



North Bay Village
18-01ESR Adopted
Received: 7/31/18

NORTH BAY VILLAGE
1666 KENNEDY CAUSEWAY, SUITE 300
NORTH BAY VILLAGE, FL 33141

Comprehensive Plan Amendment Package
Adopted July 10, 2018



COMPREHENSIVE PLAN AMENDMENT PACKAGE

Table of Contents

Transmittal Letter

Ordinance No. 2018-008

Exhibit A: Text Amendments to the Future Land Use Element

Agenda and Minutes

Commission Meeting, July 10, 2018



July 25, 2018

Mr. Ray Eubanks, Plan Processing Administrator
Division of Community Planning and Development
Department of Economic Opportunity
107 East Madison Street
Caldwell Bldg., MSC 160
Tallahassee, Florida 32399

Reference: North Bay Village Adopted Comprehensive Plan Amendment No. 18-1ESR

Dear Mr. Eubanks:

Pursuant to the State Expedited Review process guidelines, enclosed are three (3) copies (one printed copy and two compact discs) of the North Bay Village Comprehensive Plan Amendment Number 18-1ESR

The following information concerning the adopted amendment is offered:

- The Village Commission held its adoption public hearing on July 10, 2018 and adopted Ordinance No. 2018-008 approving the amendment as submitted herein.
- The Plan Amendment package contains amendments to the Comprehensive Plan's Future Land Use Element.
- The Plan Amendment is adopted as proposed with minor revisions made in response to DEO comments. Revisions were reviewed with DEO staff prior to the North Bay Village adoption public hearing.
- Timely comments received from the DEO and other reviewing agencies required no compliance changes to the Amendment package as originally transmitted but as stated above minor clarifications were made to Policy 2.1.14.
- The Village is relying on data and analysis previously submitted with the transmittal.
- The adopted Comprehensive Plan Amendment package and this transmittal letter have been submitted to the Miami-Dade County Planning Division, South Florida Regional Planning Council, and the following agencies that have filed timely comments:

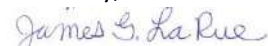
South Florida Water Management District
Florida Department of Environmental Protection
Florida Department of Transportation, District 6

The contact information for this Plan Amendment is:

LaRue Planning & Management Services, Inc.
1375 Jackson Street, Suite 206, Fort Myers, FL 33901
239-334-3366 E-Mail: jim@larueplanning.com

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,


James G. LaRue, AICP
President

providing planning and management solutions for local governments

1375 Jackson Street, Suite 206 Fort Myers, FL 33901 239-334-3366 www.larueplanning.com

**TRANSFERS OF DENSITY
COMPREHENSIVE PLAN AMENDMENT**

ORDINANCE NO. 2018-008

AN AMENDMENT TO THE NORTH BAY VILLAGE COMPREHENSIVE PLAN AMENDING THE FUTURE LAND USE ELEMENT, CREATING A TRANSFER OF DENSITY PROGRAM TO ALLOW TRANSFER OF DENSITY FROM VILLAGE OWNED PROPERTIES TO PROPERTIES IN THE MULTI-FAMILY HIGH DENSITY RESIDENTIAL FUTURE LAND USE CATEGORY AND COMMERCIAL FUTURE LAND USE CATEGORY, PROVIDING FOR AN INCREASED MAXIMUM DENSITY ALLOWED FOR PROPERTIES IN THE COMMERCIAL FUTURE LAND USE CATEGORY WITH DIRECT ACCESS TO KENNEDY CAUSEWAY. (INTRODUCED BY VILLAGE MANAGER MARLEN D. MARTELL)

WHEREAS, the Mayor and Village Commission desire to encourage development in the Commercial Future Land Use Category;

WHEREAS, the Mayor and Village Commission have concluded that the Village's Comprehensive Plan should be amended to allow the Village to transfer unused development rights from Dr. Paul Vogel Community Park to privately owned parcels.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA:

SECTION 1. The Future Land Use Element of the North Bay Village Comprehensive Plan is hereby amended as follows:

* * * * *

Policy 2.1.1: ~~Reconsider~~Periodically review the Village's current balance of land uses and revise the Village's Comprehensive Plan and Land Development Regulations as necessary~~current and future land use plans as well as develop regulations to reflect the findings.~~

Policy 2.1.2: Adopt the following Future Land Use categories consistent with the Future Land Use Map and further defined in Land Development Regulations:

Residential – Residential areas with dwelling units used for permanent housing and subdivided into three districts based on density: Single family or low density allowing up to six dwelling units per acre, multi-family medium density allowing up to 40 units per acre, and multi-family high density allowing 4+up to 70 dwelling units per acre with ancillary commercial up to 0.5 FAR.

