civic nature, a lesser number of seats may be required by the Commission.

6. Yacht clubs, provided they have a minimum of 150 feet of water frontage and no main building is less than 4,000 square feet in gross floor area.

D. Prohibited uses. Boat storage facilities utilized for the purpose of storing boats shall be prohibited in the CG (General Commercial) District.

E. Site development standards.

1. Minimum lot size:

Area: 10,000 sf

Frontage: 75 feet

2. Minimum yard setbacks:

<u>Location</u>	<u>Distance (Feet)</u>
<u>Kennedy Causeway</u>	<u>30</u>
<u>Other street frontages</u>	<u>25</u>
<u>Rear</u>	<u>25</u>
<u>One side (interior)</u>	<u>15</u>
<u>Second side (interior)</u>	<u>20% of the lot width</u>

3. Maximum building height:

a. Base height: The maximum building height allowed by right is 150 feet.

b. Bonus height may be approved according to Section 8.35.

4. Maximum FAR: Maximum floor area ratio for all commercial uses is 3.0. Areas used for parking shall not be counted towards maximum FAR. Hotels and motels are considered commercial uses.

5. Maximum residential density:

a. Base density. The following table shall determine the number of residential dwelling units permitted by right.

<u>Unit Type</u>	<u>Required Lot Area (Sq. Ft./Unit)</u>	<u>Density (Units/Acre)</u>
<u>Efficiency</u>	<u>623</u>	<u>70.0</u>
<u>One-bedroom</u>	<u>623</u>	<u>70.0</u>
<u>Two-bedroom</u>	<u>685</u>	<u>63.6</u>
<u>Three-bedroom or larger</u>	<u>750</u>	<u>58.1</u>

b. Bonus density. Bonus density may be approved according to the Transfer of Density Rights program in Section 8.36.

6. Minimum pervious area: 20 percent of the total parcel. The lot area at grade level shall be retained as pervious area and shall be landscaped.

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7. Landscaping: Shall be provided according to Miami-Dade Landscaping Chapter 18A.
8. Minimum floor area:

<u>Unit Type</u>	<u>Floor area (Sq. Ft.)</u>
<u>Hotel or Motel</u>	<u>200</u>
<u>Efficiency</u>	<u>600</u>
<u>One-bedroom</u>	<u>900</u>
<u>Two-bedroom</u>	<u>1,200</u>
<u>Three-bedroom or larger</u>	<u>1,350</u>

§ 8.17 – Bay View Overlay District.

A. General requirements.

1. Purpose and intent. The BVO District is intended to encourage taller, narrower, mixed use buildings on commercial lots on the north side of Kennedy Causeway where such lots front directly on, and provide unimpeded views north to Biscayne Bay. As such, this district provides the opportunity for development and redevelopment of mixed use residential buildings at greater heights than are otherwise permitted in the CG Zoning District if certain requirements are met. In order to provide incentives for re-development and streamline the development approval process, the BVO District has been pre-designated on the official zoning map. Application of the development incentives available in the BVO District to individual properties will be reviewed and approved by the Planning and Zoning Board and Village Commission concurrently with the site plan approval process.
2. Applicability.
 - a. The BVO District provides for an optional set of development regulations that may be voluntarily employed in the mixed use development of lands located within geographic limits of the BVO District shown on the official zoning map.
 - b. All regulations of the underlying zoning district that are not otherwise addressed in these regulations shall apply. Where the underlying zoning district and the BVO District both apply, the BVO District shall govern.
 - c. If a property owner should elect not to develop under these optional regulations, only the regulations of the underlying zoning district shall apply.
3. Procedure.
 - a. BVO standards review. Applications to use the development standards provided in the BVO District shall be processed concurrently with all other required development applications. At a minimum, the following applications are necessary and shall be considered in the following order:
 - (1) Building height bonus review to 300 feet pursuant to Section 8.35;
 - (2) Bay View Overlay District standards review; and
 - (3) Site plan review required.
 - b. Approval. Applications require approval by the Village Commission following a single public hearing and a recommendation from the Planning and Zoning Board. In order to

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approve an application, the Village Commission shall find that the development proposed:

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

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

C. Building heights. A building height of up to a maximum of 400 feet may be proposed under the following conditions:

1. Lots over 500 feet in depth. For parcels where the lot depth is more than 500 feet, the following conditions shall apply:
 - a. The property is approved for a building height of 300 feet under the building height bonus provisions of Section 8.35.
 - b. The portion of any building that is more than 300 feet in height must be set back from the front property line by a distance that is not less than half the height of said portion of the building, with a maximum required front setback of 340 feet.
 - c. If any portion of a building on the site exceeds 300 feet in height, no part of any building on the site may be closer to either side property line than a distance equal to 20 percent of the width of the lot.
2. Lots under 500 feet in depth. For parcels where the lot depth is less than 500 feet, the following conditions shall apply:
 - a. The property is approved for a building height of 300 feet under the building height bonus provisions of Section 8.35.
 - b. The entire portion of a building that is more than 300 feet in height must be set back from the front property line by a distance that is at least 40 feet, plus one foot for each two feet of highest building height in excess of 300 feet, for a maximum front setback of 60 feet.
 - c. If any portion of a building on the site exceeds 300 feet in height, no part of any building on the site may be closer to either side or property line than a distance equal to 20% of the width of the lot.

§ 8.18 – Government Use District.

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

B. Uses permitted:

1. Government owned facilities
2. Government operated facilities

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

D. Site development standards

1. Minimum lot size

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

2. Minimum yard setbacks

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

3. Maximum building height: 150 feet

4. Minimum pervious area: Fifteen percent of the total parcel

§ 8.19 – Use exceptions

A. Purpose and intent.

In order to provide for adjustment in the relative locations of uses and buildings of the same or of different classifications; to promote the usefulness of these regulations as instruments for fact-finding, interpretation, application, and adjustment; and to supply the necessary flexibility to their efficient operation, use exceptions are permitted by these regulations.

B. Use exceptions permitted.

The Village Commission may permit the following buildings and uses as use exceptions, provided there are clear indications that such exceptions will not substantially affect adversely the uses permitted in these regulations of adjacent property.

- 1. Structural alterations to special uses, after these uses are approved by the Village Commission.
- 2. Other special uses as may be enumerated in specific zoning districts.
- 3. Assisted living facility or nursing facility.
- 4. Temporary sales/marketing office approval for no more than 12 months.
- 5. Farmers' market

C. Expiration of use exception.

After the Village Commission has approved a use exception, the use exception shall expire after two years, measured from the date of final Commission action, if no substantial construction or change of use has taken place in accordance with the plans for which the use exception was granted.

D. Reapplication for use exception.

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No application for a use exception shall be filed less than one year after the date of disapproval by the Village Commission of an application for a use exception involving the same land or any portion thereof.

DIVISION 3, SUPPLEMENTAL USE REGULATIONS

§ 8.20 – Accessory Uses and Structures

The following accessory uses and structures shall be permitted when such uses or structures are ancillary, in connection with, and incidental to, the principal use or structure allowed within the zoning district in which the principal use or structure is located.

A. Permitted accessory uses by zoning district

1. In all residential districts:

a. Private garages or carports provided:

(1) No solid wall exterior facades or enclosures are allowed;

(2) Enclosures must create window facades proportional to the existing windows at the front of the home;

(3) A landscaped area is created in front of the enclosed garage to a depth of 24" inches and covering the width of the original garage opening; and

(4) Such greenspace shall be cut out from any existing driveway material that may run up to the new enclosure, or enclosure may maintain a garage door facade.

b. Private swimming pools, cabanas, whirlpools, saunas, spas and hot tubs.

c. Private tennis, basketball or volleyball courts or other similar outdoor recreational uses.

2. In all zoning districts

a. Television and radio antenna structures, except for those of a microwave relay or transmission nature, subject to the provisions of Section 8.34.

b. Caretaker or watchman quarters when such quarters are associated with an active construction project.

c. Storage structures, provided no structure exceeds 150 square feet in gross floor area and is not more than 12 feet high from grade.

d. Doghouse, pens, and other similar structures for the keeping of commonly accepted household pets, provided, however, the requirements of Sections 91.03 and 91.10 through 91.12 of the Village Code of Ordinances are complied with.

e. Disaster Shelters

B. Special Regulations. The following regulations shall apply to all accessory uses and structures:

1. No accessory structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

2. All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which they are located

3. All accessory uses and structures shall comply with the site development standards applicable in the zoning district in which they are located, unless specifically authorized otherwise herein.

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4. All accessory uses shall be arranged and maintained so as not to encroach into any required yard setback area, unless specifically authorized otherwise within the provisions of this chapter.
5. All accessory structures shall comply with all provisions of the South Florida Building Code, as amended.

DIVISION 4, SUPPLEMENTAL DEVELOPMENT STANDARDS

§ 8.21 – 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.
 2. Continuous awnings over several stores are prohibited.
 3. 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.
 4. High gloss vinyl (plastic) awnings, backlit, and metal 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.
 5. Metal awnings should be contemporary in design and shall be subject to the same restrictions and guidelines as other awning materials.
 6. Awnings shall be maintained in good repair, free from tears, fading or peeling.
 7. Awnings may be supported by poles and connected to the building underneath.
 8. Awnings needing vertical support columns are prohibited in the setback area.
 9. The awnings on corner buildings shall continue around the corner for compatibility with building form and pedestrian patterns, wherever possible.
 10. 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 eight feet above the sidewalk.
 11. 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.

§ 8.22 – Boats, docks and piers

- A. Boats, docks and piers. Dockage space and facilities for the mooring of pleasure boats, yachts and other noncommercial watercraft may be permitted in any residential district on any waterway as an

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accessory use, provided that:

1. No boat may be used or maintained for overnight sleeping or living purposes or as a place of residence.
2. No boat may be used for any commercial purpose.
3. Docks shall be constructed and permitted according to Section 9.12.
4. Temporary piers, floating docks, or similar temporary moorings are prohibited.
5. All the regulations, standards, and requirements of Chapter 150 and Section 9.12 of the Village Code shall be complied with.
6. Barges and vessels shall be permitted in residential districts only for loading, unloading and on-site construction, in compliance with Chapter 150 and Section 9.12.

§ 8.23 – Clotheslines

No clotheslines, drying racks, poles, railings, or other similar devices for hanging clothes, rags, or other fabrics shall be erected or maintained in a front or corner side yard.

§ 8.24 – Construction materials on premises before permit issued; removal of materials

- A. Construction materials and equipment shall not be deposited on any premises, lot, or proposed building site in any district prior to the obtaining of a building permit as required herein.
- B. Surplus materials and construction equipment shall be removed from the premises if the job is abandoned, and before occupancy of the completed structure will be permitted.

§ 8.25 – Dumpster Enclosures

- 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 new construction or rehabilitation valued at more than 30 percent of the building value as determined by the building official:
 - a. Restaurant and/or drinking uses, trash and garbage facilities shall be within an enclosed, air-conditioned garbage room; and
 - b. Commercial, office or multifamily uses, trash and garbage facilities shall be within an enclosed, cross-ventilated garbage room.
 2. When located outside of the building, the trash and garbage facilities shall be enclosed within a decorative CBS, wood, metal or recycled products material, opaque structure. The structure (including opaque gates) shall be painted or finished to match the building appearance. No such containers shall be kept, utilized, left stored or maintained in front of any principal structure, except on collection day.
 3. Dumpster enclosures shall be located in visually obscure areas of the site and shall be designed in a manner as to visually screen the dumpster from adjacent view, and shall include a dumpster locking device on containers that include food waste to prevent access to the

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dumpster by birds or rodents.

4. 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.
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.
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.
7. Service bays, ground-mounted air conditioning units, and other mechanical equipment shall be screened from public and on-site pedestrian view, and buffered.
8. Exterior service bays and delivery areas should not be used for the storage of vehicles or materials.

§ 8.26 – Fences, Walls, and Hedges

A. When required

1. An eight-foot high wall, hedge, or fence shall be required along all side and rear commercial property lines which are contiguous to a residential zoned property, subject to vision clearance requirements established elsewhere in this section.
2. All permitted outdoor storage areas in multifamily residential and commercial zones shall be visually screened from public view by an eight-foot high solid wood or masonry fence or wall.
3. Fences or walls to be built in connection with other permitted recreational uses such as baseball backstops, tennis courts, handball courts, and the like shall be permitted at the height necessary for the particular use.
4. All vacant lots adjacent to Kennedy Causeway shall be hedged along that portion of the lot which is adjacent to Kennedy Causeway.
 - a. The hedge shall not exceed four feet in height and not be lower than two feet in height and shall be of sufficient thickness and density so as to provide a physical barrier similar in effect to a fence.
 - b. The hedges shall be continuously and regularly trimmed, and any dead plants, or plants which fail to bear leaves, shall be regularly and timely replaced.
 - c. The remainder of the lots shall be fenced or hedged so as to prevent the unauthorized entry of motor vehicles thereon.
5. Concrete Block Walls. No fence, solid contiguous wall or ledge consisting of blocks or concrete shall be erected, constructed, installed or maintained in any manner parallel to the 79th Street Causeway.

B. Prohibitions

1. No fence, wall, or hedge may be constructed, installed, or maintained within six feet of any fire hydrant or other emergency apparatus.
2. No fence, wall, or hedge may be constructed, installed, or maintained which in any manner creates a visual obstruction to vehicular traffic. In no event shall any fence which obstructs or obscures vision, or any wall or hedge exceed four feet in height within 30 feet of the intersection of official right-of-way lines.

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3. No wall or fence shall exceed five feet in height within any required front yard setback, and shall not create a visual obstruction to pedestrian or vehicular traffic. For fences on corner lots, both street frontages shall be considered front yards. Additionally:
 - a. Landscaping shall be required on the street side of any such wall or fence, with at least a 2 foot deep landscape bed;
 - b. Any concrete wall or concrete block wall shall be sustained in a finished condition.
4. Hedge heights shall not exceed twelve (12) feet in height in the front, rear and side setbacks in the RS-1 and RS-2 Districts, provided that:
 - a. Such hedges do not interfere with vehicular traffic or visibility on public rights-of-way;
 - b. Such hedges are neatly trimmed;
 - c. The property owner responsible for planting the hedge shall maintain the entire hedge, including the sides facing the neighboring properties in order avoid any hindrance to said neighboring property.
 - d. Hedge planting is strictly prohibited within the Village right-of-way or easement area, except as provided for in Section 8.26(B)(8).
5. Walls and fences in the rear and side setbacks shall not exceed a height of six feet.
6. No chain link, wire or cable fencing or fences similar in appearance to any of the foregoing, will be permitted within front setbacks. (This includes all areas past the front edge of the house running towards the street.)
7. Ornamental entrances, fountains, plant containers, and similar architectural features exceeding the wall height restriction will be permitted, provided that:
 - a. No such feature shall exceed in height the wall height restriction for that district plus three feet; and
 - b. There shall be only one such feature in any front, side or rear yard, except that there may be two entrance gates.
8. Planting of vegetation in easement areas shall conform to the following:
 - a. No trees may be planted within any easement or public right-of-way area as shown on the recorded plats of the various subdivisions of the Village ("easement areas").
 - (1) Nothing in this section shall be construed to prohibit the planting of low growth landscaping in the easement or right-of-way areas ("easement landscaping").
 - (2) Easement or right-of-way landscaping is subject to removal by the Village without notice in the event that this landscaping impedes access to these areas. The Village shall not be responsible for damage to the removed landscaping;
 - (3) Prior to planting such easement landscaping in easement areas, the property owner shall execute a permission for removal, release and indemnification agreement, in a form acceptable to the Village, pertaining to such easement.
9. For single family properties on North Bay Island. The linear footage of any property's street front Village easement or right-of-way area must maintain a greenspace (pervious) area whereby the permissible paved area is to be limited to only 40 percent of that total linear footage.
 - a. The protected greenspace shall be restricted from any paving materials including but not limited to asphalt, concrete, brick, pavers, gravel or solid cover of mulch.

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b. The depth of that protected pervious area must be maintained at full easement depth from the street to the property boundaries.

c. Any paving of the property frontage beyond the easement area (within front yard), and greater than 40 percent of the permitted linear footage must create a green landscape facade to decrease the sight line of that paved surface from the street view.

