



## CITY OF NORTH MIAMI BEACH

City Council Meeting  
Council Chambers, 2nd Floor  
City Hall, 17011 NE 19 Avenue  
North Miami Beach, FL 33162

**Tuesday, July 21, 2015**

**7:30 PM**

Mayor George Vallejo  
Vice Mayor Anthony F. DeFillipo  
Councilwoman Barbara Kramer  
Councilwoman Marlen Martell  
Councilman Frantz Pierre  
Councilwoman Phyllis S. Smith  
Councilwoman Beth E. Spiegel

City Manager Ana M. Garcia  
City Attorney Jose Smith  
City Clerk Pamela L. Latimore, CMC

### Notice to All Lobbyists

Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council.

## AGENDA

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1. **ROLL CALL OF CITY OFFICIALS**
2. **INVOCATION - TBA**
3. **PLEDGE OF ALLEGIANCE**
4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA**
5. **PRESENTATIONS /DISCUSSIONS**
  - 5.1 **Atkins - Parks and Recreation Master Plan**
  - 5.2 **Recognizing July as Parks and Recreation Month**
6. **PUBLIC COMMENT**

### **To All Citizens Appearing Under Public Comment**

The Council has a rule which does not allow discussion on any matter which is brought up under Public Comment. We are, however, very happy to listen to you. The reason for this is that the Council must have Staff input and prior knowledge as to the facts and figures, so that they can intelligently discuss a matter. The Council may wish to ask questions regarding this matter, but will not be required to do so. At the next or subsequent Council meeting you may have one of the Councilpersons introduce your matter as his or her recommendation. We wish to thank you for taking the time to bring this matter to our attention. Under no circumstances will personal attacks, either from the public or from the dais, be tolerated.

### **Speaking Before the City Council**

There is a three (3) minute time limit for each speaker during public comment and a three (3) minute time limit for each speaker during all public hearings. Your cooperation is appreciated in observing the three (3) minute time limit policy. If you have a matter you would like to discuss which requires more

than three (3) minutes, please feel free to arrange a meeting with the appropriate administrative or elected official. In the Council Chambers, citizen participants are asked to come forward to the podium, give your name and address, and the name and address of the organization you are representing, if any. If you are speaking on a public hearing item, please speak only on the subject for discussion. Thank you very much, in advance, for your cooperation.

### **Pledge of Civility**

A resolution was adopted by the Mayor and City Council of the City of North Miami Beach recognizing the importance of civility, decency, and respectful behavior in promoting citizen participation in a democratic government. The City of North Miami Beach calls upon all residents, employees, and elected officials to exercise civility toward each other. (Resolution Nos. R2007-57, 11/06/07 and R2011-22, 4/26/11)

## **7. APPOINTMENTS**

### **7.1 Appointing Frances Ricca to Beautification Committee (Councilwoman Kramer)**

## **8. CONSENT AGENDA**

### **8.1 Resolution No. 2015-51 (Jose Smith, City Attorney)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUN-SETTING THE CHARTER REVIEW COMMITTEE CREATED BY RESOLUTION R2008-10; CREATING A NEW AD HOC CHARTER REVIEW COMMITTEE; PRESCRIBING ITS DUTIES, AND PROVIDING FOR APPOINTMENTS AND THE TERMS OF OFFICE FOR THE MEMBERS OF THE NEW AD HOC CHARTER REVIEW COMMITTEE.**

### **8.2 Resolution No. R2015-63 (Brian O'Connor, Chief Procurement Officer)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH UNITED HEALTHCARE PURSUANT TO REQUEST FOR PROPOSALS NO. 2015-06, SINGLE SOURCE FULLY INSURED GROUP HEALTH, WELFARE AND AN EMPLOYEE ASSISTANCE PROGRAM PLAN.**

### **8.3 Resolution No. R2015-64 (Brian O'Connor, Chief Procurement Officer)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH ASHBRIIT, INC., AS THE PRIMARY VENDOR, AND BERGERON EMERGENCY SERVICES, INC., AS THE SECONDARY VENDOR, TO PROVIDE DISASTER DEBRIS REMOVAL AND DISPOSAL SERVICES PURSUANT TO REQUEST FOR PROPOSALS NO. 2015-08.**

## **9. CITY MANAGER'S REPORT**

### **9.1 Communications Update (J. Scott Dennis, Chief of Police)**

## **10. CITY ATTORNEY'S REPORT**

### **10.1 Litigation List**

Litigation List

## **11. MAYOR'S DISCUSSION**

- 12. MISCELLANEOUS ITEMS - *None*
- 13. BUSINESS TAX RECEIPTS - *None*
- 14. DISCUSSION ITEMS - *None*
- 15. LEGISLATION

15.1 Resolution No. R2015-59 (Esmond Scott, Director of Public Works, Brian K. O'Connor, Chief Procurement Officer)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH WASTE MANAGEMENT INC. OF FLORIDA, THE FIRST-RANKED FIRM, AND IF SAID NEGOTIATIONS ARE UNSUCCESSFUL, WITH WASTE PRO OF FLORIDA, INC., THE SECOND-RANKED FIRM, FOR SOLID WASTE COLLECTION AND RECYCLING SERVICES FOR THE CITY OF NORTH MIAMI BEACH.

15.2 Resolution No. R2015-65 (Richard Lorber, Asst City Manager)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-52(C) OF THE NORTH MIAMI BEACH CODE OF ORDINANCES FOR THE OPERATION OF A PROPOSED NON-RESIDENTIAL DRUG AND ALCOHOL REHABILITATION SERVICE IN AN EXISTING OFFICE BUILDING, ON PROPERTY LEGALLY DESCRIBED AS:

Lots 9 through 20, both included, in block 12 of Oleta Terrace, according to the plat thereof, as recorded in plat book 8, at page 117, of the public records of Miami-Dade County, Florida, A/K/A 152 NW 168 Street, North Miami Beach, Florida.

15.3 Resolution No. R2015-66 (Barbara Trinko, Finance Director)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DETERMINING THE PROPOSED MILLAGE RATE FOR FISCAL YEAR 2015-16, THE CALCULATED "ROLLED-BACK" RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE CITY CLERK AND CITY MANAGER TO FILE THIS RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF SECTION 200.065, FLORIDA STATUTES, AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA.

15.4 Ordinance No. 2015-13 (First Reading by Title Only) (Richard Lorber, Asst. City Manager)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN, THE FUTURE LAND USE MAP AND TEXT CHANGES TO THE FUTURE LAND USE ELEMENT; AMENDING POLICY 1.8.2 OPEN WATER AND TRANSPORTATION CORRIDORS; AMENDING THE FUTURE

LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY AND APPLY THE AMENDED OPEN WATER AND TRANSPORTATION CORRIDORS DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR CERTIFIED COPIES OF THIS ORDINANCE AND COMPREHENSIVE PLAN TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER UNITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; SEVERABILITY; AND FOR AN EFFECTIVE DATE.

**15.5 Ordinance No. 2015-14 (First Reading by Title Only) (Richard Lorber, Asst. City Manager)**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE ZONING AND LAND DEVELOPMENT CODE OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER XXIV "NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE" ARTICLE V "ZONING USE DISTRICTS" TO ADD SECTION 24-59 "CONSERVATION ZONING DISTRICT" CREATING A CONSERVATION ZONING DISTRICT; AMENDING THE OFFICIAL ZONING MAP, REFERENCED IN SECTION 24-31 OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, TO ZONE CERTAIN PROPERTY AND APPLY THE CONSERVATION ZONING DISTRICT DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

**15.6 Ordinance No. 2015-12, Second and Final Reading (Esmond Scott, Director of Public Works and Brian O'Connor, Chief Procurement Officer)**

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING CHAPTER XVIII, CODE OF ORDINANCES ENTITLED "SOLID WASTE MANAGEMENT" BY AMENDING SECTION 18-1 "DEFINITIONS" TO CLARIFY THE DEFINITION OF GARBAGE; CREATING SECTION 18-18 "CITY AS THE EXCLUSIVE PROVIDER OF SOLID WASTE COLLECTION; PENALTIES"; AND AMENDING SECTION 18-19 "PRIVATE CONSTRUCTION AND DEMOLITION DEBRIS CONTAINER SERVICE HAULING, COMMERCIAL WASTE CONTRACTORS TRASH AND/OR GARBAGE COLLECTION, AUTHORIZED; LIMITATIONS, BUSINESS TAX RECEIPT REQUIRED; SUPERVISORY CONTROL; SUSPENSION, REVOCATION, FEE" TO REMOVE REFERENCES TO COMMERCIAL TRASH AND GARBAGE COLLECTION AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

**16. CITY COUNCIL REPORTS**

**17. NEXT REGULAR CITY COUNCIL MEETING - Tuesday, August 4, 2015**

**18. ADJOURNMENT**





City of North Miami Beach  
17011 NE 19 Avenue  
North Miami Beach, FL 33162  
305-947-7581  
www.citynmb.com

**MEMORANDUM**

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**TO:** Mayor and City Council  
**FROM:** Ana M. Garcia, City Manager  
**VIA:** Paulette Murphy, Director of Parks & R.E.C.  
**DATE:** Tuesday, July 21, 2015

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**RE:** Recognizing July as Parks and Recreation Month

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**BACKGROUND ANALYSIS:**

This July we're celebrating 30 years of Park and Recreation Month and the enduring importance of parks and recreation for the world. From the start, parks were created to serve the people—to give them a place to appreciate nature, exercise, socialize and have fun. This mission lives on and will continue to intensify into the future. This July, let's celebrate the past, present and future of parks and recreation!

**RECOMMENDATION:**

**FISCAL/BUDGETARY IMPACT:** None

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**ATTACHMENTS:**

None



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**MEMORANDUM**

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**TO:** Mayor and City Council  
**FROM:** Councilwoman Kramer  
**VIA:**  
**DATE:** Tuesday, July 21, 2015

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**RE:** Appointing Frances Ricca to Beautification Committee  
(Councilwoman Kramer)

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**BACKGROUND  
ANALYSIS:**

**RECOMMENDATION:**

**FISCAL/BUDGETARY  
IMPACT:**

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**ATTACHMENTS:**

[Application for Frances Ricca](#)



# City of North Miami Beach, Florida

## APPLICATION FOR MUNICIPAL APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION

RECEIVED  
MAY 10 10 30 AM '08  
CITY OF NORTH MIAMI BEACH

CHAPTER 2, SECTION 2-32.1 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH PROVIDES "RESIDENCY REQUIREMENT: MEMBERS OF ALL BOARDS, COMMITTEES AND COMMISSIONS SHALL BE RESIDENTS OF THE CITY OF NORTH MIAMI BEACH, EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED. SHOULD ANY BOARD, COMMITTEE OR COMMISSION MEMBER MOVE OUTSIDE THE CITY LIMITS DURING THE TERM OF HIS/HER APPOINTMENT, HE/SHE SHALL AUTOMATICALLY BE REMOVED FROM THE POSITION HE/SHE HOLDS." MEMBERS ARE ALSO SUBJECT TO CHAPTER 2, SECTION 2-32.4.

I HEREBY FILE AN APPLICATION FOR APPOINTMENT TO THE FOLLOWING BOARD, COMMISSION OR COMMITTEE:

*Beautification Committee*

(PLEASE PRINT CLEARLY)

- NAME: Frances Ricca
- HOME ADDRESS: 1615 N.E. 174 ST  
CITY: NMB STATE: FL ZIP: 33162
- BUSINESS NAME: REALTOR - BEACHFRONT REALTY  
BUSINESS ADDRESS: 18205 BISCAYNE BLVD STE 2205  
CITY: AVENTURA STATE: FL ZIP: 33180
- HOME PHONE: ? BUSINESS PHONE: \_\_\_\_\_  
CELL PHONE: 305-206-0420 FAX: \_\_\_\_\_  
EMAIL ADDRESS: franriccarents@gmail.com
- DO YOU RESIDE IN NORTH MIAMI BEACH DURING ALL TWELVE MONTHS OF THE YEAR?  
YES:  NO:
- HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES:  NO:
- HIGHEST LEVEL OF EDUCATION: (Youth Advisory Board Applicants: Please indicate current grade level as well as the name and telephone number of the school you are currently attending.)  
high school and 1 yr. business school

8. ARE YOU RELATED TO A CITY EMPLOYEE? YES \_\_\_\_\_ NO  (If yes, please state the name of the employee and the department in which he/she works: \_\_\_\_\_)

9. EMPLOYMENT HISTORY (Please include employer, position, years served):

PRESENT STATUS: realtor &  
20 01 to 20 15 Beachfront Realty  
19 \_\_\_\_\_ to 19 \_\_\_\_\_  
19 \_\_\_\_\_ to 19 \_\_\_\_\_

10. HAVE YOU EVER SERVED ON AN ADVISORY COMMITTEE IN THE PAST? (If yes, please describe: no)

11. IF NOT SELECTED FOR THE BOARD/COMMITTEE/COMMISSION INDICATED ABOVE, PLEASE LIST ANY ADDITIONAL BOARDS/COMMITTEE/COMMISSIONS FOR WHICH YOU WOULD LIKE YOUR APPLICATION SUBMITTED (Please rank in order of preference):

(1) not sure what's available (2) \_\_\_\_\_  
(3) \_\_\_\_\_ (4) \_\_\_\_\_

12. DESCRIBE YOUR PROFESSIONAL AND/OR VOLUNTEER EXPERIENCE OR BACKGROUND THAT WOULD BEST QUALIFY YOU FOR AN APPOINTMENT TO THE BOARD/COMMITTEE/COMMISSION YOU HAVE SELECTED: Girl Scout leader

I run a management company. Catechist in church 20 yrs volunteer. 5 yrs a teacher's aide

13. IF YOU ARE APPLYING FOR A BOARD/COMMITTEE/COMMISSION THAT HAS SPECIFIC REQUIREMENTS, PLEASE DETAIL HOW YOUR BACKGROUND AND/OR EXPERIENCE MEETS THE REQUIRED CRITERIA: OWN 7 HOMES + KNOW ABOUT BEAUTIFY

Studied architecture on my own, remodeling for years with architects & landscapers

**CERTIFICATION**

I CERTIFY UNDER OATH, AND PENALTY OF PERJURY, THAT ALL INFORMATION SHOWN ABOVE IS TRUE AND CORRECT. I DO UNDERSTAND THAT ANY APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION OBTAINED ON A MISREPRESENTATION OF A MATERIAL FACT SHALL BE NULL AND VOID.

APPLICATION DATE: 5/10/15 APPLICANT'S SIGNATURE: Frances Rues

LIAISON: \_\_\_\_\_ APPOINTMENT DATE: \_\_\_\_\_



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**MEMORANDUM**

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**TO:** Mayor and City Council  
**FROM:** Ana Garcia, City Manager  
**VIA:** Jose Smith, City Attorney  
**DATE:** Tuesday, July 21, 2015

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**RE:** Resolution No. 2015-51 (Jose Smith, City Attorney)

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**BACKGROUND ANALYSIS:** On February 26, 2015, the City Council requested that a new Charter Review Committee be established for the purpose of reviewing the existing Charter and the Proposed Charter presented to the City Council on November 18, 2014 and February 26, 2015.

As part of the request to establish a new Committee, the City Council stated that the scope of the Committee would include review and recommendations regarding Article II, Section 2.1 “Mayor and Vice-Mayor”, Article II, Section 2.3 “Election and Term of Office”, Article V, Section 5.1 “Elections”, and such other provisions, as may be determined by the City Council or the Committee.

The attached Resolution provides for the appointment of Committee members, a one-year term for the Committee, and the Committee’s scope of authority to review and make recommendations.

**RECOMMENDATION:**

**FISCAL/BUDGETARY  
IMPACT:**

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**ATTACHMENTS:**

 [Resolution No. R2015-51](#)

**RESOLUTION NO. R2015-51**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SUN-SETTING THE CHARTER REVIEW COMMITTEE CREATED BY RESOLUTION R2008-10; CREATING A NEW AD HOC CHARTER REVIEW COMMITTEE; PRESCRIBING ITS DUTIES, AND PROVIDING FOR APPOINTMENTS AND THE TERMS OF OFFICE FOR THE MEMBERS OF THE NEW AD HOC CHARTER REVIEW COMMITTEE.**

**WHEREAS**, Article XX, Section 121 of the City of North Miami Beach Charter provides that the City Council shall appoint a Charter Review Committee composed of residents, to review the Charter and make recommendations to the City Council, no less than every ten years; and

**WHEREAS**, Chapter 2, Article VII, Section 2-44 of the North Miami Beach Code of Ordinances establishes a Charter Review Committee; and

**WHEREAS**, the City Council has conducted Charter Review Workshops on April 29, 2014, November 18, 2014, and February 26, 2015; and

**WHEREAS**, at the April 29, 2014 Charter Review Workshop, the Mayor and all members of the City Council reached a consensus to recommend the repeal and replacement of the existing City Charter with a new modern charter, while retaining the Citizens Bill of Rights; and

**WHEREAS**, at the November 18, 2014 and February 26, 2015 Charter Review Workshops, the Mayor and members of the City Council reached a consensus to retain the council-manager form of government, the charter officer positions, and at large seven council member seats in a new proposed charter (See Exhibit "A" for a synopsis of issues discussed at the November 18, 2014 and February 26, 2015 Charter Review Workshops); and

**WHEREAS**, the City Council desires to establish a new Ad-Hoc Charter Review Committee to review and make recommendations regarding, Article II, Section 2.1 "Mayor and

**RESOLUTION R2015-51**

Vice-Mayor”, Article II, Section 2.3 “Election and Term of Office”, Article V, Section 5.1 “Elections”, and such other provisions, as may be determined by the City Council or the Committee, from the proposed draft charter considered by the City Council on November 18, 2014; and

**WHEREAS**, a new Ad-Hoc Charter Review Committee (“Committee”) is hereby established as of **July 21, 2015** to be composed of seven (7) members who shall be direct appointees of the individual City Council members; and

**WHEREAS**, the terms of the Committee members shall commence on **July 21, 2015** and expire on June 30, 2016 (subject to earlier or later sunset in the discretion of the City Council); and

**WHEREAS**, the Committee’s authority shall extend to those provisions discussed or considered by the City Council and any other provisions as may be determined by the City Council or the Committee, and shall include submittal of a report to the City Council by June 30, 2016, including recommendations concerning the provisions in the proposed draft charter, as identified hereinabove.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** In accordance with provisions of the City of North Miami Beach Charter and the City of North Miami Beach Code of Ordinances, an Ad-Hoc Charter Review Committee is hereby established as of **July 21, 2015** and expiring on June 30, 2016. The Committee shall be composed of seven (7) members who shall be direct appointees of each individual City Council member.

**Section 3.** The Committee is established to make recommendations and submit a final report concerning those provisions in the proposed draft charter considered by the City Council at its

November 18, 2014 workshop and such other provisions, as may be determined by the City Council or the Committee.

**APPROVED AND ADOPTED** by the City Council of the City of North Miami Beach, Florida, in regular meeting assembled this **21<sup>th</sup> day of July, 2015.**

ATTEST:

\_\_\_\_\_  
PAMELA L. LATIMORE  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
GEORGE VALLEJO  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
JOSE SMITH  
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

**RESOLUTION R2015-51**





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## MEMORANDUM

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**TO:** Mayor and City Council  
**FROM:** Ana M. Garcia, City Manager  
**VIA:** Rose Amberson, Director of Human Resources  
Brian K. O'Connor, Chief Procurement Officer  
**DATE:** Tuesday, July 21, 2015

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**RE:** Resolution No. R2015-63 (Brian O'Connor, Chief Procurement Officer)

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**BACKGROUND  
ANALYSIS:**

After five years with the same major medical health insurance carrier and following the City's Strategic Plan for a financially sound organization, the City of North Miami Beach ("City") issued the subject Request for Proposals (RFP) No. 2015-06 for the purpose of selecting a health insurance carrier to provide high-quality medical care with competitive rates. The City's health insurance options benefit 795 lives, including 444 subscribers including City employees and retirees.

Notices were electronically sent to more than 800 potential local and national vendors, as well as advertised in the Miami Daily Business Review (4/21/15), and posted on DemandStar by Onvia, the City's website and in the lobby of City Hall. Additionally, all registered City of North Miami Beach vendors under the commodity(s) matching this solicitation's scope were notified via email. The solicitation (available for download) and a brief description were posted on the City's website.

A non-mandatory pre-proposal conference was held on May 6, 2015. On May 13, 2015, the City took receipt of responses from three (3) carriers. One submittal was deemed non-responsive due to missing required documentation and forms. The remaining two submittals, from Aetna and UnitedHealthcare, were evaluated by the Review Committee and approved for final consideration. The Committee directed the City's health

insurance broker of record, Wells Fargo Insurance Services, to meet individually with the proposing carriers and their underwriting teams, to further refine their plan designs and corresponding pricing. As a result, concessions made by the proposers and competitive HMO plan designs, and the carriers prepared final presentations which were reviewed by the Committee. Procurement conducted reference checks of the two firms, revealing no major issues of concern from governmental agencies.

Taking into account the proposals, presentations and reference checks, the Review Committee's final ranking revealed UnitedHealthcare as the number one ranked firm and Aetna as second ranked.

**RECOMMENDATION:**

It is the Review Committee's recommendation that the City Manager or designee negotiate an agreement with UnitedHealthcare pursuant to RFP No. 2015-06. If said negotiations are unsuccessful, negotiations shall begin with the second-ranked proposer, Aetna. Initial agreement will be for one fiscal year beginning October 1, 2015. Additional renewals will be at the discretion and direction of the Human Resources Director, City Manager and the City's Health Insurance Broker.

**FISCAL/BUDGETARY  
IMPACT:**

The City of North Miami Beach annually remits approximately 3.8 million dollars to its major medical carrier for costs associated with health insurance for employees and retirees. There are various levels of cost sharing with employees and retirees which result in a lesser total cost to the City, however, the City must be cognizant of the total value of the contracts when negotiating. The City's actual claims/utilization, combined with several consecutive years of minimal rate increases, has led to prospective increases of more than thirty percent (30%) to some of our products without negotiation or plan changes. With rigorous negotiation and the calibration of plan design changes which factor in the local market, a target of fifteen percent (15%) should be expected.

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**ATTACHMENTS:**

- ▣ [Intent To Award](#)
- ▣ [Resolution No. R2015-63](#)



**MEMORANDUM**

To: Procurement Management Division  
From: The Evaluation Committee  
Re: Recommendation to City Manager

SOLICITATION: 2015-06 SINGLE SOURCE FULLY INSURED GROUP HEALTH, WELFARE & EAP PLAN

MEETING DATE: 6/30/15 @ 11:30 AM

The below signed Evaluation Committee, having reviewed the above referenced responses, make our recommendation as follows:

The committee recommends ~~the number one ranked firm~~ negotiation with the number one ranked firm, United Healthcare. If negotiations are unsuccessful, negotiations will ensue with the second ranked firm, Aetna.

By signing below, I am agreeing with the Committee's decision.

Reviewer 1 Staff Stuart Nichols

Reviewer 2 Candido Candido Sosa-Cruz

Reviewer 3 [Signature]

Reviewer 4 G-AL Rose Amberson

Reviewer 5 Marcia Funeely

Reviewer 6 Dejanira Manzanera

Reviewer 7 [Signature]

**RESOLUTION NO. R2015-63**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,  
AUTHORIZING THE CITY MANAGER TO NEGOTIATE  
AN AGREEMENT WITH UNITED HEALTHCARE  
PURSUANT TO REQUEST FOR PROPOSALS NO. 2015-06,  
SINGLE SOURCE FULLY INSURED GROUP HEALTH,  
WELFARE AND AN EMPLOYEE ASSISTANCE  
PROGRAM PLAN.**

**WHEREAS**, the City of North Miami Beach ("City") chose to go to market for health insurance services in order to maintain the competitive rates and plan designs that employees, retirees and their eligible dependents value; and

**WHEREAS**, the City issued Request for Proposals (RFP) No. 2015-06 for the purpose of selecting a qualified health insurance carrier to provide high quality and comprehensive medical care to include major medical, mental health, an Employee Assistance Program (EAP), prescription benefits coverage, vision coverage and state of the art wellness/preventive care services; and

**WHEREAS**, bid notices were electronically mailed to more than 800 potential local and national vendors, as well as advertised in the Miami Daily Business Review, and posted on DemandStar by Onvia, the City's website, and in the lobby of City Hall. Additionally, all registered City of North Miami Beach vendors under the commodity(s) matching this project's scope were notified via email; and

**WHEREAS**, the City took receipt of three submittals by the published deadline, and upon administrative review, two of the submittals were found to be responsive: Aetna and United Healthcare; and

**WHEREAS**, a Review Committee comprised of seven City employees convened to evaluate the responsive submittals to RFP No. 2015-06 and chose to proceed with presentations and question and answer (Q&A) sessions with the two carriers; and

**WHEREAS**, the Review Committee also directed the City's health insurance broker of record, Wells Fargo Insurance Services, to conduct meetings with the two carriers in order to refine the plan design rates with underwriters; and

**WHEREAS**, the Review Committee based their final ranking on the proposals, presentations and Q&A sessions with the carriers, and ranked United Healthcare number one; and

**WHEREAS**, the City Council of North Miami Beach authorizes the City Manager or designee to negotiate an agreement between the City and United Healthcare for the City's single source fully insured group health, welfare and EAP plan; and

**WHEREAS**, if said negotiations are unsuccessful, the City Manager or designee is authorized to negotiate with the second ranked health insurance carrier, Aetna; and

**WHEREAS**, upon successful negotiations, the City Manager or designee will submit the agreement to the City Attorney's office for approval and placement on the next available City Council agenda for final approval; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The City Manager or designee is hereby authorized to negotiate an agreement for the City's single source fully insured group health, welfare and EAP plan with UnitedHealthcare, as the first ranked carrier.

**Section 2.** Should negotiations with the first-ranked carrier be unsuccessful, the City Manager or designee is hereby authorized to engage in negotiations with the second-ranked carrier.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the Regular meeting assembled this **21st day of July, 2015**.

ATTEST:

\_\_\_\_\_  
PAMELA L. LATIMORE  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
GEORGE VALLEJO  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
JOSE SMITH  
CITY ATTORNEY

Sponsored by: Mayor and Council



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## MEMORANDUM

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**TO:** Mayor and City Council  
**FROM:** Ana M. Garcia, City Manager  
**VIA:** Esmond Scott, Director of Public Works  
Brian K. O'Connor, Chief Procurement Officer  
**DATE:** Tuesday, July 21, 2015

---

**RE:** Resolution No. R2015-64 (Brian O'Connor, Chief Procurement Officer)

---

### **BACKGROUND ANALYSIS:**

The City of North Miami Beach ("City") issued the subject Request for Proposals (RFP) No. 2015-08 inviting qualified emergency debris management firms to submit proposals for disaster debris removal and disposal services. The contracted firms will be responsible for the clearing of roadways, access routes, public property including but not limited to the "emergency push", debris removal, processing of hangers/leaners/stumps, demolition of structures, disposal, and other Right of Entry services as necessary in the event of natural disasters in accordance with the most current Federal, State, and local government standards/guidelines.

Notices were electronically sent to more than 1,400 potential local and national vendors, as well as advertised in the Miami Daily Business Review, and posted on DemandStar by Onvia, the City's website and in the lobby of City Hall. Additionally, all registered City of North Miami Beach vendors under the commodity(s) matching this solicitation's scope were notified via email.

An advertisement was placed in the Miami Daily Business Review on May 12, 2015. Signs and solicitation notices were posted in the City Hall Lobby under Public Notices. The solicitation (available for download) and a brief description were posted on the City's website.

On June 16, 2015, the City took receipt of eight (8) responsive proposals. A Review Committee convened to evaluate and rank the firms based on the criteria set forth in the RFP document. An initial ranking of the firms revealed the following order: 1) Ashbritt, Inc., 2) Crowder Gulf Joint Venture, Inc., 3) DRC Emergency Services, LLC, 4) Bergeron Emergency Services, LLC, 5) Arbor Tree and Land Disaster Recovery Services, 6) Ceres Environmental Services, Inc., 7) Grubbs Emergency Services, LLC, 8) Tag Grinding Services, Inc. The committee voted to shortlist to the four top-ranked firms and invited them in to present their proposals and allow for question and answer sessions. Procurement conducted reference and background checks.