Commercial – A broad range of general and professional office, retail, banking, hotel, and service establishments, up to 3.0 FAR; and high density residential up to 70 dwelling units per acre.

Recreation and open space – Permanent public parks and open spaces for recreational use, protection of natural resources, and urban buffers up to 0.25 FAR.

Educational – Public schools and ancillary facilities up to 2.0 FAR.

Public Buildings and Grounds – Government provided uses and facilities primarily serving the public up to 2.0 FAR.

Institutional – A non-profit or quasi-public use, including, but not limited to religious facilities, nursing homes, community centers, public or private schools or colleges, and hospitals or clinics up to 2.0 FAR.

Marina – Areas where boat docking facilities are offered for rent including docks and dry storage facilities up to 0.5 FAR.

~~Intensity standards, FAR (Floor Area Ratio), for the above non-residential Future Land Use categories are as follows:~~

	FAR
Commercial	3.0
Recreation and Open Space	0.25
Educational	2.0
Public Buildings and Grounds	2.0
Institutional	2.0
Marina	0.5

* * * * *

Policy 2.1.13: In order to further limit future residential uses within the Commercial Future Land Use category, the following restrictions apply:

1. 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;
2. 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%);
3. The Commercial Future Land Use Category will have a maximum FAR (floor area ratio) of 3.0 for commercial uses only, which includes hotels;
4. ~~All new dwelling units that can be built within the Commercial Future Land Use category shall not exceed 70 dwelling units per acre.~~

Policy 2.1.14: A transfer of density rights (TDR) program shall allow additional reallocation of residential density to be approved for new development in the Multi-family High Density Residential Future Land Use Category and the Commercial Future Land Use Category. 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. For the purpose of this TDR Program, the development potential of the sending sites equates to a density pool not to exceed 166 dwelling units. Approval of bonus density shall be conditional upon approval by the Village Commission and payment by the developer of a community contribution fee, the standards and procedures for which shall be outlined in the Land Development Code.

1. Total density, including bonus, shall not be approved exceeding 70 dwelling units per acre for any property in the Multi-family High Density Residential Future Land Use Category.
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 Commercial Future Land Use Category.
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 Commercial Future Land Use Category.

* * * * *

Policy 2.3.7: Schools shall be allowed in the RM-70 Multi-Family High Density and Educational land use categories.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall be effective immediately upon adoption on second reading.

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

THE VOTES WERE AS FOLLOW:

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Andreana Jackson	<u>Yes</u>
Commissioner Jose Alvarez	<u>Yes</u>
Commissioner Laura Cattabriga	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

APPROVED ON FIRST READING during a regular session of the North Bay Village Commission Meeting this 10th day of July 2018.

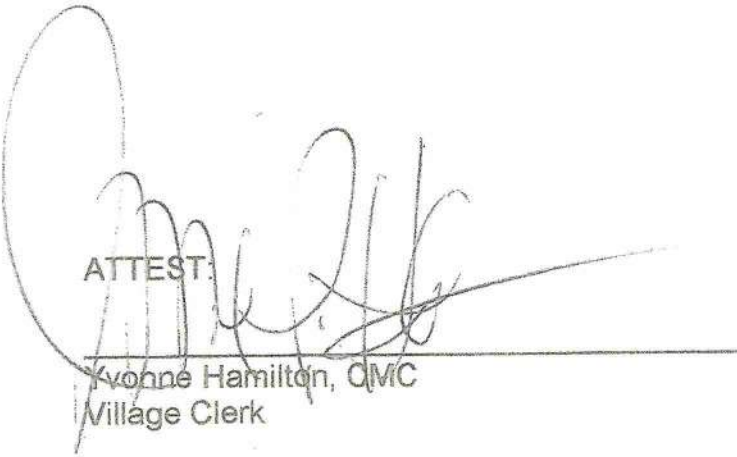
The foregoing Ordinance was offered by Vice Mayor Andreana Jackson, who moved for its enactment. This motion was seconded by Commissioner Laura Cattabriga and upon being put to a vote, the vote was as follows:

FINAL VOTE ON ADOPTION:

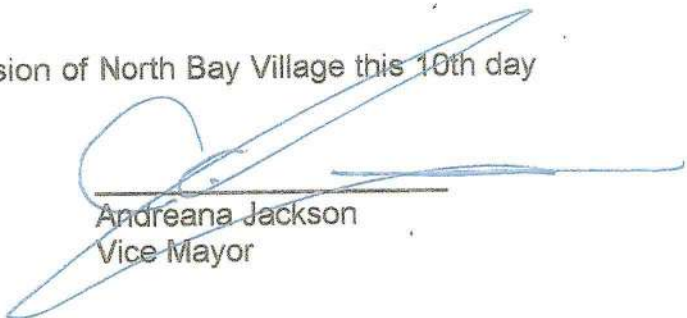
Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Andreana Jackson	<u>Yes</u>
Commissioner Jose Alvarez	<u>Yes</u>
Commissioner Laura Cattabriga	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

PASSED AND ENACTED by the Commission of North Bay Village this 10th day of July, 2018.