10. For single family properties on all islands.

a. Front yard area may be paved up to 40 percent of the total linear footage.

b. The balance of footage may only be paved if a greenspace is created between the Village's sidewalk and the paved area, for a depth of no less than 48 inches, and heavily landscaped to create green landscape facade to decrease the sight line of that paved surface from the street.

11. Nonconforming uses of land. The lawful use of land existing at the time of the passage of this ordinance or an amendment thereto, although such uses do not conform to the provisions of this ordinance, may be continued subject to the following provisions:

a. Front yard areas may not be increased in paved areas.

b. All rights and obligations subject to the nonconforming use of the land run with the land and are not personal to the present owner or tenant of the nonconforming use of land and are not affected by a change in ownership or tenancy.

C. General requirements

1. Construction and materials.

a. No fence or wall may be constructed of materials which will be hazardous to the health, safety, or welfare of persons or animals.

b. Fences which are erected with sheathing, pickets or slats on one side only shall have such materials placed on the side of the fence facing the adjacent property in such a manner as to conceal the structural elements of the fence from off premises view.

c. Walls or fences constructed of concrete block shall be constructed so that the side facing away from the property on which the wall or fence is located shall be finished with stucco or some other approved material.

2. Maintenance. All fences, walls, and hedges shall be maintained in a safe, attractive, and non-hazardous condition.

a. Hedges shall not extend over or into the public right-of-way for the full height of the hedge.

b. Maximum height.

(1) No fence or wall shall exceed six feet in height and no hedge shall exceed six feet except as may be permitted or further restricted elsewhere in this section.

(2) The height of a wall, fence, or hedge shall be the vertical distance measured from the average elevation of the finished building site to the top of the wall, fence, or hedge.

(3) The average elevation shall be measured along the wall, fence, or hedge line that the same is to be placed.

(4) The land within the area which the wall, fence, or hedge is to be placed may not be increased or decreased to effect the permitted height unless the entire building site is to be graded to level off this area.

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- D. Temporary fence around construction site. Nothing in this section shall be deemed to prohibit the erection and maintenance of a temporary fence around construction sites on which actual construction activity is taking place pursuant to a valid active building permit.
1. The fence may exceed the height limitations in this zoning code if the fence is constructed of solid wood (or plywood) and is decorated in an attractive and artful design as shall be determined by the Village Commission or appropriately designated board.
 2. In no event shall the fence exceed eight feet in height.
 3. Chain link fences shall not be the permitted around construction sites unless screening is used with the chain link to conceal construction materials from outside view.
- E. Existing nonconforming fences and/or walls; removal.
1. Intent. It is the intent of this division to recognize that the eventual elimination of existing fences, that do not conform with the provisions of this chapter, in as expeditious a manner as is reasonable, is as much a subject of the health, safety, and welfare of the citizens of the Village as is the prohibition of new fences that would violate the provisions of these regulations. It is also the intent of this division that there shall not be any unreasonable burden upon established private property rights.
 2. Continuance. Subject to the amortization schedule below, a nonconforming fence may be continued and shall be maintained in good condition, but shall not be:
 - a. Enlarged or changed to another nonconforming fence.
 - b. Reestablished after its removal.
 - c. Reestablished after being damaged or deteriorated whereby the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost.
 3. It shall be the responsibility of the Code Enforcement Officer to make an inventory and a record of all nonconforming fences and to serve notice on the owners or users of such fences within 30 days after the adoption of these regulations. The period of nonconformity shall nonetheless begin as of the date of the passing of this division. The inventory shall include the following:
 - a. Owner.
 - b. Type of fence
 - c. Location.
 - d. Reason for classification as nonconforming.
 - e. Date fence was erected.

§ 8.27 – Height Exceptions

Church steeples, bell towers, chimneys, tanks, decorative features, elevator lift housing, air conditioning units, or other mechanical or functional features may exceed zoning district height requirements, except as may be otherwise stipulated herein.

§ 8.28 – Outdoor dining and sidewalk cafes

Outdoor restaurants, bars or sidewalk cafés must be associated with an adjacent licensed restaurant and comply with all other zoning regulations and conform to the following criteria:

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- A. An application must be filed with the Village Manager, or his/her designee, for administrative review and approval, which shall include:
 - 1. Layout of all tables, chairs, benches, and other furniture;
 - 2. Pedestrian ingress and egress;
 - 3. Location of refuse containers; and other elements necessary to illustrate the proposed outdoor seating/dining use and area (all drawings must be titled, indicate orientation, and be at an acceptable scale).
- B. Outdoor seating/dining areas and uses of the public right-of-way and/or any private property may be approved, denied, or approved with conditions, modifications, safeguards, or stipulations appropriately and reasonably related to the intent, purposes, standards, and requirements of the related regulations by the Village Manager.
 - 1. Such permit shall not be transferable in any manner and is strictly a conditional use permit, issued for a period of one year, renewable annually via payment of the annual occupational license fee for such outdoor seating/dining uses.
 - 2. The fee for outdoor dining/seating use and area will be charged annually in the amount of \$250.00; the permit fee shall be added to the occupational license fee for the main business.
- C. The applicant shall provide an indemnity agreement that is acceptable to the Village Manager. This agreement will include specification of liability insurance to be provided.
- D. The conditional use permitting of outdoor seating/dining use and area may be revoked by the Village Manager or his/her designee, upon finding that:
 - 1. One or more conditions of these regulations have been violated, or
 - 2. That the outdoor seating/dining area and use are being operated in a manner that constitutes a public nuisance, or in any way that constitutes a reasonable risk of potential liability to the Village.
- E. Outdoor seating/dining use and area may be temporarily suspended by the Village for public use/purpose, utility, sidewalk or road repairs, emergency situations, or violations of provisions contained herein.
 - 1. The length of suspension shall be determined by the Village Manager as necessary.
 - 2. Removal of all street furniture and related obstructions shall be the responsibility of the owner/operator of the outdoor seating/dining.
- F. Outdoor seating/dining area shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris. The applicant shall be responsible for daily cleaning and sweeping of the outdoor seating/dining area and for the cleanliness and maintenance of any outdoor planters immediately adjacent to the outdoor seating/dining area.
- G. Use of Village sidewalks for trash and garbage removal shall be prohibited.
- H. Outdoor seating/dining use and area shall not interfere with the free and unobstructed pedestrian or vehicular circulation of traffic, public access to any street intersections, crosswalks, public seating areas and conveniences, bus stops, alleys, service easements, handicap facilities, or access to any other commercial establishments.
- I. If there is seating on one side of the sidewalk, a minimum of five feet of sidewalk must remain clear and unobstructed for pedestrian passage;
- J. Outdoor seating/dining area on the public rights-of-way shall be open and unenclosed. No building

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structures of any kind shall be allowed in and over any portion of the outdoor seating/dining area located on public property.

- K. Tables, chairs and all other furniture used in the operation of an outdoor seating/dining area shall not be anchored or restrained in any manner.
- L. Individual table umbrellas, planters, or other such non-stationary elements may be permitted within the outdoor seating/dining area and where applicable, shall have a minimum clearance height of seven feet above grade.
- M. Outdoor seating/dining use and area shall be restricted to the length of the sidewalk or public right-of-way immediately fronting the cafe or other establishment
- N. Outdoor seating/dining area shall be at the same elevation as the adjoining sidewalk or public right-of-way.
- O. Carts and trays for serving food are permitted in the outdoor seating/dining area.
- P. Outdoor seating/dining use and area shall not be provided with amplified sound of any kind.
- Q. Outdoor seating/dining areas may serve alcoholic beverages where such service is strictly incidental to the service of food and from a service bar only; provided:
 - 1. No entertainment of any kind is furnished.
 - 2. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within.
- R. Any administrative decision may be appealed to the Village Commission in accordance with the requirements of this Code.
- S. The hours of operation shall coincide with that of the primary restaurant.
- T. Placement of tables, chairs and related equipment shall be situated to ensure that a minimum of five feet straight pathway on the sidewalk is maintained at all times as an unobstructed pedestrian path.
- U. Serving through windows is not permitted.
- V. Food preparation shall only occur in the enclosed restaurant.
- W. Because tables provide sufficient advertisement, no additional signs for sidewalk café are permitted.
- X. Outdoor furniture shall be substantial enough not to blow over with normal winds.
- Y. All outdoor furniture and fixtures shall be tastefully compatible and approved by the Planning and Zoning Official.
- Z. All disposable table materials such as plates, glasses, and napkins shall be imprinted with the name of the café (stickers may be used). This regulation is to control litter.
- AA. Sidewalk cafés shall receive a revocable permit subject to the procedures established by the Village.

§ 8.29 – Recreational and camping equipment

Recreational and camping equipment in the form of travel and camping trailers, truck trailers, and motor travel homes, designed and used as temporary living quarters for recreation, camping, or travel use may be parked in the open on sites containing single-family residences, subject to the following

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conditions:

- A. No more than one piece of recreation or camping equipment shall be parked on the site.
- B. Such parking shall be limited to the equipment owned or leased by the owner-occupant or occupant-lessee of the site concerned, or owned or leased by a bona fide out-of-Dade County house guest of the occupant of the site concerned, with the parking of such equipment by the guest not to exceed 14 days.
- C. The location for such parked equipment shall be to the rear of the front building line and behind the side street building line, in each case the building line referred to being that portion furthest from the street.
- D. Such equipment and the area of parking shall be maintained in a clean, neat, and presentable manner and the equipment shall be in a usable condition at all times.
- E. Such equipment shall, at all times, have attached a current vehicle registration license tag.
- F. No major repairs or overhaul work on such equipment shall be made or performed on the site or any other work performed thereon which would constitute a nuisance under existing ordinances.
- G. When parked on the site, such equipment shall not:
 - 1. Be used for living or sleeping quarters, or
 - 2. Be used for housekeeping or storage purposes and
 - 3. Shall not have attached thereto any service connection lines, except as may periodically be required to maintain the equipment.
- H. The maximum length permitted for such equipment shall not exceed 30 feet and the maximum height shall not exceed ten feet.
- I. Such equipment shall be so secured that it will not be a hazard or menace during high winds or a hurricane.

§ 8.30 – Safe and sanitary dwelling unit standards

The following shall be the minimum standards to be enforced in North Bay Village relative to the safe and sanitary maintenance of dwellings and dwelling units:

- A. All foundation walls shall be structurally sound, reasonably rodent-proof, and maintained in good repair.
- B. Foundation walls shall be considered to be sound if they are capable of bearing imposed loads and are not deteriorated.
- C. Every dwelling unit shall be reasonably weathertight, watertight, and rodent-proof.
 - 1. Floors, walls, ceilings, and roofs shall be capable of affording adequate shelter and privacy and shall be kept in good repair.
 - 2. Windows and exterior doors shall be reasonably weathertight, watertight and rodent proof, and shall be maintained in good working condition.
 - 3. All parts of the structure that show evidence of rot or other deterioration shall be repaired or replaced.
- D. Every inside and outside stairway, porch, and every appurtenance thereto, shall be maintained in a safe condition and be capable of supporting loads which normal use may impose.

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- E. Every chimney and smoke pipe, and all flue and vent attachments thereto, shall be maintained in such condition that there will be no leakage or backing up of smoke and noxious gases into the dwelling.
- F. All exterior surfaces subject to deterioration shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.
- G. Every plumbing fixture, water pipe, waste pipe, and drain shall be maintained in good sanitary working condition, free from defects, leaks, and obstructions.
- H. The floor surface of every water closet compartment, bathroom, and shower room shall be maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- I. Every supplied facility, piece of equipment, or utility shall be maintained in a safe and satisfactory working condition.
- J. No owner or occupant shall cause any service, facility, equipment, or utility required to be removed from or discontinued for any occupied dwelling or dwelling unit except for such temporary interruption as may be necessary while actual repairs, replacement, or alterations are in process.
- K. For these purposes, every owner of a building containing three or more dwelling units, shall provide the continuing service of a person or persons solely to assure that the minimum requirements of maintenance and sanitation, as provided herein are maintained on the premises at all times.
- L. The provisions of the Dade County Minimum Housing Code shall apply as a minimum standard for Village enforcement.

§ 8.31 – Security guards

- A. Definitions: The term security guards shall be synonymous with burglar guards and shall refer to steel bars commonly installed on the exterior or interior of doors or entryways and windows or breezeways or private residences, including free standing as well as multifamily residences and commercial and industrial buildings.
- B. No security guards may be installed on the exterior of doors and entryways, windows and breezeways on front and side elevations of buildings which face a street or public right-of-way.
- C. Continuance and removal of nonconforming security guards.
 - 1. A nonconforming security guard (one which is in existence at the effective date of this section) may be maintained and continued in use as a legal nonconforming use.
 - 2. However, no such security guard may be enlarged or replaced by another nonconforming device.
 - 3. At such time as title to the property changes, all nonconforming security guards shall be removed.
 - 4. Title change shall be defined to mean any change of record ownership, other than by survival or by inheritance of a tenant by the entreaties.

§ 8.32 – Setback Encroachments

Every part of every required front, side, and rear yard setback shall be open and unobstructed from the ground to the sky except as herein provided.

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- A. Cornices, roof overhangs, window air conditioning units, awnings, chimneys, and sills may extend into a required side or rear yard, provided any such extension does not exceed 36 inches into the required yard.
- B. Balconies shall be permitted to project to a distance of 48 inches into the required yard, provided there is a seven-foot clear span.
- C. Fences and privacy walls as provided in Section 8.26.
- D. Swimming pool and pool decks as provided in Section 8.33.
- E. Signs as provided in Chapter 11.
- F. Landscaping retaining walls, parking curbs/bumpers, and other similar features less than 6 inches in height.
- G. Light poles and flag poles as provided in Section 8.34
- H. In single family districts only, the following setback encroachments are allowed:
 - 1. Ground mounted mechanical equipment, including air conditioning equipment, pool equipment, heat pumps, water heaters, generators and other similar equipment, may be placed in a side yard setback area; provided the unobstructed side setback area is not reduced by more than 50 percent of what is required in the zoning district regulations and provided the equipment placed in the setback area does not operate above 70 decibels.
 - 2. A garden window for the cultivation of small plants may extend into the setback area not more than 24 inches
- I. In all zoning districts other than single family, the following setback encroachments are allowed:
 - 1. A canopy shall be permitted to extend from the entrance door to the front property line provided:
 - a. The canopy does not exceed 12 feet in height or be screened or enclosed in any manner; and
 - b. The canopy shall be required to be removed during hurricane warning periods.
 - c. A clear space is provided between the grade and the bottom of the valance of at least six and one-half feet.
 - d. Additional awning/canopy requirements of Section 8.21 shall be complied with.
 - 2. An entrance feature/port cochere may extend from the entrance door into the front setback area provided:
 - a. Support columns may not be placed closer than 7 feet to the property line.
 - b. At least 14.5 feet of vertical clearance shall be provided.
 - c. The width of the entry feature/port cochere shall not exceed 25 feet or 20% of the subject property frontage width, whichever is greater.
 - d. The entrance feature/port cochere may extend from the entrance door to the front property line, or a distance of 35 feet, whichever is more restrictive.

§ 8.33 – Swimming pools

- A. Purpose and intent. The Legislature finds that drowning is the leading cause of death of young children in this state and is also a significant cause of death for medically frail elderly persons in this state, that constant adult supervision is the key to accomplishing the objective of reducing the

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number of submersion incidents, and that when lapses in supervision occur a pool safety feature designed to deny, delay, or detect unsupervised entry to the swimming pool, spa or hot tub will reduce drowning and near-drowning incident.

In addition to the incalculable human cost of the submersion incidents, the health care costs, loss of lifetime productivity and legal and administrative expenses associated with drowning of young children and medically frail elderly persons in this state each year and the lifetime costs for the care and treatment of young children who have suffered brain disability due to near-drowning incident each year is enormous.

