NORTH BAY VILLAGE
PLANNING & ZONING BOARD
PUBLIC MEETING NOTICE

Thursday, November 14, 2024 at 6:00 PM
1666 Kennedy Causeway, #101, North Bay Village, FL 33141
(In-person and virtual via Zoom. See below for details)

The meeting agenda is available online at:
https://northbayvillage-fl.gov/agendas-minutes

Elected Officials and Village staff will participate from the physical meeting location. Members of the public may attend the meeting in person at the physical meeting location, or, alternatively, may watch or call in to the meeting by following these instructions:

ATTEND THE MEETING IN PERSON AT THE PHYSICAL MEETING LOCATION: The meeting will be held in person at the physical meeting location stated above. Admission to the physical meeting location is on a first-come, first-serve basis and space is limited. Doors will open 30 minutes prior to the meeting start time. The Village highly encourages those in attendance to wear facial coverings and abide by social distancing as recommended by the CDC.
Watch the Public Meeting: https://northbayvillage-fl.gov/videos TV Channel 661 Facebook Live
Participate in the meeting via Zoom: Meeting ID: 893 9798 9240 | Passcode: 377617
Listen via telephone to the Virtual Public Meeting: 1-305-224-1968 or 1-929-205-6099
For technical support during the meeting, please contact: (786) 309-4991

PUBLIC COMMENTS

Public comments will be accepted by the following means:

IN-PERSON COMMENTS: Members of the public may attend the meeting at the physical meeting location stated above and deliver their public comments in person during the public comment portion of the agenda.

VIRTUAL COMMENTS: ***Public comments will also be accepted during the meeting using the virtual meeting platform.***

VIA E-MAIL TO: publiccomment@nbvillage.com

Interested parties or their authorized representatives may address the Commission and/or Board via written or electronic commentary ("e-comments") by emailing the Village Clerk at least two (2) hours prior to the commencement of the meeting. E-comments will not be read during the meeting but will be distributed to the Village Commission or Board prior to the commencement of the meeting. You may send your concerns with the subject line "PUBLIC COMMENT" and the following information in the body of the email: your name, address, if you are a hired Consultant or Village Employee, and/or if you are engaged in lobbying activities and/or representing an organization.

PUBLIC RECORDS

The meeting will be recorded for later viewing and is a public record. Minutes of the meeting will be taken and will be made available.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY VILLAGE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE VILLAGE CLERK, NORTH BAY VILLAGE, 1666 KENNEDY CAUSEWAY. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171 EXT 45. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE VILLAGE WEBSITE AT www.northbayvillage-fl.gov.

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK AT 786-224-8070 NO LATER THAN FIVE DAYS PRIOR TO SUCH PROCEEDING. 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 786-224- 8070 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

LOBBYING ACTIVITIES

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Village Clerk prior to engaging in lobbying activities per Village Code Sec. 38- 17. ""Lobbyist"" specifically includes the principal, as well as any agent, officer or employee of a principal, regardless of whether the lobbying activities fall within the normal scope of employment of the agent, officer or employee. The term ""lobbyist"" specifically excludes the following persons: lobbyists hired by the Village who are communication with Village personnel in the course of performing under their contracts; attorneys or other representatives retained to represent individuals and corporate entities in quasi-judicial proceedings where the law prohibits ex -parte communications; expert witnesses who only provide scientific, technical or other specialized information or testimony at public meetings; employees of the principal who do not engage in lobbying activities and representatives of non-profit organizations who only appear at publicly noticed meetings, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support or opposition to any item.

Have questions or need additional information?

E-mail: villageclerk@nbvillage.com

Call: 305-756-7171

North Bay Village

OFFICIAL AGENDA
PLANNING AND ZONING BOARD MEETING
1666 Kennedy Causeway, #101, North Bay Village, FL 33141 (In-person and virtual via Zoom. See below for details)
Meeting ID: 893 9798 9240 | Passcode: 377617
Thursday, November 14, 2024
6:00 PM

Decorum: Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the board shall be barred from further appearance before the board by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Village Clerk prior to engaging in lobbying activities per Village Code Sec. 38-17. "Lobbyist" specifically includes the principal, as well as any agent, officer or employee of a principal, regardless of whether the lobbying activities fall within the normal scope of employment of the agent, officer or employee. The term "lobbyist" specifically excludes the following persons: lobbyists hired by the Village who are communication with Village personnel in the course of performing under their contracts; attorneys or other representatives retained to represent individuals and corporate entities in quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who only provide scientific, technical or other specialized information or testimony at public meetings; employees of the principal who do not engage in lobbying activities and representatives of non-profit organizations who only appear at publicly noticed meetings, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support or opposition to any item.

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1. **Call to Order/Roll Call**

2. **Approval of Meeting Minutes**

   Approval of the October 15, 2024, Meeting Minutes

   10.15.2024 DRAFT .pdf

3. **Public Hearings (Quasi-Judicial)** *Please be advised that the following items are quasi-judicial in nature. If you wish to object or comment upon any of these items, please inform the Chair when he requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff 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 Board 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.

3A. A Resolution Considering a Request by 7940 NBV Partners, LLC for a Variance to Increase the Building Height and the Maximum Projection of Balconies into the Front and Rear Setbacks for a Project at 7938-7940 West Drive - Interim Village Manager Frank Rollason (Village Planner Silvia E. Vargas, FAICP)

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC CONCERNING PROPERTY LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, IDENTIFIED BY MIAMI-DADE COUNTY FOLIO NUMBERS 23-3209-001-0420 AND 23-3209-001-0400, FOR A VARIANCE REQUEST PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO VARY FROM THE STRICT APPLICATION OF SECTION 8.12, "BONUS HEIGHT," TO ALLOW BUILDING HEIGHT OF 322 FEET WHERE UP TO 312 FEET ARE ALLOWED WITH APPLICATION OF ALL BONUSES; AND SUBSECTION 8.17(L), "ENCROACHMENTS," TO PERMIT PORTIONS OF RESIDENTIAL BALCONIES TO PROJECT UP TO 75 INCHES INTO THE FRONT AND REAR SETBACKS, WHERE A MAXIMUM PROJECTION OF 48 INCHES IS ALLOWED INTO ANY SETBACK; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Suggested Action: The Planning and Zoning Board should review the Planning staff's analysis of this request for an increase in the maximum building height of an approved site plan, and, after consulting the criteria in Section 7.3 related to variances, should forward a recommendation to the Village Commission.

7940 W Drive_Variance Staff Report_PZB 111424.pdf
Attachment 1_Boundary Survey.pdf
Attachment 2_Variance Application Form and Letter of Intent.pdf
Attachment 3_Plans Showing Requested Variances.pdf
Attachment_4_Approved Site Plan_7940_W_Dr (09.28.23).pdf
Attachment 5_Reso Height and Balcony Variances_7940 West Drive
Notice of Public Hearing.11.3.24 MH.pdf

4. Applications

5. Ordinances

5A. An Ordinance Amending Sec. 9.22, "Synthetic Turf," of the Unified Land Development Code - Interim Village Manager Frank Rollason (Village Planner Silvia E. Vargas, FAICP)

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY

VILLAGE, FLORIDA, AMENDING SECTION 9.22, "SYNTHETIC TURF," OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO MODIFY THE STANDARDS FOR DESIGN, PERMITTING AND INSTALLATION OF SYNTHETIC TURF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Suggested action: To forward to the Village Commission a recommendation of approval of the proposed amendments, as presented by Staff.

Ordinance Amending Sec. 9.22_Synthetic Turf.docx
Exhibit A - Sec 9.22 Synthetic Turf (Updated).docx
Notice of Public Hearing- MH 11.03.2024.pdf

5B. An Ordinance Amending Section 5.22, "Burden of Showing Compliance" of the Unified Land Development Code, Regarding Concurrency Compliance for Parks and Open Space - Interim Village Manager Frank Rollason (Village Planner Silvia E. Vargas, FAICP)

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 5.22, "BURDEN OF SHOWING COMPLIANCE," OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO CLARIFY THE VILLAGE'S CONCURRENCY COMPLIANCE REQUIREMENT FOR PARKS AND OPEN SPACE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Suggested Action: To forward to the Village Commission a recommendation of approval of the proposed amendment, as presented by Staff.

Ordinance Amending Sec. 5.22_Burden of Showing Compliance _Parks (Updated).docx
Notice of Public Hearing-MH.11.3.2024.pdf

6. **Discussion Items**

7. **Public Comments**

8. **Adjournment**

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK AT 305-756-7171 EXT. 45 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

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North Bay Village
Recommendation Memorandum

DATE: November 14, 2024

TO: Planning and Zoning Board

FROM: Alba L. Chang, Village Clerk

SPONSORED BY:

SUBJECT: Approval of the October 15, 2024, Meeting Minutes

RECOMMENDATION

BACKGROUND AND ANALYSIS

A Meeting was held on October 15, 2024, and Minutes have been provided for the Planning & Zoning Board's consideration and approval.

It is recommended that the Board approve the meeting minutes, as presented.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)

None

PERSONNEL IMPACT

None

North Bay Village

PLANNING AND ZONING BOARD MEETING MINUTES
October 15, 2024, | 6:00 P.M.
1666 Kennedy Causeway, Suite 101, North Bay Village, FL. 33141
Meeting ID: 841 9987 1211 | Passcode: 548617

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1. **Opening Items**
   - **A. Call to Order:** The Planning and Zoning Advisory Board Meeting was called to order at 6:01 p.m.

   - **B. Roll Call:** Present were the following individuals –
     - Vice Chair, At-Large Ryan Shaw
     - North Bay Island Board Member Paul Murphy
     - Harbor Island Board Member Zach Thomas; ZOOM.
     - Alternate Sherry Abramson
     - Village Planner Silvia Vargas

   - **C. Absent:**
     - Chair, At-Large Jon Andras
     - Treasure Island Board Member Indira Shakti

2. **Discussion Items**
   - **A.** Oath of Office to Newly Appointed Board Members
     - Zachary Thompson

   - **B.** Selection of a Chair by the Planning and Zoning Board

     ACTION: Board Member Abramson made a motion to select the Chair position to Board Member Ryan Shaw. Board Member Murphy seconded the motion and it passed by unanimous voice vote.

   - **C.** Selection of a Vice Chair by the Planning and Zoning Board

     ACTION: Chair Shaw made a motion to select the Vice Chair position to Board Member Abramson. Board Member Murphy seconded the motion and it motion passed by unanimous voice vote.

3. **Approval of Commission Minutes**
   - **A.** Approval of Meeting Minutes from May 15, 2024

   ACTION: Chair Ryan Shaw made a motion to approve the meeting minutes of May 15, 2024. Board Member Murphy seconded the motion, and it passed by unanimous voice vote.

4. **Public Hearings [Quasi-Judicial]:** None
Please be advised that the following items are quasi-judicial in nature. If you wish to object or comment upon any of these items, please inform the Chair when he requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff 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 to be cross-examined or to be sworn, your testimony will be given its due weight. The public will not be permitted to cross-examine witnesses, but the public may request the Board 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.

5. **Applications:** None

6. **Ordinances:**

6A. An Ordinance Amending Section 8.12, "Bonus Height" of the Unified Land Development Code - Interim Village Manager Frank Rollason (Village Planner Silvia E. Vargas, FAICP).

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 8.12 "BONUS HEIGHT" OF THE UNIFIED LAND DEVELOPMENT CODE TO PROVIDE FOR THE APPROVAL OF ADDITIONAL BONUS HEIGHT IN CONNECTION WITH PUBLIC WATERFRONT ACCESS AND OPEN SPACE FOR ENHANCED ACCESS TO THE ISLAND WALK AND IMPROVEMENTS TO EXISTING PUBLIC PARKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Village Clerk Alba Chang read the proposed ordinance title into the record.

Village Planner Silvia Vargas explained this proposal would allow the Commission to consider approving an additional 188 feet above and above the maximum attainable height of 312 feet. The presented amendment intends to consider additional height in connection with the provision of public waterfront access and open space to enhance public parks.

The proposed amendment comes with the following conditions potentially eligible properties must meet to be granted the bonus height:
1. There are only 3.5 acres of net lot area.
2. The property must receive development rights transfers [TDRs] that maximize the bonus height.
3. The property must reach a development agreement approved by the Village Commission.

A potentially eligible property must include the following criteria in the development agreement:
1. A 7,000 sq/ft requirement is a minimum.
2. The Village has a concurrency requirement for Parks and Recreation, and a concurrency plan should also be included in the Code for these projects.

She urged the Village to be more proactive in incrementally achieving concurrency. All spaces should have a usable design.

An analysis has been completed following the NBV 100 plan to be more consistent with the pillars relevant to this amendment. They are consistent with RM70. This amendment would allow specific properties with net land to reduce the bulk of the tower for additional access to the waterfront and open space.

This amendment is being sponsored by Commissioner Daro and co-sponsored by Vice Mayor Chervony.

Board Member Murphy asked if the property rises 50 stories/500 feet, what would be the maximum density granted?

Village Planner Vargas said the density remains the same as the comprehensive plan of 70 units/acre. She said the density allocations cannot be changed without amending the comprehensive plan. The Village Attorney noted the building is not required to be that tall, and this amendment applies to any future development.

Village Planner Vargas listed the following description of eligibility conditions:

1. At least 3.5 acres of net lot area.
2. Must receive TDR
3. Maximize the bonus height available.
4. A project subject to a Development Agreement approved by the Village Commission
    a. The Development Agreement for an eligible project must provide for each of the following items:
        i. Dedication of public / open space and waterfront access of at least 7,000 sq/ft.
        ii. Development and improvements of open spaces.
        iii. Maintenance of open space
        iv. The Village must be named as an additional insured with coverages found suitable by the Village Manager.
        v. A Public Parks Enhancement contribution of $115 per square foot.

Board Member Murphy asked how much open space can there be for the subject property? What are the setbacks going up? He expressed concern about how the density would be managed on the site, and there are not enough units for such tall structures.

Village Planner Vargas said those interested in obtaining the bonus height are responsible for learning what they must gather/provide to meet the Code requirements. She supports reducing the height of buildings instead of units. TDR cannot be modified during this meeting; the board can submit a recommendation to the Commission to lower the bonus height of buildings.

The Code states the following:

- 25 feet for the front
- 25 rear/waterfront
- 15 feet for one interior side.

- The other interior side should be at least 20 percent of the total lot to allow for an island walk.
- 20 percent of the lot must be open space.
- 30 percent of the lot must be green space.

PUBLIC COMMENTS:
Laura Tauber, Developer - 1801 NE 123 Street, North Miami, FL. 33181
Miguel Diaz De La Portilla Attorney

ACTION: Vice Chair Abramson made a motion to approve the proposed Ordinance. Board Member Murphy seconded the motion.

Upon poll call vote, the motion passed 4-0, Chair Shaw, Vice Chair Abramson, Board Member Thompson, and Board Member Murphy voted in favor.

6B. An Ordinance Creating a New Section 5.23.1, Providing for Waivers of Plat - Interim Village Manager Frank Rollason (Village Planner Silvia E. Vargas, FAICP).

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING DIVISION 3 "SUBDIVISION REGULATIONS" OF CHAPTER 5 OF THE UNIFIED LAND DEVELOPMENT CODE BY CREATING A NEW SECTION 5.23.1 PROVIDING FOR WAIVERS OF PLAT BASED ON EXCEPTIONS TO THE PLATTING REQUIREMENT PROVIDED IN CHAPTER 28 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Village Clerk Alba Chang read the proposed ordinance title into the record.

Village Planner Vargas said this proposal is designed to provide a clear and explicit process consistent with Miami-Dade County's criteria for determining when planning requirements can be waived. This language is not in the Village Code, creating a new section under Chapter 5. The Village Manager can decide if a property can be exempt from planning requirements. A waiver process and criteria are missing from the Code language.

Vice Chair Abramson asked why certain exemptions were needed, to which the Village Attorney explained that it is a long, tedious, expensive process involving the County, among other entities. This arduous process is sometimes unnecessary when there is an already-developed site.

There is developed land in the Village with incomplete plat details; therefore, going back to fulfill the planning requirements is daunting. This language at least allows for considering a waiver where none existed before. Miami Dade and many municipalities include this language.

ACTION: Vice Chair Abramson made a motion to approve the proposed Ordinance. Board Member Murphy seconded the motion.

Upon poll call vote, the motion passed 3-0, Chair Shaw, Vice Chair Abramson, and Board Member Paul Murphy voted in favor.

Board Member Thompson was not present when voting occurred.

7. Public Comments: None

8. Adjournment

ACTION: There being no further business to discuss, the meeting adjourned at 7:01 p.m.

Accepted this 14th day of November 2024.

_____
Ryan Shaw
Chair

Respectfully Submitted,

_____
Alba L. Chang, CMC
Village Clerk

ITEM NO. 3A

North Bay Village
Recommendation Memorandum

DATE: November 14, 2024

TO: Planning and Zoning Board Meeting

FROM: Silvia Vargas, Village Planner

SPONSORED BY:

SUBJECT: **A Resolution Considering a Request by 7940 NBV Partners, LLC for a Variance to Increase the Building Height and the Maximum Projection of Balconies into the Front and Rear Setbacks for a Project at 7938-7940 West Drive - *Interim Village Manager Frank Rollason (Village Planner Silvia E. Vargas, FAICP)***

RECOMMENDATION

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC CONCERNING PROPERTY LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, IDENTIFIED BY MIAMI-DADE COUNTY FOLIO NUMBERS 23-3209-001-0420 AND 23-3209-001-0400, FOR A VARIANCE REQUEST PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO VARY FROM THE STRICT APPLICATION OF SECTION 8.12, "BONUS HEIGHT," TO ALLOW BUILDING HEIGHT OF 322 FEET WHERE UP TO 312 FEET ARE ALLOWED WITH APPLICATION OF ALL BONUSES; AND SUBSECTION 8.17(L), "ENCROACHMENTS," TO PERMIT PORTIONS OF RESIDENTIAL BALCONIES TO PROJECT UP TO 75 INCHES INTO THE FRONT AND REAR SETBACKS, WHERE A MAXIMUM PROJECTION OF 48 INCHES IS ALLOWED INTO ANY SETBACK; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Suggested Action: The Planning and Zoning Board should review the Planning staff's analysis of this request for an increase in the maximum building height of an approved site plan, and, after consulting the criteria in Section 7.3 related to variances, should forward a recommendation to the Village Commission.

BACKGROUND AND ANALYSIS
See attached Staff Report and proposed Resolution.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)
N/A

PERSONNEL IMPACT
N/A

ATTACHMENTS
7940 W Drive_Variance Staff Report_PZB 111424.pdf
Attachment 1_Boundary Survey.pdf
Attachment 2_Variance Application Form and Letter of Intent.pdf
Attachment 3_Plans Showing Requested Variances.pdf
Attachment_4_Approved Site Plan_7940_W_Dr (09.28.23).pdf
Attachment 5_Reso Height and Balcony Variances_7940 West Drive
Notice of Public Hearing.11.3.24 MH.pdf

MEMORANDUM
1666 Kennedy Causeway, Suite 300
North Bay Village, FL 33141
Tel: (305) 756-7171
Fax: (305) 756-7722
Website: www.northbayvillage-fl.gov

Date: **November 14, 2024**

To: **Planning and Zoning Board**

From: **Silvia E. Vargas, FAICP, Village Planner**

Subject: **STAFF REPORT – Review of Request for Variance from maximum building height and balcony encroachment for development project to be located at 7940 West Drive**

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1. General Information

Owner/Applicant:	7940 NBV Partners, LLC
Applicant Address:	4531 Prairie Avenue, Miami Beach, FL
Site Address:	7940 West Drive
Site Acreage	0.77 acres
Folio Numbers	23-3209-001-0400 and 23-3209-001-0420
Contact Person:	Graham Penn Bercow Radell Fernandez Larkin + Tapanes
Phone Number:	305.377.6229
E-mail Address	gpenn@brzoninglaw.com

2. Legal Description of Subject Property

Lots 38, 40 and 42, “Harbor Island”, According to the Plat Thereof, as Recorded in Plat Book 44, Page 72, of the Public Records of Miami-Dade County, Florida. (Refer to Boundary Survey, included as Attachment 1).

3. Property Future Land Use Map and Zoning Designations

Future Land Use	Residential (Multifamily High Density)
Zoning District	RM-70 High-Density Multiple Family Residential
Existing Land Use	Vacant

4. Adjacent Land Use Map Classifications and Zoning District

North	Future Land Use	Residential (Multifamily High Density)
	Zoning District	RM-70 High-Density Multiple Family Residential
	Existing Land Use	Multifamily Residential
East	Future Land Use	Residential (Multifamily High Density)
	Zoning District	RM-70 High-Density Multiple Family Residential
	Existing Land Use	Multifamily Residential
South	Future Land Use	Residential (Multifamily High Density)
	Zoning District	RM-70 High-Density Multiple Family Residential
	Existing Land Use	Multifamily Residential
West	Future Land Use	Water
	Zoning District	Water
	Existing Land Use	Water

5. Background

On June 12, 2023, several applications were submitted by applicant 7940 NBV Partners LLC (the "Applicant") to North Bay Village to initiate the approval process for a new condominium development to be located at 7938-7940 West Drive, with a legal description as shown in Exhibit A, on an approximately 0.77-acre site zoned RM-70.

On September 28, 2023, by Resolution 2023-122, and pursuant to the provisions of Sec. 5.8 of the Unified Land Development Code (the "ULDC"), the Village Commission approved a site plan for the project (Attachment 3) , encompassing a 312-foot, 70-unit multifamily residential project with structured parking and ancillary amenities (the "Project"). On the same date, the Commission approved the following related applications:

(a) A Variance under the provisions of Section 7.13 to allow the provision of 77 spaces less than the minimum parking requirement at the time.
(b) A Variance, also under Section 7.3, to provide a two-way garage driving aisle 22 feet wide, which is below the required 23 feet width standard.
(c) A Special Use Exception pursuant to Sections 8.11 and 9.3.e. of the ULDC, to allow up to twenty percent (20%) of parking spaces required the Project to be designed specifically for compact vehicles.

On May 14, 2024, the Applicant sought and was granted approval for a Use Exception to erect a temporary sales center and marketing office on the site, pursuant to the provisions of Section 8.11.B. Subsequently, the Applicant has submitted building permit applications for a temporary

construction fence, as well as for the temporary sales center and marketing office, including parking, stormwater and landscaping plans.

6. Description of Applicant's Request

The Applicant requests approval from the Village Commission for a two variances in accordance with the provisions of Sec. 7.3 of the ULDC. The first variance is to provide a maximum building height of 322 feet, where 312 is the maximum allowed. The second variance is to allow the encroachment of residential balconies into the front and rear setbacks by up to 6 feet-3 inches, where a maximum encroachment of 4 feet is allowed.

Sec. 7.3 establishes the process for an applicant to seek approval for a variance.

The Applicant states that the variances are necessary for the approved Project to be in harmony with and fulfill the intent of the ULDC, the Comprehensive Plan and the NBV100 Master Plan for this zoning district, and to allow for the fulfillment of the property's potential under the Pagani Residential Program.

The Applicant also states that the variances are necessary to increase the number of parking spaces in the parking garage. However, it should be noted that the site plan was approved with reduced parking (via variance) based on a prior variance application by the Applicant.

7. Consistency with Comprehensive Plan

This Application is generally consistent with the following objectives and policies in the Future Land Use, Transportation, and Conservation Elements of the NBV100 Comprehensive Plan:

[. . .]

Objective 2.4: In accordance with the vision of the NBV100 Master Plan, the Village shall encourage innovative development and redevelopment in the Commercial Future Land Use District, while adjusting regulatory metrics in favor of good street frontages, an inviting public realm, better connections to the water (where applicable), a wider range of building types, a more varied skyline and better architecture, consistent with the goals of the NBV100 Master Plan and this comprehensive plan.

[. . .]

Policy 3.2.8: Enforce on-site parking standards for all new development and redevelopment. Any redevelopment resulting in an increase in units shall be required to conform to parking standards for all units in effect at the time of redevelopment. All new residential development and redevelopment projects shall be required to provide on-site parking for each residential dwelling unit. On-site guest parking shall be required in addition to the parking required for the dwelling units. At a minimum, guest parking shall be equal to 10% of the parking required for the dwelling units.

[. . .]

Objective 9.5: Promote resilient and environmentally sustainable developments that protect and enhance the natural features of the Village.

[. . .]

8. Compliance with the ULDC and Compatibility with Adjacent Uses

The variances are being requested in accordance with the provisions of Section 7.3 of the ULDC. The proposed building height deviation is from the requirements of Sections 8.12.B., "Bonus height," and 8.17.G., "Encroachments."

9. Compliance with Variance Criteria

Pursuant to Sec. 7.3.C., for the Planning and Zoning Board to recommend approval of a hardship variance, and for the Village Commission to grant approval, of a variance request, both must make an affirmative finding with respect to all seven (7) of the following criteria:

1. That there are special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district.

Applicant's Comment: The proposed height variance is necessary for two major reasons. First, to accommodate additional parking to ensure that the development will not create a burden on the neighborhood, the owner has had to raise the height of the top parking level to be able to accommodate mechanical lifts. Given the constraints of the Property's size and orientation, adding parking vertically was the only reasonable option. Second, the proposed building is unique in the Village, the first true luxury multi-family development. The unique requirements of the "Pagani" residential program necessitate increasing the floor-to-floor height of each residential level – focused on the top levels of the structure. Similarly, the minor additional intrusion of residential balconies is necessary to accommodate the unique design of the "Pagani" residential program.

Staff Analysis: The site is vacant and is of a regular shape and reasonable size for development. The property encompasses 0.77 acres of land, and is of similar depth, and larger frontage, as many properties in the adjacent area. All the properties within this zoning district are required to meet the same building height and the same balcony restrictions, unless otherwise specified in the ULDC., so there are no special circumstances or conditions that are peculiar to the land, or which apply to this property or to any structures involved which do not apply to others in the RM-70 zoning district.

Staff Determination: Criterion not met.

2. That the special circumstances and conditions were not self-created by any person having an interest in the property.

Applicant's Comment: Neither the characteristics of the Property, including size and orientation, nor the unique requirements of the Pagani residential program were created by the owner

Staff Analysis: The Applicant has deliberately and voluntarily selected to work with a residential program partner whose requirements result in the need for the requested deviations. This is a choice which was made after the approval of a site plan which, incidentally, already maximizes building height by leveraging provisions amended by the Applicant via Ordinance No. 2022-012 (additional height provided to projects involving the transfer of development rights).

Staff Determination: Criterion not met.

3. *That the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought; and would involve an unnecessary hardship for the applicant.*

Applicant's Comment: The strict application of the regulations would deprive the Applicant of the reasonable use of the land and would result in an unnecessary hardship. In the absence of the proposed variances, the catalyst presented by the Pagani residences would be simply impossible.

Staff Analysis: A denial of the variance requests (either one or both), resulting in the strict application of the ULDC requirements, will not deprive the Applicant of a reasonable use of the land, structure, or building for which the two variances are sought. This is evidenced by the fact that a substantially similar version of the Project was approved approximately a year ago without the need for these variances.

Staff Determination: Criterion not met.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Unified Land Development Code to other land, structures, or buildings in the same zoning district.

Applicant's Comment: Granting the requested variances will not confer any special privilege on the Applicant, which has been unduly impacted by the Property's size and orientation and Village's standards in a manner that would make the proposed Pagani residences untenable.

Staff Analysis: While the ability to request a variance is open to all, the Applicant is in no way uniquely impacted by height and balcony encroachment restrictions. In fact, the same requirements apply to every property within the same zoning district as well as all property within the RM-40 zoning district. There are smaller parcels on Harbor Island which have been developed in compliance with the current standards without resorting to variances.

Staff Determination: Criterion not met.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.

Applicant's Comment: The requested variances are the minimum necessary to allow for the Property to be a viable site for the proposed development.

Staff Analysis: The requested deviations may be the most minimal to achieve the desired results. However, a more modest reduction, or even no reduction, would still make it possible to develop the land in a reasonable manner.

Staff Determination: Criterion not met.

6. That granting the variance will be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Applicant's Comment: The granting of the requested variances will allow future development on the Property to be in harmony with the intent and purpose of the Comprehensive Plan as it will fulfill the intent of the RM-70 zoning designation and further the Village's goals rather than remain as an underutilized lot. The addition of more parking in the building will reduce the risk of external impacts from the project. The minor balcony variance will allow for an improved design that will benefit the neighborhood.

Staff Analysis: The granting of the variance would allow the development of a building 10 feet taller than the current maximum allowed, with sweeping balconies that would encroach up to 6 feet and 3 inches into the front and rear setback areas. While these differences are likely not perceptible to the eye, in contrast to the Applicant's statement these variances are not necessary for the approved Project to be in harmony with, or to fulfill, the intent of the ULDC, the Comprehensive Plan or the NBV100 Master Plan for this zoning district. Further, it is worth noting that the site plan was approved with reduced parking (via variance) at the Applicant's urging.

Staff Determination: If granted, the variances would facilitate development that is not inharmonious or injurious to the neighborhood. Criterion met.

7. The variance request is not based exclusively upon a desire to reduce the cost of development.

Applicant's Comment: The requested variances are not based upon desire to reduce development costs, but rather is based on the desire to make the Property viable for a unique high-quality development consistent with the intent of the Comprehensive Plan and the ULDC. The proposed Pagani residences instead represent a significant increase in development costs as compared to typical development in the Village given the quality and amenities required by the brand. Granting of the requested variances will support a development that will be the highest and best use of the Property.

Staff Analysis: The requested variances are not based upon a desire to reduce costs.

Staff Determination: Criterion met.

10. Recommendation

The variance requests, as presented, do not comply with all seven variance criteria, as required by Sec. 7.3.

Staff acknowledges that the additional height, in particular, is not excessive, will not be noticeable to the eye, and could be useful in helping accommodate additional parking for the project, which is a desirable condition. However, it is worth noting that the height variance request follows the approval of a site plan which leverages a code amendment, initiated by the same Applicant, to maximize building height.

If, nevertheless, the Planning and Zoning Board recommends approval of one or both variances, Staff proposes that the following conditions be incorporated into the draft Resolution (included as Attachment 4). In addition, if the building height variance is approved, the proposal to increase parking spaces via mechanical lifts together with the change in ceiling-to-floor heights must be evaluated by Staff to determine if an administrative site plan modification is required, pursuant to Section 5.10.

Noncompliance with the terms and conditions of approval shall be considered a violation, and penalties may include but are not limited to revocation of the approval granted by this resolution.

11. Conditions

1. An approval to allow a building height of 322 feet, where a maximum of 312 feet is permitted, shall refer to the main structure, as depicted in the attached Exhibit B and shall not include mechanical equipment located on a rooftop, screening, and other rooftop appurtenances covered under (and limited by) Sec. 8.17.G.

2. An approval to permit portions of residential balconies to encroach into the setbacks, as presented in Exhibit B, is restricted to the rear and front setbacks and to a maximum encroachment of 6 feet-3 inches. Balconies facing the sides of the building shall comply with the provisions of Subsection 8.10.D.4.b.

3. The development of the property to which the variances apply shall be in strict conformance with approved plans on file for from Project's site plan application, except that approval of an administrative site plan modification pursuant to the provisions of Section 5.10 of the ULDC may be required for changes in floor to ceiling heights and in the number of parking spaces upon evaluation by the Planning and Zoning Official.

4. Any other resulting changes that exceed the criteria for an administrative site plan modification approval shall be subject to the provisions of Section 5.8.

5. All due cost recovery charges must be paid pursuant to Section 5.12. Specifically, no new development application shall be accepted, and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.

6. Pursuant to Section 7.5, after the Village Commission has granted a variance, the variance so approved or granted 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 variance was granted.

List of Attachments to Staff Report

Attachment 1 – Boundary Survey
Attachment 2 – Variance Application Form and Letter of Intent
Attachment 3 – Plans Showing Requested Variances
Attachment 4 – Approved Site Plan (09.28.23)
Attachment 5 – Draft Resolution Height and Balcony Encroachment Variances_7940 West Drive

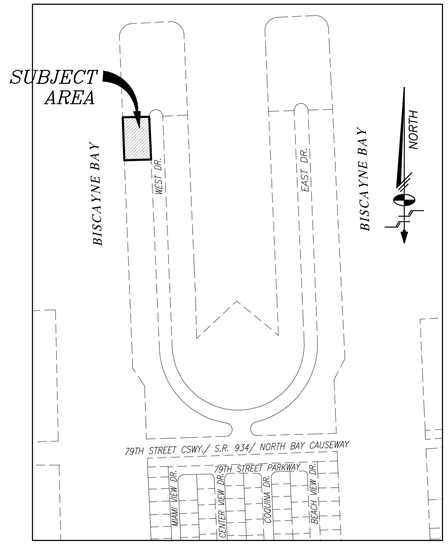
GENERAL LEGEND:

AERIAL TARGET
ALUMINUM LIGHT POST
ALUMINUM LIGHT POST (SINGLE)
ALUMINUM LIGHT POST (DOUBLE)
ALUMINUM LIGHT POST (TRIPLE)
ALUMINUM LIGHT POST (QUAD)
ANCHOR/GUY WIRE
BACKFLOW PREVENTER ASSEMBLY
CABLE TELEVISION BOX
CATCH BASIN
CATCH BASIN F-3
CENTERLINE
CHECK VALVE ASSEMBLY
COLUMN (CIRCULAR)
COLUMN (SQUARE)
CONCRETE LIGHT POLE
CONCRETE LIGHT POLE (DOUBLE)
CPP CONCRETE POWER POLE
CONTROL POINT
CPB COMMUNICATION PULL BOX
CURB INLET
DOUBLE DETECTOR CHECK VALVE
DRAIN (CIRCULAR OR SQUARE)
ELECTRIC BOX (ABOVE GROUND)
EPB ELECTRIC PULL BOX (BELOW GROUND)
ELECTRIC HAND HOLE
ELECTRIC OUTLET
ELEVATIONS (SEE NOTES FOR DATUM)
FIRE HYDRANT
FIRE LINE SIMMESE CONNECTION
FIRE LINE CONNECTION
FLAGPOLE
FLOW LINE
FORCE MAIN MANHOLE
FORCE MAIN VALVE
F.P.L. ELECTRIC MANHOLE
F.P.L. FIBER NETWORK
F.P.L. TRANSMISSION POLE
GAS MANHOLE
GM GAS METER
GP GAS PUMP
GAS VALVE
GREASE TRAP MANHOLE
GROUND LIGHTING
BO GUARD POST, BOLLARD
IRRIGATION HAND HOLE
IRRIGATION VALVE
MAILBOX
MONITOR WELL
MONUMENT LINE
P-S INLET
P-6 INLET
PARKING METER
PEDESTRIAN CROSSING SIGNAL
PRM PERMANENT REFERENCE MONUMENT
POST INDICATOR VALVE
PBB POWER BREAKER ASSEMBLY
PROPERTY LINE
ROUND CATCH BASIN
SANITARY SEWER CLEANOUT
SANITARY SEWER MANHOLE
SIGN POST
SPRINKLER PUMP
STANDPIPE
STORM SEWER MANHOLE
SLB STREET LIGHT BOX
SWALE INLET
TELEPHONE BOX (SOUTHERN BELL)
TELEPHONE HAND HOLE
TELEPHONE MANHOLE (SO. BELL)
TELEPHONE PAYPHONE
TRAFFIC HAND HOLE
TRAFFIC UTILITY BOX
TCB TRAFFIC CONTROL POST
TRAFFIC SIGNAL POST
TSB TRAFFIC SIGNAL BOX
TREE & PALM
UNDERGROUND UTILITY MARKER
UNKNOWN UTILITY MANHOLE
UNKNOWN UTILITY HAND HOLE
WATER MANHOLE
WM WATER METER
WATER VALVE
WOOD LIGHT POLE
WOOD POWER POLE
WTP WOOD TELEPHONE POLE
HANDICAP PARKING
SB STROLLER PARKING

ABBREVIATIONS:

R denotes RADIUS
Δ denotes DELTA ANGLE
L denotes ARC DISTANCE
CH.D. denotes CHORD LENGTH or CHORD DISTANCE
CH.B. denotes CHORD BEARING
T denotes TANGENT DISTANCE
P.C.P. denotes PERMANENT CONTROL POINT
P.R.M. denotes PERMANENT REFERENCE MONUMENT
P.B. denotes PLAT BOOK
PG. denotes PAGE
P.C.C. denotes POINT OF COMMENCEMENT
P.O.B. denotes POINT OF BEGINNING
OHW denotes OVERHEAD UTILITY WIRES
O.R.B. denotes OFFICIAL RECORDS BOOK
P.C. denotes POINT OF CURVATURE
C.B.S. denotes CONCRETE BLOCK STRUCTURE
CONC. denotes CONCRETE
C.L.F. denotes CHAINLINK FENCE
M.F. denotes METAL FENCE
W.F. denotes WOOD FENCE
F.F.E. denotes FINISH FLOOR ELEVATION
F.I.P. denotes FOUND IRON PIPE
S.I.P. denotes SET IRON PIPE & LB-87 CAP
F.N.D. denotes FOUND NAIL & BRASS DISC
S.N.D. denotes SET LB-87 NAIL & BRASS DISC
C.I.P. denotes CORRUGATED IRON PIPE
CLR. denotes CLEAR
E.T.P. denotes ELECTRIC TRANSFORMER PAD
ENCR. denotes ENCROACHMENT
D.C. denotes DEPRESSED CURB
PL denotes PLANTER
(C) denotes CALCULATE DISTANCE
I.E. denotes INVERT ELEVATION
T.O.P. denotes TOP OF PIPE
(D) denotes DEED DISTANCE
(L) denotes DISTANCE BY LEGAL DESCRIPTION
(M) denotes MEASURED DISTANCE
(R) denotes RECORD OR PLATTED DISTANCE

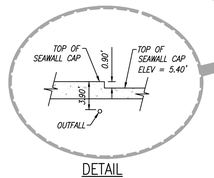
BOTTOM BOTTOM OF SLOPE
COMM COMMUNICATION
DRAIN DRAINAGE
ELEC ELECTRIC
FM FORCE MAIN
IRRIG IRRIGATION
GAS NATURAL GAS
OHW OVERHEAD WIRES
SM SANITARY SEWER
TOP APPROXIMATE TOP OF BANK
VEG VEGETATION LINE
WM WATER
LIMITED ACCESS RIGHT OF WAY LINE



LOCATION SKETCH

Scale: 1"=400'

A PORTION OF SECTION 09-53S-42E, MIAMI-DADE COUNTY, FLORIDA.



DETAIL

Scale: 1"=10'

LEGAL DESCRIPTION

LOTS 38, 40 AND 42, "HARBOR ISLAND", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGE 72, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SURVEYOR'S NOTES:

1. THE BEARINGS SHOWN HEREON RELATE TO AN ASSUMED BEARING OF N00°01'22"E ALONG THE CENTERLINE OF WEST DRIVE.
2. LEGAL DESCRIPTION SHOWN HEREON WAS PROVIDED BY CLIENT.
3. AREA OF THE PROPERTY DESCRIBED HEREON IS: 33,602± SQ. FT. (0.771± ACRES).
4. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE ATTACHED CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTIES.
5. UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTINGS AND/OR FOUNDATIONS.
6. THE PROPERTY SHOWN HEREON FALLS WITHIN FEDERAL FLOOD HAZARD ZONE "AE" (ELEVATION 8), PER FLOOD INSURANCE RATE MAP NO. 12086C0306L, COMMUNITY NO. 120654, PANEL NO. 0306, SUFFIX L, OF FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A) MAP DATED SEPTEMBER 11, 2009.
7. VISIBLE INDICATORS OF UTILITIES ARE SHOWN HEREON, TOGETHER WITH UNDERGROUND STORM AND SANITARY GRAVITY MAINS, HOWEVER, NO ATTEMPT HAS BEEN MADE TO LOCATE UNDERGROUND PRESSURE MAIN, CABLES OR CONDUITS.
8. THE DISTANCES SHOWN ALONG THE BOUNDARY OF THE SUBJECT PROPERTY ARE RECORD AND/OR MEASURED UNLESS OTHERWISE STATED.
9. SHOWN HEREON ARE PLOTTABLE EASEMENTS AND RIGHTS OF WAY REFLECTED AS EXCEPTIONS IN SCHEDULE B OF TITLE COMMITMENT NO. 1394380A5 ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, WITH A DATE OF POLICY JULY 10, 2023 AT 11:00 P.M.
10. THE ELEVATIONS SHOWN HEREON REFER TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D. 29) AND ARE EXPRESSED IN FEET.
11. BENCHMARKS:
    a. MIAMI-DADE BENCHMARK P-313, LOCATED @ N TREASURE DRIVE --- 50' NORTH OF NORTH CURB --- HISPANOLA AVE --- 3' EAST OF EAST CURB OF SOUTHBOND LANE, US C & G BRASS DISC IN TOP OF NW CORNER OF SEWER PUMPING STATION, ELEVATION =5.27' N.G.V.D 29.
    b. MIAMI-DADE BENCHMARK A-26, LOCATED @ 79 ST CSWY --- 43' NORTH OF C/L--- PELICAN HARBOR DR --- 210' EAST OF C/L, PK NAIL AND ALUMINUM WASHER IN CONC CATCH BASIN, ELEVATION =6.19' N.G.V.D 29.
12. THE PROPERTY SHOWN HEREON IS CURRENTLY ZONED RM-70 (MULTI FAMILY RESIDENTIAL) (CITY OF NORTH BAY VILLAGE ZONING MAP-UPDATED NOVEMBER 29, 2017)
13. NO BUILDINGS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
14. SUBJECT PROPERTY IS MIAMI-DADE PROPERTY APPRAISER NUMBERS:
    FOLIO: 23-3209-001-0420 - 7940 WEST DR
    FOLIO: 23-3209-001-0400 - 7938 WEST DR

CERTIFIED TO:

-LV NORTH BAY, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS, AS THEIR INTEREST MAY APPEAR.
-7940 NBV PARTNERS, LLC, A FLORIDA LIMITED LIABILITY COMPANY
-OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
-ESCOBAR & DECARLO, L.L.C.

SURVEYOR'S CERTIFICATION:

THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS. THIS **BOUNDARY** SURVEY COMPLIES WITH THE STANDARDS OF PRACTICE REQUIREMENTS ADOPTED BY THE FLORIDA STATE BOARD OF SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.
THE FIELDWORK WAS COMPLETED ON FEBRUARY 21, 2023

Schwebke-Shiskin & Associates, Inc.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

BY: Mark Steven Johnson

MARK STEVEN JOHNSON, PRINCIPAL
PROFESSIONAL LAND SURVEYOR No. 4775
STATE OF FLORIDA.

MARK STEVEN JOHNSON LICENSE NO. 4775 STATE OF FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

Mark S Johnson

This Survey has been electronically signed and sealed by Mark Steven Johnson, PSM on the date noted hereon. All signatures must be verified on electronic copies. Printed copies are not considered signed and sealed, unless they include an additional raised embossed seal of the surveyor.

NOTES REGARDING SCHEDULE B OF TITLE COMMITMENT NO. 1394380A5 ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, WITH A DATE OF POLICY JULY 10, 2023 AT 11:00 P.M.