Taking into account the proposals, presentations, interviews and reference checks, the Review Committee's final ranking revealed AshBritt Inc. as the number-one ranked firm and Bergeron Emergency Services, Inc, as the number-two ranked firm. The Committee decided it was in the best interest of the City to award AshBritt, Inc. firm as the primary contractor and Bergeron Emergency Services, Inc. firm as the secondary contractor. The initial contract terms shall be for a period of five (5) years from execution of the agreement with two (2) additional one (1) year renewal periods.

**RECOMMENDATION:**

It is the Review Committee's recommendation that the City Manager or designee enter into an agreement with AshBritt Inc. as the number-one ranked firm and Bergeron Emergency Services, Inc, as the number-two ranked firm.

**FISCAL/BUDGETARY  
IMPACT:**

These services are on an as-needed basis and will only be utilized in the event of an Emergency.

---

**ATTACHMENTS:**

- ▢ [Intent to Award](#)
- ▢ [Resolution No. R2015-64](#)
- ▢ [Exhibit "A"](#)





MEMORANDUM

To: Procurement Management Division  
From: The Evaluation Committee  
Re: Recommendation to City Manager

SOLICITATION: 2015-08 DISASTER DEBRIS REMOVAL AND DISPOSAL SERVICES

MEETING DATE: July 10, 2015

The below signed Evaluation Committee, having reviewed the above referenced responses, make our recommendation as follows:

*The recommendation of the review committee is to award first rank to Ashbitt Inc. as primary and Begeron Emergency as secondary.*

By signing below, I am agreeing with the Committee's decision.

Reviewer 1 *[Signature]* *7/10/15*

Reviewer 2 *[Signature]*

Reviewer 3 *[Signature]*

**RESOLUTION NO. R2015-64**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH ASHBRIIT, INC., AS THE PRIMARY VENDOR, AND BERGERON EMERGENCY SERVICES, INC., AS THE SECONDARY VENDOR, TO PROVIDE DISASTER DEBRIS REMOVAL AND DISPOSAL SERVICES PURSUANT TO REQUEST FOR PROPOSALS NO. 2015-08.**

**WHEREAS**, the City issued Request for Proposals (RFP) No. 2015-08 for the purpose of selecting qualified debris management firms to provide disaster debris removal and disposal services in the City, as needed, in accordance with the most current Federal, state and local government standards/guidelines; and

**WHEREAS**, bid notices were electronically mailed to more than 1,400 potential local and national vendors, as well as advertised in the Miami Daily Business Review, and posted on DemandStar by Onvia, the City's website, and in the lobby of City Hall. Additionally, all registered City of North Miami Beach vendors under the commodity(s) matching this solicitation's scope were notified via email; and

**WHEREAS**, the City took receipt of eight responsive proposals by the published deadline: Ashbriit, Inc.; Arbor Tree and Land Disaster Recovery; Bergeron Emergency Services, Inc.; Ceres Environmental Services, Inc.; Crowder Gulf Joint Venture, Inc; DRC Emergency Services, LLC; Grubbs Emergency Services, LLC; and Tag Grinding Services, Inc.; and

**WHEREAS**, a Review Committee convened to evaluate the proposals based on the criteria stated in the RFP document, and after an initial ranking of the eight firms, chose to proceed with presentations and question and answer (Q&A) sessions with the four highest ranked firms; and

**RESOLUTION R2015-64**

**WHEREAS**, the Review Committee based their final ranking of the proposals, presentations and Q&A sessions with the firms, revealing a final ranking of the four shortlisted firms as follows: Ashbritt, Inc., Crowder Gulf Joint Venture, Inc., DRC Emergency Services, LLC, and Bergeron Emergency Services, Inc.; and

**WHEREAS**, the Review Committee decided it was in the best interest of the City to award a Primary and Secondary agreement for these services; and

**WHEREAS**, the City Council of North Miami Beach authorizes the City Manager or designee to award a primary agreement to Ashbritt, Inc., and a secondary agreement to Bergeron Emergency Services, Inc., for disaster debris removal and disposal services, both for an initial term of five years with the ability to renew two times for one-year terms.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The Mayor and Council of the City of North Miami Beach hereby approve and authorize the City Manager to do all things necessary to award and execute a primary agreement for disaster debris removal and disposal services, in a form acceptable to the City Attorney, to Ashbritt, Inc., as the first-ranked firm, and a secondary agreement for said services to Bergeron Emergency Services, Inc., as the second-ranked firm, in substantially the attached form (Exhibit "A").

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the  
Regular meeting assembled this \_\_\_\_\_ day of **July, 2015**.

ATTEST:

\_\_\_\_\_  
PAMELA L. LATIMORE  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
GEORGE VALLEJO  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
JOSE SMITH  
CITY ATTORNEY

Sponsored by: Mayor and Council

**AGREEMENT No. 2015-08**  
**BETWEEN THE CITY OF NORTH MIAMI BEACH**  
**AND**  
**AshBritt Inc.**

**THIS AGREEMENT** is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by and between Ashbritt Inc., a corporation duly organized and existing under the laws of the State of Florida, with offices at 565 East Hillsboro Boulevard, Deerfield Beach, Florida 33441 (hereinafter referred to as the "Contractor"), and the City of North Miami Beach, a political subdivision of the State of Florida, having its principal office at 17011 NE 19<sup>th</sup> Avenue, North Miami Beach, Florida 33162 (hereinafter referred to as the "City").

**WITNESSETH:**

**WHEREAS**, the Contractor has offered to provide the materials and/or services and to be bound by **Request for Proposals (RFP) No. 2015-08 Disaster Debris Removal and Disposal Services** which includes the General Terms and Conditions of the Request for Proposals, Specifications, Pricing Forms, and associated addenda attached hereto and incorporated herein as Exhibit "A" and the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B"; and

**WHEREAS**, the Contractor has submitted a written proposal dated June 5<sup>th</sup> 2015, hereinafter referred to as the "Contractor's Proposal", the terms of which are incorporated herein by reference as if fully set forth herein; and

**WHEREAS**, the City desires to procure from the Contractor such services for the City, in accordance with the terms and conditions of this Agreement.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. The Contractor agrees to provide the materials and/or services pursuant to and to be bound by the specifications, the terms and conditions of the Request for Proposals, which includes General Terms and Conditions of Request for Proposals, Specifications, Pricing Forms, and associated addenda and the terms of which are incorporated herein by reference as if fully set forth herein and attached hereto as Exhibit "A", and the Contractor's Proposal attached hereto and incorporated herein as Exhibit "B";
2. The City agrees to abide by and to be bound by the terms of the Request for Proposals, which includes General Terms and Conditions of the Request for Proposals, Specifications, Pricing, and associated addenda attached hereto and incorporated herein as Exhibit "A", and by the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B";
3. Contractor shall deliver materials and/or provide services in accordance with the terms of the Request for Proposals, Pricing and addenda attached hereto and incorporated herein as Exhibit "A" and with the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B";
4. The City agrees to make payment in accordance with the terms of the Request for Proposals, Pricing and addenda attached hereto and incorporated herein as Exhibit "A" and with the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B";
5. This Agreement and attachments hereto constitute the entire agreement between the parties hereto, and its

provisions shall not be amended, except in writing, after formal approval by both parties.

6. This Agreement will commence on August 1, 2015. The initial contract shall be for a period of five (5) years. The City reserves the right to renew the contract for two (2) additional (1) year periods, providing that both parties agree that all terms, conditions and specifications remain the same, contingent upon approval by the City Manager and the City Council of the City of North Miami Beach.

7. In addition to any other contractual indemnification provisions in Exhibit "A" or Exhibit "B" in favor of the City, Contractor hereby agrees to indemnify and hold the City harmless from any and all claims, suits, actions, damages, causes of action, and attorney's fees, arising from any personal injury, loss of life, or damage to person or property sustained by reason of or as a result of the products or materials used or supplied in the performance of this Agreement.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CONTRACTOR

By: \_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_  
(Print)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Corporate Seal/Notary Public

Corporate Seal/Notary Seal


CITY OF NORTH MIAMI BEACH

By: \_\_\_\_\_  
Ana M. Garcia, City Manager

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Pamela L. Latimore, City Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
\_\_\_\_\_  
Jose Smith, City Attorney

**AGREEMENT No. 2015-08**  
**BETWEEN THE CITY OF NORTH MIAMI BEACH**  
**AND**  
**Bergeron Emergency Services, Inc.**

**THIS AGREEMENT** is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by and between Bergeron Emergency Services, Inc. organized and existing under the laws of the State of Florida, with offices at 19612 S.W. 69<sup>th</sup> Place Ft. Lauderdale, FL 33332 (hereinafter referred to as the "Contractor"), and the City of North Miami Beach, a political subdivision of the State of Florida, having its principal office at 17011 NE 19<sup>th</sup> Avenue, North Miami Beach, Florida 33162 (hereinafter referred to as the "City").

**WITNESSETH:**

**WHEREAS**, the Contractor has offered to provide the materials and/or services and to be bound by **Request for Proposals (RFP) No. 2015-08 Disaster Debris Removal and Disposal Services** which includes the General Terms and Conditions of the Request for Proposals, Specifications, Pricing Forms, and associated addenda attached hereto and incorporated herein as Exhibit "A" and the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B"; and

**WHEREAS**, the Contractor has submitted a written proposal dated May 27 2015, hereinafter referred to as the "Contractor's Proposal", the terms of which are incorporated herein by reference as if fully set forth herein; and

**WHEREAS**, the City desires to procure from the Contractor such services for the City, in accordance with the terms and conditions of this Agreement.

**WHEREAS**, Contractor recognizes and agrees that this Agreement is solely a back-up agreement to be activated in the event the City's primary Contractor (**AshBritt Inc.**) is unable or unwilling to perform the services required during an emergency or, if the City determines that it is in its best interest to have a secondary Contractor activated during an event.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. The Contractor agrees to provide the materials and/or services pursuant to and to be bound by the specifications, the terms and conditions of the Request for Proposals, which includes General Terms and Conditions of Request for Proposals, Specifications, Pricing Forms, and associated addenda and the terms of which are incorporated herein by reference as if fully set forth herein and attached hereto as Exhibit "A", and the Contractor's Proposal attached hereto and incorporated herein as Exhibit "B";

2. The City agrees to abide by and to be bound by the terms of the Request for Proposals, which includes General Terms and Conditions of the Request for Proposals, Specifications, Pricing, and associated addenda attached hereto and incorporated herein as Exhibit "A", and by the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B";

3. Contractor shall deliver materials and/or provide services in accordance with the terms of the Request for Proposals, Pricing and addenda attached hereto and incorporated herein as Exhibit "A" and with the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B";

4. The City agrees to make payment in accordance with the terms of the Request for Proposals, Pricing and addenda attached hereto and incorporated herein as Exhibit "A" and with the terms of Contractor's Proposal attached hereto and incorporated herein as Exhibit "B";

5. This Agreement and attachments hereto constitute the entire agreement between the parties hereto, and its provisions shall not be amended, except in writing, after formal approval by both parties.

6. This Agreement will commence on August 01, 2015. The initial contract shall be for a period of five (5) years. The City reserves the right to renew the contract for two (2) additional (1) year periods, providing that both parties agree that all terms, conditions and specifications remain the same, contingent upon approval by the City Manager and the City Council of the City of North Miami Beach.

7. In addition to any other contractual indemnification provisions in Exhibit "A" or Exhibit "B" in favor of the City, Contractor hereby agrees to indemnify and hold the City harmless from any and all claims, suits, actions, damages, causes of action, and attorney's fees, arising from any personal injury, loss of life, or damage to person or property sustained by reason of or as a result of the products or materials used or supplied in the performance of this Agreement.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CONTRACTOR

By: \_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_  
(Print)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Corporate Seal/Notary Public

Corporate Seal/Notary Seal

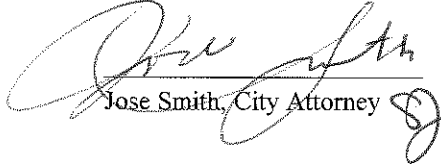
CITY OF NORTH MIAMI BEACH

By: \_\_\_\_\_  
Ana M. Garcia, City Manager

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Pamela L. Latimore, City Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
Jose Smith, City Attorney





City of North Miami Beach  
17011 NE 19 Avenue  
North Miami Beach, FL 33162  
305-947-7581  
www.citynmb.com

**MEMORANDUM**

 **Print**

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**TO:** Mayor and City Council  
**FROM:** Jose Smith, City Attorney  
**VIA:**  
**DATE:** Tuesday, July 21, 2015

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**RE:** Litigation List

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**BACKGROUND ANALYSIS:** As of July 21, 2015

**RECOMMENDATION:**

**FISCAL/BUDGETARY IMPACT:**

---

**ATTACHMENTS:**

▣ [Litigation List](#)

**TO: Mayor and City Council**  
**FROM: Jose Smith, City Attorney**  
**DATE: July 21, 2015**

---

**LITIGATION LIST**

- I. **Civil Rights:**
  
- II. **Personal Injury:**
  
- III. **Other Litigation:**
  
- IV. **Forfeitures:**
  - **Lubin, Anton**  
**\$4,144.00 in US Currency**
  
- V. **Mortgage Foreclosures:**
  - **OneWest Bank, N.A. v CNMB (Mennell, et al)**
  - **HSBC Bank, USA v CNMB (Fignole, et al)**
  
- VI. **Bankruptcies:**
  - **New Case**



City of North Miami Beach  
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www.citynmb.com

## MEMORANDUM

 [Print](#)

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**TO:** Mayor and City Council  
**FROM:** Ana M. Garcia, City Manager  
**VIA:** Esmond Scott, Director of Public Works  
Brian K. O'Connor, Chief Procurement Officer  
**DATE:** Tuesday, July 21, 2015

---

**RE:** Resolution No. R2015-59 (Esmond Scott, Director of Public Works, Brian K. O'Connor, Chief Procurement Officer)

---

**BACKGROUND ANALYSIS:**

On July 1, 2014, the Mayor and Council voted 5-2 to reject all proposals related to RFP 2012-04 concerning solid waste collection and disposal services and directed the City Manager to issue a new solicitation. As directed, staff began to review and recreate the specifications for a new solicitation. To repeat the RFP process a second time required a considerable commitment of time, resources, and taxpayer money.

On August 25, 2014 the second RFP was issued. A third review committee was created consisting of seven city employees including a union representative. After reviewing the proposals, the committee chose to conduct site visits to the three firms' operational facilities. The site visits focused on touring the facilities and gathering insights into their daily operations, including functionality at the respective sites that would be facilitating the City's dispatch and service needs. The extension and detailed work performed by the committee left no stone unturned.

After the site visits, the committee chose to proceed with inviting the three shortlisted firms (Waste Management, Waste Pro of Florida and Southern Waste Systems) to present their business and allow for a question and answer (Q&A) session with each firm. After the presentations from the firms, the review committee voted on a final ranking of the firms. After

considering the proposals, site visits, and presentations, the review committee decided on the following final ranking:

1. Waste Management of Florida
2. Waste Pro of Florida
3. Southern Waste Systems

This recommendation is one of the top priorities in the City's Strategic Plan and aligns the City with the mission and goals to be financially responsible and a high performing City Organization. At a minimum the City can save approximately \$2,500,000 million per year. Savings that will greatly contribute to the following:

- Enhanced police - safety/prevention
- Enhanced beautification, landscaping, litter picking, city-wide garbage sweeps
- Enhanced programs and facilities

Continuing to run Sanitation in-house will definitely result in having to raise rates. In the past year since we have issued our RFP for Sanitation Services, two more cities in Miami Dade County have joined the majority of cities in South Florida by outsourcing their Sanitation Division in order to save monies to provide better all around municipal services.

The link below will provide access to all documents and videos related to the new RFP.

[http://www.citynmb.com/index.asp?Type=B\\_EV&SEC={87C05223-A2FB-430D-9611-04F4E9CC5A57}&DE={F6B64AC9-804F-47D9-875A-1EE301A33561}](http://www.citynmb.com/index.asp?Type=B_EV&SEC={87C05223-A2FB-430D-9611-04F4E9CC5A57}&DE={F6B64AC9-804F-47D9-875A-1EE301A33561})

**RECOMMENDATION:**

It is the Review Committee's recommendation that the City Council authorize the City Manager and/or her designee(s) to enter into contract negotiations with the number one ranked firm Waste Management of Florida. If said negotiations are unsuccessful, the recommendation is to proceed to negotiate with the second-ranked firm Waste Pro of Florida.

Upon successful negotiations, the City Manager and/or her designee(s) will submit the agreement to the City Attorney's office for approval and placement on the next available City Council agenda for final approval.

**FISCAL/BUDGETARY  
IMPACT:**

Potential savings of approximately \$2,500,000 per year.

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**ATTACHMENTS:**

- ▢ [Resolution No. R2015-59](#)

**RESOLUTION NO. R2015-59**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH WASTE MANAGEMENT INC. OF FLORIDA, THE FIRST-RANKED FIRM, AND IF SAID NEGOTIATIONS ARE UNSUCCESSFUL, WITH WASTE PRO OF FLORIDA, INC., THE SECOND-RANKED FIRM, FOR SOLID WASTE COLLECTION AND RECYCLING SERVICES FOR THE CITY OF NORTH MIAMI BEACH.**

**WHEREAS**, the City of North Miami Beach's ("City") adopted Strategic Plan contains the goal for the City to become "financially sound" and a "high performing City Organization providing great customer services"; and

**WHEREAS**, the City has the opportunity to save approximately \$2.5 million annually from contracting solid waste collection services while maintaining the exceptional level of service expected from businesses and residents in the City; and

**WHEREAS**, the savings could be used to enhance various services such as beautification, landscaping and other opportunities to make the City cleaner, safer and more livable; and

**WHEREAS**, the City issued Request for Proposals No. 2014-08 for the purpose of selecting a qualified firm to perform solid waste collection, disposal, and recycling services for all residents and commercial establishments within the City; and

**WHEREAS**, solicitation notices were electronically mailed to more than 1,400 potential local and national vendors; advertised in the Miami Daily Business Review, posted on DemandStar by Onvia, the City's website, and in the lobby of City Hall; and all registered City of North Miami Beach vendors under the commodity(s) matching the opportunity were notified via email; and

**RESOLUTION R2015-59**

**WHEREAS**, the Procurement Division took receipt of five (5) proposals by the published deadline, and upon administrative and legal review, four (4) of them were found to be responsive: Southern Waste Systems, Waste Management Inc. of Florida, Waste Pro of Florida, Inc. and World Waste Recycling; and

**WHEREAS**, a Review Committee comprised of City staff convened to evaluate and rank the responses to RFP No. 2014-08; and

**WHEREAS**, the Review Committee shortlisted three firms (Southern Waste Systems, Waste Management Inc. of Florida and Waste Pro of Florida) and conducted site visits of their operational facilities followed by presentations and question-and-answer sessions; and

**WHEREAS**, after conducting her due diligence, the City Manager concurs with the Review Committee's recommendations; and

**WHEREAS**, based on the responses from the RFP No. 2014-08 and otherwise being fully advised on all aspects of this matter, the City Council of North Miami Beach authorizes the City Manager to negotiate an agreement for solid waste collection and recycling services between the City of North Miami Beach and the number one ranked firm, Waste Management Inc. of Florida; and

**WHEREAS**, if said negotiations are unsuccessful, the City Manager or designee is authorized to negotiate an agreement with the second ranked firm, Waste Pro of Florida, Inc.; and

**WHEREAS**, upon successful negotiations, the City Manager or designee will submit the agreement to the City Attorney's office for review and placement on the next available City Council agenda for final approval.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The City Manager or designee is hereby authorized to negotiate an agreement for solid waste collection and recycling services with the first ranked firm, Waste Management, Inc. of Florida, and if said negotiations are unsuccessful, with the second ranked firm, Waste Pro of Florida, Inc.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this **21st day of July, 2015**.

ATTEST:

\_\_\_\_\_  
PAMELA L. LATIMORE  
CITY CLERK

\_\_\_\_\_  
GEORGE VALLEJO  
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
JOSE SMITH  
CITY ATTORNEY

Sponsored by: Mayor and Council



City of North Miami Beach  
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www.citynmb.com

## MEMORANDUM

 [Print](#)

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**TO:** Mayor and City Council  
**FROM:** Ana M. Garcia, City Manager  
**VIA:** Carlos M. Rivero, City Planner  
**DATE:** Tuesday, July 21, 2015

---

**RE:** Resolution No. R2015-65 (Richard Lorber, Asst City Manager)

---

**BACKGROUND ANALYSIS:**

The applicant, Roland Faith, representing International City Building LLC, requests site plan and conditional use approval for the operation of *Holistic Recovery Centers, Inc.*, a 12,655 square foot drug/alcohol non-residential rehabilitation center within an existing office building on a 37,500 square foot lot.

The purpose of the General Business District is “to provide suitable sites for development of retail and service commercial uses of a general nature which serve the diverse consumer needs of the entire community.” The proposed drug/alcohol rehabilitation center is in accordance with the intent of the district and its proximity to an existing hospital ensures its ability to address the needs of those seeking treatment.

**RECOMMENDATION:**

The Planning and Zoning Department recommends approval of this conditional use subject to the conditions listed on the staff report.

**FISCAL/BUDGETARY IMPACT:**

No impact for this Fiscal Year.

---

**ATTACHMENTS:**

- [Staff Report](#)
- [Application](#)



- ▢ [Police Department Memo](#)
- ▢ [PZB Minutes of May 11, 2015](#)
- ▢ [Resolution No. R2015-65](#)



***City of North Miami Beach, Florida***  
**COMMUNITY DEVELOPMENT DEPARTMENT**

**CITY COUNCIL  
 STAFF REPORT**

**TO: City Council**  
**FROM: Carlos M. Rivero, City Planner**  
**DATE: July 21, 2015**  
**RE: International City Building (Holistic Recovery Center Drug/Alcohol Rehabilitation Center),  
 Conditional Use Approval**

<b>P&amp;Z ITEM # 15-001</b>	<b>INTERNATIONAL CITY BUILDING</b>
<b>OWNER OF PROPERTY</b>	INTERNATIONAL CITY BUILDING, LLC
<b>ADDRESS OF PROPERTY</b>	150 / 152 NW 168 STREET
<b>FOLIO NUMBER</b>	07-2113-007-2320
<b>LEGAL DESCRIPTION</b>	LOTS 9 THROUGH 20, BOTH INCLUDED, IN BLOCK 12 OF OLETA TERRACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 117, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
<b>EXISTING ZONING</b>	B-2, GENERAL BUSINESS DISTRICT
<b>EXISTING LAND USE</b>	OFFICE BUILDING
<b>FUTURE LAND USE DESIGNATION</b>	BUSINESS

**BACKGROUND:**

The applicant, Roland Faith, representing International City Building LLC, requests site plan and conditional use approval for the operation of *Holistic Recovery Centers, Inc.*, a 12,655 square foot drug/alcohol non-residential rehabilitation center within an existing office building on a 37,500 square foot lot.

**SURROUNDING LAND USES:**

Location	Zoning Designations	Existing Land Uses	Future Land Use Designations
North	CF, Community Facility	Jackson North Medical Center	Public and Quasi-Public
East	B-2, General Business District	Office Building	Business

South	B-2, General Business District	Office Building	Business
West	B-2, General Business District	Vacant Lot	Business

**THE SITE:**

The subject site is 37,500 square feet and contains a three-story office building (two stories on columns above surface parking).

**THE PROJECT:**

The project involves the establishment of a 12,655 square foot drug/alcohol rehabilitation center on the second floor. Pursuant to the B-2 Zoning District, the proposed center is conditionally permitted.

Staff has reviewed the application for consideration by the City Council; in this report, Staff presents the applicable Zoning and Land Development Code regulations with recommendations.

**Sec. 24-52 B-2, General Business District  
Uses Permitted**

Conditionally Permitted	Proposed	Recommendation/Comments
Drug/Alcohol Rehabilitation Service	Drug/alcohol Rehabilitation Center	Permitted with Conditions

**Site Development Standards**

Required	Proposed	Recommendation/Comments
Minimum lot area: 5,000 sq.ft.	37,500 sq.ft.	Complied
Minimum lot width: 100 ft.	300 ft.	Complied
Minimum setbacks: Minimum setbacks: Front: 25' Rear: 20' Side (interior):0' Side (corner): 20' Adjacent More Restrictive District: 25'	Existing structure	Complied
Maximum building height: 15 stories/150 ft.	3 stories	Complied

Minimum pervious area: 20% of total lot area	Existing structure	Complied
Minimum floor area: 1000 sq. ft. per structure	Existing structure	Complied
Minimum space requirements: 4.5 spaces for each 1,000 sq.ft. gfa	85 standard spaces and 4 handicapped	Complied
Applicable Special Regulations: <ul style="list-style-type: none"> <li>Enclosed activities</li> <li>Lighting</li> </ul>	<ul style="list-style-type: none"> <li>All activities related to the permitted use are conducted entirely within an enclosed and roofed structure except for outdoor dining areas.</li> <li>All necessary lighting is oriented to prevent any direct glare or nuisance of any kind to adjacent properties or public right-of-way.</li> </ul>	Complied.

**Article IX Off-Street Parking and Loading**  
**Sec. 24-93 Parking Lot Design Standards**

Required	Proposed	Recommendation
Paving and Drainage: <ul style="list-style-type: none"> <li>Surfaced w/6 inch rolled rock and 1 inch weatherproof pavement</li> <li>Proper drainage</li> </ul>	Concrete	Complied
	Drainage plan provided	Complied
Minimum parking space sizes <ul style="list-style-type: none"> <li>Standard 9' x 18'</li> <li>Handicapped 12' x 20' plus 5' access ramp</li> </ul>	9' x 18' 12' x 20' with 5' access ramp	Complied Complied
Traffic Control: N/A	N/A	N/A

**Article XI. Landscaping**  
**Sec. 24-122**

Required	Proposed	Recommendation
Repair/replace as needed	Landscape restoration plan	Complied

**Article X Subdivision and Floodplain Standards**  
**Sec. 24-106(E)(2)(a)(2)**

Required	Proposed	Recommendation
N/A (Zone X)	N/A (Zone X)	N/A

**PLANNING AND ZONING DEPARTMENT ANALYSIS:**

The purpose of the General Business District is “to provide suitable sites for development of retail and service commercial uses of a general nature which serve the diverse consumer needs of the entire community.” The proposed drug/alcohol rehabilitation center is in accordance with the intent of the district and its proximity to an existing hospital ensures its ability to address the needs of those seeking treatment.

**PLANNING AND ZONING DEPARTMENT RECOMMENDATION:**

The Planning and Zoning Department recommends approval of this conditional use subject to the following conditions:

1. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following:
  - Sketch of Survey prepared by Narciso J. Ramirez, Professional Land Surveyor and Mapper
  - Plans prepared by PME Engineering Corp. including the following:
    - i. Site Plan, Sheet SD-1
    - ii. Ground Floor Plan & Elevator Lobby Elevations, Sheet A1-1
    - iii. Second Floor Plan, Sheet A1-2
    - iv. Photometric Site Plan, Sheet PH-00
    - v. Site Power Plan, Sheet PH-0.
    - vi. Notes, Riser & Panel, Sheet PH-1
2. All representations and exhibits as prepared and provided to the Community Development Department as part of the Application Submittal Package, as amended.
3. All representations proffered by the Applicant’s representatives as a part of the review of the application at public hearings.
4. All comments made by all Staff Reviewers and submitted to the applicant on January 8, 2015 shall be addressed prior to Building permit submittal as follows:

**ENGINEERING:**

5. Miami-Dade County Fire Department approval is required for adequacy of fire protection for the site.
6. All missing and/or damaged landscaping, parking infrastructure, pavement, striping, and curbing must be replaced as part of this project.

**POLICE:**

7. If numerous incidents of crime are reported on the premises the Resolution approving the conditional use may be revoked.
8. Excluding any outdoor area designated on the proposed site plan, the proposed facility shall not direct or encourage any patron to stand, sit (including in a parked car), gather, or loiter outside of the building where the facility operates, including in any parking

areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required for patrons to conduct their business and depart.