ATTEST:



Yvonne Hamilton, OMC
Village Clerk



Andreana Jackson
Vice Mayor

EXHIBIT A

FUTURE LAND USE ELEMENT

Goals, Objectives, and Policies

GOAL: Secure the maximum physical, economic, and social welfare for the Village and its residents through the thoughtful use and development of land, buildings, streets, and public facilities, while maintaining its existing character as an attractive waterfront residential environment.

To implement this goal, the Village has further established the following objectives and policies.

Objective 2.1: Manage future growth and development by implementing and enforcing all existing plans and regulations and by preparing and adopting new regulations as needed.

Policy 2.1.1: ~~Reconsider~~Periodically review the Village's current balance of land uses and revise the Village's Comprehensive Plan and Land Development Regulations as necessary~~current and future land use plans as well as develop regulations to reflect the findings.~~

Policy 2.1.2: Adopt the following Future Land Use categories consistent with the Future Land Use Map and further defined in Land Development Regulations:

Residential – Residential areas with dwelling units used for permanent housing and subdivided into three districts based on density: Single family or low density allowing up to six dwelling units per acre, multi-family medium density allowing up to 40 units per acre, and multi-family high density allowing ~~4+~~up to 70 dwelling units per acre with ancillary commercial up to 0.5 FAR.

Commercial – A broad range of general and professional office, retail, banking, hotel, and service establishments; up to 3.0 FAR; and high density residential up to 70 dwelling units per acre.

Recreation and open space – Permanent public parks and open spaces for recreational use, protection of natural resources, and urban buffers up to 0.25 FAR.

Educational – Public schools and ancillary facilities up to 2.0 FAR.

Public Buildings and Grounds – Government provided uses and facilities primarily serving the public up to 2.0 FAR.

Institutional – A non-profit or quasi-public use, including, but not limited to religious facilities, nursing homes, community centers, public or private schools or colleges, and hospitals or clinics up to 2.0 FAR.

Marina – Areas where boat docking facilities are offered for rent including docks and dry storage facilities up to 0.5 FAR.

~~Intensity standards, FAR (Floor Area Ratio), for the above non-residential Future Land Use categories are as follows:~~

	FAR
Commercial	3.0
Recreation and Open Space	0.25
Educational	2.0
Public Buildings and Grounds	2.0

- Policy 2.1.3:** Prohibit infilling of lots, expansion of existing uses, or replacement of land uses with development that is incompatible with the Future Land Use Plan by strict enforcement of development regulations.
- Policy 2.1.4:** Continue to revise the Land Development Regulations to reflect a more comprehensive definition of mixed use.
- Policy 2.1.5:** Require developers of all projects to furnish proof of availability of public services and facilities prior to receiving any development order or permit. In those instances when services or facilities are not or will not be available, development approval will be withheld unless there is an agreed upon plan between the Village and the developer to provide such services and/or facilities.
- Policy 2.1.6:** Maintain the existing monitoring mechanism allowing the Village to keep abreast of the regulatory responsibilities and activities of other units of government which might have impacts upon the Village.
- Policy 2.1.7:** Ensure that all development orders and permits are consistent with the goals and objectives of the Village's Flood Damage Ordinance and withhold such orders and permits when they conflict with the Ordinance.
- Policy 2.1.8:** Ensure that all development orders and permits are consistent with the Village's stormwater management program and withhold such orders and permits when they conflict with the program.
- Policy 2.1.9:** Continue to ensure that all new development is consistent with the goals and objectives and levels of service established by the various Elements of the adopted Comprehensive Plan.
- Policy 2.1.10:** Require unsubdivided lands to be subdivided prior to the issuance of future building permits.
- Policy 2.1.11:** Require unplatted parcels to be platted prior to the issuance of future development orders or building permits of any kind.
- Policy 2.1.12:** Provide for Multi-Family (High Density) Residential use in Commercial Future Land Use categories when consistent with the Concurrency provisions of the Village's Land Development Regulations and when deemed compatible with abutting land use(s).

Furthermore, applicants for such special exception use shall demonstrate:

1. that proposed location and site is appropriate for the use,
2. how the utilities and other service requirements can be met, and
3. how the impact of traffic generated will be mitigated, off-site and on-site.