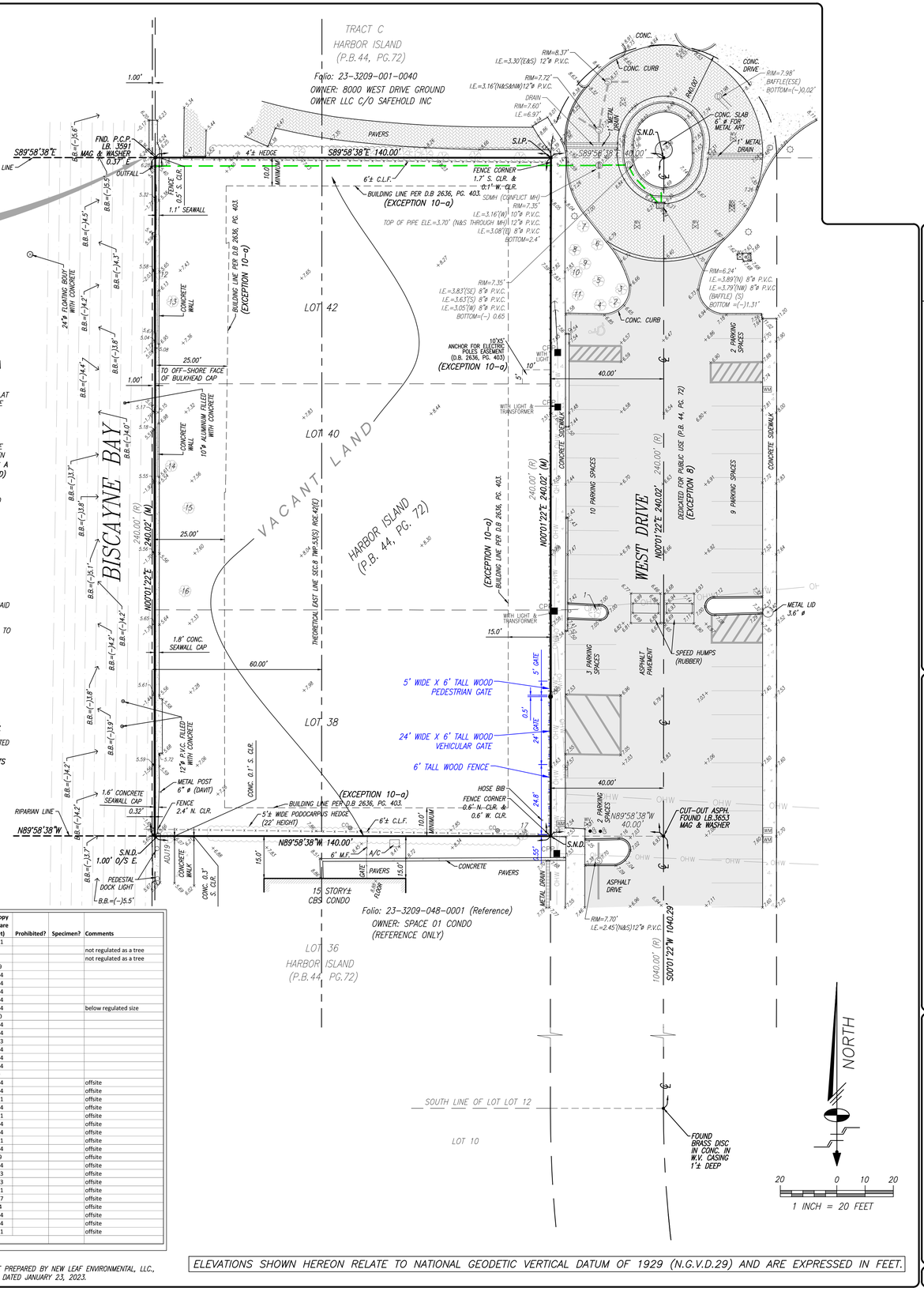
5. RESTRICTIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS CONTAINED ON THE PLAT OF HARBOR ISLAND, AS RECORDED IN PLAT BOOK 44, PAGE 72, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. (AFFECTS PARCEL-SHOWN HEREON)
6. RESERVATIONS IN FAVOR OF THE STATE OF FLORIDA, AS SET FORTH IN THE DEED FROM THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA RECORDED JULY 27, 1926, UNDER DEED BOOK 983, PAGE 1, PUBLIC RECORDS OF MIAMI-DADE, FLORIDA; HOWEVER, THE RIGHT OF ENTRY AND EXPLORATION ASSOCIATED WITH THE OIL AND MINERAL RESERVATION HAS BEEN RELEASED PURSUANT TO SEC. 270.11, F.S. (RESERVES MINERAL RIGHTS ACROSS THE PARCELS, AS A WHOLE (BLANKET), IS NOT SUFFICIENTLY LEGIBLE TO DETERMINE IF SUBJECT PROPERTY IS INCLUDED)
7. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED FEBRUARY 21, 1946, IN DEED BOOK 2636, PAGE 403 (AFFECTS PARCEL-BLANKET IN NATURE- PLOTTABLE RESTRICTIONS SHOWN HEREON) AND O.R. BOOK 3827, PAGE 134 (AFFECTS PARCEL-NOT PLOTTABLE-BLANKET IN NATURE), PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, WHICH CREATES EASEMENTS, CONDITIONS AND USE LIMITATIONS.
8. INTENTIONALLY DELETED
9. UNITY OF TITLE RECORDED IN O.R. BOOK 30474, PAGE 4928, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. (AFFECTS PARCEL-BLANKET IN NATURE-NOT PLOTTABLE)
10. RIPARIAN AND LITTORAL RIGHTS ARE NOT INSURED.
11. RIGHTS OF THE UNITED STATE OF AMERICA AND/OR THE STATE OF FLORIDA TO ANY PORTION OF SAID LAND WHICH HAS BEEN CREATED BY ARTIFICIAL MEANS, AND LANDS ACCRETED THERETO.
12. THE RIGHT OF THE UNITED STATES GOVERNMENT, IN THE INTEREST OF NAVIGATION AND COMMERCE, TO REGULATE ANY PORTION OF THE LAND THAT WAS FORMERLY SUBMERGED BY NAVIGABLE WATERS.
13. ANY ADVERSE OWNERSHIP CLAIM BY THE STATE OF FLORIDA BY RIGHT OF SOVEREIGNTY TO ANY PORTION OF THE LAND INSURED HEREUNDER, INCLUDING SUBMERGED, FILLED, AND ARTIFICIALLY EXPOSED LANDS AND LANDS ACCRETED TO SUCH LANDS.
14. ANY PORTION OF THE LAND LYING WATERWARD OF TEH MEAN HIGH WATER LINE OF BISCAYNE BAY, AND LANDS ACCRETED THERETO.
15. REVISED: ENCROACHMENTS, ENCUMBRANCES, VIOLATIONS, VARIATIONS, OR ADVERSE CIRCUMSTANCES, IF ANY, ACTUALLY SHOWN ON THE SURVEY PREPARED BY SCHWEBKE-SHISKIN & ASSOCIATES, INC., DATED FEBRUARY 21, 2023, BEARING JOB # AJ-6243: (A) 6' FENCE ENCROACHMENT INTO ANCHOR EASEMENT RECORDED DEED BOOK 2636, PAGE 403, IN THE EAST SIDE OF THE SUBJECT PROPERTY; (B) CONCRETE WALL AND METAL POSTS LOCATED ON THE WEST SIDE OF THE PROPERTY; (C) CONCRETE POWER POLE ENCROACHES ON THE EAST SIDE OF THE PROPERTY; (D) SANITARY SEWER CLEANOUTS LOCATED ON THE SOUTHERN PORTION OF THE PROPERTY. (AFFECTS PARCEL-SHOWN HEREON)
16. INTENTIONALLY DELETED
17. INTENTIONALLY DELETED
18. LIABILITY UNDER THE POLICY TO BE ISSUED IS LIMITED TO THE AMOUNT OF THE PROCEEDS OF THE INSURED MORTGAGE DISBURSED IN GOOD FAITH WITHOUT KNOWLEDGE OF ANY OBJECTION TO THE TITLE.
19. INTENTIONALLY DELETED
20. INTENTIONALLY DELETED
21. INTENTIONALLY DELETED

TREE TABLE

Tree #	Common Name	Scientific Name	DBH (inches)	Condition	Number of stems	Height (feet)	Canopy Spread (feet)	Canopy (square feet)	Prohibited?	Specimen?	Comments
1	sabal palm	*sabal palmetto*	11	Fair	1	22	16	201			
2	white bird of paradise	*Strelitzia nicolai*	4	Fair	1	15	16				not regulated as a tree
3	white bird of paradise	*Strelitzia nicolai*	4	Fair	1	18	10				not regulated as a tree
4	coconut palm	*Cocos nucifera*	7	Good	1	42	10	79			
5	Sylvester palm	*Phoenix sylvestris*	14	Good	1	42	18	254			
6	coconut palm	*Cocos nucifera*	7	Good	1	35	18	254			
7	coconut palm	*Cocos nucifera*	6	Good	1	30	18	254			
8	coconut palm	*Cocos nucifera*	9	Good	1	45	18	254			
9	Europeon fan palm	*Chamaerops humilis*	6	Fair	1	7	18	254			below regulated size
10	coconut palm	*Cocos nucifera*	7	Good	1	32	5	20			
11	coconut palm	*Cocos nucifera*	10	Good	1	45	18	254			
12	gumbo limbo	*Bursera simaruba*	6	Good	1	18	18	254			
13	coconut palm	*Cocos nucifera*	9	Good	1	36	12	113			
14	coconut palm	*Cocos nucifera*	7	Fair	1	20	18	254			
15	Mango	*Mangifera indica*	15	Good	1	25	18	254			
16	coconut palm	*Cocos nucifera*	6	Good	1	20	20	314			
17	dead tree	*unknown species*	8	Poor	1	10	0	0			
ADJ1	Chinese privet	*Ligustrum japonicum*	10	Good	4	18	18	254			offsite
ADJ2	coconut palm	*Cocos nucifera*	9	Good	1	35	18	254			offsite
ADJ3	Verawood	*Bulnesia arboria*	5	Good	1	18	16	201			offsite
ADJ4	coconut palm	*Cocos nucifera*	12	Good	1	55	18	254			offsite
ADJ5	Verawood	*Bulnesia arboria*	5	Good	1	18	16	201			offsite
ADJ6	Verawood	*Bulnesia arboria*	9	Good	1	20	18	254			offsite
ADJ7	coconut palm	*Cocos nucifera*	8	Good	1	40	18	254			offsite
ADJ8	Verawood	*Bulnesia arboria*	6	Good	1	16	16	201			offsite
ADJ9	coconut palm	*Cocos nucifera*	11	Good	1	55	18	254			offsite
ADJ10	Verawood	*Bulnesia arboria*	4	Good	1	12	10	79			offsite
ADJ11	coconut palm	*Cocos nucifera*	10	Good	1	42	18	254			offsite
ADJ12	Verawood	*Bulnesia arboria*	4	Fair	1	15	12	113			offsite
ADJ13	Verawood	*Bulnesia arboria*	5	Fair	1	16	12	113			offsite
ADJ14	Verawood	*Bulnesia arboria*	7	Good	1	18	16	201			offsite
ADJ15	Verawood	*Bulnesia arboria*	5	Fair	1	16	15	177			offsite
ADJ16	Verawood	*Bulnesia arboria*	3	Poor	1	12	9	64			offsite
ADJ17	royal poinciana	*Delonix regia*	9	Fair	4	18	18	254			offsite
ADJ18	royal poinciana	*Delonix regia*	10	Fair	1	20	18	254			offsite
ADJ19	Seagrape	*Coccoloba uvifera*	16	Good	1	28	26	531			offsite

Tree numbers preceeded by "ADJ" indicate offsite trees on neighboring/adjacent properties, measurements are approximated

NOTE:
THE TREE INFORMATION SHOWN HEREON PER "TREE TABLE" AS SHOWN ON CERTIFIED ARBORIST ASSESSMENT PREPARED BY NEW LEAF ENVIRONMENTAL, LLC., BY Michael McCoy, CERTIFIED ARBORIST MA 4243A, TRAQ QUALIFIED, LIAF CERTIFIED LANDSCAPE INSPECTOR, DATED JANUARY 23, 2023.



ELEVATIONS SHOWN HEREON RELATE TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D.29) AND ARE EXPRESSED IN FEET.

Schwebke-Shiskin & Associates, Inc.
LAND PLANNERS ENGINEERS LAND SURVEYORS
3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025 TEL: (954) 435-7010 FAX: (954) 438-3288
CERTIFICATE OF AUTHORIZATION No. LB-87

NOTE: This sketch is not valid unless it bears the signature and original raised seal of a Florida licensed surveyor and mapper.

Drawn By: AH/GR | Checked By: M.S.J. | Date:
Order No. 2116020 | F.B. No.: 22/48 | Scale: AS SHOWN
Survey: 02-21-23 | Plat Bk/Pg.28 | Sheet 1 of 1 Sheet(s)
File No. AJ-6243

This is a "Boundary Survey."

ALTA/NSPS LAND TITLE SURVEY

Section 09, Township 53 South, Range 42 East, Miami-Dade County, Florida.

REVISIONS

By	Remarks	Field Book	Order No.	Date
LS/C	BOTTOM BAY ELEVATIONS	22/48	2116020	02-21-2023
GR	REVISED PER COMMENTS		2116020	03-28-2024
GR	ADD BENCH MARKS		2116020	04-29-2024
CSC	ADD WORD DATA		2116020	07-23-2024

X:\DWG\AJ\AJ6243 38-42 HARBOR ISLAND\SURVEY\AJ6243 38-42 HARBOR ISLAND (03-28-24).DWG

FILE NO. AJ-6243

North Bay Village

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.northbayvillage-fl.gov

NORTH BAY VILLAGE
EST. 1945

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

This application form is to be used to petition for a variance from the regulations pursuant to Section 7.3. of the North Bay Village Unified Land Development Code. **This application may only be applied for by the owner of the property, which shall mean the person who owns and currently resides, or owns and intends to reside, at the subject premises, or their legal representative.**

Submit your application, with all the required information to the Village Planning and Zoning Official, via svargas@cgasolutions.com. Physical copies of materials may be requested prior to public hearing, to be delivered at the Village offices located at 1666 Kennedy Causeway, Suite 300. Variances require public hearings conducted by the Planning & Zoning Board and the Village Commission. Applications must be complete, and all required fees be paid in order to be accepted and placed on an agenda.

This application, including all supplemental forms and data, must be completed in accordance with the attached instructions and submitted with the required fees pursuant to the most up-to-date Fee Schedule. Accepted payment methods for the required fees are check or credit card when paying in person at the Village offices. You may also call (305) 756-7171 to make your credit card payment by phone.

This form is a fillable PDF. TYPE OR PRINT LEGIBLY ALL INFORMATION ON THE APPLICATION.

1. Property Owner Name: 7940 NBV PARTNERS LLC

2. Contact Phone: 9123981775 Email Address: peter@fortisdesign.build

3. Mailing Address: 4531 PRAIRIE AVENUE, MIAMI BEACH, FL 33141

4. Applicant Name: _____
(If different from Owner)

5. Contact Phone: _____ Email Address: _____

6. Mailing Address _____

7. Address of Property Covered by the Application: _____
7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FL 33141

8. Legal Description of Property Covered by the Application (add pages if needed):

LOTS 38, 40 AND 42, "HARBOR ISLAND", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGE 72, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

9. Folio Number(s): 23-3209-001-0420, 23-3209-001-0400

10. Lot Size (square feet): 33,602

11. Future Land Use and Zoning Designations: High Density Multi-Family Residential and RM-70

12. Section(s) of the North Bay Village ULDC form which the Applicant Seeks Relief:

8.10(D)(4)(f) / 8.12(B) (building height) 8.17(L)(2) (balconies)

13. Variance(s) Requested: 1. A variance to allow a building height of 322 feet where 312 feet would be permitted.
2. A variance to permit portions of residential balconies to intrude up to 6' 3" into the front and rear setbacks where a 4' intrusion would be permitted.

14. Reasons for the Request (add pages if necessary):

See attached letter.

OWNER AFFIDAVIT/INTENT TO RESIDE

I, MIKAEL HAMACCI being first duly sworn, depose and say that I am the legal owner of record of the property described and which is the subject of the proposed Variance application and that I currently reside on or intend to reside on the subject premises.

I have made every attempt to relocate/redesign the proposed improvement to avoid the variance(s) herein requested. I acknowledge that Village Commission has the authority to approve, modify, or deny my application and that in granting approval of my application the Village Commission may prescribe any appropriate conditions and safeguards necessary to protect and further the interest of the area and abutting properties.

This affidavit is subject to penalties of law (Perjury) and to possible voiding of any decision.

Signature

Sworn to and subscribed to before me this 1 day of OCTOBER, 2024.

Notary

Public Commission expires: _____

DEREK GRANQUIST
Commission # HH 376883
Expires March 21, 2027

CONSENT TO PUBLIC HEARINGS

All requests for variances from the North Bay Village Code shall be considered at Public Hearings before the Village Commission. Notice of Hearing shall be given by publishing and posting on the property (which is the subject of the request), the time, the place and the nature of the hearing at least 10 days before the hearing. The Village Planning and Zoning Official shall certify that the petition is complete before the hearing is legally advertised. All applications shall be submitted to the Planning and Zoning Official on or before the deadline implemented by the Village.

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

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

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and Zoning Board and the Village Commission pursuant to the Village Code Chapter 7. Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Planning & Zoning Board and the Village Commission revoked.

Authorized Signature _____

Print Name MIKAEL HAMAOUI

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

STATE OF FLORIDA
COUNTY OF _____

Sworn to and subscribed to before me this 1 day of OCTOBER, 2024,

by MIKAEL HAMAOUI, who is personally known to me or who has produced _____ as identification.

Notary Public Signature _____

Commission Number/Expiration _____

DEREK GRANQUIST
Commission # HH 376883
Expires March 21, 2027

COST RECOVERY AFFIDAVIT

I hereby acknowledge and consent commit to the payment of all applicable cost recovery fees involved as part of my application process. Cost recovery includes, but is not limited to, staff time, attorney fees, planning consultant fees and any other professional service costs incurred by North Bay Village in the review and processing of a development application, regardless of the outcome of the review and/or public hearing process. I further understand and acknowledge that failure to remit payment for incurred costs pursuant to Subsections 5.12.B. and C. (attached) of the North Bay Village Unified Land Development Code (ULDC) constitutes a violation of the Code and the Village may levy penalties to secure compliance, as outlined in Subsection 5.12.C of the ULDC.

Please type or print the following:

Date: 10/01/2024

Relationship to the project: (e.g., property owner, architect, developer, attorney)

PROPERTY OWNER

Full Name: MIKAEL HAMAOUI

Current Address: 1531 PRAIRE AVE

City: MIAMI BEACH State: FL Zip: 33140

Telephone: 912 398 1775 Email: peter@fortisdesign.build

I am fully authorized to commit to the expenditures contemplated by this Cost Recovery Affidavit.

Signature

SWORN AND SUBSCRIBED BEFORE ME THIS ____ DAY OF _____, 20____

Notary Public, State of Florida at Large

My Commission expires _____, 20____.

DEREK GRANQUIST
Commission # HH 376883
Expires March 21, 2027

Subsections 5.12.B. and C. Regarding Cost Recovery

B. Cost Recovery Established

1. The applicant shall reimburse the Village for the actual cost of consultant or employed professional review services pursuant to the cost recovery procedures and requirements of subsection C below.

2. Payment in full by the applicant to the Village for the Village's actual expenditures for review of the application shall be a written condition of any development order. These cost recovery deposits fees shall be in addition to any and all other fees required by law, rule, or regulation of the Village Code of Ordinances.

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 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 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 shall suspend its review of the application and the application shall be deemed withdrawn.

4. If an application is suspended due to nonpayment of the additional escrow deposit specified in subsection 3., a resubmission fee shall be paid, and the cost recovery deposit shall be replenished to a minimum of one-half of the original deposit amount before the application will be reviewed.

5. Prior to the scheduling or noticing of any board or commission hearing, the Village Manager's review of the application shall be complete, and the cost recovery escrow account balance shall be replenished to equal at least one-half of the initial deposit amount.

CHECK LIST FOR THE APPLICANT

Mandatory Submittals:

- ☐ Complete Variance Application, including all required forms and affidavits, signed by property owner or owner's representative.
- ☐ Letter of Authorization from property owner, if different from Applicant.
- ☐ Letter of intent, signed by the Applicant (refer to page 5 of this document), explaining the nature of the request, justification for the proposed variance, evidence that the request complies with Subsection 7.3.D. of the North Bay Village Unified Land Development Code, and other pertinent information. Insufficient justification may result in denial of the application. The applicant must justify each individual variance in the letter of intent.
- ☐ Certified Land Survey dated within two (2) years of the filing date of the administrative adjustment application, reflecting all current conditions.
- ☐ Map or aerial photo showing adjacent properties, surrounding streets (labeled) and a north arrow.
- ☐ Photos of buildings and structures on the property concerned.
- ☐ Accurately dimensioned plans showing the location and spacing distance of the proposed construction in relation to property lines and existing structure(s), the general location and use of existing structures on property adjacent to the subject property; and the variance being requested clearly shown, (i.e., required versus proposed structure).
- ☐ Floor plans and elevations if required by the Planning and Zoning Official.
- ☐ Filing fees and cost recovery deposit (Refer to the most current North Bay Village Fee Schedule).

Optional Submittals:

- ☐ Signed consent letters from neighboring property owners.
- ☐ Different versions of the proposed variance based on alternative design options.

Applications are deemed incomplete until all mandatory submittals have been received by the Village Planning and Zoning Official.

EVIDENCE THAT THE REQUEST COMPLIES WITH SUBSECTION 7.3.D. OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE

In your Letter of Intent, or separately, address how the Variance Application complies with the following criteria.

For the Planning and Zoning Board to recommend approval, and for the Village Commission to grant approval, of a variance request, both must make an affirmative finding with respect to all seven (7) of the following criteria:

1. That there are special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district.
2. That the special circumstances and conditions were not self-created by any person having an interest in the property.
3. That the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought; and would involve an unnecessary hardship for the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Unified Land Development Code to other land, structures, or buildings in the same zoning district.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.
6. That granting the variance will be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
7. The variance request is not based exclusively upon a desire to reduce the cost of development.

Office Use Only:

Date Submitted: _____ Total Paid: $_____

Date Paid: _____ Filing Fee: $_____

Cash or Check #_____ Cost Recovery Dep: $_____

BERCOW
RADELL
FERNANDEZ
LARKIN +
TAPANES
ZONING, LAND USE AND
ENVIRONMENTAL LAW

200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131
www.brzoninglaw.com
305.377.6229 office
305.377.6222 fax

VIA ELECTRONIC SUBMITTAL

September 30, 2024

Silvia E. Vargas, FAICP, LEED AP
Village Planner
City of North Bay Village
1666 Kennedy Causeway, 3rd Floor
North Bay Village, Florida 33141

RE: Letter of Intent for Site Plan Modification and Related Variance Requests for the Property Located at 7938-40 West Drive, North Bay Village, Florida (Folio numbers 23-3209-001-0400 and 23-3209-001-0420).

Dear Ms. Vargas:

This law firm represents 7940 NBV Partners, LLC (the "Applicant"), the owner of the property located at 7938-40 West Drive in the City of North Bay Village (the "City") and identified by Miami-Dade County Folio Nos. 23-3209-001-0400 and 23-3209-001-0420 (the "Property"). Please consider this the Applicant's letter of intent in support of an application for a site plan modification approval and related variance requests to allow for a low impact and high quality residential development on the Property.

As you will note from the submission, the Applicant has spent the months since the Commission's approval of the project last year refining the design and making revisions necessary to accommodate the "Pagani Residences" requirements. The need to accommodate the development mandates of the Pagani brand has resulted in changes to the design as well as an increase in height of the parking pedestal in order to accommodate the operational parking demands of the user. These changes have resulted in an increase in height of approximately ten (10) feet. The design refinement has also resulted in an innovative and organic balcony shape, which will result in small portions of the balconies extending into the east and west setbacks more than the permitted four (4) feet.

The Property. The Property is located on the west side of West Drive, just south of the "MODA" apartment development and north of the "Space 01" condominium. The Property is approximately

33,600 square feet (0.77 acres) in size and is currently a vacant lot. The Property is located on Biscayne Bay.

Land Use. According to the City of North Bay Village Future Land Use Map, the Property is designated "High Density Multi-Family Residential." The "High Density Multi-Family Residential" land use designation permits up to 70 dwelling units per acre before permitted transfers of development rights (discussed below).

Zoning. The property is zoned "RM-70" according to the North Bay Village Zoning Map. The RM-70 zoning district permits multi-family residential dwellings; management offices within structures containing eight (8) or more dwelling units or guest rooms; and office retail and service commercial facilities of an ancillary nature within structures containing at least 100 dwelling units or guest rooms, subject to certain conditions.

Proposed Development. The Applicant intends to develop the Property with the beautiful and resilient "7940 West Drive" multi-family residential development. The plan has been designed to be consistent with the Comprehensive Plan and the RM-70 zoning designation. The proposed development contemplates up to 70 residential units, with up to 53 three-bedroom units and 17 two-bedroom units. All units within the building are large, family-oriented, spaces, designed to attract long-term residents who desire to raise their families in the Village.

Residents will enjoy access to generous amenities on decks located on top of the parking pedestal and on the rooftop. The building has been oriented so that the vehicular drop off area is located on the western portion of the lot, leaving the front of the property as a beautiful green space that will buffer the public sidewalk.

Island Walk. The Applicant has proposed to develop the public "Island Walk" on the rear of the Property and link the pedestrian to both our neighbors to the north and south. Public access from West Avenue will be provided on both the north and south sides of the Property. Consistent with the Village's requirements, the Island Walk will be open to the public will be from both the north and south sides of the site. The walk and proposed street furniture have been designed to be compatible with the Village's standards.

Parking. The Applicant is proposing both valet and self-parking as part of the development. The valet service will be available at all times. The proposed parking on the site will be completely enclosed within the building pedestal, which has been designed to shield the view of parking from the public using an attractive screening system. In order to accommodate the operational requirements of the Pagani Residences program, the

Applicant has increased the number proposed parking spaces and has increased the floor to ceiling height of the top parking level to accommodate mechanical parking lifts on that floor. This change is largely responsible for the requested increase in height.

Balconies. As you will note from the submitted plans, the design refinements associated with implementing the Pagani residential program have modified the design of the balconies on the building. The revised balconies elegantly curve along the facades of the building. In order to accommodate this innovative design, the balconies will intrude a maximum of 2'3" into the front and rear setbacks beyond the four (4) feet permitted under the ULDC.

Green Building. All development using TDRs must obtain twenty-four (24) "green building and design points" under the "Green building development options and points" in Section 8.21 of the ULDC as opposed to the Code's typical requirement of eighteen (18) points for multi-family development. The proposed development will exceed the point requirement.

Variance Requests. The Applicant is hereby requesting the following variances:

1. A variance to allow a building height of 322 feet where 312 feet would be permitted.

2. A variance to permit portions of residential balconies to intrude up to 6'3" into the front and rear setbacks where a 4' intrusion would be permitted.

Satisfaction of Required Criteria. The Applicant's requests satisfy all required criteria as follows.

1. **That there are special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district;**

The proposed height variance is necessary for two major reasons. First, in order to accommodate additional parking to ensure that the development will not create a burden on the neighborhood, the owner has had to raise the height of the top parking level to be able to accommodate mechanical lifts. Given the constraints of the Property's size and orientation, adding parking vertically was the only reasonable option. Second, the proposed building is unique in the Village, the first true luxury multi-family development.

The unique requirements of the "Pagani" residential program necessitate increasing the floor to floor height of each residential level – focused on the top levels of the structure.

Similarly, the minor additional intrusion of residential balconies is necessary to accommodate the unique design of the "Pagani" residential program.

2. **That the special circumstances and conditions were not self-created by any person having an interest in the property;**

Neither the characteristics of the Property, including size and orientation, nor the unique requirements of the Pagani residential program were created by the owner.

3. **That the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought; and would involve an unnecessary hardship for the applicant;**

The strict application of the regulations would deprive the Applicant of the reasonable use of the land and would result in an unnecessary hardship. In the absence of the proposed variances, the catalyst presented by the Pagani residences would be simply impossible.

4. **That granting the variance requested will not confer on the applicant any special privilege that is denied by the Unified Land Development Code to other land, structures, or buildings in the same zoning district;**

Granting the requested variances will not confer any special privilege on the Applicant, which has been unduly impacted by the Property's size and orientation and Village's standards in a manner that would make the proposed Pagani residences untenable.

5. **That the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building;**

The requested variances are the minimum necessary to allow for the Property to be a viable site for the proposed development.

6. **That granting the variance will be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and**

The granting of the requested variances will allow future development on the Property to be in harmony with the intent and purpose of the Comprehensive Plan as it will fulfill the intent of the RM-70 zoning designation and further the Village's goals rather than remain as an underutilized lot. The addition of more parking in the building will reduce the risk of external impacts from the project. The minor balcony variance will allow for an improved design that will benefit the neighborhood.

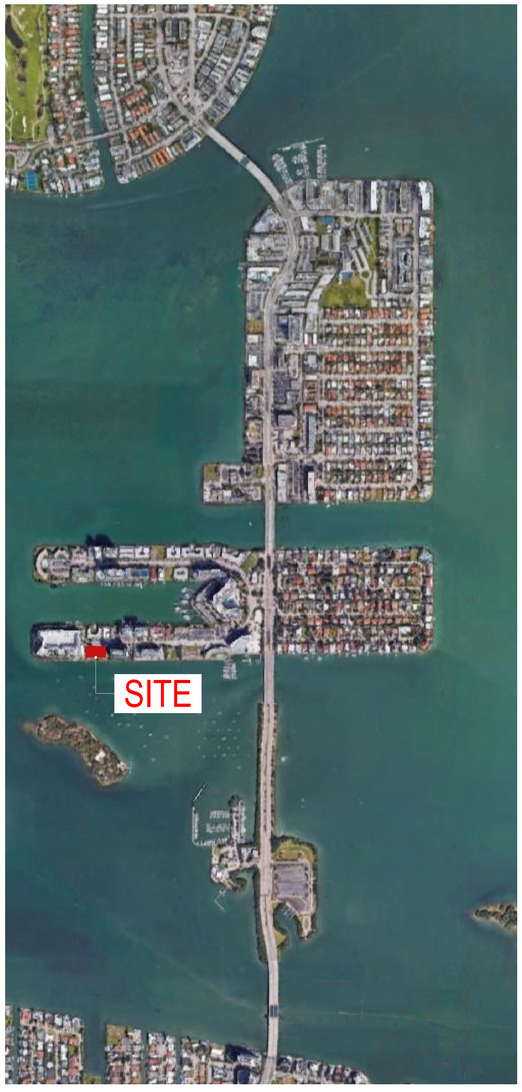
7. **The variance request is not based exclusively upon a desire to reduce the cost of development.**

The requested variances are not based upon desire to reduce development costs, but rather is based on the desire to make the Property viable for a unique high quality development consistent with the intent of the Comprehensive Plan and the ULDC. The proposed Pagani residences instead represent a significant increase in development costs as compared to typical development in the Village given the quality and amenities required by the brand. Granting of the requested variances will support a development that will be the highest and best use of the Property.

Conclusion. We are excited to bring this beautiful low impact development to this part of the Village. The 7940 West Drive plan has been designed as a resilient project that benefits the public through enhanced green space along the public right of way and superior access to the Island Walk. We therefore respectfully request your favorable review and recommendation. If you have any questions with regard to this request, please call me at 305-377-6229.

Sincerely,

Graham Penn





N

N

LOCATION MAP

PROGRESS SET

revuelta
architecture
international

Miami
Santiago, Chile

revuelta-architecture.com

2950 SW 27TH AVE.
SUITE 110
MIAMI, FL 33133
T: 305.592.5000
F: 305.592.5040

Project

7940 WEST DRIVE
NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

RESPONSE TO PLANNING COMMENTS	07/18/2023

Owner Information

7940 NBV PARTNERS, LLC

4531PRAIRIE AVE
MIAMI BEACH, FL 33140
(912) 398-1775

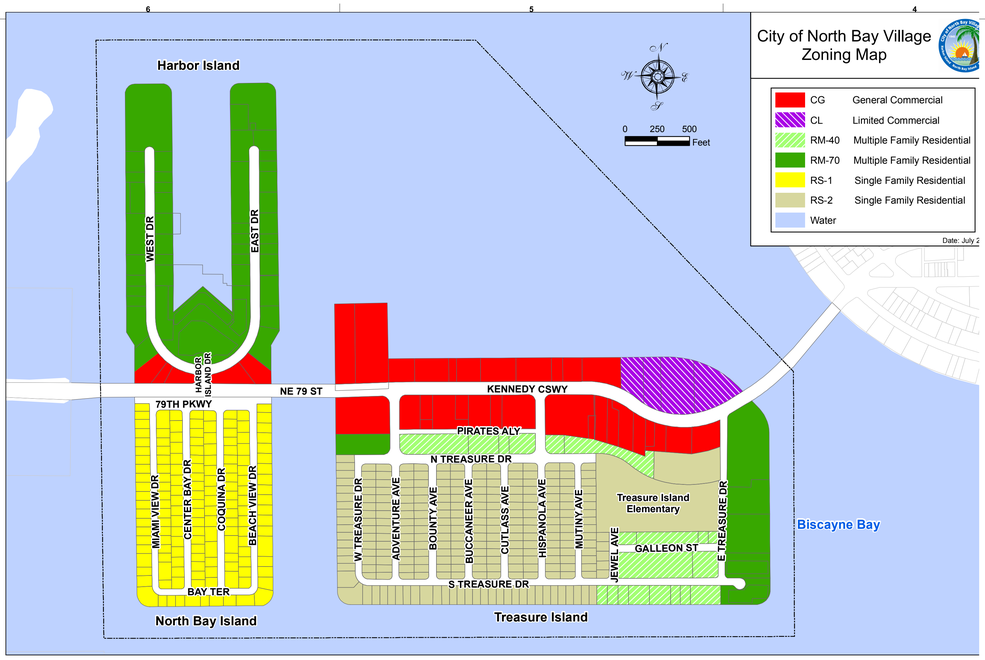
Consultant

Luis O. Revuelta
AR-0007972

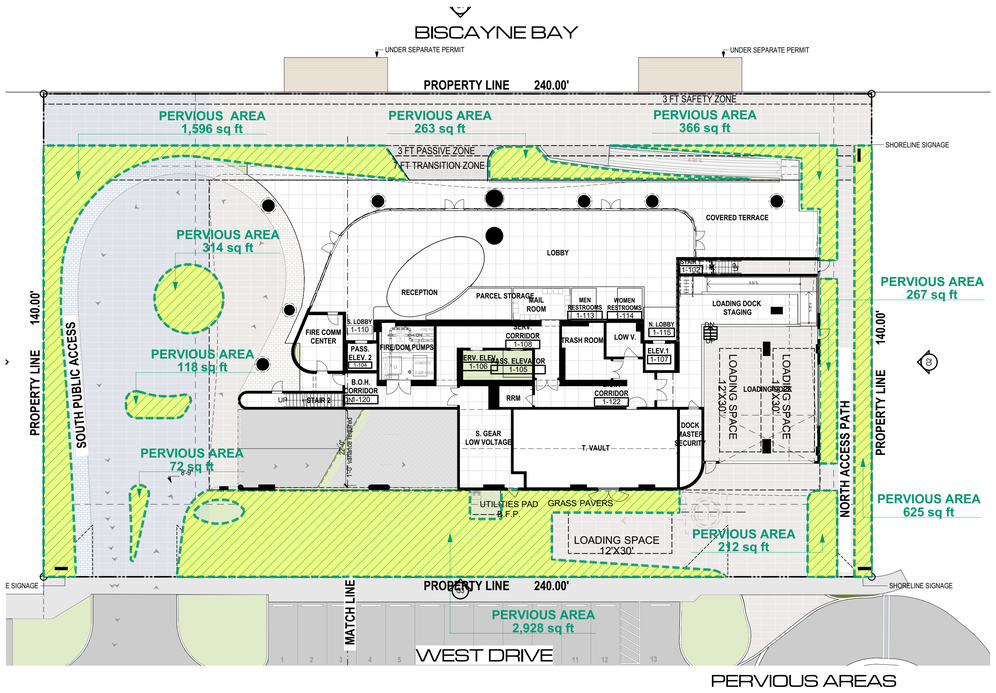
100% DESIGN DEVELOPMENT

Date
08/01/2023
Scale
AS SHOWN
Project No.
2114
Sheet Name
LOCATION
Sheet No.
A-001

These Design And Drawing Are The Copyrighted Property Of Revuelta Architecture International P.A. and May Not Be Reproduced Except with Specific Written Consent of the Architect.
These Drawings Are Not To Be Used For Construction Unless Signed And Sealed By The Architect. Written Dimensions On These Drawings Shall Have Precedence Over Scaled Dimensions.
File: Bluebeam Rev: SERVER2-25 - Bluebeam Base for Archicad 25\2114_7940 WEST DRIVE - NORTH BAY VILLAGE_ADDED LEVEL - By mpaetkau - Date: 8/2/2024



ZONING MAP



PERVIOUS AREAS

PERVIOUS AREA CALCULATION	
LEVEL	AREA
LOBBY	6,761
	6,761 ft²

Zoning Summary

revuelta architecture international p.a.

7938-40 West Drive, North Bay Village

	SF	Acres
Lot Area	**33,600**	0.77
Lot Dimensions	Width 240' x Depth 140'	

Legal Description

REFER TO SURVEY : SCHWEBKE SHISKIN & ASSOCIATES

Flood Elevation

AE 8' - Flood designation - Design Flood Elevation 10' N.G.V.D. (BFE + 2)

ZONING CLASSIFICATION - RM-70

Density	du/acre*		**Allowable**	**Proposed**
	70		54	
	91	*(+30% TDR Program)	70	**70**

Minimum Unit Sizes	unit type	number of units	**Required (sq.ft.)**	**Proposed (sq.ft.)**
	Efficiency	0	**600**	**n/a**
	One-Bedroom	0	**900**	**n/a**
	Two-Bedroom	17	**1,200**	**1,997**
	Three-Bedroom or larger	53	**1,350**	**2,359 or larger**

Minimum Pervious Area Requirements	area (sq. ft.)	**Required**	**Proposed**
Minimun Pervious area 20% of area lot	6,720	**6,720**	**6,761**

DISTRICT SETBACKS

		Required	**Proposed**
Front Setback - West Drive		25'-0"	**25'-0"**
One Side Setback Interior		15'-0"	**15'-0"**
Second Side Setback Interior	20% of lot width	48'-0"	**48'-0"**
Rear Setback		25'-0"	**25'-0"**

BUILDING HEIGHT

			Allowable	**Proposed**
Maximum Building Height	150'-0" Base	240'-0" With Bonus	**312'-0"** *(+30% with TDR)	**312'-0"**

PARKING AND LOADING REQUIREMENTS

Parking Space Requirements	**No. of Units**	**Required**	**Proposed**
Residential - 2 PS / DU - 1 & 2 bdrm units	17	34	**26**
Residential - 3 PS / DU - 3 bdrm units	53	159	**95**
Residential - Visitor 10% of required spaces		19	**14**
			(Parking Reduction of 36.3%)
Total Parking Spaces		212	**135**

Bicycle Space Requirements	Required	**Provided**
	14	
Bicycles 1 Space / 3 units per Sustainability Requirement	0	
Total bicycles	0	**100**

Loading Zone	**Required**	**Proposed**
Over 1000,000 SQ.FT	3	2 (12 X 30)
Total Loading Berths	**3**	**2**

ADA Space Requirements for residents		Required	**Provided**
Per F.C.B.C Section 2.8.3.2 (2%) of parking spaces not covered by F.B.C. Section 2.8.3.1 shall comply with Section 502			
Total of parking spaces 135 - Total of Residential units 70			
Total parking spaces not covered by F.B.C Section 2.8.3.1 = 65	2% of 65	2	**2**

Notes:

NGBS - GOLD CERTIFICATION

Green Design Option	Description	Points Received
Electrical Vehicle Charging Stations for parking spaces	Provisions for 10 Charging Stations (2pts per. Not to exceed 4 pts)	4
White Roof/ Cool Roof	All roofing products will be EnergyStar certified or SRI compliant (82 SRI). All pool/ amenity decks over conditioned space need light colored pavers with SR of 33 or higher.	4
Cool Pavement	All ground floor hardscape to use products at or above SR .30 or higher (20% higher than asphalt)	4
EnergyStar Rating (Appliance + Equipment)	EnergyStar lights (LED okay) and appliances - refrigerator, dishwasher, clothes washer, exhaust fans and any ceiling fans throughout the project.	4
NGBS Gold Certification	National Green Building Standard (NGBS) GOLD level certification	14
	Total	**30**

PARKING SPACES CALCULATION

LEVELS	ADA	REGULAR 9'-0"x 18'-0"	COMPACT 8'-0"x 16'-0"
2	1	20	5
3	1	20	5
4		22	5
5		22	5
6		22	7
SUBTOTALS	**2**	**106**	**27**
	TOTAL SPACES PROVIDED		**135**

COMPACT SPACES		
ALLOWED	*MAX 20% OF 135 SPACES*	***27***
PROVIDED	*20% OF 135 SPACES*	***27***

ZONING DATA

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Project

7940 WEST DRIVE
NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

RESPONSE TO PLANNING COMMENTS	07/18/2023

Owner Information

7940 NBV PARTNERS, LLC

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MIAMI BEACH, FL 33140
(912) 398-1775

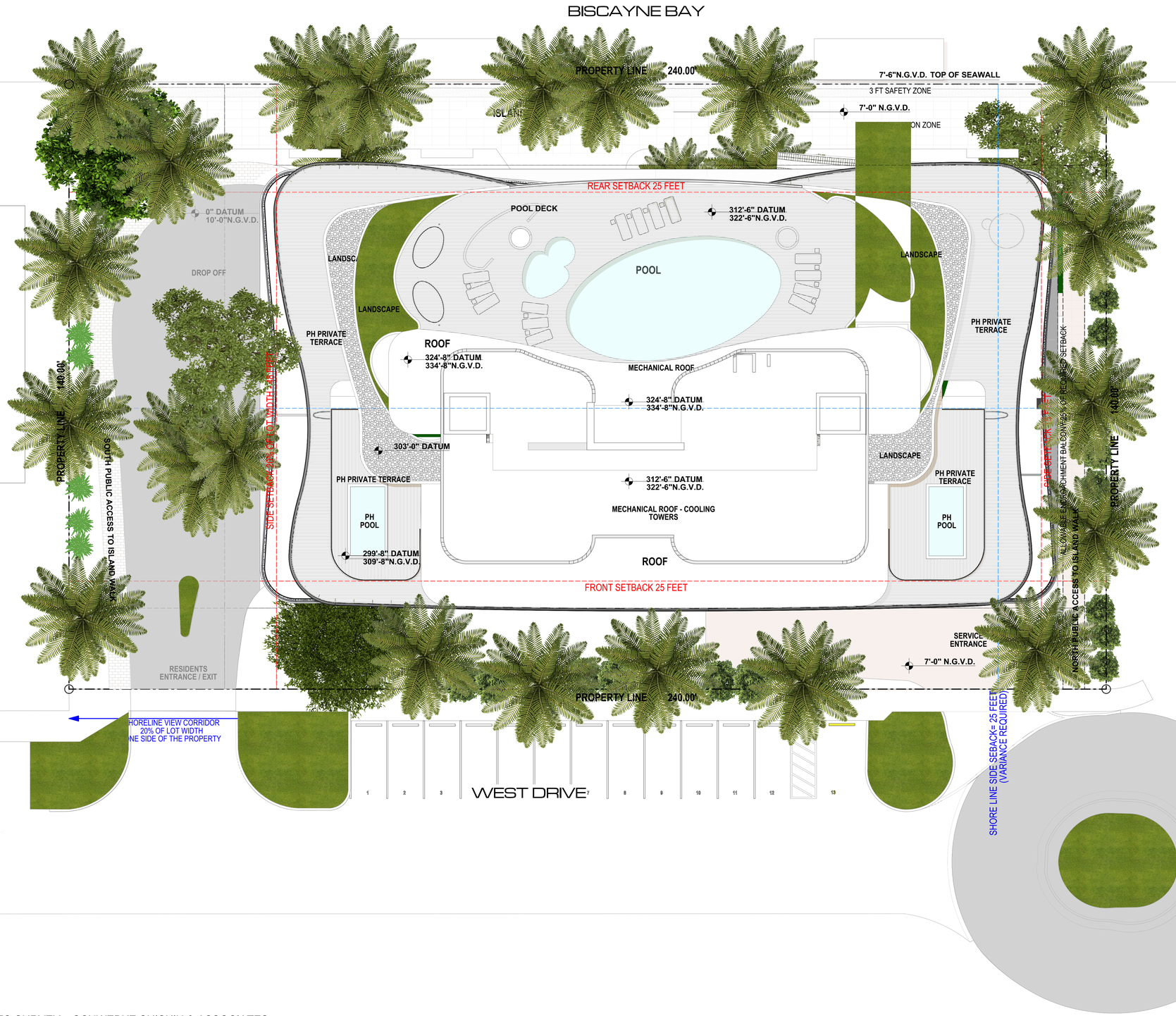
Consultant

Luis O. Revuelta
AR-0007972

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Date 08/01/2023
Scale AS SHOWN
Project No. 2114
Sheet Name PROJECT DATA
Sheet No. **A-003**

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File: \\Mkfiles\ Ma\SERVER2\2-25 - Mkfiles\ Basic for Archicad 25\21\4. NORTH BAY VILLAGE\2114_7940 WEST DRIVE - NORTH BAY VILLAGE_ARCH21 LEVEL - By mgalaviz - Date: 9/21/2023



NOTE:
FOR LEGAL DESCRIPTION REFER TO SURVEY : SCHWEBKE SHISKIN & ASSOCIATES
FOR BENCHMARK INFORMATION REFER TO SURVEY : SCHWEBKE & ASSOCIATES

1 SITE PLAN
SCALE: 3/32" = 1'-0"

N

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RESPONSE TO PLANNING COMMENTS	07/18/2023

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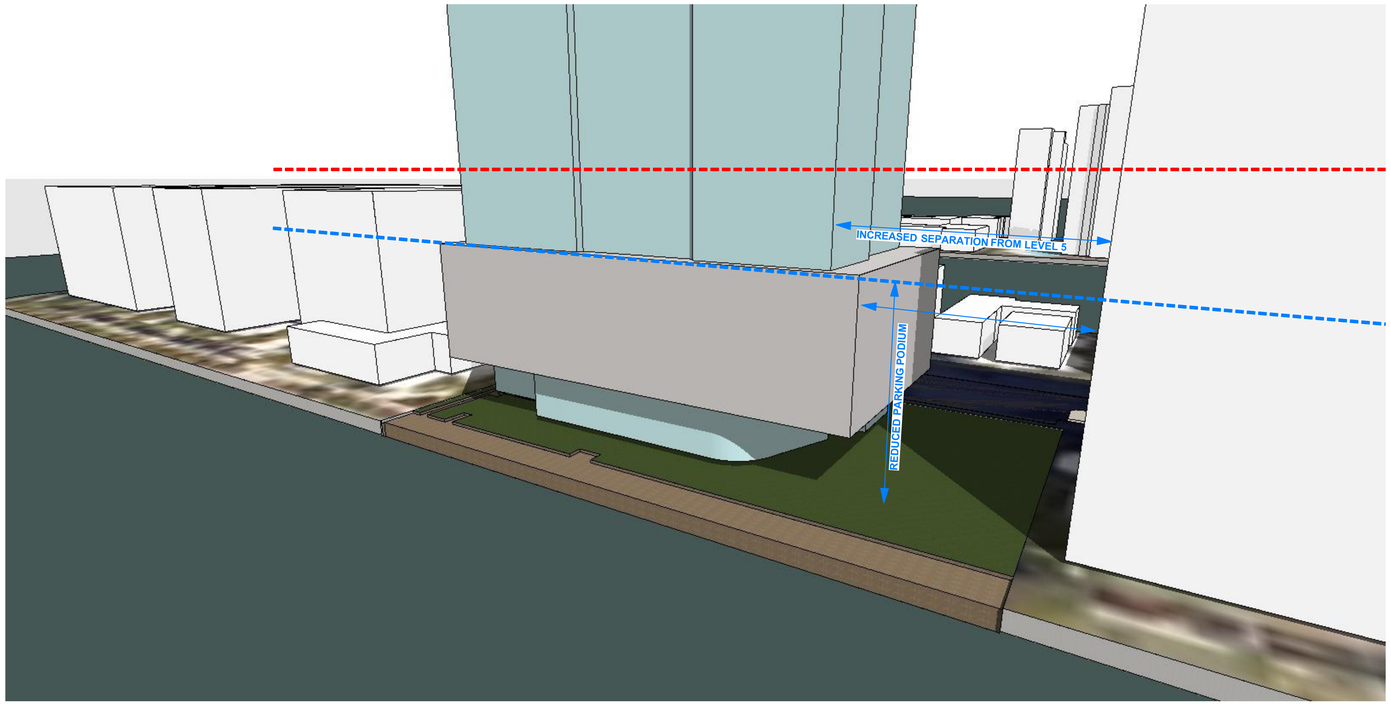
Consultant