B. Standards and requirements.

1. Any swimming pool operated by a residential homeowner, or condominium association, or by the resident of a single-family dwelling shall be permitted as an accessory use and shall exist only in conjunction with the principal use on the same lot, subject to the regulations stated herein.
2. A swimming pool may be permitted in any rear yard; however, in no instance shall it be located nearer than the following distances from any property line or structure:

<u>Setback</u>	<u>Distance (Feet)</u>
<u>Front</u>	<u>25</u>
<u>Side (interior)</u>	<u>7.5</u>
<u>Rear or Easement</u>	<u>7.5</u>
<u>Structure</u>	<u>5</u>
<u>Side (corner)</u>	<u>15</u>

3. Access. Exterior access to a swimming pool shall be through a self-closing and self-latching gate with latches placed at least four feet above grade and operable from the pool area only.
4. Drainage. If a patio is provided adjacent to or surrounding a swimming pool, it shall be designed so as to be self-draining away from the pool.
5. Lighting. Artificial lighting used to illuminate the premises shall be shielded and directed away from adjacent properties and streets, shining only on the subject site.
6. Height. Swimming pools and appurtenances shall not exceed a height of three feet above grade.
7. Additional requirements. In addition to the foregoing requirements, all regulations and standards of Sections 151.01 through 151.18 of the Village's Code of Ordinances, and the Florida Building Code shall be complied with.

C. Barriers for swimming pools, spas and hot tubs required.

Barriers must be placed around the perimeter of the pool, spa or hot tub and must be separate from any fence, wall, or other enclosure surrounding the yard unless the fence, wall, or other enclosure or portion thereof is situated on the perimeter of the pool, spa or hot tub that is being used as part of the barrier, and meets the barrier requirements of this chapter, chapter 151 of this Code, and the Florida Building Code.

1. Barrier construction

- a. A wall of a dwelling may serve as part of the barrier if it does not contain any door or window that opens to provide direct access from the home to the swimming pool, spa or hot tub.
- b. Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

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- (1) All doors and windows providing direct access from the home to the pool, spa or hot tub shall be equipped with an exit alarm complying with this chapter and chapter 151 of this Village's Code, as well as the Florida Building Code that has a minimum sound pressure rating of 85 dB.
- (2) At 10 feet the exit alarm shall produce a continuous audible warning when the door and its screen are opened.
 - i. The alarm shall sound immediately after the door is opened and be capable of being heard throughout the house during normal household activities.
 - ii. The alarm shall be equipped with a manual means to temporarily deactivate the alarm for a single opening. Such deactivation shall last no more than 15 seconds.
 - iii. The deactivation switch shall be located at least 54 inches above the threshold of the door.
 - iv. Separate alarms are not required for each door or window if sensors wired to a central alarm sound when contact is broken at any opening.
- (3) All doors providing direct access from the home to the pool, spa or hot tub must be equipped with a self-closing, self-latching device with positive mechanical latching/locking installed a minimum of 54 inches above the threshold, which is approved by the authority having jurisdiction.
- (4) Exceptions:
 - i. Screened or protected windows having a bottom sill height of 48 inches or more measured from the interior finished floor at the pool, spa or hot tub access level.
 - ii. Windows facing the pool, spa or hot tub on floor above the first story. Screened or protected pass-through kitchen windows 42 inches or higher with a counter beneath.
 - c. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool, spa and/or hot tub.
 - d. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier which faces away from the swimming pool, spa and/or hot tub.
 - e. Where the top of the pool, spa or hot tub structure is above grade the barrier may be at ground level or mounted on top of the pool, spa or hot tub structure.
 - f. Where the barrier is mounted on top of the pool, spa or hot tub structure, the maximum vertical clearance between the top of the pool, spa or hot tub structure and the bottom of the barrier shall be 4 inches.
 - g. Maximum mesh size for chain link fences shall be a 2¼ inch square unless the fence is provided with slats fastened at the top or bottom which reduce the openings to no more than 1¾ inches. A mesh safety barrier meeting the following minimum requirements shall be considered a barrier as defined in this section:
 - (1) Individual component vertical support posts shall be capable of resisting a minimum of 52 pounds (229 N) of horizontal force prior to breakage when measured at a 36-inch height above grade.
 - (2) Vertical posts of the child mesh safety barrier shall extend a minimum of 3 inches below deck level and shall be spaced no greater than 36 inches apart.
 - (3) The mesh utilized in the barrier shall have a minimum tensile strength according to

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- ASTM D 5034 of 100 lbf., and a minimum ball burst strength according to ASTM D 3787 of 150 lbf. The mesh shall not be capable of deformation such that a ¼ inch round object could pass through the mesh. The mesh shall receive a descriptive performance rating of no less than "trace discoloration" or "slight discoloration" when tested according to ASTM G 53 (Weatherability, 1,200 hours).
- (4) When using a molding strip to attach the mesh to the vertical posts, this strip shall contain, at a minimum, #8 by percent-inch screws with a minimum of two screws at the top and two at the bottom with the remaining screws spaced a maximum of 6 inches apart on center.
- (5) Patio deck sleeves (vertical post receptacles) placed inside the patio surface shall be of a nonconductive material.
- (6) A latching device shall attach each barrier section at a height no lower than 45 inches above grade. Common latching devices which include, but are not limited to, devices that provide the security equal to or greater than that of a hook and eye type latch incorporating a spring actuated retaining level (commonly referred to as a safety gate hook).
- (7) The bottom of the child mesh safety barrier shall not be more than 1 inch above the deck or installed surface (grade).
- h. The barrier may not have any gaps, openings, indentations, protrusions, or structural components that could allow a young child to crawl under, squeeze through, or climb over the barrier as herein described below.
- i. One end of a removable child barrier shall not be removable without the aid of tools. Openings in any barrier shall not allow passage of a 4-inch-diameter sphere.
- j. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool, spa or hot tub side of the fence.
- k. Spacing between vertical members shall not exceed 1¾ inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1¾ inches in width.
- l. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1¾ inches.
- m. Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- n. Where an aboveground pool, spa or hot tub structure is used as a barrier or where the barrier is mounted on top of the pool, spa or hot tub structure, and the means of access is a ladder or steps:
- (1) The ladder or steps either shall be capable of being secured, locked or removed to prevent access, or
- (2) The ladder or steps shall be surrounded by a barrier which meets the requirements of this chapter and chapter 151 of this Village's Code, as well as the Florida Building Code.
- (3) When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter sphere.
- o. Any permitted swimming pool may be enclosed by a screen enclosure, provided the enclosure is constructed of material which is 90 percent screening.

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- p. Screen enclosures shall have the same minimum side setbacks as those stated above for swimming pools.
- q. Standard screen enclosures which meet the requirements of the Florida Building Code, may be utilized as part of or all of the "barrier" and shall be considered a "non-dwelling" wall.
- r. Removable child barriers shall have one end of the barrier non-removable without the aid of tools.
- s. Removable child barriers must be placed sufficiently away from the water's edge to prevent a young child or medically frail elderly person who may manage to penetrate the barrier from immediately falling into the water.
 - (1) Sufficiently away from the water's edge shall mean no less than 20 inches from the barrier to the water's edge.
 - (2) Dwelling or non-dwelling walls including screen enclosures, when used as part or all of the "barrier" and meeting the other barrier requirements, may be as close to the water's edge as permitted by this Code.
- t. A barrier may not be located in a way that allows any permanent structure, equipment, or window that opens to provide access from the home to the swimming pool, spa and/or hot tub.

2. Access to swimming pools, spas and hot tubs.

Access gates, when provided, shall be self-closing and shall be equipped with a self-latching locking device located on the pool, spa or hot tub side of the gate.

- a. Where the device release is located no less than 54 inches from the bottom of the gate, the device release mechanism may be located on either side of the gate and so placed that it cannot be reached by a young child over the top or through any opening or gap from the outside.
- b. Gates that provide access to the swimming pool, spa or hot tub must open outward away from the pool, spa or hot tub.
- c. The gates and barrier shall have no opening greater than ½ inch within 18 inches of the release mechanism.

3. Adjacent waterways as barriers.

- a. Permanent natural or permanent man-made features such as bulkheads, canals, lakes, navigable waterways, etc., adjacent to a public or private swimming pool, spa or hot tub may be permitted as a barrier when approved by the authority having jurisdiction.
- b. When evaluating such barrier features, the authority may perform on-site inspections and review evidence such as surveys, aerial photographs, water management agency standards and specifications, and any other similar documentation to verify, at a minimum, the following:
 - (1) The barrier feature is not subject to natural changes, deviations, or alterations and is capable of providing an equivalent level of protection as provided by the code.
 - (2) The barrier feature clearly impedes, prohibits or restricts access to the swimming pool, spa or hot tub.

4. Schedule of penalties.

Failure to comply with the requirements of any section of this chapter may result in a penalty as

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provided in Section 153 of the North Bay Village Code.

§ 8.34 – Towers, antennas, poles and masts

A. Generally.

Prior to the erection of a water tower, standpipe, windmill, tower, aerial, antenna, pole, mast, or other vertical structure over ten feet in height above the roof of a permitted structure, or over 20 feet in height if erected at grade, the requirements of this section and the South Florida Building Code shall be observed.

1. Plans and specification required.

Plans and specifications for the structures listed above shall be submitted to the Building Official showing:

- a. All dimensions, size, and kind of members, footings, and guy wires;
- b. The location, depth, and type of guy anchors and footings;
- c. The type and weight of the antenna, apparatus, or structure to be attached to or supported by the structure; and
- d. An application made for a permit.

2. Maximum height.

- a. The vertical height of any of the above structures shall not be greater than 90 percent of the horizontal distance from its base to the nearest property line.
- b. Radio towers, where incidental to a business use in the commercial district, may extend to a height of 150 feet measured from ground elevation.
- c. Poles, masts, and towers for supporting antenna used in the operation of amateur radio stations, citizen band radio stations, and citizen band radio stations licensed by the Federal Communications Commission shall be excepted from the above regulations and shall be governed by the following requirements:
 - (1) All poles, masts, towers, and beam array antennas shall be placed not less than five feet from a public right-of-way line or adjacent property line, or nearer than one foot from any easement.
 - (2) All such installations shall conform to the requirements of the National Electrical Code and applicable FCC regulations, and be located not less than eight feet from any power line over 250 volts, including the beam elements or any part thereof.
 - (3) Permits shall be required for the installation of any poles, masts, or towers over 20 feet above the roof of any structure to which they may be attached, and for any installation over 35 feet in height when erected from grade. Applications for permits shall be accompanied by three copies of plans and specifications showing:
 - i. All dimensions, size and kind of members, f
 - ii. Footings and guy wires;
 - iii. The location, depth and type of guy anchors and footings; and
 - iv. The type and weight of the antenna, apparatus or structure to be attached to or supported by the structure.

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- (4) Poles shall be of an approved creosoted type or treated or painted with a chemical preservative and an outer coat of oil base paint before installation. The color shall match the surrounding development.
- (5) The recommended depth of holes for various type poles shall be subject to acceptable engineering standards:

<u>Pole Height Above-ground (feet)</u>	<u>Hole Depth in Firm Ground (feet)</u>	<u>Hole Depth in Rock Ground (feet)</u>
<u>16</u>	<u>3.5</u>	<u>3</u>
<u>20</u>	<u>4</u>	<u>3</u>
<u>25</u>	<u>5</u>	<u>3</u>
<u>35</u>	<u>6</u>	<u>4</u>
<u>50</u>	<u>7</u>	<u>5</u>

- (6) If the earth is damp or soggy, the depth of hole is to be increased by one foot.
- (7) If carrying a beam, poles must be properly guyed, as is the case where the pulling effect of the wire antenna or weight of other installations will require guying.
- (8) Wood masts shall be chemically treated, painted with an outside coat of oil base paint, and suitably guyed at the top and middle in at least three different directions.
- (9) Masts to support a beam, whether of wood or metal pipe, shall comply with all the applicable regulations in regard to the location, guying and the like, and the maximum allowable weight of antenna, rotator and components shall not exceed 150 pounds.
- (10) Towers of steel, iron or aluminum, whether of the rigid non-demountable type or the rigid, demountable type with the crank-up, crank-down and either the hinged base or swivel crank-over features shall carry no more weight on the top than specified by the manufacturers specifications.
- (11) In calculating the height of demountable type towers, the top of the lower rigid section shall be considered the top for the purpose of this section.
- (12) Beam array antennas shall be mounted so as to provide easy servicing and easy access for the removal at approach of hurricanes, or provide for the lowering of such beam.

B. Dish antennas.

1. Application. This section shall apply only to private noncommercial dish antennas as defined in below. This section shall supplement and not repeal or modify the requirements of Section 8.16 E.
2. Definitions:
 - a. Dish antenna means a dish antenna intended for the purpose of receiving communications from orbiting satellites and other extraterrestrial sources, a low noise amplifier (L.N.A) which is situated at the focal point of the receiving component for the purpose of magnifying and transferring signals, a coaxial cable for the purpose of carrying signals to the interior of a building.
 - b. A private noncommercial dish antenna is a dish antenna for a single-family residence which is erected solely for the use of its owners. Said antenna shall not be used for the purpose of

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obtaining revenue.

3. Placement. Private noncommercial dish antennae may be permitted in North Bay Village provided:
 - a. They are located in the rear yard.
 - b. They are placed no closer to any property boundary line than a distance equal to their height as measured from ground level to the top of the antenna but in no event closer than ten feet to said property lines.
 - c. On corner properties, no portion of the apparatus may extend beyond the imaginary extension of the line of the house structure.
 - d. Roof-mounted dish antennae shall not be permitted except on two-story buildings with a flat roof, provided the antenna cannot be viewed from ground level, and in no instance is to exceed in height 15 [feet] above the roof.
4. Dimensions. The height of dish antennas, on the ground, shall not exceed 15 feet from ground level nor shall their diameter exceed 12 feet.
5. Number allowed; color. Only one dish antenna shall be allowed per single-family house, and antennas shall be neutral in color, and one color only.
6. Anchorage. All dish antennae shall be anchored securely to the ground or structure in compliance with the requirements of the South Florida Building Code relative to structures.
7. Permit required. No dish antenna shall be erected until a permit has been issued by North Bay Village. All applications for a permit shall be accompanied by a site plan showing the proposed location of the antenna, the type, color, height and diameter of the antenna and the proposed landscaping.
8. Screening. A private noncommercial dish antenna shall be screened by landscaping on its sides so as to obscure its visibility from the abutting properties' ground view.
9. Once installed, dish antennas and related appurtenances must be maintained in good and operable condition, and the surrounding landscaping shall likewise be continuously maintained for the intended screening purpose.
10. Nonconforming uses. All dish antennas that are legally existing on October 23, 1990, shall be allowed to remain until such time that they may be replaced, or the cost of repairs exceeds 50 percent of the replacement at which time they shall conform in all respects to this section.

C. Screening of mechanical equipment.

Lack of, or inadequate screening of, mechanical equipment can have negative visual impacts on the Village's streetscape, ambient landscape, and community image. Such impacts shall be minimized through compliance with the following requirements:

1. Mechanical equipment located on the ground, such as air conditioning units, heating units, satellite dishes, irrigation pumps, propane tank displays and refilling areas, utilities lift stations and the like shall be screened from public view. Screening shall, at a minimum be at the same height as the equipment. Structural screening shall be architecturally integrated into the overall project design and shall be compatible, in terms of style, construction materials, colors, and finish, with the principle structure(s). Landscaping may be substituted for structural screening if plantings are compatible with the landscape plan for the project and are of such size and maturity as to be able to provide a fully opaque screen at time of planting.
2. Equipment and appurtenances mounted on roof tops shall be kept to a minimum. All exposed

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roof top mounted equipment and appurtenances shall be fully screened from view from any public right-of-way. All screening shall, at a minimum be at the same height as the equipment and appurtenances. Screening shall be an integral part of the design of the building(s) and shall be architecturally consistent with the style, colors, construction materials and finish of the building(s).

3. Painting of exposed appurtenances to blend with the color of adjacent materials of the building may be approved where utilization of approved roof designs precludes full screening of exposed surfaces.

§ 8.35 – Bonus Height.

Properties in the RM-70 and CG districts may request to purchase additional height from North Bay Village as follows:

A. Approval of bonus height

Requests for bonus height shall be made concurrent with site plan review. The Village Planning and Zoning Board shall review the request and provide a recommendation to the Village Commission. The Village Commission shall have the authority to approve or deny any bonus height request at a site plan review public hearing.