- Policy 2.1.13:** In order to further limit future residential uses within the Commercial Future Land Use category, the following restrictions apply:
1. 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;

2. 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%);
3. The Commercial Future Land Use Category will have a maximum FAR (floor area ratio) of 3.0 for commercial uses only, which includes hotels;
4. ~~All new dwelling units that can be built within the Commercial Future Land Use category shall not exceed 70 dwelling units per acre.~~

Policy 2.1.14: A transfer of density rights (TDR) program shall allow additional reallocation of residential density to be approved for new development in the Multi-family High Density Residential Future Land Use Category and the Commercial Future Land Use Category. 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. For the purpose of this TDR Program, the development potential of the sending sites equates to a density pool not to exceed 166 dwelling units. Approval of bonus density shall be conditional upon approval by the Village Commission and payment by the developer of a community contribution fee, the standards and procedures for which shall be outlined in the Land Development Code.

1. Total density, including bonus, shall not be approved exceeding 70 dwelling units per acre for any property in the Multi-family High Density Residential Future Land Use Category.
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 Commercial Future Land Use Category.
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 Commercial Future Land Use Category.

Objective 2.2: **Develop a program and policies to promote the Village's character as an attractive waterfront community and direct future development and redevelopment to be consistent with the desired community character and goals, objectives, and policies within the Plan.**

Policy 2.2.1: Maintain and explore the possibility of upgrading the entry treatments and/or features at the Village entries including aesthetically pleasing signage and lush tropical landscaping that reflect the Village's Community identity and spirit.

Policy 2.2.2: The Village shall continue to enhance and improve landscapes and front elevations in neighborhoods and commercial areas.

Policy 2.2.3: The Village shall continue to develop and implement the goals of the various Redevelopment/Revitalization Plans for the Kennedy Causeway Redevelopment Area through a strategic planning process.

- Policy 2.2.4:** The Village shall further refine and implement the Village’s Vision to improve the character and to promote the identity of the Village, which establishes design criteria and a timetable for the improvement of street intersection elements and street furnishings. In addition, the Village shall continue to develop and implement mechanisms to address the nature and design of crosswalks, signage, benches, sidewalks (including widening, meandering and enhanced sidewalk accessibility), pavement and pavement markings, and other key elements of the public rights-of-way.
- Policy 2.2.5:** The Village shall continue to encourage all future land use development and redevelopment to emphasize aesthetic quality and overall acceptability to local residents.
- Policy 2.2.6:** The Village Planning & Zoning Board shall continue to ensure that proposed development and redevelopment is consistent with written guidelines/architectural code for development and redevelopment.
- Policy 2.2.7:** The Village shall continue to encourage developers to utilize the provisions of the Bay View Overlay regulations for the enhancement of bay views and skyline view corridors for all future development projects along the Kennedy Causeway which provides for taller and thinner silhouettes on the north side and shorter buildings to the south.
- Policy 2.2.8:** Reevaluate the Village’s marina regulations and establish standards for marina development which will ensure compatibility with other land use goals and objectives.
- Policy 2.2.9:** The Village shall promote a mixed-use and vibrant commercial street life through the promotion of quality restaurants, grocery stores, coffee and bagel shops, pharmacies, retail stores, and entertainment centers.
- Policy 2.2.10:** The Village shall continue to seek opportunities to create a community gathering place for recreational, cultural, and art activities.
- Policy 2.2.11** The Village shall develop a strategic plan for the expansion of existing Village businesses and incentivizing new business to locate in the Village.
- Objective 2.3: Require future development and redevelopment to be consistent with that indicated in the Future Land Use Element and with any adopted redevelopment plan.**
- Policy 2.3.1:** Continue to strongly enforce all zoning laws.
- Policy 2.3.2:** Protect distinct functional areas and districts from intrusion and encroachment of incompatible uses by strict compliance to the land use plan.
- Policy 2.3.3:** North Bay Village shall use the South Florida Regional Council’s dispute resolution process when necessary to mediate the resolution of conflicts with other local governments and regional agencies. The Village may use alternative procedures whenever appropriate for the matter of imminent dispute, including agreements authorized by Section 163.3177, F.S., or other non-judicial approaches.
- Policy 2.3.4:** The Village, although not currently impacted, shall enter into any appropriate agreement with the State of Florida University System or the Miami-Dade County School Board regarding campus master plans.
- Policy 2.3.5:** During pre-development program planning and site selection activities, the Village, as