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AR-0007972

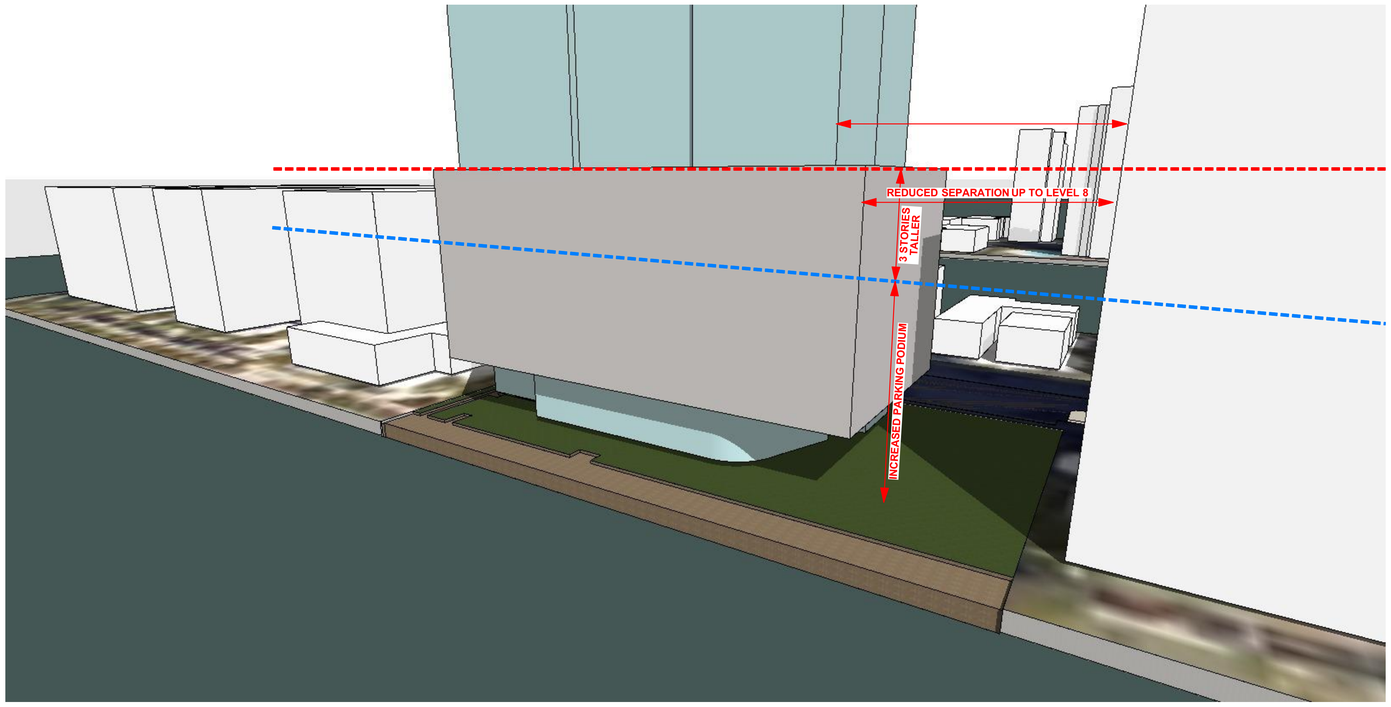
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08/01/2023
Scale
AS SHOWN
Project No.
2114
Sheet Name
SITE - PLAN
Sheet No.
A-004

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PODIUM MASSING WITH
PROPOSED PARKING REDUCTION



PODIUM MASSING WITH
NO PARKING REDUCTION

ANALYSIS OF PARKING REDUCTION

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RESPONSE TO PLANNING COMMENTS	07/18/2023

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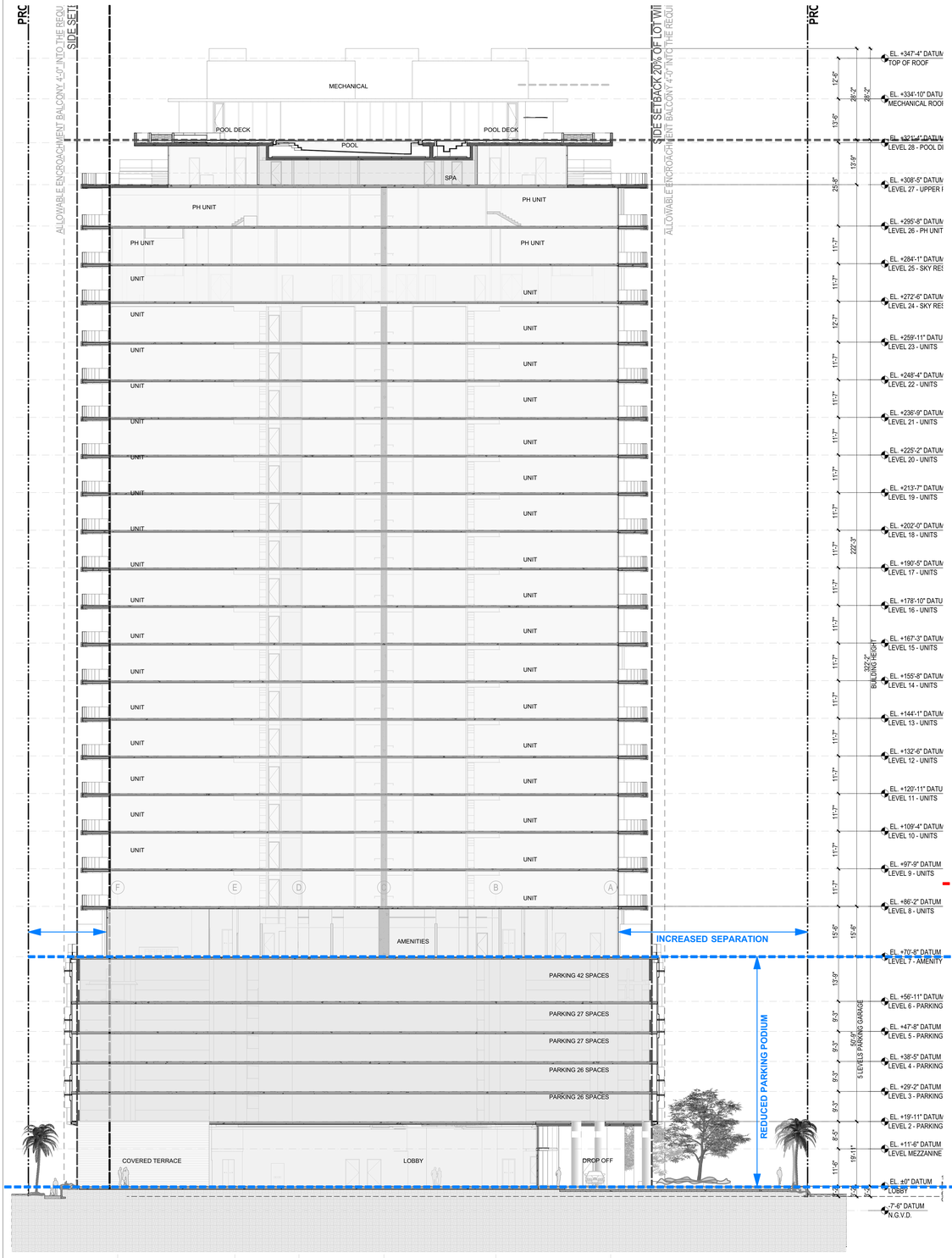
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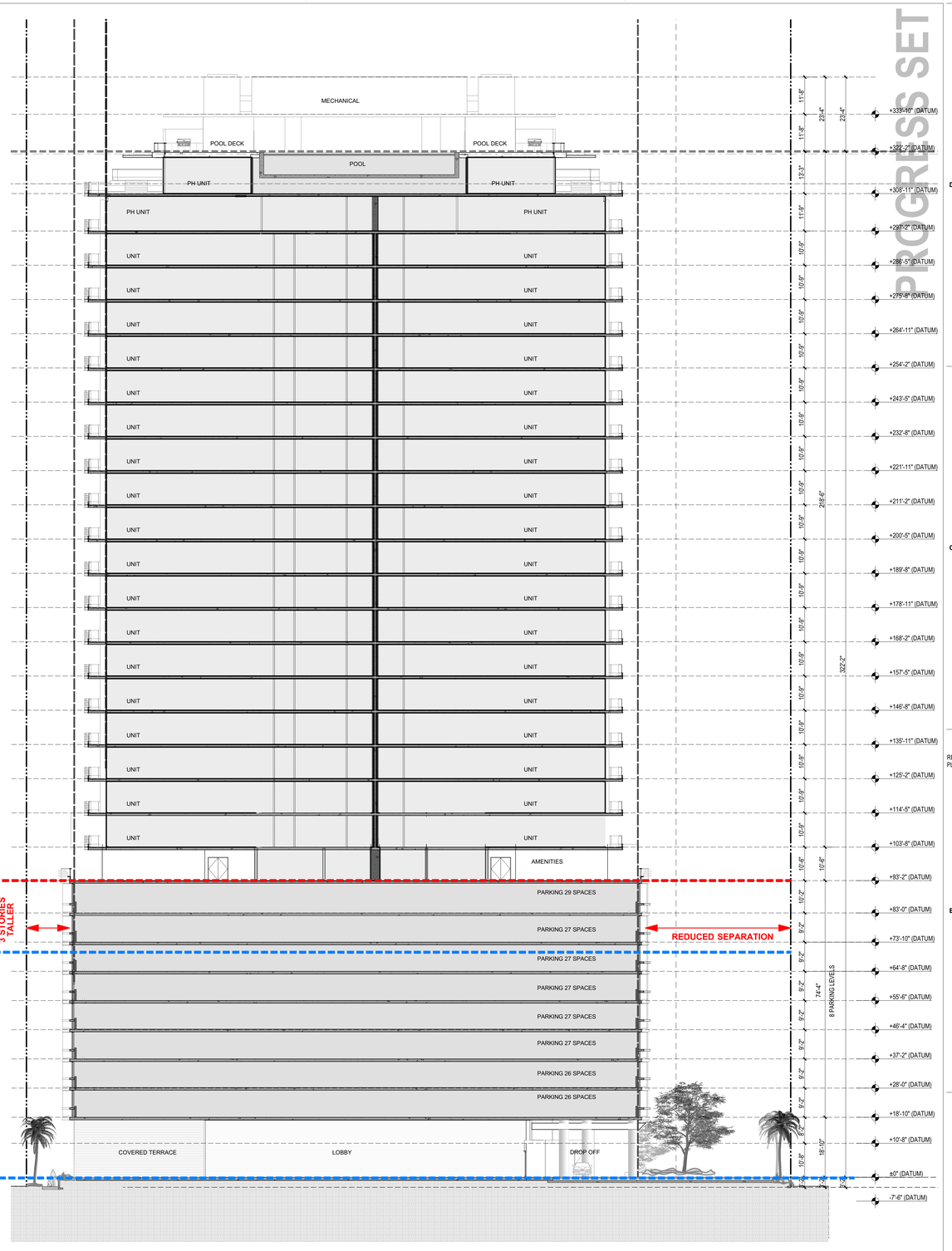
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Sheet No.
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PODIUM MASSING WITH
PROPOSED PARKING REDUCTION



PODIUM MASSING WITH
NO PARKING REDUCTION

ANALYSIS OF PARKING REDUCTION

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RESPONSE TO PLANNING COMMENTS	07/18/2023

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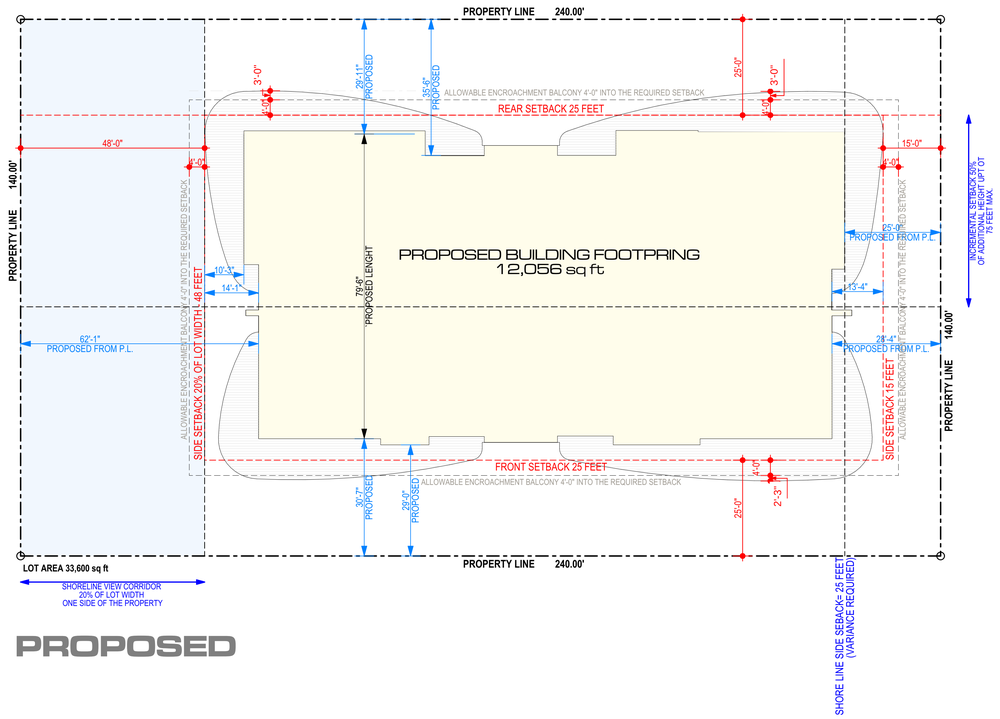
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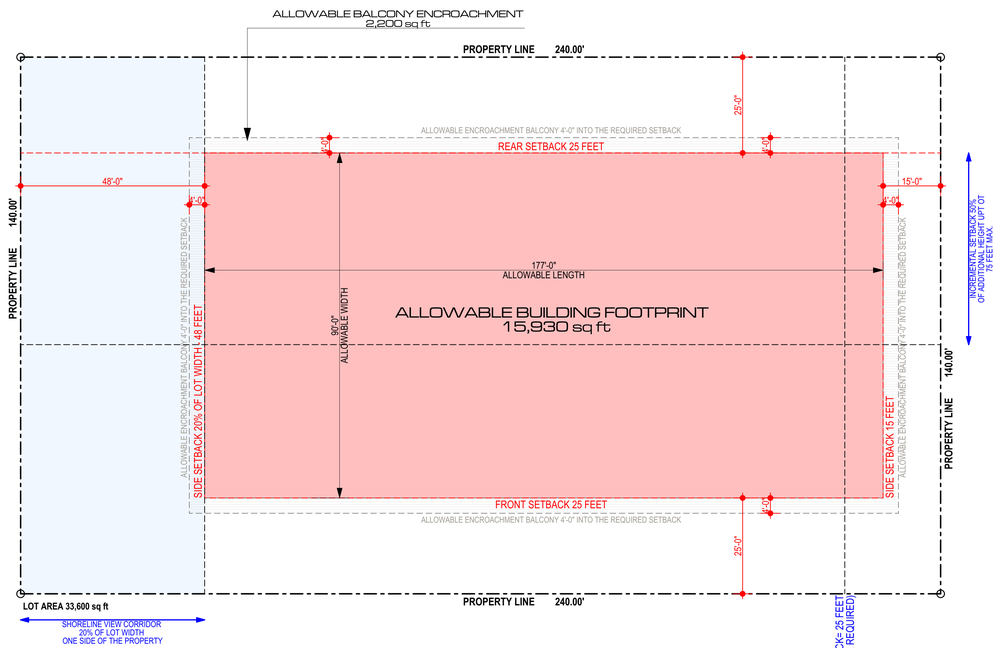
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Project No.	2114
Sheet Name	SECTIONS
Sheet No.	A-005a

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PROPOSED



ALLOWED

BUILDING FOOTPRINT

ALLOWABLE	15,930 sq.ft.
PROPOSED	12,058 sq.ft.
	74.85 % OF ALLOWABLE

OVERALL FOOTPRINT (BUILDING + BALCONY)

ALLOWABLE	18,130 sq.ft.
PROPOSED	15,799 sq.ft.
	87.15 % OF ALLOWABLE

COMPARATIVE ANALYSIS OF BUILDING FOOTPRINT

PROGRESS SET

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Project

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Revisions

RESPONSE TO PLANNING COMMENTS 07/18/2023

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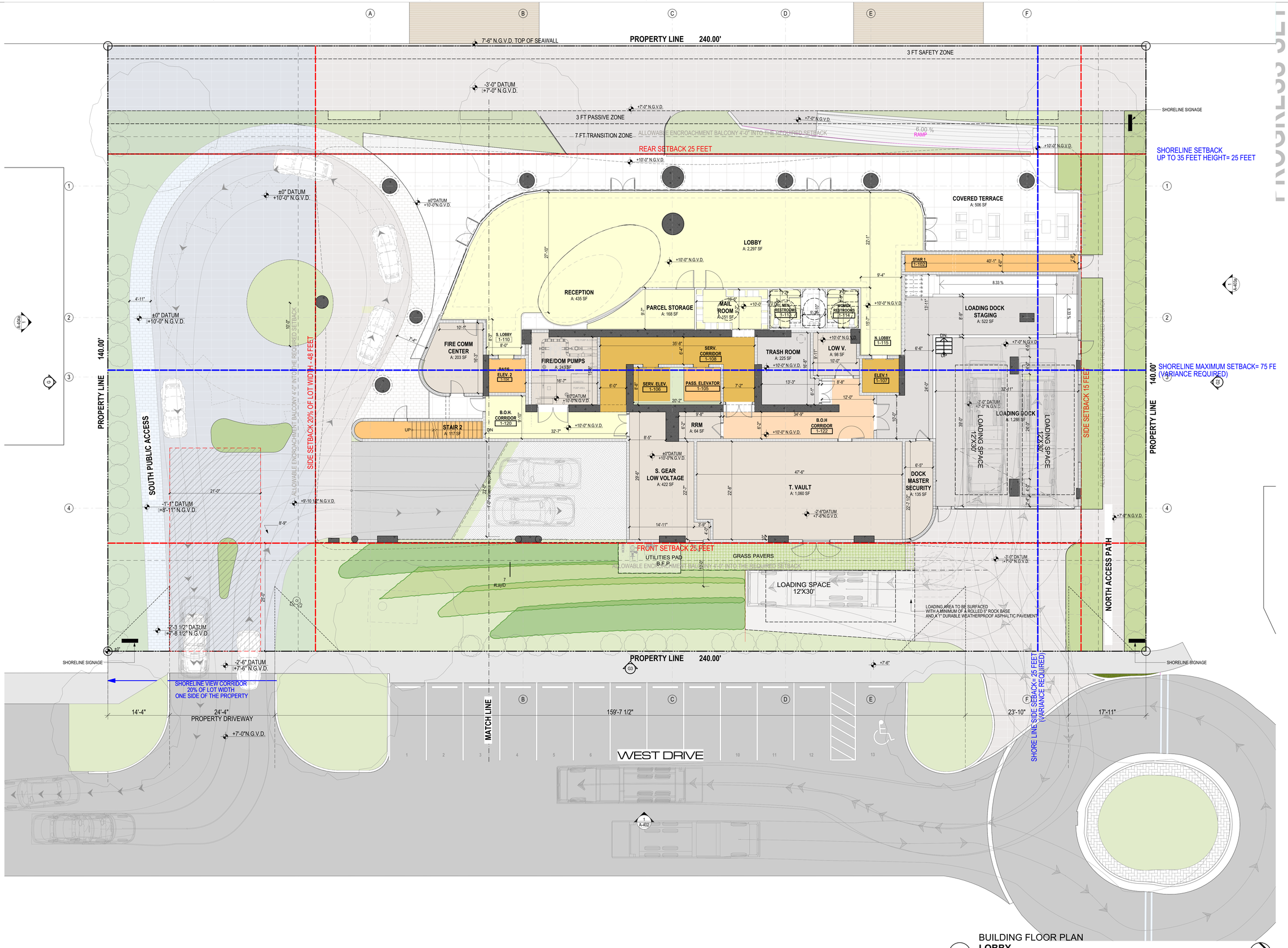
Consultant

Luis O. Revuelta
AR-0007972

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Date 08/01/2023
Scale AS SHOWN
Project No. 2114
Sheet Name BUILDING FOOTPRINT
Sheet No. **A-008**

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1 BUILDING FLOOR PLAN
LOBBY
SCALE: 1/8" = 1'-0"
+9'-6" N.G.V.D.

N

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Date
08/01/2023

Scale
AS SHOWN

Project No.
2114

Sheet Name
GROUND FLOOR

Sheet No.
A-101

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BISCAYNE BAY

PROPERTY LINE 240.00'

ALLOWABLE ENCROACHMENT BALCONY 4'-0" INTO THE REQUIRED SETBACK

REAR SETBACK 25 FEET

SHORELINE SETBACK
UP TO 35 FEET HEIGHT= 25 FEET

SHORELINE MAXIMUM SETBACK= 75 FE
(VARIANCE REQUIRED)

PROPERTY LINE 140.00'

SIDE SETBACK 20% OF LOT WIDTH - 48 FEET

ALLOWABLE ENCROACHMENT BALCONY 4'-0" INTO THE REQUIRED SETBACK

SIDE SETBACK= 45 FEET

ALLOWABLE ENCROACHMENT BALCONY 4'-0" INTO THE REQUIRED SETBACK

DROP OFF CANOPY

OPEN TO LOBBY BELOW

OPEN TO ELEV LOBBY BELOW

OPEN TO F.C.C. BELOW

OPEN TO CORRIDOR BELOW

OPEN TO LOADING DOCK BELOW

AHU
A: 79 SF

ENGINEER
A: 101 SF

HSPK
A: 121 SF

DOG SPA
A: 91 SF

EM. GENERATOR
A: 546 SF

B.OH. CORRIDOR
M-101

PASS. ELEV. 2
M-101

JAN

STAIR 2
A: 662 SF

SERV. ELEV.
A-101

PASS. ELEV.
A-101

ELEC. ROOM
A: 62 SF

STAIR 1
M-101

PASS. ELEV. 1
M-101

T/C

UP

DN

6% 12% 18% 24% 15.75% 24% 18% 12% 6%

RAMP UP

10'-0" variance required

FRONT SETBACK 25 FEET

ALLOWABLE ENCROACHMENT BALCONY 4'-0" INTO THE REQUIRED SETBACK

LOT AREA 33,600 sq ft

PROPERTY LINE 240.00'

SHORELINE VIEW CORRIDOR
20% OF LOT WIDTH
ONE SIDE OF THE PROPERTY

SHORE LINE SIDE SETBACK= 25 FEET
(VARIANCE REQUIRED)

WEST DRIVE

1 BUILDING FLOOR PLAN
LEVEL MEZZANINE - MECHANICAL
SCALE: 1/8" = 1'-0"
+9'-6" N.G.V.D.

0 4' 8' 16'

N

PROGRESS SET

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Project

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NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

RESPONSE TO PLANNING COMMENTS	07/18/2023

Owner Information

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Consultant

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100% DESIGN DEVELOPMENT

Date
08/01/2023

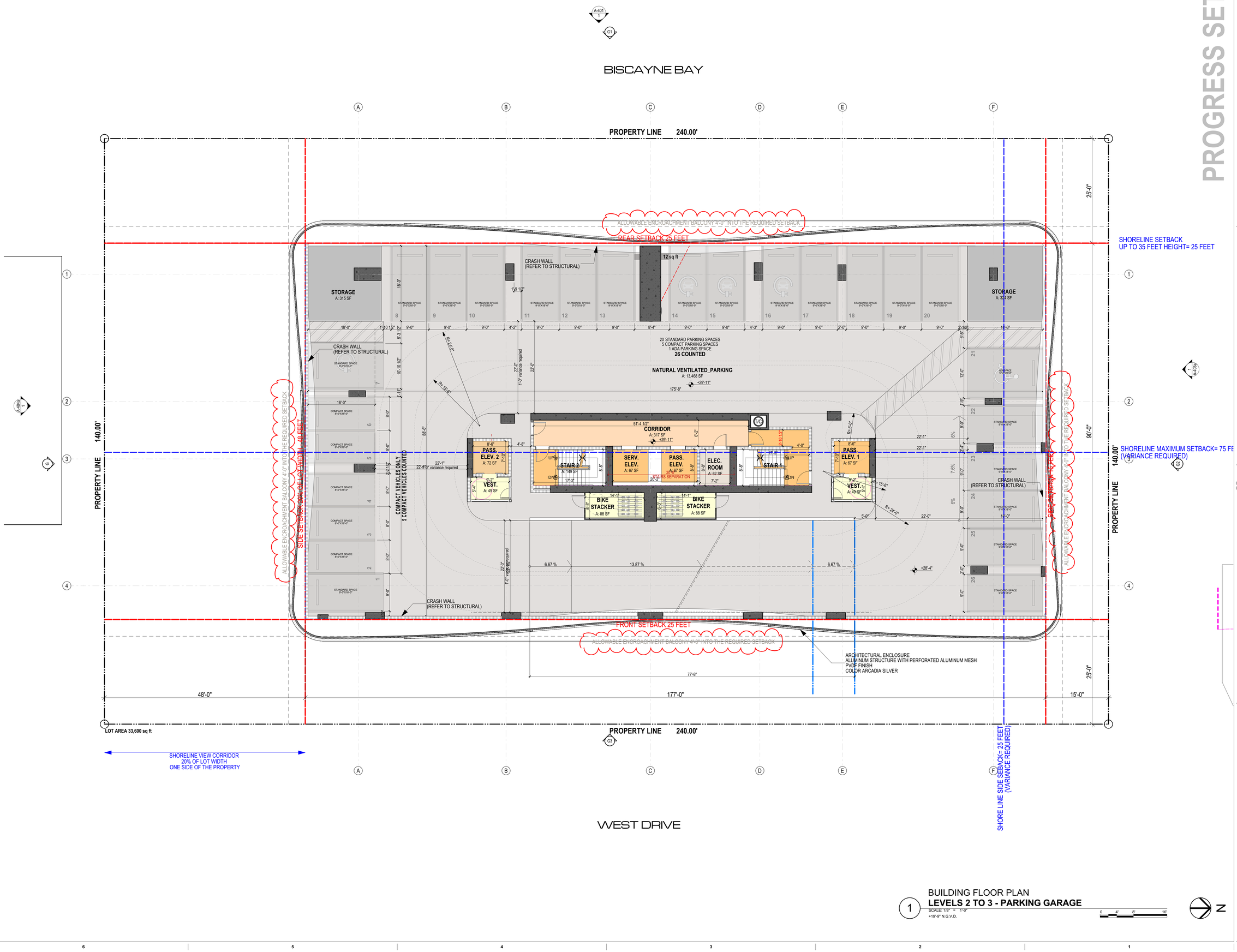
Scale
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Project No.
2114

Sheet Name
LEVEL - MEZZANINE

Sheet No.
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1 BUILDING FLOOR PLAN
LEVELS 2 TO 3 - PARKING GARAGE
SCALE: 1/8" = 1'-0"
+19'-9" N.G.V.D.

0 4' 8' 16'

N

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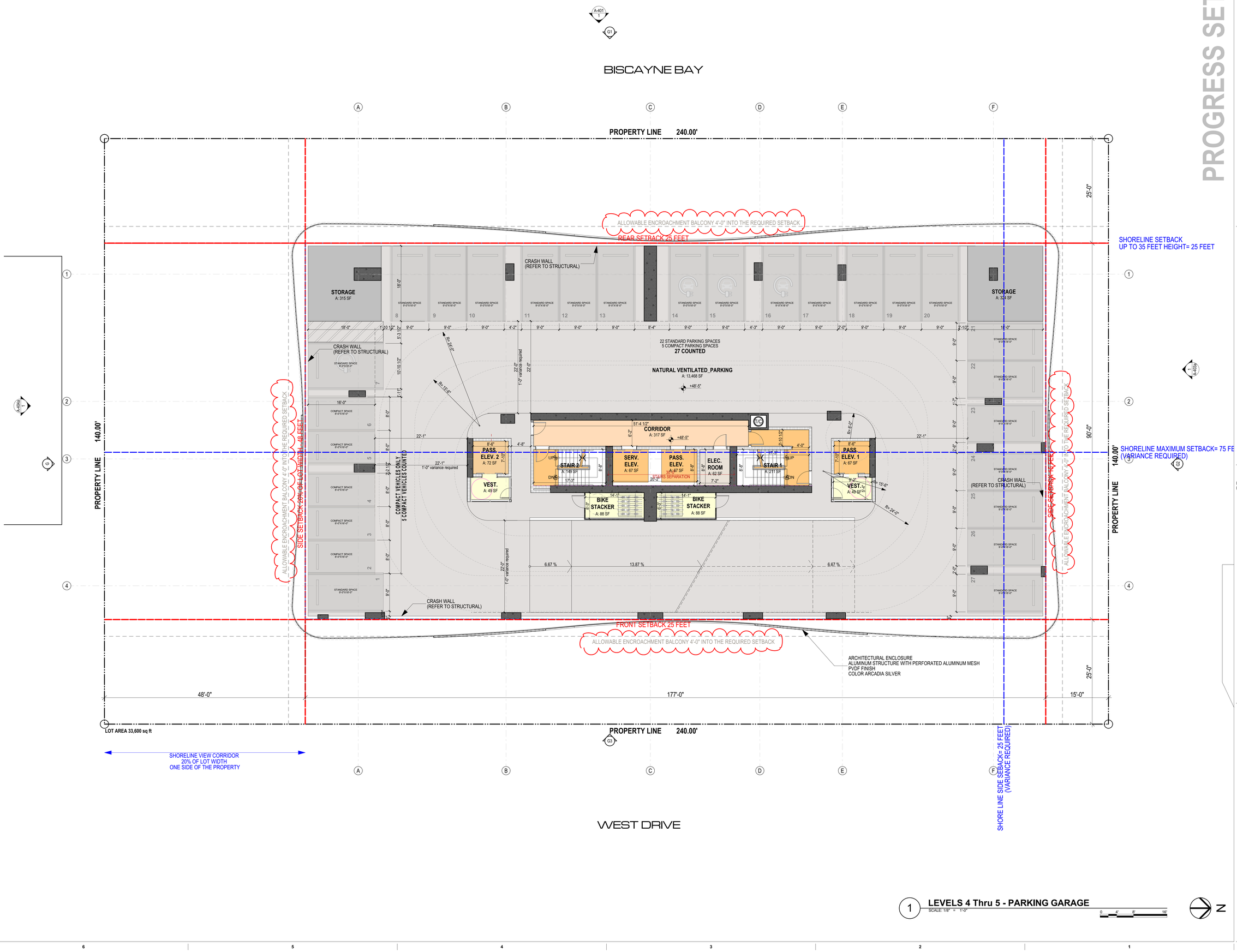
Consultant

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Date	08/01/2023
Scale	AS SHOWN
Project No.	2114
Sheet Name	LEVEL 2 TO 3 - PARKING GARAGE
Sheet No.	A-103

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1 **LEVELS 4 Thru 5 - PARKING GARAGE**
SCALE: 1/8" = 1'-0"

0 4' 8' 16'

N

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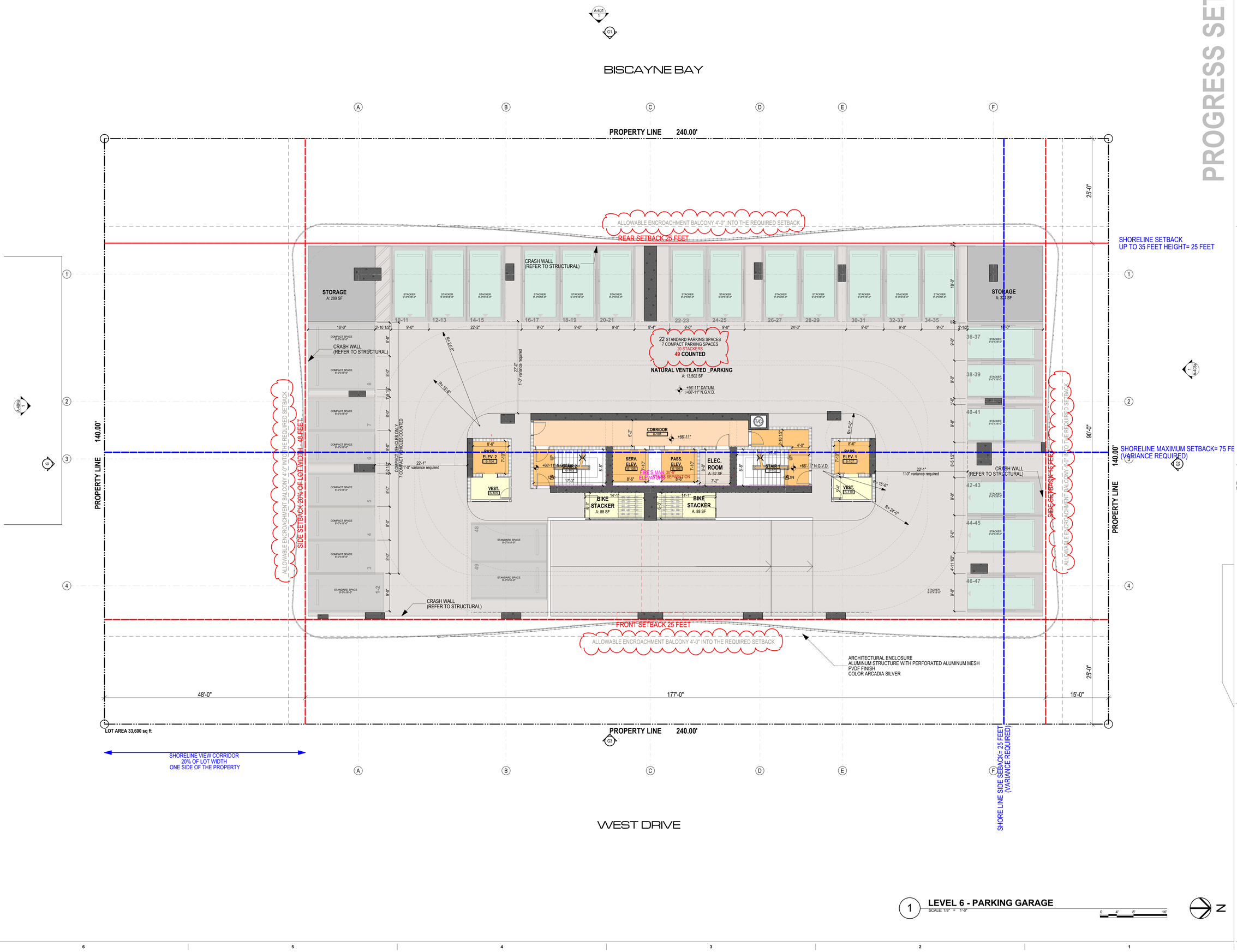
Scale
AS SHOWN

Project No.
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Sheet Name
LEVEL 4 TO 5 - PARKING GARAGE

Sheet No.
A-104

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1 **LEVEL 6 - PARKING GARAGE**
SCALE: 1/8" = 1'-0"

0 4' 8' 16'

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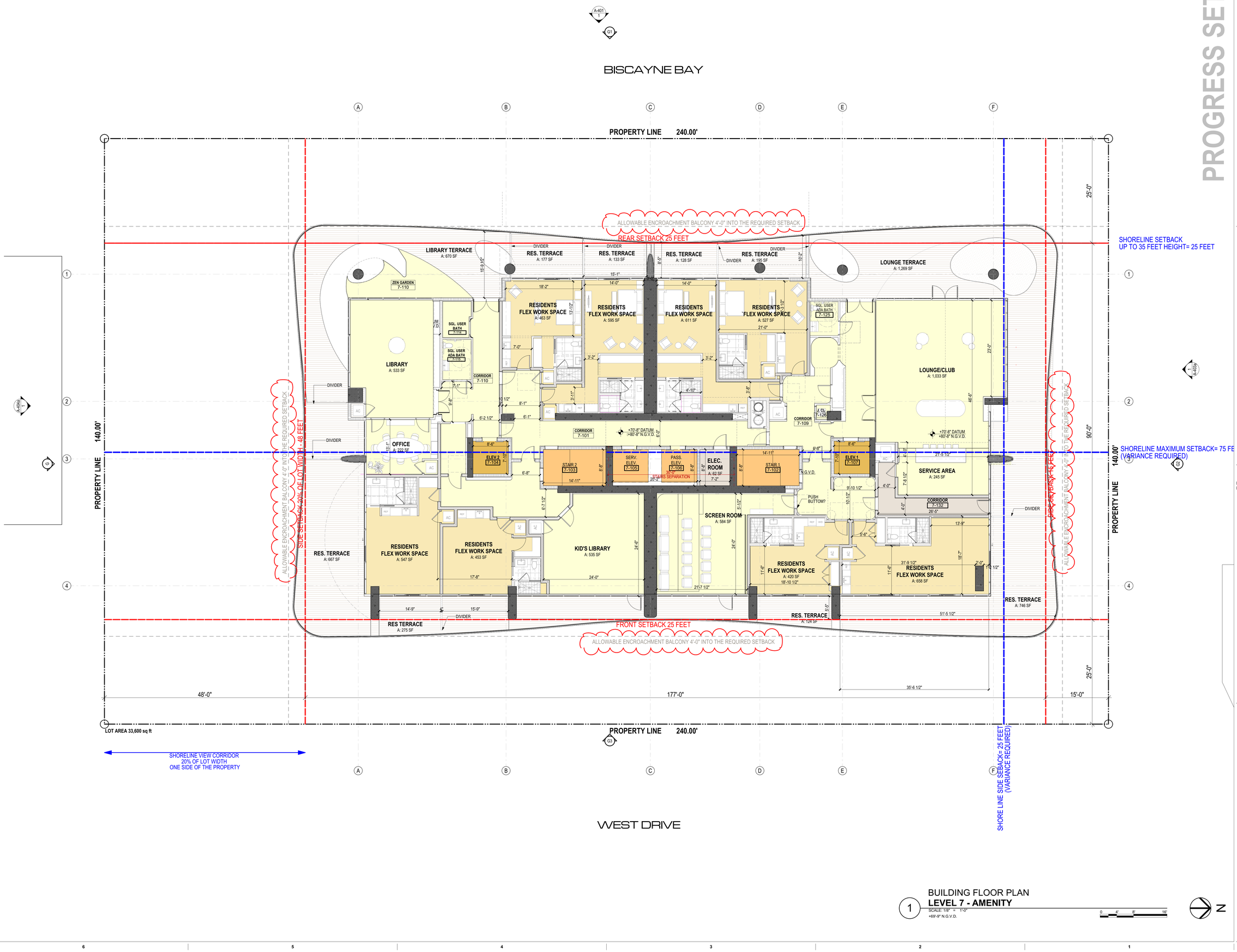
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Date
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2114
Sheet Name
LEVEL 6 - PARKING GARAGE
Sheet No.
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1 BUILDING FLOOR PLAN
LEVEL 7 - AMENITY
SCALE: 1/8" = 1'-0"
+69'-9" N.G.V.D.

0 4' 8' 16'

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Sheet Name	LEVEL 7 - AMENITY
Sheet No.	A-106

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File: Blkhead_RAI-SERV-BA2-25 - Blkhead Basic for Archicad 25[21].pln, NORTH BAY VILLAGE_2114_7940 WEST DRIVE - NORTH BAY VILLAGE_ADDED LEVEL - By mpalacio - Date: 8/1/2024

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File: Bitkhost, Rel-SERVER2-25 - Bitkhost Basic file Archicad 25(2114_NORTH BAY VILLAGE)\2114_7940 WEST DRIVE - NORTH BAY VILLAGE_ADDED LEVEL_ - By mpalau - Date: 9/21/2024

PROGRESS SET

BISCAYNE BAY

PROPERTY LINE 240.00'

177'-0"
ALLOWABLE
156'-8"
PROPOSED

3'-0" VARIANCE

ALLOWABLE ENCROACHMENT BALCONY 4'-0" INTO THE REQUIRED SETBACK

REAR SETBACK 25 FEET

SHORELINE SETBACK
UP TO 35 FEET HEIGHT= 25 FEET

OUTDOOR KITCHEN

UNIT 02
3 BDRM
A: 2,368.5 SF

DINING 12'-2" x 20'-0"

KITCHEN 7'-0" x 16'-0"

M. BEDROOM 16'-0" x 16'-0"

M. BATH 7'-9" x 24'-6"

BEDROOM 4 16'-1" x 10'-4"

KITCHEN 10'-0" x 16'-0"

UNIT 01
4 BDRM
A: 3,246.75 SF

LIVING 24'-4" x 20'-0"

BEDROOM 2 11'-4" x 13'-2"

BATH F.H.A. B

FOYER

VEST.

UTILITY 6'-1" x 11'-10"

HER 10'-0" x 10'-7"

HIS 7'-9" x 6'-11 7/8"

CORRIDOR
+86'-2"DATUM A: 457 CORRIDOR
+96'-2"N.G.V.D.