B. Maximum bonus height

1. Total building height, including bonus, shall not be approved exceeding 240 feet for any property in the RM-70 district.
2. Total building height, including bonus, shall not be approved exceeding 300 feet for properties in the CG district.

C. Fees

1. Bonus height community contribution fees shall be paid to North Bay Village within 90 days of site plan approval by the Village Commission
2. For every 10 feet of bonus building height approved by the Village Commission, the community contribution fee shall be \$750 per residential dwelling unit in the building and \$250 per hotel/motel sleeping unit in the building
3. Community contribution fees collected according to the bonus height program shall be utilized for the purchase of future Village parks, land for additional public open space, other public amenities, or infrastructure projects.

§ 8.36 – Transfer of Density Rights (TDR) Program

Properties in the RM-70 and CG districts may request to purchase additional dwelling units from North Bay Village as follows:

A. Sending Sites

The sending sites shall be land currently owned by the Village, formerly designated Multi-family High Density Residential Future Land Use, which will not be developed into residential buildings in the future; the Village Hall site on Harbor Island, Vogel Park on Harbor Island, and the public works property on Treasure Island. Total bonus density allocation within the Village shall not exceed the total developable potential of the sending sites. The total land area of these properties is 2.35 acres. The total number of dwelling units available for transfer is as follows:

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1. 164 efficiencies, or
2. 164 one-bedroom units, or
3. 149 two-bedroom units, or
4. 136 three-bedroom (or larger) units, or
5. Any combination thereof according to the following table:

<u>Unit Type</u>	<u>Required Lot Area (Sq. Ft./Unit)</u>	<u>Density (Units/Acre)</u>
<u>Efficiency</u>	<u>623</u>	<u>70.0</u>
<u>One-bedroom</u>	<u>623</u>	<u>70.0</u>
<u>Two-bedroom</u>	<u>685</u>	<u>63.6</u>
<u>Three-bedroom or larger</u>	<u>750</u>	<u>58.1</u>

B. Maximum Density

1. Total density, including bonus, shall not be approved exceeding 70 dwelling units per acre for any property in the RM-70 district.
2. Total density, including bonus, shall not be approved exceeding 70 dwelling units per acre for properties without direct access to Kennedy Causeway in the CG district.
3. Total density, including bonus, shall not be approved exceeding 100 dwelling units per acre for properties with direct access to Kennedy Causeway in the CG district.

C. Approval of Transfer of Density Rights

Requests for transfer of density rights shall be made concurrent with site plan review. The Village Planning and Zoning Board shall review the request and provide a recommendation to the Village Commission. The Village Commission shall have the authority to approve or deny any TDR request at a site plan review public hearing.

D. Fees

1. A community contribution fee of \$40,000 per transferred dwelling unit shall be paid to North Bay Village within 90 days of site plan approval by the Village Commission.
2. Community contribution fees collected according to the TDR program shall be utilized for the purchase of future Village parks, land for additional public open space, other public amenities, or infrastructure projects.
3. The number of dwelling units that the applicant must purchase to achieve the desired density shall be derived from the following calculation:

$$\begin{aligned} & \underline{(\text{number of dwelling units at total density including TDR allocation}) -} \\ & \underline{(\text{number of dwelling units allowed according to base density}) =} \\ & \underline{(\text{number of units that must be purchased})} \end{aligned}$$

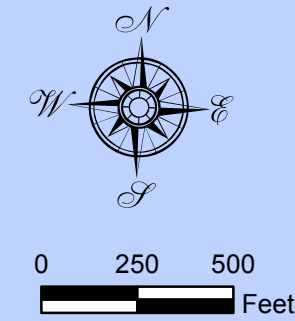
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§ 8.37 – Baywalk accessibility

- A. All properties in the RM-70 and CG districts contiguous to Biscayne Bay and its natural tributaries 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.
- B. Developments with multifamily residential dwelling units and/or hotel units shall also provide a connective public easement connecting contiguous properties and the public right-of-way to these shoreline access areas.

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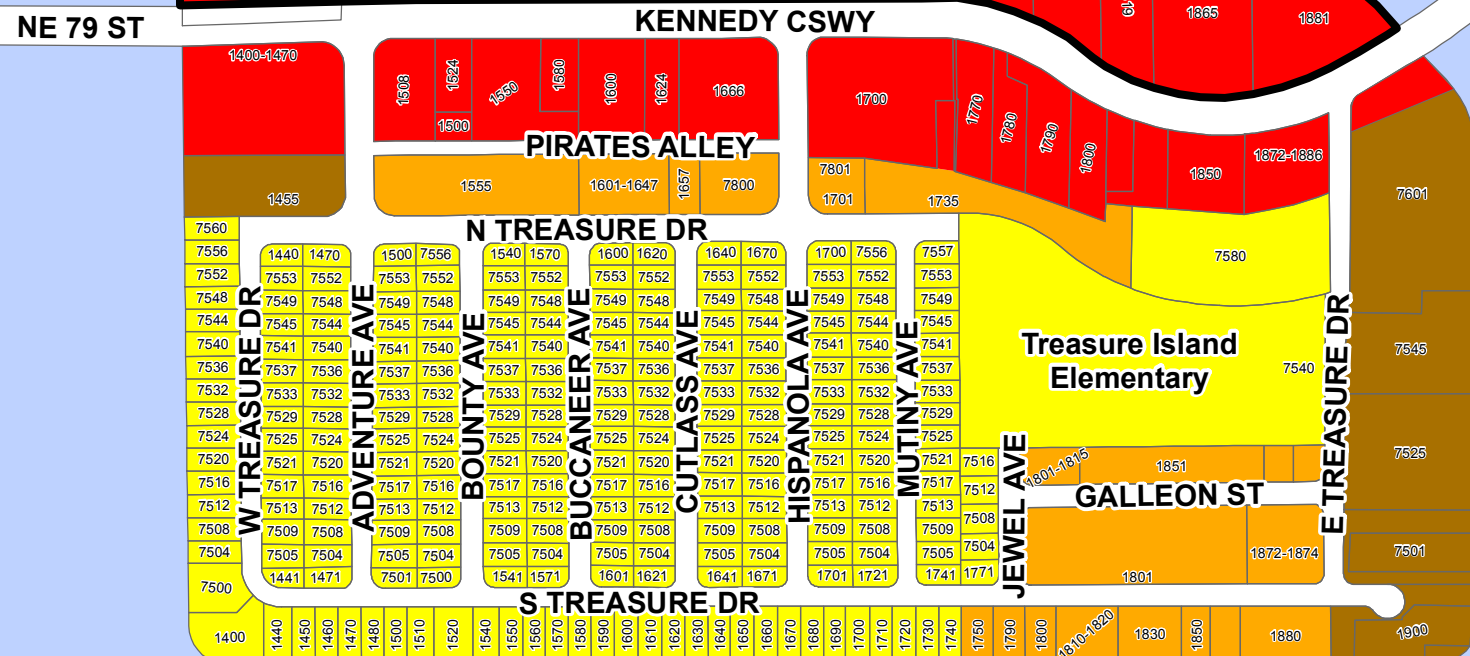
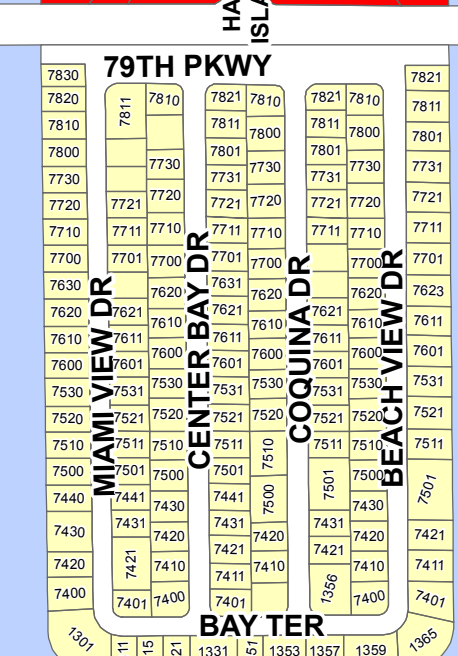
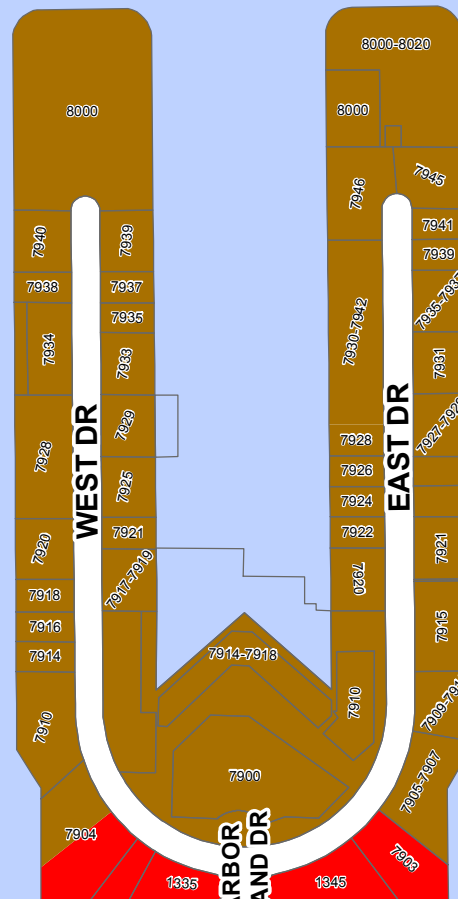
City of North Bay Village Zoning Map



	RS-1	Single Family Residential
	RS-2	Single Family Residential
	RM-40	Multiple Family Residential
	RM-70	Multiple Family Residential
	CG	General Commercial
	Water	
	BVO	Bay View Overlay District

Updated: November 29, 2017

Harbor Island



North Bay Island

Treasure Island

Biscayne Bay

Treasure Island
Elementary

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ORDINANCE NO. _____

AN ORDINANCE OF NORTH BAY VILLAGE FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, REPEALING CHAPTER 8 (ZONING), ADOPTING A NEW CHAPTER 8 (ZONING), AMENDING CURRENT SECTION 8.10 (DISTRICT REGULATIONS), MODIFYING SETBACK REQUIREMENTS AND REMOVING THE BRICK PAVER AND STREET TREE LIGHTING REQUIREMENTS FOR NEW DEVELOPMENT IN THE RM-70 DISTRICT, MODIFYING BUILDING HEIGHT AND SETBACK REQUIREMENTS AND ALLOWING GREATER BONUS HEIGHT AND BONUS DENSITY FOR NEW DEVELOPMENT IN THE CG DISTRICT, REDUCING THE MINIMUM HOTEL SLEEPING UNIT SIZE, ALLOWING GREATER HEIGHT AND REDUCED SETBACKS IN THE BAY VIEW OVERLAY DISTRICT, REMOVAL OF SPECIAL EXCEPTION APPROVAL FOR BAY VIEW OVERLAY DEVELOPMENT, REQUIRING PUBLIC BAYWALKS FOR ALL NEW DEVELOPMENT ADJACENT TO BISCAYNE BAY IN THE RM-70 AND CG DISTRICTS; AMENDING CURRENT SECTION 8.13 (SUPPLEMENTAL DEVELOPMENT STANDARDS), CLARIFYING THAT FENCES ON CORNER LOTS SHALL NOT BE MORE THAT 5 FOOT HIGH IN BOTH YARDS WITH STREET FRONTAGE, RAISING MAXIMUM ALLOWABLE SWIMMING POOLS AND SWIMMING POOL APPURTENANCE HEIGHT TO 3 FEET ABOVE GRADE; AMENDING CHAPTER 9, GENERAL SITE DESIGN STANDARDS, MODIFYING SECTION 9.3 (OFF STREET PARKING REQUIREMENTS), REDUCING PARKING REQUIREMENTS FOR MULTIFAMILY UNITS, REDUCING PARKING REQUIREMENTS FOR HOTEL SLEEPING UNITS AND ANCILLARY USES, AMENDING SECTION 9.12 (COASTAL CONSTRUCTION WITHIN BISCAYNE BAY), ALLOWING FOR ADMINISTRATIVE APPROVAL FOR BOAT LIFTS AND MOORING PILES IN LIMITED SITUATIONS, AMENDING SECTION 11.9 (DISTRICT SIGN REGULATIONS), REMOVING REQUIREMENTS FOR ALL SIGNS WITHIN A BUILDING TO BE THE SAME STYLE AND COLOR; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute 166.01 authorizes cities to establish, coordinate and enforce zoning and development laws that are necessary for the protection of the public; and

WHEREAS, North Bay Village desires to update its Unified Land Development Code; and

WHEREAS, the North Bay Village Unified Land Development Code is intentionally modified to be relevant and to encourage development and redevelopment; and

WHEREAS, the North Bay Village Unified Land Development Code is wholly consistent with the Village's Comprehensive Plan and the Florida Community Planning Act; and

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

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

Section 2. Village Code Amended. North Bay Village Code of Ordinances is hereby revised as follows:

CHAPTER 2, RELATIONSHIP TO THE COMPREHENSIVE PLAN

* * * * *

§ 2.2 – Relationship between future land use categories and zoning districts.

* * * * *

A. Residential future land use categories.

There are three residential future land use categories in the Village’s Comprehensive Plan that are applied to lands throughout the Village. Lands located within these categories are to be devoted to dwelling units used or intended to be used for permanent housing.

1. The single-family residential category allows a density of up to six dwelling units per acre. Zoning districts RS-1 and RS-2 fall under this land use category.
2. The medium density multi-family residential category allows for residential density ~~from seven~~ (7) up to 40 dwelling units per acre. RM 40 is the only zoning district consistent with this future land use category.
3. The high density multi-family residential category allows ~~from 41~~ up to 70 dwelling units per acre. RM-70 is the only zoning district consistent with this future land use category.

B. Commercial future land use category.

This category designates those areas in the Village suitable for commercial and mixed use development. Uses permitted include a broad range of general and professional office, retail, banking, hotel, service establishments and high density residential development.

* * * * *

CHAPTER 3, DEFINITIONS

* * * * *

Marijuana dispensary. A marijuana dispensary is a facility where marijuana or marijuana-based products are made available for medical purposes in accordance with Florida law. A marijuana dispensary may also be ~~defined-referred to~~ as a “dispensing organization” as provided in Section 381.986(4), Florida Statutes. Any medical marijuana treatment center at which marijuana or marijuana-based products are dispensed as part of a program of medical treatment shall be included within the definition of a marijuana dispensary.

* * * * *

Nightclub. An establishment defined by section 111.01 of ~~this~~ the Village Code of Ordinances.

* * * * *

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Nursing home facility: Any facility which provides nursing services as defined in [part I of Florida Statute chapter 464 Section 400.021](#) and which is licensed according to this part.

* * * * *

Parking space, off-street. An all-weather surfaced area, exclusive of streets, alleys, and driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by an all-weather surfaced driveway, which affords ingress and egress for a vehicle without requiring another vehicle to be moved. When developing single lot sites under the [PRD-optional RM-70 development regulations](#) found in Section 8.1510(D)(9), mechanical parking lifts may be used to create an additional parking space which can be counted towards the total number of required parking spaces.

* * * * *

CHAPTER 4, ADMINISTRATION AND ENFORCEMENT

* * * * *

§ 4.16 Amendments to the Comprehensive Plan.

A. Generally.

Amendments to the Village’s Comprehensive Plan shall be undertaken only in accordance with the provisions for such amendments as set forth in Section 163.3184 Florida Statutes (~~Community Planning Act~~).

* * * * *

CHAPTER 5, PERMITS AND DEVELOPMENT APPROVALS

* * * * *

§ 5.2 - Development permit required.

No development allowed by this Code, [as more fully referred to in Section 5.3](#), including accessory and temporary uses, shall be established or changed, no structure shall be erected, constructed, reconstructed, altered, or moved and no building used, occupied, or altered with respect to its use after the effective date of adoption of this Unified Land Development Code until there is on file in the Village an approved development order for said action. Nothing herein shall relieve any applicant of the additional responsibility of obtaining any permit(s) required by any applicable statute, ordinance, or regulation in compliance with all of the terms of this Unified Land Development Code or any other applicable laws.

* * * * *

§ 5.12 – Filing fees, charges for consultant services, and escrow account.