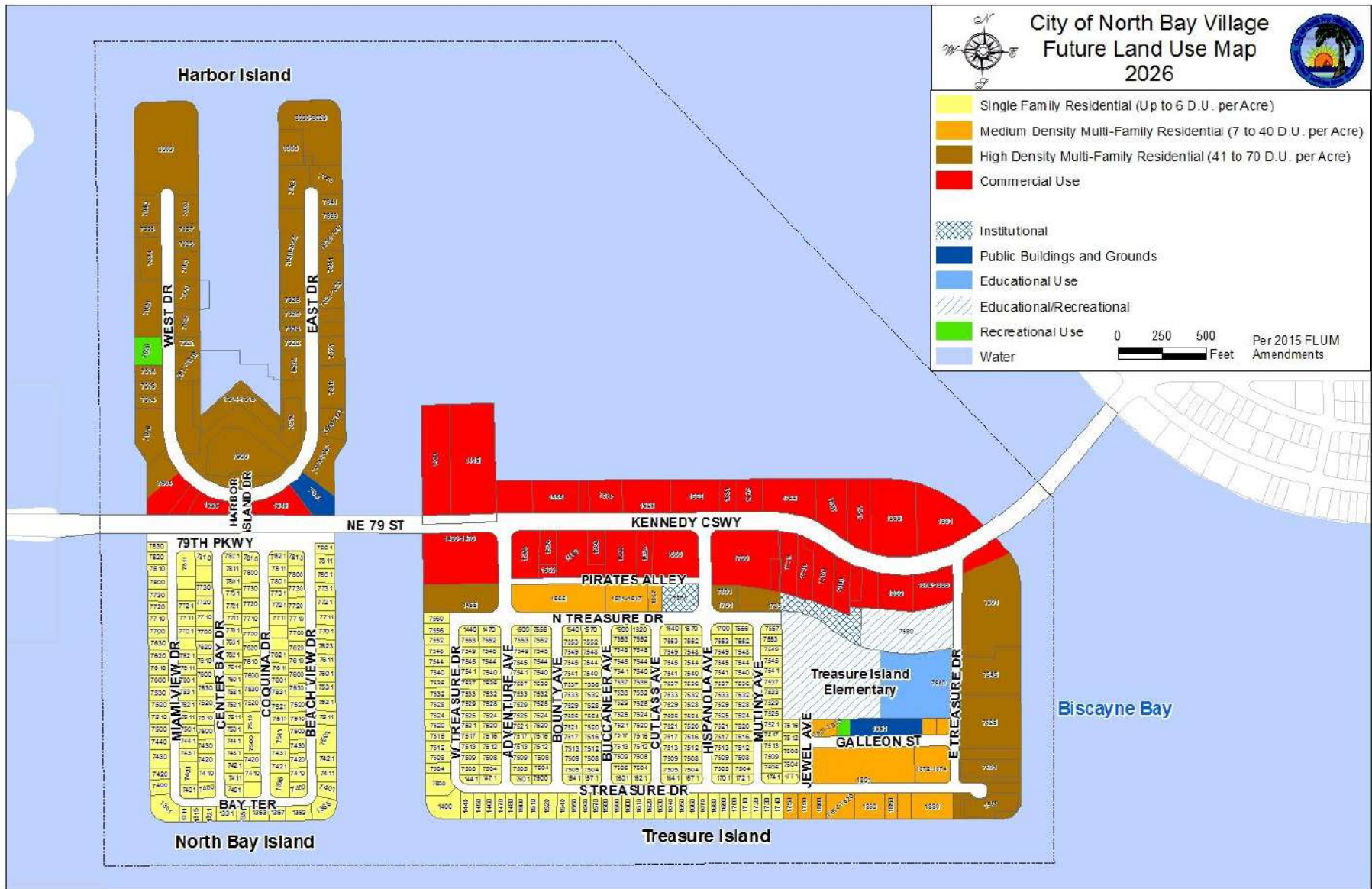
service provider, will coordinate with the Miami-Dade County Public School system to consider all reasonable opportunities to co-locate new libraries, parks, and other facilities with public schools, where compatible, and the potential exists to create logical focal points for community activity. Early review and coordination activities will be modified as necessary to timely consider these potentials.

Policy 2.3.6: North Bay Village will maintain, as a particular area of attention in its planning program, a systematic review of the aesthetics and physical conditions between its boundary and those between unincorporated areas and other cities in an effort to improve the appearance of these areas and the compatibility and transition between the adjoining communities. Joint planning area agreements will be implemented if appropriate.

Policy 2.3.7: Schools shall be allowed in the ~~RM-70~~Multi-Family High Density and Educational land use categories.

Objective 2.4: **In accordance with the vision of the 2007 Charrette Master Plan, the Village shall 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.**

Policy 2.4.1: The Village shall allow additional building height and larger side setbacks on commercial lots on the north side of Kennedy Causeway to encourage innovative mixed-use infill development, larger view corridors, smaller building footprints, greater open space, and expanded bay Vistas.