9. The Applicant shall have a security risk assessment conducted on the property by the NMBPD Crime Prevention Unit prior to the issuance of a Certificate of Occupancy.
10. The Applicant must join the NMBPD Trespass After Warning Program.
11. The facility must comply with the Florida Building Code Chapter 36 Standards for Security and Forced Entry Prevention.
12. The Applicant shall provide the NMBPD with access to the facility in cases of emergency.

**ADDITIONAL VOLUNTARY CONDITIONS (LISTED ON LETER OF INTENT):**

13. The facility will have 24-hour a day on-site security and 10 security cameras monitoring the facility during the hours of operation.
14. The hours of operation shall be Monday to Friday 9:00 A.M. to 5:00 P.M., Saturday 9:00 A.M. to 2:00 P.M., and closed on Sunday.
15. Clients shall be monitored at all times by mental health and certified behavioral technicians (CBHT's).
16. The Applicant shall provide two scholarships, per month for North Miami Beach residents in need of addiction treatment assistance. The owner/applicant/operator will work with the North Miami Beach Police Department for referrals and will provide a report, at the end of the each calendar year, list the amount of scholarships provided and the duration of each scholarship recipient's use of the service.
17. The main building entrance will be the only access into the building, the second floor door to the stairway with direct parking lot access (shown on the plans described in condition no. 1 herein) shall have an audible alarm when opened.
18. The Applicant will provide a North Miami Beach Police Department substation, if requested.

**ADDITIONAL CONDITIONS:**

19. The applicant shall maintain the parking lot of the subject property, including the south 10 foot strip along the south property line currently labeled as alley, in a clean, safe, and aesthetically pleasing manner.
20. The medical courier boxes at the front of the building shall be relocated to a more discreet position to be less visible from the street, subject to review and approval of Planning staff.
21. The City Council shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the City Manager, the Applicant shall appear before the City Council for a progress report. The Council reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports.
22. This Conditional Use is also subject to modification or revocation. The City Council shall retain the right to call the owner, applicant, and/or operator back before them and

modify the hours of operation or the occupant load proposed for the project should there be valid complaints about loud, excessive, unnecessary, or unusual noise, as determined by the Code Compliance Department, or if code violations have been issued to the property. Nothing in this provision shall be deemed to limit the right of the City Council to call back the owner, applicant and/or operator for other reasons and for other modifications of this Conditional Use Permit.

23. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
24. Any substantial modifications to the plans submitted and approved as part of the application, as determined by the City Manager or designee, may require the applicant to return to the City Council for approval.
25. The applicant, owner and/or operator, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Conditional Use Permit.

**SUBMITTAL HISTORY:**

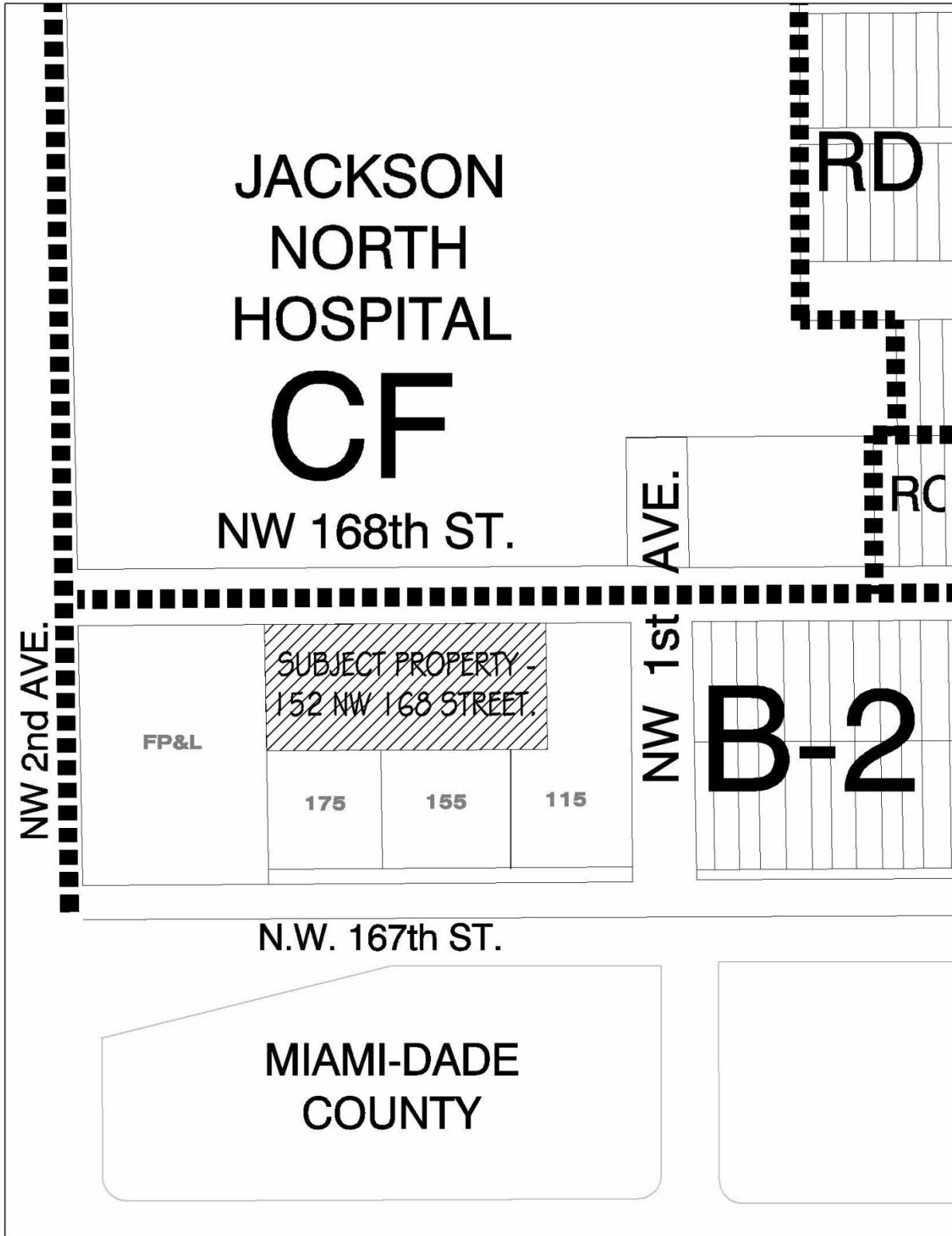
**TRAD (January 8, 2015)**

**PLANNING & ZONING BOARD, unanimous 7-0 vote (May 11, 2015)**

**CITY COUNCIL (July 21, 2015)**

**LOCATION AND ZONING MAP**





**ADVERTISEMENT HISTORY:**



Site sign installed on April 27, 2015

4/30/2015



**Title:**

**Category:** Hearings

**Adnumber:** 2434451

CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING DATE/TIME: Monday, May 11, 2015, 6:00 P.M.  
LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers 17011 NE 19th Avenue, North Miami Beach, FL 33162 PUBLIC NOTICE is hereby given that the City of North Miami Beach Planning and Zoning Board shall consider the following public hearing item: Conditional Use and Site Plan Approval — 152 NW 168 Street, North Miami Beach, FL: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE AND SITE PLAN APPROVAL, IN ACCORDANCE WITH SECTION 24-52 (C) OF THE NORTH MIAMI BEACH CODE OF ORDINANCES FOR THE CONSTRUCTION AND OPERATION OF A PROPOSED NON-RESIDENTIAL DRUG AND ALCOHOL REHABILITATION SERVICE IN AN EXISTING OFFICE BUILDING, ON PROPERTY LEGALLY DESCRIBED AS LOTS 9 THROUGH 20, BOTH INCLUDED, IN BLOCK 12 OF OLETA TERRACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 117, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA ALSO KNOWN AS 152 NW 168 STREET, NORTH MIAMI BEACH, FL. All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to [nmbcomdev@citynmb.com](mailto:nmbcomdev@citynmb.com), FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance. 4/30 15-3-190/2434451M



7/9/2015



**Title:**

**Category:** Hearings

**Adnumber:** 2460225

CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING DATE/TIME: Tuesday, July 21, 2015, 7:30 P.M.  
 LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers 17011 NE 19th Avenue, North Miami Beach, FL 33162 PUBLIC NOTICE is hereby given that the City of North Miami Beach City Council shall consider the following public hearing item: Conditional Use and Site Plan Approval — 152 NW 168 Street, North Miami Beach, FL: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE AND SITE PLAN APPROVAL, IN ACCORDANCE WITH SECTION 24-52(C) OF THE NORTH MIAMI BEACH CODE OF ORDINANCES FOR THE CONSTRUCTION AND OPERATION OF A PROPOSED NON-RESIDENTIAL DRUG AND ALCOHOL REHABILITATION SERVICE IN AN EXISTING OFFICE BUILDING, ON PROPERTY LEGALLY DESCRIBED AS LOTS 9 THROUGH 20, BOTH INCLUDED, IN BLOCK 12 OF OLETA TERRACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 117, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA ALSO KNOWN AS 152 NW 168 STREET, NORTH MIAMI BEACH, FL. All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to [nmbcomdev@citynmb.com](mailto:nmbcomdev@citynmb.com), FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance. 7/9 15-191/2460225M

**INTERNATIONAL CITY BUILDING CONDITIONAL USE APPLICATION**

## TABLE OF CONTENTS

### APPLICATION PACKAGE

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SECTION 1 PUBLIC HEARING APPLICATION	PAGES 1-7
SECTION 2 LETTER OF INTENT	PAGE 8
SECTION 3 SPECIAL WARRANTY DEED	PAGES 9-10
SECTION 4 SURVEY	PAGE 11
SECTION 5 PHOTOGRAPHIC VIEWS	PAGES 12 - 22
 SUBMITTED WITH ORIGINAL APPLICATION:	 \$500.00 APPLICATION FEE



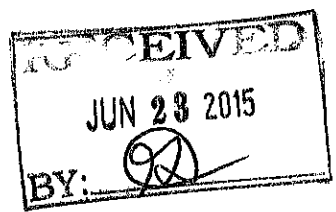
**General information**

Property/project name: INTERNATIONAL CITY BUILDING Submittal date 6.19., 2015  
Street address(es) of the property: 150/152 NORTHWEST 168TH STREET  
Proposed use: DRUG/ALCOHOL REHABILITATION CENTER  
Applicant(s)/agent(s): INTERNATIONAL CITY BUILDING, LLC / ROLAND FAITH, MANAGER

**Application request**

The undersigned Applicant(s)/Agent(s)/Property Owner(s) request City of North Miami Beach consideration and review of the following application(s). Please check all that apply.

- Abandonment and Vacations
- Annexation
- Comprehensive Plan Map Amendment - Small Scale
- Comprehensive Plan Map Amendment - Large Scale
- Comprehensive Plan Text Amendment
- Conditional Use
- Conditional Use – Special Limited
- Development Agreement
- Development of Regional Impact
- Development of Regional Impact - Notice of Proposed Change
- Planned Unit Development
- Plat/Replat
- Site Plan
- Variance
- Zoning Code Map Amendment
- Zoning Code Text Amendment
- Other: \_\_\_\_\_



**Project information**

Street address(es) of the property: 150-152 NORTHWEST 168TH STREET  
Legal description: Lot(s) 9 - 20 INCLUSIVE  
Block(s) 12 Section (s) OLETA TERRACE P88 ct Page 117  
Property folio numbers (list all numbers) 07-2113-007-2320



City of North Miami Beach, Florida
Community Development Department Public Hearing Application
17050 NE 19th Ave. North Miami Beach, FL 33162 Tel: 305.948.2966 nmbcomdev@citynmb.com

Property owner name(s): INTERNATIONAL CITY BUILDING, LLC
Property owner(s) mailing address(es): 2627 NORTHWEST 203RD STREET, SUITE 202, AVENTURA, FL 33180
Telephone: Business (305) 682-4991 Fax (305) 682-4992
Other Email ROLANDEAITH @ FIPREALTY.COM

Applicant(s)/agent(s):
Applicant(s)/agent(s) mailing address:
Telephone: Business Fax
Other Email @

Proposed site data and land use(s) information

Please complete and/or respond to all requested information. If "Not Applicable," please note NA.

Current Comprehensive Plan Land Use designation(s): NA
Current Zoning District designation(s): B2 - GENERAL BUSINESS DISTRICT
Proposed Comprehensive Plan Land Use designation(s) (if applicable): SAME
Proposed Zoning District designations(s) (if applicable): SAME

Proposed non-residential land uses (list of intended uses), gross square footage, required parking and parking provided.

Table with 4 columns: TREATMENT, Use, Square footage, Required parking, Parking provided. Includes handwritten entry for FACILITY with 12,655 sq ft and 52 approx parking.

Non-residential totals: Square footage: 12,655 Required parking: Parking provided: 52 (APPROXIMATE)

Residential unit size, number by unit type, gross square footage by type, required parking and parking provided:

Table for residential units with columns for Unit size (Studio, One-bedroom, Two-bedroom, Three-bedroom), Square footage, Required parking, and Parking provided.

Residential totals: Square footage: Required parking: Parking provided:





Site data information:

Total lot area (square footage/acreage): 37,500 Lot width: 300' Lot depth: 135'  
Setbacks: Front: EXISTING STRUCTURE Rear: EXISTING STRUCTURE Side: \_\_\_\_\_ Side (Interior): \_\_\_\_\_  
Building height (feet/inches): EXISTING STRUCTURE Number of floors: 3  
Minimum pervious area: EXISTING STRUCTURE Maximum lot coverage: EXISTING STRUCTURE  
Total required parking: \_\_\_\_\_ Parking provided: 52 (APPROXIMATE) Additional parking: \_\_\_\_\_

Supporting information

A Preapplication Conference is required with the Community Development Staff in advance of application submittal to determine the information necessary to be filed with the application(s). Staff will advise and check the required items at the Preapplication Conference. If necessary, attach additional sheets to application. Staff reserves the right to request additional information as necessary throughout the entire City review process.

- Aerial.
- Affidavit providing for property owner's authorization to process application.
- Annexation supporting materials.
- Application fees.
- Application representation and contact information.
- Appraisal.
- Architectural/building elevations (color).
- Architectural/building elevations architectural elements (color).
- Building floor plans and roof plan.
- Comprehensive Plan analysis.
- Comprehensive Plan text amendment justification.
- Concurrency review application.
- Department of Transportation Driveway Connection Permit
- Drainage Plan.
- Elevations.
- Encroachments plan.
- Environmental assessment.
- Exterior architectural materials board.
- Landscape plan.
- Land use map (subject property outlined).
- Lighting plan.
- Liquor survey (for only review of location of lounge, bar, or package liquor store).
- Lobbyist form (City form).
- Massing model and/or 3D computer model.



- Ordinances, resolutions, covenants, development agreements, etc. previously granted for the property.
- Parking study.
- Photographs (color) of property, adjacent uses and/or streetscape.
- Plat.
- Property owners list, including a typewritten list and 2 sets of self-adhesive labels of all properties within 500 feet.
- Property survey and legal description.
- Public Realm Improvements Plan for mixed use projects.
- Public school preliminary concurrency analysis (residential land use/zoning applications only).
- Sign master plan (colored).
- Site plan and supporting information.
- Statement of use and/or cover letter.
- Streetscape master plan.
- Text amendment justification.
- Traffic accumulation assessment.
- Traffic impact statement.
- Traffic impact study.
- Traffic stacking analysis.
- Utilities consent.
- Utilities location plan.
- Vegetation survey.
- Warranty Deed.
- Zoning Code text amendment justification.
- Zoning Map (with subject property outlined)
- Other: \_\_\_\_\_

**Application submittal requirements – Number of copies**

1. Table of Contents. Please provide a Table of Contents identifying all documents provided on all paper and electronic copies. Please clearly indicate date on all pages of plans and drawings.
2. Hard copies.
  - a. Fifteen (15) paper copies (11 inch by 17 inch format with binding) of this application and entire application shall be submitted including all the items identified in the Pre-application Conference.
  - b. One (1) paper full-size (24 inch by 36 inch format, signed and sealed, stapled and folded) plans of all drawings, illustrations, etc.
  - c. One (1) copy of exterior architectural materials board (if applicable).
  - d. Fifteen (15) sets of the application.
  - e. Fifteen (15) sets of the letter of intent for the project.
  - f. Fifteen (15) sets of the most recent survey of the property.
3. Digital media copies. One (1) compact discs (CD ROMs) of the entire application including all items identified in the Pre-application Conference. Each document shall be separated into separate PDF files (i.e., application; site plan,



## City of North Miami Beach, Florida

Community Development Department Public Hearing Application

17050 NE 19<sup>th</sup> Ave. North Miami Beach, FL 33162 Tel: 305.948.2966 [nmbcomdev@citynmb.com](mailto:nmbcomdev@citynmb.com)

landscape plan; etc.). Please include a "Table of Contents" identifying all PDF file name(s). Each PDF file size shall not exceed 10 Mb. All discs shall be labeled with the applicant(s) name, project name and date of submittal.

### Applicant/agent/property owner affirmation and consent

(I) (We) affirm and certify to all of the following:

1. Submission of the following:
  - a. Warranty deed/tax record as proof of ownership for all properties considered as a part of the application request; or
  - b. Authorized as the applicant(s)/agent(s) identified herein to file this application and act on behalf of all current property owner(s) and modify any valid City of North Miami Beach entitlements in effect during the entire review process.
2. This application, application supporting materials and all future supporting materials complies with all provisions and regulations of the Zoning Code, Comprehensive Land Use Plan and Code of Ordinances of the City of North Miami Beach unless identified and approved as a part of this application request and/or other previously approved applications.
3. That all the answers to the questions in this application, and all data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief.
4. Understand this application must be complete and accurate before a hearing can be advertised. In the event that I or anyone appearing on my behalf is found to have made a material misrepresentation, either oral or written, regarding this application (I)(We) understand that any City review shall be voidable at the option of the City of North Miami Beach.
5. Understand the failure to provide the information necessary pursuant to the established time frames included but not limited to application submittal, submission of revised documents, etc. for review by City Staff and the designated reviewing entity may cause application to be deferred without further review until such time the requested information is submitted.
6. Understand that the application, all attachments, correspondence and fees become a part of the official records of the City of North Miami Beach and are not returnable.
7. Understand that under Florida Law, all the information submitted as part of the application are public records.
8. All representatives of the application have registered with and completed the required lobbyist forms from the City of North Miami Beach City Clerk's Office.
9. The application before the Board or City Council shall be represented by the legal owner, the prospective owner having a bona fide purchase contract or a duly qualified attorney retained by said owner or prospective owner.
10. Additional costs in addition to the application fees may be assessed associated with the review of applications by the City. These are costs that may be incurred by the applicant due to consultant fees paid by City to review the application. The types of reviews that could be conducted may include but are not limited to the following: concurrency review; property appraisals; traffic impact analyses; vegetation/environmental assessments; archeological/historic assessments; market studies; engineering studies or reports; and legal fees. Such fees will be assessed upon finalization of the City application review. Understand that if payment is not received prior to Final Public Hearing Review, the Application shall be postponed by the City until such time all fees are paid.

*(See next page for signature information)*



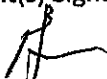
(Please complete all below sections and indicate "Not Applicable (N/A)" as appropriate).

Property owner(s) signature(s): 	Property owner(s) print name: <b>ROLAND FAITH AS MANAGER OF AND ON BEHALF OF INTERNATIONAL CITY BUILDING, LL</b>	
Property owner(s) signature(s):	Property owner(s) print name:	
Property owner(s) signature(s):	Property owner(s) print name:	
Address(es): <b>2627 NORTHEAST 203RD STREET, SUITE 202, AVENTURA, FL 33180</b>		
Telephone: <b>(305) 682-4991</b>	Fax: <b>(305) 682-4992</b>	Email: <b>ROLANDFAITH@FIPREALTY.COM</b>
<b>NOTARIZATION</b>		
STATE OF FLORIDA/COUNTY OF		
The foregoing instrument was acknowledged before me this <u>22</u> day of <u>JUNE</u> , 2015 by <u>ROLAND FAITH, MANAGER</u>		
(Signature of Notary Public - State of Florida)		
(Print, Type or Stamp Commissioned Name of Notary Public)		
<input checked="" type="checkbox"/> Personally Known OR <input type="checkbox"/> Produced Identification; Type of Identification Produced _____		

Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:	
Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:	
Address(es):		
Telephone:	Fax:	Email:
<b>NOTARIZATION</b>		
STATE OF FLORIDA/COUNTY OF		
The foregoing instrument was acknowledged before me this _____ day of _____ by _____		
(Signature of Notary Public - State of Florida)		
(Print, Type or Stamp Commissioned Name of Notary Public)		
<input type="checkbox"/> Personally Known OR <input type="checkbox"/> Produced Identification; Type of Identification Produced _____		



**City of North Miami Beach, Florida**  
 Community Development Department Public Hearing Application  
 17050 NE 19<sup>th</sup> Ave. North Miami Beach, FL 33162 Tel: 305.948.2966 [nmbcomdev@citynmb.com](mailto:nmbcomdev@citynmb.com)

Applicant(s)/Agent(s) Signature(s): 	Applicant(s)/Agent(s) Print Name: ROLAND FAITH AS MANAGER OF ADD ON BEHALF OF INTERNATIONAL CITY BUILDING, LLC
--	---

Address(es):  
 2627 NORTHEAST 203RD STREET, SUITE 202, AVENTURA, FL 33180

Telephone: (305) 682-4991 Fax: (305) 682-4992 Email: ROLANDFAITH@FIREALTY.COM

**NOTARIZATION**

STATE OF FLORIDA/COUNTY OF  
 The foregoing instrument was acknowledged before me this 22<sup>ND</sup> day of JUNE 2015 by ROLAND FAITH, MANAGER  
 (Signature of Notary Public - State of Florida)





(Print, Type or Stamp Commissioned Name of Notary Public)  
 Personally Known OR  Produced Identification; Type of Identification Produced \_\_\_\_\_

**Office Use Only**

Preapplication conference was completed on \_\_\_\_\_, 2014  
Month Day

Application submittal date \_\_\_\_\_, 2014  
Month Day

Fee(s) received  Yes  No Amount: \$ \_\_\_\_\_

Fee(s) received for : \_\_\_\_\_

Check No. \_\_\_\_\_ City Account No: 010-341201

Upon completion - Scan and insert application into Department "Project" computer file directory. Revision date 01.02.2014

H:\Form, form letters and applications\01.02.2014 NMB community development department public hearing application.docx

**LETTER OF INTENT**

## INTERNATIONAL CITY BUILDING, LLC

2627 Northeast 203<sup>rd</sup> Street

Suite 202

Aventura, Florida 33180

Telephone: (305) 682-4991

---

### LETTER OF INTENT

The Applicant, International City Building, LLC (hereinafter, the "Applicant") has submitted a Conditional Use Application with the City of North Miami Beach. In connection therewith, the Applicant is seeking to have the City of North Miami Beach allow one floor of the Applicant's building, located at 150/152 Northwest 168<sup>th</sup> Street (hereinafter, the "Property") to be utilized as a holistic recovery center and substance abuse facility.

The Applicant purchased the property November 22, 2013 from a lending institution that had received title from its borrower, the previous owner. The lending institution, understanding that the Property was in a deteriorated state, and was in violation of numerous code requirements, determined that it would be best to seek a reputable buyer, familiar with the transitioning of such types of properties in the City of North Miami Beach. Consequently, it entered into the sales transaction with the Applicant, in part, because of the Applicant's principals' excellent reputation in the City of North Miami Beach for markedly improving deteriorated properties. Immediately after closing on the purchase of the Property, the Applicant met with representatives of the City of North Miami Beach, and commenced with its plan to revitalize the Property and correct the many existing code violations. As can well be substantiated, the Applicant and the City of North Miami Beach have maintained ongoing cooperative efforts to fulfill that goal. In fact, existing tenants at the Property, who were previously unable to obtain Certificates of Occupancy because of the violations incurred by the prior owner, are currently planning to be relocated to the third floor of the building in newly renovated office spaces which are properly permitted and in the process of being constructed in accordance with the efforts of the Applicant and the City of North Miami Beach. Additionally, the building located on the Property has been re-stuccoed and repainted, and ongoing work is being done on the grounds of the Property, all in accordance with the municipal code and under the watchful eye of City building officials. Thereafter, upon obtaining the approval of the City Commission of North Miami Beach, the Applicant intends to renovate the second floor of the building located on the Property to house the subject Holistic Recovery Center and substance abuse facility, which relocating its center of operations to North Miami Beach. Further, the Applicant has drafted plans for the addition of improved lighting equipment for the exterior of the Building and on the Property.

In addition, subsequent to the filing of the original application, the Applicant's principals have entered into a contract for the purchase of the real property located at 16855 Northeast 2<sup>nd</sup> Avenue. This additional property abuts the Property, and, upon purchase and in coordination

with the City of North Miami Beach, it is the intention of the Applicant to improve the additional property so as to create a jointly enhanced and beautified area. This newly generated proposed concept will bring about a multiplied enhancement of the surrounding area, and thus that entire portion of the City as a whole, as well as bringing additional business and revenue far above that originally contemplated.

The Applicant's tenant, Holistic Recovery Centers, Inc., are substance abuse facilities that engage in the treatment of many addictions, including, but certainly not limited to, drug and alcohol addiction. Holistic recovery is based on the premise that individuals battling addictions need a wide-ranging treatment program for their entire being. They refrain from focusing on their particular addiction, concentrating instead on a comprehensive recovery and a new way of living. They offer a holistic approach to recovery and focus on healing the mind, body and spirit. In addition to individual and group therapy sessions, our therapy methodology includes beach yoga, meditation for spiritual healing, chiropractic therapy, acupuncture, and massage treatments. Holistic Recovery Centers are a Partial Hospitalization (PHP), Intensive Outpatient (IOP) and Outpatient (OP) treatment provider with community housing currently in Dania Beach, Florida, and the planned out-patient facility at the subject Property. Their goal is to educate and prepare their clients to transition back into the community and continue their journey in recovery. In conjunction with their services, their clients attend outside Narcotics Anonymous and Alcoholics Anonymous meetings, which enable them to find a sponsor and begin working the 12-Step Program. They are a fully licensed organization and conscientiously abide by all Department of Children and Families and Joint Commission on Accreditation of Healthcare Organizations rules and regulations.

At the North Miami Beach out-patient treatment center, they will have a full-time Licensed Practical Nurse, Medical Doctor and Psychiatrist for full time medical care of each individual client's needs. Each client receives individual therapy weekly with a licensed clinician. They provide 5 hours of group therapy 6 days per week, focusing on Relapse Prevention, Goals, Psycho Education, Life Skills, and more. They have a full-time licensed Nutritionist which designs custom meal plans, diet/nutritional assessments and counseling. Holistic Recovery Centers also has its own transitional living program to help clients with their discharge plan. They maintain a sober living home which the clients live at once graduating from the program. More information regarding their company can be found on our website [holisticrecoverycenters.com](http://holisticrecoverycenters.com).

As to this proposed North Miami Beach out-patient treatment center, it will be fully secured by professional security personnel during its operational hours. Further, the building itself will be monitored by no less than 10 security cameras, as well as alarm systems connected to all areas of ingress and egress to the building. Additionally, the Center will maintain a staff of mental health and certified behavioral technicians (CBHT's) fully monitoring their clients during the Center's hours of operation. Additionally, the Applicant will be adopting the City of North Miami Beach Trespass-After-Warning program planning. The Building will have a self-contained, designated smoking and relaxation area within the boundaries of the building footprint for tenants and their staff and clients. When the Holistic Recovery Center clients are



outside in the designated smoking and relaxation area, they will be supervised by certified behavioral technicians. The treatment program will begin at 9:30 am and continue to 4:00 pm daily, 5 days a week. The Saturday treatment program begins at 10:00 AM and continues to 1:00 PM. There are no services provided on Sundays, leaving the center closed and secured. During their treatment periods, the clients will not be allowed to venture outside of the facility grounds without supervision by a certified behavioral technician. Further, the clients will be transported by four 12-passenger vans and a SUV. The clients will be dropped off in the morning for their treatment and picked up at the end of the day to be brought back to their personal residence or to the Dania Beach facility where they cook dinner, go to the gym and attend the nightly NA/AA meeting. In conjunction with the proposed out-patient program, their sober living homes have transportation for the clients to and from the outpatient program to see the clients through their final stage of treatment.