STUDY 9'-0" x 8'-3 7/8"

BEDROOM 3 10'-3" x 12'-4"

BATH 3 5'-4" x 5'-10"

PASS. ELEV. 2 A: 66.5 SF

STAIR 2 A: 149.5 SF

SERV. ELEV. A: 66.5 SF

PASS. ELEV. A: 66.5 SF

STAIRS SEPARATION

ELEC. ROOM A: 62 SF

STAIR 1 A: 149.5 SF

PASS. ELEV. 1 A: 66.5 SF

ELEV. LOBBY 6'-8" x 8'-0"

BATH 2 F.H.A. B 5'-9" x 8'-1/4"

BEDROOM 2 14'-0" x 12'-4"

BEDROOM 3 14'-3" x 12'-4"

BATH 3 9'-4" x 8'-0"

UNIT 04
2 BDRM
A: 2,038.25 SF

LIVING 18'-8" x 19'-1/8"

DINING 14'-8" x 14'-0"

KITCHEN 7'-0" x 13'-0"

M. BEDROOM 15'-0" x 17'-0"

M. BATH 7'-9" x 24'-7 7/8"

M. BATH 7'-9" x 24'-6"

M. BEDROOM 15'-0" x 17'-0"

BEDROOM 3 10'-0" x 12'-4"

KITCHEN 10'-0" x 13'-0"

UNIT 03
3 BDRM
A: 2,401.75 SF

DINING 12'-10" x 14'-0"

LIVING 21'-4" x 16'-2 1/8"

BEDROOM 2 14'-0" x 12'-4"

BATH 2 F.H.A. B 5'-9" x 8'-1/4"

OUTDOOR KITCHEN

FRONT SETBACK 25 FEET

ALLOWABLE ENCROACHMENT BALCONY 4'-0" INTO THE REQUIRED SETBACK

2'-1" VARIANCE

SIDE SETBACK 20% OF LOT WIDTH - 48 FEET

ALLOWABLE ENCROACHMENT BALCONY 4'-0" INTO THE REQUIRED SETBACK

SIDE SETBACK 15 FEET

ALLOWABLE ENCROACHMENT BALCONY 4'-0" INTO THE REQUIRED SETBACK

PROPERTY LINE 140.00'

140'-0"

82'-8"
PROPOSED
90'-0"
ALLOWED

SHORELINE MAXIMUM SETBACK= 75 FT
(VARIANCE REQUIRED)

240'-0"

LOT AREA 33,600 sq ft

PROPERTY LINE 240.00'

SHORELINE VIEW CORRIDOR
20% OF LOT WIDTH
ONE SIDE OF THE PROPERTY

SHORE LINE SIDE SETBACK= 25 FEET
(VARIANCE REQUIRED)

WEST DRIVE

1 TYPICAL LEVEL
SCALE: 1/8" = 1'-0"

0 4' 8' 16'

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Project

7940 WEST DRIVE
NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

RESPONSE TO PLANNING COMMENTS	07/18/2023

Owner Information

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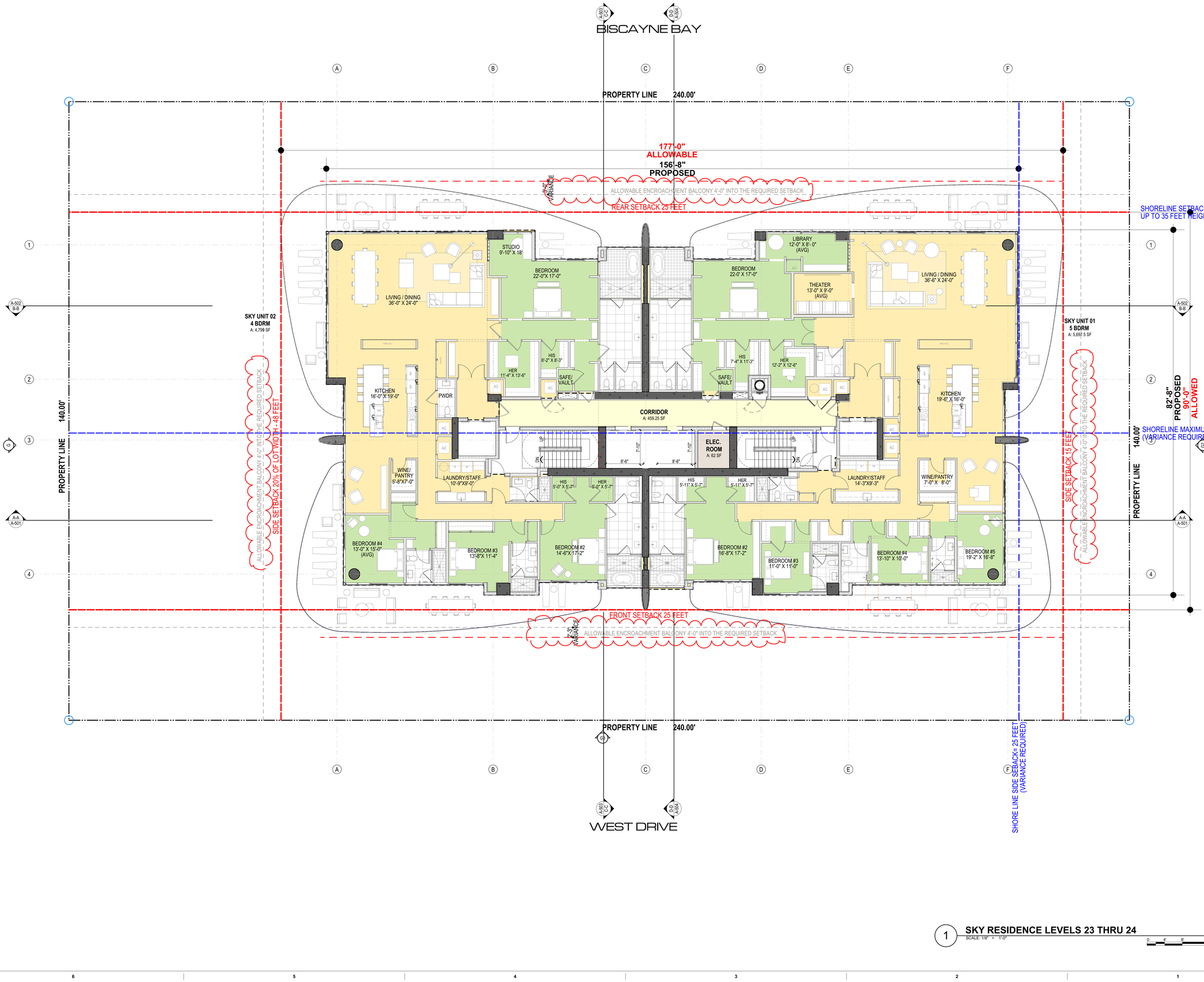
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(912) 398-1775

Consultant

Luis O. Revuelta
AR-0007972

100% DESIGN DEVELOPMENT

Date	08/01/2023
Scale	AS SHOWN
Project No.	2114
Sheet Name	LEVELS 8 thru LEVEL 23
Sheet No.	A-107



1 **SKY RESIDENCE LEVELS 23 THRU 24**
SCALE: 1/8" = 1'-0"

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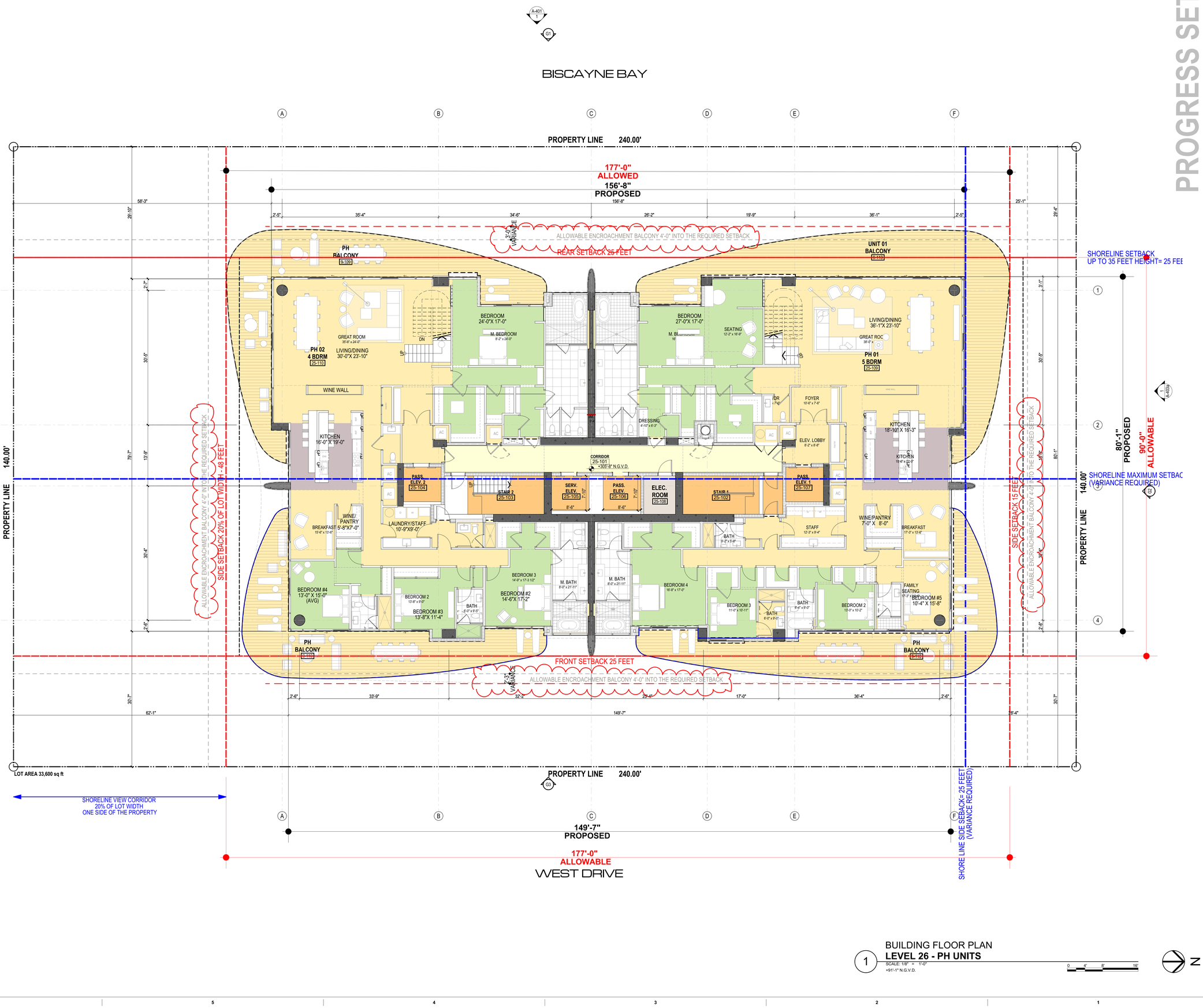
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Date	08/01/2023
Scale	AS SHOWN
Project No.	2114
Sheet Name	LEVELS 24 thru 25 SKY RESIDENCE
Sheet No.	A-107a

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File: Blackout_RA1-SERVERA2-25 - Blackout Basic for Archicad 25(21)_PMR WEST DRIVE - NORTH BAY VILLAGE_ADDED LEVEL - By mpavelec - Date: 8/21/2024



1 BUILDING FLOOR PLAN
LEVEL 26 - PH UNITS
SCALE: 1/8" = 1'-0"
+911'-1" N.G.V.D.

0 4' 8' 16'

N

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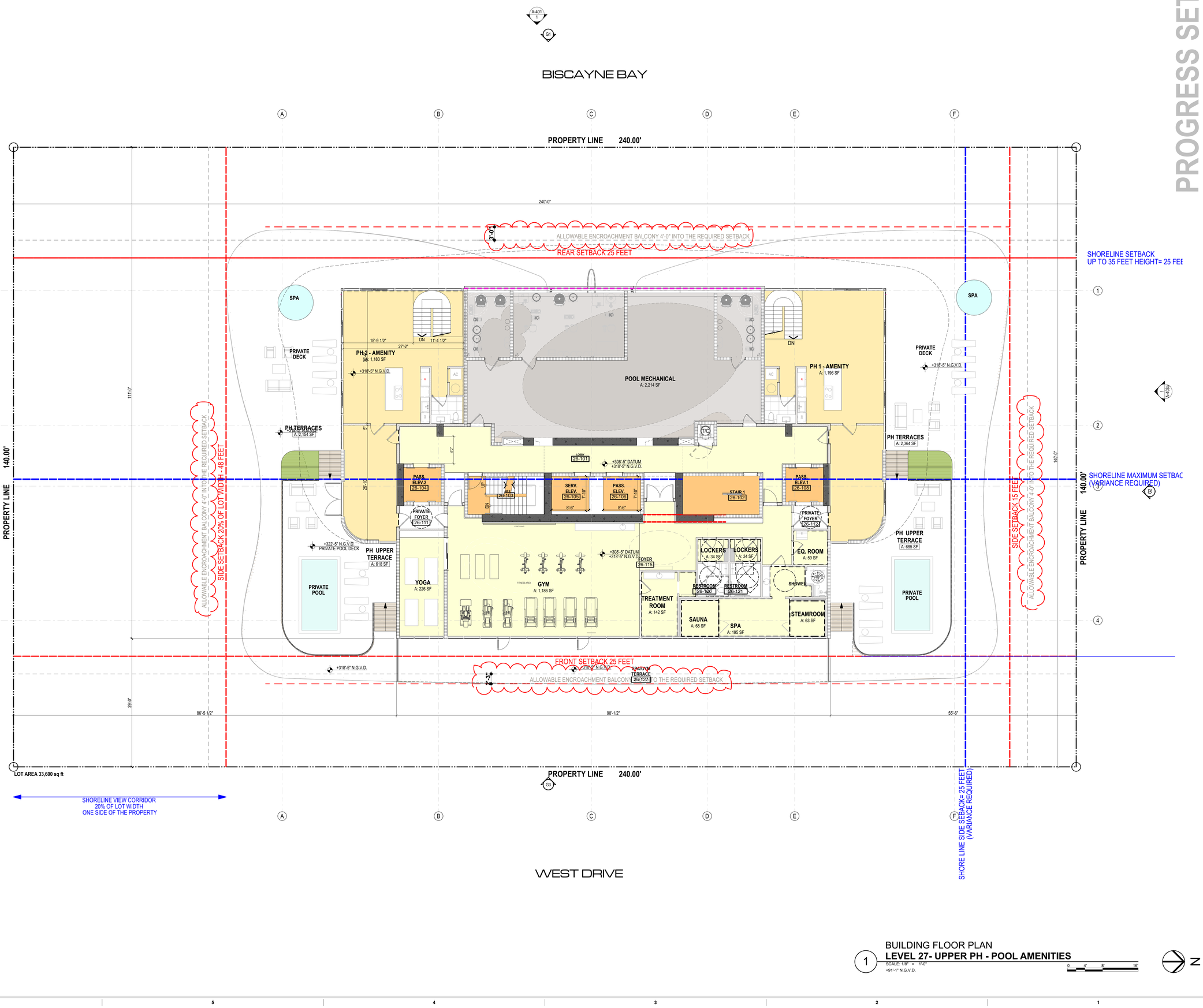
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Date
08/01/2023
Scale
AS SHOWN
Project No.
2114
Sheet Name
LEVEL 26 - PH UNITS
Sheet No.
A-108

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BUILDING FLOOR PLAN
LEVEL 27- UPPER PH - POOL AMENITIES
SCALE: 1/8" = 1'-0"
+91'-1" N.G.V.D.

N

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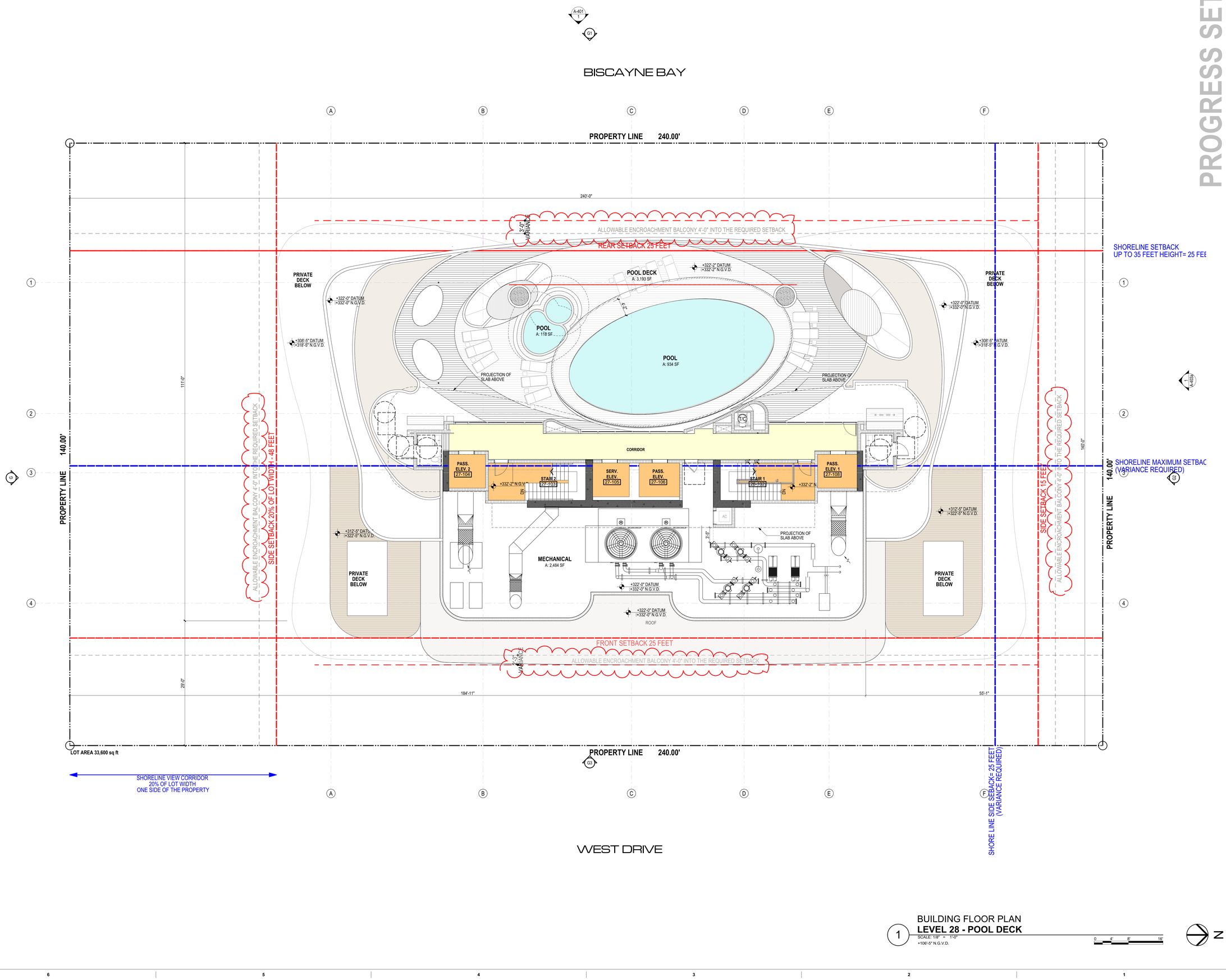
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Date	08/01/2023
Scale	AS SHOWN
Project No.	2114
Sheet Name	LEVEL 27 -UPPER PH - POOL AMENITIES
Sheet No.	A-109

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File: Bfolder\ 800-SERVER\22-25 - Bfolder\ Basic for Architect 22\2114_7940 WEST DRIVE - NORTH BAY VILLAGE_ARCH\2114_7940 WEST DRIVE - NORTH BAY VILLAGE_ARCH LEVEL - By mgaviria - Date: 8/1/2023



1 BUILDING FLOOR PLAN
LEVEL 28 - POOL DECK
SCALE: 1/8" = 1'-0"
+106'-5" N.G.V.D.

0 4' 8' 16'

N

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RESPONSE TO PLANNING COMMENTS	07/18/2023

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Date	08/01/2023
Scale	AS SHOWN
Project No.	2114
Sheet Name	LEVEL 28 - POOL DECK
Sheet No.	A-110

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PROGRESS SET

PROPERTY LINE 240.00'

ALLOWABLE ENCROACHMENT BALCONY 4'-0" INTO THE REQUIRED SETBACK

3'-0" VARIANCE

3'-0" VARIANCE

REAR SETBACK 20 FEET

SHORELINE SETBACK
UP TO 35 FEET HEIGHT= 25 FEE

SHORELINE MAXIMUM SETBAC
(VARIANCE REQUIRED)

PROPERTY LINE 140.00'

SIDE SETBACK 20% OF LOT WIDTH = 48 FEET

ALLOWABLE ENCROACHMENT BALCONY 4'-0" INTO THE REQUIRED SETBACK

PRIVATE DECK BELOW

POOL DECK BELOW

BELOW

+308'-5" DATUM
+318'-5" N.G.V.D.

ROOF
+334'-10" DATUM
+344'-10" N.G.V.D.

MECHANICAL ROOF
+334'-10" DATUM
+344'-10" N.G.V.D.

PASS. ELEV. 2

SERV. ELEV.

PASS. ELEV. 2

INTAKE AIR

+312'-5" DATUM
+322'-5" N.G.V.D.

MECHANICAL ROOF BELOW

MECHANICAL

ROOF

PRIVATE DECK BELOW

DATUM
N.G.V.D.

108'-5"

SIDE SETBACK 15 FEET

ALLOWABLE ENCROACHMENT BALCONY 4'-0" INTO THE REQUIRED SETBACK

PROPERTY LINE 140.00'

73'-11"

27'-9"

75'-0"

27'-9"

42'-11"

6'-3"

24'-10"

FRONT SETBACK 25 FEET

ALLOWABLE ENCROACHMENT BALCONY 4'-0" INTO THE REQUIRED SETBACK

VARIANCE 2'-3"

SHORE LINE SIDE SETBACK= 25 FEET
(VARIANCE REQUIRED)

A-404a

A-405a

G3

A B C D E F

1 2 3 4

2 BUILDING FLOOR PLAN
LEVEL 28 - POOL DECK

SCALE: 1/8" = 1'-0"
+117'-7" N.G.V.D.

0 4' 8' 16'

N

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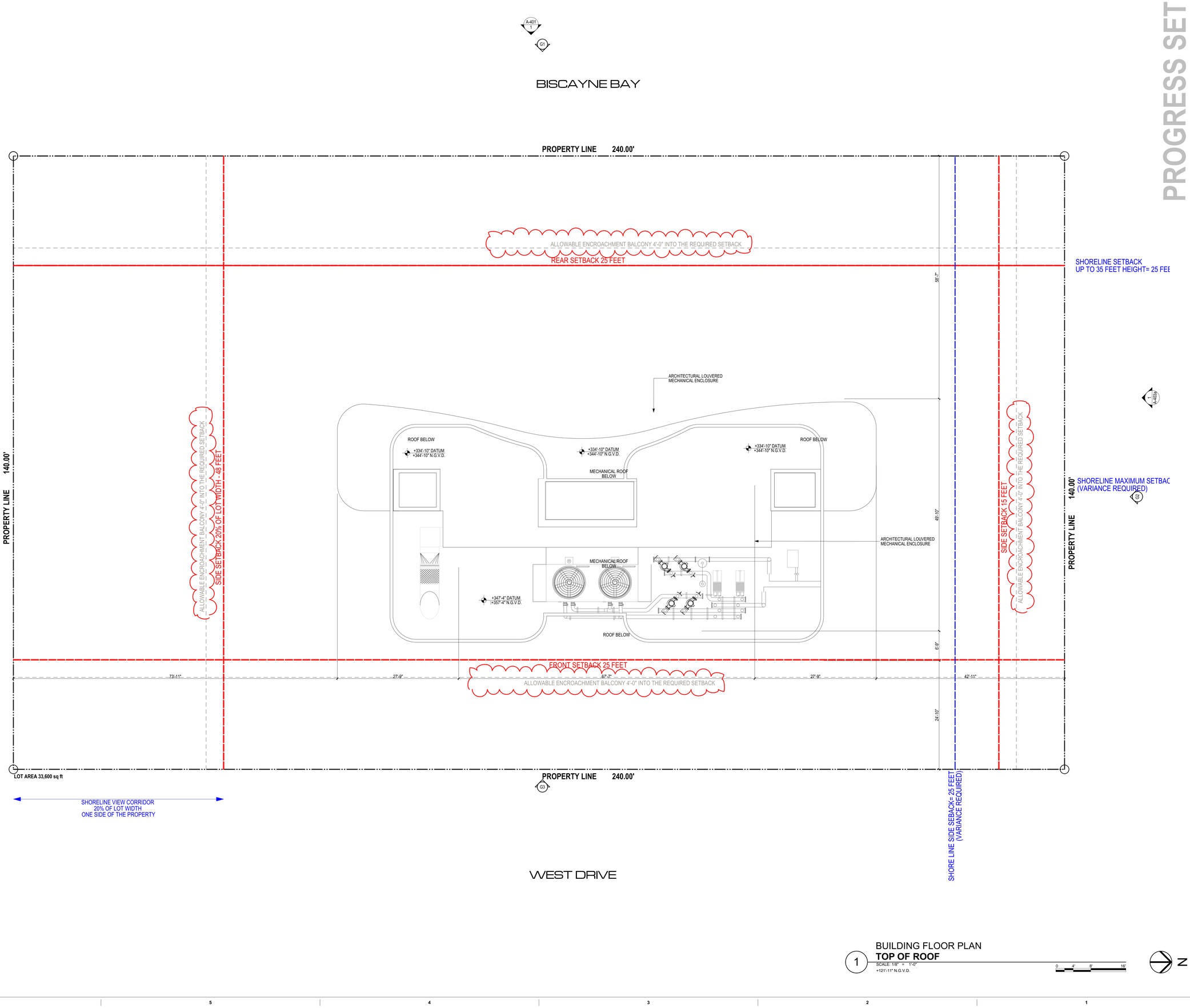
Scale
AS SHOWN

Project No.
2114

Sheet Name
MECHANICAL ROOF

Sheet No.
A-111

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File: Billwood_Rel-SERVER2-25 - Billwood Basic for Archicad 25\2114_NORTH BAY VILLAGE\2114_7940 WEST DRIVE - NORTH BAY VILLAGE_ADDED LEVEL - By mgarate - Date: 9/21/2024



1 BUILDING FLOOR PLAN
TOP OF ROOF
SCALE: 1/8" = 1'-0"
+121'-11" N.G.V.D.

0 4" 8" 16"

N

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Revisions

RESPONSE TO PLANNING COMMENTS	07/18/2023

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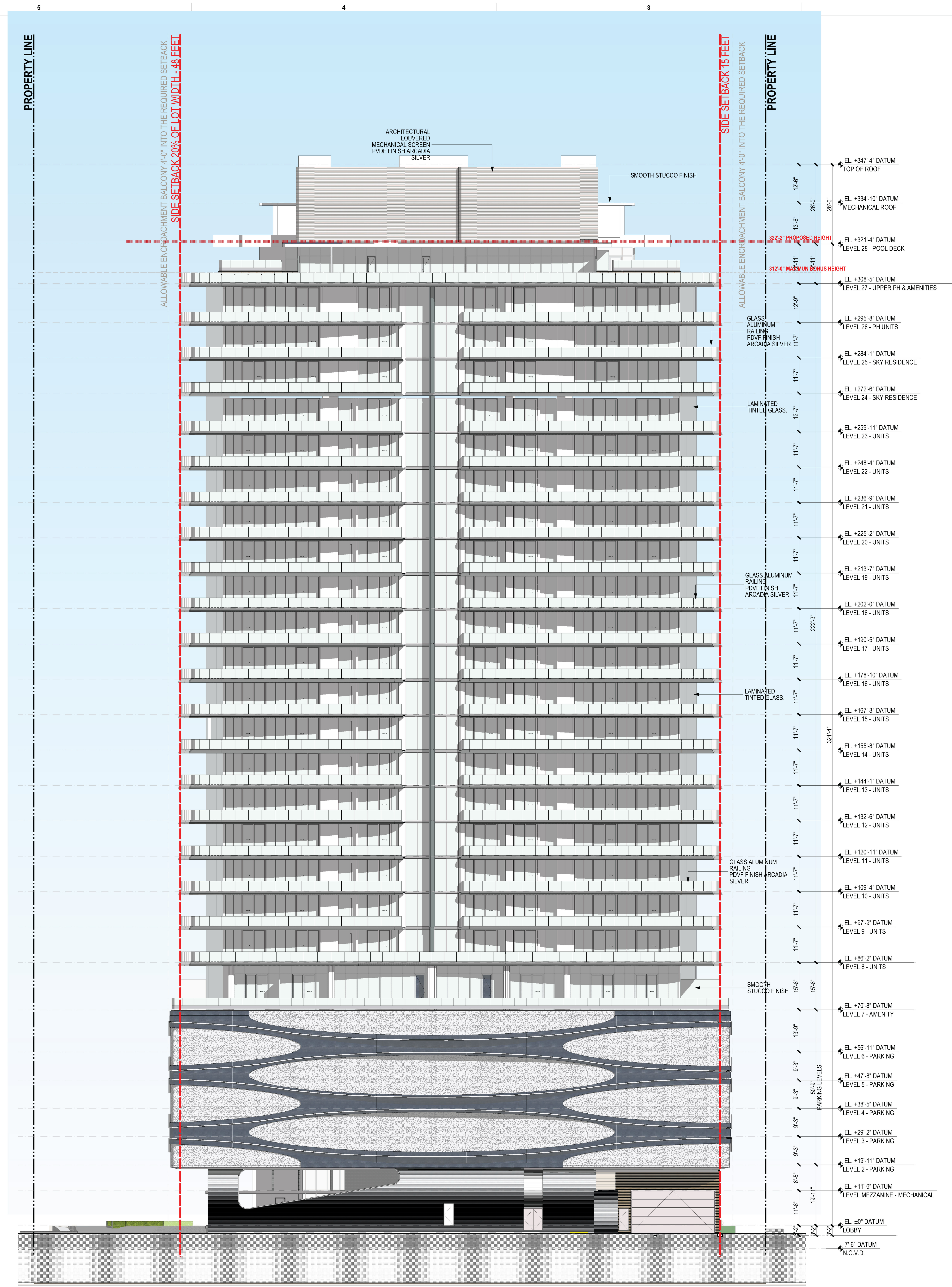
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Date
08/01/2023
Scale
AS SHOWN
Project No.
2114
Sheet Name
TOP OF ROOF
Sheet No.
A-112



1
A-401
EAST- BUILDING ELEVATION
SCALE: 1/16" = 1'-0"

PROGRESS SET

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Revisions

RESPONSE TO PLANNING COMMENTS	07/18/2023

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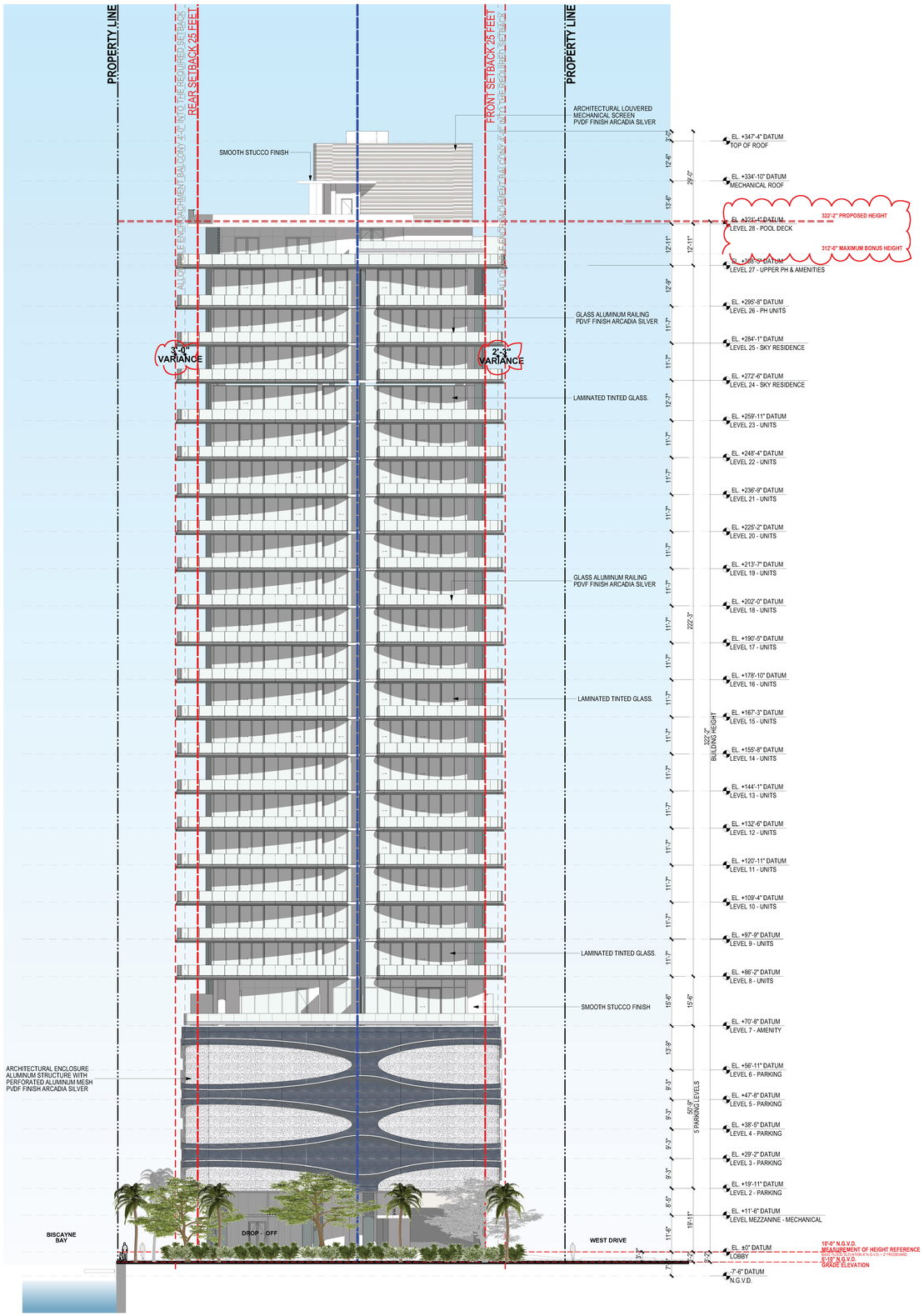
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Date	08/01/2023
Scale	AS SHOWN
Project No.	2114
Sheet Name	EAST ELEVATION
Sheet No.	A-401



1 **SOUTH- BUILDING ELEVATION**

SCALE: 1/16" = 1'-0" 0 8' 16' 32'

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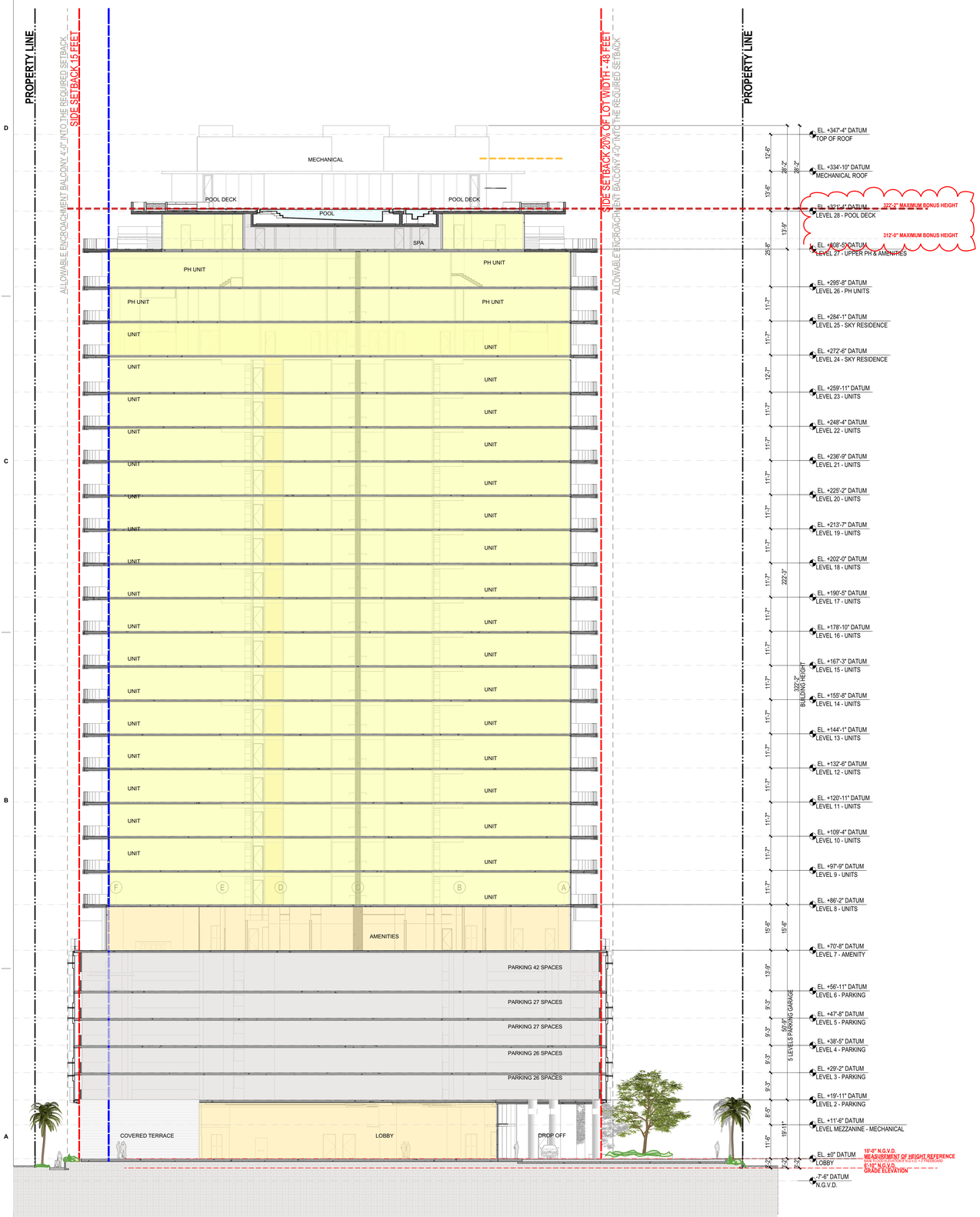
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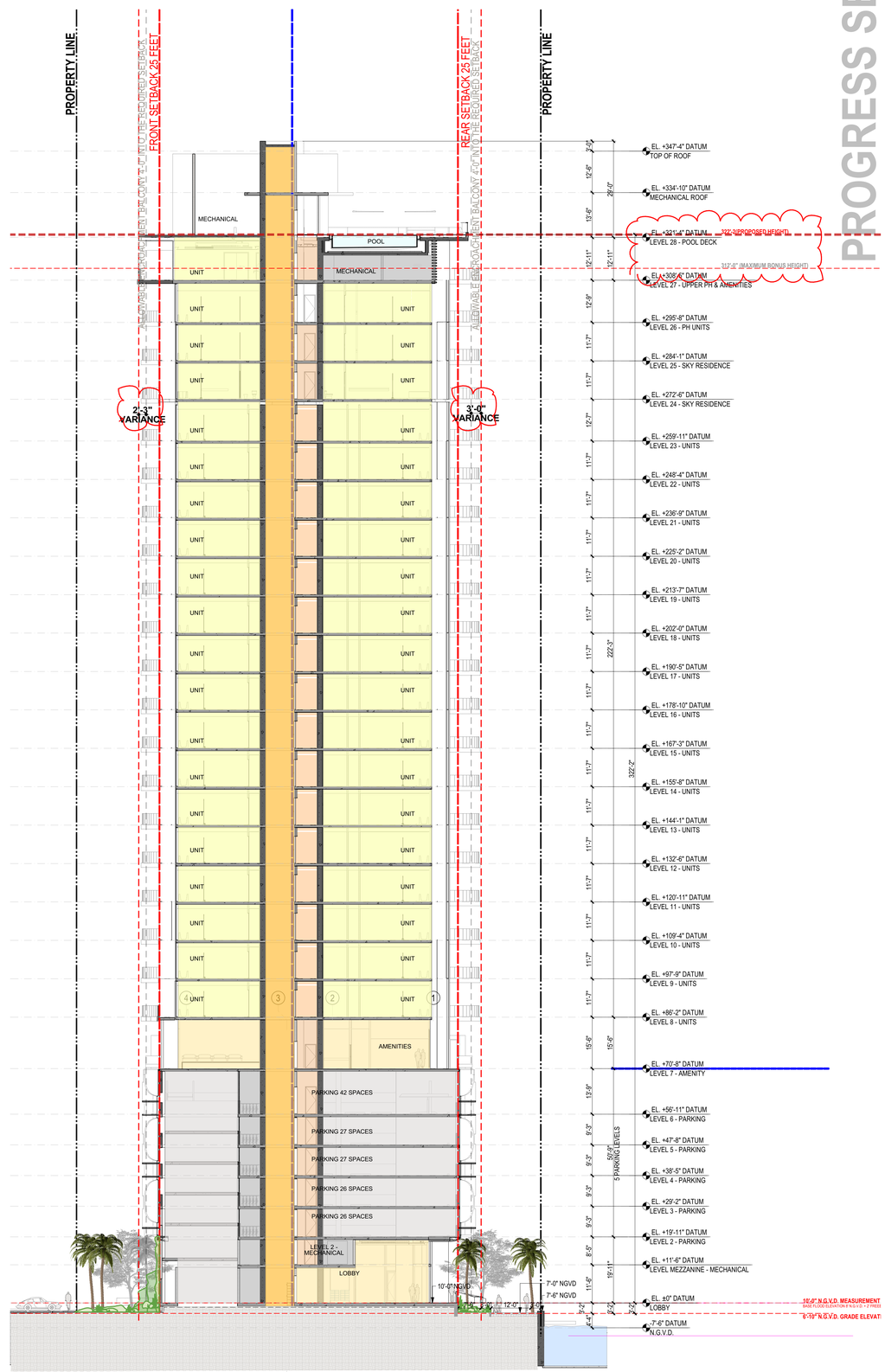
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Date	08/01/2023
Scale	AS SHOWN
Project No.	2114
Sheet Name	SOUTH ELEVATION
Sheet No.	A-404



1 SECTION B-B
SCALE: 1/16" = 1'-0"



2 SECTION D-D
SCALE: 1/16" = 1'-0"

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RESPONSE TO PLANNING COMMENTS	07/18/2023

Owner Information

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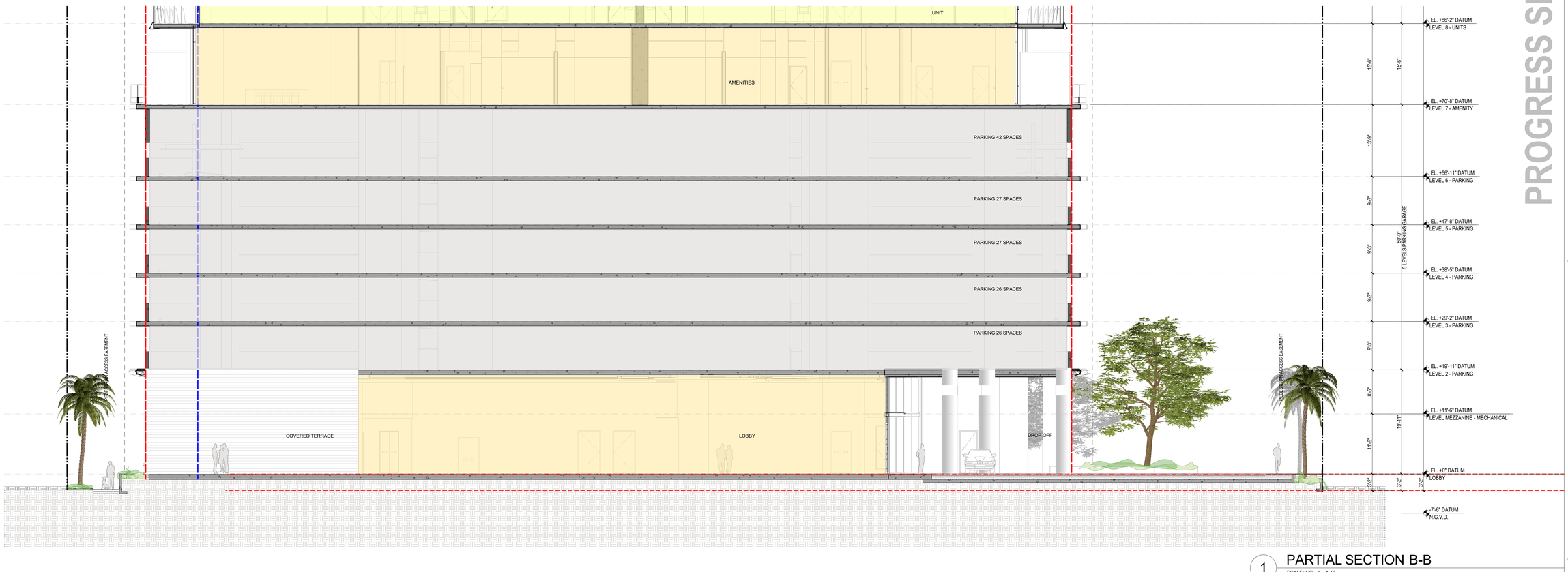
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Date
08/01/2023
Scale
AS SHOWN
Project No.
2114
Sheet Name
SECTIONS
Sheet No.
A-501



1 PARTIAL SECTION B-B

SCALE: 1/8" = 1'-0"



2 PARTIAL SECTION D-D

SCALE: 1/8" = 1'-0"

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T: 305.590.5000
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Project

7940 WEST DRIVE
NORHT BAY VILLAGE
7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

PROGRESS SET

Revisions

RESPONSE TO PLANNING COMMENTS	07/18/2023

Owner Information

7940 NBV PARTNERS, LLC

4531PRAIRIE AVE
MIAMI BEACH, FL 33140
(912) 398-1775

Consultant

Luis O. Revuelta
AR-0007972

100% DESIGN DEVELOPMENT

Date
08/01/2023
Scale
AS SHOWN
Project No.
2114
Sheet Name
ENLARGED SECTIONS
Sheet No.
A-502



1 3D VIEW - SOUTH EAST
SCALE: 1/8" = 1'-0"



2 3D VIEW - WEST
SCALE: 1/8" = 1'-0"

CONTEXT VIEWS

PROGRESS SET

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Scale
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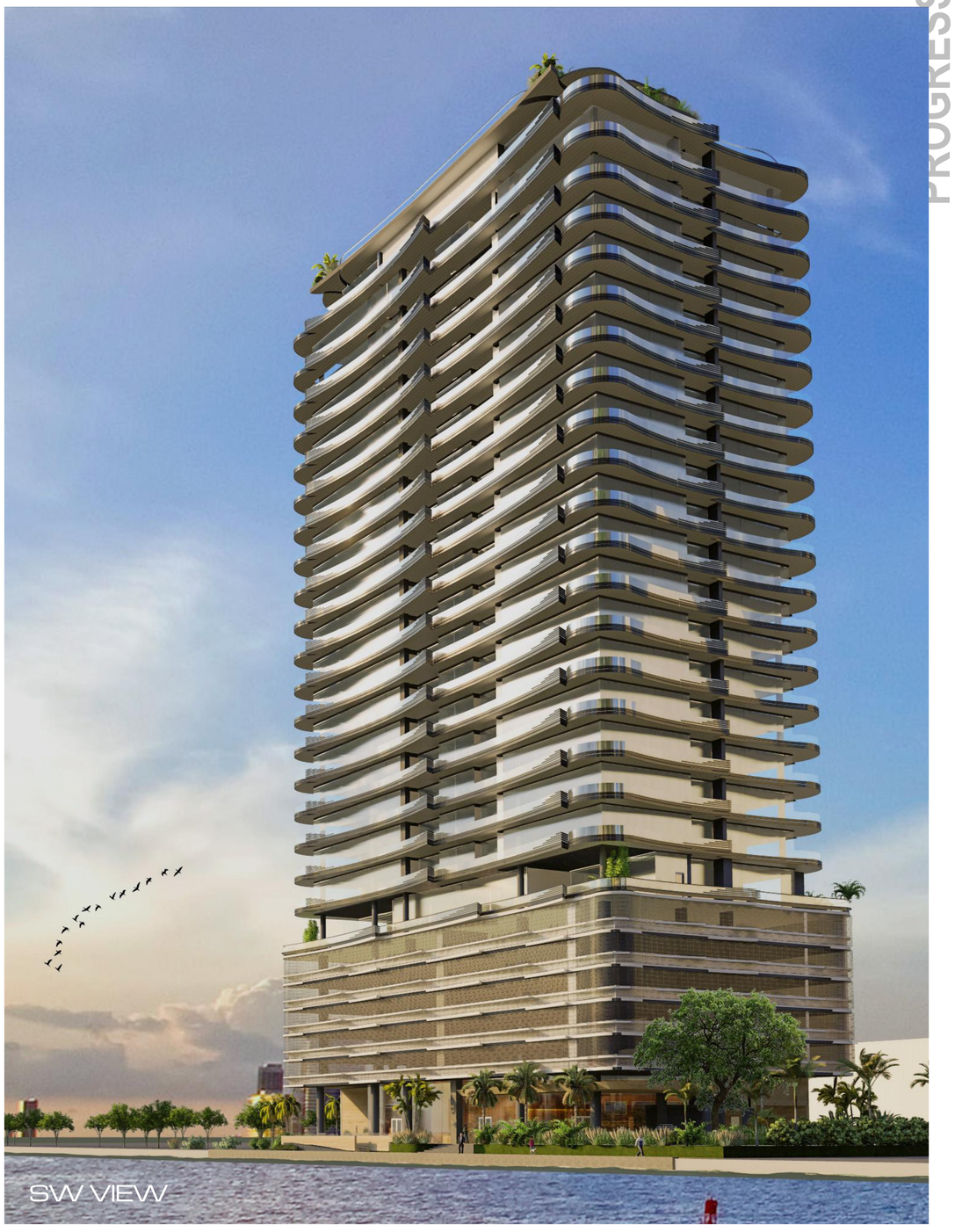
Project No.
2114

Sheet Name
CONTEXT VIEWS

Sheet No.
A-601

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File: Bfdocs:nd_RM-SERVER2:25... |Bfdocs:nd Basic for Archicad 25|2114_NORTH BAY VILLAGE|2114_7940 WEST DRIVE - NORTH BAY VILLAGE_ADPED LEVEL - By mpalella - Date: 9/21/2024





PROGRESS SET

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File: Bitkhost: 6dc58fcf0f62-25 - Bitkhost Basic for Archicad 25/2114_7940 WEST DRIVE - NORTH BAY VILLAGE_ADDED LEVEL - By mpardez - Date: 9/21/2024

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(912) 398-1775

Consultant

Luis O. Revuelta
AR-0007972

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Date
08/01/2023

Scale
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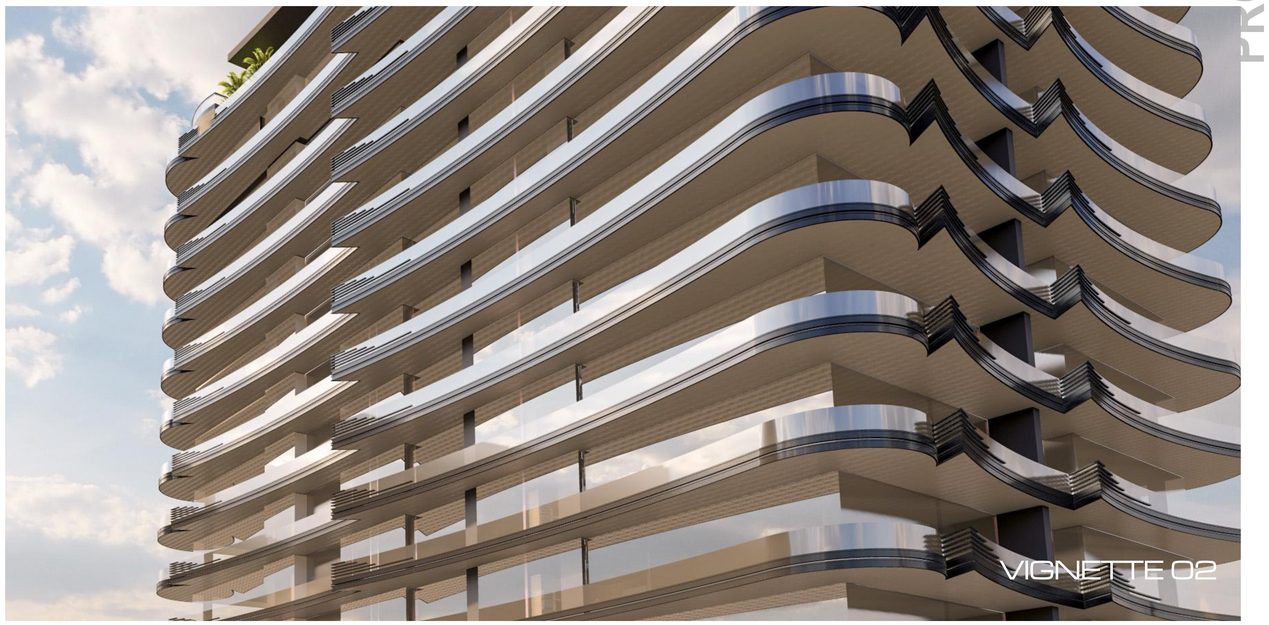
Project No.
2114

Sheet Name
OVER ALL VIEWS

Sheet No.
A-602

PROGRESS SET







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File: Bluebeam: R:\ARCHIVE\22-25 - Bluebeam Base\ for Archicad 23\2114_7940 WEST DRIVE - NORTH BAY VILLAGE\2114_7940 WEST DRIVE - NORTH BAY VILLAGE_ADDED LEVEL - By rrguerra - Date: 9/21/2023

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Project

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NORHT BAY VILLAGE

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NORTH BAY VILLAGE, FL 33141

Revisions

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AR-0007972

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Date
08/01/2023

Scale
AS SHOWN

Project No.
2114

Sheet Name
VIGNETTES

Sheet No.
A-603

7940 WEST DRIVE - NORHT BAY VILLAGE

7940 WEST DRIVE

NORTH BAY VILLAGE, FL 33141



7940 NORTH BAY VILLAGE			RESPONSE TO PLANNING COMMENTS	RESPONSE TO PLANNING COMMENTS
	SHEET	NAME		
PRESENTATION				
		COVER SHEET		●
PROJECT DATA				
	A-001	LOCATION		●
	A-002	SURVEY		●
	A-003	PROJECT DATA	●	●
	A-004	SITE - PLAN	●	●
	A-005	PARKING ANALYSIS		●
	A-005a	SECTIONS	●	●
	A-005b	SECTIONS	●	●
	A-008	BUILDING FOOTPRINT		●
FLOOR PLANS				
	A-101	GROUND FLOOR	●	●
	A-102	LEVEL - MEZZANINE	●	●
	A-103	LEVEL 2 TO 3 - PARKING GARAGE	●	●
	A-104	LEVEL 4 TO 5 - PARKING GARAGE	●	●
	A-105	LEVEL 6 - PARKING GARAGE	●	●
	A-106	LEVEL 7 - AMENITY	●	●
	A-107	LEVELS 8 thru LEVEL 24	●	●
	A-108	LEVEL 25 - PH UNITS	●	●
	A-109	LEVEL 26 -UPPER PH - POOL AMENITIES	●	●
	A-110	LEVEL 27 - POOL DECK	●	●
	A-111	MECHANICAL ROOF		●
	A-112	TOP OF ROOF		
ELEVATIONS				●
	A-401	EAST ELEVATION		●
	A-402	NORTH ELEVATION		●
	A-403	WEST ELEVATION		●
	A-404	SOUTH ELEVATION		
SECTIONS				
	A-501	SECTIONS		●
	A-502	ENLARGED SECTIONS		●
3D VIEWS				
	A-601	CONTEXT VIEWS		●
	A-602	OVER ALL VIEWS		●
	A-603	VIGNETTES		●

Luis O. Revuelta

Digitally signed by Luis O. Revuelta
DN: E=INFO@Revuelta.com, CN=Luis O. Revuelta, O="Revuelta Architecture International, P.A.", L=Miami, S=Florida, C=US
Date: 2023.08.30 09:54:47-04'00'

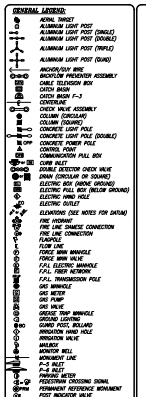
OWNER
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PH: (912) 398 1775

ARCHITECT
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CIVIL ENGINEER
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LAND.DESIGN
6800 SW 40th ST.
MIAMI. FL 33155
WEBSITE: WWW.LANDDESIGN.COM
PH: (305) 910-9734

8/30/2023



LOCATION SKETCH

Scale: 1"=400'

A PORTION OF SECTION 09-53S-42E, MIAMI-DADE COUNTY, FLORIDA.