AGENDA AND MINUTES



North Bay Village

Administrative Offices

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

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

**OFFICIAL AGENDA
REGULAR VILLAGE COMMISSION MEETING
VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141
TUESDAY, JULY 10, 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.) NBV SCHOLARSHIP AWARDS
- 2.) POLICE DEPARTMENT COMMENDATION

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. ADVISORY CHARTER REVIEW BOARD
- B. ARTS, CULTURAL & SPECIAL EVENTS BOARD
- C. ANIMAL CONTROL ADVISORY BOARD

- D. BUSINESS DEVELOPMENT ADVISORY BOARD
- E. CITIZENS BUDGET & OVERSIGHT BOARD
- F. COMMUNITY ENHANCEMENT BOARD
- G. 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 COMMISSION OF NORTH BAY VILLAGE, FLORIDA AWARDED AN RFP CONTRACT FOR RFP NO. 2018-003 FOR DISASTER AND DEBRIS MANAGEMENT SERVICES TO T.F.R. ENTERPRISES, INC.; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE RELATED AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (*INTRODUCED BY VILLAGE MANAGER MARLEN D. MARTELL*)

The proposed Resolution will allow the Village Manager to enter into a contract with the company to provide disaster and debris management services during disaster or emergency events.

- 1.) Commission Action

10. **ORDINANCES FOR FIRST READING AND RESOLUTIONS**

- A. 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 proposed Ordinance seeks to eliminate plastic straws from the Village.

- 1.) Commission Action

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, ACCEPTING A PROPOSAL FROM ENVIROWASTE SERVICES GROUP, INC. TO CONDUCT A SANITARY SEWER EVALUATION TESTING; AUTHORIZING THE VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROPOSAL; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER MARLEN D. MARTELL)**

The proposed Resolution will engage the services of the company to evaluate the sewer system to identify and reduce infiltration and overflow into the system.

1.) Commission Action

- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE CONTRACT BETWEEN THE CHILDREN'S TRUST AND THE VILLAGE FOR THE PROVISION OF YOUTH DEVELOPMENT SERVICES (K-5); AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER MARLEN D. MARTELL)**

The proposed Resolution will approve a contract with the Children's Trust to continue the Village's Out-of-School Program at Treasure Island Elementary School with \$169,252 grant funding.

1.) Commission Action

- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED PROPOSAL FROM NELCO TESTING & ENGINEERING SERVICES, INC. FOR THE PURPOSE OF EVALUATING THE STRUCTURAL INTEGRITY OF THE BAYWALK PLAZA PROJECT AREA; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER MARLEN D. MARTELL)**

The proposed Resolution will accept the proposal from Nelco to check the borings at the Baywalk plaza project

1.) Commission Action

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. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, PERMITTING INSTALLATION OF A NEW BOATLIFT ON AN EXISTING DOCK AT 7601 EAST TREASURE DRIVE IN SLIP A-34, WHICH WILL EXTEND BEYOND THE 25 FOOT LENGTH LIMIT; GRANTING A WAIVER PURSUANT TO SECTION 9.12(B) OF THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER MARLEN D. MARTELL)**

The proposed Resolution will approve a waiver to install a boatlift beyond the 25 foot required length.

1.) Commission Action

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, PERMITTING INSTALLATION OF A NEW BOATLIFT WITH A BOARDING PLATFORM AND ACCESS PLATFORM ON AN EXISTING DOCK AT 7601 EAST TREASURE DRIVE IN SLIP A-47, WHICH WILL EXTEND BEYOND THE 25 FOOT LENGTH LIMIT; GRANTING A WAIVER PURSUANT TO SECTION 9.12(B) OF THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER MARLEN D. MARTELL)**

The proposed Resolution will approve a waiver to install a boatlift beyond the 25 foot required length.

1.) Commission Action

- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, PERMITTING INSTALLATION OF A NEW BOATLIFT WITH A BOARDING PLATFORM AND ACCESS PLATFORM ON AN EXISTING DOCK AT 7601 EAST TREASURE DRIVE IN SLIP A-79, WHICH WILL EXTEND BEYOND THE 25 FOOT LENGTH LIMIT; GRANTING A WAIVER PURSUANT TO SECTION 9.12(B) OF THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER MARLEN D. MARTELL)**

The proposed Resolution will approve a waiver to install a boatlift beyond the 25 foot required length.

1.) **Commission Action**

- D. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY JOSEPH GRECO FOR A VARIANCE PURSUANT TO SECTION 7.4(B) OF THE NORTH BAY VILLAGE CODE OF ORDINANCES TO PERMIT A 5.78 FOOT REAR YARD SETBACK FOR THE CONSTRUCTION OF A SWIMMING POOL AT 7516 BUCCANEER AVENUE; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER MARLEN D. MARTELL)**

The proposed Resolution will approve the construction of a swimming pool to encroach the required 7.5 foot rear yard setback.