The existing Holistic Recovery Centers currently employ approximately 25 people. They intend to employ additional staff members by the opening day of the facility. Through such employment they are creating valuable long-term careers from within the local community, as all of their staff have to live within driving distance. Holistic Recovery Centers also puts revenue back into the community through other means. They provide their clients with prepared meals purchased from local supermarkets, restaurants and more. They offer a whole host of holistic services such as chiropractic, acupuncture, massage, nutritional counseling, and more, all of which are from local providers. They spend hundreds of dollars per week per client in medications, all bought from local pharmacies. In addition, their clients utilize the services of other local medical practitioners such as dermatologists, urologists, and more. As described herein, they offer weekly activities for their clients, all of which are from local providers and businesses such as arcades, shopping malls, professional sporting events, restaurants and more. The Holistic Recovery Centers support philanthropic causes, as well as providing support for charities, children's hospitals, religious organizations, and local fire, police and medical services. For example, they will be providing job search and recommendations for its clients, typically within the nearby community. They also will provide two scholarships per month to local families in need to help the community obtain the addiction treatment they need should they not have insurance or funds to cover treatment. The Center has already met with and is continuing to work with Major Kathy Katerman of the City of North Miami Beach Police Department regarding the implementation and logistics of the scholarship program being offered to City residents by the Center. In addition, the Applicant has already arranged for and will maintain availability of desk space conveniently within the Property for use by the City's police officers in the event the City's police department determines that it would be helpful to them to have such space available. In deciding to relocate their operations to the City of North Miami Beach, the Holistic Recovery Centers and its principals are committed to serving the community and look forward to becoming a true asset to the City of North Miami Beach.

**SPECIAL WARRANTY DEED**

**THIS INSTRUMENT PREPARED BY:**

Manuel Chica, Esq.  
Mercantil Commercebank, N.A.  
220 Alhambra Circle  
Coral Gables, Florida 33134

**WHEN RECORDED RETURN TO:**

Seagull Title Company  
20801 Biscayne Blvd.  
Aventura, Florida 33180

Tax Identification Number: 07-2113-007-2320

## Special Warranty Deed

This Special Warranty Deed (this "Deed") is made as of the 22<sup>nd</sup> day of November, 2013 by MCNA PROPERTIES V, LLC, a Florida limited liability company, having an address at 220 Alhambra Circle, Coral Gables, FL 33134 ("Grantor") and INTERNATIONAL CITY BUILDING, LLC, a Florida limited liability company, whose mailing address is 2627 NE 203<sup>rd</sup> Street, Suite 202, Aventura, Florida 33180 ("Grantee").

Witnesseth, that Grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the Grantee, and Grantee's heirs and assigns forever, the following described real property, situate, lying and being in Miami-Dade County, Florida, to-wit:

**Lots 9 through 20, Block 12, LESS the South 10 feet for alley, OLETA TERRACE SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 8, Page 117, of the Public Records of Miami-Dade County, Florida.**

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

And the Grantor does hereby covenant with Grantee that the Grantor is lawfully seized of said real property in fee simple; that the Grantor has good right and lawful authority to sell and convey said real property; that the Grantor hereby fully warrants the title to said real property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other.

[Signatures on following page]

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

MCNA Properties V, LLC, a Florida limited liability company

T. L.  
Witness Name: Jose Duarte

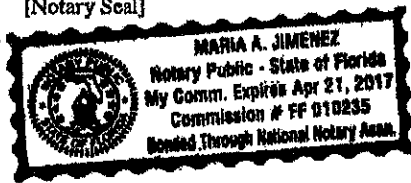
By: [Signature]  
Name: Miguel Palacios  
Title: Manager

Witness Name: [Signature] J. Palacios

State of Florida  
County of Miami-Dade

The foregoing instrument was acknowledged before me this 22 day of November, 2013 by Miguel Palacios, as Manager of MCNA Properties V, LLC, a Florida limited liability company, on behalf of the company. He  is personally known to me or  has produced a driver's license as identification.

[Notary Seal]



[Signature]  
Notary Public

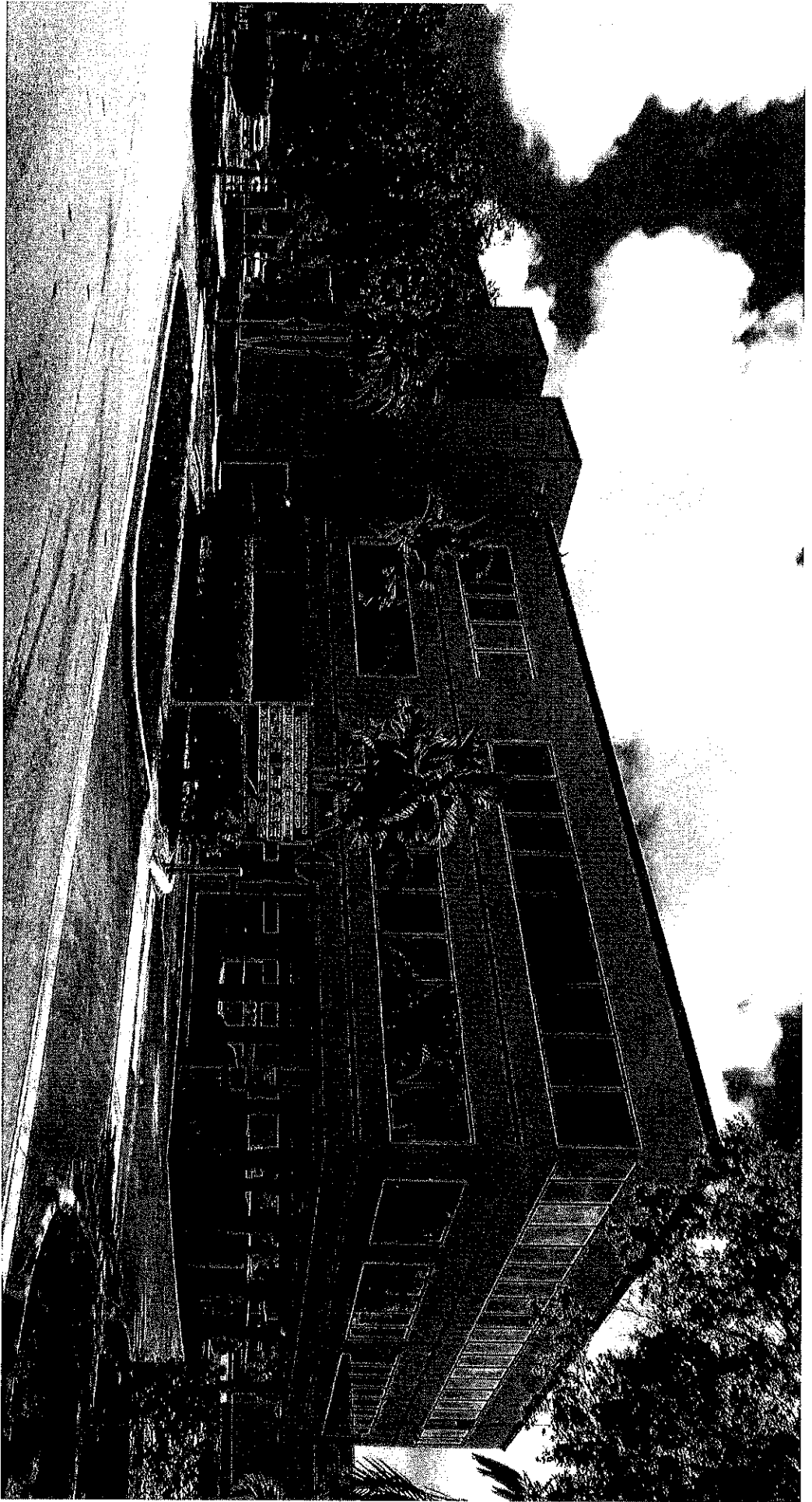
Printed Name: Maria A. Jimenez

My Commission Expires: 4-21-17

## SURVEY



**PHOTOGRAPHIC VIEWS**

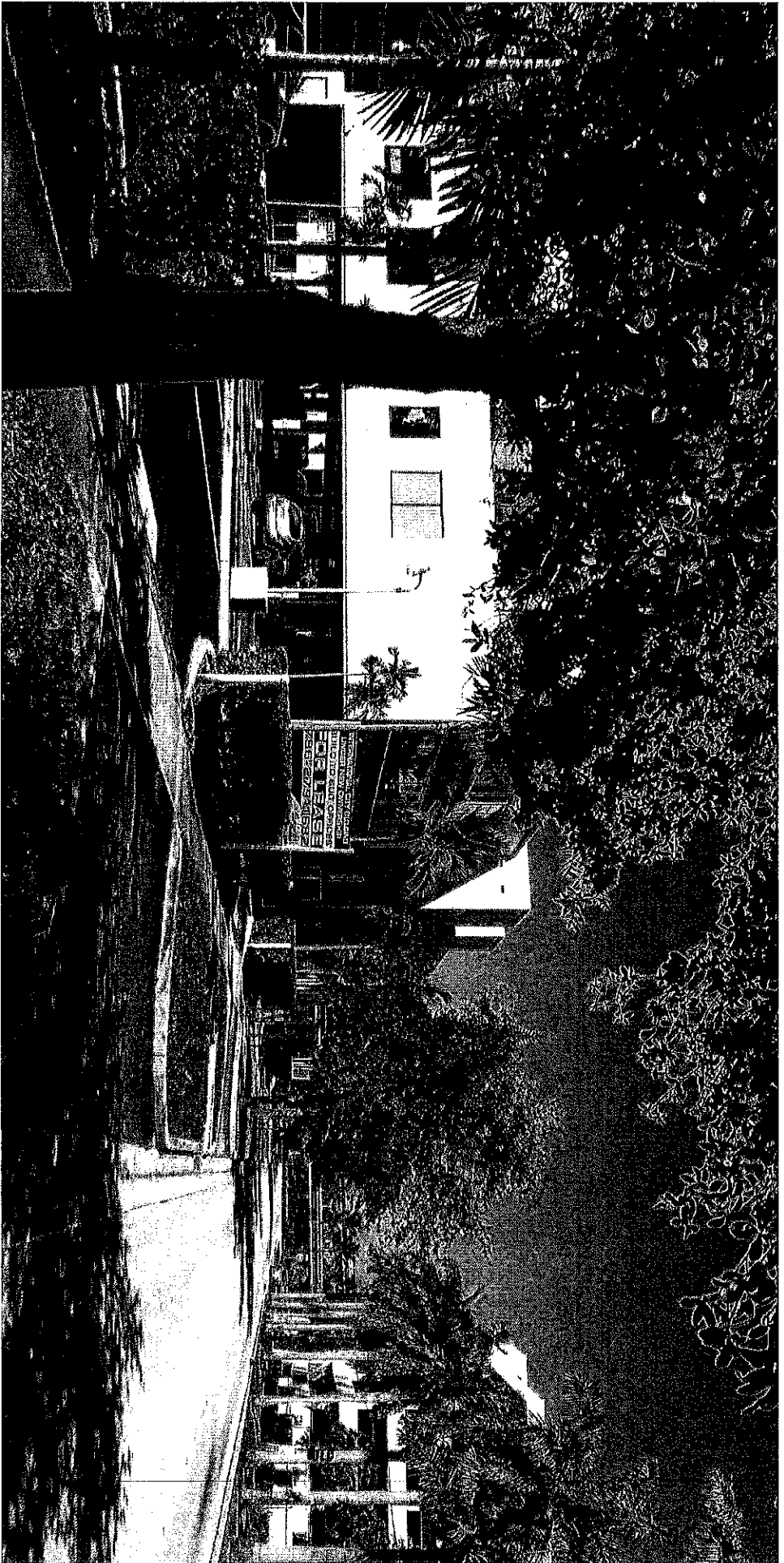


Ground view from northwest looking southeast

## **INTERNATIONAL CITY BUILDING**

150 – 152 NW 168<sup>TH</sup> STREET, NORTH MIAMI BEACH, FLORIDA

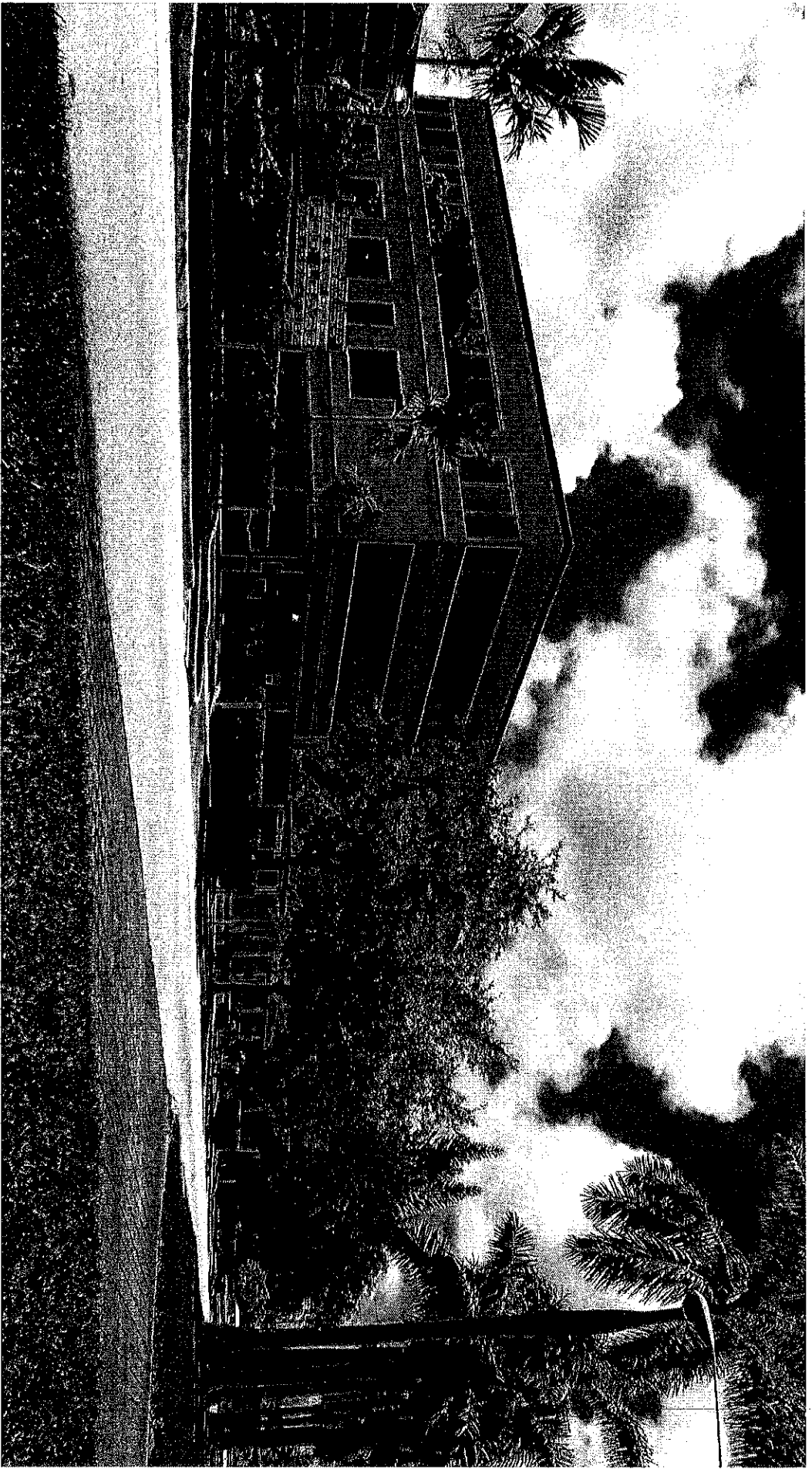




Ground view from east looking west

## **INTERNATIONAL CITY BUILDING**

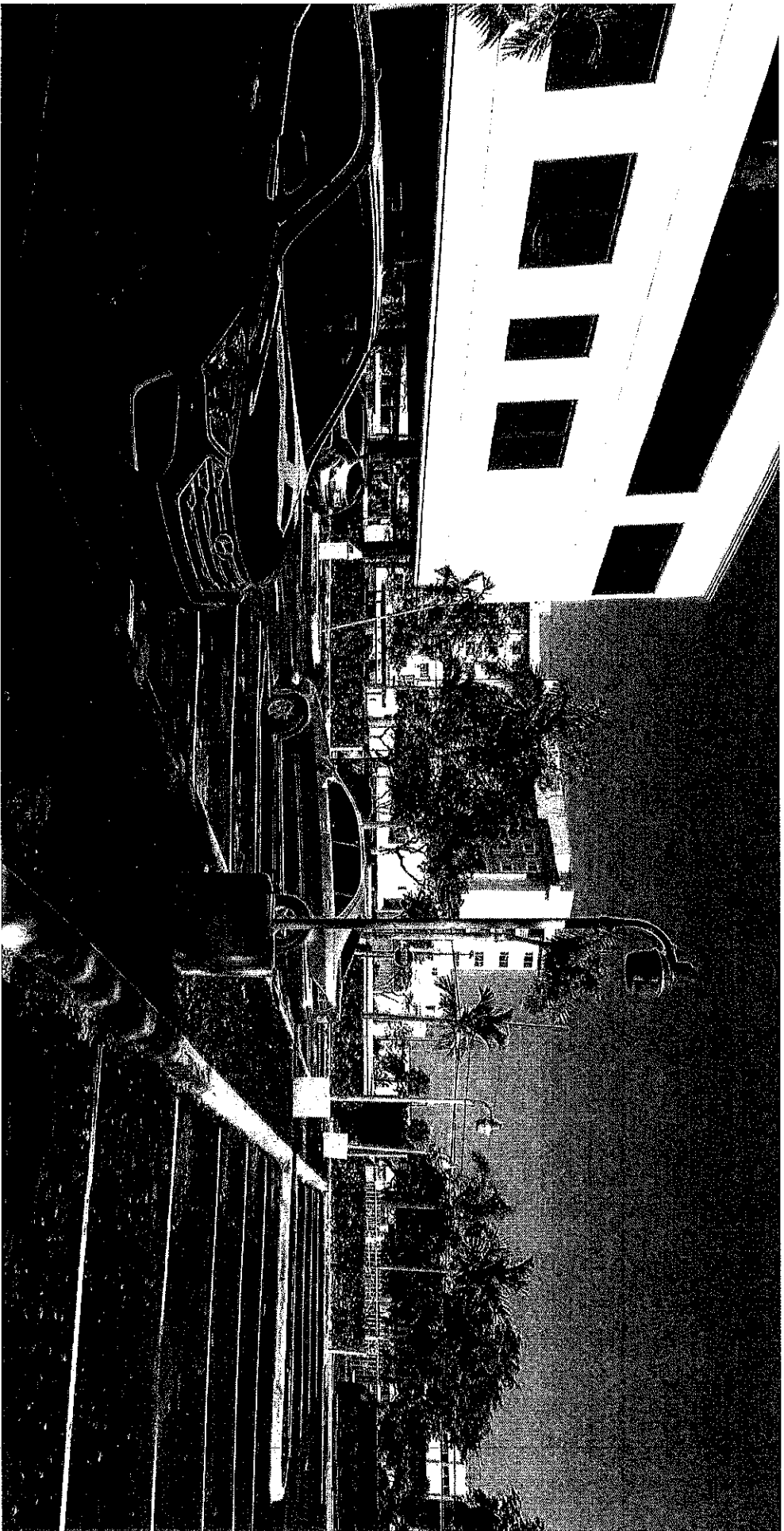
150 - 152 NW 168<sup>TH</sup> STREET, NORTH MIAMI BEACH, FLORIDA



Ground view from northeast looking southwest

# INTERNATIONAL CITY BUILDING

150 – 152 NW 168<sup>TH</sup> STREET, NORTH MIAMI BEACH, FLORIDA



Ground view from south looking north

## **INTERNATIONAL CITY BUILDING**

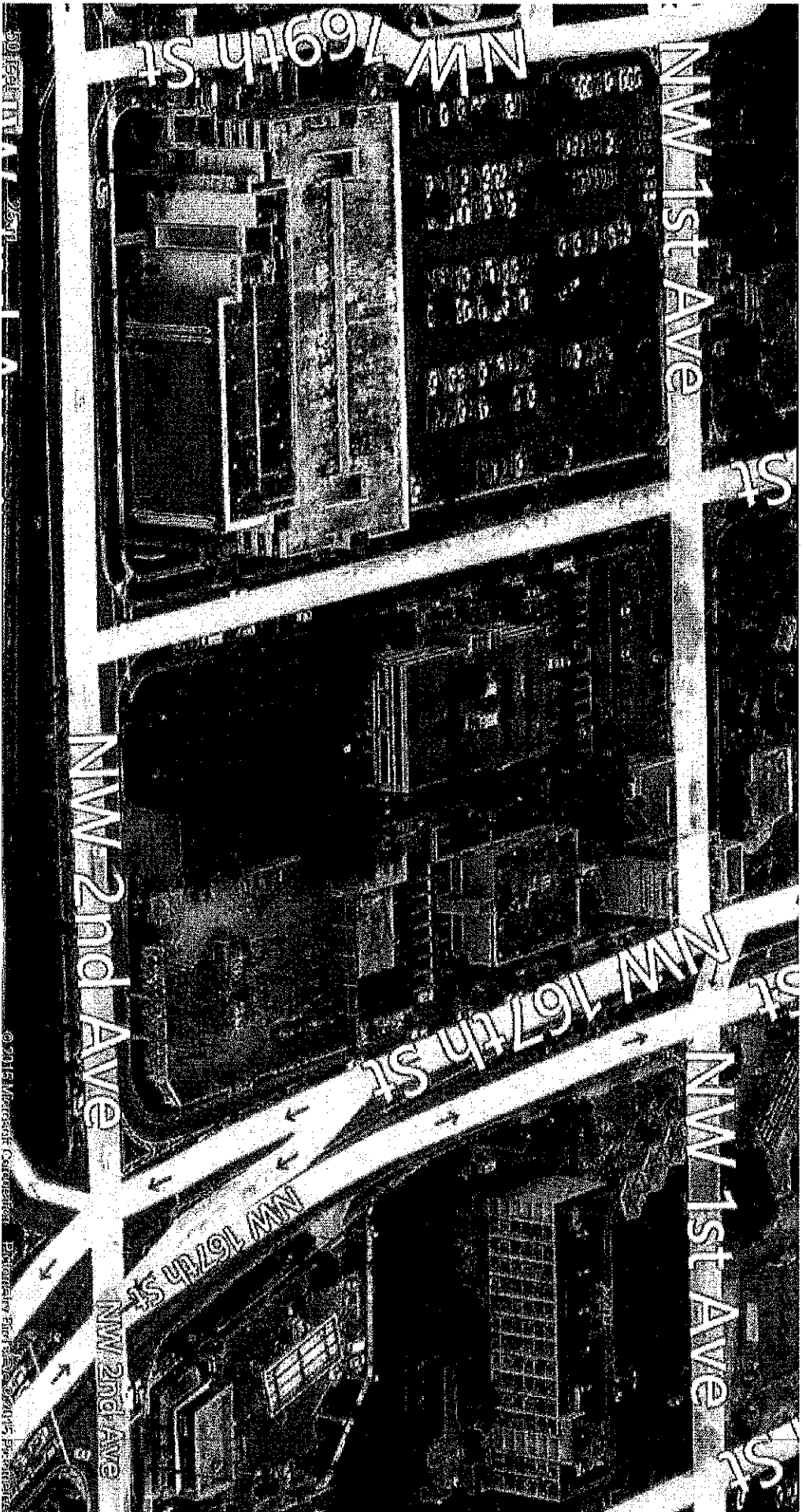
150 – 152 NW 168<sup>TH</sup> STREET, NORTH MIAMI BEACH, FLORIDA



Ground view from southeast looking northwest

# INTERNATIONAL CITY BUILDING

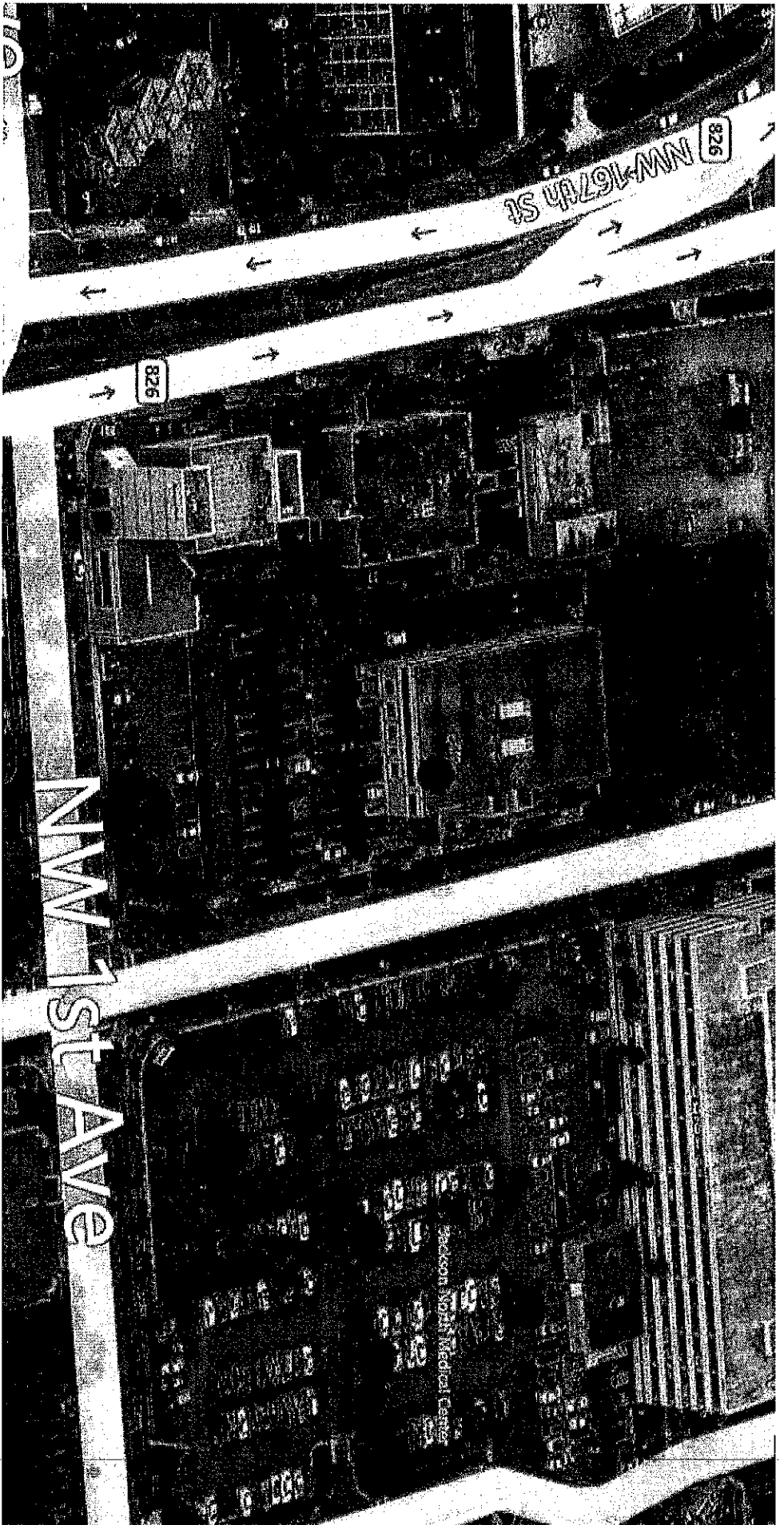
150 - 152 NW 168<sup>TH</sup> STREET, NORTH MIAMI BEACH, FLORIDA