LEGAL DESCRIPTION

LOTS 38, 40 AND 42, "HARBOR ISLAND", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 44, PAGE 72, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SURVEYOR'S NOTES:

1. THE BEARINGS SHOWN HEREON RELATE TO AN ASSUMED BEARING OF N00°01'22"E ALONG THE CENTERLINE OF WEST DRIVE.
2. LEGAL DESCRIPTION SHOWN HEREON WAS PROVIDED BY CLIENT.
3. AREA OF THE PROPERTY DESCRIBED HEREON IS: 33,602± SQ. FT. (0.771± ACRES).
4. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE ATTACHED CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTIES.
5. UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTINGS AND/OR FOUNDATIONS.
6. THE PROPERTY SHOWN HEREON FALLS WITHIN FEDERAL FLOOD HAZARD ZONE "AE" (ELEVATION 8), PER FLOOD INSURANCE RATE MAP NO. 12086C0306L, COMMUNITY NO. 120654, PANEL NO. 0306, SUFFIX L, OF FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) MAP DATED SEPTEMBER 11, 2009.
7. VISIBLE INDICATORS OF UTILITIES ARE SHOWN HEREON, TOGETHER WITH UNDERGROUND STORM AND SANITARY GRAVITY MAINS, HOWEVER, NO ATTEMPT HAS BEEN MADE TO LOCATE UNDERGROUND PRESSURE MAIN, CABLES OR CONDUITS.
8. THE DISTANCES SHOWN ALONG THE BOUNDARY OF THE SUBJECT PROPERTY ARE RECORD AND/OR MEASURED UNLESS OTHERWISE STATED.
9. SHOWN HEREON ARE PLOTTABLE EASEMENTS AND RIGHTS OF WAY REFLECTED AS EXCEPTION IN SCHEDULE B OF OWNER'S POLICY NO. OF6-8898628 ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, WITH A DATE OF POLICY JUNE 4, 2021 AT 12:58 P.M.
10. THE ELEVATIONS SHOWN HEREON REFER TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D. 29) AND ARE EXPRESSED IN FEET.
11. BENCHMARKS:
    a. MIAMI-DADE BENCHMARK R-313, LOCATED ⊕ N TREASURE DRIVE ---- 50' NORTH OF NORTH CURB ---- HISPANOLA AVE ---- 3' EAST OF EAST CURB OF SOUTHBOND LANE, US C & G BRASS DISC IN TOP OF NW CORNER OF SEWER PUMPING STATION, ELEVATION =5.27' N.G.V.D. 29.
    b. MIAMI-DADE BENCHMARK A-26, LOCATED ⊕ 79 ST CSWY ---- 43' NORTH OF C/L--- PELICAN HARBOR DR ---- 210' EAST OF C/L, PK NAIL AND ALUMINUM WASHER IN CONC CATCH BASIN, ELEVATION =6.19' N.G.V.D 29.
12. THE PROPERTY SHOWN WE HEREON IS CURRENTLY ZONED RM-70 (MULTI FAMILY RESIDENTIAL) (CITY OF NORTH BAY VILLAGE ZONING MAP-UPDATED NOVEMBER 29, 2017)
13. NO BUILDINGS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
14. SUBJECT PROPERTY IS MIAMI-DADE PROPERTY APPRAISER NUMBERS:
    FOLIO: 23-3209-001-0420 – 7940 WEST DR
    FOLIO: 23-3209-001-0400 – 7938 WEST DR

CERTIFIED TO:

-7940 NBV PARTNERS, LLC, A FLORIDA LIMITED LIABILITY COMPANY
-OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
-BANK OF OZK
-ESCOBAR & DECARLO, L.L.C.

SURVEYOR'S CERTIFICATION:

THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS. THIS BOUNDARY SURVEY COMPLIES WITH THE STANDARDS OF PRACTICE REQUIREMENTS ADOPTED BY THE FLORIDA STATE BOARD OF SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.
THE FIELDWORK WAS COMPLETED ON FEBRUARY 21, 2023

Schwebke-Shiskin & Associates, Inc.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK STEVEN JOHNSON, P.S.M. 4775

BY: Mark Steven Johnson DATE OF PLAT OR MAP:

MARK STEVEN JOHNSON, PRINCIPAL
PROFESSIONAL LAND SURVEYOR No. 4775
STATE OF FLORIDA

This Survey has been electronically signed and sealed by Mark Steven Johnson, PSM on the date noted hereon. All signatures must be verified on electronic copies. Printed copies are not considered signed and sealed unless they include an additional raised embossed seal of the surveyor.

DETAIL
Scale: 1"=10'

NOTES REGARDING SCHEDULE B OF OWNER'S POLICY NO. OF6-8898628 ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, WITH A DATE OF POLICY JUNE 4, 2021 AT 12:58 P.M.

8. RESTRICTIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS CONTAINED ON THE PLAT OF HARBOR ISLAND, AS RECORDED IN PLAT BOOK 44, PAGE 72, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. (AFFECTS PARCEL-SHOWN HEREON)
9. RESERVATIONS IN FAVOR OF THE STATE OF FLORIDA, AS SET FORTH IN THE DEED FROM THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA RECORDED JULY 27, 1926, UNDER DEED BOOK 983, PAGE 1, PUBLIC RECORDS OF MIAMI-DADE, FLORIDA; HOWEVER, THE RIGHT OF ENTRY AND EXPLORATION ASSOCIATED WITH THE OIL AND MINERAL RESERVATION HAS BEEN RELEASED PURSUANT TO SEC. 270.11, F.S. (RESERVES MINERAL RIGHTS ACROSS THE PARCELS, AS A WHOLE (BLANKET), IS NOT SUFFICIENTLY LEGIBLE TO DETERMINE IF SUBJECT PROPERTY IS INCLUDED)
10. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED FEBRUARY 21, 1946, IN DEED BOOK 2636, PAGE 403 (AFFECTS PARCEL-BLANKET IN NATURE- PLOTTABLE RESTRICTIONS SHOWN HEREON) AND O.R. BOOK 3827, PAGE 134 (AFFECTS PARCEL-NOT PLOTTABLE-BLANKET IN NATURE), PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, WHICH CREATES EASEMENTS, CONDITIONS AND USE LIMITATIONS.
11. EASEMENT IN FAVOR BISCAYNE SEA CLUB AND BAY-FOUR, INC. FOR EXCLUSIVE PARKING PURPOSES RECORDED IN O.R. BOOK 2998, PAGE 490 (DOES NOT AFFECT) , AND IN O.R. BOOK 2999, PAGE 493 (DOES NOT AFFECT) PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
12. UNITY OF TITLE RECORDED IN O.R. BOOK 30474, PAGE 4928, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. (AFFECTS PARCEL-BLANKET IN NATURE-NOT PLOTTABLE)
13. RIPARIAN AND LITTORAL RIGHTS ARE NOT INSURED.
14. RIGHTS OF THE UNITED STATE OF AMERICA AND/OR THE STATE OF FLORIDA TO ANY PORTION OF SAID LAND WHICH HAS BEEN CREATED BY ARTIFICIAL MEANS, AND LANDS ACCRETED THERETO.
15. THE RIGHT OF THE UNITED STATES GOVERNMENT, IN THE INTEREST OF NAVIGATION AND COMMERCE, TO REGULATE ANY PORTION OF THE LAND THAT WAS FORMERLY SUBMERGED BY NAVIGABLE WATERS.
16. ANY ADVERSE OWNERSHIP CLAIM BY THE STATE OF FLORIDA BY RIGHT OF SOVEREIGNTY TO ANY PORTION OF THE LAND INSURED HEREUNDER, INCLUDING SUBMERGED, FILLED, AND ARTIFICIALLY EXPOSED LANDS AND LANDS ACCRETED TO SUCH LANDS.
17. ENCROACHMENTS, ENCUMBRANCES, VIOLATIONS, VARIATIONS, OR ADVERSE CIRCUMSTANCES, IF ANY, ACTUALLY SHOWN ON THE SURVEY PREPARED BY ALVAREZ, HOUSEHYES AND ASSOCIATES, INC., DATED APRIL 14, 2021, BEARING JOB #21-25436: (A) 6' WIRE FENCE ENCROACHMENT INTO ANCHOR EASEMENT RECORDED DEED BOOK 2636, PAGE 403, IN THE EAST SIDE OF THE SUBJECT PROPERTY. (AFFECTS PARCEL-SHOWN HEREON)
18. MORTGAGE TO BANK OZK, MORTGAGEE(S), RECORDED IN O.R. BOOK 32546, PAGE 807, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. NOT A SURVEY MATTER
19. ASSIGNMENT OF LEASES AND RENTS FILED JUNE 4, 2021, IN O.R. BOOK 32546, PAGE 1835, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. (AFFECTS PARCEL-BLANKET IN NATURE-NOT PLOTTABLE)
20. UCC FINANCING STATEMENT BETWEEN 7940 NBV PARTNERS, LLC AND BANK OZK AS RECORDED IN O.R. BOOK 32546, PAGE 1945, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. (AFFECTS PARCEL-BLANKET IN NATURE-NOT PLOTTABLE)

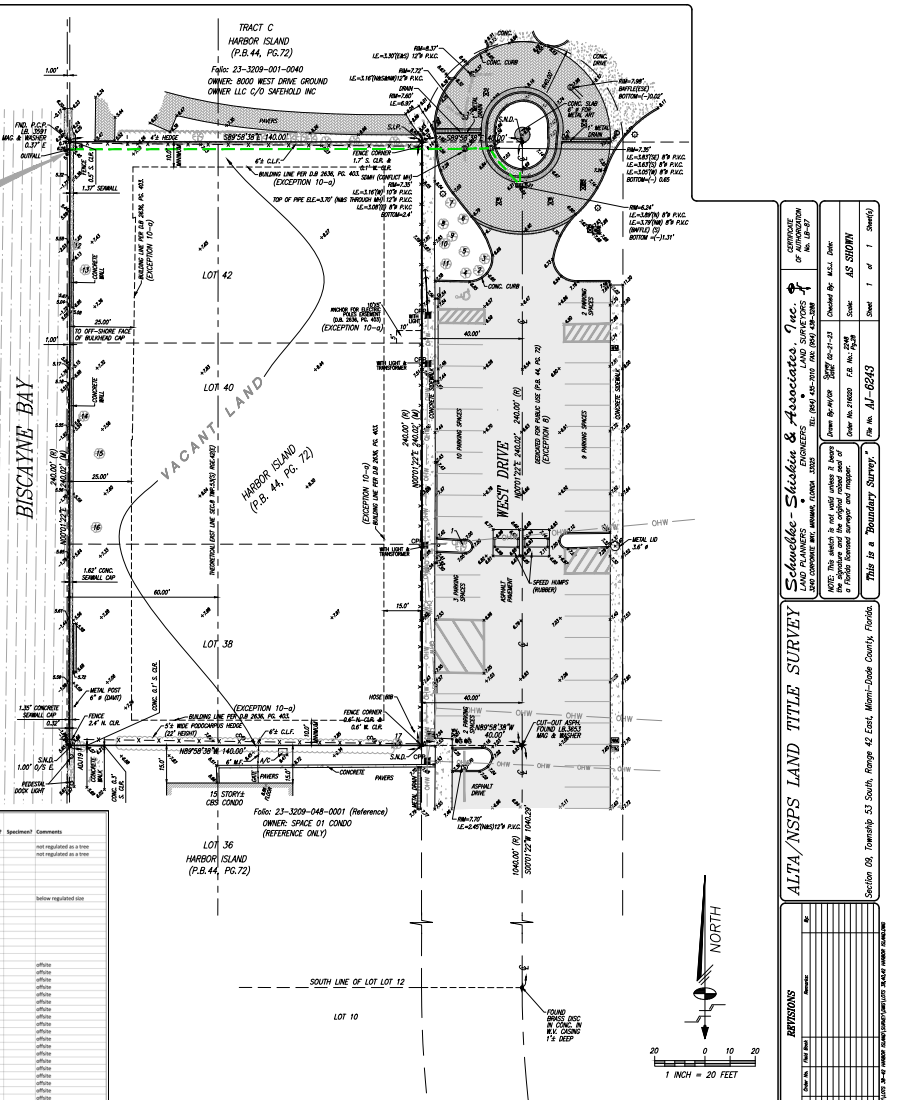
?:\kathy\notes\harbor island sec 09-53-42

TREE TABLE

Tree #	Common Name	Scientific Name	DBH (inches)	Condition	Number of stems	Height (feet)	Canopy Spread (feet)	Canopy Spread (square feet)	Prohibited?	Specimen?	Comments
1	sabal palm	sabal palmetto	11	Fair	1	22	16	201			
2	white bird of paradise	Strelitzia nicolai	4	Fair	1	15	16				not regulated as a tree
3	white bird of paradise	Strelitzia nicolai	4	Fair	1	18	10				not regulated as a tree
4	coconut palm	Cocos nucifera	7	Good	1	42	10	79			
5	Sylvester palm	Phoenix sylvestris	14	Good	1	42	18	254			
6	coconut palm	Cocos nucifera	7	Good	1	35	18	254			
7	coconut palm	Cocos nucifera	6	Good	1	30	18	254			
8	coconut palm	Cocos nucifera	9	Good	1	45	18	254			
9	European fan palm	Chamaerops humilis	6	Fair	1	7	18	254			below regulated size
10	coconut palm	Cocos nucifera	7	Good	1	32	5	20			
11	coconut palm	Cocos nucifera	10	Good	1	45	18	254			
12	gumbo-limbo	Bursera simaruba	6	Good	1	18	18	254			
13	coconut palm	Cocos nucifera	9	Good	1	36	12	113			
14	coconut palm	Cocos nucifera	7	Fair	1	20	18	254			
15	Mango	Mangifera indica	15	Good	1	25	18	254			
16	coconut palm	Cocos nucifera	6	Good	1	20	20	314			
17	dead tree	unknown species	8	Poor	1	10	0	0			
AD01	Chinese privet	Ligustrum japonicum	10	Good	4	18	18	254			offsite
AD02	coconut palm	Cocos nucifera	9	Good	1	35	18	254			offsite
AD03	Veraweed	Bulnesia arborea	5	Good	1	18	16	201			offsite
AD04	coconut palm	Cocos nucifera	12	Good	1	55	18	254			offsite
AD05	Veraweed	Bulnesia arborea	5	Good	1	18	16	201			offsite
AD06	Veraweed	Bulnesia arborea	9	Good	1	20	18	254			offsite
AD07	coconut palm	Cocos nucifera	8	Good	1	40	18	254			offsite
AD08	Veraweed	Bulnesia arborea	6	Good	1	16	16	201			offsite
AD09	coconut palm	Cocos nucifera	11	Good	1	55	18	254			offsite
AD10	Veraweed	Bulnesia arborea	4	Good	1	12	10	79			offsite
AD11	coconut palm	Cocos nucifera	10	Good	1	42	18	254			offsite
AD12	Veraweed	Bulnesia arborea	4	Fair	1	15	12	113			offsite
AD13	Veraweed	Bulnesia arborea	5	Fair	1	16	12	113			offsite
AD14	Veraweed	Bulnesia arborea	7	Good	1	18	16	201			offsite
AD15	Veraweed	Bulnesia arborea	5	Fair	1	16	15	177			offsite
AD16	Veraweed	Bulnesia arborea	3	Poor	1	12	9	64			offsite
AD17	royal pohciana	Delonix regia	9	Fair	4	18	18	254			offsite
AD18	royal pohciana	Delonix regia	10	Fair	1	20	18	254			offsite
AD19	Seagrape	Coccoloba uvifera	16	Good	1	28	26	531			offsite

Tree numbers preceded by "AD" indicate offsite trees on neighboring/adjacent properties, measurements are approximated

NOTE:
THE TREE INFORMATION SHOWN HEREON PER "TREE TABLE" AS SHOWN ON CERTIFIED ARBORIST ASSESSMENT PREPARED BY NEW LEAF ENVIRONMENTAL, LLC., BY Michael McCoy, CERTIFIED ARBORIST MA 4243A, TRAQ QUALIFIED, LAF CERTIFIED LANDSCAPE INSPECTOR, DATED JANUARY 23, 2023.



ELEVATIONS SHOWN HEREON RELATE TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D.29) AND ARE EXPRESSED IN FEET.

Schwebke-Shiskin & Associates, Inc.
LAND PLANNERS • ENGINEERS • LAND SURVEYORS
701 (954) 435-2010 FAX (954) 435-5098
AND CORPORATE WAY, MIRAMAR, FLORIDA 33025

CERTIFICATE OF AUTHORIZATION No. LB-87

NOTE: This sketch is not valid unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper.

This is a Boundary Survey.

Drawn By: AV/CR | Job No.: 210820 | F.B. No.: 2748 Pg.28 | Scale: AS SHOWN | Sheet: 1 of 1 Sheet(s)

File No. AJ-6243

ALTA/NSPS LAND TITLE SURVEY

Section 09, Township 53 South, Range 42 East, Miami-Dade County, Florida.

REVISIONS

By	Date	Description

File: AJ-6243

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Project

7940 WEST DRIVE
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Revisions

RESPONSE TO PLANNING COMMENTS 07/18/2023

Owner Information

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Consultant

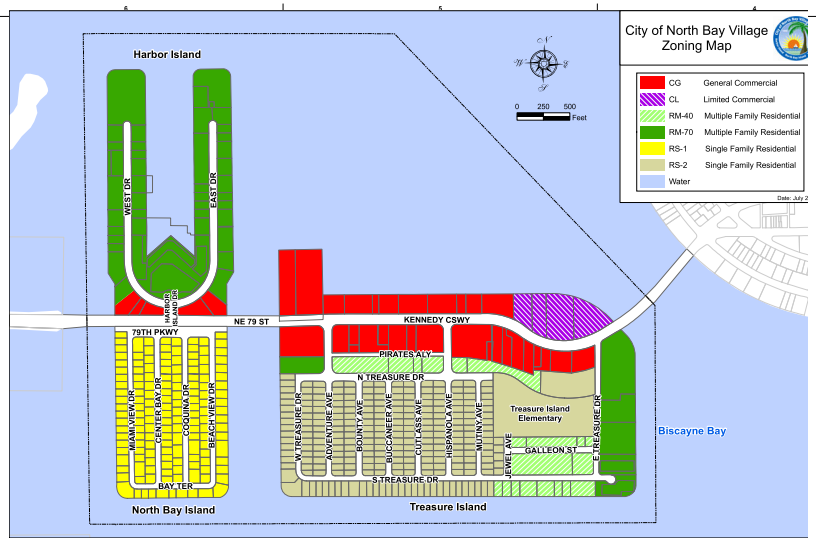
Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

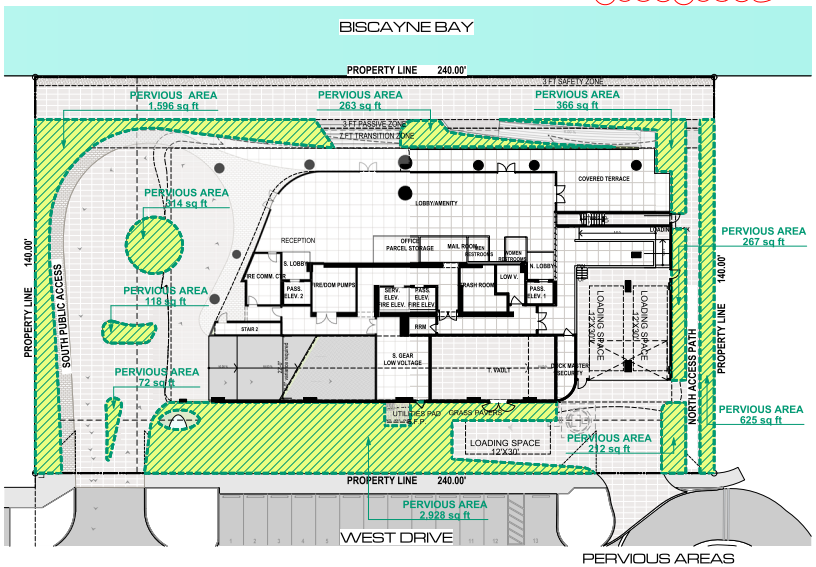
Date 06/12/2023
Scale AS SHOWN
Project No. 2114
Sheet Name SURVEY
Sheet No. A-002

SURVEY

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ZONING MAP



PERVIOUS AREAS

PERVIOUS AREA CALCULATION	
LEVEL	AREA
LOBBY	6,761
	6,761 ft²

Zoning Summary

revuelta architecture international p.a.

7938-40 West Drive, North Bay Village

	SF	Acres
Lot Area	33,600	0.77

Lot Dimensions: Width 240' x Depth 140'

Legal Description

REFER TO SURVEY : SCHWEBKE SHISKIN & ASSOCIATES

Flood Elevation

AE 8' - Flood designation - Design Flood Elevation 10' N.G.V.D. (BFE + 2)

ZONING CLASSIFICATION - RM-70

Density	du/acre*		Allowable	Proposed
	70		54	
	91	*(+30% TDR Program)	70	70

Minimum Unit Sizes	unit type	number of units	Required (sq.ft.)	Proposed (sq.ft.)
	Efficiency	0	600	n/a
	One-Bedroom	0	900	n/a
	Two-Bedroom	17	1,200	1,997
	Three-Bedroom or larger	53	1,350	2,359 or larger

Minimum Pervious Area Requirements	area (sq. ft.)	Required	Proposed
Minimun Pervious area 20% of area lot	6,720	6,720	6,761

DISTRICT SETBACKS

		Required	Proposed
Front Setback - West Drive		25'-0"	25'-0"
One Side Setback Interior		15'-0"	15'-0"
Second Side Setback Interior	20% of lot width	48'-0"	48'-0"
Rear Setback		25'-0"	25'-0"

BUILDING HEIGHT

			Allowable	Proposed
Maximum Building Height	150'-0"	240'-0"	312'-0"	312'-0"
	Base	With Bonus	*(+30% with TDR)	

PARKING AND LOADING REQUIREMENTS

Parking Space Requirements	No. of Units	Required	Proposed
Residential - 2 PS / DU - 1 & 2 bdrm units	17	34	26
Residential - 3 PS / DU - 3 bdrm units	53	159	95
Residential - Visitor 10% of required spaces		19	14
			(Parking Reduction of -36.8%)
Total Parking Spaces		212	135

Bicycle Space Requirements	Required	Provided
	14	
Bicycles 1 Space / 3 units per Sustainability Requirement	0	
Total bicycles	0	100

Loading Zone	Required	Proposed
Over 1000,000 SQ.FT	3	2 (12 X 30)
Total Loading Berths	3	2

ADA Space Requirements for residents		Required	Provided
Per F.C.B.C Section 2.8.3.2 (2%) of parking spaces not covered by F.B.C. Section 2.8.3.1 shall comply with Section 502			
Total of parking spaces 135 - Total of Residential units 70			
Total parking spaces not covered by F.B.C Section 2.8.3.1 = 65	2% of 65	2	2

Notes:

NGBS - GOLD CERTIFICATION		
Green Design Option	Description	Points Received
Electrical Vehicle Charging Stations for parking spaces	Provisions for 10 Charging Stations (2pts per. Not to exceed 4 pts)	4
White Roof/ Cool Roof	All roofing products will be EnergyStar certified or SRI compliant (82 SRI). All pool/ amenity decks over conditioned space need light colored pavers with SR of 33 or higher.	4
Cool Pavement	All ground floor hardscape to use products at or above SR .30 or higher (20% higher than asphalt)	4
EnergyStar Rating (Appliance + Equipment)	EnergyStar lights (LED okay) and appliances - refrigerator, dishwasher, clothes washer, exhaust fans and any ceiling fans throughout the project.	4
NGBS Gold Certification	National Green Building Standard (NGBS) GOLD level certification	14
	Total	30

PARKING SPACES CALCULATION

LEVELS	ADA	REGULAR 9'-0"x 18'-0"	COMPACT 8'-0"x 16'-0"
2	1	20	5
3	1	20	5
4		22	5
5		22	5
6		22	7
SUBTOTALS	2	106	27
	TOTAL SPACES PROVIDED		135

COMPACT SPACES		
ALLOWED	MAX 20% OF 135 SPACES	27
PROVIDED	20% OF 135 SPACES	27

ZONING DATA

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Project

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Revisions

RESPONSE TO PLANNING COMMENTS 07/18/2023

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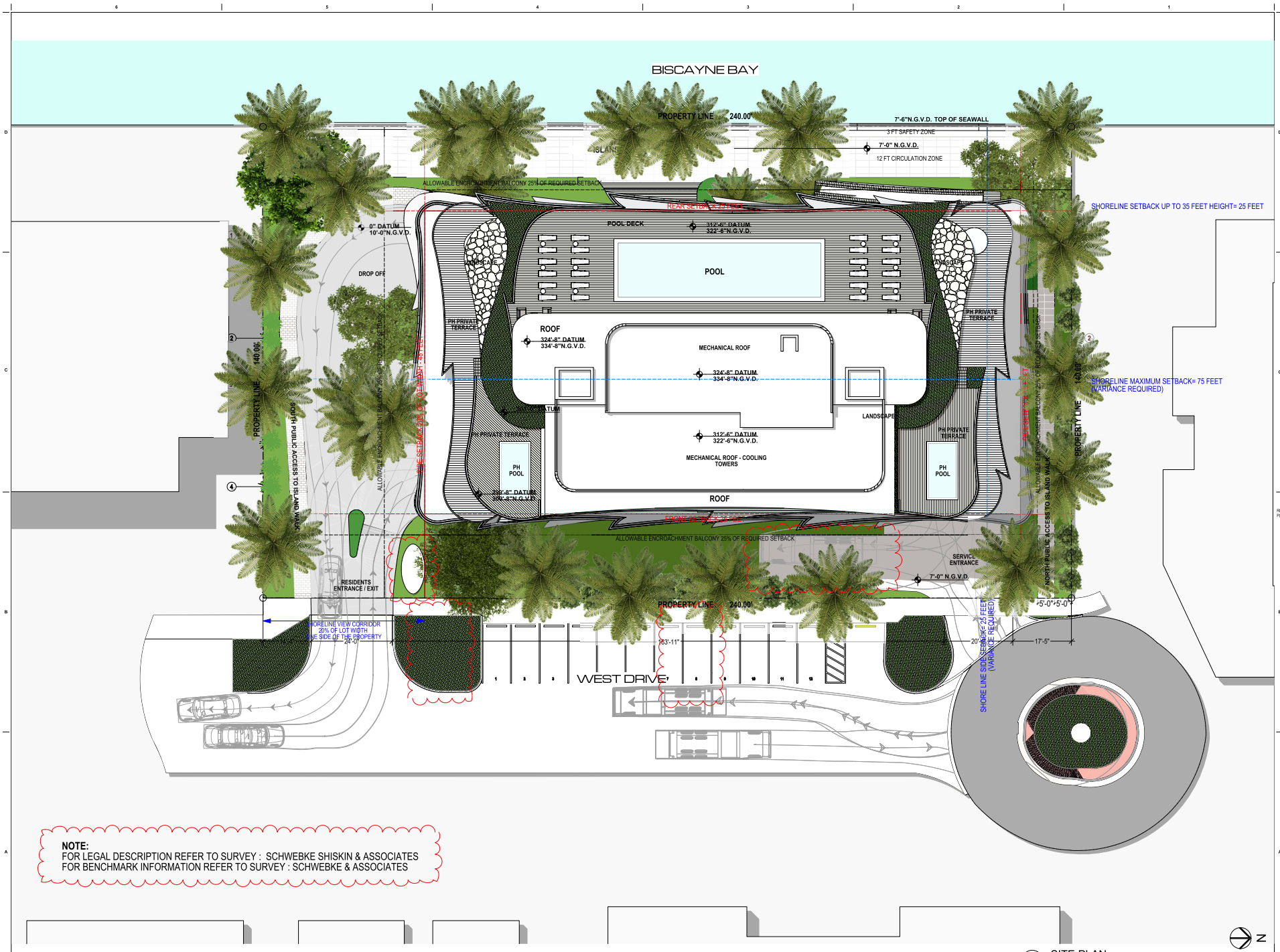
Consultant

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Sheet Name PROJECT DATA
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NOTE:
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1 SITE PLAN
SCALE: 3/32" = 1'-0"

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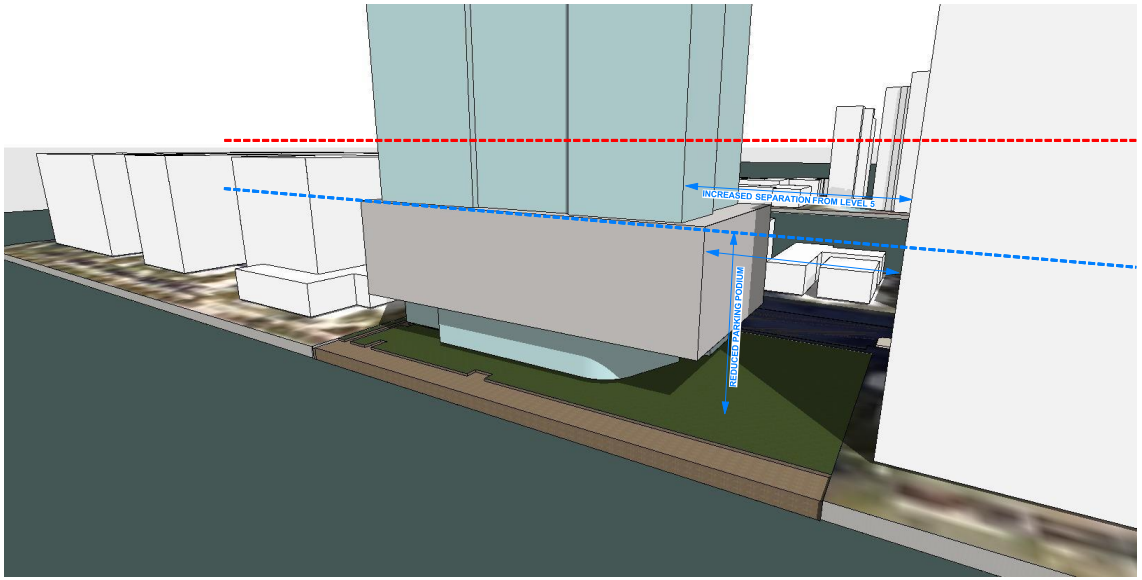
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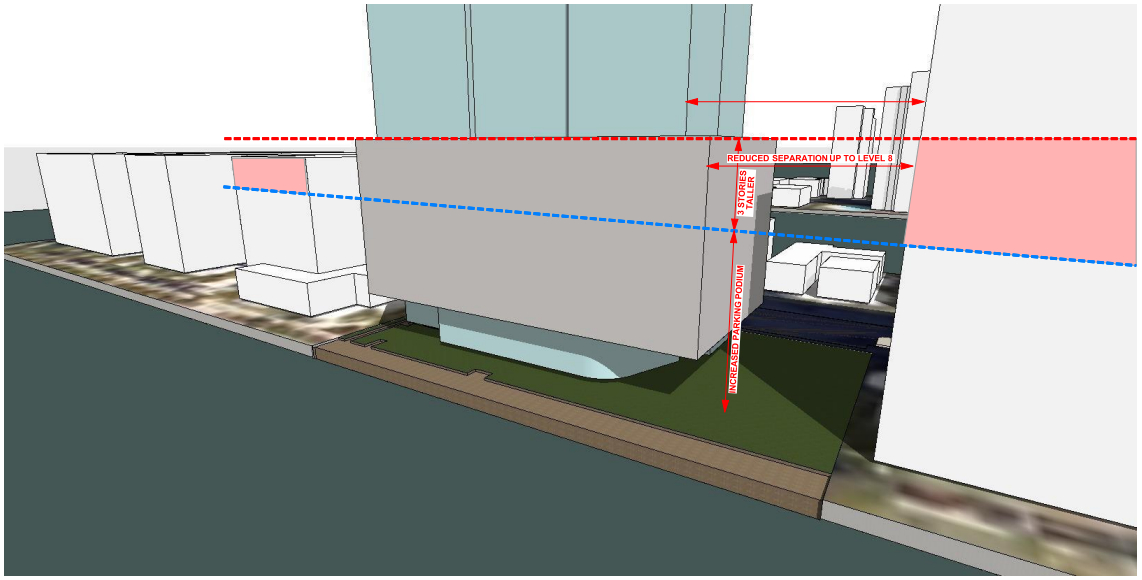
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Sheet Name SITE - PLAN
Sheet No. **A-004**



PODIUM MASSING WITH
PROPOSED PARKING REDUCTION



PODIUM MASSING WITH
NO PARKING REDUCTION

ANALYSIS OF PARKING REDUCTION

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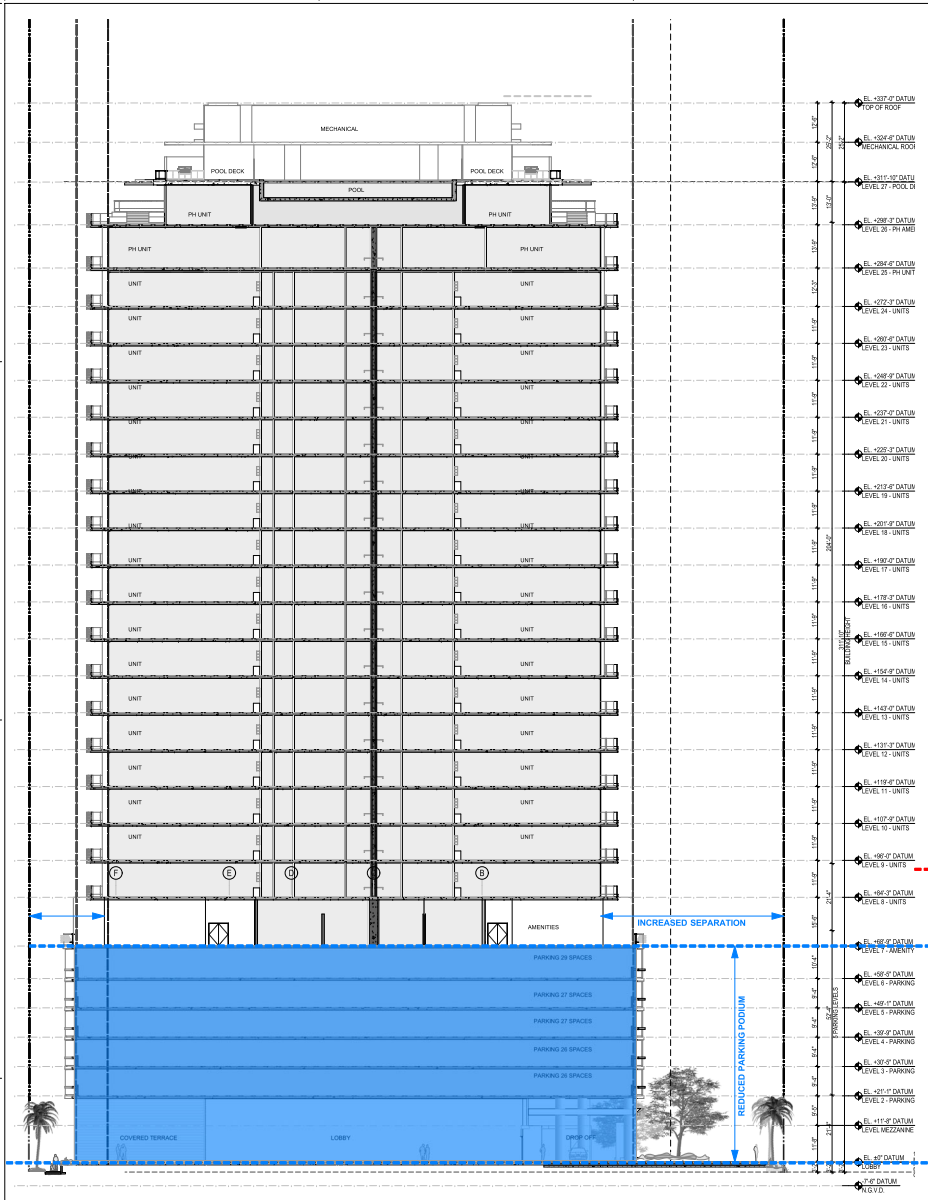
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PARKING ANALYSIS
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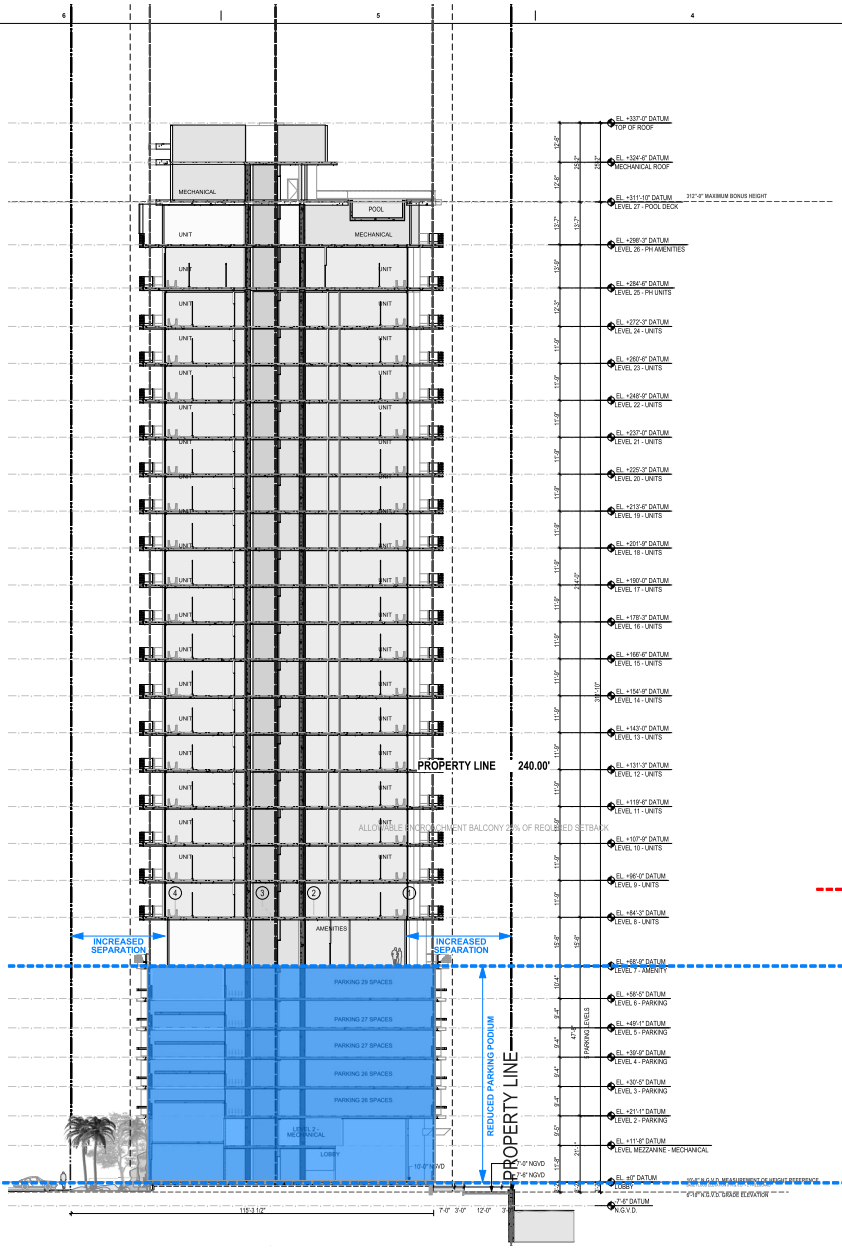
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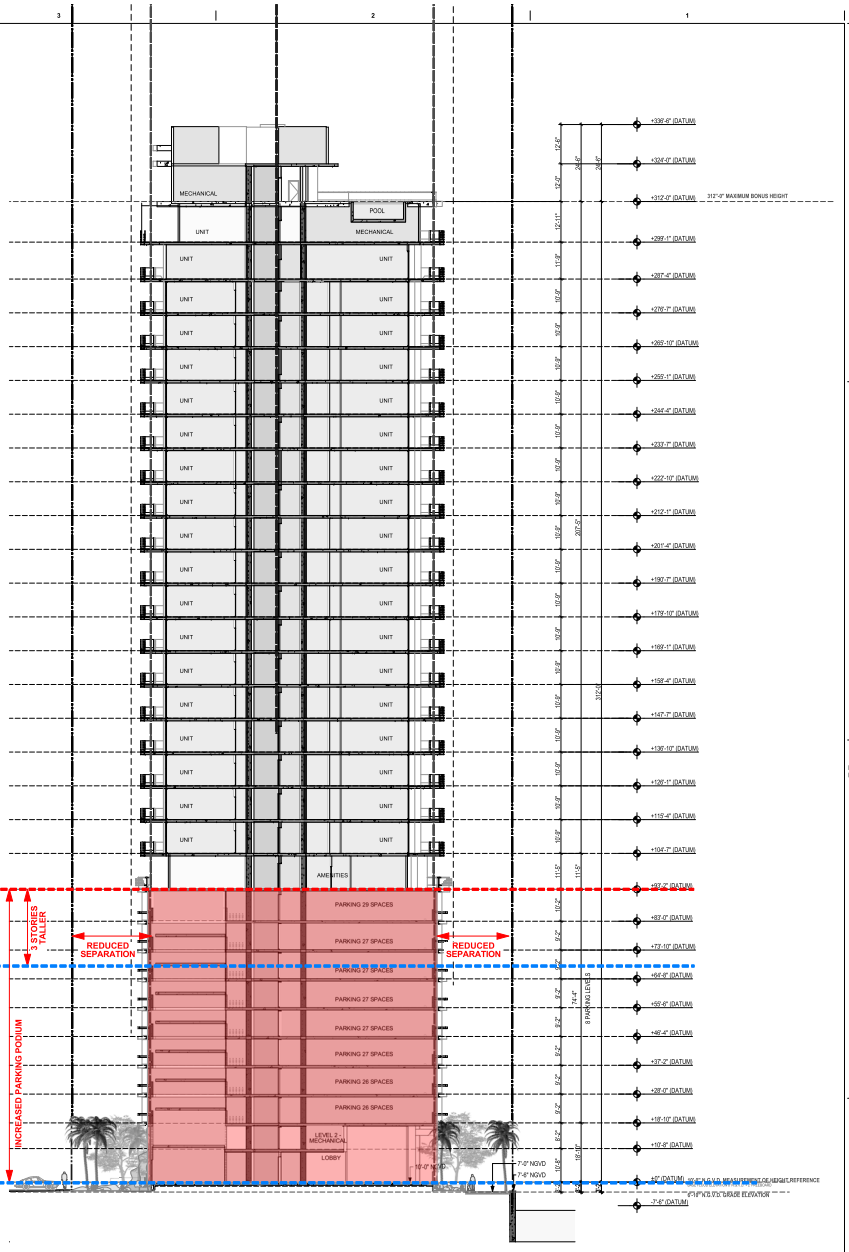
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Date 06/12/2023
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Sheet Name SECTIONS
Sheet No. A-005a



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RESPONSE TO PLANNING COMMENTS	07/18/2023