* * * * *

C. Cost recovery procedure.

1. At the time of submission of any application for development approval, the applicant shall pay the minimum cost recovery deposit fee outlined in the development approval fee and cost recovery deposit schedule set forth in this section, which funds shall be deposited into a cost recovery escrow account established for this purpose. Withdrawals shall be made to reimburse the Village for the cost of consultant services.
2. The Village shall provide the applicant with a copy of the consultant's invoice for any services

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charged against the applicant's cost recovery escrow account.

3. When the balance in the Village's cost recovery escrow account is reduced to one-half (1/2) of its initial amount, the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such amount is not replenished within 30 calendar days after the applicant is notified, in writing, of the requirement of such additional deposit, the Village ~~may~~ shall suspend its review of the application and the application shall be deemed withdrawn.

* * * * *

CHAPTER 8, ZONING

See attachment A and attachment B

CHAPTER 9, GENERAL SITE DESIGN STANDARDS

* * * * *

§ 9.3 – Off-street parking requirements

* * * * *

C. Minimum number of off-street parking spaces required

* * * * *

2. Residential uses

- a. Single-family: Two spaces for each dwelling unit.
- b. Multifamily:

- (1) One and one-half (1.5) space for each efficiency unit, two parking spaces for one bedroom and ~~two bedroom larger~~ units, ~~and three parking spaces for three-bedroom units or larger and two bedroom units, which contain an enclosed den or other space convertible to a bedroom~~ plus an additional ten percent of the total number of required spaces for guest parking, which shall be identified as such.
- (2) All of the required minimum number of parking spaces pursuant to these provisions, shall be conveyed for use by the developer to the condominium association, and then made available for use by the ~~unity~~ owners at no charge. Where spaces are indicated by a fraction, at least the whole number must be conveyed. This provision shall apply to development under the PRD Ordinance.

3. Commercial uses

* * * * *

q. Hotels, motels, and other tourist accommodations:

- (1) One space for each rental sleeping unit, plus an additional ten percent of the total number of required spaces, except as follows:
1 space per sleeping unit, for the first 100 units, and 0.5 spaces per sleeping unit for all units in excess of 100; if the developer agrees in writing that a hotel shuttle service is provided and maintained in perpetuity, and a hotel employee parking plan is provided, which shall be subject to the review by the Village Planning Department. The hotel parking plan shall include measures to address employee

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parking, including, but not limited to, provision of transit passes, carpool or vanpool programs, off-site parking when available and/or other measures intended to limit the impact of employee parking on surrounding neighborhoods

(2) For hotel establishments with at least 100 sleeping units, parking space requirements for restaurants, retail and other service uses within the hotel may be reduced by 25% if such uses are ancillary to the hotel.

* * * * *

§ 9.12 – Coastal Construction within Biscayne Bay (North Bay Village Approval)

* * * * *

B. Construction and Structural Alteration

* * * * *

5. Permits for seawalls and dock structures can be approved administratively and do not require a hearing or approval of the Village Commission if:

a. All proposed dock structures, including but not limited to boat lifts and mooring piles, are not placed more than 25 feet measured perpendicular from the seawall: and all proposed dock structures, including but not limited to boat lifts and mooring piles, are entirely within the D-5 triangle as described in Section D5 of the Miami-Dade Public Works Manual; or

b. All proposed work is limited to boat lifts and/or mooring piles which are not proposed to extend farther from the seawall than existing docks structures and which will not cause a lifted or moored boat to extend farther from the seawall than is possible using the existing dock structures. ~~All proposed dock structures, including but not limited to boat lifts and mooring piles, are entirely within the D-5 triangle as described in Section D5 of the Miami-Dade Public Works Manual.~~

* * * * *

§ 9.18 – Bayview.

* * * * *

E. All waterfront projects in the RM-70 and CG districts shall provide bay walkways along the rear of the property, which can be connected to other properties.

CHAPTER 11, SIGNS

* * * * *

§ 11.9 – District Sign Regulations

* * * * *

C. Commercial (CG) District. No sign will be allowed in this district except the following and temporary signs meeting the criteria of Section 11.7 or the exemptions allowed in Section 11.76:

* * * * *

2. A flat illuminated or nonilluminated sign may be erected on one facade of a building or each portion of a building occupied by a separate commercial or office use, provided the sign does not exceed an area equal to ten percent of the area of the facade upon which it is erected, and for any

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single establishment user, contains no more than ten sign information items. For calculation purposes, the maximum single building storefront is limited to 75 feet, the maximum storefront 15 feet. In the case of a commercial or office use located on the ground floor of a multistory building, only the first floor facade area shall be used for the purpose of calculating the permissible sign area. Where an establishment fronts on more than one street, the above area of signs may be permitted on each street frontage; however, signs on side frontages will not be permitted if they face a residential area.

- a. ~~All adjacent contiguous retail and service establishments located in premises under the same ownership shall be required in lease agreements to maintain all permanent sign lettering and background in the same style and color.~~

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

Section 4. **Severability.** The provisions of this Ordinance are declared to be non-severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall render this Ordinance void in its entirety.

Section 5. **Inclusion in the Code.** It is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of North Bay Village; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. **Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

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

The Votes were as follows:

Mayor Connie Leon-Kreps _____
Commissioner Andreana Jackson _____
Commissioner Jose R. Alvarez _____
Commissioner Laura Cattabriga _____
Commissioner Eddie Lim _____

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

Agenda Item 11B

FINAL VOTES AT ADOPTION:

Mayor Connie Leon-Kreps _____

Commissioner Andreana Jackson _____

Commissioner Jose R. Alvarez _____

Commissioner Laura Cattabriga _____

Commissioner Eddie Lim _____

DULY PASSED AND ADOPTED __ day of _____ 2018.

Connie Leon-Kreps
Mayor

ATTEST:

Yvonne P. Hamilton
Village Clerk

Agenda Item 11B



North Bay Village

Administrative Offices

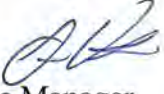
1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

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

MEMORANDUM

North Bay Village

TO: Mayor Connie Leon-Kreps
Vice Mayor Andreana Jackson
Commissioner Jose R. Alvarez
Commissioner Laura Cattabriga
Commissioner Eddie Lim

FROM: Lewis Velken 
Interim Village Manager

SUBJECT: Special Commission Meeting

DATE: September 4, 2018

Pursuant to §30.03 of the North Bay Village Code of Ordinances and the Commission Meeting and Agenda Procedures, a Special Meeting of the Village Commission is hereby called for Tuesday, September 25, 2018 at 7:30 P.M. or as soon as possible thereafter at Village Hall, 1666 Kennedy Causeway, #101, North Bay Village, Florida. The sole purpose of this meeting shall be to consider the attached Ordinance on first reading.

If you have any questions regarding this matter, please let me know.

LV/yph

Mayor
Connie Leon-Kreps

Vice Mayor
Andreanna Jackson

Commissioner
Jose R. Alvarez

Commissioner
Laura Cattabriga

Commissioner
Eddie Lim



NORTH BAY VILLAGE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A SPECIAL MEETING ON **TUESDAY, SEPTEMBER 25, 2018 AT 8:00 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 ORDINANCE, ON FIRST READING, AT PUBLIC HEARING:

- A. AN ORDINANCE OF NORTH BAY VILLAGE FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, REPEALING CHAPTER 8 (ZONING), ADOPTING A NEW CHAPTER 8 (ZONING), AMENDING CURRENT SECTION 8.10 (DISTRICT REGULATIONS), MODIFYING SETBACK REQUIREMENTS AND REMOVING THE BRICK PAVER AND STREET TREE LIGHTING REQUIREMENTS FOR NEW DEVELOPMENT IN THE RM-70 DISTRICT, MODIFYING BUILDING HEIGHT AND SETBACK REQUIREMENTS AND ALLOWING GREATER BONUS HEIGHT AND BONUS DENSITY FOR NEW DEVELOPMENT IN THE CG DISTRICT, REDUCING THE MINIMUM HOTEL SLEEPING UNIT SIZE, ALLOWING GREATER HEIGHT AND REDUCED SETBACKS IN THE BAY VIEW OVERLAY DISTRICT, REMOVAL OF SPECIAL EXCEPTION APPROVAL FOR BAY VIEW OVERLAY DEVELOPMENT, REQUIRING PUBLIC BAYWALKS FOR ALL NEW DEVELOPMENT ADJACENT TO BISCAYNE BAY IN THE RM-70 AND CG DISTRICTS; AMENDING CURRENT SECTION 8.13 (SUPPLEMENTAL DEVELOPMENT STANDARDS), CLARIFYING THAT FENCES ON CORNER LOTS SHALL NOT BE MORE THAT 5 FOOT HIGH IN BOTH YARDS WITH STREET FRONTAGE, RAISING MAXIMUM ALLOWABLE SWIMMING POOLS AND SWIMMING POOL APPURTENANCE HEIGHT TO 3 FEET ABOVE GRADE; AMENDING CHAPTER 9, GENERAL SITE DESIGN STANDARDS, AMENDING SECTION 9.3 (OFF STREET PARKING REQUIREMENTS), REDUCING PARKING REQUIREMENTS FOR MULTIFAMILY UNITS, REDUCING PARKING REQUIREMENTS FOR HOTEL SLEEPING UNITS AND ANCILLARY USES, AMENDING SECTION 9.12 (COASTAL CONSTRUCTION WITHIN BISCAYNE BAY), ALLOWING FOR ADMINISTRATIVE APPROVAL FOR BOAT LIFTS AND MOORING PILES IN LIMITED SITUATIONS, AMENDING SECTION 11.9 (DISTRICT SIGN REGULATIONS), REMOVING REQUIREMENTS FOR ALL SIGNS WITHIN A BUILDING TO BE THE SAME STYLE AND COLOR; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

(September 6, 2018)



Agenda Item 11B

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 9, 2018** AT 6:30 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, PROPERTY OWNERS OF 1700 SOUTH TREASURE DRIVE, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA, FOR A, WAIVER, PURSUANT TO SECTION 9.13(B)(1) OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT REGULATIONS, 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. (*DEFERRED FROM SEPTEMBER 11, 2018*)
2. AN APPLICATION BY BENIHANA NATIONAL OF FLORIDA CORP. CONCERNING PROPERTY LOCATED AT 1665 79TH STREET CAUSEWAY, TREASURE 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 CONSTRUCTION OF A NEW 9,215 SQUARE FOOT, 34 FOOT HIGH COMMERCIAL STRUCTURE (SINGLE-STORY RESTAURANT).
 - B. A VARIANCE PURSUANT TO SECTION 11.10 OF THE VILLAGE UNIFIED LAND DEVELOPMENT CODE TO ALLOW FAÇADE SIGNS ON THE SOUTH, EAST, AND NORTH SIDES OF THE PROPOSED RESTAURANT, WHERE SECTION 11.9(C) ALLOWS FAÇADE SIGNS ONLY ON THE BAY FRONTAGE AND ONE OTHER FRONTAGE.
3. AN ORDINANCE OF NORTH BAY VILLAGE FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, REPEALING CHAPTER 8 (ZONING), ADOPTING A NEW CHAPTER 8 (ZONING), AMENDING CURRENT SECTION 8.10 (DISTRICT REGULATIONS), MODIFYING SETBACK REQUIREMENTS AND REMOVING THE BRICK PAVER AND STREET TREE LIGHTING REQUIREMENTS FOR NEW DEVELOPMENT IN THE RM-70 DISTRICT, MODIFYING BUILDING HEIGHT AND SETBACK REQUIREMENTS AND ALLOWING GREATER BONUS HEIGHT AND BONUS DENSITY FOR NEW DEVELOPMENT IN THE CG DISTRICT, REDUCING THE MINIMUM HOTEL SLEEPING UNIT SIZE, ALLOWING GREATER HEIGHT AND REDUCED SETBACKS IN THE BAY VIEW OVERLAY DISTRICT, REMOVAL OF SPECIAL EXCEPTION APPROVAL FOR BAY VIEW OVERLAY DEVELOPMENT, REQUIRING PUBLIC BAYWALKS FOR ALL NEW DEVELOPMENT ADJACENT TO BISCAYNE BAY IN THE RM-70 AND CG DISTRICTS; AMENDING CURRENT SECTION 8.13 (SUPPLEMENTAL DEVELOPMENT STANDARDS), CLARIFYING THAT FENCES ON CORNER LOTS SHALL NOT BE MORE THAT 5 FOOT HIGH IN BOTH YARDS WITH STREET FRONTAGE, RAISING MAXIMUM ALLOWABLE SWIMMING POOLS AND SWIMMING POOL APPURTENANCE HEIGHT TO 3 FEET ABOVE GRADE; AMENDING CHAPTER 9, GENERAL SITE DESIGN STANDARDS, AMENDING SECTION 9.3 (OFF STREET PARKING REQUIREMENTS), REDUCING PARKING REQUIREMENTS FOR MULTIFAMILY UNITS, REDUCING PARKING REQUIREMENTS FOR HOTEL SLEEPING UNITS AND ANCILLARY USES, AMENDING SECTION 9.12 (COASTAL CONSTRUCTION WITHIN BISCAYNE BAY), ALLOWING FOR ADMINISTRATIVE APPROVAL FOR BOAT LIFTS AND MOORING PILES IN LIMITED SITUATIONS, AMENDING SECTION 11.9 (DISTRICT SIGN REGULATIONS), REMOVING REQUIREMENTS FOR ALL SIGNS WITHIN A BUILDING TO BE THE SAME STYLE AND COLOR; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR 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
(September 18, 2018)

Agenda Item 13A



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

NORTH BAY VILLAGE RECOMMENDATION MEMORANDUM

DATE: October 3, 2018

TO: Mayor Connie Leon Kreps
Vice-Mayor Andreana Jackson
Commissioner Jose Alvarez
Commissioner Laura Cattabriga
Commissioner Eddie Lim

FROM: Graciela Mariot 
Interim Village Clerk

SUBJECT: Community Enhancement Board Appointment

It is recommended that the Village Commission consider the appointment of Cecilia Veloz to the Community Enhancement Board. Pursuant to Section 32.10, the Board is to consist of (5) members. Chair Kokoa Woodget, Vice Chair Ana Watson, and Jack Rattner currently serve on the Board.

In accordance with Section 32.02 of the Village Code, members shall be appointed by a majority vote of the Commission.

/gm

Attachment: Advisory Board Application

Agenda Item 13A



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

BOARD/COMMITTEE APPLICATION

NAME Cecilia Veloz DATE 9/11/2018
 MAILING ADDRESS 7504 Bounty Ave, NBV, FL 33141
 EMAIL ceciveloz@yahoo.com TELEPHONE # 305-975-8455
 VILLAGE RESIDENT: YES NO HOW MANY YEARS 5
 BUSINESS OWNER: YES NO PAST OR PRESENT n/a
 NAME AND ADDRESS OF BUSINESS n/a

HOW LONG HAVE YOU BEEN OPERATING IN THE VILLAGE? n/a

CHECK THE BOARD COMMITTEE YOU WOULD LIKE TO SERVE ON:

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

- ARE YOU AVAILABLE FOR EVENING MEETINGS? YES NO
- HAVE YOU EVER SERVED ON A VILLAGE BOARD/COMMITTEE? YES NO
- HAVE YOU EVER BEEN A VILLAGE EMPLOYEE? YES NO
- ARE YOU A REGISTERED VOTER? YES NO

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

I worked in the marketing and commercial departments of the largest cosmetics company in the world. I created and implemented marketing plans and training manuals to be used worldwide and traveled through the Americas giving presentations, trainings and hosting press conferences. After, I worked for attorneys as a legal secretary & office manager handling all aspects of business operations including, but not limited to, client relations, accounting, training of staff, scheduling, legal research. I am currently the Chair of the ACAB.

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

I moved to NBV because I felt that it had great potential for growth. I envision a beautiful, clean, village that also evokes the feeling of a beachside town. Or in our case, a bayside town. I am able to work well in a group setting and take the initiative in finding solutions to problems. I am currently the Chair of the ACAB and have had great success in working with a diverse group where I was "out numbered". Yet, I have been able to lead us in a direction where we find solutions and comprise in order to reach our goals.