Aerial view from west looking east

# INTERNATIONAL CITY BUILDING

150 – 152 NW 168<sup>TH</sup> STREET, NORTH MIAMI BEACH, FLORIDA

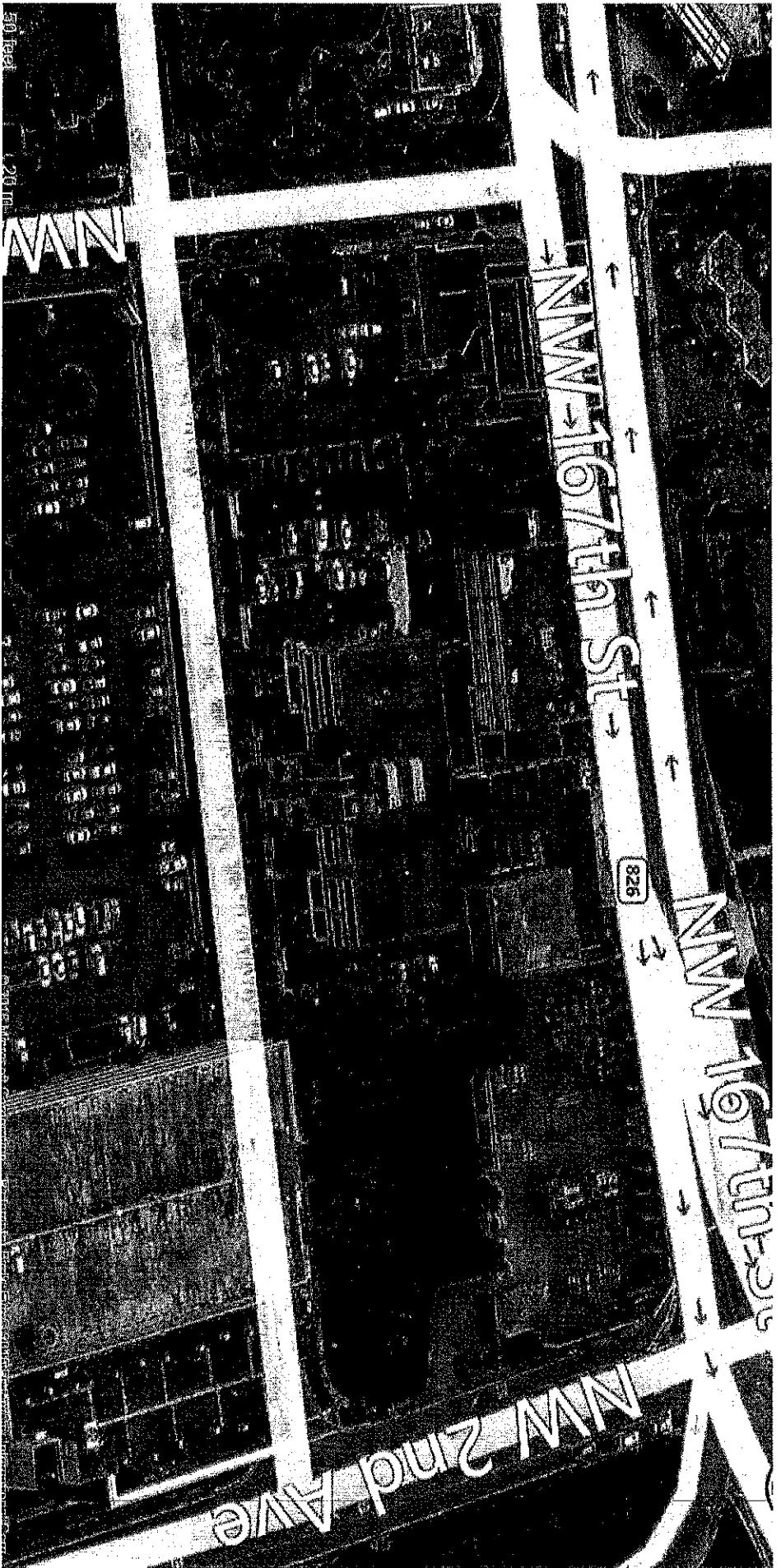


Aerial view from east looking west

# INTERNATIONAL CITY BUILDING

150 - 152 NW 168<sup>TH</sup> STREET, NORTH MIAMI BEACH, FLORIDA

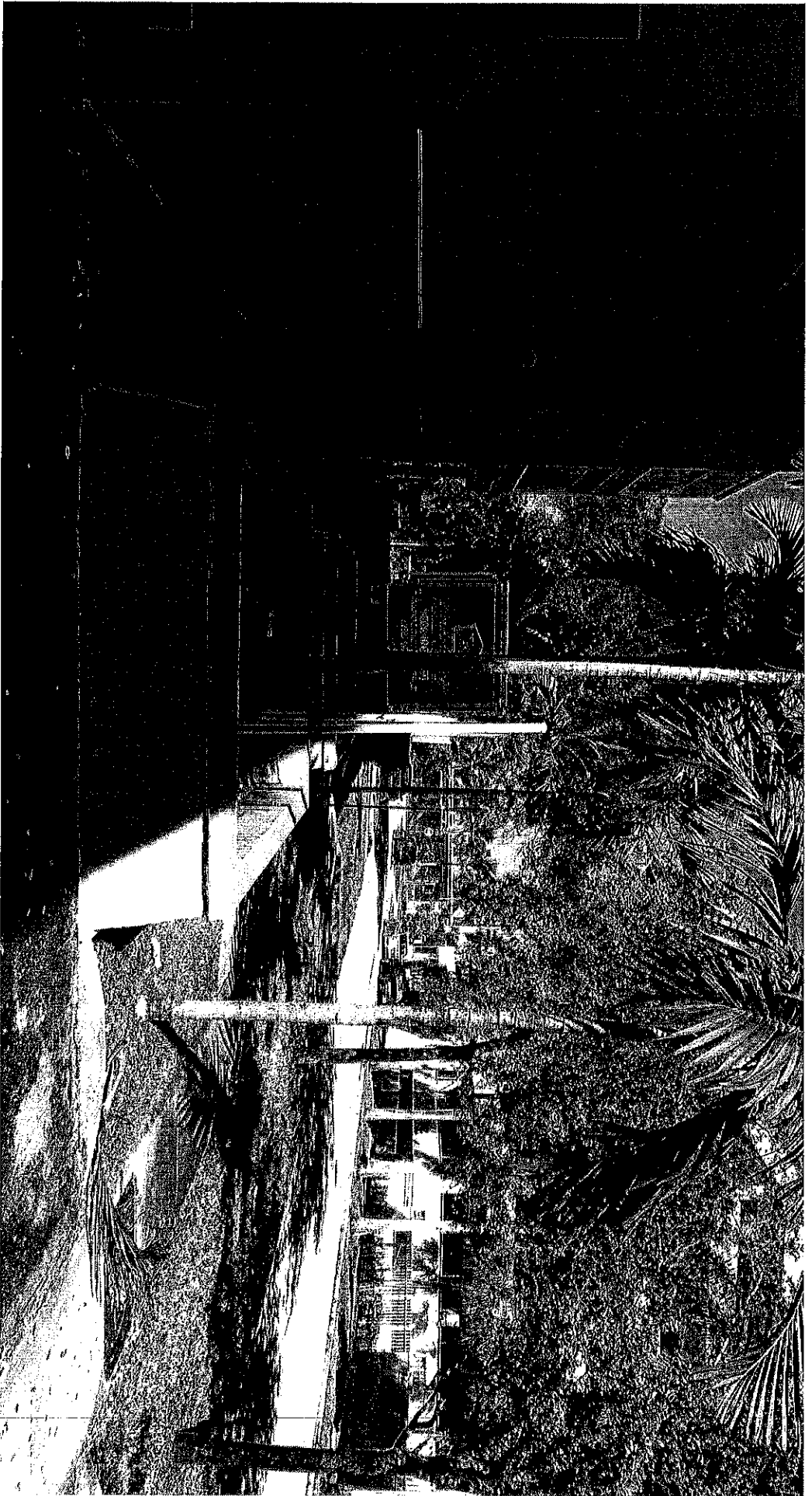




Aerial view from north looking south

# INTERNATIONAL CITY BUILDING

150 - 152 NW 168<sup>TH</sup> STREET, NORTH MIAMI BEACH, FLORIDA



Ground view from east looking west

# INTERNATIONAL CITY BUILDING

150 - 152 NW 168<sup>TH</sup> STREET, NORTH MIAMI BEACH, FLORIDA

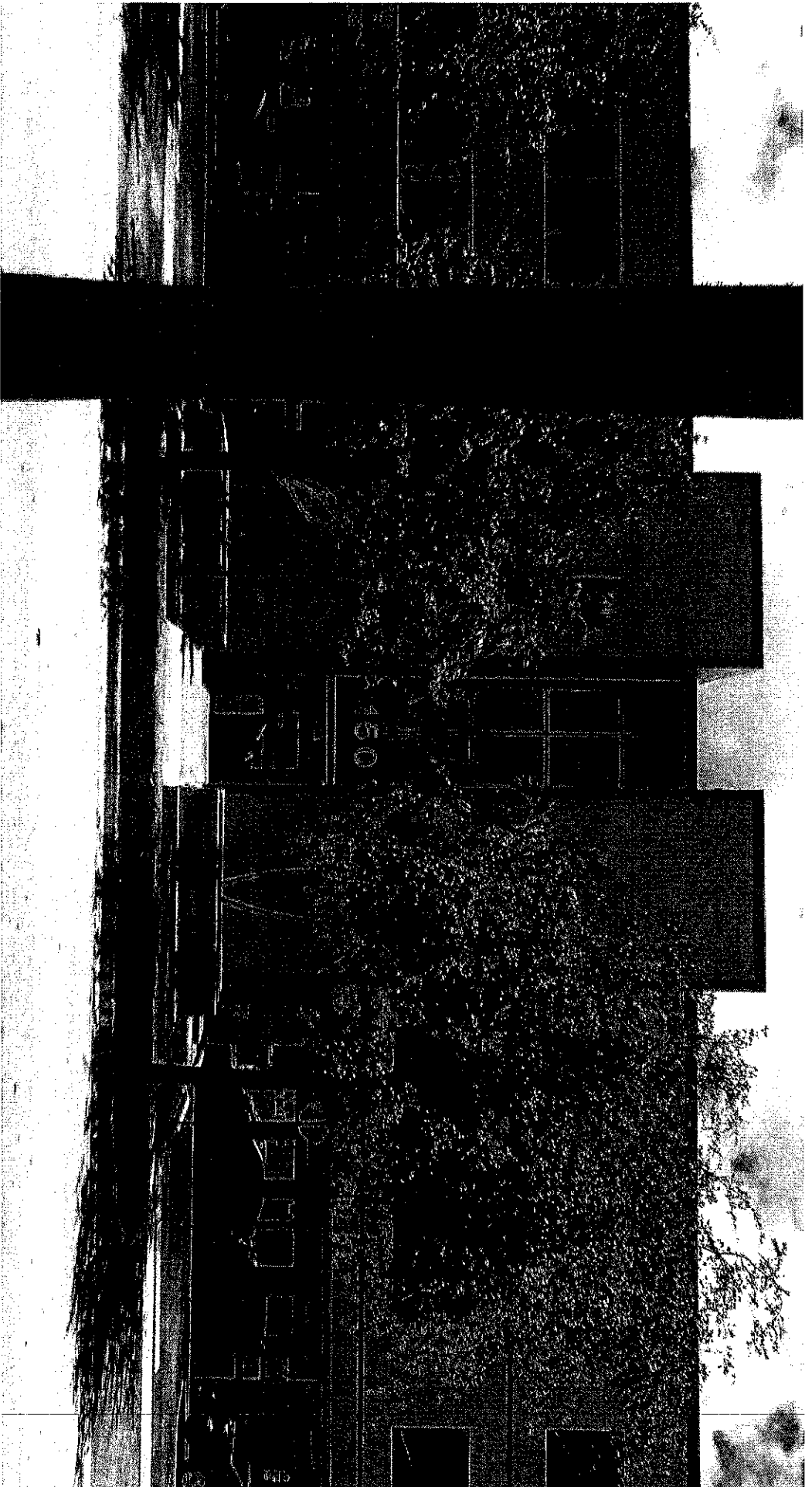




Ground view from northeast looking southwest

# **INTERNATIONAL CITY BUILDING**

150 – 152 NW 168<sup>TH</sup> STREET, NORTH MIAMI BEACH, FLORIDA



Ground view from north looking south

# INTERNATIONAL CITY BUILDING

150 - 152 NW 168<sup>TH</sup> STREET, NORTH MIAMI BEACH, FLORIDA



# **City of North Miami Beach, Florida**

## **Police Department**

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Memorandum No. \_\_\_\_\_

Date: July 7, 2015

To: Carlos Rivera, City Planner

Via: Chain of Command

From: J. S. Dennis, Chief of Police

A handwritten signature in blue ink, appearing to read "J. S. Dennis", written over the "From:" line.

Subject: Police Report Review Regarding Holistic Recovery Center

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On Tuesday, June 30, 2015, North Miami Beach Police Department (NMBPD), Investigations Major Kathy Katerman and Captain Richard Rand attended a meeting regarding a new facility attempting to relocate to the City of North Miami Beach (NMB). Mr. Carlos Rivera, NMB City Planner and Ms. Sarah Johnston, NMB City Assistant City Attorney were present during this meeting. The business name is Holistic Recovery Center and it will be located at 150/152 Northwest 168 Street. Holistic Recovery is owned and operated by, Mr. Roland Faith. Holistic Recovery Center is currently located in the Town of Davie, Florida.

During this meeting, Mr. Rivero requested that Captain Rand review one prior year of police related incidents for Holistic Recovery while it was located in Davie. Upon conclusion of the meeting, Mr. Faith agreed that he would hand deliver the reports to Captain Rand. On Wednesday, July 1, 2015, Mr. Faith delivered the reports to the NMBPD.

On Tuesday, July 7, 2015, this writer reviewed 24 police calls for service. Two of the reports were not related to the Holistic Recovery Center. Currently, the Holistic Recovery Center is located on the first floor of an apartment complex. Two of the incidents involved residents from the apartment complex. The other twenty-two reports involved clients enrolled in the program at the Holistic Recovery Center. Fourteen of these incidents reported were merely law enforcement assisting clients with locating family members or picking up property. The eight additional incidents were routine calls which included missing persons attempting to locate family members and possible baker act situations.

Based on these reports, Captain Rand determined that no major incidents were reported over the past year at the Holistic Recovery Center while it operated in Davie. All of the calls for police service appear to be routine and expected for this type of business.

JUL 8 15 11:41AM

JSD/rr



***City of North Miami Beach, Florida***  
**COMMUNITY DEVELOPMENT DEPARTMENT**

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**PLANNING & ZONING BOARD MEETING**  
**MONDAY, MAY 11, 2015**

**Attendees:**

Members -

Chair Evan Piper

V. Chair Julian Kreisberg

Joseph Litowich

Michael Mosher

Saul Smukler

Hector Marrero (left at 7:16 p.m.)

Jeffrey Lynn

Carlos Rivero, City Planner

Richard Lorber, Assistant City Manager

Sarah Johnston, Assistant City Attorney

Giselle Deschamps, Assistant Planner

Lisa Edmondson/Prototype, Inc., Board Clerk

**1. Pledge of Allegiance**

Chair Piper called the meeting to order at 6:13 p.m. The Pledge of Allegiance was recited.

**2. Roll Call of Board Members**

Roll was called. It was noted that a quorum was present.

**3. Approval of Minutes - Meeting of Monday, February 9, 2015**

**Motion** made by Vice Chair Kreisberg, seconded by Mr. Marrero, to approve the minutes of the February 9, 2015, meeting. In a voice vote, the motion passed unanimously.

**4. Public Hearing Procedures**

Chair Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

**5. Old Business**

- Item 14-021(A): Comprehensive Plan Text and Future Land Use Map Amendment (creation of mixed use districts). Approved by City Council on 2nd Reading on Tuesday, March 17, 2015.

- Item 14-021(B): Zoning and Land Development Code Text and Map Amendment (creation of mixed use districts). Approved by City Council on 2<sup>nd</sup> Reading on Tuesday, March 17, 2015.

## 6. New Business

### **Item 15-001: Conditional Use and Site Plan Approval – 152 NW 168 Street, North Miami Beach, FL:**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE AND SITE PLAN APPROVAL, IN ACCORDANCE WITH SECTION 24-52(C) OF THE NORTH MIAMI BEACH CODE OF ORDINANCES FOR THE CONSTRUCTION AND OPERATION OF A PROPOSED NON-RESIDENTIAL DRUG AND ALCOHOL REHABILITATION SERVICE IN AN EXISTING OFFICE BUILDING, ON PROPERTY LEGALLY DESCRIBED AS LOTS 9 THROUGH 20, BOTH INCLUDED, IN BLOCK 12 OF OLETA TERRACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 117, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA ALSO KNOWN AS 152 NW 168 STREET, NORTH MIAMI BEACH, FL.

Mr. Rivero provided a summary of the staff report for International City Building into the record. He noted it was advertised in the paper, posted on the property, and a courtesy notice mailed out to all living within 500 feet of the property.

Applicant Roland Faith, 16401 Northeast 32 Avenue, Aventura, (owner of the property) stated that he has been investing in North Miami Beach since 2010, mainly investing in foreclosed properties. He provided a brief history of the property. Mr. Faith said they have tried to comply with all negative aspects associated with drug and rehabilitation facilities.

Assistant City Manager Lorber read the list of seven voluntary conditions per the staff report (pp. 5-7).

Mr. Mosher asked if the clients currently being treated are from the area, and Mr. Faith said they are most likely being treated in Hollywood. The existing Hollywood facility wants to relocate to North Miami Beach. Mr. Faith stated he is the liaison with the operator of the facility. Since it is not a residential facility, Mr. Lorber pointed out that clients would generally be coming from the surrounding area.

Chair Piper established there was a halfway-type house associated with the program, (in Dania Beach) and the clients are bussed back and forth.

Mr. Smukler confirmed that the applicant would not pay all the fees stated in the fee schedule (p. 6), since this is a conditional use application in a business zoning district.

Mr. Faith said the facility is named Holistic Recovery Center. He added it has two stories of actual usable space and one story of parking. They have leased the third floor for doctors and medical technicians, who are aware of the proposed plans for the building. Vice Chair Kreisberg wondered why they chose this facility, and Mr. Faith

responded it allowed for expansion of treatment services. He clarified that the medical professionals on the third floor do not provide services to the clients.

Mr. Faith said he was the tenant as well as the owner of the property. He said all the voluntary conditions mentioned in the staff report would be included in the lease.

In response to a question about the scholarships, Mr. Lorber stated they have a similar scholarship program through the Parks and Recreation Department. He added they would ask for an annual or quarterly report from the tenant and determine the needs of the community. He did not think they would be involved in choosing the recipient, however.

Mr. Faith clarified that while the clients are within their care, they reside in a different place and receive services at the "outpatient center." However, the facility is not open to the public – a client has to be part of the residential program. There are group sessions, team building exercises, and other activities to prepare them for rejoining the community.

Mr. Faith explained that a client usually comes to the facility from about 10:00 a.m. to 3:00 p.m., for a two-week period.

Chair Piper asked if the clients were free to enter and leave the building as they wish, and Mr. Faith replied they are the responsibility of the facility when they are in their care. The usual reason one would go outside would be to smoke a cigarette – there is a specified area for that. Mr. Faith continued that there is security in the lobby area near the elevators (on the ground floor); nobody goes in or out without a security guard. There is one staircase outside of the elevator area, but it is monitored with cameras. Food is brought in for lunch. It was established that the clients would not be walking around the area unsupervised.

The smoking area was shown on the diagram (legend #8) – it has two park benches and landscaping. The clients would normally come to the smoking area with a technician. There would not be any unattended clients in the smoking area.

Mr. Litowich remarked that he agrees in principle with the concept of a holistic center. Regarding the scholarships, he wondered if they would be targeted for North Miami Beach residents. Mr. Faith replied they plan to award them to established residents. Mr. Litowich asked who the principals were for the Holistic Resource Center; Mr. Faith responded there are two besides himself – Adam Adler and Daniel Shiff. They are involved in the other facility in Hollywood; it was unknown if they had come before the Board before.

Mr. Litowich asked if the one stairwell doorway could be alarmed, and Mr. Faith felt it could be done. Mr. Litowich also wondered if the smoking area could be moved closer

to the building. Mr. Faith said they were considering fire and safety when they selected its position; he said he could review that.

In response to a question about what the average length of treatment would be, Mr. Faith said it was two weeks, but the clients are free to choose the length of their treatment. He believed that two weeks, however, was optimum. Mr. Faith said that none of his clients are court-ordered, since they are voluntary. Advertising is through their website.

Mr. Smukler established that they built out the second and third floor; the tenants on the third floor are within the permitted use.

Mr. Lorber pointed out the police conditions on p. 4-7; the owner has to provide a photometric plan, and the lighting will be appropriate. It was brought up that the plans did specify LED lighting. Mr. Faith explained that although the recovery program is during daylight hours, other tenants may be using the building at other hours.

Chair Piper confirmed that the owner would be agreeable to putting a panic alarm on the second floor door to the stairwell. The alarm would not prevent anyone from leaving, but would sound an alarm if the door opened. Chair Piper said that would not be counted as one of the voluntary conditions.

Chair Piper asked who would monitor the security camera system, and Mr. Faith replied that security personnel would be on the premise 24 hours a day. The cameras would monitor the egress and ingress (stairwells, lobby, parking lot elevator area, second floor elevator area, etc.). The security guard will sit at a desk during the daytime, but be roving at night.

Regarding the police substation, Mr. Faith noted they offered to provide the space, and it has been discussed with a representative from the Police Department. The exact location is not yet established.

Chair Piper noted that if nobody is accountable for the scholarship program, he felt the program might "go away." Mr. Rivero commented he would discuss it with the Chief of Police, thinking it might be handled through that Department.

Assistant City Attorney Johnston thought they could expand the language to include the Police Department or different departments and how the scholarship program would be managed. She said they would explore other ways of tying in conditional use approval subject to review.

Chair Piper wanted the City Commission to be able to see there would be accountability. Ms. Johnston responded that she and the Planner will speak with different departments to see who would manage the scholarship program and add that language in. Chair Piper thought the onus was on the City, not the applicant.

At this time Chair Piper opened the meeting for public comment.

Muriel Kemp, 1479 Northeast 178 Street, North Miami Beach, confirmed that 48 people per day was the maximum number who would be treated. She wondered how many were in the same neighborhood; Mr. Faith replied 20 at this time. The clientele would include men and women over the age of 18.

Mr. Faith clarified there would be two shifts: morning and afternoon, but it would be comprised of the same clients. The Dania Beach facility has the capacity for 48 clients.

Ms. Kemp asked if the facility would be for both alcohol and drug programs, and Mr. Faith replied affirmatively. The average time is two weeks, but that is not set.

Ms. Kemp also confirmed that the clients are covered by insurance, and no one is paying privately. The daily rate of the program (for scholarship purposes) would be roughly \$500 per day. Ms. Kemp spoke on the advantages of a 12-step program.

Ms. Kemp recommended that somebody ensure that the area where the clients are housed has not experienced any problems due to them. She also wanted to know if the managers (operators) of the program were in recovery; Mr. Faith replied negatively. He said the therapists all have their own history, and they do not question that other than that they have a professional background. There will be no drugs on the premises.

Richard Riess, 23 Northwest 169 Street, stated he lives nearby. He recalled a drug clinic that used to be in the area, but was closed down by the Police Department. He said the area is residential and full of children, and he wants to protect them. Mr. Riess did not believe any of the promises made by the developers of such facilities. He also felt the hearing was not noticed properly.

At this time Chair Piper closed the meeting for public comment.

Mr. Faith emphasized the facility is not a “drug center” – it is a rehab center; he reiterated there will not be any drugs at the facility.

Mr. Mosher asked about the credentials of the therapists. Mr. Faith said everybody is licensed/certified professionally.

Mr. Litowich asked if Mr. Faith was aware of any other cities that Mr. Adler and Mr. Shiff may have applied to for such facilities. Mr. Faith said this was the only one.

Mr. Rivero stated the Planning and Zoning Department recommends approval of the conditional use subject to the (voluntary) conditions listed on the staff report and the additional condition suggested by this Board regarding the alarm on the second floor door to stairs.



Chair Piper requested that voluntary condition #17 be clarified to show there would be a security guard onsite 24/7 and also that the security cameras will be monitored by the guard at the onsite security station. He also wanted more detail on the Police substation.

Mr. Rivero stated he would update the Board with all revisions.

Chair Piper suggested that the City Commission have access to a police incident history report from the Holistic Recovery Center in Hollywood (7709 Davie Road Extension). Mr. Rivero said he would make that another suggestion from the Board.

Chair Piper added that all the conditions have been accepted by the applicant.

**Motion** made by Vice Chair Kreisberg, seconded by Mr. Lynn, to approve Item 15-001, Conditional Use Approval, with all of the conditions stated on the Staff Report, the Voluntary Conditions, and the additional conditions the Board has discussed and staff has agreed to and the applicant has agreed to. In a roll call vote, the **motion** passed 7-0.

<b>Chair Evan Piper</b>	<b>Yes</b>
<b>Joseph Litowich</b>	<b>Yes</b>
<b>Julian Kreisberg</b>	<b>Yes</b>
<b>Saul Smukler</b>	<b>Yes</b>
<b>Michael Mosher</b>	<b>Yes</b>
<b>Hector Marrero</b>	<b>Yes</b>
<b>Jeffrey Lynn</b>	<b>Yes</b>

Mr. Marrero left the meeting at 7:16 p.m.

**Item 15-006- Zoning and Land Development Code Amendment – North Miami Beach, FL:**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL AMENDING CHAPTER XXIV, OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY AMENDING ARTICLE VIII, SECTION 24-147.2 ENTITLED "TEMPORARY SIGNS ALLOWED" BY ELIMINATING THE REQUIREMENT FOR AN APPLICANT TO POST BONDS FOR TEMPORARY SPECIAL EVENT AND BANNER SIGNS AND CLARIFYING THE FREQUENCY AND NUMBER OF SIGNS ALLOWED; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

Mr. Rivero stated that the banner issue was pointed out by the Assistant City Planners as a potential problem. He then introduced the amendment and reviewed the staff report. He elaborated that the City currently requires a \$200 bond to put up a sign, and there is too much paperwork involved for the City. They felt the bond is a burden on businesses, and also noted a lack of clarity in the Ordinance regarding the number and frequency of banners.

Mr. Lynn wondered what would happen if the business did not remove its banner in the prescribed time limit, and Mr. Rivero replied that Code Enforcement would remove it if it was not taken down.

Mr. Litowich was curious how it would affect flyers stapled to light poles; Mr. Rivero said such signs are illegal. The banners have to be attached to the façade of the building, and a sketch of the location has to be provided ahead of time.

Ms. Deschamps clarified that there is an “after-the-fact” fee for the banner – \$100 along with the \$50 permit fee. The time for a special event banner is 60 days, and 90 days for a banner that just has the location of the business. She added that most people comply with the time limit. Ms. Deschamps continued that a special event banner is usually for a grand opening.

Ms. Deschamps stated a very low percentage of the bonds are forfeited. The customers are given a 24-hour notice that their time is going to be up. If the banner is not taken down, the customer would receive a violation, which would be ordered through Code Compliance. Mr. Lorber said the amendment would streamline the process for staff so they could work on more important matters, and it is also business-friendly.

Ms. Deschamps estimated that roughly 30 or 40 banner permits were issued last year.

At this time Chair Piper opened the meeting for public comment.

Muriel Kemp, 1479 Northeast 178 Street, said that some schools allow businesses to put up banners on their fences. They pay the schools for that, but Greynolds Park School was recently told they could not do that. She expressed dismay over the loss of income for the schools. Mr. Lorber did not believe the City had the ability to prevent the school from doing that, and it was suggested that Ms. Kemp try to remediate the situation.

At this time Chair Piper closed the meeting for public comment.

**Motion** made by Vice Chair Kreisberg, seconded by Mr. Litowich, to approve Item 15-006, the ordinance on signs. In a roll call vote, the **motion** passed 6-0.

<b>Chair Evan Piper</b>	<b>Yes</b>
<b>Joseph Litowich</b>	<b>Yes</b>
<b>Julian Kreisberg</b>	<b>Yes</b>
<b>Saul Smukler</b>	<b>Yes</b>
<b>Michael Mosher</b>	<b>Yes</b>
<b>Hector Marrero</b>	<b>Absent</b>
<b>Jeffrey Lynn</b>	<b>Yes</b>

Mr. Rivero announced the next meeting would be June 8, 2015, noting he did not expect any projects.

**7. Public/Citizen Comments - none**

Chair Piper opened the public hearing. Hearing no comments, Chair Piper closed the public hearing.