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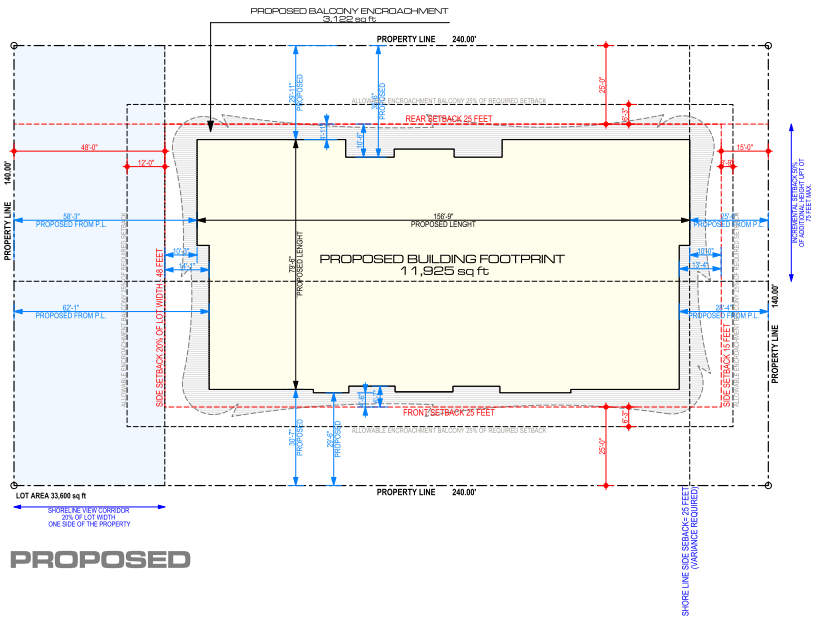
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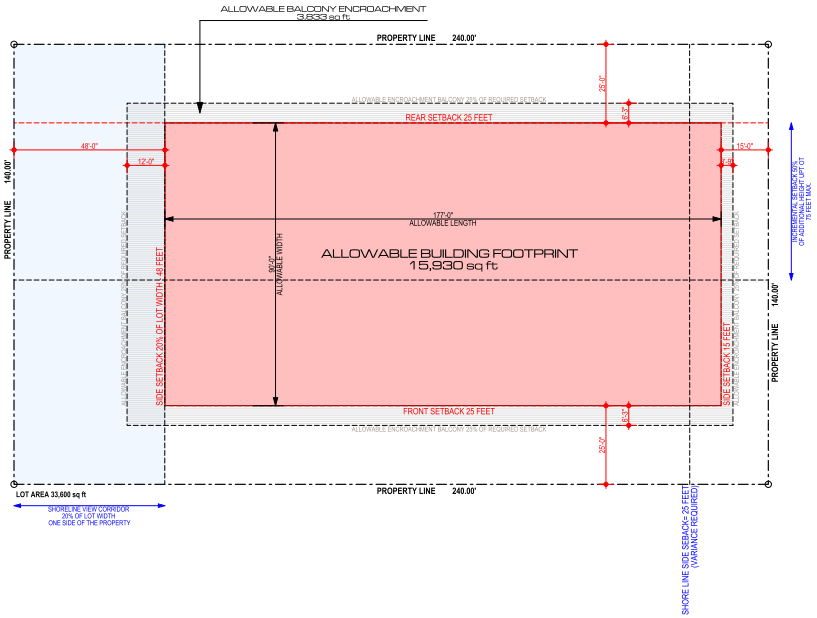
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Date	06/12/2023
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Project No.	2114
Sheet Name	SECTIONS
Sheet No.	A-005b



PROPOSED



ALLOWED

BUILDING FOOTPRINT

ALLOWABLE	15,930 sq.ft.
PROPOSED	11,925 sq.ft.
	74.85 % OF ALLOWABLE

OVERALL FOOTPRINT (BUILDING + BALCONY)

ALLOWABLE	19,763 sq.ft.
PROPOSED	15,047 sq.ft.
	73.16 % OF ALLOWABLE

COMPARATIVE ANALYSIS OF BUILDING FOOTPRINT

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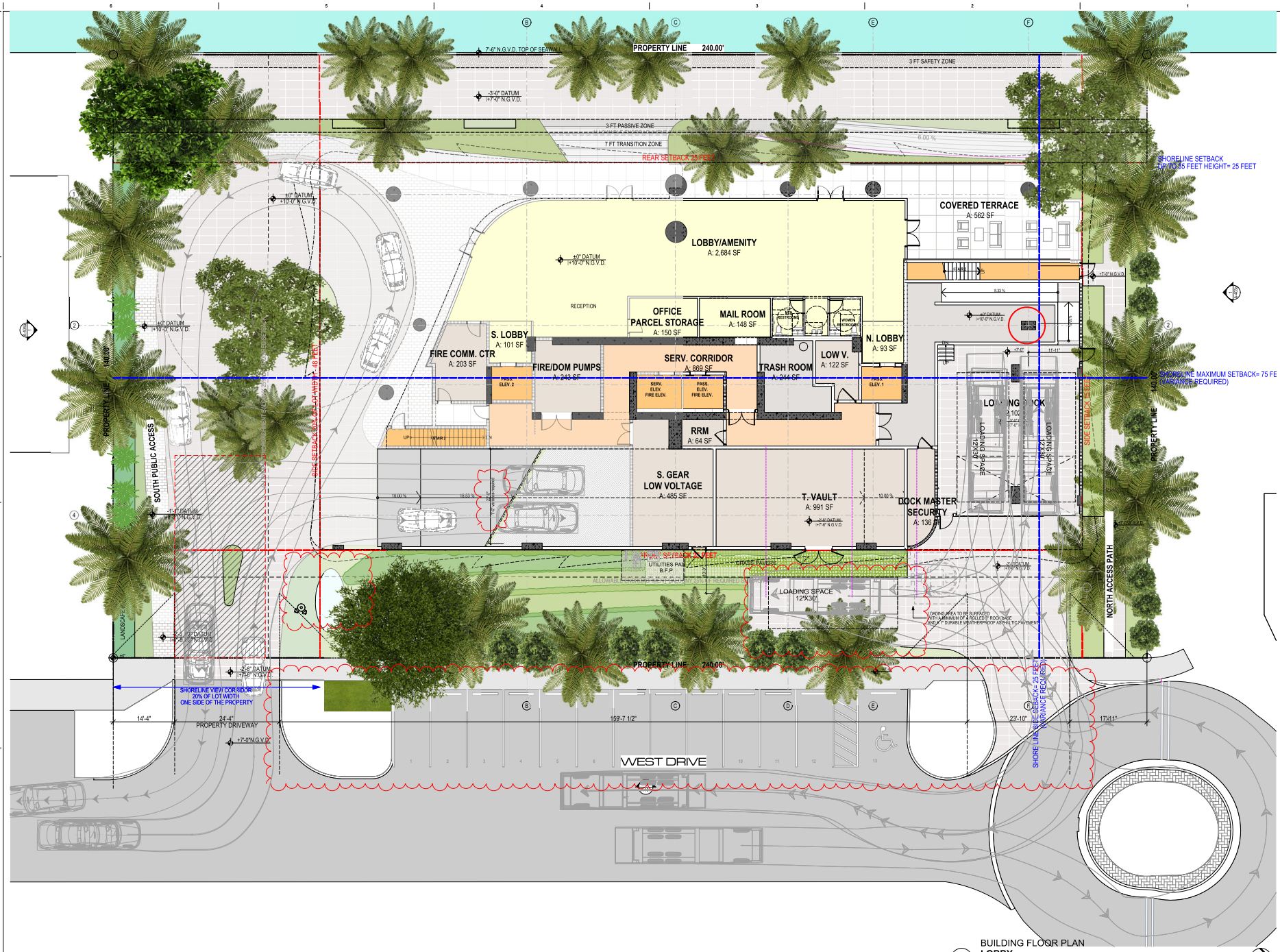
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SCHEMATIC DESIGN

Date
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Sheet Name
BUILDING FOOTPRINT
Sheet No.
A-008



1 BUILDING FLOOR PLAN
LOBBY
SCALE: 1/8" = 1'-0"
+9'-6" N.G.V.D.

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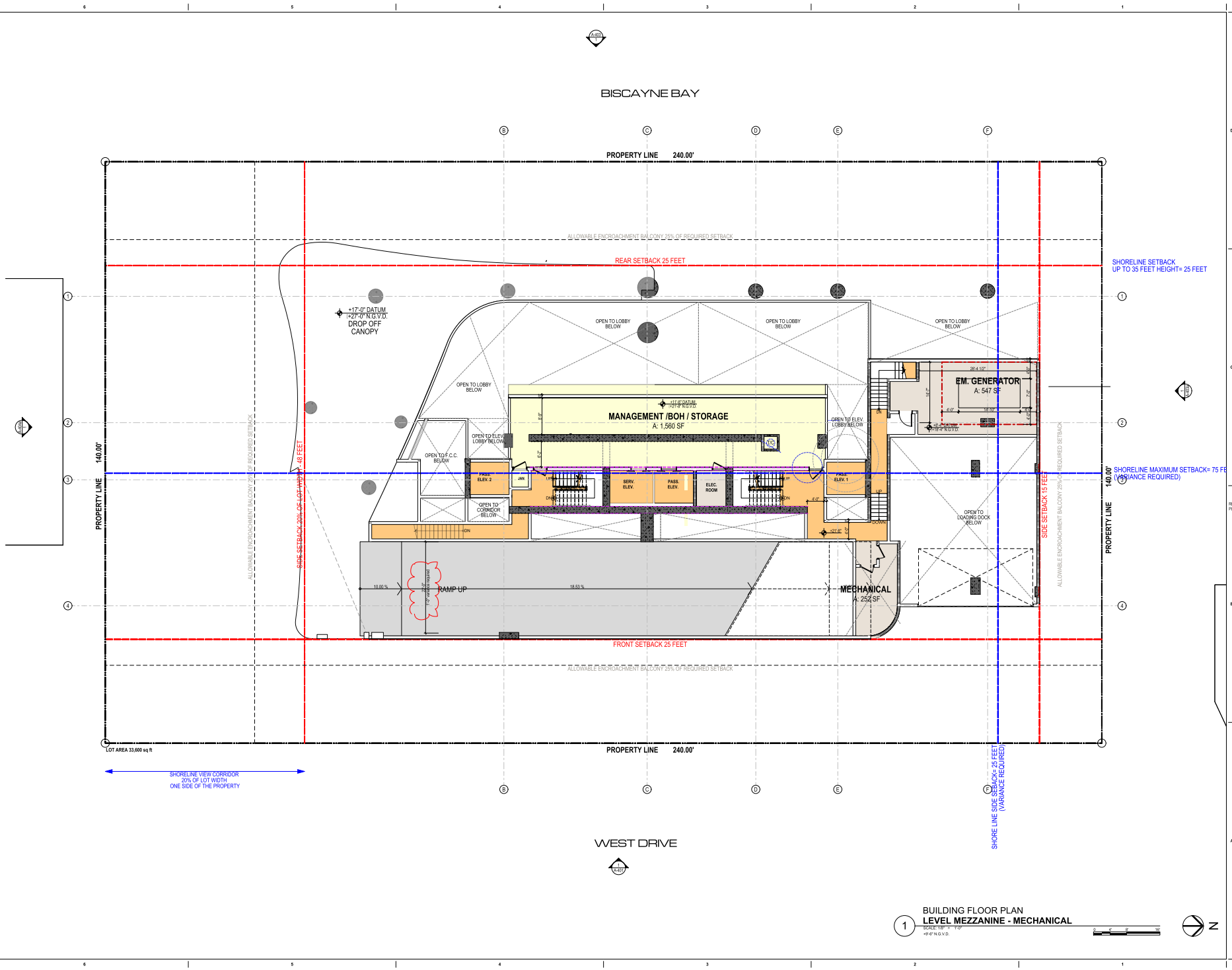
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SCHEMATIC DESIGN

Date	06/12/2023
Scale	AS SHOWN
Project No.	2114
Sheet Name	GROUND FLOOR
Sheet No.	A-101

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1 BUILDING FLOOR PLAN
LEVEL MEZZANINE - MECHANICAL
SCALE: 1/8" = 1'-0"
+9'-6" N.G.V.D.

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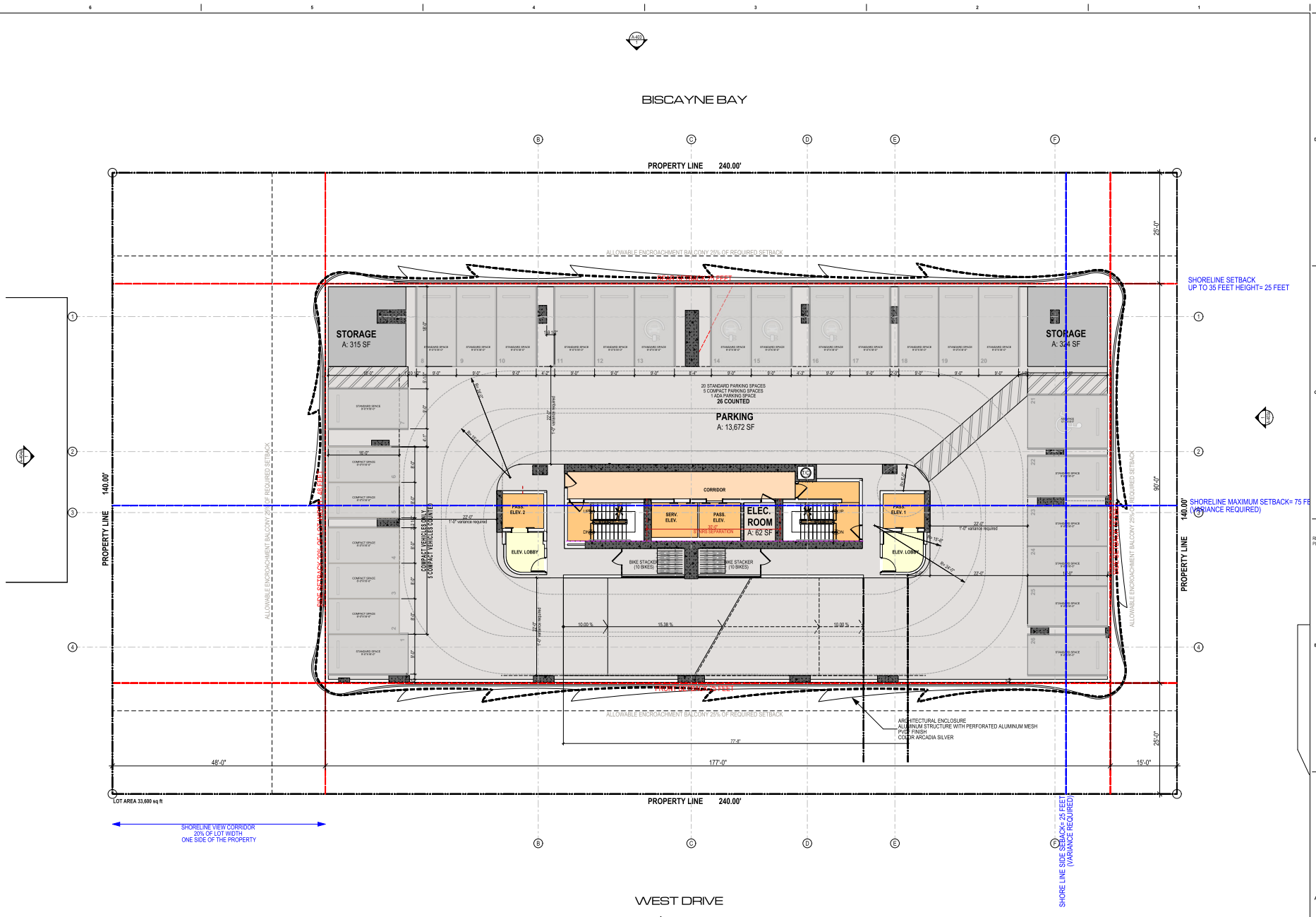
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SCHEMATIC DESIGN

Date	06/12/2023
Scale	AS SHOWN
Project No.	2114
Sheet Name	LEVEL - MEZZANINE
Sheet No.	A-102

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1 BUILDING FLOOR PLAN
LEVELS 2 TO 3 - PARKING GARAGE
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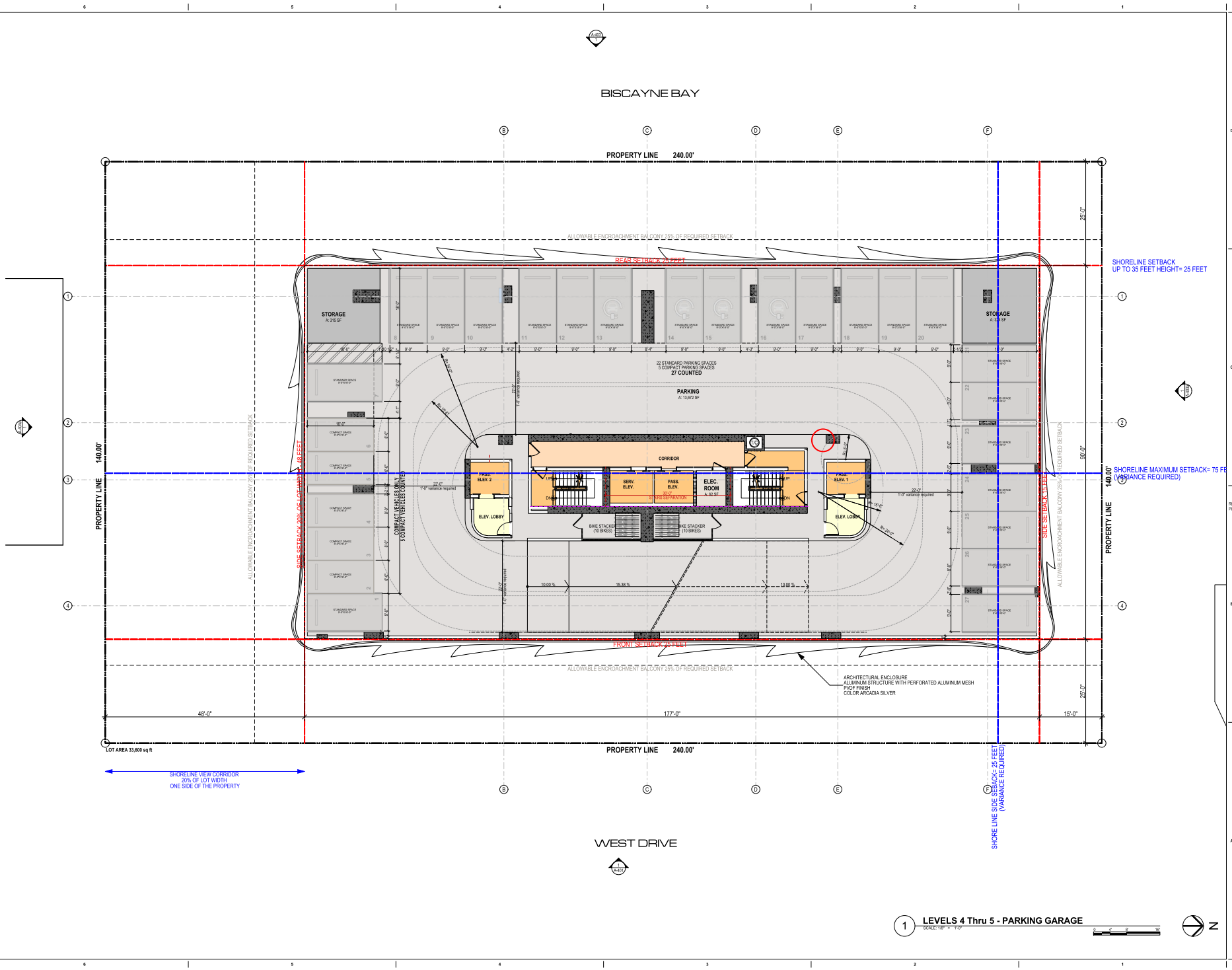
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Sheet Name LEVEL 2 TO 3 - PARKING GARAGE
Sheet No. **A-103**



1 LEVELS 4 Thru 5 - PARKING GARAGE
SCALE: 1/8" = 1'-0"

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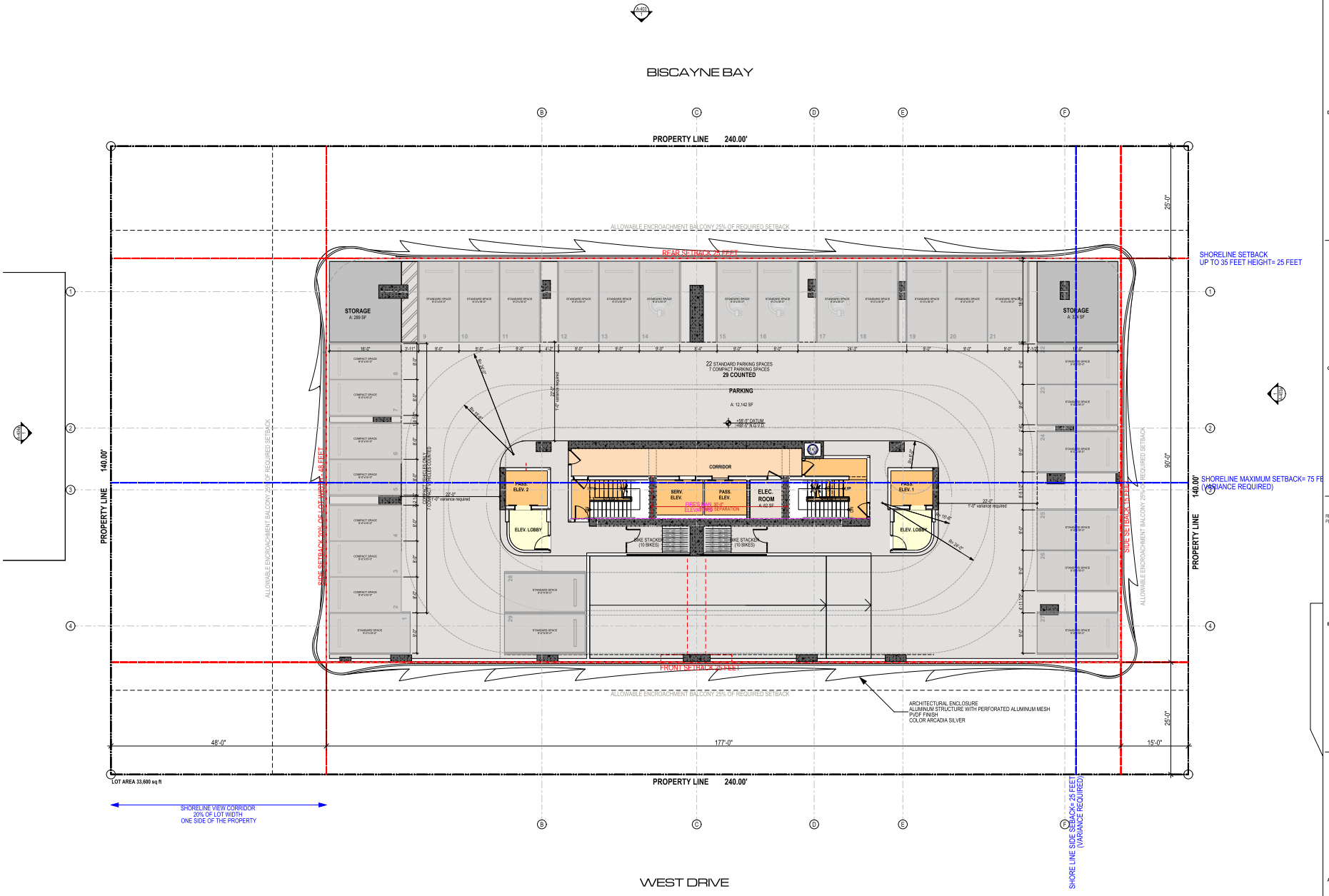
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LEVEL 4 TO 5 - PARKING GARAGE
Sheet No.
A-104



1 LEVEL 6 - PARKING GARAGE
SCALE: 1/8" = 1'-0"

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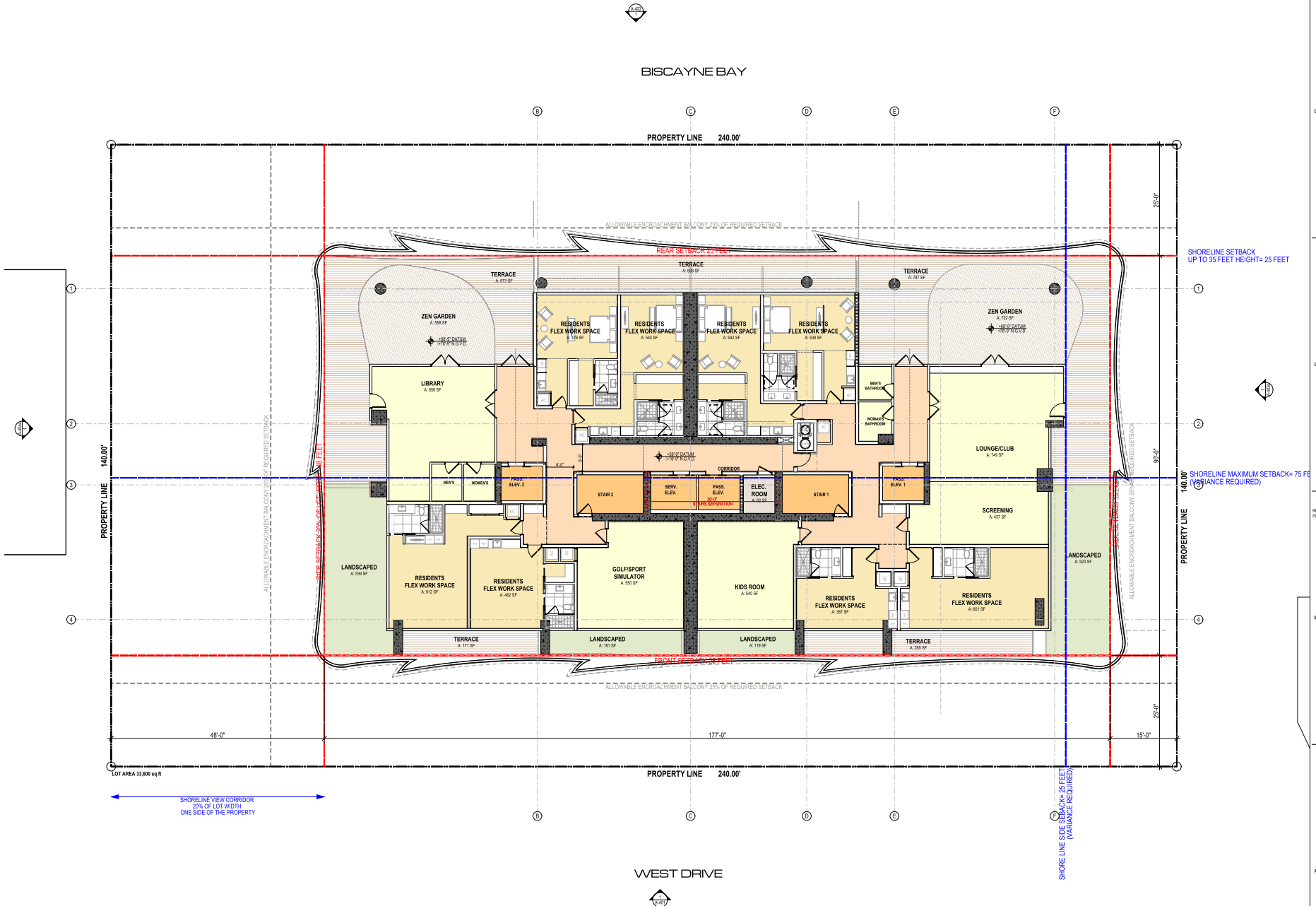
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Date	06/12/2023
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Project No.	2114
Sheet Name	LEVEL 6 - PARKING GARAGE
Sheet No.	A-105



1 BUILDING FLOOR PLAN
LEVEL 7 - AMENITY
SCALE: 1/8" = 1'-0"
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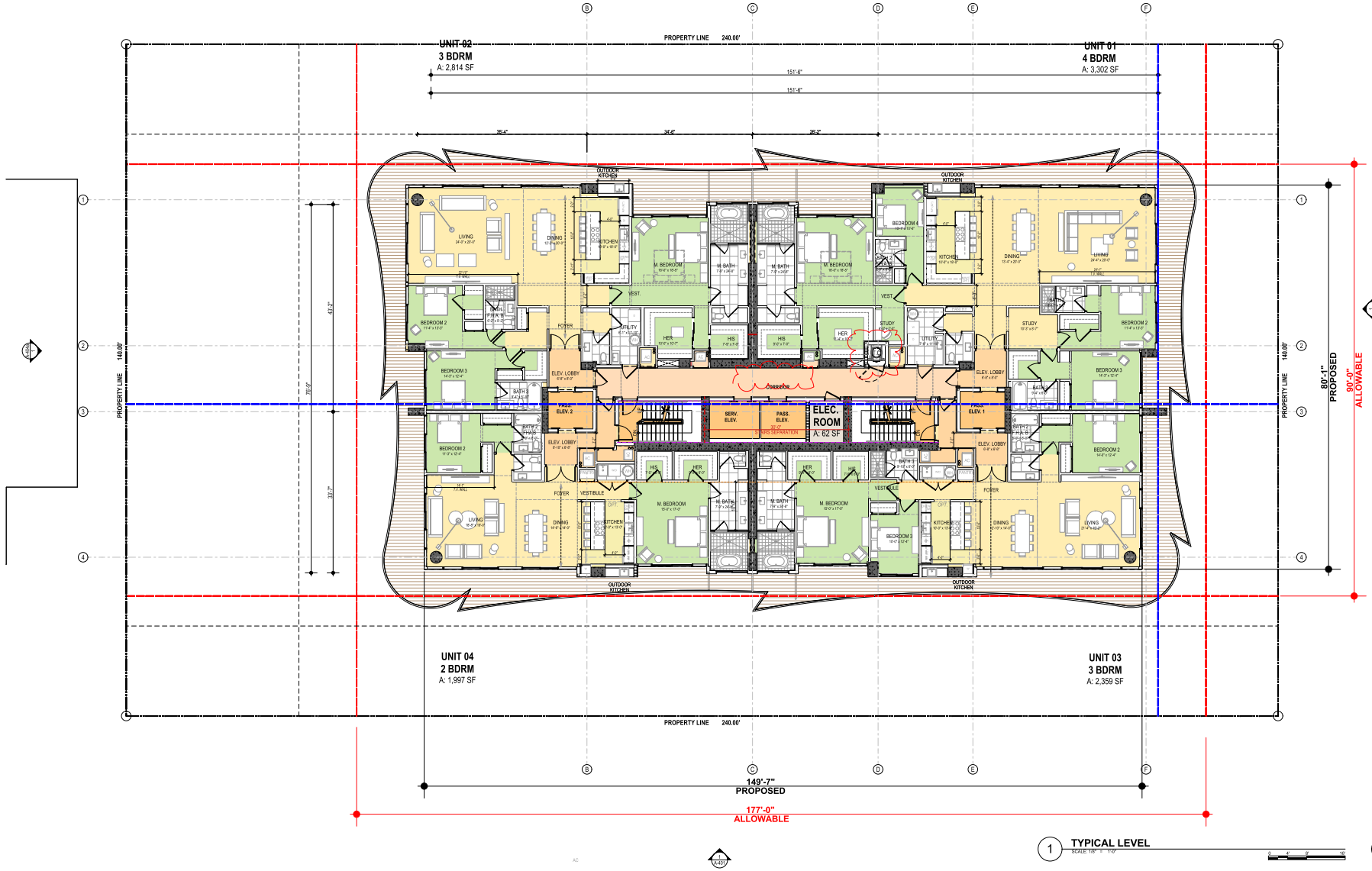
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Sheet Name LEVEL 7 - AMENITY
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1 TYPICAL LEVEL
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RESPONSE TO PLANNING COMMENTS	07/18/2023

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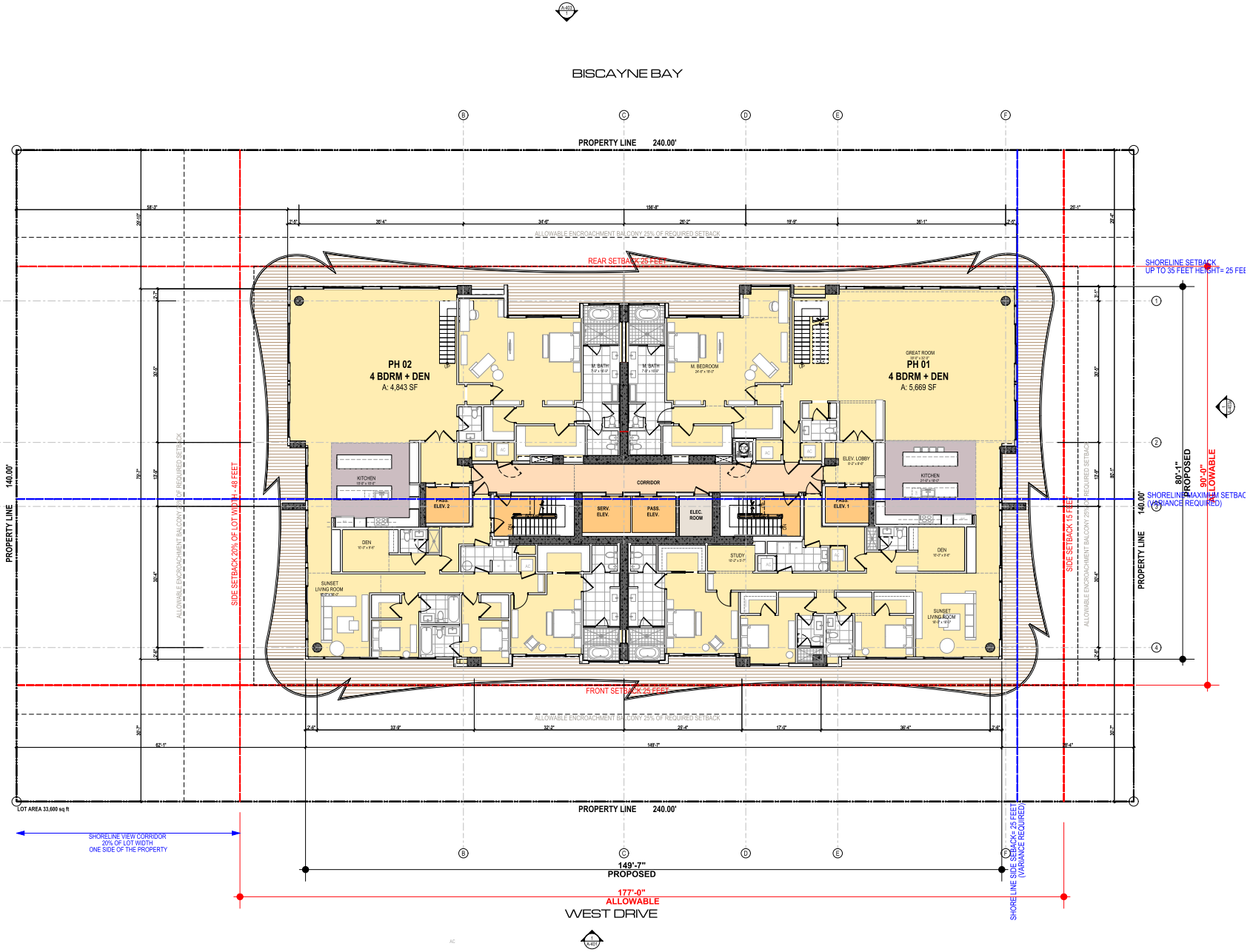
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2114
Sheet Name
LEVELS 8 thru LEVEL 24
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A-107

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BUILDING FLOOR PLAN
LEVEL 25 - PH UNITS
SCALE: 1/8" = 1'-0"
+91'-1" N.G.V.D.

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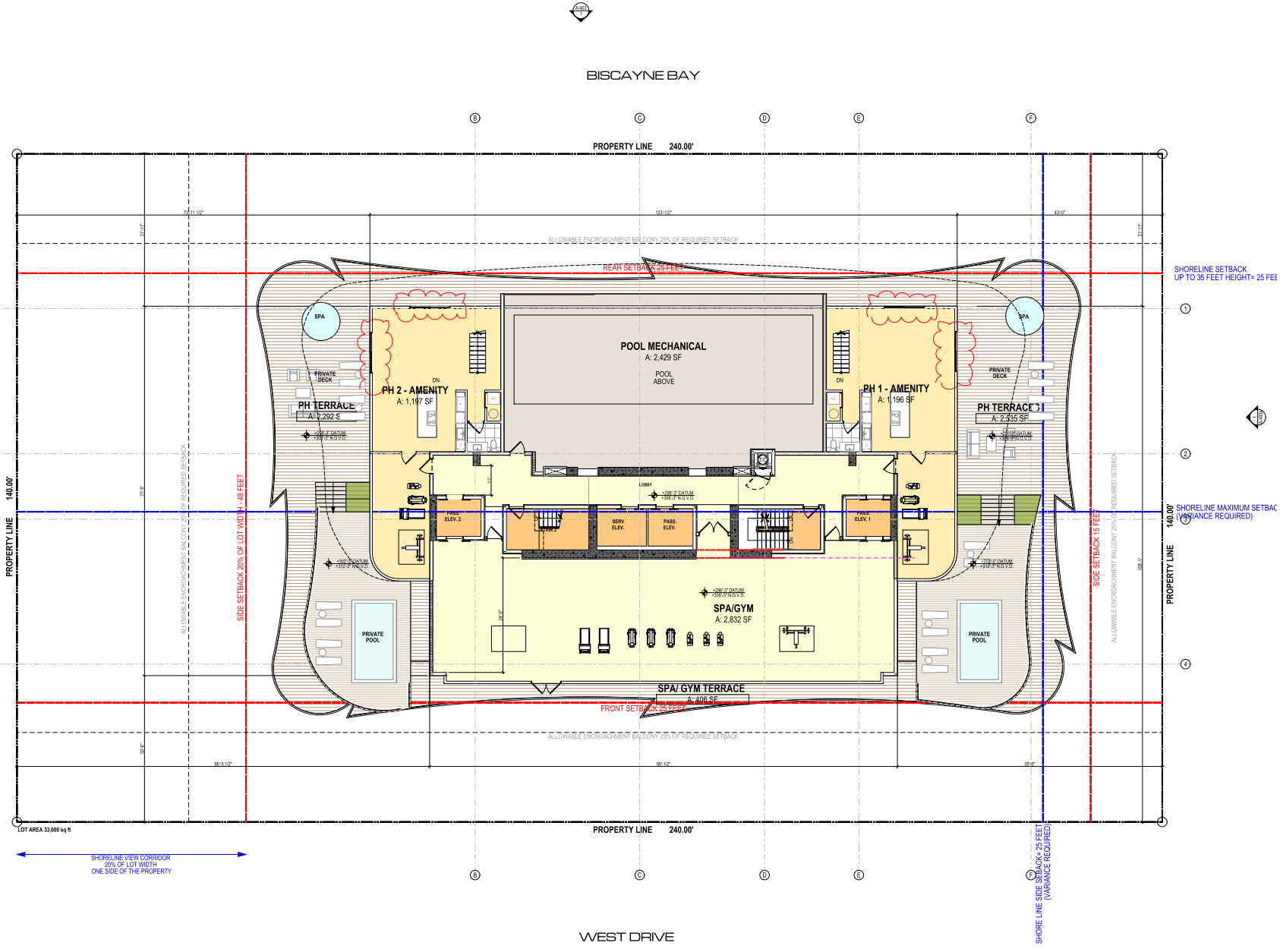
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Sheet Name	LEVEL 25 - PH UNITS
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1 BUILDING FLOOR PLAN
LEVEL 26- UPPER PH - POOL AMENITIES
SCALE: 1/8" = 1'-0"

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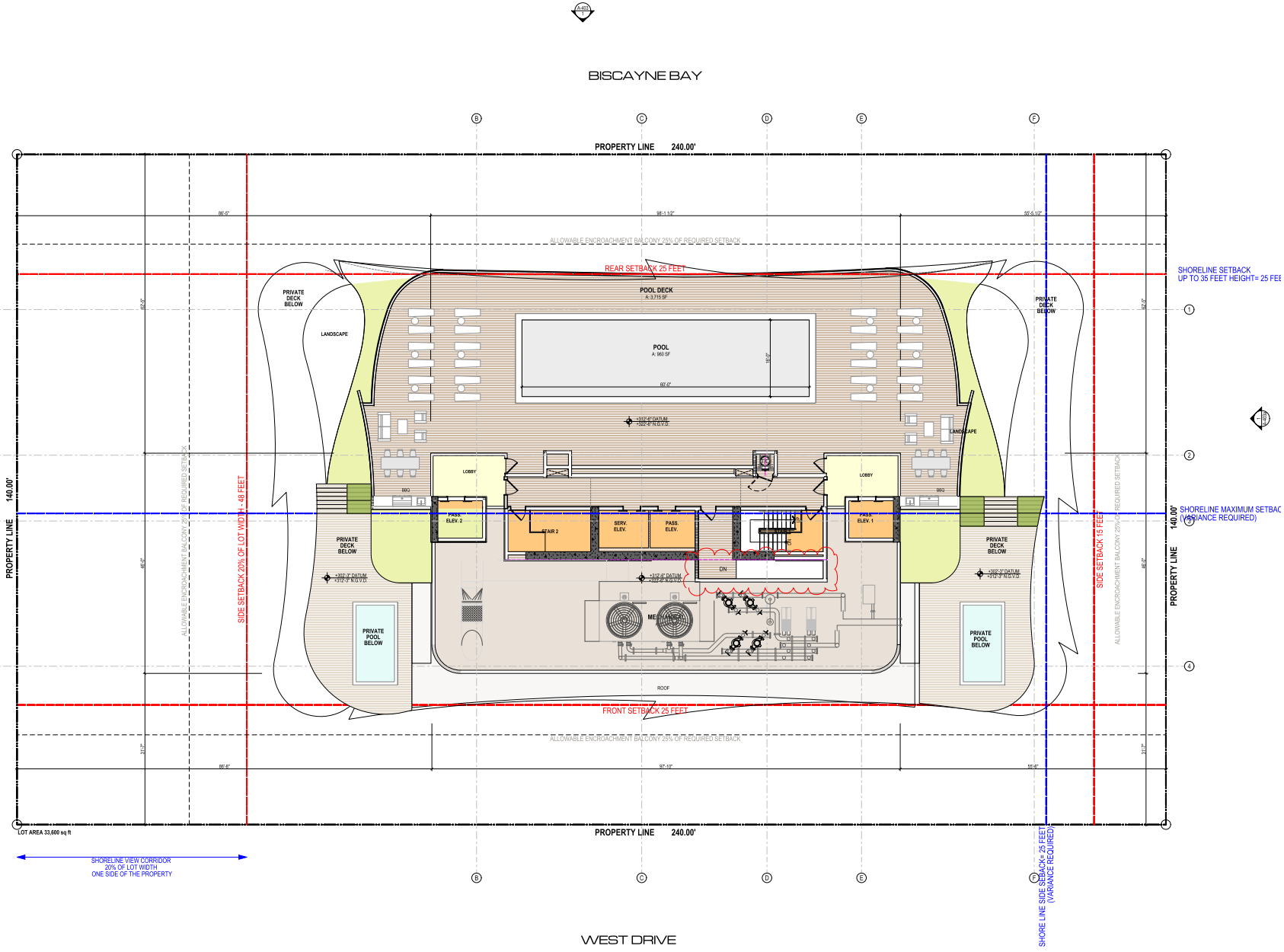
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LEVEL 26 -UPPER PH - POOL AMENITIES
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1 BUILDING FLOOR PLAN
LEVEL 27 - POOL DECK
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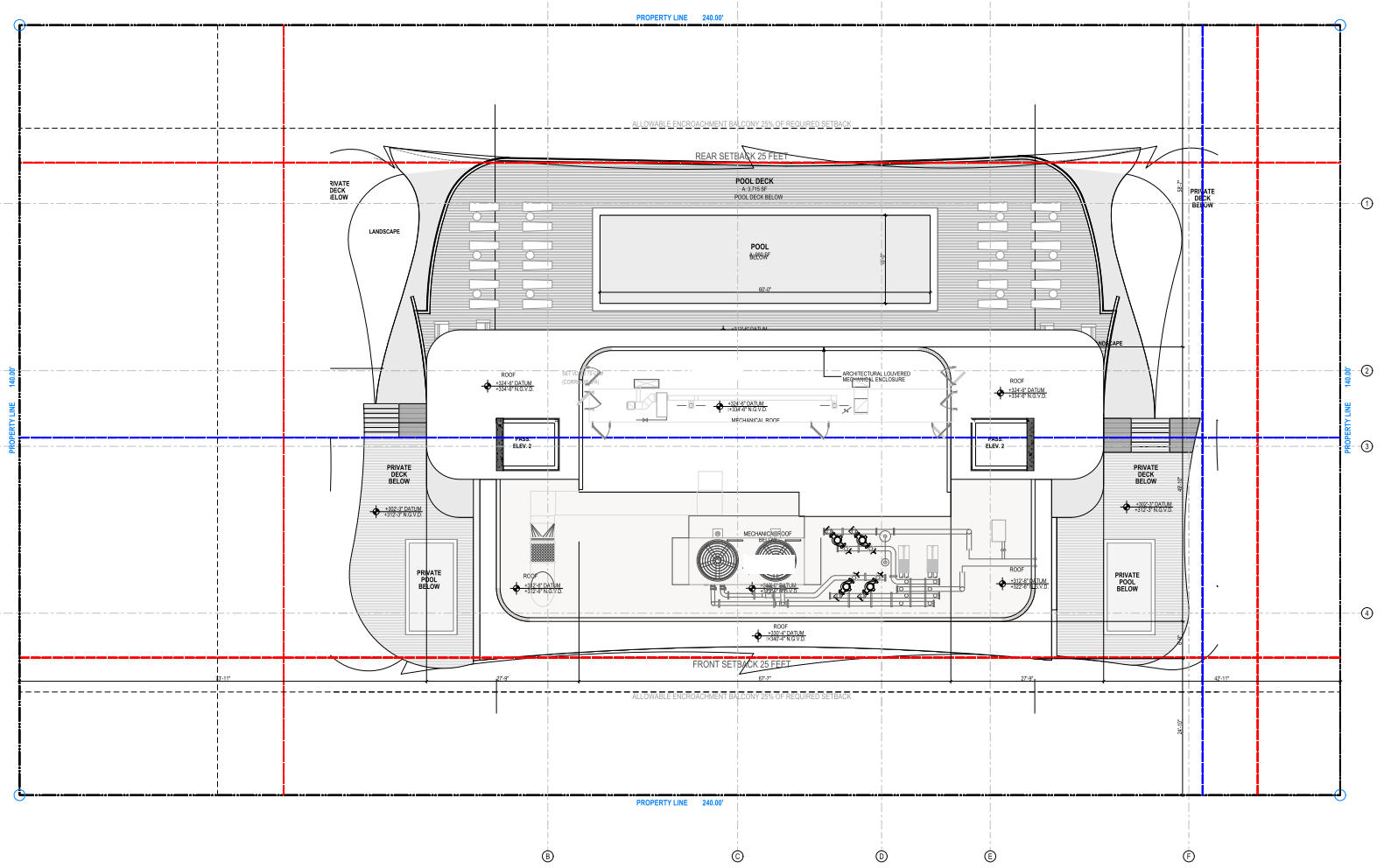
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2 BUILDING FLOOR PLAN
LEVEL 27 - POOL DECK
SCALE: 1/8" = 1'-0"
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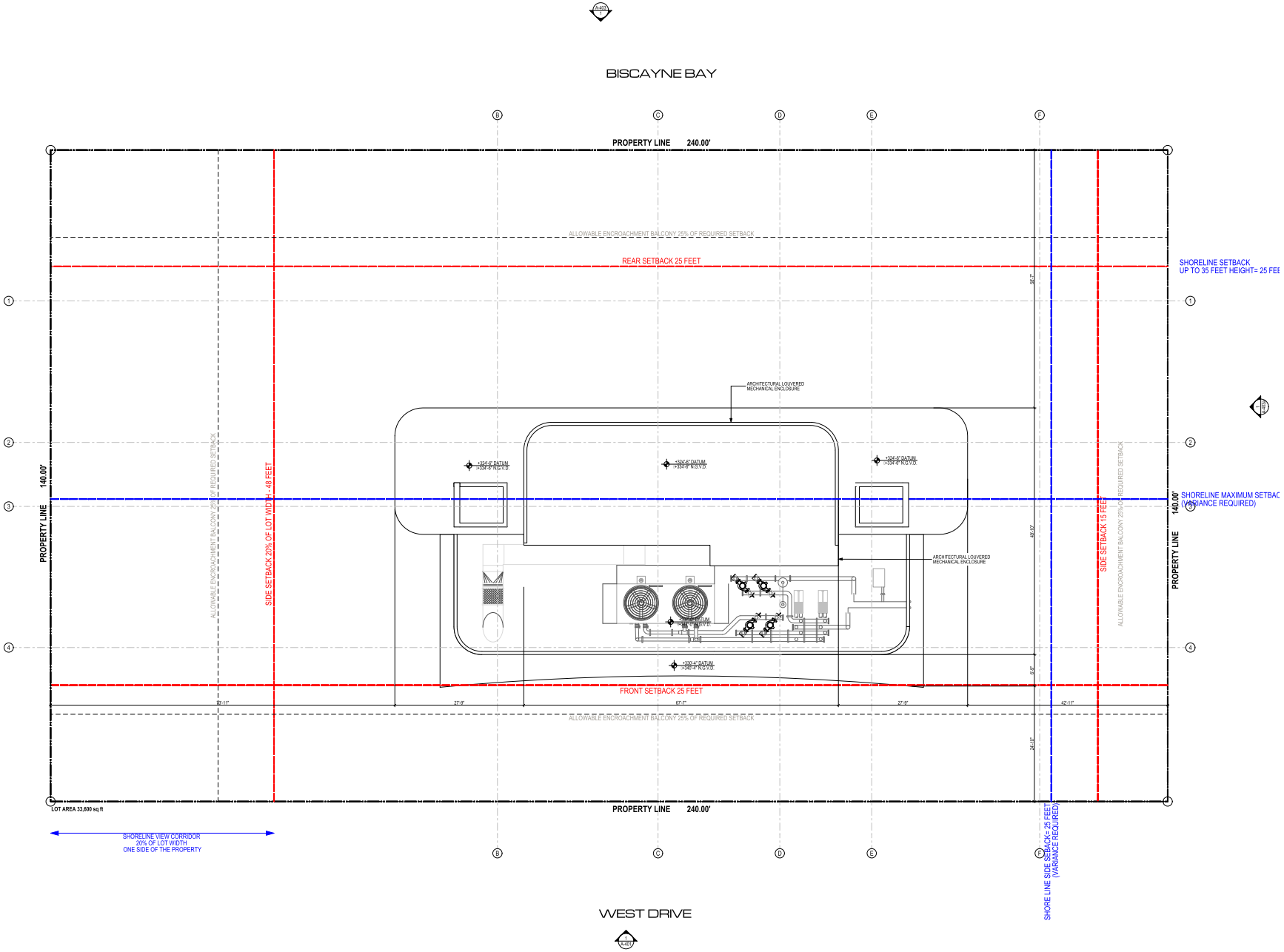
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MECHANICAL ROOF
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1 BUILDING FLOOR PLAN
TOP OF ROOF
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+121'-11" N.G.V.D.