(All Board Members are required to disclose their Financial Interest annually. Additionally, at least four hours of Ethics Training are required for all Board members during their term of Office.) Planning & Zoning Board Members complete Form 1, Statement of Financial Interest and other Boards Members complete "Source of Income Statement". Verification of residency and North Bay Village Voter is required (Voter Registration Card/Driver License/ID).

Submit

Mayor
e Leon-Kreps

Vice Mayor
Andreana Jackson

Commissioner
Eddie Lim

Commissioner
Jose Alvarez

Commissioner
Laura Cattabriga

Agenda Item 13B1



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

NORTH BAY VILLAGE **MEMORANDUM**

DATE: October 3, 2018

TO: Mayor Connie Leon Kreps
Vice-Mayor Andreana Jackson
Commissioner Jose Alvarez
Commissioner Laura Cattabriga
Commissioner Eddie Lim

FROM: Graciela Mariot 
Interim Village Clerk

SUBJECT: Mitigation of Code Enforcement Fines

The following property owners are requesting mitigation of Code Enforcement fines and offered the attached supporting letter.

- Property Address: 1441 South Treasure Drive
- Property Owner: Yair D. Massri and Rebecca Mezrahi

/gm

Attachment: Mitigation Request Letter

Agenda Item 13B1

Yvonne Hamilton

From: Albert Lichy <alichy@stearnsweaver.com>
Sent: Monday, September 17, 2018 10:26 AM
To: Yvonne Hamilton
Cc: Norman Powell
Subject: Mitigation Request
Attachments: 2018-9-17 Massri Commission Request.pdf

Ms. Hamilton:

Please see attached.

Albert D. Lichy, Esq.
Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A.
Museum Tower, Suite 2200
150 West Flagler Street
Miami, FL 33130
Direct: (305) 789-3428
Main: (305) 789-3200
Email: alichy@stearnsweaver.com
www.stearnsweaver.com

CONFIDENTIALITY NOTICE. The information contained in this E-mail message is attorney privileged and confidential information intended only for the use of the individual(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please contact the sender by reply E-mail and destroy all copies of the original message. Thank you.

Agenda Item 13B1

STEARNS WEAVER MILLER
WEISSLER ALHADEFF & SITTERSON, P.A.

Albert D. Lichy
150 West Flagler Street, Suite 2200
Miami, FL 33130
Direct: (305) 789-3428
Email: alichy@stearnsweaver.com

September 17, 2018

Via Electronic Mail

Yvonne P. Hamilton, CMC
Village Clerk
North Bay Village
1666 Kennedy Causeway #300
North Bay Village, FL 33141

Dear Ms. Hamilton:

This law firm represents Mr. Yair D. Massri *pro bono* in connection with the code enforcement hearings North Bay Village has brought against Mr. Massri and Rebecca Mezrahi, relating to the property located at 1441 S. Treasure Drive.

Per the Village Attorney's instructions, Mr. Massri formally requests a mitigation of the fine from the Village Commission, and asks that this matter be placed on the agenda for the Commission's October 9 meeting.

Very truly yours,



Albert D. Lichy, Esq.

Agenda Item 13B1

**NORTH BAY VILLAGE
CODE ENFORCEMENT DIVISION
STATE OF FLORIDA**

IN THE MATTER OF:

CASE NO. CE 18-008

YAIR D MASSRI/REBECCA MEZRAHI
1441 S. TREASURE DRIVE
NORTH BAY VILLAGE, FL 33141

ORDER OF ENFORCEMENT

This cause having come before the Code Enforcement Special Master of North Bay Village, on August 21, 2018, at a violation hearing, the Special Master having heard the testimony and the evidence presented, does hereby make the following finds of fact and conclusion of law:

1. FINDINGS OF FACT:

The Respondent was properly served with notice of this proceeding as required by law.

The Respondent was present at the hearing.

Address of Violation: 1441 South Treasure Drive
North Bay Village, FL 33141

Zoning Classification: RS-2
Medium Density Single Family Residential District

2. CONCLUSION OF LAW:

The Respondent was adjudicated guilty of the following violations:

- Miami Dade County Code of Ordinances
- Section 8-1 Electrical work without permits
- Section 8-1 Plumbing work without permits
- Section 8-1 Demolition work without permits
- Section 8-1 Fence work without permits

Agenda Item 13B1

3. IMPOSITION OF FINES:

The Respondent was ordered to pay a fine of Seventy Eight Thousand Dollar (\$78,000) within thirty (30) days of August 21, 2018.

DONE AND ORDERED at North Bay Village, Miami-Dade County, Florida on the 21st day of August, 2018.

This Order of Enforcement is hereby warranted.

MASTER

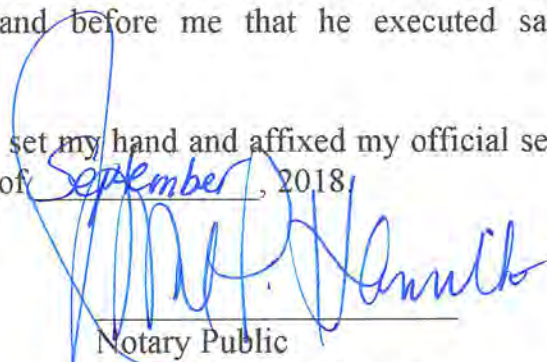
NORTH BAY VILLAGE SPECIAL

By: 
REGINE MONESTIME, ESQ.

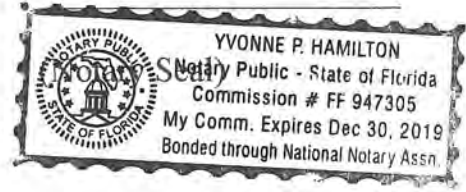
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, Regine Monestime, to me well known and known to me to be the person described in and who executed the foregoing instrument and acknowledged to and before me that he executed said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Miami-Dade County, Florida, this 20th day of September, 2018.


Notary Public
State of Florida at Large

My Commission Expires:

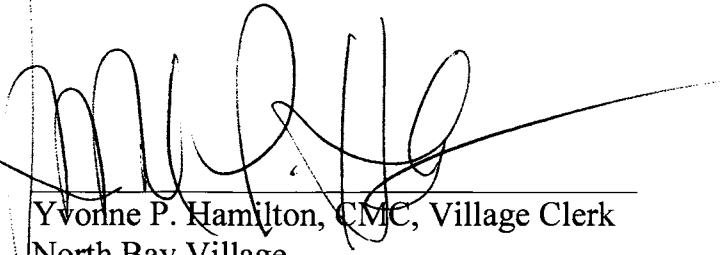


Agenda Item 13B1

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of this order has been sent via Certified Mail, Receipt # 7006 2760 0001 0681 6149 on September 20, 2018 to:

YAIR D MASSRI/REBECCA MEZRAHI
1441 S. TREASURE DRIVE
North Bay Village, FL 33141



Yvonne P. Hamilton, CMC, Village Clerk
North Bay Village
1666 Kennedy Causeway, #300
North Bay Village, FL 33141

Agenda Item 13B1

**NORTH BAY VILLAGE
CODE ENFORCEMENT DIVISION
STATE OF FLORIDA**

IN THE MATTER OF:

CASE NO. CE 18-009

YAIR D MASSRI/REBECCA MEZRAHI
1441 SOUTH TREASURE DRIVE
NORTH BAY VILLAGE, FL 33141

ORDER OF ENFORCEMENT

This cause having come before the Code Enforcement Special Master of North Bay Village, on August 21, 2018, at a violation hearing, the Special Master having heard the testimony and the evidence presented, does hereby make the following finds of fact and conclusion of law:

1. FINDINGS OF FACT:

The Respondent was properly served with notice of this proceeding as required by law.

The Respondent was present at the hearing.

Address of Violation: 1441 South Treasure Drive
North Bay Village, FL 33141

Zoning Classification: RS-2
Medium Density Single Family Residential District

2. CONCLUSION OF LAW:

The Respondent was adjudicated guilty of the following violation:

Miami Dade County Code of Ordinances
Section 8-1 Painting without a permit

Agenda Item 13B1

3. IMPOSITION OF FINES:

The Respondent was ordered to pay a fine of Seven Thousand Seven Hundred and Fifty Dollars (\$7,750) within thirty (30) days from August 21, 2018.

DONE AND ORDERED at North Bay Village, Miami-Dade County, Florida on the 21st day of August, 2018.

This Order of Enforcement is hereby warranted.

MASTER

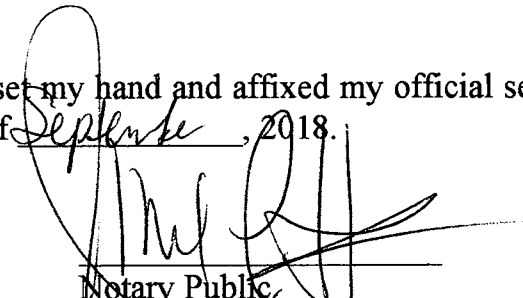
NORTH BAY VILLAGE SPECIAL

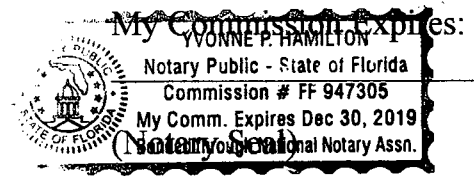
By: 
REGINE MONESTIME, ESQ.

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, Regine Monestime, to me well known and known to me to be the person described in and who executed the foregoing instrument and acknowledged to and before me that he executed said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Miami-Dade County, Florida, this 20th day of September, 2018.


Notary Public
State of Florida at Large

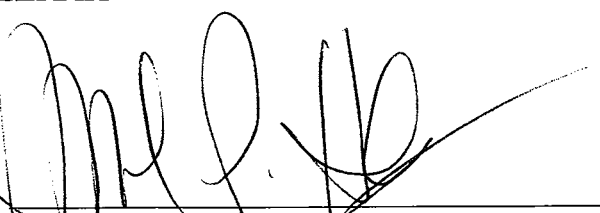


Agenda Item 13B1

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of this order has been sent via Certified Mail, Receipt #7006 2760 0001 0681 6149 on September 20, 2018 to:

YAIR D MASSRI/REBECCA MEZRAHI
1441 S. TREASURE DRIVE
North Bay Village, FL 33141



Yvonne P. Hamilton, CMC, Village Clerk
North Bay Village
1666 Kennedy Causeway, #300
North Bay Village, FL 33141

Agenda Item 13B2



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

NORTH BAY VILLAGE **MEMORANDUM**

DATE: October 3, 2018

TO: Mayor Connie Leon Kreps
Vice-Mayor Andreana Jackson
Commissioner Jose Alvarez
Commissioner Laura Cattabriga
Commissioner Eddie Lim

FROM: Graciela Mariot 
Interim Village Clerk

SUBJECT: Mitigation of Code Enforcement Fines

The following property owners are requesting mitigation of Code Enforcement fines and offered the attached supporting letter.

- Property Address: 1630 South Treasure Drive
- Property Owner: Juan Mauricio Cuellar

/gm

Attachment: Mitigation Request Letter

Agenda Item 13B2

Yvonne Hamilton

From: Cindy Kim <cindykim@kvllaw.com>
Sent: Tuesday, September 18, 2018 10:38 AM
To: Yvonne Hamilton
Cc: Maurice Murray; Mauricio Cuellar
Subject: 1630 S Treasure Drive / Tax Folio 23-3209-009-0120
Attachments: Letter North Bay Village.pdf

Dear Ms. Hamilton,

In reference to property located at 1630 South Treasure Drive, please see attached letter. Thank you in advance for your consideration and prompt attention to this matter.

Cindy Kim
Kim Vaughan Lerner LLP
One Financial Plaza
100 SE Third Avenue • Suite 2001
Fort Lauderdale, Florida 33394
Phone 954.527.1115 • Fax 954.527.1116
Direct 954.947.3403
cindykim@kvllaw.com



*A certified Minority Business Enterprise



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Agenda Item 13B2



KIM VAUGHAN LERNER LLP
ONE FINANCIAL PLAZA • SUITE 2001
FORT LAUDERDALE, FLORIDA 33394
PHONE 954.527.1115 • FAX 954.527.1116
WWW.KVLLAW.COM

Cindy Kim
Real Estate Attorney
cindykim@kvllaw.com

VIA ELECTRONIC MAIL

North Bay Village
Attention: Yvonne Hamilton
1666 Kennedy Causeway
3rd Floor
North Bay Village, FL 33141

RE: 1630 S Treasure Drive, North Bay Village, FL 33141
Tax Folio 23-3209-009-0120

Dear Ms. Hamilton,

I am the attorney for Dr. Juan Mauricio Cuellar, the owner of property located at 1630 South Treasure Drive in North Bay Village (the "Village"). Dr. Cuellar is under contract to sell his property, which is scheduled to close on September 28. On behalf of my client, I am writing to explain the circumstances regarding the code violation for failure to maintain landscaping and to request mitigation of the fine of \$20,350.00.

Dr. Cuellar had a tenant who was negligent in the maintenance of the property. On August 16, the tenant vacated and left the property in disrepair with garbage strewn on the lawn. On August 17, the tenant texted the Notice of Violation to my client. That same day, my client began removing the garbage and cleaning the property. On August 21, my client attended the hearing to alert the Village that he was notified of the violation a few days prior and that he was diligently working to resolve the violation. However, the work had not been completed at the time of the hearing, and therefore, my client was unable to ask for mitigation. The clean-up was completed that evening on August 21. The following day, my client called Maurice Murray, the inspector, to inform Mr. Murray that the work had been completed. Mr. Murray stated that he went to the property on the evening of August 21 and confirmed that the property was in compliance.

Agenda Item 13B2

September 18, 2018
Page 2

Unfortunately, my client had an irresponsible tenant who failed to fulfill his duties under the lease and failed to notify my client about the violation. As soon as my client was made aware of the violation, he took immediate action to clean the property and appeared at the hearing. My client understands that he, as the owner, is ultimately responsible for the property and acknowledges that Village resources were expended. My client is willing to pay a fine, but he requests that the fine be commensurate with the type of violation. Considering my client's swift action, he respectfully asks the Village to mitigate the fine to \$2,035.00, or a reasonable amount that the Village should determine.

Should you require further information or have questions regarding this matter, please do not hesitate to contact me on my direct line at 954-947-3403 or by email at cindykim@kvllaw.com. Thank you in advance for your prompt consideration to this matter.

Respectfully submitted,

Cindy Kim

cc: Maurice Murray (mmurray@nbvillage.com)
Juan Mauricio Cuellar (mcuellarmolina@icloud.com)

Agenda Item 13B2

**NORTH BAY VILLAGE
CODE ENFORCEMENT DIVISION
STATE OF FLORIDA**

IN THE MATTER OF:

CASE NO. CE 18-014

JUAN MAURICIO CUELLAR
1630 SOUTH TREASURE DRIVE
NORTH BAY VILLAGE, FL 33141

ORDER OF ENFORCEMENT

This cause having come before the Code Enforcement Special Master of North Bay Village, on August 21, 2018, at a violation hearing, the Special Master having heard the testimony and the evidence presented, does hereby make the following finds of fact and conclusion of law:

1. FINDINGS OF FACT:

The Respondent was properly served with notice of this proceeding as required by law.

The Respondent was present at the hearing.

Address of Violation: 1630 South Treasure Drive
North Bay Village, FL 33141

Zoning Classification: RS-2
Medium Density Single Family Residential District

2. CONCLUSION OF LAW:

The Respondent was adjudicated guilty on August 21, 2018 of the following violations:

North Bay Village Code of Ordinances

Section 94.021 (A)(1) – Failure to maintain landscaping – High grass and weeds on property

Section 94.021 (A)(2) – The public sidewalk is obstructed by overgrowth from the property

Agenda Item 13B2

3. IMPOSITION OF FINES:

The Respondent was ordered to pay a fine of \$15,850 with an additional fine of \$250.00 per day until the violation is corrected.

DONE AND ORDERED at North Bay Village, Miami-Dade County, Florida on the 21st day of August 2018.

This Order of Enforcement is hereby warranted.