**8. Adjournment**

Upon motion duly made and seconded, Chair Piper adjourned the meeting at 7:32 p.m.

[Minutes prepared by J. Rubin, Prototype, Inc.]

**RESOLUTION NO. R2015-65**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE APPROVAL IN ACCORDANCE WITH SECTION 24-52(C) OF THE NORTH MIAMI BEACH CODE OF ORDINANCES FOR THE OPERATION OF A PROPOSED NON-RESIDENTIAL DRUG AND ALCOHOL REHABILITATION SERVICE IN AN EXISTING OFFICE BUILDING, ON PROPERTY LEGALLY DESCRIBED AS:**

**Lots 9 through 20, both included, in block 12 of Oleta Terrace, according to the plat thereof, as recorded in plat book 8, at page 117, of the public records of Miami-Dade County, Florida.**

**A/K/A  
152 NW 168 Street  
North Miami Beach, Florida**

**WHEREAS**, the property described herein is zoned B-2, General Business District; and

**WHEREAS**, the applicant requests conditional use approval to construct and operate a non-residential drug and alcohol rehabilitation service in an existing office building located at 152 NW 168 Street Avenue; and

**WHEREAS**, Section 24-52 (C)(6) of the City's Land Development Regulations provide that in the B-2 General Business Zoning District for the aforementioned property the proposed non-residential drug and alcohol rehabilitation service use is conditionally permitted based upon standards of review set forth in section 24-175 *Conditional Uses*, of the City's Land Development Regulations; and

**WHEREAS**, on April 13, 2015 the Planning and Zoning Board recommended approval of the conditional use by a vote of 7 to 0, subject to the conditions set forth and included herein below in Section 1.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of North Miami Beach, Florida.

**RESOLUTION R2015-65**

**Section 1.** Conditional use approval, in order to operate a non-residential drug and alcohol

rehabilitation service in an existing office building, on property legally described as:

**lots 9 through 20, both included, in block 12 of Oleta Terrace,  
according to the plat thereof, as recorded in plat book 8, at page  
117, of the public records of Miami-Dade County, Florida.**

**A/K/A  
152 NW 168 Street  
North Miami Beach, Florida**

IS HEREBY **GRANTED** SUBJECT TO THE FOLLOWING CONDITIONS:

1. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following:
  1. Sketch of Survey prepared by Narciso J. Ramirez, Professional Land Surveyor and Mapper
  2. Plans prepared by PME Engineering Corp. including the following:
    - i. Site Plan, Sheet SD-1
    - ii. Ground Floor Plan & Elevator Lobby Elevations, Sheet A1-1
    - iii. Second Floor Plan, Sheet A1-2
    - iv. Photometric Site Plan, Sheet PH-00
    - v. Site Power Plan, Sheet PH-0.
    - vi. Notes, Riser & Panel, Sheet PH-1
2. All representations and exhibits as prepared and provided to the Community Development Department as part of the Application Submittal Package, as amended.
3. All representations proffered by the Applicant's representatives as a part of the review of the application at public hearings.
4. All comments made by all Staff Reviewers and submitted to the applicant on January 8, 2015 shall be addressed prior to Building permit.
5. Miami-Dade County Fire Department approval is required for adequacy of fire protection for the site.
6. All missing and/or damaged landscaping, parking infrastructure, pavement, striping, and curbing must be replaced as part of this project.
7. If numerous incidents of crime are reported on the premises the Resolution approving the conditional use may be revoked.
8. Excluding any outdoor area designated on the proposed site plan, the proposed facility shall not direct or encourage any patron to stand, sit (including in a parked car), gather, or loiter outside of the building where the facility operates, including in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required for patrons to conduct their business and depart.
9. The Applicant shall have a security risk assessment conducted on the property by the NMBPD Crime Prevention Unit prior to the issuance of a Certificate of Occupancy.
10. The Applicant must join the NMBPD Trespass After Warning Program.

11. The facility must comply with the Florida Building Code Chapter 36 Standards for Security and Forced Entry Prevention.
12. The Applicant shall provide the NMBPD with access to the facility in cases of emergency.
13. The facility will have 24-hour a day on-site security and 10 security cameras monitoring the facility during the hours of operation.
14. The hours of operation shall be Monday to Friday 9:00 A.M. to 5:00 P.M., Saturday 9:00 A.M. to 2:00 P.M., and closed on Sunday.
15. Clients shall be monitored at all times by mental health and certified behavioral technicians (CBHT's).
16. The Applicant shall provide two scholarships, per month for North Miami Beach residents in need of addiction treatment assistance. The owner/applicant/operator will work with the North Miami Beach Police Department for referrals and will provide a report, at the end of the each calendar year, list the amount of scholarships provided and the duration of each scholarship recipient's use of the service.
17. The main building entrance will be the only access into the building, the second floor door to the stairway with direct parking lot access (shown on the plans described in condition no. 1 herein) shall have an audible alarm when opened.
18. The Applicant will provide a North Miami Beach Police Department substation, if requested.
19. The City Council shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the City Manager, the Applicant shall appear before the City Council for a progress report. The Council reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports.
20. This Conditional Use is also subject to modification or revocation. The City Council shall retain the right to call the owner, applicant, and/or operator back before them and modify the hours of operation or the occupant load proposed for the project should there be valid complaints about loud, excessive, unnecessary, or unusual noise, as determined by the Code Compliance Department, or if code violations have been issued to the property. Nothing in this provision shall be deemed to limit the right of the City Council to call back the owner, applicant and/or operator for other reasons and for other modifications of this Conditional Use Permit.
21. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
22. Any substantial modifications to the plans submitted and approved as part of the application, as determined by the City Manager or designee, may require the applicant to return to the City Council for approval.
23. The applicant, owner and/or operator, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Conditional Use Permit.
24. The applicant shall maintain the parking lot of the subject property, including the south 10 foot strip along the south property line currently labeled as alley, in a clean, safe, and aesthetically pleasing manner.

25. The medical courier boxes at the front of the building shall be relocated to a more discreet position to be less visible from the street, subject to review and approval of the City's Planning staff.

**Section 2.** The City Council makes the following FINDINGS OF FACT based upon the substantial competent evidence provided:

The requested conditional use approval is not contrary to the public interest or detrimental to the community and is compatible with the surrounding land uses while maintaining the basic intent and purpose of the zoning and land use regulations.

**Section 3.** Pursuant to Section 24-175(C) of the Code of Ordinances of the City of North Miami Beach, the applicant must obtain a Business Tax Receipt within one year of the issuance of a Certificate of Occupancy or within one year of conditional use approval, whichever is longer. This may be extended administratively for good cause for one six-month period by the City Manager or designee. This period may be extended by the Mayor and City Council for good cause.

**APPROVED AND ADOPTED** by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this **21st day of July, 2015**.

ATTEST:

\_\_\_\_\_  
PAMELA L. LATIMORE  
CITY CLERK

\_\_\_\_\_  
GEORGE VALLEJO  
MAYOR

(CITY SEAL)

APPROVED AS TO FORM &  
LANGUAGE & FOR EXECUTION

\_\_\_\_\_  
JOSE SMITH  
CITY ATTORNEY

SPONSORED BY: Mayor and City Council



City of North Miami Beach  
17011 NE 19 Avenue  
North Miami Beach, FL 33162  
305-947-7581  
www.citynmb.com

## MEMORANDUM

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**TO:** Mayor and City Council

**FROM:** Ana M. Garcia, City Manager

**VIA:** Barbara Trinka, Finance Director  
Marcia Fennel, Assistant Finance Director

**DATE:** Tuesday, July 21, 2015

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**RE:** Resolution No. R2015-66 (Barbara Trinka, Finance Director)

---

**BACKGROUND  
ANALYSIS:**

This resolution will communicate to the Miami Dade Property Appraiser's Office the City's proposed millage rate as well as the time, location and date at which public meetings will be held to consider the millage rate and the tentative budget. To ensure transparency in the budget process and in following best practices, the City Manager has requested a public meeting regarding setting the proposed millage rate for the FY 2015 budget.

The City Manager is recommending no change in the proposed millage rate of 6.6036, which is \$6.6036 per \$1,000 of assessed property within the City. If the resolution is approved, this proposed millage rate would be the maximum rate, or "ceiling" rate the City could adopt. The proposed millage rate for FY 2016 maintains the same millage rate since 2011.

Compared to the proposed millage rate of 6.6036, the roll back rate is 7.93% lower, or 0.4851 mills.

Proposed Millage Rate: 6.6036 mills

Roll Back Rate: 6.1185 mills

Difference: 0.4851 mills



Difference (%): 7.93%

The debt service millage rate for FY 2016 as established in accordance with the provisions of law pursuant to Chapter 200, Florida Statutes is at 0.9733 mills.

The aggregate tentative recommended millage rate is 7.5769 (a combined total millage of 6.6036 mills for operating and 0.9733 mills for debt service).

The following date, time and place are recommended for the first and second public hearings:

September 8, 2015  
6:00 PM  
City of North Miami Beach  
17011 NE 19th Avenue  
2nd Floor Council Chambers  
North Miami Beach, FL 33162

September 21, 2015  
6:00 PM  
City of North Miami Beach  
17011 NE 19th Avenue  
2nd Floor Council Chambers  
North Miami Beach, FL 33162

**RECOMMENDATION:**

Approval of the resolution to adopt the proposed millage rate and set the date, time and place for the budget hearings is recommended.

**FISCAL/BUDGETARY  
IMPACT:**

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**ATTACHMENTS:**

- ☐ [Resolution No. R2015-66](#)

**RESOLUTION R2015-66**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, DETERMINING THE PROPOSED MILLAGE RATE FOR FISCAL YEAR 2015-16, THE CALCULATED "ROLLED-BACK" RATE, AND THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE CITY CLERK AND CITY MANAGER TO FILE THIS RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF SECTION 200.065, FLORIDA STATUTES, AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA.**

**WHEREAS**, on July 1, 2015, the Property Appraiser of Miami-Dade County, Florida (the "Property Appraiser") served upon the City of North Miami Beach, Florida (the "City"), a "Certification of Taxable Value" certifying to the City its 2015 taxable value; and

**WHEREAS**, the provisions of Section 200.065, Florida Statutes, require that the City, within thirty-five (35) days of service of the Certification of Taxable Value, furnish to the Property Appraiser and Tax Collector the proposed millage rate and the date, time, and place at which public hearings will be held to consider the final millage rate and the tentative budget; and

**WHEREAS**, the City Administration is proposing the adoption of a millage rate of 6.6036 mills and desires to set the dates for the first and second public hearings to set the final millage rate and tentative budget for Fiscal Year 2015-16; and

**WHEREAS**, the City Council has reviewed the figures supplied by the Property Appraiser of Miami-Dade County and conferred at a public meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of North Miami Beach, Florida, as follows:

**Section 1.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The proposed millage rate for the first public hearing is hereby declared to be 6.6036 mills, which is \$6.6036 per \$1,000 of assessed property within the City for the Fiscal Year 2015-16.

**Section 3.** That the rolled-back rate is 6.1185 mills, which is a difference of 0.4851 mills or 7.93% lower than the Fiscal Year 2015-16 proposed millage rate.

**Section 4.** The proposed debt service millage rate for the first public hearing is hereby declared to be 0.9733 mills, which is \$0.9733 per \$1,000 of as established in accordance with the provisions of law pursuant to Chapter 200, Florida Statutes.

**Section 5.** The aggregate tentative millage rate of 7.5769 (a combined total millage of 6.6036 mills for operating and 0.9733 mills for debt service).

**Section 6.** The date, time and place of the first and second public hearings are hereby set by the City Council as follows:

<u>Date</u>	<u>Time</u>	<u>Place</u>
September 8, 2015	6:00 p.m.	City of North Miami Beach 17011 NE 19 <sup>th</sup> Ave 2 <sup>nd</sup> FL Council Chambers North Miami Beach, FL 33162
September 21, 2015	6:00 p.m.	City of North Miami Beach 17011 NE 19 <sup>th</sup> Ave 2 <sup>nd</sup> FL Council Chambers North Miami Beach, FL 33162

**Section 7.** The City Clerk and City Manager are directed to attach the original Certification of Taxable Valuable to a certified copy of this resolution and serve the same upon the Honorable Lazaro Solis, Property Appraiser of Miami-Dade County on or before August 4, 2015.

**APPROVED AND ADOPTED** by the City Council of the City of North Miami Beach,

Florida at regular meeting assembled on this **21<sup>st</sup> day of July, 2015.**

ATTEST:

\_\_\_\_\_  
PAMELA L. LATIMORE  
CITY CLERK  
(CITY SEAL)

\_\_\_\_\_  
GEORGE VALLEJO  
MAYOR

APPROVED AS TO FORM &  
LANGUAGE & FOR EXECUTION

\_\_\_\_\_  
JOSE SMITH  
CITY ATTORNEY

Sponsored by: Mayor & Council



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## MEMORANDUM

 [Print](#)

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**TO:** Mayor and City Council  
**FROM:** Ana M. Garcia, City Manager  
**VIA:** Carlos M. Rivero, City Planner  
**DATE:** Tuesday, July 21, 2015

---

**RE:** Ordinance No. 2015-13 (First Reading by Title Only) (Richard Lorber, Asst. City Manager)

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**BACKGROUND  
ANALYSIS:**

Maule Lake, although privately-owned submerged land, sits adjacent to the Biscayne Bay Aquatic Preserve, and in a direct line between the Oleta River and its outflow into Biscayne Bay. There are no upland areas associated with the property; it is completely submerged and not accessible by any roadway or land. In close proximity is the County-owned Greynolds Park, and the State-owned Oleta River State Park. The vast majority of the Biscayne Bay basin is government-owned and protected for conservation; Maule Lake, however, is one of the few remaining privately-owned tracts of submerged land located in the Biscayne Bay basin. Most local residents are unaware that this water body is privately-owned and not under the same regulatory and environmental protections as the open waters of Biscayne Bay and the Biscayne Bay Aquatic Preserve. Except that it was formerly a rock quarry and not an original part of Biscayne Bay, its character, especially visually and aesthetically, is very similar to the open waters of the Bay. Nearby residents are under the impression that the open waters of the lake would always remain open and preserved like other areas throughout the basin.

The sole goal of the City of North Miami Beach Comprehensive Plan Conservation Element is “To preserve and enhance the significant natural features in North Miami Beach.” Additionally, Objective 1.4 of the City of North Miami Beach Comprehensive Plan Future Land Use Element calls for the City to “Ensure reasonable protection of natural resources and

environmentally sensitive land as new development occurs.” Upon learning of development intentions within the body of water known as Maule Lake, the City, with overwhelming support from concerned residents seeks to designate and zone this property in a way that clarifies its status as conservation land and leaves no ambiguity about the potential for any development of the property based on these goals and objectives of the Comprehensive Plan listed above. The City’s intention is to follow-up this action with additional research and recommendations for designating and zoning any other similar open bodies of water within the City to the Water/Conservation category.

**RECOMMENDATION:**

Based on the Comprehensive Plan goals and objectives, the location of the site in relation to the Greater Biscayne Bay Aquatic Preserve and concerns expressed by surrounding residents, which include whether development of Maule Lake will adversely affect the public health, safety, welfare or the property of others, including adjacent property owners; whether development will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats; whether it will adversely affect navigation or the flow of water or cause harmful erosion or shoaling, or adversely affect the fishing or recreational values or marine productivity in the vicinity of the development; and the temporary lowering of water quality during construction activities; the Planning and Zoning Department recommends the implementation of this amendment as proposed.

**FISCAL/BUDGETARY  
IMPACT:**

No fiscal impact.

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**ATTACHMENTS:**

- ❑ [Staff Report](#)
- ❑ [Application](#)
- ❑ [PZB Minutes of June 8, 2015](#)
- ❑ [Ordinance No. 2015-13](#)
- ❑ [City of NMB Future Land Use Map](#)



# ***City of North Miami Beach, Florida***

Planning and Zoning Department

## **City Council Staff Report**

**TO:** City Council

**FROM:** Carlos Rivero, City Planner

**DATE:** JULY 21, 2015

**ITEM:** P&Z ITEM # 15-007A - MAULE LAKE COMPREHENSIVE PLAN AMENDMENT

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**RE:** AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN, THE FUTURE LAND USE MAP AND TEXT CHANGES TO THE FUTURE LAND USE ELEMENT; AMENDING POLICY 1.8.2 OPEN WATER AND TRANSPORTATION CORRIDORS; AMENDING THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY AND APPLY THE AMENDED OPEN WATER AND TRANSPORTATION CORRIDORS DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR CERTIFIED COPIES OF THIS ORDINANCE AND COMPREHENSIVE PLAN TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER UNITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; SEVERABILITY; AND FOR AN EFFECTIVE DATE.

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***Request:***

The applicant, City of North Miami Beach, requests amendments to the Comprehensive Plan, the Future Land Use Map and text changes to the Future Land Use Element in order to amend Policy 1.8.2, Open Water and Transportation Corridors; amend the Future Land Use Map to change the future land use designation of certain property and apply the amended Open Water and Transportation Corridors Designation to those properties shown in EXHIBIT "A". This action is at the direction of the Mayor and Council, who discussed the matter at their April 21, 2015

Council Meeting, and directed staff to prepare amendments to rezone/redesignate Maule Lake as Conservation/Water.

***Background:***

Maule Lake, although privately-owned submerged land, sits adjacent to the Biscayne Bay Aquatic Preserve, and in a direct line between the Oleta River and its outflow into Biscayne Bay. There are no upland areas associated with the property; it is completely submerged and not accessible by any roadway or land. In close proximity is the County-owned Greynolds Park, and the State-owned Oleta River State Park. The vast majority of the Biscayne Bay basin is government-owned and protected for conservation; Maule Lake, however, is one of the few remaining privately-owned tracts of submerged land located in the Biscayne Bay basin. Most local residents are unaware that this water body is privately-owned and not under the same regulatory and environmental protections as the open waters of Biscayne Bay and the Biscayne Bay Aquatic Preserve. Except that it was formerly a rock quarry and not an original part of Biscayne Bay, its character, especially visually and aesthetically, is very similar to the open waters of the Bay. Nearby residents are under the impression that the open waters of the lake would always remain open and preserved like other areas throughout the basin.

The sole goal of the City of North Miami Beach Comprehensive Plan Conservation Element is “To preserve and enhance the significant natural features in North Miami Beach.” Additionally, Objective 1.4 of the City of North Miami Beach Comprehensive Plan Future Land Use Element calls for the City to “Ensure reasonable protection of natural resources and environmentally sensitive land as new development occurs.” Upon learning of development intentions within the body of water known as Maule Lake, the City, with overwhelming support from concerned residents seeks to designate and zone this property in a way that clarifies its status as conservation land and leaves no ambiguity about the potential for any development of the property based on these goals and objectives of the Comprehensive Plan listed above. The City’s intention is to follow-up this action with additional research and recommendations for designating and zoning any other similar open bodies of water within the City to the Water/Conservation category.

***Planning and Zoning Department Analysis:***

Maule Lake lies adjacent to the Biscayne Bay Aquatic Preserve; it is closely linked to the conservation lands in North Biscayne Bay (EXHIBIT “B”) and the focal natural communities adjacent to North Biscayne Bay (EXHIBIT “C”). Additionally, Maule Lake is listed as a Critical Habitat for the endangered Florida Manatee (*Trichechus manatus*) as per CFR 17.95(a). Manatees dwell in shallow bay waters and feed on a variety of vegetation. Although privately-owned, the Lake is very similar in character to the adjacent conservation lands with respect to marine life and the environment. It is difficult to foresee how a large-scale full-service residential development within the lake would be compatible with the surrounding conservation lands and or with adjacent residential uses.



From an economic standpoint, the entire subject parcel of Maule Lake is valued by the Miami-Dade Property Appraiser at \$52,847, or \$449 per acre. This nominal valuation placed on the property is in stark contrast to the existing valuations of vacant developable land in the Northeast Miami-Dade County area, which range from several hundred thousand dollars to over one million dollars an acre. The extremely low nominal valuation of the property indicates that the property is considered by the Property Appraiser's office as undevelopable and that it contains little economic value given the existence of local, state and federal laws and policies regarding planning and development, environment considerations, and practical realities of construction on submerged lands. The Property Appraiser's Office has indicated this is especially true when there are no upland areas associated with the property. The existing property owner has been paying yearly property taxes based on these nominal valuations, which demonstrates that there is no "investment-backed expectations" for this property. It is unreasonable for any property owner (or prospective buyer of such property) to reasonably expect that this property would be the basis for a significant investment of capital seeking a return on investment of a nature similar to other property development projects on dry land.

Other municipalities have similarly situated lands which are designated within their Comprehensive Plans with an appropriate designation. The portion of Maule Lake that is located within the City of Aventura was designated as Water and zoned Conservation District sixteen years ago, in 1999.

The proposed land use designation does not eliminate all economic uses of the subject property; it permits this private open water areas to be used for recreational and commercial boating facilities, passive outdoor recreational uses, fishing, boating and camping facilities, and other water-oriented uses not in conflict with water management and wildlife protection.

***Planning and Zoning Department Recommendation:***

Based on the Comprehensive Plan goals and objectives, the location of the site in relation to the Greater Biscayne Bay Aquatic Preserve and concerns expressed by surrounding residents, which include whether development of Maule Lake will adversely affect the public health, safety, welfare or the property of others, including adjacent property owners; whether development will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats; whether it will adversely affect navigation or the flow of water or cause harmful erosion or shoaling, or adversely affect the fishing or recreational values or marine productivity in the vicinity of the development; and the temporary lowering of water quality during construction activities; the Planning and Zoning Department recommends the implementation of this amendment as proposed.

# OFFICIAL FUTURE LAND USE MAP

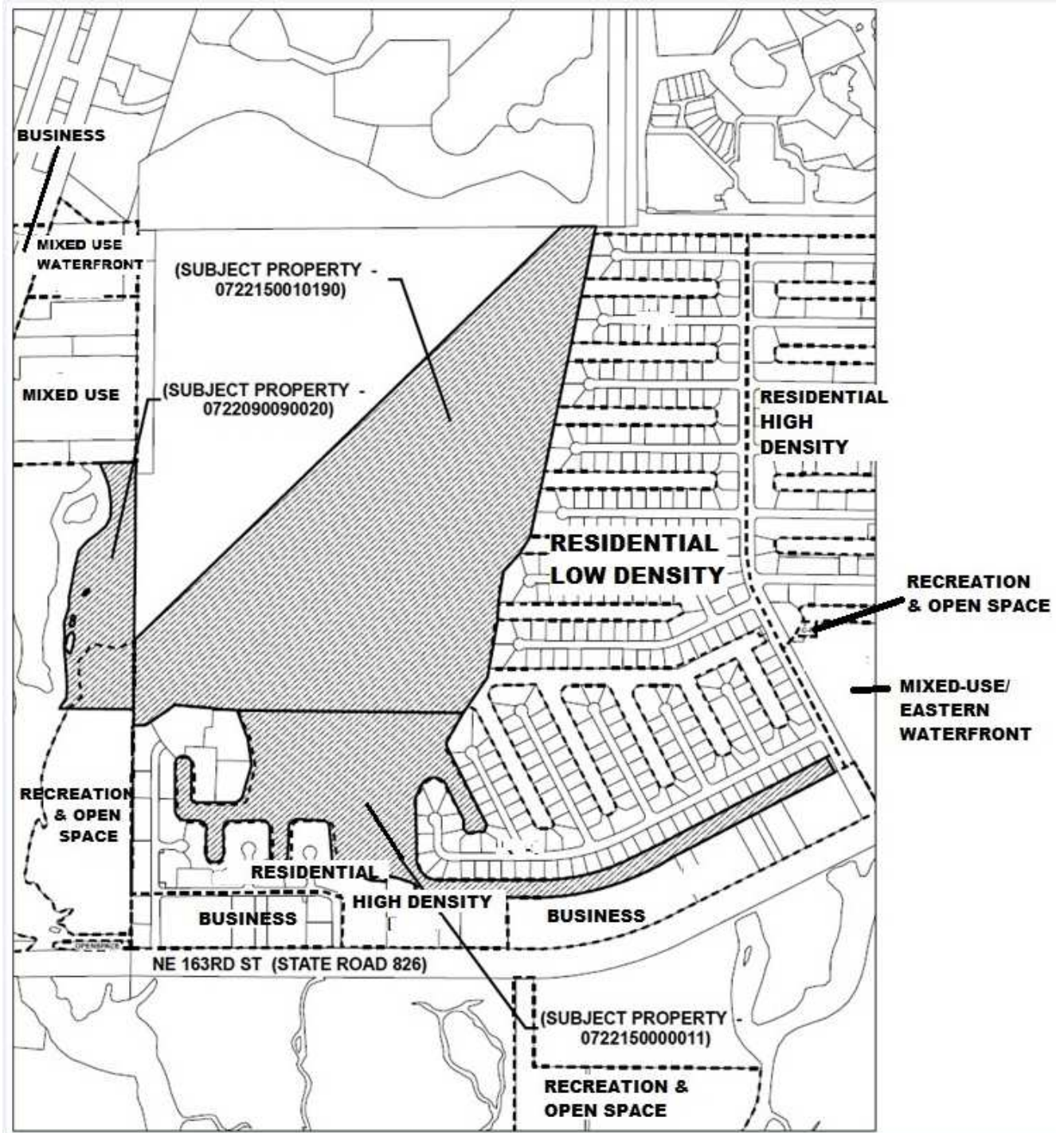


EXHIBIT "A" – SUBJECT PROPERTIES LOCATION

**LEGAL DESCRIPTION OF SUBJECT PARCELS**

ALL OF THE SW1/4 OF SECTION 10, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY FLORIDA, LYING SOUTH & EAST OF A DIAGONAL LINE BEGINNING 200 FEET WEST OF THE NE CORNER OF THE SW QUARTER TO A POINT ON THE WEST LINE, 400 FEET NORTH OF THE SW CORNER OF THE SW1/4, LESS ANY PORT THEREOF PLATTED AS PER PLAT BOOK 65, PAGE 28 AND PLAT BOOK 65, PAGE 39;

ALL THAT PORTION OF SECTION 15, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY FLORIDA, LYING NORTH OF SUNNY ISLES BOULEVARD, LESS ANY PORTION THEREOF PLATTED AS PER PLAT BOOK 65, PAGE 28 AND PLAT BOOK 65, PAGE 43;

TRACT B OF MAULE FEDERAL HIGHWAY INDUSTRIAL SITES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 46, PAGE 55 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**SURROUNDING LAND USES:**

<b>Location</b>	<b>Zoning Designations</b>	<b>Existing Land Uses</b>	<b>Future Land Use Designations</b>
North	Conservation (City of Aventura)	Open water (NE half of Lake Maule)	Recreation and Open Space
East	RS-1 (Single Family Res.)	Single Family Residential	Residential Low Density
South	RM-19, RM-23 and B-2	Residential and Commercial	Residential High Density and Business
West	Conservation (Miami-Dade County and State of Florida)	Greynolds Park East and Oleta River	Recreation and Open Space