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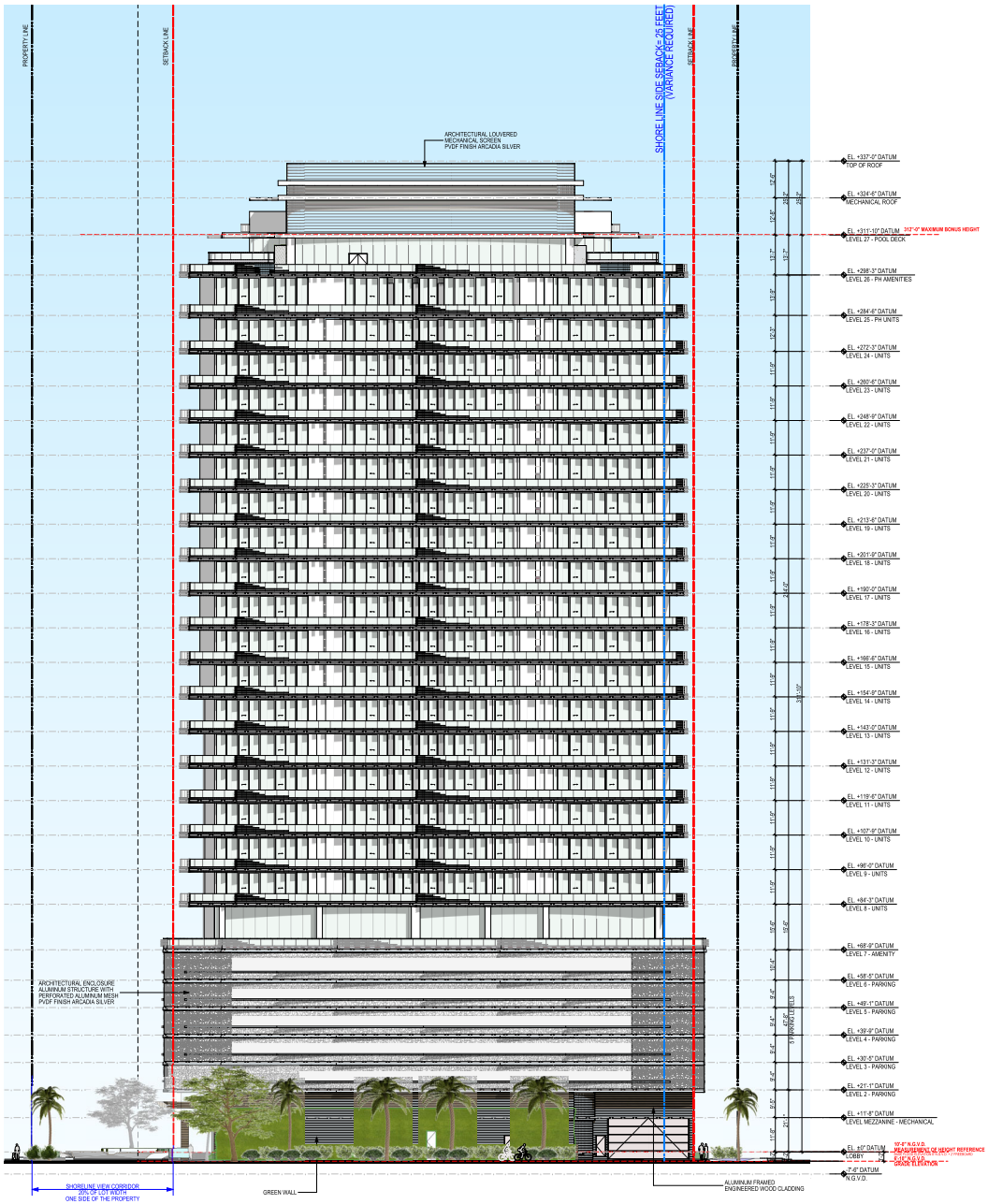
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TOP OF ROOF
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1 **EAST- BUILDING ELEVATION**
SCALE: 1/16" = 1'-0"

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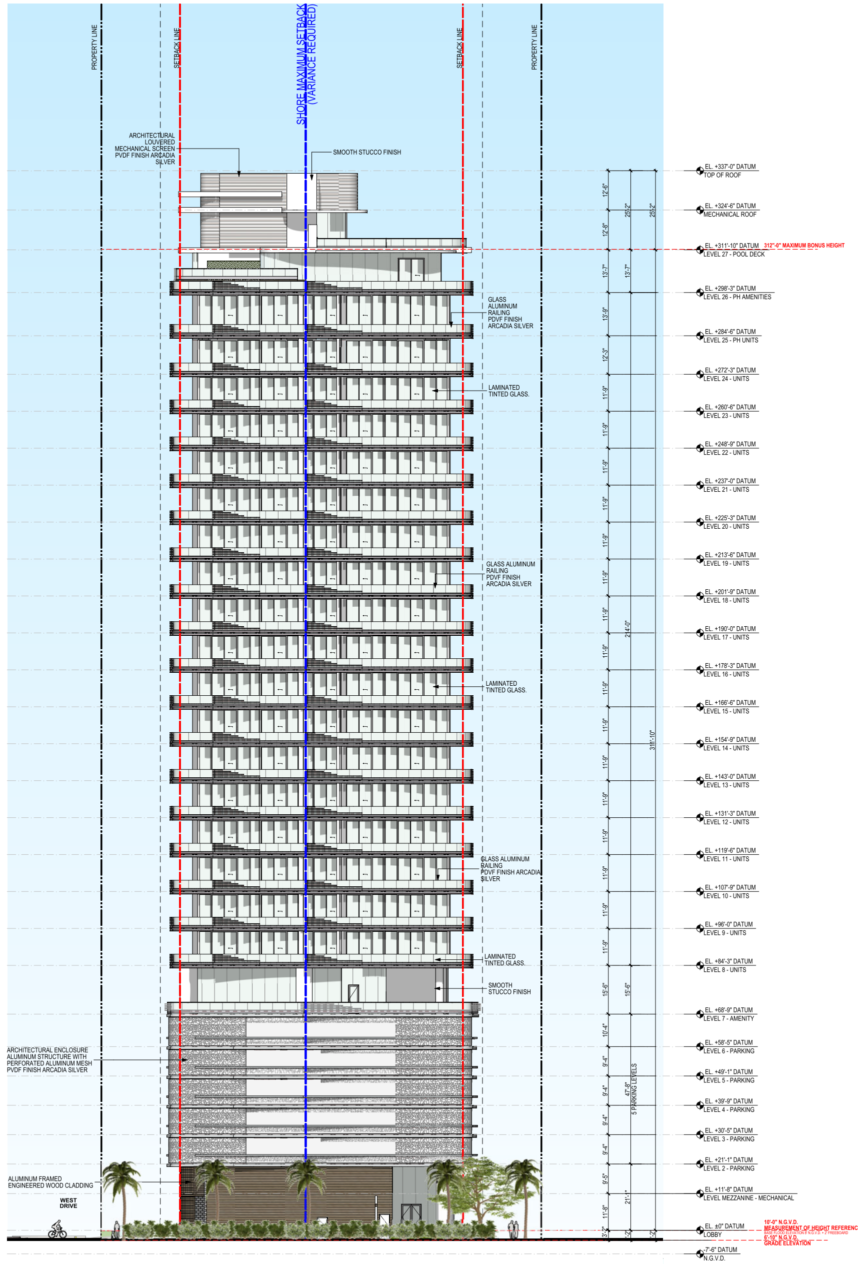
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EAST ELEVATION
Sheet No.
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1 NORTH- BUILDING ELEVATION

SCALE: 1/16" = 1'-0"

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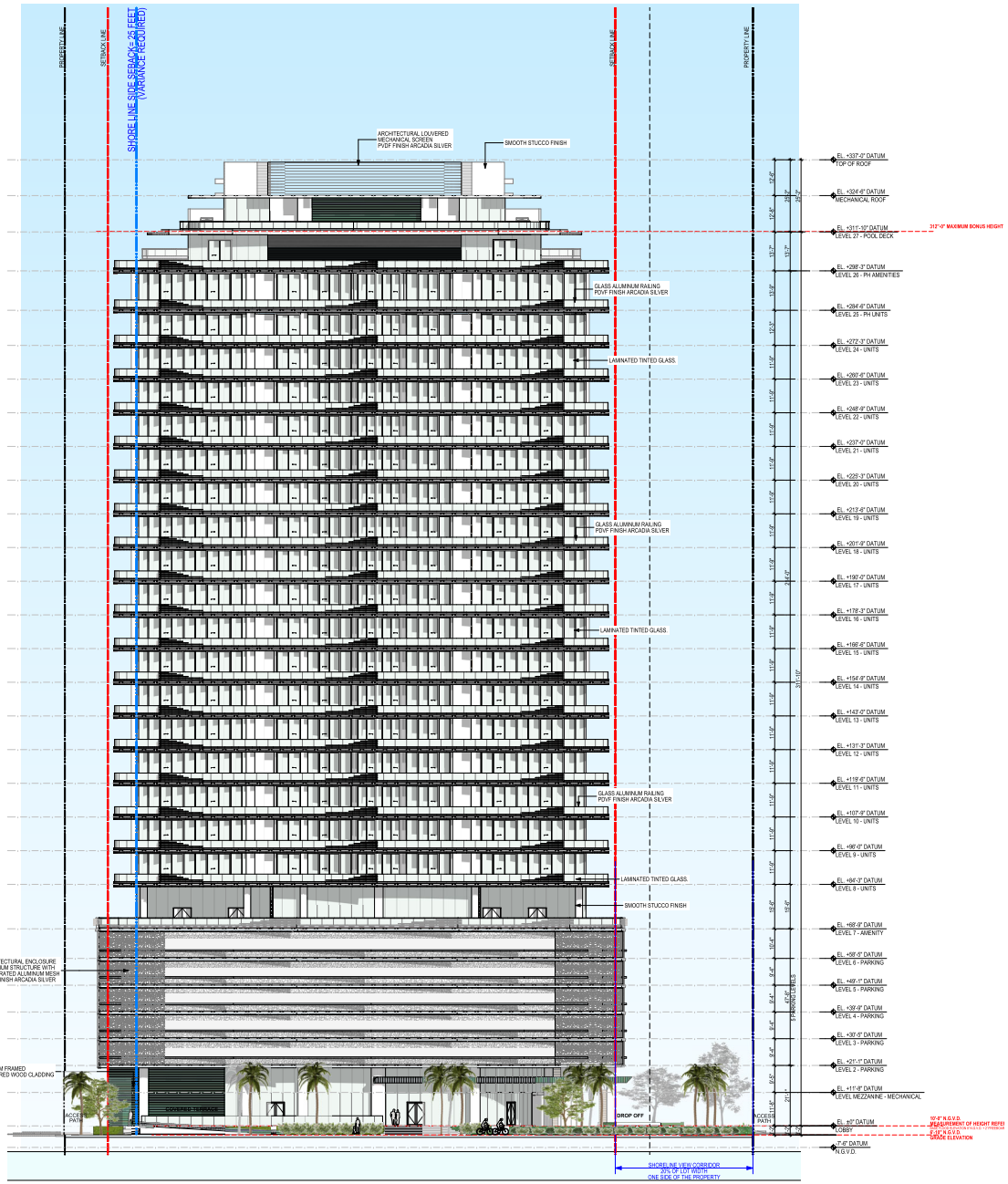
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Sheet Name	NORTH ELEVATION
Sheet No.	A-402

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1 **WEST- BUILDING ELEVATION**

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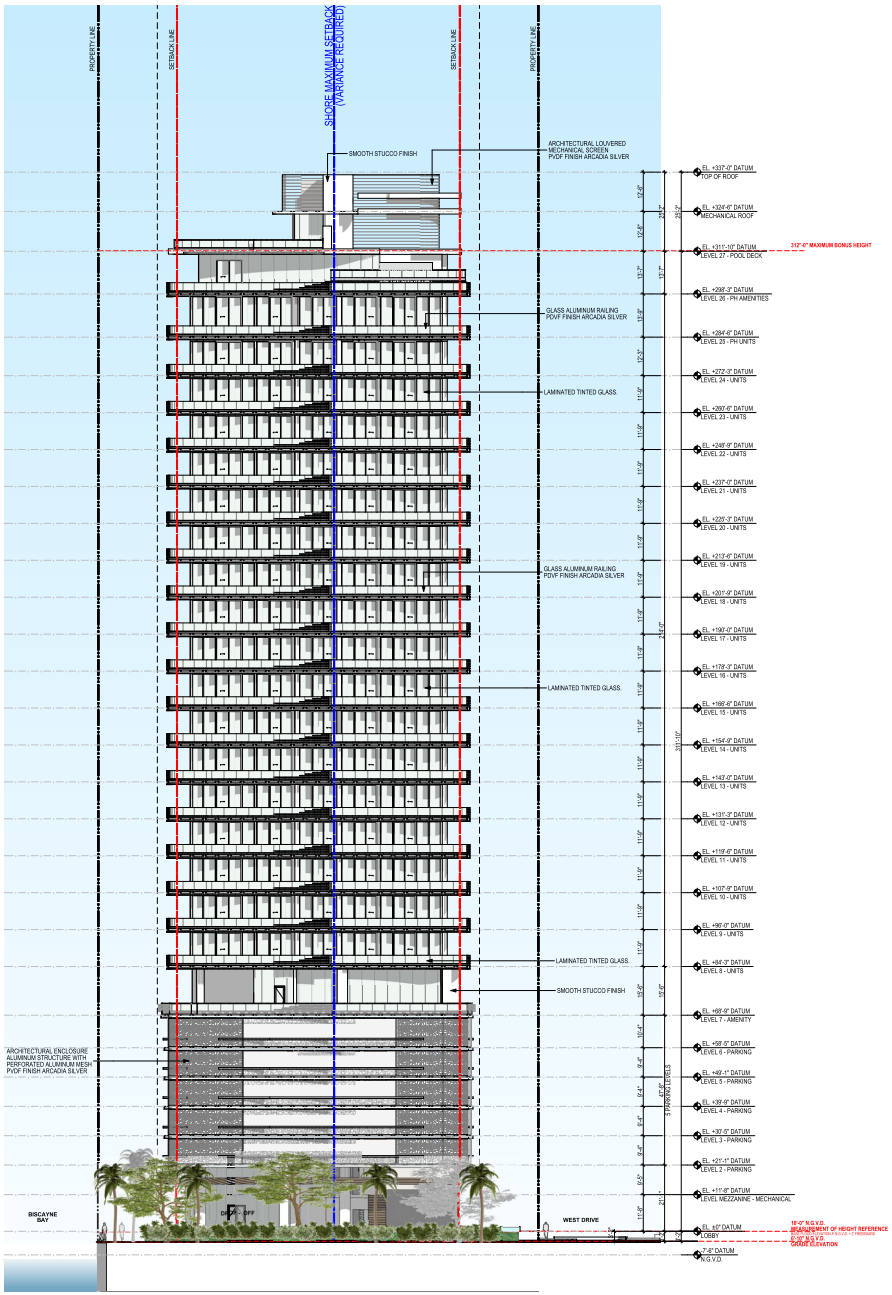
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WEST ELEVATION
Sheet No.
A-403



1 **SOUTH- BUILDING ELEVATION**

SCALE: 1/16" = 1'-0"

0 8' 16' 32'

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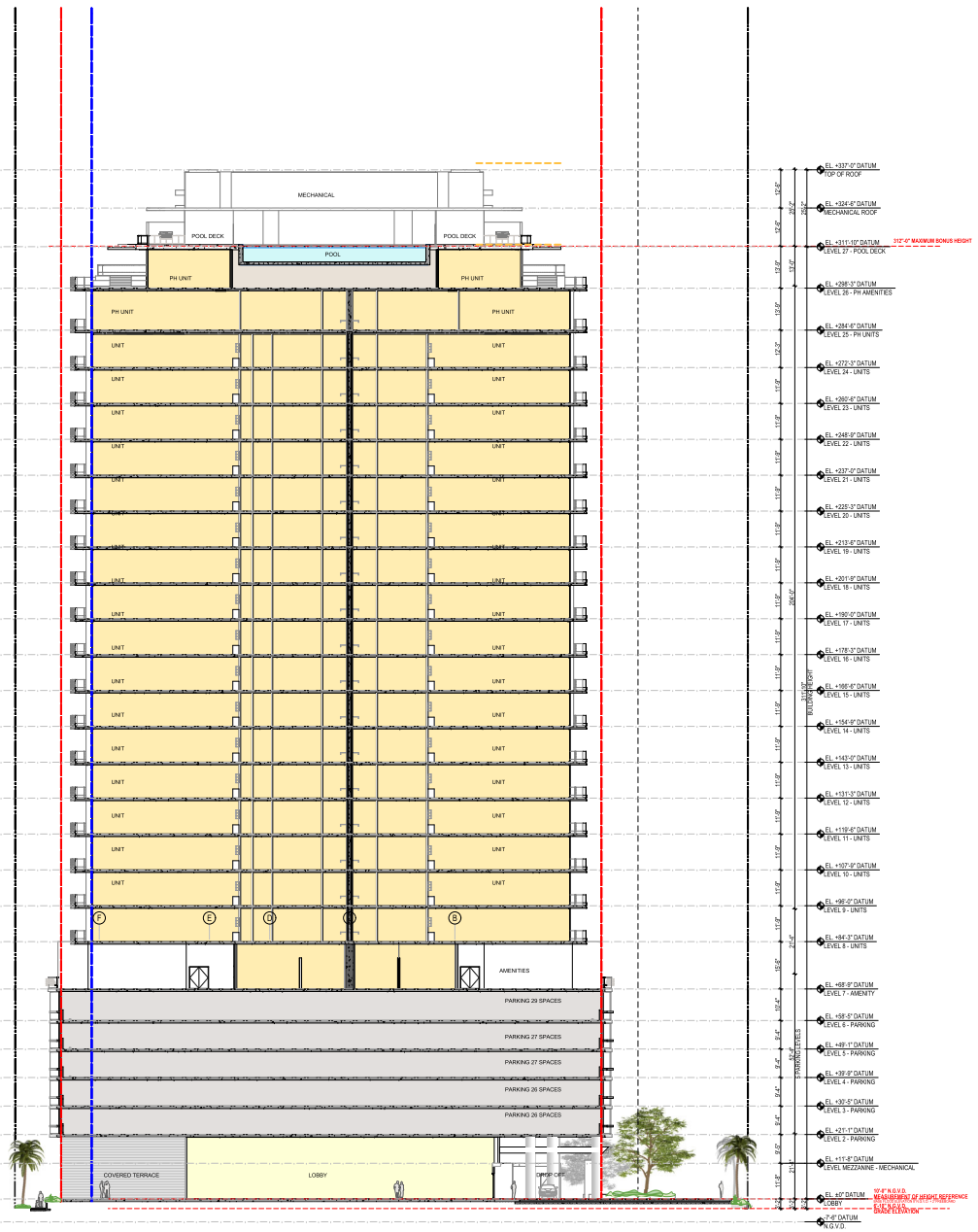
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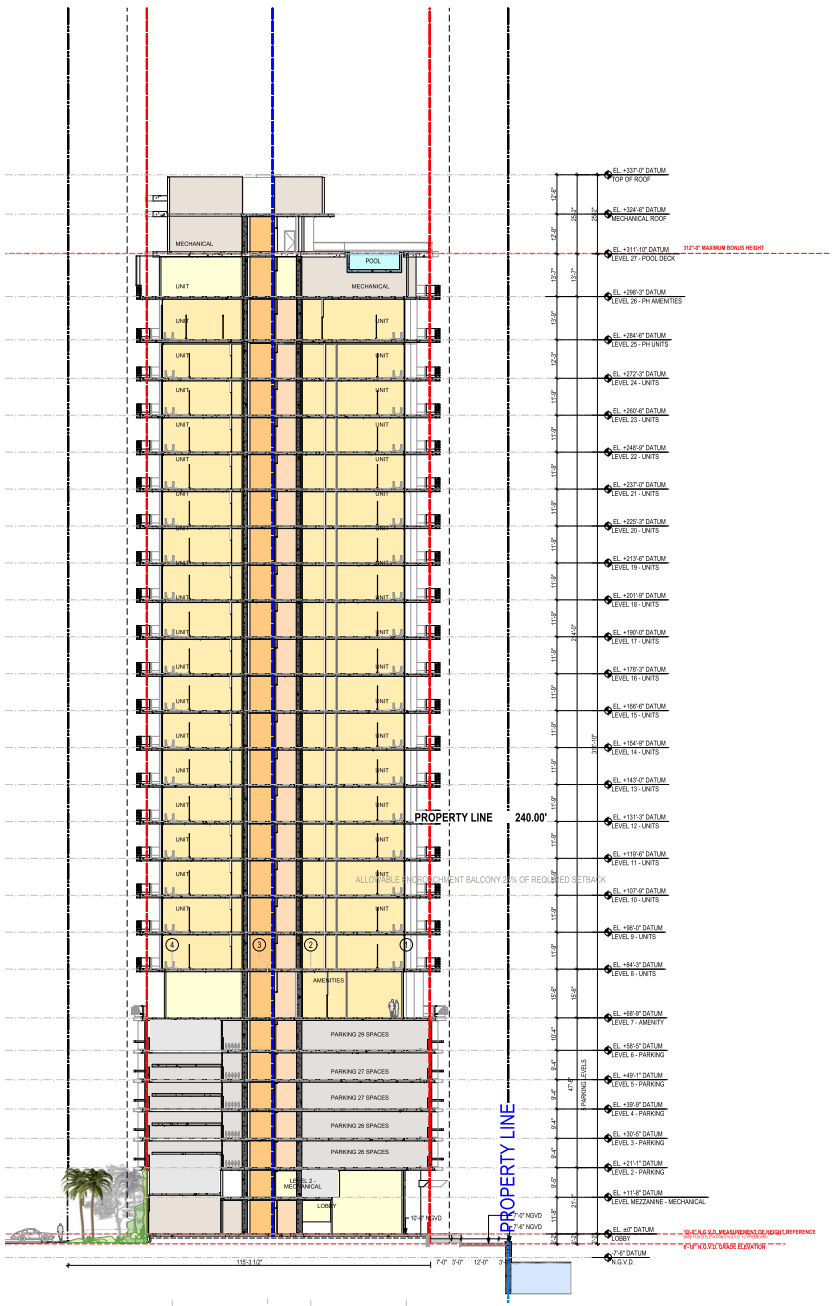
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Date	06/12/2023
Scale	AS SHOWN
Project No.	2114
Sheet Name	SOUTH ELEVATION
Sheet No.	A-404



1 SECTION B-B
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2 SECTION D-D
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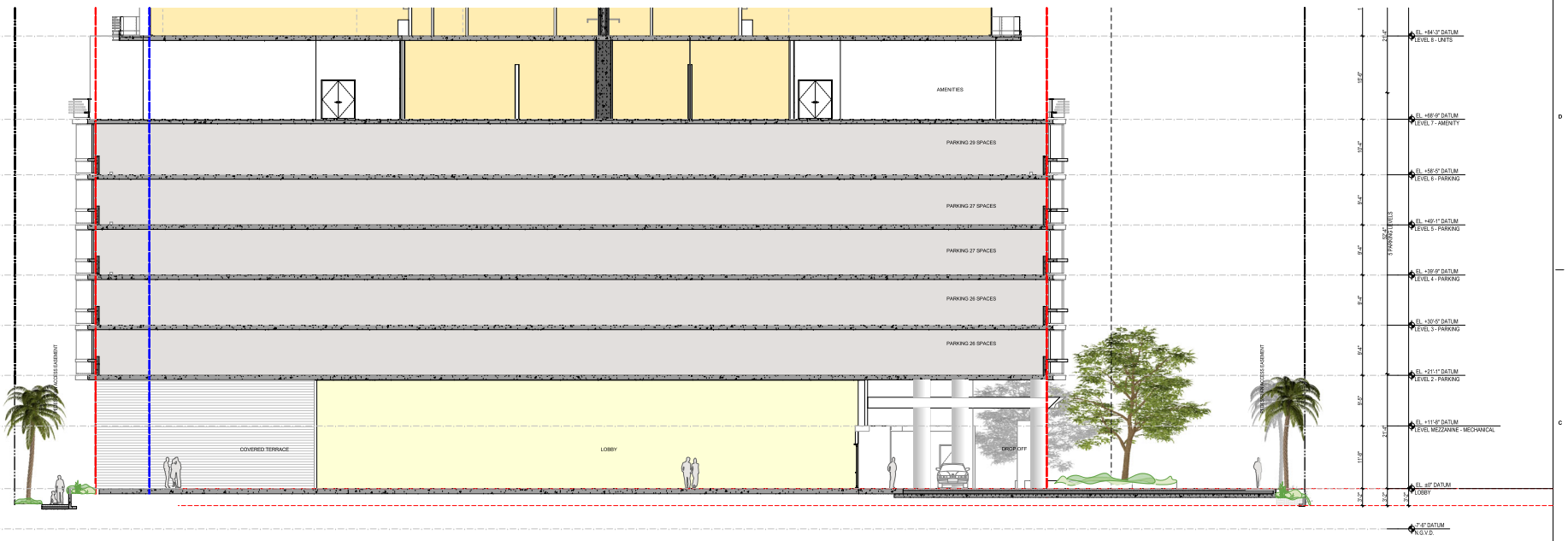
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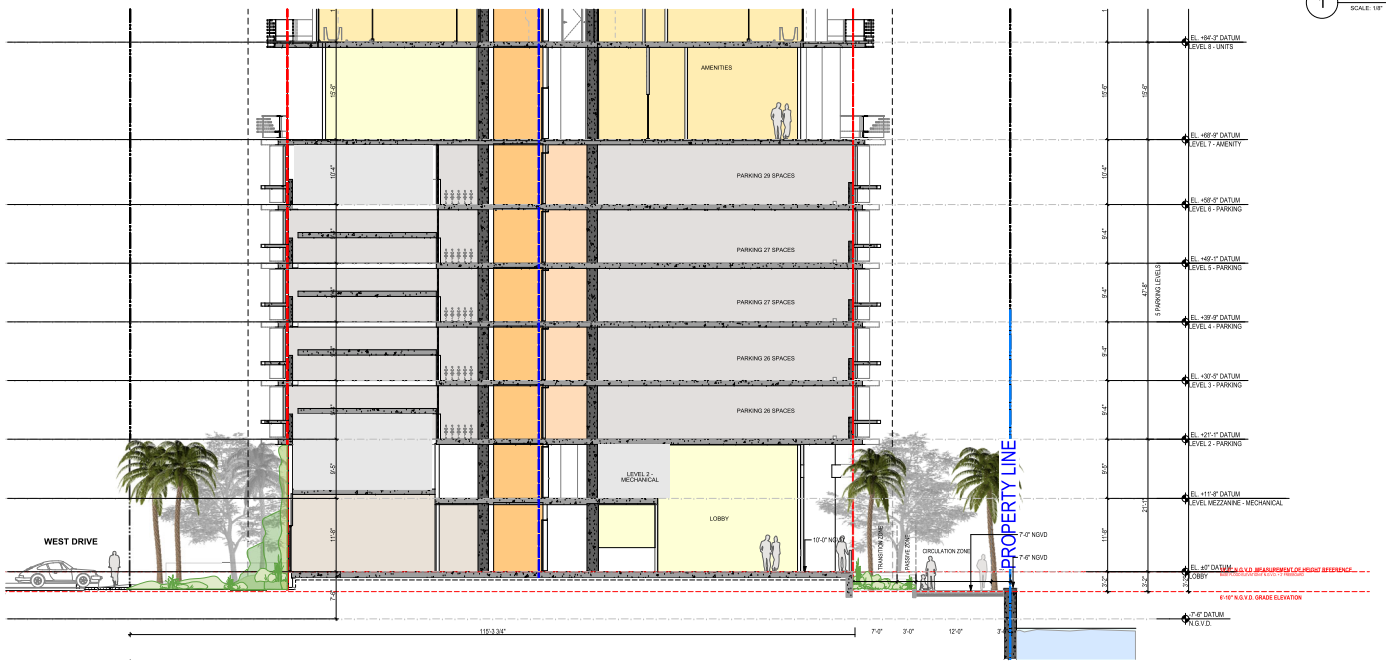
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1 PARTIAL SECTION B-B
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2 PARTIAL SECTION D-D
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1 3D VIEW - SOUTH EAST
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2 3D VIEW - WEST
SCALE: 1/8" = 1'-0"

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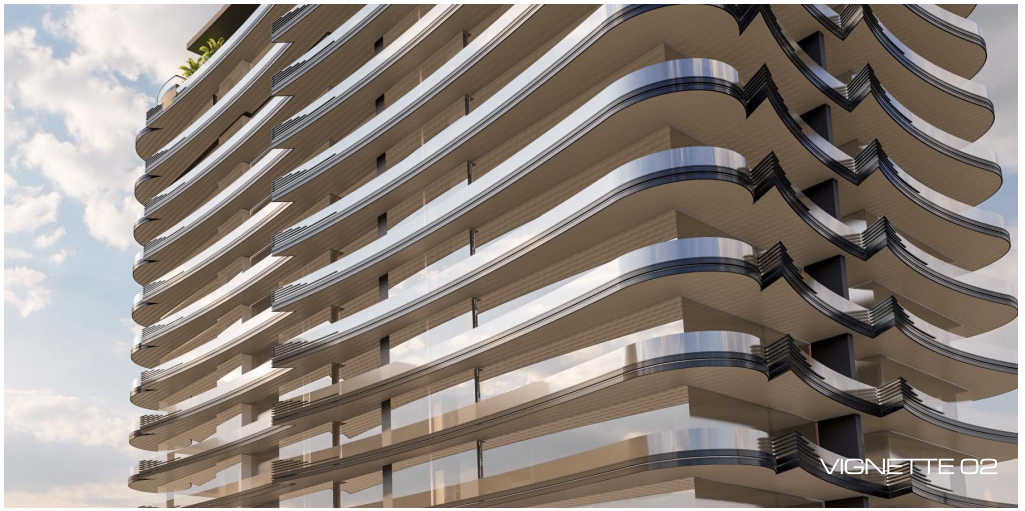
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A-602







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2850 SW 27TH AVE.
SUITE 110
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Project

7940 WEST DRIVE
NORTH BAY VILLAGE

7940 WEST DRIVE
NORTH BAY VILLAGE, FL 33141

Revisions

RESPONSE TO PLANNING COMMENTS	07/18/2023

Owner Information

7940 NBV PARTNERS, LLC

4531PRAIRIE AVE
MIAMI BEACH, FL 33140
(912) 398-1775

Consultant

Digitally signed by Luis O. Revuelta
DN: C=US, E=lrevuelta@revuelta.com, CN=Luis O. Revuelta, O=Revuelta Architecture International, P.A., L=Miami, S=Florida
Date: 2023.06.06 09:38:52-04'00'

Luis O. Revuelta
AR-0007972

SCHEMATIC DESIGN

Date
06/12/2023
Scale
AS SHOWN
Project No.
2114
Sheet Name
VIGNETTES
Sheet No.
A-603

7940 WEST DRIVE - NORHT BAY VILLAGE

7940 WEST DRIVE

NORTH BAY VILLAGE, FL 33141



7940 NORTH BAY VILLAGE			RESPONSE TO PLANNING COMMENTS	RESPONSE TO PLANNING COMMENTS
	SHEET	NAME		
PRESENTATION				
		COVER SHEET		●
PROJECT DATA				
	A-001	LOCATION		●
	A-002	SURVEY		●
	A-003	PROJECT DATA	●	●
	A-004	SITE - PLAN	●	●
	A-005	PARKING ANALYSIS		●
	A-005a	SECTIONS	●	●
	A-005b	SECTIONS	●	●
	A-008	BUILDING FOOTPRINT		●
FLOOR PLANS				
	A-101	GROUND FLOOR	●	●
	A-102	LEVEL - MEZZANINE	●	●
	A-103	LEVEL 2 TO 3 - PARKING GARAGE	●	●
	A-104	LEVEL 4 TO 5 - PARKING GARAGE	●	●
	A-105	LEVEL 6 - PARKING GARAGE	●	●
	A-106	LEVEL 7 - AMENITY	●	●
	A-107	LEVELS 8 thru LEVEL 24	●	●
	A-108	LEVEL 25 - PH UNITS	●	●
	A-109	LEVEL 26 -UPPER PH - POOL AMENITIES	●	●
	A-110	LEVEL 27 - POOL DECK	●	●
	A-111	MECHANICAL ROOF		●
	A-112	TOP OF ROOF		
ELEVATIONS				●
	A-401	EAST ELEVATION		●
	A-402	NORTH ELEVATION		●
	A-403	WEST ELEVATION		●
	A-404	SOUTH ELEVATION		
SECTIONS				
	A-501	SECTIONS		●
	A-502	ENLARGED SECTIONS		●
3D VIEWS				
	A-601	CONTEXT VIEWS		●
	A-602	OVER ALL VIEWS		●
	A-603	VIGNETTES		●

Luis O. Revuelta

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CIVIL ENGINEER
SCHWEBKE SHISKIN & ASSOCIATES
3240 CORPORATE WAY
MIRAMAR FL. 33025

LANDSCAPE ARCHITECT
LAND.DESIGN
6800 SW 40th ST.
MIAMI. FL 33155
WEBSITE: WWW.LANDDESIGN.COM
PH: (305) 910-9734

8/30/2023

RESOLUTION NO. 2024-____

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC CONCERNING PROPERTY LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, IDENTIFIED BY MIAMI-DADE COUNTY FOLIO NUMBERS 23-3209-001-0420 AND 23-3209-001-0400, FOR A VARIANCE REQUEST PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO VARY FROM THE STRICT APPLICATION OF SECTION 8.12, "BONUS HEIGHT," TO ALLOW BUILDING HEIGHT OF 322 FEET WHERE UP TO 312 FEET ARE ALLOWED WITH APPLICATION OF ALL BONUSES; AND SUBSECTION 8.17(L), "ENCROACHMENTS," TO PERMIT PORTIONS OF RESIDENTIAL BALCONIES TO PROJECT UP TO 75 INCHES INTO THE FRONT AND REAR SETBACKS, WHERE A MAXIMUM PROJECTION OF 48 INCHES IS ALLOWED INTO ANY SETBACK; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 28, 2023, by Resolution 2023-122, the Mayor and Commission of North Bay Village (the "Commission") granted approval pursuant to Sec. 5.8 of the North Bay Village Unified Land Development Code (ULDC) for a Site Plan request by 7940 NBV Partners, LLC (the "Applicant") to develop a 312-foot tall, 70-unit multifamily residential project with structured parking and ancillary amenities on an approximately 0.77-acre site zoned RM-70, identified by Folio Nos. 23-3209-001-0400 and 23-3209-001-0420, located at 7938-7940 West Drive on Harbor Island (the "Project"), with a legal description as shown in Exhibit A; and

WHEREAS, concurrently with the Site Plan, the Applicant requested, and was granted, a variance from the minimum parking requirement to permit the provision of 135 parking spaces where 212 are required (Resolution No. 2023-___), and a variance from the minimum required parking aisle width to permit a width of 22 feet where 23 are required (Resolution No. 2023-___); and

WHEREAS, also alongside the Site Plan the Applicant requested, and was granted, approval of an exception under the provisions of Sections 8.11 and 9.3.E.5.a of the ULDC to allow up to twenty percent (20%) of the required parking spaces to be designed specifically for compact vehicles; and

WHEREAS, following further modifications of the building design, the Applicant now requests approval of a variance to allow a building height of 322 feet where a maximum of 312 feet is allowed; and of a variance to permit portions of residential balconies to encroach up to 6 feet-3 inches into the front and rear setbacks where a maximum encroachment of 4 feet is permitted; and

WHEREAS, Section 7.3 of the ULDC provides for consideration and granting of variances under the circumstances and pursuant to the standards set forth therein; and

WHEREAS, Staff has reviewed the Application and the Code criteria, determined that the requested relief does not satisfy the conditions of Section 7.3 of the ULDC, and recommends denial of the variances; and

WHEREAS, after a duly noticed public hearing held on _____, 2024, the Planning and Zoning Board voted to recommend [approval/approval with conditions/denial] of the variances subject to the conditions set forth and included below in Section 2; and

WHEREAS, the Commission, after a duly noticed public hearing held on _____, 2024, as required by law, based upon competent substantial evidence in the record, finds that the Application [meets/does not meet] the requirements of the Village Code; that the Application [is/is not] consistent with the Village's ULDC and Comprehensive Plan; that the variances [will/will not] be in harmony with the general

purpose and intent of Subsections 8.12. and 8.17.L.2; and that the variances [will/will not] be injurious to the neighborhood or otherwise detrimental to the public welfare; and

WHEREAS, the Village Commission also finds that, in this particular instance, the enforcement of Subsections 8.12 and 8.17.L.2 [serves/does not serve] their intended purpose, [is/is not] effective, and [creates/does not create] an undue and inequitable hardship on the Property and the Applicant; and

WHEREAS, the Mayor and Village Commission further find the proposed Variances [are/are not] in the best interest of the Village.

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

Section 1. Recitals. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof.

Section 2. Findings. The Village Commission, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby finds that the Application [meets/does not meet] the criteria set forth in Section 7.3 of the ULDC for [approval/approval with conditions/denial] of the variances pursuant to Section 7.3 of the ULDC for a project to be located at 7940 West Drive, subject to other applicable and building requirements.

Section 3. Decision; Conditions. Pursuant to Section 7.3 of the ULDC, a variance to allow a building height of 322 feet where a maximum of 312 feet is permitted; and a variance to permit portions of residential balconies to encroach up to 6 feet-3 inches into the front and rear setbacks where a maximum encroachment of 4 feet is permitted, for

a project to be located at 7938-7940 West Drive is hereby [approved/denied/approved, subject to the following conditions]:

1. An approval to allow a building height of 322 feet, where a maximum of 312 feet is permitted, shall refer to the main structure, as depicted in the attached Exhibit B and shall not include mechanical equipment located on a rooftop, screening, and other rooftop appurtenances covered under (and limited by) Sec. 8.17.G.
2. An approval to permit portions of residential balconies to encroach into the setbacks, as presented in Exhibit B, is restricted to the rear and front setbacks and to a maximum encroachment of 6 feet-3 inches. Balconies facing the sides of the building shall comply with the provisions of Subsection 8.10.D.4.b. Balconies shall not be walled or enclosed
3. The development of the property to which the variances apply shall be in strict conformance with approved plans on file for from Project's site plan application, except that approval of an administrative site plan modification pursuant to the provisions of Section 5.10 of the ULDC may be required for changes in floor to ceiling heights and in the number of parking spaces upon evaluation by the Planning and Zoning Official.
4. Any other resulting changes that exceed the criteria for an administrative site plan modification approval shall be subject to the provisions of Section 5.8.
5. All due cost recovery charges must be paid pursuant to Section 5.12. Specifically, no new development application shall be accepted, and no building permit or certificate of occupancy shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
6. Pursuant to Section 7.5, after the Village Commission has granted a variance, the variance so approved or granted 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 variance was granted.

Section 4. Violation of Conditions; Limitation of Approval. Noncompliance with the terms and conditions of this approval shall be considered a violation, and penalties may include but are not limited to revocation of the approval granted by this resolution. The issuance of this development permit does not in any way create a vested right(s) on the part of the Applicant to obtain a permit from a county, state, or federal agency, and does not create any liability on the part of the municipality for issuance of the

permit if the Applicant fails to obtain requisite approvals or does not fulfill the obligations imposed by a county, state or federal agency or undertakes actions that result in a violation of county, state, or federal law.

Section 5. Effective Date. This Resolution shall be in force and take effect immediately upon its passage and adoption.

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

Mayor Rachel Streitfeld	___
Commissioner Richard Chervony	___
Commissioner Goran Cuk	___
Commissioner Andrew Rotondaro	___
Commissioner Doris Acosta	___

PASSED AND ADOPTED on this ___ day of _____, 202_.

_____
Rachel Streitfeld, Mayor

ATTEST:

_____
Alba L. Chang, CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Village Attorney

Exhibit "A"
LEGAL DESCRIPTION

Address: 7940 West Drive, NORTH BAY VILLAGE

Folio Number: 23-3209-001-0400 and 23-3209-001-0420

Legal Description: Lots 38, 40 and 42, "Harbor Island", According to the Plat Thereof, as Recorded in Plat Book 44, Page 72, of the Public Records of Miami-Dade County, Florida.

Exhibit “B”

[insert Plans and Elevations]

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that North Bay Village ("Village") is soliciting bids for the "**Construction of the North Bay Island Phase 1 Stormwater Improvement Project** ("Project").

Interested companies, firms, and individuals ("Bidders") may obtain a copy of Invitation to Bid No. ITB-2025-001 (the "ITB") to be issued on Monday, November 4, 2024, from the North Bay Village website (https://northbayvillage-fl.gov/bids-rfps/), or through the Onvia DemandStar portal (www.demandstar.com). The ITB contains detailed information about the scope of Services, submission requirements, and selection procedures.

Scope of Work:
The Project consists of furnishing all materials, labor, equipment, services and incidentals necessary to complete the proposed drainage, and site development for the stormwater improvements at North Bay Island. This Project includes the abandonment, removal and disposal of existing site and utility features, road reconstruction, and installation of drainage improvements including, but not limited to, proposed stormwater pump station, gravity mains, force main, injection wells, inlets, and manholes.

A Mandatory Pre-Bid Meeting will be held on November 12, 2024, at 10:00 AM at 1666 Kennedy Causeway, 3rd Floor Conference, North Bay Village, FL 33141

All bids shall be open publicly via Zoom on Friday, December 13, 2024, at 3:00 p.m.
- Meeting ID: 896 0952 5040 | Password: 746267

All questions or comments should be directed to the following email: procurement@nbvillage.com

Inquiries must reference "ITB-2025-001 **- Construction of the North Bay Island Phase 1 Stormwater Improvement Project"** in the subject line. The deadline to submit written questions is November 18, 2024, at 3:00 p.m.

Bidder shall submit their bid indicating Bidder's name and Project Name, RFP Number, and time and date of the RFP opening. Bids shall be submitted electronically through www.DemandStar.com. Failure to comply shall deem the submittal as nonresponsive. The amount of each bid and each bid item, if appropriate, and such other relevant information shall be recorded, and the record and each bid shall be open to public inspection. Late submittals shall not be accepted or considered.