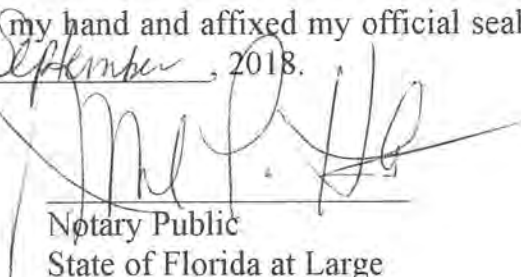
NORTH BAY VILLAGE SPECIAL MASTER

By: 
REGINE MONESTIME, ESQ.

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, Regine Monestime, to me well known and known to me to be the person described in and who executed the foregoing instrument and acknowledged to and before me that he executed said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Miami-Dade County, Florida, this 20th day of September, 2018.


Notary Public
State of Florida at Large

My Commission Expires:
Dec 30, 2019

(Notary Seal)

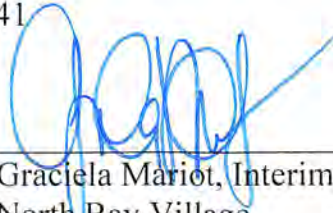
FF947305

Agenda Item 13B2

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of this order has been sent via Certified Mail, Receipt # 7018 0680 0001 8074 7052 on 10/5/2018 to:

JUAN MAURICIO CUELLAR
1630 SOUTH TREASURE DRIVE
NORTH BAY VILLAGE, FL 33141



Graciela Mariot, Interim Village Clerk
North Bay Village
1666 Kennedy Causeway, #300
North Bay Village, FL 33141

Agenda Item 13B3



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

NORTH BAY VILLAGE **MEMORANDUM**

DATE: October 3, 2018

TO: Mayor Connie Leon Kreps
Vice-Mayor Andreana Jackson
Commissioner Jose Alvarez
Commissioner Laura Cattabriga
Commissioner Eddie Lim

FROM: Graciela Mariot 
Interim Village Clerk

SUBJECT: Mitigation of Code Enforcement Fines

The following property owners are requesting mitigation of Code Enforcement fines and offered the attached supporting letter.

- Property Address: 7524 West Treasure Drive
- Property Owner: A HMET Derya Bayer

/gm

Attachment: Mitigation Request Letter

Agenda Item 13B3

CAREY LAW GROUP, P.A.



1801 Indian Road, Ste 103 • West Palm Beach, FL 33409 • Phone: (561) 247-1266 • Fax: (561) 282-3401
E-Mail: richard@rcareylaw.com Web: <http://www.rcareylaw.com>

October 1, 2018

Grace Mariot
North Bay Village
1666 Kennedy Causeway, #300
North Bay Village, FL 33141

Re: 7524 West Treasure Dr, North Bay Village, FL 33141

Dear Sir/Madam,

Please be advised that I represent the owner of the property Ahmet Derya Bayer. We are seeking a lien reduction on the outstanding fine on the subject property to the amount of \$500 plus administrative costs. Due to the nature of the fine I believe that this would be a fair and equitable resolution. My client after receiving notification took swift action to cure the violation and put the property back in compliance. This took a little longer than usual as my client does not reside in the United States.. Please let me know if you have any additional questions.

Respectfully,

Richard B. Carey, Esq.

Agenda Item 13B3

**NORTH BAY VILLAGE
CODE ENFORCEMENT DIVISION
STATE OF FLORIDA**

IN THE MATTER OF:

CASE NO. CE 18-010

AHMET DERYA BAYERS
7524 WEST TREASURE DRIVE
NORTH BAY VILLAGE, FL 33141

ORDER OF ENFORCEMENT

This cause having come before the Code Enforcement Special Master of North Bay Village, on August 21, 2018, at a violation hearing, the Special Master having heard the testimony and the evidence presented, does hereby make the following finds of fact and conclusion of law:

1. FINDINGS OF FACT:

The Respondent was properly served with notice of this proceeding as required by law.

The Respondent was not present at the hearing.

Property Manager Juan Acevedo was present at the hearing.

Address of Violation: 7524 West Treasure Drive
 North Bay Village, FL 33141

Zoning Classification: RS-2
 Medium Density Single-Family Residential District

2. CONCLUSION OF LAW:

The Respondent was adjudicated guilty of the following violations:

North Bay Village Code of Ordinances

Section 94.021(A)(1) High Grass and weeds on the property.

Section 94.021(A)(2) Trash, rubbish, debris, and litter on the property.

Section 94.021(A)(1) Recycle trash cans stored in the front yard.

Section 94.021(A)(2) Public sidewalk obstructed by overgrowth from the property.

Agenda Item 13B3

3. IMPOSITION OF FINES:

The Respondent was ordered to pay a fine of Sixteen Thousand Eight Hundred Fifty Dollars (\$16,850) within 30 days of August 21, 2018.

DONE AND ORDERED at North Bay Village, Miami-Dade County, Florida on the 21st, day of August 2018.

This Order of Enforcement is hereby warranted.


NORTH BAY VILLAGE SPECIAL MASTER

By: 
REGINE MONESTIME, ESQ.

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, Regine Monestime, to me well known and known to me to be the person described in and who executed the foregoing instrument and acknowledged to and before me that he executed said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Miami-Dade County, Florida, this 5 day of October, 2018.


Notary Public
State of Florida at Large

My Commission Expires:
12/9/2020

(Notary Seal)



Agenda Item 13B3

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of this order has been sent via Certified Mail, Receipt # 7018 0680 0001 8074 7038 on 10/5/2018 to:

AHMET DERYA BAYERS
7524 WEST TREASURE DRIVE
NORTH BAY VILLAGE, FL 33141



Graciela Mariot, Interim Village Clerk
North Bay Village
1666 Kennedy Causeway, #300
North Bay Village, FL 33141

Agenda Item 14A



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 MINUTES REGULAR VILLAGE COMMISSION MEETING VILLAGE HALL

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

TUESDAY, SEPTEMBER 11, 2018
7:30 P.M.

1. CALL TO ORDER

The Commission of North Bay Village, Florida met in regular session, September 11, 2018, beginning at 8:12 P.M. in the Village Commission Chambers, 1666 Kennedy Causeway, #101, North Bay Village, Florida.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION OF COLORS

NATIONAL ANTHEM (TIES CHOIR)

2. A. PROCLAMATIONS AND AWARDS

1. First Responders/North Bay Village and Miami-Dade Fire Rescue
2. The Honorable Congresswoman Ileana Ros-Lehtinen
3. Causeway Clean Up Crew of North Bay Village, FL
3. Taiwan Proclamation
4. Childhood Cancer Proclamation
5. Red Ribbon Day Proclamation

B. CITIZEN PRESENTATIONS TO THE COMMISSION

There were no citizen presentations.

C. ADDITIONS AND DELETIONS

Mayor Connie Leon-Kreps moved to table Item 11A. Vice Mayor Andreana Jackson seconded the motion, and all voted in favor.

Vice Mayor Andreana Jackson moved Items 13A, 10D, and 10G after Consent Agenda.

Mayor Connie Leon-Kreps requested Item 9A be removed from the Consent Agenda to be discussed as a regular item.

3. **GOOD & WELFARE**

The following addressed the Commission: Katarina Oos of 7945 East Drive, Kevin Vericker of 7520 Hispanola Avenue, Brent Latham of 7521 Beach View Drive, Hannah Lombardo of 7945 East Drive, Lynn Ragusa of 7909 East Drive, and Dr. Douglas N. Hornsby of 1353 Bay Terrace.

4. **VILLAGE COMMISSION'S REPORT**

Mayor Connie Leon-Kreps, Vice Mayor Andreana Jackson, Commissioner Laura Cattabriga, Commissioner Eddie Lim, and Commissioner Jose Alvarez all gave oral reports.

5. **GRANT WRITER'S REPORT**

Village Grant Writer LaKeesha Morris-Moreau, MSW, GPC, President & CEO of BellTower Consulting Group reported on the status of Village grants.

6. **ADVISORY BOARD REPORTS**

A. **ARTS, CULTURAL & SPECIAL EVENTS BOARD**

A report was not provided.

B. **ANIMAL CONTROL ADVISORY BOARD**

A report was not provided.

C. **BUSINESS DEVELOPMENT ADVISORY BOARD**

A report was not provided.

D. **CITIZENS BUDGET & OVERSIGHT BOARD**

Chair Julianna Strout presented the Board Report.

E. **COMMUNITY ENHANCEMENT BOARD**

A report was not provided.

F. **PLANNING & ZONING BOARD**

A report was not provided.

7. **VILLAGE ATTORNEY'S REPORT**

Village Attorney Norman C. Powell reported on pending litigation.

8. **VILLAGE MANAGER'S REPORT**

Interim Village Manager Lewis Velken gave an oral report.

13. **NEW BUSINESS**

A. **APPOINTMENT OF MEMBERS TO THE ARTS, CULTURAL & SPECIAL EVENTS, BUSINESS DEVELOPMENT ADVISORY BOARD, COMMUNITY ENHANCEMENT BOARD & SIGNAGE REVIEW COMMITTEE.**

Commissioner Laura Cattabriga moved to table Item 13A. Vice Mayor Andreana Jackson seconded the motion, and all voted in favor.

B. **DISCUSSION REGARDING "GREEN DAY" (Mayor Connie Leon-Kreps)**

C. **VILLAGE CLERK'S CONTRACT (Mayor Connie Leon-Kreps)**

Vice Mayor Andreana Jackson moved to terminate Village Clerk Yvonne P. Hamilton and Connie Leon-Kreps seconded the motion.

The Mayor opened the floor to public comments.

The following addressed the Commission: Dr. Douglas N. Hornsby of 1353 Bay Terrace, Brent Latham of 7521 Beach View Drive, and Cecilia Veloz of 7504 Bounty Avenue.

Commissioner Laura Cattabriga moved to table the matter until November, and Commissioner Eddie Lim seconded the motion. The motion was adopted by a 3-2 roll call vote. The vote was as follows: Commissioner Eddie Lim, Commissioner Jose Alvarez, and Commissioner Laura Cattabriga all voting Yes. Mayor Connie Leon-Kreps and Vice Mayor Andreana Jackson voted No.

9. **CONSENT AGENDA: (Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be adopted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and will be considered separately.)**

Item 9A was removed from the Consent Agenda and discussed as a regular item.

10. ORDINANCES FOR FIRST READING AND RESOLUTIONS

RESOLUTION NO. 2018-078

- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, IMPLEMENTING A COMMUNITY CAT-FEEDING PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR ANDREANA JACKSON)**

The Village Clerk read the Resolution by title.

Chair of the Animal Control Advisory Board made a presentation on the item. She suggested “Community Cat Program” be used instead of “Community Cat-Feeding Program”.

Vice Mayor Andreana Jackson moved to approve the Resolution as amended, and Mayor Connie Leon-Kreps seconded the motion.

The Mayor opened the floor to public comments.

The following addressed the Commission: Dora Tano of 7529 Buccaneer Avenue, Fred Murphy, North Bay Island, and Cecilia Veloz of 7504 Bounty Avenue.

There being no other speakers, the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, Commissioner Laura Cattabriga, Vice Mayor Andreana Jackson, and Mayor Connie Leon-Kreps all voting Yes.

RESOLUTION NO. 2018-079

- G. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN AGREEMENT WITH HUMANA FOR DENTAL AND VISION INSURANCE COVERAGE FOR VILLAGE EMPLOYEES; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT FOR HEALTH INSURANCE AT A RATE NOT TO EXCEED 12% OF THE CURRENT INSURANCE PREMIUMS; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The Village Clerk read the Resolution by title.

Commissioner Laura Cattabriga moved to approve the Resolution, and Commissioner Jose Alvarez seconded the motion.

The Mayor opened the floor to public comments.

Carlos Gaviria of Citrin Financial & Insurance, 300 71st Street, #300, Miami Beach, FL 33141 addressed the Commission.

Agenda Item 14A

Regular Village Commission Meeting
September 11, 2018

There being no further speakers, the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Vice Mayor Andreana Jackson, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, and Commissioner Laura Cattabriga all voting Yes.

RESOLUTION NO. 2018-080

- 9A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING RENEWAL PRICING FOR PUBLISHING THE VILLAGE'S PUBLIC NOTICES IN THE *MIAMI HERALD NEIGHBORS* SECTION; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE ANY REQUIRED AGREEMENT; AUTHORIZING THE VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (*INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN*)**

The Village Clerk read the Resolution by title.

Interim Village Manager Lewis Velken presented the item to the Commission.

Vice Mayor Andreana Jackson moved to approve the Resolution, and Commissioner Laura Cattabriga seconded the motion.

The Mayor opened the floor to public comments. There being no speakers, the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, Commissioner Laura Cattabriga, and Vice Mayor Andreana Jackson all voting Yes.

- 10A. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 151 OF THE VILLAGE CODE, ENTITLED "PERMITS AND FEES" BY REVISING SECTION 151.11(A), "CONSTRUCTION PERMITS" AND SECTION 151.11(A)(46)(C), "WEEKEND OR AFTER HOURS WORK"; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE VILLAGE CODE; AND AN EFFECTIVE DATE. (*INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN*)**

The Village Clerk read the Ordinance by title.

Code Enforcement Supervisor Maurice Murray presented the item to the Commission.

The Mayor opened the floor to public comments.

Carlos Alvarez of 7529 Buccaneer Avenue addressed the Commission.

The Mayor closed the floor to public comments.

Vice Mayor Andreana Jackson moved to approve the Ordinance on first reading as amended to include language to notify adjacent property owners when after-hours construction work will be conducted and inclusion of an education component. Commissioner Laura Cattabriga seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, Commissioner Laura Cattabriga, and Commissioner Laura Cattabriga all voting Yes.

RESOLUTION NO. 2018-081

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. (WORK AUTHORIZATION NO. 18-03) TO DEVELOP CONSTRUCTION DOCUMENTS FOR PERMITTING, AND BIDDING WASTEWATER PUMP STATION IMPROVEMENTS; AT A LUMP SUM AMOUNT OF \$228,900; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The Village Clerk read the Resolution by title.

Interim Village Manager and Village Engineer Gary Ratay of Kimley-Horn & Associates, Inc. presented the item to the Commission.

Vice Mayor Andreana Jackson moved to approve the Resolution, and Commissioner Laura Cattabriga seconded the motion.

The Mayor opened the floor to public comments. There being no speakers, the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, Commissioner Laura Cattabriga, and Vice Mayor Andreana Jackson all voting Yes.

RESOLUTION NO. 2018-082

- C. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. (WORK AUTHORIZATION NO. 18-06) TO DEVELOP A SANITARY SEWER EVALUATION STUDY, AT A LUMP SUM AMOUNT OF \$11,800; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The Village Clerk read the Resolution by title.

Commissioner Laura Cattabriga moved to approve the Resolution, and Commissioner Eddie Lim seconded the motion.

The Mayor opened the floor to public comments. There being no speakers, the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Vice Mayor Andreana Jackson, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, and Commissioner Laura Cattabriga all voting Yes.

RESOLUTION NO. 2018-083

- E. **A RESOLUTION OF THE COMMISSION OF NORTH BY VILLAGE, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE VILLAGE MANAGER, AND AWARDING BID NO. 2018-002 FOR DEMOLISHING VILLAGE OWNED BUILDING AT 1335 79TH STREET CAUSEWAY AND CLEARING THE SITE; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO THE RELATED CONTRACT PURSUANT TO THE SCOPE OF SERVICES OUTLINED IN THE BID DOCUMENTS; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The Village Clerk read the Resolution by title.

Commissioner Laura Cattabriga moved to approve the Resolution, and Vice Mayor Andreana Jackson seconded the motion.

The Mayor opened the floor to public comments.

Carlos Alvarez of 7549 Buccaneer Avenue addressed the Commission.

There being no other speakers, the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Vice Mayor Andreana Jackson, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, and Commissioner Laura Cattabriga all voting Yes.

RESOLUTION NO. 2018-084

- F. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PURCHASE OF BENCHES, TRASH CANS, AND PET WASTE DISPOSAL STATION FROM ANOVA, FOR LOCATION THROUGHOUT THE VILLAGE; UNDER THE SOLE SOURCE PROVISION, PURSUANT TO SECTION 36.25(H) OF THE VILLAGE CODE; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROPOSAL, AUTHORIZING THE VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE PROPOSAL; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The Village Clerk read the Resolution by title.