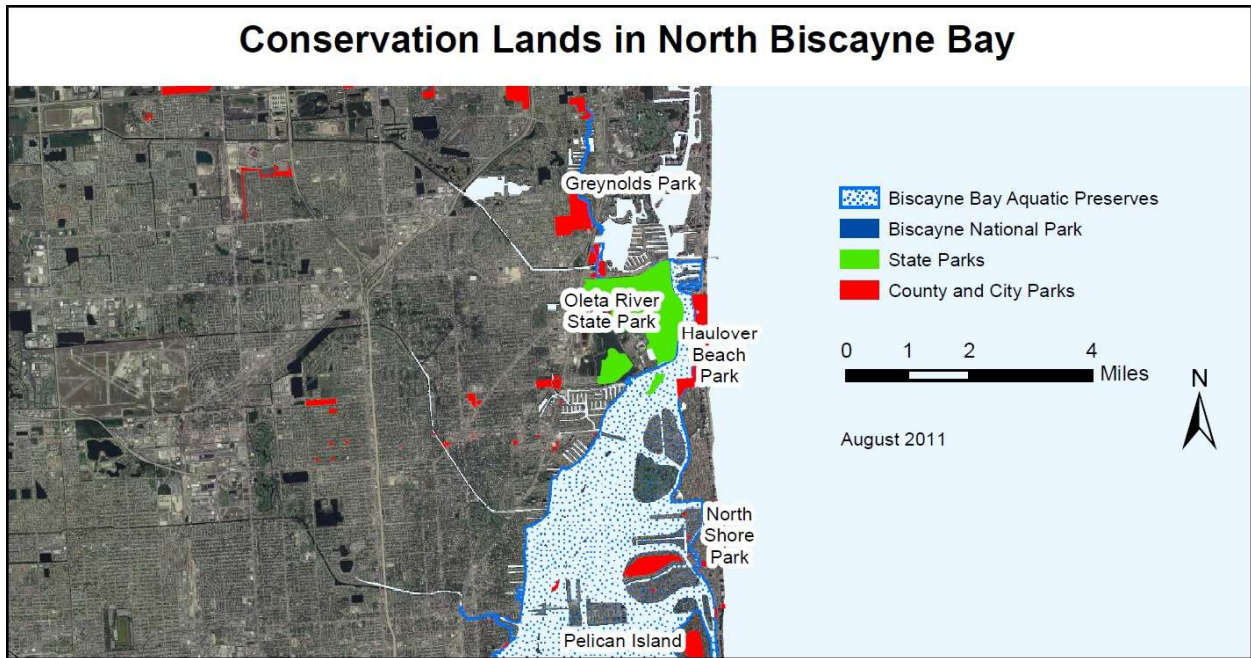


EXHIBIT “B”

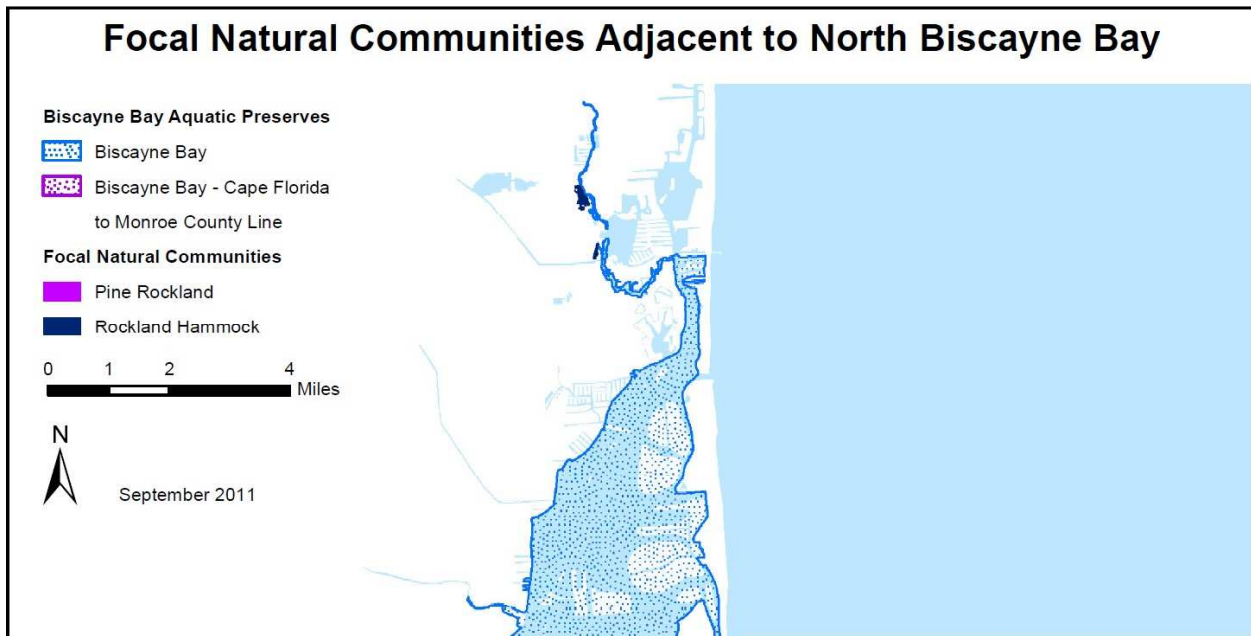


EXHIBIT “C”




**Submittal History:**

Planning and Zoning Board (June 8, 2015) Approved 4-1, two Board Members absent.  
City Council (July 21, 2015)

**Advertisement History:**

18NE | THURSDAY, MAY 28, 2015 NE MiamiHerald.com | MIAMI HERALD

 **CITY OF NORTH MIAMI BEACH  
NOTICE OF PUBLIC HEARING**

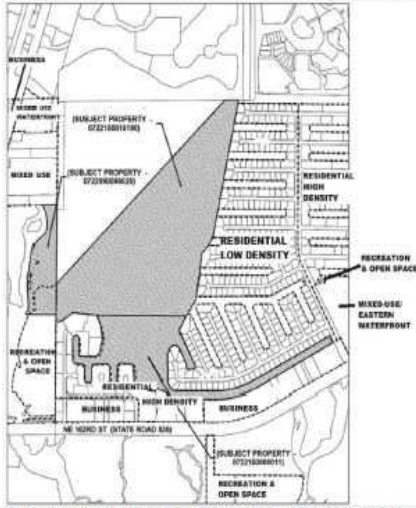
**DATE/TIME:** Monday, June 8, 2015, 6:00 PM.  
**LOCATION:** North Miami Beach City Hall, 2nd Floor, City Council Chambers  
17011 NE 19th Avenue, North Miami Beach, FL 33162

**PUBLIC NOTICE** is hereby given that the City of North Miami Beach Planning and Zoning Board shall consider the following public hearing item:  
**Comprehensive Plan Amendment – North Miami Beach, FL:**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN, THE FUTURE LAND USE MAP AND TEXT CHANGES TO THE FUTURE LAND USE ELEMENT; AMENDING POLICY 1.8.2 OPEN WATER AND TRANSPORTATION CORRIDORS; AMENDING THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY AND APPLY THE AMENDED OPEN WATER AND TRANSPORTATION CORRIDORS DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR CERTIFIED COPIES OF THIS ORDINANCE AND COMPREHENSIVE PLAN TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER UNITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; SEVERABILITY; AND FOR AN EFFECTIVE DATE.**

*All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to [nmbcomdev@citynmb.com](mailto:nmbcomdev@citynmb.com), FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance.*

**OFFICIAL FUTURE LAND USE MAP**



**EXHIBIT "A" - SUBJECT PROPERTIES LOCATION**



**CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING**


DATE: Planning and Zoning Board - June 8, 2015, 6:00 P.M.  
 City Council (first reading) - July 7, 2015, 7:30 P.M.  
 (City Council date subject to change without further notice)

LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers  
 17011 NE 19th Avenue, North Miami Beach, FL 33162

PUBLIC NOTICE is hereby given that the City of North Miami Beach Planning and Zoning Board and City Council shall consider the following public hearing item:

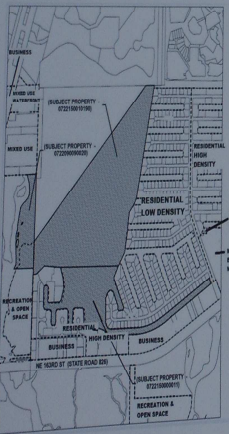
**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN, THE FUTURE LAND USE MAP AND TEXT CHANGES TO THE FUTURE LAND USE ELEMENTS; AMENDING POLICY 1.8.3 OPEN WATER AND TRANSPORTATION CORRIDORS; AMENDING THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY AND APPLY THE AMENDED OPEN WATER AND TRANSPORTATION CORRIDORS DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR CERTIFIED COPIES OF THIS ORDINANCE AND COMPREHENSIVE PLAN TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER LIMITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.316, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; SEVERABILITY; AND FOR AN EFFECTIVE DATE.**

All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to [nmbcomdev@citynmb.com](mailto:nmbcomdev@citynmb.com), FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0102). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2969 for assistance.



Mayor George Vallejo  
 Councilman Anthony F. DeFilippo • Councilwoman Phyllis S. Smith • Councilwoman Beth E. Spiegel  
 Councilman Franz Pierre • Councilwoman Barbara Kramer • Councilwoman Marlen Martell

**OFFICIAL FUTURE LAND USE MAP**



**EXHIBIT "A" - SUBJECT PROPERTIES LOCATION**

**CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING**


DATE: Planning and Zoning Board - June 8, 2015, 6:00 P.M.  
 City Council (first reading) - July 7, 2015, 7:30 P.M.  
 (City Council date subject to change without further notice)

LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers  
 17011 NE 19th Avenue, North Miami Beach, FL 33162

PUBLIC NOTICE is hereby given that the City of North Miami Beach Planning and Zoning Board and City Council shall consider the following public hearing item:

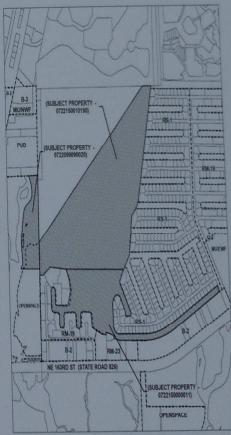
**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE ZONING AND LAND DEVELOPMENT CODE OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER XXV "NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE" ARTICLE V "ZONING USE DISTRICTS" TO ADD SECTION 24-99 "CONSERVATION ZONING DISTRICT CODE" ARTICLE V "ZONING USE DISTRICTS"; AMENDING THE OFFICIAL ZONING MAP REFERENCED IN CREATING A CONSERVATION ZONING DISTRICT; AMENDING THE OFFICIAL ZONING MAP REFERENCED IN APPLYING THE CONSERVATION ZONING DISTRICT DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY, CODIFICATION; AND FOR AN EFFECTIVE DATE.**

All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to [nmbcomdev@citynmb.com](mailto:nmbcomdev@citynmb.com), FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0102). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2969 for assistance.



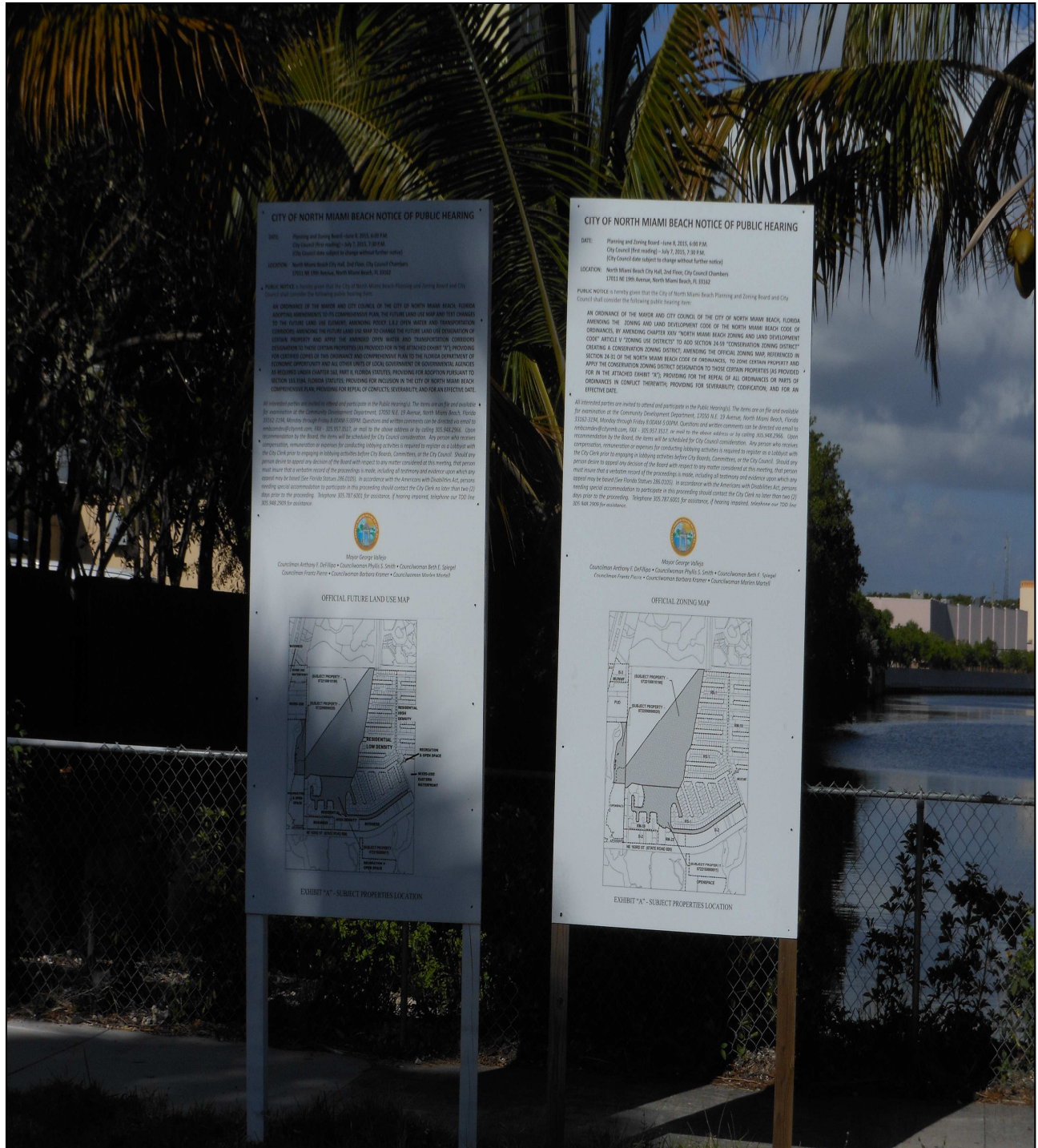
Mayor George Vallejo  
 Councilman Anthony F. DeFilippo • Councilwoman Phyllis S. Smith • Councilwoman Beth E. Spiegel  
 Councilman Franz Pierre • Councilwoman Barbara Kramer • Councilwoman Marlen Martell

**OFFICIAL ZONING MAP**



**EXHIBIT "A" - SUBJECT PROPERTIES LOCATION**









**CITY OF NORTH MIAMI BEACH  
NOTICE OF PUBLIC HEARING**

**DATE/TIME:** Tuesday, July 21, 2015, 7:30 P.M. (1<sup>st</sup> Reading by Title Only)  
**LOCATION:** North Miami Beach City Hall, 2<sup>nd</sup> Floor, City Council Chambers  
17011 NE 19<sup>th</sup> Avenue, North Miami Beach, FL 33162

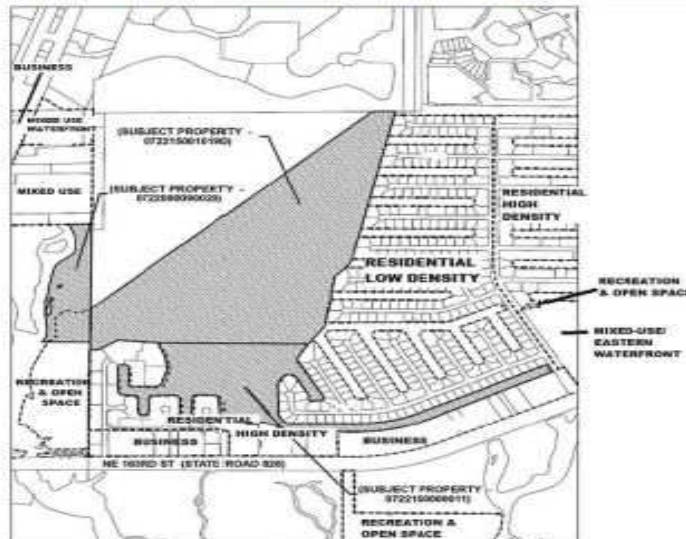
**PUBLIC NOTICE** is hereby given that the City of North Miami Beach City Council shall consider the following public hearing item:

**Comprehensive Plan Amendment – North Miami Beach, FL:**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN, THE FUTURE LAND USE MAP AND TEXT CHANGES TO THE FUTURE LAND USE ELEMENT; AMENDING POLICY 1.8.2 OPEN WATER AND TRANSPORTATION CORRIDORS; AMENDING THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY AND APPLY THE AMENDED OPEN WATER AND TRANSPORTATION CORRIDORS DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR CERTIFIED COPIES OF THIS ORDINANCE AND COMPREHENSIVE PLAN TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER UNITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; SEVERABILITY; AND FOR AN EFFECTIVE DATE.

*All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to [nmbcomdev@citynmb.com](mailto:nmbcomdev@citynmb.com), FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance.*

**OFFICIAL FUTURE LAND USE MAP**



**EXHIBIT "A" - SUBJECT PROPERTIES LOCATION**





**General information**

Property/project name: Maule Lake - Comprehensive Plan Submittal date May 22, 2015

Street address(es) of the property: N/A (see legal desc.)

Proposed use: Designate property as Water on Future Land Use Map - Text Amendment to Comp Plan

Applicant(s)/agent(s): City of North Miami Beach

**Application request**

*The undersigned Applicant(s)/Agent(s)/Property Owner(s) request City of North Miami Beach consideration and review of the following application(s). Please check all that apply.*

- Abandonment and Vacations
- Annexation
- Comprehensive Plan Map Amendment - Small Scale
- Comprehensive Plan Map Amendment - Large Scale
- Comprehensive Plan Text Amendment
- Conditional Use
- Conditional Use – Special Limited
- Development Agreement
- Development of Regional Impact
- Development of Regional Impact - Notice of Proposed Change
- Planned Unit Development
- Plat/Replat
- Site Plan
- Variance
- Zoning Code Map Amendment
- Zoning Code Text Amendment
- Other: \_\_\_\_\_

**Project information**

Street address(es) of the property: N/A

Legal description: Lot(s) See attached LEGAL DESCRIPTION OF SUBJECT PARCELS

Block(s) \_\_\_\_\_ Section (s) \_\_\_\_\_

Property folio numbers (list all numbers) 07-2215-010-0190, 07-2209-009-0020 and 07-2215-000-0011



Property owner name(s): Evert Williams Trust (property owner is not the applicant).

Property owner(s) mailing address(es): 485 RIO GRANDE EDGEWATER, FL 32141

Telephone: Business Fax

Other Email @

Applicant(s)/agent(s): City of North Miami Beach

Applicant(s)/agent(s) mailing address: 17051 NE 19 Avenue, North Miami Beach, FL 33162

Telephone: Business 305-948-2900 Fax

Other Email @

Proposed site data and land use(s) information

Please complete and/or respond to all requested information. If "Not Applicable," please note NA.

Current Comprehensive Plan Land Use designation(s): Open Water and Transportation Corridor

Current Zoning District designation(s): N/A

Proposed Comprehensive Plan Land Use designation(s) (if applicable): Water

Proposed Zoning District designations(s) (if applicable): Conservation District

Proposed non-residential land uses (list of intended uses), gross square footage, required parking and parking provided.

Table with 4 columns: Use, Square footage, Required parking, Parking provided. Multiple rows for listing different uses.

Non-residential totals: Square footage: Required parking: Parking provided:

Residential unit size, number by unit type, gross square footage by type, required parking and parking provided:

Unit size: Studio: One-bedroom: Two-bedroom: Three-bedroom:

Table with 4 columns: Unit type, Square footage, Required parking, Parking provided. Rows for Studio, One-bedroom, Two-bedroom, Three-bedroom.

Residential totals: Square footage: Required parking: Parking provided:



Site data information: 5,127,012 s.f.\*
117.7 Acres\*
Total lot area (square footage/acreage): \*submerged Lot width: N/A Lot depth: N/A
Setbacks: Front: N/A Rear: N/A Side: N/A Side (Interior): N/A
Building height (feet/inches): N/A Number of floors: N/A
Minimum pervious area: N/A Maximum lot coverage: N/A
Total required parking: N/A Parking provided: N/A Additional parking: N/A

Supporting information

A Preapplication Conference is required with the Community Development Staff in advance of application submittal to determine the information necessary to be filed with the application(s). Staff will advise and check the required items at the Preapplication Conference. If necessary, attach additional sheets to application. Staff reserves the right to request additional information as necessary throughout the entire City review process.

- Aerial.
Affidavit providing for property owner's authorization to process application.
Annexation supporting materials.
Application fees.
Application representation and contact information.
Appraisal.
Architectural/building elevations (color).
Architectural/building elevations architectural elements (color).
Building floor plans and roof plan.
Comprehensive Plan analysis.
Comprehensive Plan text amendment justification.
Concurrency review application.
Department of Transportation Driveway Connection Permit
Drainage Plan.
Elevations.
Encroachments plan.
Environmental assessment.
Exterior architectural materials board.
Landscape plan.
Land use map (subject property outlined).
Lighting plan.
Liquor survey (for only review of location of lounge, bar, or package liquor store).
Lobbyist form (City form).
Massing model and/or 3D computer model.



- Ordinances, resolutions, covenants, development agreements, etc. previously granted for the property.
- Parking study.
- Photographs (color) of property, adjacent uses and/or streetscape.
- Plat.
- Property owners list, including a typewritten list and 2 sets of self-adhesive labels of all properties within 500 feet.
- Property survey and legal description.
- Public Realm Improvements Plan for mixed use projects.
- Public school preliminary concurrency analysis (residential land use/zoning applications only).
- Sign master plan (colored).
- Site plan and supporting information.
- Statement of use and/or cover letter.
- Streetscape master plan.
- Text amendment justification.
- Traffic accumulation assessment.
- Traffic impact statement.
- Traffic impact study.
- Traffic stacking analysis.
- Utilities consent.
- Utilities location plan.
- Vegetation survey.
- Warranty Deed.
- Zoning Code text amendment justification.
- Zoning Map (with subject property outlined)
- Other: \_\_\_\_\_

**Application submittal requirements – Number of copies**

1. Table of Contents. Please provide a Table of Contents identifying all documents provided on all paper and electronic copies. Please clearly indicate date on all pages of plans and drawings.
2. Hard copies.
  - a. Fifteen (15) paper copies (11 inch by 17 inch format with binding) of this application and entire application shall be submitted including all the items identified in the Pre-application Conference.
  - b. One (1) paper full-size (24 inch by 36 inch format, signed and sealed, stapled and folded) plans of all drawings, illustrations, etc.
  - c. One (1) copy of exterior architectural materials board (if applicable).
  - d. Fifteen (15) sets of the application.
  - e. Fifteen (15) sets of the letter of intent for the project.
  - f. Fifteen (15) sets of the most recent survey of the property.
3. Digital media copies. One (1) compact discs (CD ROMs) of the entire application including all items identified in the Pre-application Conference. Each document shall be separated into separate PDF files (i.e., application; site plan,



landscape plan; etc.). Please include a "Table of Contents" identifying all PDF file name(s). Each PDF file size shall not exceed 10 Mb. All discs shall be labeled with the applicant(s) name, project name and date of submittal.

**Applicant/agent/property owner affirmation and consent**

(I) (We) affirm and certify to all of the following:

1. Submission of the following:
  - a. Warranty deed/tax record as proof of ownership for all properties considered as a part of the application request; or
  - b. Authorized as the applicant(s)/agent(s) identified herein to file this application and act on behalf of all current property owner(s) and modify any valid City of North Miami Beach entitlements in effect during the entire review process.
2. This application, application supporting materials and all future supporting materials complies with all provisions and regulations of the Zoning Code, Comprehensive Land Use Plan and Code of Ordinances of the City of North Miami Beach unless identified and approved as a part of this application request and/or other previously approved applications.
3. That all the answers to the questions in this application, and all data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief.
4. Understand this application must be complete and accurate before a hearing can be advertised. In the event that I or anyone appearing on my behalf is found to have made a material misrepresentation, either oral or written, regarding this application (I)(We) understand that any City review shall be voidable at the option of the City of North Miami Beach.
5. Understand the failure to provide the information necessary pursuant to the established time frames included but not limited to application submittal, submission of revised documents, etc. for review by City Staff and the designated reviewing entity may cause application to be deferred without further review until such time the requested information is submitted.
6. Understand that the application, all attachments, correspondence and fees become a part of the official records of the City of North Miami Beach and are not returnable.
7. Understand that under Florida Law, all the information submitted as part of the application are public records.
8. All representatives of the application have registered with and completed the required lobbyist forms from the City of North Miami Beach City Clerk's Office.
9. The application before the Board or City Council shall be represented by the legal owner, the prospective owner having a bona fide purchase contract or a duly qualified attorney retained by said owner or prospective owner.
10. Additional costs in addition to the application fees may be assessed associated with the review of applications by the City. These are costs that may be incurred by the applicant due to consultant fees paid by City to review the application. The types of reviews that could be conducted may include but are not limited to the following: concurrency review; property appraisals; traffic impact analyses; vegetation/environmental assessments; archeological/historic assessments; market studies; engineering studies or reports; and legal fees. Such fees will be assessed upon finalization of the City application review. Understand that if payment is not received the prior to Final Public Hearing Review, the Application shall be postponed by the City until such time all fees are paid.

*(See next page for signature information)*



*(Please complete all below sections and indicate "Not Applicable (N/A)" as appropriate).*

Property owner(s) signature(s): <p style="text-align: center; font-size: 1.2em;">N/A</p>		Property owner(s) print name:	
Property owner(s) signature(s):		Property owner(s) print name:	
Property owner(s) signature(s):		Property owner(s) print name:	
Address(es):			
Telephone:		Fax:	Email:
<b>NOTARIZATION</b>			
STATE OF FLORIDA/COUNTY OF _____			
The foregoing instrument was acknowledged before me this _____ day of _____ by _____			
(Signature of Notary Public - State of Florida)			
(Print, Type or Stamp Commissioned Name of Notary Public)			
<input type="checkbox"/> Personally Known OR <input type="checkbox"/> Produced Identification; Type of Identification Produced _____			

Contract Purchaser(s) Signature: <p style="text-align: center; font-size: 1.2em;">N/A</p>		Contract Purchaser(s) Print Name:	
Contract Purchaser(s) Signature:		Contract Purchaser(s) Print Name:	
Address(es):			
Telephone:		Fax:	Email:
<b>NOTARIZATION</b>			
STATE OF FLORIDA/COUNTY OF _____			
The foregoing instrument was acknowledged before me this _____ day of _____ by _____			
(Signature of Notary Public - State of Florida)			
(Print, Type or Stamp Commissioned Name of Notary Public)			
<input type="checkbox"/> Personally Known OR <input type="checkbox"/> Produced Identification; Type of Identification Produced _____			



# EXHIBIT "A"

## LEGAL DESCRIPTION OF SUBJECT PARCELS

ALL OF THE SW1/4 OF SECTION 10, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY FLORIDA, LYING SOUTH & EAST OF A DIAGONAL LINE BEGINNING 200 FEET WEST OF THE NE CORNER OF THE SW QUARTER TO A POINT ON THE WEST LINE, 400 FEET NORTH OF THE SW CORNER OF THE SW1/4, LESS ANY PORT THEREOF PLATTED AS PER PLAT BOOK 65, PAGE 28 AND PLAT BOOK 65, PAGE 39;

ALL THAT PORTION OF SECTION 15, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY FLORIDA, LYING NORTH OF SUNNY ISLES BOULEVARD, LESS ANY PORTION THEREOF PLATTED AS PER PLAT BOOK 65, PAGE 28 AND PLAT BOOK 65, PAGE 43;

TRACT B OF MAULE FEDERAL HIGHWAY INDUSTRIAL SITES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 46, PAGE 55 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.





***City of North Miami Beach, Florida***  
**COMMUNITY DEVELOPMENT DEPARTMENT**

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**PENDING REVISION PER MR. KREISBERG'S COMMENTS  
DURING THE JULY 13, 2015 MEETING APPROVAL OF  
MINUTES.**

**PLANNING & ZONING BOARD MEETING  
MONDAY, JUNE 8, 2015**

**Attendees:**

Members -

Chair Evan Piper

V. Chair Julian Kreisberg

Michael Mosher

Saul Smukler

Jeffrey Lynn

Joseph Litowich (absent)

Hector Marrero (absent)

Carlos Rivero, City Planner

Richard Lorber, Assistant City Manager

Sarah Johnston, Assistant City Attorney

Giselle Deschamps, Assistant Planner

Jose Smith, City Attorney

Lisa Edmondson/Prototype, Inc., Board Clerk

**1. Pledge of Allegiance**

Chair Piper called the meeting to order at 6:07 p.m. The Pledge of Allegiance was recited.

**2. Roll Call of Board Members**

Roll was called. It was noted that a quorum was present.