1.) **Commission Action**

- E. **AN AMENDMENT TO THE NORTH BAY VILLAGE COMPREHENSIVE PLAN AMENDING THE FUTURE LAND USE ELEMENT, CREATING A TRANSFER OF DENSITY PROGRAM TO ALLOW TRANSFER OF DENSITY FROM VILLAGE OWNED PROPERTIES TO PROPERTIES IN THE MULTI-FAMILY HIGH DENSITY RESIDENTIAL FUTURE LAND USE CATEGORY AND COMMERCIAL FUTURE LAND USE CATEGORY, PROVIDING FOR AN INCREASED MAXIMUM DENSITY ALLOWED FOR PROPERTIES IN THE COMMERCIAL FUTURE LAND USE CATEGORY WITH DIRECT ACCESS TO KENNEDY CAUSEWAY. (INTRODUCED BY VILLAGE MANAGER MARLEN D. MARTELL)**

The proposed Ordinance will allow for the transfer of density from Village owned properties to be purchased for development on the north side of the Kennedy Causeway.

1.) **Commission Action**

12. **UNFINISHED BUSINESS**

13. **NEW BUSINESS**

- A. **RECONSIDERATION OF RESOLUTION NO. 2018-34 REPEALING RESOLUTION NO. 2013-45 PERTAINING TO EMPLOYEE COMPENSATION DURING EMERGENCIES**

1.) **Commission Action**

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

A. **REGULAR COMMISSION MEETING – JUNE 12, 2018**

1.) **Commission Action**

15. **ADJOURNMENT**

11. ORDINANCES FOR FIRST READING AND RESOLUTIONS

- E. AN AMENDMENT TO THE NORTH BAY VILLAGE COMPREHENSIVE PLAN AMENDING THE FUTURE LAND USE ELEMENT, CREATING A TRANSFER OF DENSITY PROGRAM TO ALLOW TRANSFER OF DENSITY FROM VILLAGE OWNED PROPERTIES TO PROPERTIES IN THE MULTI-FAMILY HIGH DENSITY RESIDENTIAL FUTURE LAND USE CATEGORY AND COMMERCIAL FUTURE LAND USE CATEGORY, PROVIDING FOR AN INCREASED MAXIMUM DENSITY ALLOWED FOR PROPERTIES IN THE COMMERCIAL FUTURE LAND USE CATEGORY WITH DIRECT ACCESS TO KENNEDY CAUSEWAY. (INTRODUCED BY VILLAGE MANAGER MARLEN D. MARTELL)**

Jim LaRue, of LaRue Planning
& Management Services, Inc.,
Village Planner:

“Mayor, Jim LaRue for the records, you’ll remember that we had, couple of months ago, a public hearing in order to review what we were doing with the TDR rights that were allowed to have that as the plan amendment to allow us in the area of the causeway on the north side, we can use those TDR units for the extra density and I’ve come back with some comments from the Department of Economic Opportunity that would allow us to be able to go forth and adopt that amendment. In policy 2.1 - 14 the only thing I actually done is made some minor changes to the policy itself to make sure it says allocation of residential density, and again they wanted to know where that residential density came from and again it is from the public park and public works building. And I just specify where it was and had in the policy the number of units that we are able to use, not to exceed 166 units. The reason I had to do this is because North Bay Village, like a lot of beach communities, has the coastal high hazard area nearby, sea level and these aspects so we had to make sure that we are cautious and to know that there is a limit to what we were doing in the density. But it is consistence with the Comp Plan and they have allowed us to go ahead with that, and I will recommend for approval.

You notice in the back of your reports that I have given that there is no other agency that has any negative comments. FDOT is fine, DEP is fine, Water Management District- so we can go ahead and get our ability to be able to come back in September to implement with Land Development Code. In short, I didn't mean to take so long, but to explain to you that this is the jumpstart that we need, and we will be able to approve this plan amendment now and go forth.

Mayor Connie Leon-Kreps:

“When you say go forth, what are we going to look like when we implement it? What would the causeway look like?”

Village Planner Jim LaRue:

“When this is implemented, you will have the ability to jumpstart some of the developments that are sitting there now because you can look at how their sites are in terms of how they would use, perhaps, this extra density that we are talking about. And that puts us in a position of allowing better approach towards what people would do for the development themselves”.

Mayor Connie Leon-Kreps:

“My concern is the way the causeway would look in twenty years from now, in ten years from now. I am here for everybody, I'm not just here, I don't sit here just for the developers, because the developers would come in, build, make their profit and run. And then it is the resident, and we that are left behind. So, yes, while I do want to work with them and for them and help them because it helps us, I want to take into consideration the future of the village.