The Village reserves the right to accept any proposal deemed to be in the best interest of the Village or to waive any informality in any submittal. The Village may reject any or all submittals and re-advertise. A copy of the complete bid may be obtained from the North Bay Village website, https://northbayvillage-fl.gov/bids-rfps/, or by clicking on the Village Clerk link under Village Departments. Select the "Bids" icon.

Pursuant to Section 38.18 of the Village Code, "Ethics Ordinance", a Cone of Silence is hereby imposed whereby any communications between any potential bidder, service provider, lobbyist or consultant and the Village's staff and elected officials pertaining to this RFP are prohibited.

The Village reserves the right to delay or modify scheduled dates and will notify proposers of all changes in scheduled dates.

Alba L. Chang, CMC
Village Clerk

NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON NOVEMBER 14, 2024 AT 6:00 P.M. AT 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FL 33141 AND VIA ZOOM, OR AS SOON AS POSSIBLE THEREAFTER. DURING THIS MEETING THE BOARD WILL CONSIDER THE FOLLOWING AT A PUBLIC HEARING:

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 5.22, "BURDEN OF SHOWING COMPLIANCE," OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO CLARIFY THE VILLAGE'S CONCURRENCY COMPLIANCE REQUIREMENT FOR PARKS AND OPEN SPACE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 9.22, "SYNTHETIC TURF," OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO MODIFY THE STANDARDS FOR DESIGN, PERMITTING AND INSTALLATION OF SYNTHETIC TURF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC CONCERNING PROPERTY LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, IDENTIFIED BY MIAMI-DADE COUNTY FOLIO NUMBERS 23-3209-001-0420 AND 23-3209-001-0400, FOR A VARIANCE REQUEST PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO VARY FROM THE STRICT APPLICATION OF SECTION 8.12, "BONUS HEIGHT," TO ALLOW BUILDING HEIGHT OF 322 FEET WHERE UP TO 312 FEET ARE ALLOWED WITH APPLICATION OF ALL BONUSES; AND SUBSECTION 8.17(L), "ENCROACHMENTS," TO PERMIT PORTIONS OF RESIDENTIAL BALCONIES TO PROJECT UP TO 75 INCHES INTO THE FRONT AND REAR SETBACKS, WHERE A MAXIMUM PROJECTION OF 48 INCHES IS ALLOWED INTO ANY SETBACK; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

THE MEETING AGENDA IS AVAILABLE ONLINE AT:
HTTPS://NORTHBAYVILLAGE-FL.GOV/AGENDAS-MINUTES/
YOU MAY ATTEND THE MEETING IN PERSON AT THE PHYSICAL MEETING LOCATION:
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141 OR

PARTICIPATE IN THE MEETING VIA ZOOM:
MEETING ID: 893 9798 9240
PASSCODE: 377617

WATCH THE VIRTUAL PUBLIC MEETING:
HTTPS://NORTHBAYVILLAGE-FL.GOV/VIDEOS
TV CHANNEL 661
FACEBOOK LIVE

LISTEN VIA TELEPHONE TO THE VIRTUAL PUBLIC MEETING:
1 305 224 1968 or 1-929-205-6099

FOR TECHNICAL SUPPORT DURING THE MEETING, PLEASE CONTACT:
(786) 309-4991

THE PROPOSED ORDINANCE(S) AND/OR RESOLUTION(S) ARE AVAILABLE FOR PUBLIC INSPECTIONS AT THE OFFICE OF THE VILLAGE CLERK. TO OBTAIN A COPY OF ANY AGENDA ITEM, INDIVIDUALS SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171. A COMPLETE AGENDA PACKET WILL ALSO BE ACCESSIBLE ON THE VILLAGE WEBSITE AT WWW.NORTHBAYVILLAGE-FL.GOV FIVE DAYS PRIOR TO THE DATE OF THE MEETING. ANY PERSON WISHING TO ADDRESS THE VILLAGE COMMISSION OR BOARD ON ANY ITEM AT THIS PUBLIC HEARING IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. ALTERNATIVELY, MEMBERS OF THE PUBLIC MAY EXPRESS THEIR VIEWS IN WRITING TO THE COMMISSION OR BOARD C/O VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141, OR VIA EMAIL AT PUBLICCOMMENT@NBVILLAGE.COM.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE BOARD, AGENCY, OR 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.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS PUBLIC MEETING SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK AT (305) 756-7171 NO LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH MEETING.

ALBA L. CHANG, CMC,
VILLAGE CLERK

MIAMI-DADE COUNTY

Public Notice

ADMINISTRATIVE MODIFICATION ADVERTISEMENT

Pursuant to Section 33-310.1(A)(V)(B) of the Code of the Miami-Dade County, the Assistant Director of the Miami-Dade County Department of Regulatory and Economic Resources has approved with condition(s) the following request for Administrative Modification to modify zoning hearing application Z2021000030 plans approved with conditions pursuant to Resolution CZAB14-3-22, passed and adopted by the Miami-Dade County Community Zoning Appeals Board 14 pursuant to Resolution # CZAB14-3-22, passed and adopted on March 24, 2022.

Process No. M2024000022: My Academy Preschool & Learning Center II, LLC
Property Location: 12700 SW 216 Street, in unincorporated Miami-Dade County, Florida

1. My Academy Preschool & learning Center II, LLC requests the modification of Condition No. 2 of Resolution No. CZAB14-3-22, reading as follows:

   FROM "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Academic School and Daycare", as prepared by CIVICA, consisting of 9 sheets, and landscape plans as prepared by Garden & Semler, consisting of 3 sheets, all dated stamped received 12/6/21, for a total of 12 sheets.

   TO "2. That in the approval pf the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Classroom Building at MACS School", as prepared by Llorente Architects, consisting of 5 sheets dated stamped received 7/17/2024, Traffic Control Plan prepared by LANGAN, consisting of 1 sheet dated stamped received 8/28/2024, and landscape plans prepared by Garden & Semler, consisting of 3 sheets dated stamped received 12/6/21, for a total of 9 sheets.

2. My Academy Preschool & learning Center II, LLC requests the modification of Condition No. 8 of Resolution No. CZAB14-3-22, reading as follows:

   FROM: "8. That the day care and private school use be limited to grades Pre-K-2."

   TO: "8. That the day care center and private school use be limited to grades Pre-K-5."

3. My Academy Preschool & learning Center II, LLC requests the modification of Condition No. 14 of Resolution No. CZAB14-3-22, reading as follows:

   FROM "14. That the school shall utilize the outdoor recreation area with at least 3 shifts of no more than 111 students (75 students in day care, pre-k and kindergarten/and 36 students in the 1st and 2nd grades) per shift."

   TO "14. That the school shall utilize the outdoor recreation area with at least 3 shifts of no more than 111 students (75 students in day care, pre-K and kindergarten/and 36 students in the 1st, 2nd, 3rd, 4th, and 5th grades) per shift."

The purpose of the Administrative Modification is to modify the hearing site plans approved in March 24, 20220, and to change the school grade levels description established in the Resolution CZAB14-3-22 from Pre-Kindergarten to 2nd Grade to Pre-Kindergarten to Fifth Grade.

Any property owner in the area may appeal a decision by filing an appeal application on or before **Tuesday, December 3, 2024**. Additional information may be obtained by contacting 305/375-2640.

For legal ads online, go to http://legalads.miamidade.gov

ITEM NO. 5A

North Bay Village
Recommendation Memorandum

DATE: November 14, 2024

TO: Planning and Zoning Board Meeting

FROM: Silvia Vargas, Village Planner

SPONSORED BY:

SUBJECT: **An Ordinance Amending Sec. 9.22, "Synthetic Turf," of the Unified Land Development Code - *Interim Village Manager Frank Rollason (Village Planner Silvia E. Vargas, FAICP)***

RECOMMENDATION

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 9.22, "SYNTHETIC TURF," OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO MODIFY THE STANDARDS FOR DESIGN, PERMITTING AND INSTALLATION OF SYNTHETIC TURF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Suggested action: To forward to the Village Commission a recommendation of approval of the proposed amendments, as presented by Staff.

BACKGROUND AND ANALYSIS

Background

On March 9, 2021, the Village Commission adopted Ordinance No. 2021-007, which introduced resilience and sustainability provisions into the Village's Unified Land Development Code (ULDC) and Code of Ordinances. Ordinance No. 2021-007 encompassed a wide range of topics, including, but not limited to green building, freeboard, vegetable gardens, tree preservation, electric vehicles, and adaptation of parking garages.

Another issue that Ordinance No. 2021-007 addressedwas the use of synthetic turf. Increasing numbers of property owners have been electing to use this type of ground cover in their landscape plans, as an alternative to, or a substitute for, natural grass. Synthetic turf is durable, low-maintenance, weather resistant, and can help lower water consumption due to

irrigation. However, it can also increase urban heat island effect; cause heat-related illnesses; contribute to micro-plastic pollution; and adversely impact stormwater management if not properly designed or installed.

Ordinance No. 2021-007 introduced a requirement for permitting and minimum standards for, and limitations on, the design, installation and maintenance of synthetic turf applications, all with the aim of minimizing those potential detrimental outcomes described above. The adopted provisions were largely tailored to the Village from those of other South Florida municipalities.

Analysis
In the years since the synthetic turf regulations were adopted, some challenges have been experienced in the implementation of the Village's regulations, in particular:

1. A general lack of public awareness of the local synthetic turf regulations, especially the permitting requirements, leading to unpermitted installations which often do not meet the adopted standards; and
2. An incremental recognition that the current application cap (set at 20% of the plantable area of a yard) may be too limiting compared to those of other communities.

While the first issue may be addressed by the Village through an outreach campaign informing property owners, contractors, and others, of the local requirements and regulations, the second one requires consideration of a text amendment.

At a recent meeting, the Commission gave direction for Staff to initiate the text amendment process. Since then, Staff has researched current best practices on the regulation of artificial turf, which have evolved since the adoption of the current standards in 2021. Staff has also compiled new exemplars/models from a broader range of communities throughout Miami-Dade County.

Regarding standards for maximum allowance of synthetic turf installation, the communities researched vary widely. Most limit the location of synthetic turf to the rear yard of properties. Miami Shores allows up to 30% of a rear yard to be synthetic turf, not to exceed 600 square feet. Key Biscayne prohibits artificial turf in the front yard or in a side yard if the turf may be visible from a street, but does not limit the amount of material that can be installed. The City of Coral Gables similarly restricts installation of artificial turf to the rear yard of a property (except in situations where site conditions limit landscape options) but not the maximum area of installation, except for required buffers. In the City of Miami Beach, synthetic turf is allowed to count toward up to 50% of the required lawn area of a rear yard.

In North Bay Village, for the past 3 years, the existing regulations have allowed installation of synthetic turf on any yard, provided that the surface area of the synthetic turf does not exceed 20% of the plantable area of the yard, and the installation is combined with areas of living plant material. For the sake of consistency, the proposed amendment does not seek to now restrict the locations where synthetic turf is allowed. On the other hand, following direction from the Commission, a higher percentage (50%) of installation area is being proposed for consideration.

Staff has taken the opportunity to reorganize the flow of the entire Synthetic Turf section for increased legibility and clarity. As proposed, the amended section (included as Exhibit A to the

Ordinance) would start with the minimum requirements, followed by the permitting requirements, exemptions, design standards, installation standards, and maintenance standards.

Some other changes of note include:

- A definition of the term "plantable area" is introduced.
- Permeability of the material, backing and base are emphasized.
- Restrictions and requirements for installation and maintenance of synthetic turf within swales are clarified.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)
N/A

PERSONNEL IMPACT
N/A

ATTACHMENTS
Ordinance Amending Sec. 9.22_Synthetic Turf.docx
Exhibit A - Sec 9.22 Synthetic Turf (Updated).docx
Notice of Public Hearing- MH 11.03.2024.pdf

ORDINANCE NO. 2024-___

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 9.22, "SYNTHETIC TURF," OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO MODIFY THE STANDARDS FOR DESIGN, PERMITTING AND INSTALLATION OF SYNTHETIC TURF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, North Bay Village (the "Village") has adopted a Unified Land Development Code (the "ULDC") to promote the health, safety, order, convenience, comfort, and general welfare of the public, and to promote and preserve the character and ecological quality of the Village as articulated in the Village's Comprehensive Plan; and

WHEREAS, the Village Commission desires to modify the existing standards for synthetic turf to add clarity and increase flexibility for property owners who wish to use or add synthetic turf to their properties as part of a landscape design; and

WHEREAS, the Village Commission additionally seeks to promote sound landscaping and stormwater management principles by ensuring that the installation and maintenance of synthetic turf systems is performed appropriately and to a high standard of quality; and

WHEREAS, on _____, 2024, the Planning and Zoning Board, sitting in its capacity as the Local Planning Agency, reviewed this Ordinance and recommended approval; and

WHEREAS, the modifications provided herein are consistent with the Village's Comprehensive Plan and the Florida Community Planning Act; and

WHEREAS, this Ordinance was duly noticed and presented to the Village Commission in two readings, with second reading conducted as the required public hearing on_____, 202_; and

WHEREAS, the Mayor and Commission find that this Ordinance is in the best interest of the public health, safety, and welfare of the Village's residents and visitors.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above recitals are true and correct and incorporated herein by this reference.

Section 2. Amending and Updating the ULDC. That the ULDC of North Bay Village is hereby revised to read as set forth in Exhibit "A," attached hereto and incorporated herein.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 5. Codification. That 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 Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED on first reading on the ___ day of _____, 2024.

PASSED AND ADOPTED on second reading on the __ day of _____, 2025.

_____
Rachel Streitfeld, Mayor

ATTEST:

_____
Alba L. Chang, CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Village Attorney

First Reading:
Moved By: _____
Seconded By: _____

Second Reading:
Moved By: _____
Seconded By: _____

Vote on Final Adoption:
Mayor Rachel Streitfeld ___
Commissioner Richard Chervony ___
Commissioner Goran Cuk ___
Commissioner Andrew Rotondaro ___
Commissioner Doris Acosta ___

Exhibit A[1]

Attached

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

§ 9.22 – Synthetic turf.

Synthetic turf may be permitted on all properties ~~used for residential, mixed-use, or commercial purposes,~~ subject to the requirements and procedures set forth in this Section. Synthetic turf shall not count toward meeting the minimum green space required in any zoning district.

A. *Minimum requirements.* All installations of artificial turf shall comply with the following minimum requirements:

1. Synthetic turf shall not exceed 50% of the plantable area of any *Yard*. For purposes of this section, plantable area shall mean an area of a *Yard*, at ground level, where plant material can be planted, such as lawns and garden beds.

2. Areas of living plant material shall constitute at least 20% of the plantable area of the yard and shall be established and/or maintained in conjunction with synthetic turf installed in the *Front Yard Area*.

3. Living plant material shall include a combination of shrubs, vines, trees, or groundcovers in separate planter areas and/or tree wells.

4. Turf shall not be permitted within a buffer area of two and a half feet (2-1/2') from a property lot line. The buffer area shall be landscaped with living plant material.

5. Synthetic turf shall be separated from planter areas and tree wells by a concrete mow strip, bender board or other barrier with a minimum three-eighths-inch (3/8") thickness to prevent the intrusion of living plant material into the synthetic turf.

6. Irrigation systems proximate to the synthetic turf shall be capped, directed, or otherwise treated so that no irrigation is consumed watering the synthetic turf.

B. *Permitting:* Uses of synthetic turf shall require the issuance of a building permit. The building permit application shall include, at a minimum, all the following information:

1. A landscape plan showing, at minimum, the area of synthetic turf, area of living plant material, and area and method of separation between these areas.

2. Details regarding existing or proposed irrigation proximate to the synthetic turf.

3. Brand and type of synthetic turf, including all manufacturer specifications and warranties. Specifications and details shall include percolation rates.

4. A scaled cross section and details of the proposed materials and installation, including but not limited to subgrade, drainage, base or leveling layer, and infill.

5. A recent survey of the property, which shall be less than two years old for single family residential properties and less than three years old for all other properties, signed and sealed by a licensed surveyor, accurately depicting all existing conditions, including easements located on the property.

6. Installation of synthetic turf in the public right-of-way requires a permit approved by the *Public Works Director* or designee The application shall be accompanied by a signed encroachment and restrictive covenant agreement that shall run with the land, on a form to be approved by the *Village Attorney*, acknowledging the property

owner's responsibility for maintaining the synthetic turf located within the approved easement or right-of-way area, as well as for repairing or replacing the turf in the event the work is performed by the easement holder or right-of-way owner that results in the disturbance or destruction of the synthetic turf. The agreement shall provide for the property owner to indemnify the Village and to provide insurance naming the Village as an additional insured.

C. Exemptions:

1. Proposed applications of synthetic turf that constitute 15% or less of the plantable area of a *Yard* are exempt from the building permit requirements.
2. Exempt applications shall otherwise comply with all the applicable standards and requirements of this section.
3. For verification of the applicability of the exemption, applicants shall present a site plan to the *Planning and Zoning Official* or designee, showing the proposed location, dimensions, and calculation of the synthetic turf area.

D. *Design standards.* Synthetic turf shall comply with all of the following design standards ~~and shall~~:

1. Simulate the appearance of live turf, organic turf, grass, sod or lawn, with individual blades that are green and lifelike, as determined by the *Public Works Director* or designee~~, and the *Village Manager* or designee~~, and shall have a minimum eight-year "no fade" warranty.
2. Be of a type known as cut pile infill with pile fibers of a minimum height of 1.75 inches and a maximum height of 2.5 inches.
3. Have a minimum face weight of 75 ounces per square yard.
4. Be manufactured from polyethylene monofilament, dual yarn system, and manufactured in the United States.
5. Have backing that is permeable. The permeability of synthetic turf material shall be equal to or greater than that of natural grass, allowing water to percolate through the synthetic turf at a drain rate of at least fifteen inches (15") per hour. Synthetic turf shall be considered as 100 percent pervious area if it meets this requirement.
6. Be lead free and flame retardant.
7. Be constructed to maximize dimensional stability and resist damage during normal use.
8. Be resistant to staining, weather, insects, rot, mildew and fungus growth, and shall be non-allergenic and nontoxic. ~~Shall not exceed more than 20% of the plantable area of a *Yard*.~~

~~B~~E. *Installation.* Synthetic turf shall comply with all of the following installation standards ~~and shall~~:

1. Be installed by a Florida-licensed general contractor or Florida-licensed landscape architect in a manner prescribed by the manufacturer.

2. Be installed over a subgrade prepared to provide positive drainage and an evenly graded mass of porous crushed rock aggregate material that is a minimum of three (3) inches in depth.

3. Be anchored at all edges and seams.

4. Not have visible seams between multiple panels.

5. Have seams that are joined in a tight and secure manner.

6. Have an infill medium consisting of clean silica sand or other mixture, pursuant to the manufacturer's specifications or as approved by the *Public Works Director* or designee, that shall:
   a. Be brushed into the fibers to ensure that the fibers remain in an upright position;
   b. Provide ballast that will help hold the turf in place; and
   c. Provide a cushioning effect.

7. Be installed to allow for the free movement and drainage of water through the synthetic turf system to prevent runoff, pooling, and flooding.

8. Not be installed within permanent drainage features (e.g., ponds, rain gardens, bioswales, catchment systems, swales), except as provided for in this section, etc.

9. Not be installed in green wall, green roof, and similar types of applications for the purpose of achieving points to meet Green Building Program requirements.

~~C. Synthetic turf shall comply with all the following additional standards:~~

~~1. Areas of living plant material shall be installed and/or maintained in conjunction with the installation of synthetic turf when utilized in the *Front Yard Area*. Living plant material shall include a combination of two or more shrubs, vines, trees, or groundcovers in separate planter areas and/or tree wells.~~

~~2. Synthetic turf shall be separated from planter areas and tree wells by a concrete mow strip, bender board or other barrier with a minimum three-eighths-inch thickness to prevent the intrusion of living plant material into the synthetic turf.~~

~~3. Irrigation systems proximate to the synthetic turf shall be capped, directed, or otherwise treated so that no irrigation affects the synthetic turf.~~

~~D~~F. *Maintenance.* Synthetic turf shall comply with all of the following maintenance standards ~~and shall~~:

1. Be maintained in an attractive and clean condition, and shall not contain holes, tears, stains, discoloration, seam separations, uplifted surfaces or edges, heat degradation or excessive wear.

2. Be maintained in a green fadeless condition and free of weeds, debris, and impressions.

~~E. All uses of synthetic turf shall require a building permit. The building permit application shall include, at a minimum, all the following information: I~~

1. A complete landscape plan showing the area of synthetic turf, area of living plant material, and area and method of separation between these areas.

2. Details regarding existing or proposed irrigation proximate to the synthetic turf.

3. Brand and type of synthetic turf, including all manufacturer specifications and warranties.

4. A scaled cross section and details of the proposed materials and installation, including but not limited to subgrade, drainage, base or leveling layer, and infill.

5. A survey of the property, signed and sealed by a licensed surveyor, depicting all existing easements located on the property.

6. A form signed by any holder of an easement or right-of-way on the property consenting to the installation of the synthetic turf within the *Easement* or *Rights-of-Way*, with an accompanying acknowledgement by the property owner that in the event the easement holder performs work in the easement that it is the property owner's responsibility to repair and replace the synthetic turf disturbed as a result of the work in the easement.

F. Synthetic turf proposed within a public right-of-way, shall only be installed upon the authorization of the *Public Works Director* and the *Village Manager*.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that North Bay Village ("Village") is soliciting bids for the "**Construction of the North Bay Island Phase 1 Stormwater Improvement Project** ("Project").

Interested companies, firms, and individuals ("Bidders") may obtain a copy of Invitation to Bid No. ITB-2025-001 (the "ITB") to be issued on Monday, November 4, 2024, from the North Bay Village website (https://northbayvillage-fl.gov/bids-rfps/), or through the Onvia DemandStar portal (www.demandstar.com). The ITB contains detailed information about the scope of Services, submission requirements, and selection procedures.

Scope of Work:
The Project consists of furnishing all materials, labor, equipment, services and incidentals necessary to complete the proposed drainage, and site development for the stormwater improvements at North Bay Island. This Project includes the abandonment, removal and disposal of existing site and utility features, road reconstruction, and installation of drainage improvements including, but not limited to, proposed stormwater pump station, gravity mains, force main, injection wells, inlets, and manholes.

A Mandatory Pre-Bid Meeting will be held on November 12, 2024, at 10:00 AM at 1666 Kennedy Causeway, 3rd Floor Conference, North Bay Village, FL 33141

All bids shall be open publicly via Zoom on Friday, December 13, 2024, at 3:00 p.m.
- Meeting ID: 896 0952 5040 | Password: 746267

All questions or comments should be directed to the following email: procurement@nbvillage.com

Inquiries must reference "ITB-2025-001 **- Construction of the North Bay Island Phase 1 Stormwater Improvement Project"** in the subject line. The deadline to submit written questions is November 18, 2024, at 3:00 p.m.

Bidder shall submit their bid indicating Bidder's name and Project Name, RFP Number, and time and date of the RFP opening. Bids shall be submitted electronically through www.DemandStar.com. Failure to comply shall deem the submittal as nonresponsive. The amount of each bid and each bid item, if appropriate, and such other relevant information shall be recorded, and the record and each bid shall be open to public inspection. Late submittals shall not be accepted or considered.

The Village reserves the right to accept any proposal deemed to be in the best interest of the Village or to waive any informality in any submittal. The Village may reject any or all submittals and re-advertise. A copy of the complete bid may be obtained from the North Bay Village website, https://northbayvillage-fl.gov/bids-rfps/, or by clicking on the Village Clerk link under Village Departments. Select the "Bids" icon.

Pursuant to Section 38.18 of the Village Code, "Ethics Ordinance", a Cone of Silence is hereby imposed whereby any communications between any potential bidder, service provider, lobbyist or consultant and the Village's staff and elected officials pertaining to this RFP are prohibited.

The Village reserves the right to delay or modify scheduled dates and will notify proposers of all changes in scheduled dates.

Alba L. Chang, CMC
Village Clerk

NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON NOVEMBER 14, 2024 AT 6:00 P.M. AT 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FL 33141 AND VIA ZOOM, OR AS SOON AS POSSIBLE THEREAFTER. DURING THIS MEETING THE BOARD WILL CONSIDER THE FOLLOWING AT A PUBLIC HEARING:

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 5.22, "BURDEN OF SHOWING COMPLIANCE," OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO CLARIFY THE VILLAGE'S CONCURRENCY COMPLIANCE REQUIREMENT FOR PARKS AND OPEN SPACE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 9.22, "SYNTHETIC TURF," OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO MODIFY THE STANDARDS FOR DESIGN, PERMITTING AND INSTALLATION OF SYNTHETIC TURF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC CONCERNING PROPERTY LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, IDENTIFIED BY MIAMI-DADE COUNTY FOLIO NUMBERS 23-3209-001-0420 AND 23-3209-001-0400, FOR A VARIANCE REQUEST PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO VARY FROM THE STRICT APPLICATION OF SECTION 8.12, "BONUS HEIGHT," TO ALLOW BUILDING HEIGHT OF 322 FEET WHERE UP TO 312 FEET ARE ALLOWED WITH APPLICATION OF ALL BONUSES; AND SUBSECTION 8.17(L), "ENCROACHMENTS," TO PERMIT PORTIONS OF RESIDENTIAL BALCONIES TO PROJECT UP TO 75 INCHES INTO THE FRONT AND REAR SETBACKS, WHERE A MAXIMUM PROJECTION OF 48 INCHES IS ALLOWED INTO ANY SETBACK; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

THE MEETING AGENDA IS AVAILABLE ONLINE AT:
HTTPS://NORTHBAYVILLAGE-FL.GOV/AGENDAS-MINUTES/
YOU MAY ATTEND THE MEETING IN PERSON AT THE PHYSICAL MEETING LOCATION:
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141 OR

PARTICIPATE IN THE MEETING VIA ZOOM:
MEETING ID: 893 9798 9240
PASSCODE: 377617

WATCH THE VIRTUAL PUBLIC MEETING:
HTTPS://NORTHBAYVILLAGE-FL.GOV/VIDEOS
TV CHANNEL 661
FACEBOOK LIVE

LISTEN VIA TELEPHONE TO THE VIRTUAL PUBLIC MEETING:
1 305 224 1968 or 1-929-205-6099

FOR TECHNICAL SUPPORT DURING THE MEETING, PLEASE CONTACT:
(786) 309-4991

THE PROPOSED ORDINANCE(S) AND/OR RESOLUTION(S) ARE AVAILABLE FOR PUBLIC INSPECTIONS AT THE OFFICE OF THE VILLAGE CLERK. TO OBTAIN A COPY OF ANY AGENDA ITEM, INDIVIDUALS SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171. A COMPLETE AGENDA PACKET WILL ALSO BE ACCESSIBLE ON THE VILLAGE WEBSITE AT WWW.NORTHBAYVILLAGE-FL.GOV FIVE DAYS PRIOR TO THE DATE OF THE MEETING. ANY PERSON WISHING TO ADDRESS THE VILLAGE COMMISSION OR BOARD ON ANY ITEM AT THIS PUBLIC HEARING IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. ALTERNATIVELY, MEMBERS OF THE PUBLIC MAY EXPRESS THEIR VIEWS IN WRITING TO THE COMMISSION OR BOARD C/O VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141, OR VIA EMAIL AT PUBLICCOMMENT@NBVILLAGE.COM.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE BOARD, AGENCY, OR 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.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS PUBLIC MEETING SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK AT (305) 756-7171 NO LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH MEETING.

ALBA L. CHANG, CMC,
VILLAGE CLERK

MIAMI-DADE COUNTY

Public Notice

ADMINISTRATIVE MODIFICATION ADVERTISEMENT

Pursuant to Section 33-310.1(A)(V)(B) of the Code of the Miami-Dade County, the Assistant Director of the Miami-Dade County Department of Regulatory and Economic Resources has approved with condition(s) the following request for Administrative Modification to modify zoning hearing application Z2021000030 plans approved with conditions pursuant to Resolution CZAB14-3-22, passed and adopted by the Miami-Dade County Community Zoning Appeals Board 14 pursuant to Resolution # CZAB14-3-22, passed and adopted on March 24, 2022.

Process No. M2024000022: My Academy Preschool & Learning Center II, LLC
Property Location: 12700 SW 216 Street, in unincorporated Miami-Dade County, Florida

1. My Academy Preschool & learning Center II, LLC requests the modification of Condition No. 2 of Resolution No. CZAB14-3-22, reading as follows:

   FROM "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Academic School and Daycare", as prepared by CIVICA, consisting of 9 sheets, and landscape plans as prepared by Garden & Semler, consisting of 3 sheets, all dated stamped received 12/6/21, for a total of 12 sheets.

   TO "2. That in the approval pf the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Classroom Building at MACS School", as prepared by Llorente Architects, consisting of 5 sheets dated stamped received 7/17/2024, Traffic Control Plan prepared by LANGAN, consisting of 1 sheet dated stamped received 8/28/2024, and landscape plans prepared by Garden & Semler, consisting of 3 sheets dated stamped received 12/6/21, for a total of 9 sheets.

2. My Academy Preschool & learning Center II, LLC requests the modification of Condition No. 8 of Resolution No. CZAB14-3-22, reading as follows:

   FROM: "8. That the day care and private school use be limited to grades Pre-K-2."

   TO: "8. That the day care center and private school use be limited to grades Pre-K-5."

3. My Academy Preschool & learning Center II, LLC requests the modification of Condition No. 14 of Resolution No. CZAB14-3-22, reading as follows:

   FROM "14. That the school shall utilize the outdoor recreation area with at least 3 shifts of no more than 111 students (75 students in day care, pre-k and kindergarten/and 36 students in the 1st and 2nd grades) per shift."

   TO "14. That the school shall utilize the outdoor recreation area with at least 3 shifts of no more than 111 students (75 students in day care, pre-K and kindergarten/and 36 students in the 1st, 2nd, 3rd, 4th, and 5th grades) per shift."

The purpose of the Administrative Modification is to modify the hearing site plans approved in March 24, 20220, and to change the school grade levels description established in the Resolution CZAB14-3-22 from Pre-Kindergarten to 2nd Grade to Pre-Kindergarten to Fifth Grade.

Any property owner in the area may appeal a decision by filing an appeal application on or before **Tuesday, December 3, 2024**. Additional information may be obtained by contacting 305/375-2640.

For legal ads online, go to http://legalads.miamidade.gov

ITEM NO. 5B

North Bay Village
Recommendation Memorandum

DATE: November 14, 2024

TO: Planning and Zoning Board Meeting

FROM: Silvia Vargas, Village Planner

SPONSORED BY:

SUBJECT: **An Ordinance Amending Section 5.22, "Burden of Showing Compliance" of the Unified Land Development Code, Regarding Concurrency Compliance for Parks and Open Space - *Interim Village Manager Frank Rollason (Village Planner Silvia E. Vargas, FAICP)***

RECOMMENDATION

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 5.22, "BURDEN OF SHOWING COMPLIANCE," OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO CLARIFY THE VILLAGE'S CONCURRENCY COMPLIANCE REQUIREMENT FOR PARKS AND OPEN SPACE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Suggested Action: To forward to the Village Commission a recommendation of approval of the proposed amendment, as presented by Staff.

BACKGROUND AND ANALYSIS

Background

On March 8th, 2023, the Village Commission adopted Ordinance No. 2023-002, amending the Village's Comprehensive Plan via the statutorily required Evaluation and Appraisal Review process, and directing the implementation the updated Plan's vision, goals, objectives, and policies.

As part of the Plan's implementation, the Commission, on March 12, 2024, comprehensively updated the Village's Unified Land Development Code (ULDC) via the adoption of Ordinance No. 2024-004, to ensure consistency between the ULDC and the Comprehensive Plan.

Analysis
One of the changes introduced into the ULDC as part of the update was a concurrency compliance standard for parks and recreation facilities, which was added to Sec. 5.22, “Burden of Compliance,” of Division 2, "Consistency and Concurrency Determinations," of Chapter 5, "Permits and Development Approvals" of the ULDC. The Village's adopted level of service (LOS) standard (per Policies 10.1.3 and 12.1.6) is 1.5 acres of parks and recreation facilities for every 1,000 population.

At this time, it is estimated that the Village needs approximately 11.8 acres of parks and recreation facilities to meet the adopted LOS. Existing public facilities including the three Village parks (Vogel, Civic and Schoenberg Memorial Playground), plus the future Community Center, TIES park, and existing portions of the Island Walk are estimated to provide roughtly 6 acres*, equivalent to a level of service of 0.76 acres per 1000 population. Civic, recreation and open space facilities included in approved and anticipated projects are anticipated to raise the LOS to approximately 0.95 acres* per 1000 population (potentially more, with qualifying private recreation amenities that are undetermined at this time). Continuing a strategy of opening currently inaccessible Island Walk segments, or creating new segments along existing development that does not currently provide Island Walk will further improve the LOS.

In the time since the adoption of Ordinance No. 2024-004, Staff has become aware of a need to further clarify and improve the consistency between the language that was added to the ULDC via Ordinance No. 2024-004, and the original policy language found in the Comprehensive Plan.

To this effect, Staff is proposing a text amendment (attached) that more accurately reflects the wording of the policies and describes the kinds of uses and facilities that the Village generally will accept for the purposes of determining compliance. The amendment also clarifies the timing to demonstrate compliance, recognizing that the Village will achieve compliance incrementally. These clarifications will facilitate implementation of the compliance requirement and improve guidance to Staff and developers to determine the need for parks and recreational facilities in future or retrofitted projects.

* Estimates based on approved site plans and rough measurements of Island Walk areas, etc. Subject to change upon more detailed mapping and tracking of qualifying private recreation facilities.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)
N/A

PERSONNEL IMPACT
N/A

ATTACHMENTS
Ordinance Amending Sec. 5.22_Burden of Showing Compliance _Parks (Updated).docx
Notice of Public Hearing-MH.11.3.2024.pdf

ORDINANCE NO. 2024-___

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 5.22, "BURDEN OF SHOWING COMPLIANCE," OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO CLARIFY THE VILLAGE'S CONCURRENCY COMPLIANCE REQUIREMENT FOR PARKS AND OPEN SPACE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, North Bay Village (the "Village") has adopted a Unified Land Development Code (the "ULDC") to promote the health, safety, order, convenience, comfort, and general welfare of the public, and to promote and preserve the character and ecological quality of the Village as articulated in the Village's Comprehensive Plan (the "Plan"); and

WHEREAS, on March 8th, 2023, the Village Commission (the "Commission") adopted Ordinance No. 2023-002, amending the Plan and directing the implementation of the updated Plan's vision, goals, objectives, and policies; and

WHEREAS, as part of the Plan's implementation, the Commission, on March 12, 2024, adopted a comprehensive update of the ULDC via Ordinance No. 2024-004, to be consistent with the Plan; and

WHEREAS, as part of the ULDC update, the Plan concurrency standard for parks and recreation facilities was incorporated into Sec. 5.22, "Burden of Compliance"; and

WHEREAS, the Commission wishes to add clarity and improve congruence between the added language and the language of the corresponding Plan policy; and

WHEREAS, on _____, 2024, the Planning and Zoning Board, sitting in its capacity as the Local Planning Agency, reviewed this Ordinance and recommended approval; and

WHEREAS, the modifications provided herein are consistent with the Plan and the Florida Community Planning Act, Part II, Chapter 163, Florida Statutes (2024); and

WHEREAS, this Ordinance was duly noticed and presented to the Commission in two readings, with second reading conducted as the required public hearing on_____, 202_; and

WHEREAS, the Mayor and Commission find that this Ordinance is in the best interest of the public health, safety, and welfare of the Village's residents and visitors.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above recitals are true and correct and incorporated herein by this reference.

Section 2. Amending and Updating the ULDC. That the ULDC of North Bay Village is hereby revised to read is hereby amended to read as follows:

. . .

§ 5.22 - Burden of showing compliance.

. . .

F. Parks.

No building permits for new development shall be approved unless there is sufficient available capacity to sustain a level of service of 1.5 acres of ~~parkland~~ park and recreation facilities per 1,000 population, as established in the Parks and Recreation element of the North Bay Village *Comprehensive Plan*. For the purposes of this section, park and recreation facilities shall include Open Space, as defined in Chapter 3, as well as both passive and active public and private recreation uses and facilities, the Island Walk and waterfront areas accessible to the public, and marine parks. Examples of private recreation facilities that generally count for the purpose of level of service include, but are not limited to, community swimming pools; outdoor fitness areas; fitness centers; children's play areas; walking paths and running tracks; court-based sports such as tennis, basketball and pickleball; recreational boating facilities; and other recreational amenities that serve the local community. Private recreation facilities that shall not count include exclusive private facilities only accessible to a limited number of residents; private recreational spaces within individual homes or yards; and facilities that are not well-maintained or have restricted accessibility.

. . .

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 5. Codification. That 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 Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED on first reading on the ___ day of _____, 2024.

PASSED AND ADOPTED on second reading on the __ day of _____, 202_.

_____
Rachel Streitfeld, Mayor

ATTEST:

_____
Alba L. Chang, CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Village Attorney

First Reading:
Moved By: _____
Seconded By: _____

Second Reading:
Moved By: _____
Seconded By: _____

Vote on Final Adoption:
Mayor Rachel Streitfeld ___
Commissioner Richard Chervony ___
Commissioner Goran Cuk ___
Commissioner Andrew Rotondaro ___
Commissioner Doris Acosta ___

Exhibit A[1]

Attached

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that North Bay Village ("Village") is soliciting bids for the "**Construction of the North Bay Island Phase 1 Stormwater Improvement Project** ("Project").

Interested companies, firms, and individuals ("Bidders") may obtain a copy of Invitation to Bid No. ITB-2025-001 (the "ITB") to be issued on Monday, November 4, 2024, from the North Bay Village website (https://northbayvillage-fl.gov/bids-rfps/), or through the Onvia DemandStar portal (www.demandstar.com). The ITB contains detailed information about the scope of Services, submission requirements, and selection procedures.

Scope of Work:
The Project consists of furnishing all materials, labor, equipment, services and incidentals necessary to complete the proposed drainage, and site development for the stormwater improvements at North Bay Island. This Project includes the abandonment, removal and disposal of existing site and utility features, road reconstruction, and installation of drainage improvements including, but not limited to, proposed stormwater pump station, gravity mains, force main, injection wells, inlets, and manholes.

A Mandatory Pre-Bid Meeting will be held on November 12, 2024, at 10:00 AM at 1666 Kennedy Causeway, 3rd Floor Conference, North Bay Village, FL 33141

All bids shall be open publicly via Zoom on Friday, December 13, 2024, at 3:00 p.m.
- Meeting ID: 896 0952 5040 | Password: 746267

All questions or comments should be directed to the following email: procurement@nbvillage.com

Inquiries must reference "ITB-2025-001 **- Construction of the North Bay Island Phase 1 Stormwater Improvement Project"** in the subject line. The deadline to submit written questions is November 18, 2024, at 3:00 p.m.

Bidder shall submit their bid indicating Bidder's name and Project Name, RFP Number, and time and date of the RFP opening. Bids shall be submitted electronically through www.DemandStar.com. Failure to comply shall deem the submittal as nonresponsive. The amount of each bid and each bid item, if appropriate, and such other relevant information shall be recorded, and the record and each bid shall be open to public inspection. Late submittals shall not be accepted or considered.

The Village reserves the right to accept any proposal deemed to be in the best interest of the Village or to waive any informality in any submittal. The Village may reject any or all submittals and re-advertise. A copy of the complete bid may be obtained from the North Bay Village website, https://northbayvillage-fl.gov/bids-rfps/, or by clicking on the Village Clerk link under Village Departments. Select the "Bids" icon.

Pursuant to Section 38.18 of the Village Code, "Ethics Ordinance", a Cone of Silence is hereby imposed whereby any communications between any potential bidder, service provider, lobbyist or consultant and the Village's staff and elected officials pertaining to this RFP are prohibited.

The Village reserves the right to delay or modify scheduled dates and will notify proposers of all changes in scheduled dates.

Alba L. Chang, CMC
Village Clerk

NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON NOVEMBER 14, 2024 AT 6:00 P.M. AT 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FL 33141 AND VIA ZOOM, OR AS SOON AS POSSIBLE THEREAFTER. DURING THIS MEETING THE BOARD WILL CONSIDER THE FOLLOWING AT A PUBLIC HEARING:

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 5.22, "BURDEN OF SHOWING COMPLIANCE," OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO CLARIFY THE VILLAGE'S CONCURRENCY COMPLIANCE REQUIREMENT FOR PARKS AND OPEN SPACE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 9.22, "SYNTHETIC TURF," OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC"), TO MODIFY THE STANDARDS FOR DESIGN, PERMITTING AND INSTALLATION OF SYNTHETIC TURF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, [APPROVING / APPROVING WITH CONDITIONS / DENYING] AN APPLICATION BY 7940 NBV PARTNERS, LLC CONCERNING PROPERTY LOCATED AT 7938-7940 WEST DRIVE, NORTH BAY VILLAGE, FLORIDA, IDENTIFIED BY MIAMI-DADE COUNTY FOLIO NUMBERS 23-3209-001-0420 AND 23-3209-001-0400, FOR A VARIANCE REQUEST PURSUANT TO SECTION 7.3 OF THE UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO VARY FROM THE STRICT APPLICATION OF SECTION 8.12, "BONUS HEIGHT," TO ALLOW BUILDING HEIGHT OF 322 FEET WHERE UP TO 312 FEET ARE ALLOWED WITH APPLICATION OF ALL BONUSES; AND SUBSECTION 8.17(L), "ENCROACHMENTS," TO PERMIT PORTIONS OF RESIDENTIAL BALCONIES TO PROJECT UP TO 75 INCHES INTO THE FRONT AND REAR SETBACKS, WHERE A MAXIMUM PROJECTION OF 48 INCHES IS ALLOWED INTO ANY SETBACK; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

THE MEETING AGENDA IS AVAILABLE ONLINE AT:
HTTPS://NORTHBAYVILLAGE-FL.GOV/AGENDAS-MINUTES/
YOU MAY ATTEND THE MEETING IN PERSON AT THE PHYSICAL MEETING LOCATION:
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141 OR

PARTICIPATE IN THE MEETING VIA ZOOM:
MEETING ID: 893 9798 9240
PASSCODE: 377617

WATCH THE VIRTUAL PUBLIC MEETING:
HTTPS://NORTHBAYVILLAGE-FL.GOV/VIDEOS
TV CHANNEL 661
FACEBOOK LIVE

LISTEN VIA TELEPHONE TO THE VIRTUAL PUBLIC MEETING:
1 305 224 1968 or 1-929-205-6099

FOR TECHNICAL SUPPORT DURING THE MEETING, PLEASE CONTACT:
(786) 309-4991

THE PROPOSED ORDINANCE(S) AND/OR RESOLUTION(S) ARE AVAILABLE FOR PUBLIC INSPECTIONS AT THE OFFICE OF THE VILLAGE CLERK. TO OBTAIN A COPY OF ANY AGENDA ITEM, INDIVIDUALS SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171. A COMPLETE AGENDA PACKET WILL ALSO BE ACCESSIBLE ON THE VILLAGE WEBSITE AT WWW.NORTHBAYVILLAGE-FL.GOV FIVE DAYS PRIOR TO THE DATE OF THE MEETING. ANY PERSON WISHING TO ADDRESS THE VILLAGE COMMISSION OR BOARD ON ANY ITEM AT THIS PUBLIC HEARING IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. ALTERNATIVELY, MEMBERS OF THE PUBLIC MAY EXPRESS THEIR VIEWS IN WRITING TO THE COMMISSION OR BOARD C/O VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141, OR VIA EMAIL AT PUBLICCOMMENT@NBVILLAGE.COM.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE BOARD, AGENCY, OR 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.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS PUBLIC MEETING SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK AT (305) 756-7171 NO LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH MEETING.

ALBA L. CHANG, CMC,
VILLAGE CLERK

MIAMI-DADE COUNTY

Public Notice

ADMINISTRATIVE MODIFICATION ADVERTISEMENT

Pursuant to Section 33-310.1(A)(V)(B) of the Code of the Miami-Dade County, the Assistant Director of the Miami-Dade County Department of Regulatory and Economic Resources has approved with condition(s) the following request for Administrative Modification to modify zoning hearing application Z2021000030 plans approved with conditions pursuant to Resolution CZAB14-3-22, passed and adopted by the Miami-Dade County Community Zoning Appeals Board 14 pursuant to Resolution # CZAB14-3-22, passed and adopted on March 24, 2022.

Process No. M2024000022: My Academy Preschool & Learning Center II, LLC
Property Location: 12700 SW 216 Street, in unincorporated Miami-Dade County, Florida

1. My Academy Preschool & learning Center II, LLC requests the modification of Condition No. 2 of Resolution No. CZAB14-3-22, reading as follows:

   FROM "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Academic School and Daycare", as prepared by CIVICA, consisting of 9 sheets, and landscape plans as prepared by Garden & Semler, consisting of 3 sheets, all dated stamped received 12/6/21, for a total of 12 sheets.

   TO "2. That in the approval pf the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Classroom Building at MACS School", as prepared by Llorente Architects, consisting of 5 sheets dated stamped received 7/17/2024, Traffic Control Plan prepared by LANGAN, consisting of 1 sheet dated stamped received 8/28/2024, and landscape plans prepared by Garden & Semler, consisting of 3 sheets dated stamped received 12/6/21, for a total of 9 sheets.

2. My Academy Preschool & learning Center II, LLC requests the modification of Condition No. 8 of Resolution No. CZAB14-3-22, reading as follows:

   FROM: "8. That the day care and private school use be limited to grades Pre-K-2."

   TO: "8. That the day care center and private school use be limited to grades Pre-K-5."

3. My Academy Preschool & learning Center II, LLC requests the modification of Condition No. 14 of Resolution No. CZAB14-3-22, reading as follows:

   FROM "14. That the school shall utilize the outdoor recreation area with at least 3 shifts of no more than 111 students (75 students in day care, pre-k and kindergarten/and 36 students in the 1st and 2nd grades) per shift."

   TO "14. That the school shall utilize the outdoor recreation area with at least 3 shifts of no more than 111 students (75 students in day care, pre-K and kindergarten/and 36 students in the 1st, 2nd, 3rd, 4th, and 5th grades) per shift."

The purpose of the Administrative Modification is to modify the hearing site plans approved in March 24, 20220, and to change the school grade levels description established in the Resolution CZAB14-3-22 from Pre-Kindergarten to 2nd Grade to Pre-Kindergarten to Fifth Grade.

Any property owner in the area may appeal a decision by filing an appeal application on or before **Tuesday, December 3, 2024**. Additional information may be obtained by contacting 305/375-2640.

For legal ads online, go to http://legalads.miamidade.gov