Vice Mayor Andreana Jackson moved to approve the Resolution, and Commissioner Jose Alvarez seconded the motion.

The Mayor opened the floor to public comments. There being no speakers, the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, Commissioner Laura Cattabriga, and Vice Mayor Andreana Jackson all voting Yes.

RESOLUTION NO. 2018-085

- H. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN AGREEMENT WITH STRATEGY MATTERS, INC. FOR MUNICIPAL CONSULTING SERVICES, IN ACCORDANCE WITH SECTION 36.25(L) OF THE VILLAGE'S PROCUREMENT ORDINANCE; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)**

The Village Clerk read the Resolution by title.

Interim Village Manager Lewis Velken presented the item to the Commission.

Vice Mayor Andreana Jackson moved to approve the Resolution, and Commissioner Eddie Lim seconded the motion.

The Mayor opened the floor to public comments. There being no speakers, the Mayor closed the floor to public comments.

Agenda Item 14A

Regular Village Commission Meeting
September 11, 2018

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, Commissioner Laura Cattabriga, and Vice Mayor Andreana Jackson all voting Yes.

11. 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 RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, GRANTING A WAIVER, PURSUANT TO SECTION 9.12(B) OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE, 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 INTERIM VILLAGE MANAGER LEWIS VELKEN)

Item 11A was deferred to the next Commission Meeting.

ORDINANCE NO. 2018-009

- B. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 94 OF THE VILLAGE CODE OF ORDINANCES ENTITLED "GARBAGE, TRASH, AND WEEDS" BY CREATING SECTION 94.25, "PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS"; AMENDING SECTION 153.04 "SCHEDULE OF CIVIL PENALTIES"; PROVIDING FOR ENFORCEMENT; CODIFICATION; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS, VICE MAYOR ANDREANA JACKSON, COMMISSIONER JOSE ALVAREZ, COMMISSIONER LAURA CATTABRIGA, AND COMMISSIONER EDDIE LIM)**

The Village Clerk read the Ordinance by title.

Vice Mayor Andreana Jackson moved to approve the Ordinance, and Commissioner Laura Cattabriga seconded the motion.

Vice Mayor Andreana Jackson made a brief presentation on the item.

The Mayor opened the floor to public comments. There being no speakers, the Mayor closed the floor to public comments.

Agenda Item 14A

Regular Village Commission Meeting
September 11, 2018

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, Commissioner Laura Cattabriga, and Vice Mayor Andreana Jackson all voting Yes.

12. UNFINISHED BUSINESS

There was no unfinished business.

14. APPROVAL OF MINUTES – COMMISSION MEETING

- A. **SPECIAL COMMISSION MEETING – JULY 30, 2018**
- B. **REGULAR COMMISSION MEETING – JULY 10, 2018**

Vice Mayor Andreana Jackson moved to approve the Minutes as submitted. Commissioner Laura Cattabriga seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, and Commissioner Laura Cattabriga all voting Yes.

15. ADJOURNMENT

The meeting adjourned at 11:25 P.M.

Prepared by: Yvonne P. Hamilton, Village Clerk

Adopted by North Bay Village on this _____ day of September 2018.

Connie Leon-Kreps, Mayor

Agenda Item 14B



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 MINUTES
“TENTATIVE” BUDGET PUBLIC HEARING
VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141
MONDAY, SEPTEMBER 17, 2018
6:30 P.M.

1. **CALL TO ORDER**

The Commission of North Bay Village, Florida on Monday, September 17, 2018, beginning at 6:30 P.M. in the Village Commission Chambers, 1666 Kennedy Causeway, #101, North Bay Village, Florida.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was recited in unison.

ROLL CALL

Present were the following:

Commissioner Eddie Lim
Mayor Connie Leon-Kreps
Commissioner Laura Cattabriga
Vice Mayor Andreana Jackson

ABSENT:

Commissioner Jose Alvarez

ALSO PRESENT:

Village Attorney Norman C. Powell
Interim Village Manager Lewis Velken
Finance Director Bert Wrains
Senior Accountant Sandra Siefken
Deputy Village Clerk Graciela Mariot

The Village Commission held the Tentative Budget Public Hearing pursuant to state law at 6:33 P.M.

Finance Director Bert Wrains read the statutory requirement for budget public hearings, pursuant to Section 200.065, F.S.

Agenda Item 14B

Tentative Budget Public Hearing
September 17, 2018

The Village Commission held extensive discussions with Village Staff on the tentative budget.

2. PUBLIC HEARING ON THE TENTATIVE MILLAGE AND TENTATIVE ANNUAL BUDGET FOR FISCAL YEAR 2018-2019.

Lidia and Daniel Cantave of 1555 North Treasure Drive and Maria Dougherty of 7537 Mutiny Avenue addressed the Commission.

3. RESOLUTIONS

A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR NORTH BAY VILLAGE FOR FISCAL YEAR 2018-2019; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)

Vice Mayor Andreana Jackson moved to adopt the tentative millage rate of 5.52. Commissioner Laura Cattabriga seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Commissioner Eddie Lim, Commissioner Laura Cattabriga, Vice Mayor Andreana Jackson and Mayor Connie Leon-Kreps all voting Yes.

B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE TENTATIVE ANNUAL BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)

Vice Mayor Andreana Jackson moved to adopt the FY 2018-2019 tentative millage rate of 5.52 mills, which is greater than the rolled-back rate of 5.4051 mills by 2.13%. Commissioner Laura Cattabriga seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Commissioner Eddie Lim, Commissioner Laura Cattabriga, Vice Mayor Andreana Jackson and Mayor Connie Leon-Kreps all voting Yes.

4. ADJOURNMENT

There being no other business to come before the Commission, the meeting adjourned at 9:12 P.M.

Prepared by: Graciela Mariot, Interim Village Clerk

Adopted by North Bay Village on this _____ day of _____ 2018.

Connie Leon-Kreps, Mayor

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the Village Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)

Agenda Item 14C



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 MINUTES
SPECIAL VILLAGE COMMISSION MEETING
VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141**

**FRIDAY, SEPTEMBER 21, 2018
6:30 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

The Commission of North Bay Village, Florida met in special session, Friday, September 21, 2018, beginning at 6:30 P.M. in the Village Commission Chambers, 1666 Kennedy Causeway, #101, North Bay Village, Florida.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was recited in unison.

ROLL CALL

Present were the following:

Mayor Connie Leon-Kreps
Vice Mayor Andreana Jackson
Commissioner Jose Alvarez
Commissioner Laura Cattabriga
Commissioner Eddie Lim

ALSO PRESENT:

Attorney Neil Kodsí from the Law Office of Norman C. Powell, Esq.
Village Labor Attorney David Miller
Interim Village Manager Lewis Velken
Deputy Village Clerk Graciela Mariot

2. RESOLUTIONS

RESOLUTION NO. 2018-90

- A. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A SETTLEMENT AGREEMENT AND GENERAL RELEASE WITH YVONNE P. HAMILTON; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE ATTORNEY NORMAN C. POWELL)**

The Deputy Village Clerk read the Resolution by title.

The Village Commission discussed the item.

Marvin Ford, Ms. Hamilton's son and Attorney and Kevin Vericker of 7520 Hispanola Avenue addressed the Commission.

There being no speakers the Mayor closed the floor to public comments. The Mayor closed the public comments.

The motion was adopted by a 4-1 roll call vote. The vote was as follows: Mayor Connie Leon Kreps, Vice Mayor Andreana Jackson, Commissioner Jose Alvarez, and Commissioner Laura Cattabriga all voting Yes. Commissioner Eddie Lim voted No.

- B. **SPECIAL PRESENTATION – VILLAGE CLERK YVONNE P. HAMILTON**

Village Commission presented Ms. Hamilton with a plaque in recognition of her 29 years of service. In addition, the Village designated September 21, 2018 as Yvonne P. Hamilton Day.

RESOLUTION NO. 2018-91

- C. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPOINTING A VILLAGE CLERK; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR ANDREANA JACKSON)**

The Deputy Village Clerk read the Resolution by title.

Vice Mayor Andreana Jackson moved to appoint Graciela Mariot as Interim Village Clerk, and Commissioner Eddie Lim seconded the motion.

The Mayor opened the floor to public comments. There being no speakers the Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Vice Mayor Andreana Jackson, Mayor Connie Leon Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, and Commissioner Laura Cattabriga all voting Yes.

3. **ADJOURNMENT**

The meeting adjourned at 7:00 P.M.

Prepared by: Graciela Mariot, Interim Village Clerk

Adopted by North Bay Village on this ____ day of _____ 2018.

Connie Leon-Kreps, Mayor

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the Village Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)

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Agenda Item 14D



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 MINUTES
FINAL BUDGET PUBLIC HEARING
VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141
TUESDAY, SEPTEMBER 25, 2018
6:30 P.M.**

1. CALL TO ORDER

The Commission of North Bay Village, Florida on Tuesday, September 25, 2018, beginning at 6:30 P.M. in the Village Commission Chambers, 1666 Kennedy Causeway, #101, North Bay Village, Florida.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was recited in unison.

ROLL CALL

Present were the following:

Mayor Connie Leon-Kreps
Vice Mayor Andreana Jackson
Commissioner Jose Alvarez
Commissioner Laura Cattabriga
Commissioner Eddie Lim

ALSO PRESENT:

Acting Village Attorney Neil Kodsí
Interim Village Manager Lewis Velken
Finance Director Bert Wrains
Senior Accountant Sandra Siefken
Deputy Village Clerk Graciela Mariot

The Village Commission held the Tentative Budget Public Hearing pursuant to state law at 6:34 P.M.

Finance Director Bert Wrains read the statutory requirement for budget public hearings, pursuant to Section 200.065, F.S.

The Village Commission held extensive discussions with Village Staff on the final budget.

Agenda Item 14D

Tentative Budget Public Hearing
September 17, 2018

2. PUBLIC HEARING ON THE FINAL MILLAGE AND FINAL ANNUAL BUDGET FOR FISCAL YEAR 2018-2019.

Eileen Monno-Cubellero of 7420 Miami View Drive, Pilar Somoza of 7510 Miami View Drive, and David Mandenhall of 7570 Miami View Drive addressed the Commission.

3. RESOLUTIONS

A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE LEVYING OF AD VALOREM TAXES FOR NORTH BAY VILLAGE FOR FISCAL YEAR 2019; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)

Vice Mayor Andreana Jackson moved to adopt the tentative millage rate of 5.52. Commissioner Laura Cattabriga seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Eddie Lim, Commissioner Laura Cattabriga, Vice Mayor Andreana Jackson and Mayor Connie Leon-Kreps all voting Yes.

B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE FINAL ANNUAL BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY INTERIM VILLAGE MANAGER LEWIS VELKEN)

Commissioner Laura Cattabriga moved to adopt the Final Budget. Commissioner Vice Mayor Andreana Jackson seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Jose Alvarez, Commissioner Eddie Lim, Commissioner Laura Cattabriga, Vice Mayor Andreana Jackson and Mayor Connie Leon-Kreps all voting Yes.

4. ADJOURNMENT

There being no other business to come before the Commission, the meeting adjourned at 7:16 P.M.

Prepared by: Graciela Mariot, Interim Village Clerk

Adopted by North Bay Village on this ____ day of _____ 2018.

Connie Leon-Kreps, Mayor

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the Village Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)

Agenda Item 14E



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 MINUTES
SPECIAL VILLAGE COMMISSION MEETING
VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141
TUESDAY, SEPTEMBER 25, 2018
8:00 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.

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1. CALL TO ORDER

The Commission of North Bay Village, Florida met in special session on Tuesday, September 25, 2018, beginning at 8:01 P.M. in the Village Commission Chambers, 1666 Kennedy Causeway, #101, North Bay Village, Florida.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was recited in unison.

ROLL CALL

Present were the following:

Mayor Connie Leon-Kreps
Vice Mayor Andreana Jackson
Commissioner Jose Alvarez
Commissioner Laura Cattabriga
Commissioner Eddie Lim

ALSO PRESENT:

Village Attorney Neil Kodsí
Interim Village Manager Lewis Velken
Deputy Village Clerk Graciela Mariot

2. ORDINANCE FOR FIRST READING (PUBLIC HEARING)

- A. AN ORDINANCE OF NORTH BAY VILLAGE FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, REPEALING CHAPTER 8 (ZONING), ADOPTING A NEW CHAPTER 8 (ZONING), AMENDING CURRENT SECTION 8.10 (DISTRICT REGULATIONS), MODIFYING**

Agenda Item 14E

Special Village Commission Meetings

September 25, 2018

SETBACK REQUIREMENTS AND REMOVING THE BRICK PAVER AND STREET TREE LIGHTING REQUIREMENTS FOR NEW DEVELOPMENT IN THE RM-70 DISTRICT, MODIFYING BUILDING HEIGHT AND SETBACK REQUIREMENTS AND ALLOWING GREATER BONUS HEIGHT AND BONUS DENSITY FOR NEW DEVELOPMENT IN THE CG DISTRICT, REDUCING THE MINIMUM HOTEL SLEEPING UNIT SIZE, ALLOWING GREATER HEIGHT AND REDUCED SETBACKS IN THE BAY VIEW OVERLAY DISTRICT, REMOVAL OF SPECIAL EXCEPTION APPROVAL FOR BAY VIEW OVERLAY DEVELOPMENT, REQUIRING PUBLIC BAYWALKS FOR ALL NEW DEVELOPMENT ADJACENT TO BISCAYNE BAY IN THE RM-70 AND CG DISTRICTS; AMENDING CURRENT SECTION 8.13 (SUPPLEMENTAL DEVELOPMENT STANDARDS), CLARIFYING THAT FENCES ON CORNER LOTS SHALL NOT BE MORE THAT 5 FOOT HIGH IN BOTH YARDS WITH STREET FRONTAGE, RAISING MAXIMUM ALLOWABLE SWIMMING POOLS AND SWIMMING POOL APPURTENANCE HEIGHT TO 3 FEET ABOVE GRADE; AMENDING CHAPTER 9, GENERAL SITE DESIGN STANDARDS, AMENDING SECTION 9.3 (OFF STREET PARKING REQUIREMENTS), REDUCING PARKING REQUIREMENTS FOR MULTIFAMILY UNITS, REDUCING PARKING REQUIREMENTS FOR HOTEL SLEEPING UNITS AND ANCILLARY USES, AMENDING SECTION 9.12 (COASTAL CONSTRUCTION WITHIN BISCAYNE BAY), ALLOWING FOR ADMINISTRATIVE APPROVAL FOR BOAT LIFTS AND MOORING PILES IN LIMITED SITUATIONS, AMENDING SECTION 11.9 (DISTRICT SIGN REGULATIONS), REMOVING REQUIREMENTS FOR ALL SIGNS WITHIN A BUILDING TO BE THE SAME STYLE AND COLOR; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The Deputy Village Clerk read the Ordinance by title.

Village Planner Jim LaRue, LaRue Planning & Management Services, Inc., 1375 Jackson Street, #206, Fort Meyers, FL 3390, presented the Staff Report explaining the amendments to the Commission.

The Village Commission held extensive discussions with Village Staff regarding the amendments.

The Mayor opened the floor to public hearing.

Anna Bakst of 1865 Kennedy Causeway, Scott Greenwald of 1415 79th Street Causeway, David Mendenhall of 7510 Miami View Drive, Pilar Somoza of 7510 Miami View Drive, Robert Alvarez of 7529 Buccaneer Avenue, Alex Tachmes and Jordan Penn of Shutts & Bowen LLP, addressed the Commission.

There being no speakers the Mayor closed the floor to public hearing.

Agenda Item 14E

Special Village Commission Meetings

September 25, 2018

Commissioner Cattabriga moved to approve the Ordinance, and Vice Mayor Andreana Jackson seconded the motion.

The motion was adopted by a 4-1 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Laura Cattabriga, and Vice Mayor Andreana Jackson all voting Yes. Commissioner Jose Alvarez voted No.

3. ADJOURNMENT

There being no other business to come before the Commission, the meeting adjourned at 9:14 P.M.

Prepared by: Graciela Mariot, Interim Village Clerk

Adopted by North Bay Village on this _____ day of _____ 2018.

Connie Leon-Kreps, Mayor

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the Village Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)

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