Village Planner Jim LaRue: “Remember Mayor, we are using the Charrette Master Plan with slimmer buildings and giving us more of the views areas and that is what we are looking at”.

Mayor Connie Leon-Kreps: “And you mentioned Public Works Building, we don’t know what is going to be happening in the public works building in the future. Do we?”

Village Planner Jim LaRue: “No, all I meant is that is where we got the density from; remember the three buildings that we have, the Public Works Site, the Vogel Park, and the old City Hall or wherever we received the density, that is what I meant”.

Mayor Connie Leon-Kreps: “So, if we distribute this density, and we give it away, then what happens if we ever needed? The City needs it? It’s not going to be there, right?”

Village Planner Jim LaRue: “You will not be able to use those properties for density purposes”.

Mayor Connie Leon-Kreps: “I want to put that in the record?”

Village Planner Jim LaRue: “You have a park site, public works site, and you actually have a site that is for ...”.

Mayor Connie Leon-Kreps: “We are actually limited any potential, I would not say with Schonberger Park or Vogel Park that we would ever develop there, but with the Public Works building, absolutely, I don’t want to sacrifice that property because I don’t know what in the future the residents may vote for a community center, apartments, condos, offices, I don’t know and I don’t want to put the city in that position and when I met with the Attorney, I said I wanted you and him to do the research and follow what Bay Harbor does, because we do not want to get out of control like sunny isles?”

Village Planner Jim LaRue: “Yes, Ma’am will not”.

Commissioner Laura Cattabriga: “So my question is this, is my understanding from my reading of this ordinance that what we are doing tonight is that we are voting to give us future flexibility so that this would applied on a case by case basis as projects come before us and so we can vote how much density, quote, give away based upon the project before us”.

Village Planner Jim LaRue: “Yes, that is correct, I am consistent with what I said to you at the first public hearing”.

Commissioner Laura Cattabriga: “Correct, I just want to make that clear that even if we vote on this affirmatively, we are under no obligation to ever award this to a project, if we if do not see that the project is worth receiving it”.

Village Planner Jim LaRue: “That is correct”.

Commissioner Laura Cattabriga: “Ok”.

Village Planner Jim LaRue: And just to follow up with this, we will implement this in the Land Development Code.

Commissioner Laura Cattabriga: “One final point of clarification, if I may, so the Mayor brings up the point of the Public Works building, if we didn’t, if we don’t have enough projects before us or if we don’t vote to give away a certain percentage of our density, we could always take that back and use it for Public Works, correct?”

Village Planner Jim LaRue: “Absolutely”.

Commissioner Laura Cattabriga: “Thank you”.

Mayor Connie Leon-Kreps: “Ok, do we have a motion?”

Vice Mayor Andreana Jackson: “I make a motion to approve”.

Mayor Connie Leon-Kreps: “Do we have a second?”

Commissioner Laura Cattabriga: "I'll second".

Mayor Connie Leon-Kreps: "Open for public hearing, anybody would like to speak? Public comments is closed"

Vice Mayor Andreana Jackson: "He is coming up"

Mayor Connie Leon-Kreps: "He didn't fill out a card, can you give him a card, thank you. Mr. Greenwald".

Public Comments:

Scott Greenwald: "1415 NW 79th Street, as one of the longest developers in North Bay Village and one of the few developers that are still here. We want to move the city forward; I want to thank the Commission for bringing this item up and Mr. LaRue for looking into it as deeply as he has done and exploring all the possibilities. I think the proposed amendment is beneficial both to the developers that would spur development and finally bring what everyone have wanted to the city and also beneficial for the city because as opposed to giving away density, the city is selling density at a \$40,000 per unit cost to the developers that goes to the city".

Scott Greenwald: "The other point of the matter is the city properties that are being used, two of them are parks, one is a city hall site, those are properties that are used for city purposes. If you develop them in a commercial manner, those properties would not be for residential and would not be affected in any way, so what this will do is bring in development to the City, will bring in dollars to the City government, and maybe pay for the boardwalk that would benefit everyone in the city by giving not only the water front properties access to the water; but also all the resident in North Bay Village access to the water and this will also be an area were as was mentioned all the developers would come in with a modified site plans and presented to the commission and they will

have the right, the ability then to approve those projects with the additional density included and receive the money that would benefit both the developers and the City, especially in a time like now when the City needs additional funding. I appreciate all you considering this, thank you”.

Mayor Connie Leon-Kreps:

“Thank you, public comment is closed, roll call”

Village Clerk Yvonne Hamilton:

“Mayor Leon-Kreps, Commissioner Eddie Lim, Commissioner Jose Alvarez, Commissioner Laura Cattabriga, Vice Mayor Andreana Jackson. Motion carries 5-0”.