**3. Approval of Minutes - Meeting of Monday, May 11, 2015**

**Motion** made by Vice Chair Kreisberg, seconded by Mr. Lynn, to approve the minutes of the May 11, 2015, meeting. In a voice vote, the motion passed unanimously.

**4. Public Hearing Procedures**

Chair Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

**5. Old Business**

- Item 15-001: Conditional Use and Site Plan Approval – 152 NW 168 Street, North Miami Beach, FL

Approved by the board unanimously on Monday, May 11, 2015. The date for City Council has not yet been set.

- Item 15-006: Zoning and Land Development Code Amendment (elimination of banner bonds and clarifying the frequency and number of signs allowed). - North Miami Beach, FL  
Approved by the board unanimously on Monday, May 11, 2015. This item is scheduled for first reading before the City Council on June 16, 2015.

## 6. New Business

### **Item 15-004: Site Plan Approval and Variance– 18200 NE 19<sup>th</sup> Avenue, North Miami Beach, FL:**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A 4,562 SQUARE FOOT, TWO-STORY PROFESSIONAL OFFICE BUILDING ON A 7,589 SQUARE FOOT PARCEL OF LAND, AS PROPOSED; AND GRANTING A VARIANCE FROM SECTION 24-51 (D) (3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE 16 FEET OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF 25 FEET, WHERE A FRONT YARD SETBACK OF 9 FEET IS PROPOSED, AND TO WAIVE THE ENTIRE MINIMUM REQUIRED CORNER SIDE YARD SETBACK OF 20 FEET, WHERE A CORNER SIDE YARD SETBACK OF 0 FEET IS PROPOSED; IN THE B-1, LIMITED BUSINESS ZONING DISTRICT, ON PROPERTY LEGALLY DESCRIBED AS: LOTS 16 & 17, BLOCK 205 OF "FULFORD BY THE SEA SECTION K", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 29, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. ALSO KNOWN AS 18200 NE 19 AVENUE, NORTH MIAMI BEACH, FLORIDA.

Mr. Rivero provided a summary of the staff report. He noted the applicant has agreed to all conditions for the construction of the new building. Two variances are requested: front and side setbacks.

Applicant Stephanie Halfen - 96 Golden Beach Drive, Golden Beach, Florida - representing Rising Assets LLC, described the lot and plans for building. She stated that the adjacent buildings all go to the front of the setback and sides of the setback. However, she believed the Code changed, not allowing the subject building to go to the setback. Ms. Halfen said they are requesting the variance in order to have coherence on the street.

Ms. Halfen clarified that the front setback is the one facing 19 Avenue; she said the building would be nine feet from the property line to allow for landscaping and a walk-through area. The side setback faces 182 Street; she added that there would be parking on the swale. Mr. Rivero commented that the owner would be performing the public property improvements for the parking.

Mr. Lorber remarked that the build pattern on the street goes to the front property line, and the building is a "perfect fit" for the area.

Chair Piper opened the meeting for public comment; hearing none, Chair Piper closed the meeting for public comment.

Mr. Rivero stated that the Planning and Zoning Department recommended approval of the project, subject to the conditions that are outlined in the staff report. The applicant accepted the conditions.

**Motion** made by Vice Chair Kreisberg, seconded by Mr. Mosher, to approve the site plan approval with the variances for Item 15-001 as per staff recommendations. In a roll call vote, the **motion** passed 5-0.

<b>Chair Evan Piper</b>	<b>Yes</b>
<b>Joseph Litowich</b>	<b>Absent</b>
<b>Julian Kreisberg</b>	<b>Yes</b>
<b>Saul Smukler</b>	<b>Yes</b>
<b>Michael Mosher</b>	<b>Yes</b>
<b>Hector Marrero</b>	<b>Absent</b>
<b>Jeffrey Lynn</b>	<b>Yes</b>

Chair Piper recognized the presence of Councilmember Smith.

**Item 15-007(A) - Comprehensive Plan Amendment – North Miami Beach, FL:**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN, THE FUTURE LAND USE MAP AND TEXT CHANGES TO THE FUTURE LAND USE ELEMENT; AMENDING POLICY 1.8.2 OPEN WATER AND TRANSPORTATION CORRIDORS; AMENDING THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY AND APPLY THE AMENDED OPEN WATER AND TRANSPORTATION CORRIDORS DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR CERTIFIED COPIES OF THIS ORDINANCE AND COMPREHENSIVE PLAN TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER UNITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; SEVERABILITY; AND FOR AN EFFECTIVE DATE.

**Item 15-007(B)-Zoning and Land Development Code Amendment-North Miami Beach, FL:**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE ZONING AND LAND DEVELOPMENT CODE OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER XXIV "NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE" ARTICLE V "ZONING USE DISTRICTS" TO ADD SECTION 24-59 "CONSERVATION ZONING DISTRICT" CREATING A CONSERVATION ZONING DISTRICT; AMENDING THE OFFICIAL ZONING MAP, REFERENCED IN SECTION 24-31 OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, TO ZONE CERTAIN PROPERTY AND APPLY THE CONSERVATION ZONING DISTRICT DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR

PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

Mr. Rivero gave an overview of Item 15-007(A).

Mr. Lorber then shared his qualifications regarding his years of experience in land use issues:

- Worked in the field of city and regional planning for 23 years
- Certified Planner with the American Institute of Certified Planners for over 16 years
- Master's Degrees in Planning and Economics
- Taught college level planning courses at FAU
- Served a variety of leadership positions in the profession
- Certified by the U.S. Green Building Council as a LEED-accredited professional

Mr. Lorber stated he would present on both items - 15-007(A) and 15-007(B) - as they both deal with Maule Lake. He stated that the subject property consists of three contiguous parcels of submerged lands, making up the portion of Maule Lake located within North Miami Beach. They are privately owned by the Williams Trust. He clarified that the applicant is the City of North Miami Beach, not the property owner; the applications have been submitted at the request of the Mayor and City Council.

Mr. Lorber stated that Policy 1.8.2 of the Comprehensive Plan contains all the future land use designations. He said that the "Open Water and Transportation Corridors" policy would be changed to "Water." He added that the change would also designate the Maule Lake property as "Water" on the Future Land Use map.

Mr. Lorber continued, saying that Item 15-007 (B) would amend Chapter 24, Article 5, of the Zoning Code to add a new zoning designation, the Conservation Zoning District. It also amends the zoning map to zone the subject property as Conservation District. He said that the portion of Maule Lake that is in Aventura was designated as a Conservation District in 1999.

Mr. Lorber provided a description of Maule Lake, including its location, character, and adjacent properties. The vast majority of the Biscayne Bay Basin is government-owned and protected for conservation, except for Maule Lake and a few other areas. Maule Lake is now listed as a critical habitat for the endangered Florida Manatee.

Mr. Lorber stated that approval of the proposed amendment would be in support of the City's Comprehensive Plan policy to ensure reasonable protection of natural resources and the Environmentally Sensitive Plan as well as clarify the lake's status as conservation land. There would not be any ambiguity about the potential for any large-scale development there.

Mr. Lorber continued, stating the valuation of the entire lake (\$52,800), which is very low, indicates that the Miami-Dade Property Appraiser's office finds it undevelopable. Private, open water areas would be permitted to be used for recreational, commercial boating facilities, passive outdoor recreational uses, fishing, boating, camping facilities, and other water-oriented uses that do not conflict with water management and wildlife protection.

Mr. Rivero read the analysis and recommendations of the Planning and Zoning Department for Item 15-007(A).

Mr. Lorber stated that the north end of Maule Lake is located within Aventura and is owned by the same owner of the North Miami Beach portion of the lake. He did not believe the tax value of the Maule Lake property would be changed by Item 15-007(A).

Vice Chair Kreisberg wondered if the private owner of the lake could restrict certain uses, such as requiring boaters to pay a fee. He expressed concern about why the property should be designated for conservation, since the owner was not taxed at the highest use. There was a brief discussion about zoning of the properties on Eastern Shores.

Vice Chair Kreisberg also expressed concern that the proposed zoning would inhibit boating activities. He asked why they are proposing the action today as opposed to last year or some other time in the past. Mr. Lorber replied that nobody had pulled a permit for development. He added that at some time in the last year, a preliminary application was submitted to the Planning and Zoning Department by Dutch Docklands Company for the floating homes development in Maule Lake. Many questions were left unanswered, and the application has not progressed. Mr. Lorber stated that the City believes now is the time to clarify the zoning for the area; the amendment was initiated at a discussion item in front of the City Council on April 21, 2015. He added that the matter did not come up "all of a sudden."

Mr. Smukler was curious why the other canals on the map were not shaded, who they belong to, and what their zoning is. Mr. Lorber responded that they utilized the online records of the Property Appraiser, which does not reveal any information on the canals. At this point, the southernmost canal is clearly shown as being owned by the Evert M. Williams Trust. Mr. Lorber stated they are still researching Sky Lake and would include information on the remaining canals as part of the research.

Mr. Mosher wondered what the classification of zoning would be for the floating houses. Mr. Lorber said they would not be vessels, but he believed they would be considered houses.

Chair Piper wondered if yacht moorings could be set up for rental there. Mr. Lorber said there are no uplands associated with the parcel – it is entirely within the lake. Dry land

development (parking, access, etc.) would have to be considered with any yacht moorings.

Chair Piper opened the meeting for public comment for Item 15-007(A).

Frank Behrens, Executive Vice President of Dutch Docklands USA, 15051 Royal Oaks Lane, North Miami, said the company remained "very committed" to the project on Maule Lake and want to go forward with 29 floating villas. He spoke about the positive attention it will bring to North Miami Beach. Less than five percent of the total lake surface would be taken up by the islands; views of the lake and boat traffic would not be interrupted. The islands would generate an ad valorem tax benefit of no less than \$2.793 million annually, 24% of the City's total budget. He lamented the actions taken by the City Council which would preclude the Dutch Docklands development. Mr. Behrens described how their company is very environmentally responsible.

Kerri Barsh, attorney for Dutch Docklands USA, with the law firm of Greenberg Traurig, 333 Avenue of the Americas, Miami, said that she appeared before the U. S. Supreme Court in a case about the floating structures. She strongly opposed the requested Comprehensive Development Master Plan change and the zoning for the following reasons: a singular focus preventing property owner from developing; and it deprives the public and decision-makers from having the opportunity to evaluate the project. Ms. Barsh said they "strongly disagree" with the staff's reliance on the property values as defined by the County Property Appraiser.

Chris Williams, Williams Family Trust, 1023 NE 46 Court, Oakland Park, represented the owner of the property. He said they always had expectations of high value of the lake; they have had many developers approach them. Mr. Williams noted that they took steps to make sure they are good stewards of the land and were amazed by the environmental plan of Dutch Docklands. He asked that the City give them an opportunity to explain their plan and go through the normal permit process.

Ronald Glantz, 2693 NE 165 Street, Lakeview Townhomes, said he enjoys a view of the "pristine lake." Mr. Glantz opposed the development, declaring it is about more money for the City; he did not think the manatees would be able to navigate through the floating islands and did not agree with developing.

Fortuna Smukler, 3207 NE 168 Street, spoke on behalf of Eastern Shores Property Owners Association (ESPOA). ESPOA President Chuck Arsano asked her to read the following into the record: "ESPOA supports fully the zoning and land development code amendments proposed in the ordinance, which will result in the application of the Conservation Zoning District designation to that portion of Maule Lake falling within the boundaries of the North Miami Beach. There has been overwhelming support of the residents of Eastern Shores to have the City enact this ordinance. We trust this body will act accordingly to recommend its passage." Ms. Smukler added that her email list from Eastern Shores shows that the residents fully support the amendment. She spoke

about the boats currently on the lake which are apparently allowed by the owner of the lake.

Claudia Gallegos, 16558 NE 26 Avenue (Reef Club), said they were approached by a representative from Dutch Docklands to use part of their property for lake access. She wanted to protect the lake from development.

Carol Paine, 16546 NE 26 Avenue (Reef Club), was against any development on the lake. While acknowledging the tax revenue that the City would get from the Dutch Docklands project, Ms. Paine said many residents would be unhappy as a result. She said there are other developments (The Harbor and Marina Palms) around the lake that will bring in tax revenue.

Richard Paiz, 16546 NE 26 Avenue (Reef Club), reviewed the discussion that the Reef Club Board had regarding the Dutch Docklands project, ultimately ending in a vote against the project. Mr. Paiz expressed concern about the effects of a hurricane on the floating islands, particularly the building roofs.

Tammy Isikoff, 3206 NE 168 Street, said the issue is about Maule Lake, not Dutch Docklands, and spoke in support of the amendment. She enjoys the wildlife she sees in the lake. She maintained that property on Eastern Shores was sold as a “pristine waterfront area.”

Stacey Raskin, 3225 NE 167 Street, said they bought in Eastern Shores mainly because of the lake. She opposed development and was in favor of conservation. Ms. Raskin feared the houses would be “party houses” and generate problems. She suggested the City consider buying the lake to prevent mooring of yachts and such items.

Barry Schuger, 3220 NE 165 Street, bought in Eastern Shores because of the lake and proximity to fishing. He spoke in favor of conservation and said he enjoys seeing the manatee and dolphins in the lake.

Bruce Lamberto, 3420 NE 165 Street, stated that the residents of Eastern Shores proposed the amendment to the City. He hoped that it would be approved. He thanked the Williams Family Trust for allowing use of the lake.

Rachel Orly Averbach, 12669 NE 164 Street, spoke in favor of the conservation amendment, citing Maule Lake as an amenity for those who live on its shores.

Leslie Sardinia, 16480 NE 29 Avenue, said they live right on the lake and have enjoyed the sea rays, dolphins and manatee. She was against development, citing the probability of trash blowing around the surface of the lake.

Elizabeth Winter, 16558 NE 26 Avenue (Reef Club), spoke in favor of the amendment and mentioned that the anticipation of the Dutch Docklands development is what has prompted the community to respond. She wondered if a floating home could be taxed for real estate purposes.

Hearing no further comments, Chair Piper closed the meeting for public comment for Item 15-007(A).

Vice Chair Kreisberg thought they should consider if the amendment is the method they want to take to stop the development in the future. He thought there may be unintended consequences, such as a lawsuit.

Jose Smith, City Attorney, stated that the primary mission of the Board is to consider good, sound, reasonable planning principles. He felt the reasons were given by staff why they believe the zoning is appropriate for the property. Possible litigation and so forth are beyond the jurisdiction of the Board. Mr. Smith researched the matter "extensively" and said the City would not be exposed to Bert Harris or takings claims; he cited prior histories from other cities. He reiterated the Board should consider the planning issues only.

**Motion** made by Mr. Smukler, seconded by Mr. Lynn, to recommend approval of the amendment to the Maule Lake Comprehensive Plan, Item 15-007(A), as per the staff recommendation. **Motion** passed 4-1.

<b>Chair Evan Piper</b>	<b>Yes</b>
<b>Joseph Litowich</b>	<b>Absent</b>
<b>Julian Kreisberg</b>	<b>No</b>
<b>Saul Smukler</b>	<b>Yes</b>
<b>Michael Mosher</b>	<b>Yes</b>
<b>Hector Marrero</b>	<b>Absent</b>
<b>Jeffrey Lynn</b>	<b>Yes</b>

Mr. Rivero provided the staff report on Item 15-007(B). He said that, based on the Comprehensive Plan Goals and Objectives, the Planning and Zoning Department recommends the approval of the amendment as proposed.

Chair Piper opened the meeting for public comment for Item 15-007(B).

Chris Williams, Williams Family Trust, 1023 NE 46 Court, Oakland Park, said they partnered with Dutch Docklands for environmental reasons. He said they are trying to establish the health of the lake for the next 100 years, and said the Dutch Docklands was the best project they looked at that they felt would increase marine life. He said that any future developers could not come close to what Dutch Docklands has proposed



in terms of the environment. He clarified that they have not allowed boats to dock there. Mr. Williams asserted that the Aventura designation 16 years ago was done illegally.

Richard Paiz, 16546 NE 26 Avenue, said that Dutch Docklands was looking for a place to “experiment.” He continued that tax flow has rebounded.

Tammy Isikoff, 3206 NE 168 Street, spoke in favor of the item, noting that “all of North Miami Beach” enjoys Maule Lake, not just those who live on its shores. She emphasized that the agenda item has nothing to do with Dutch Docklands; they are just ensuring the future quality and use of the lake. She wondered what was represented regarding the lake’s future when the area was subdivided.

Claudia Gallegos, 16558 NE 26 Avenue, said that people are using and enjoying the lake every day. She asserted they need to make sure the lake area can still be enjoyed by the City and its neighbors.

Stacey Raskin, 3225 NE 167 Street, spoke against development, saying that Eastern Shores provides a large proportion of the City’s tax base - they do not need Dutch Docklands for tax revenue.

Carol Paine, 16546 NE 26 Avenue, brought up the negative issue of noise emanating from development on a lake (noise travels over water).

Fortuna Smukler, 3207 NE 168 Street, pointed out that no residents had spoken in favor of the Dutch Docklands project or against conservation. She asserted that she will approach the Police Department regarding the boats on the lake since Mr. Williams said he did not give the boats permission to be on the lake.

Kerri Barsh, 333 Avenue of the Americas, on behalf of Dutch Docklands, requested that her previous comments under Item 15-007(A) be reiterated for this item.

Richard Lorber, Assistant City Manager, also wanted his previous comments from Item 15-007(A) reiterated for Item 15-007(B).

Hearing no further comments, Chair Piper closed the meeting for public comment for Item 15-007(B).

Mr. Lorber responded to Ms. Isikoff’s comment regarding the research done on the development of Eastern Shores and what was presented to home buyers. He said they researched that, even going to the Historical Museum and looking through the plats; he said there is not much there with any meaning to help a prospective buyer know what would be there. Some sales brochures for Eastern Shores indicated a beautiful, pristine lake, but that does not have the force of law. Mr. Lorber continued that a potential buyer could inquire about the existing zoning.

Mr. Lorber stated that at this time, the lake parcels are not zoned; they are now proposing zoning them as a Conservation District. This is the first time they have been zoned. Why they are doing it now is because there is a potential use or activity being considered. Without any zoning in place, there is ambiguity as to what uses would be permitted. The City is correcting a situation that should have been corrected earlier.

Chair Piper asked if the zoning could be changed again at some point, and Mr. Smith replied it could – it is not irreversible. Mr. Lorber added that the zoning could be changed through amendment or rezoning.

Mr. Smith asserted that he bought a lot on the water in Eastern Shores in 1974 and said he would not have bought if he thought there would be a future project built on Maule Lake. The plat says “Maule Lake,” not “future home of floating homes.” He said it was very clearly represented by the developers of Eastern Shores in the early 1970s (and before that) there would not be any type of developments on the lake.

Vice Chair Kreisberg read the permitted uses on Maule Lake from the amendment, and wondered why the developer could not propose a plan that falls under those uses. Mr. Lorber responded that non-listed uses are not permitted, such as residences.

Mr. Smukler thanked the representatives from Dutch Docklands for their presence and also all the residents who attended.

**Motion** made by Mr. Smukler, seconded by Mr. Lynn, to recommend approval as per the staff recommendation for Maule Lake Zoning Amendment, Item 15-007(B). **Motion** passed 4-1.

<b>Chair Evan Piper</b>	<b>Yes</b>
<b>Joseph Litowich</b>	<b>Absent</b>
<b>Julian Kreisberg</b>	<b>No</b>
<b>Saul Smukler</b>	<b>Yes</b>
<b>Michael Mosher</b>	<b>Yes</b>
<b>Hector Marrero</b>	<b>Absent</b>
<b>Jeffrey Lynn</b>	<b>Yes</b>

**7. Public/Citizen Comments - none**

Chair Piper opened the public hearing. Hearing no comments, Chair Piper closed the public hearing.

**8. Adjournment**

Upon motion duly made and seconded, Chair Piper adjourned the meeting at 8:10 p.m.

[Minutes prepared by J. Rubin, Prototype, Inc.]



**ORDINANCE NO. 2015-13**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN, THE FUTURE LAND USE MAP AND TEXT CHANGES TO THE FUTURE LAND USE ELEMENT; AMENDING POLICY 1.8.2 OPEN WATER AND TRANSPORTATION CORRIDORS; AMENDING THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY AND APPLY THE AMENDED OPEN WATER AND TRANSPORTATION CORRIDORS DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT “A”); PROVIDING FOR CERTIFIED COPIES OF THIS ORDINANCE AND COMPREHENSIVE PLAN TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER UNITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; SEVERABILITY; AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, it is the policy of the City to protect and maintain natural resources and environmentally sensitive lands (Future Land Use Element Objective 1.4); and

**WHEREAS**, there is a man-made water body within the City that has no land use designation on the adopted City of North Miami Beach Comprehensive Plan Future Land Use Map; and

**WHEREAS**, this area provides numerous benefits to the City of North Miami Beach and is an important component of the City’s natural environment, providing open space and urban relief; recreation, waterways, wetlands, flood control, stormwater drainage and storage, and natural resource protection and enhancement; and

**WHEREAS**, the adjacent water body, located in a neighboring municipality, has a “water” land use designation for the purpose of natural resource protection and enhancement and limits the uses to recreation and commercial boating facilities and uses; and

**WHEREAS**, this similarly situated adjacent water body should have an appropriate land use designation for consistency with the existing and adjacent designations and uses; and

**WHEREAS**, The City of North Miami Beach is desirous of similarly designating those areas of the City consisting of natural and man-made water bodies within its Comprehensive Plan; and

**WHEREAS**, Chapter 163, Florida Statutes provides for the process by which a City's Comprehensive Plan may be amended; and

**WHEREAS**, the City's Planning and Zoning Board, as the Local Planning Agency, pursuant to Florida Statutes and Florida Administrative Rules, held a duly noticed public hearing on June 8, 2015, reviewed the proposed amendments to the City's Comprehensive Plan and to the Map Series of the Future Land Use Element of the City's Comprehensive Plan and determined such applications to be consistent with the Comprehensive Plan and appropriate to the future land uses within the City and recommended approval to the City Council by a vote of 4 to 1; and

**WHEREAS**, City Council has received and considered the recommendation of the Local Planning Agency, and held a public hearing on July 21, 2015, to consider the transmittal of the proposed amendments in accordance with the requirements of Chapter 163, Florida Statutes, Part II; and

**WHEREAS**, the City Council believes it is in the best interest of the public to amend the Comprehensive Plan by adopting the proposed amendments to the Future Land Use Element and to the Future Land Use Map as provided for in the attached Exhibit "A".

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** The foregoing "Whereas" clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

**Section 2.** Pursuant to Chapter 163, Florida Statutes, the City Council of the City of North Miami Beach, Florida, hereby amends the Future Land Use Element of its current Comprehensive Plan by adopting the below text amendment and the attached Future Land Use Map Amendment, attached hereto as Exhibit "A" both of which shall be incorporated into the current Comprehensive Plan. A copy of the Comprehensive Plan, as amended, is available with the City Clerk and on the City's website at [www.citynmb.com](http://www.citynmb.com). The Future Land Use Element shall be amended as follows:

**Policy 1.8.2**

The following land use densities, intensities and approaches shall be incorporated in the Land Development Code. Building height is defined as the vertical distance above the centerline of the adjacent fronting road to the highest point of the building, except that in a Special Flood Hazard Area (SFHA) the building height shall be measured from the minimum finished flood elevation required in the SFHA, less those structures permitted elsewhere in these regulations to extend beyond the height of the building. Home occupation uses are conditionally allowed in all residential categories.

\* \* \*

~~Open w~~Water and transportation corridors: This category includes those areas consisting of open water lakes and canals ~~as well as transportation corridors which are otherwise undesignated on the future land use map.~~ The areas that are designated Water on the Future Land Use Map reflect natural and man-made bodies within the City. These areas provide numerous benefits to the City of North Miami Beach and are an important component of the City's multi-modal transportation network, stormwater drainage infrastructure, and natural and built environments. The use of these areas shall be limited to recreational and commercial boating facilities and uses (including water taxis and ferries), the provision of open space and urban relief; recreation, waterways, wetlands, flood control, stormwater drainage and storage, and natural resource protection and enhancement, and comply with the requirements of Chapter 24, "Environmental Protection..." of the Miami- Dade County Code of Ordinances. Development in or above areas designated "Water" that will diminish these functions will be prohibited, and development and redevelopment adjacent to these areas shall include provisions to enhance these functions where appropriate.

**Section 3.** The City Clerk is directed to transmit a copy of the amendments to the State of Florida Department of Community Affairs and other agencies as provided under Chapter 163, Part II of the Florida Statutes.

**Section 4.** Inclusion in the Comprehensive Plan. It is the intention of the City Council and it is hereby ordained that the amendments to the Comprehensive Plan made by this Ordinance shall become part of the Comprehensive Plan of the City of North Miami Beach.

**Section 5.** All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby repealed.

**Section 6.** 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 7. Effective Date.** This Ordinance shall be effective pursuant to Chapter 163, Part II of the Florida Statutes.

**APPROVED BY TITLE ONLY** on first reading this 21<sup>st</sup> day of July, 2015.

**APPROVED AND ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
PAMELA L. LATIMORE  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
GEORGE VALLEJO  
MAYOR

APPROVED AS TO FORM, LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
JOSÉ SMITH  
CITY ATTORNEY

Sponsored by: Mayor and Council

Note: Proposed additions to existing City Code text are indicated by underline.









City of North Miami Beach  
17011 NE 19 Avenue  
North Miami Beach, FL 33162  
305-947-7581  
www.citynmb.com

## MEMORANDUM

 [Print](#)

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**TO:** Mayor and City Council  
**FROM:** Ana M. Garcia, City Manager  
**VIA:** Carlos M. Rivero, City Planner  
**DATE:** Tuesday, July 21, 2015

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**RE:** Ordinance No. 2015-14 (First Reading by Title Only) (Richard Lorber, Asst. City Manager)

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**BACKGROUND  
ANALYSIS:**

Maule Lake, although privately-owned submerged land, sits adjacent to the Biscayne Bay Aquatic Preserve, and in a direct line between the Oleta River and its outflow into Biscayne Bay. There are no upland areas associated with the property; it is completely submerged and not accessible by any roadway or land. In close proximity is the Miami-Dade County-owned Greynolds Park, and the State-owned Oleta River State Park. The vast majority of the Biscayne Bay basin is government-owned and protected for conservation; Maule Lake, however, is one of the few remaining privately-owned tracts of submerged land located in the Biscayne Bay basin. Most local residents are unaware that this water body is privately-owned and not under the same regulatory and environmental protections as the open waters of Biscayne Bay and the Biscayne Bay Aquatic Preserve. Except that it was formerly a rock quarry and not an original part of Biscayne Bay, its character, especially visually and aesthetically, is very similar to the open waters of the Bay. Nearby residents are under the impression that the open waters of the lake would always remain open and preserved like other areas throughout the basin.

However while the City's Comprehensive Plan contains goals and objectives addressing the preservation and enhancement of "significant natural features", the Code of Zoning Ordinances lacks a conservation district designation. The City seeks to designate and zone this property in such a way that clarifies its

status as conservation land and leaves no ambiguity about the potential for development of the property. The City's intention is to follow-up this action with additional research and recommendations for designating and zoning any other similar open bodies of water within the City to the Water/Conservation category.

Other municipalities have similarly situated lands which are designated within their Comprehensive Plan and Zoning Code with appropriate land use designation and zoning. The adjacent portion of Maule Lake that is located within the City of Aventura was designated as Water and zoned Conservation District sixteen years ago, in 1999. The designation and zoning of the subject property as proposed will help eliminate the uncertainty and ambiguity that currently exists with respect to potential development of the site.

**RECOMMENDATION:**

Based on the Comprehensive Plan goals and objectives, the location of the site in relation to the Greater Biscayne Bay Aquatic Preserve and concerns expressed by surrounding residents, which include whether development of Maule Lake will adversely affect the public health, safety, welfare or the property of others, including adjacent property owners; whether development will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats; whether it will adversely affect navigation or the flow of water or cause harmful erosion or shoaling, or adversely affect the fishing or recreational values or marine productivity in the vicinity of the development; and the temporary lowering of water quality during construction activities; the Planning and Zoning Department recommends the approval of this amendment as proposed.

**FISCAL/BUDGETARY  
IMPACT:**

No fiscal impact.

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**ATTACHMENTS:**

- ❑ [Staff Report](#)
- ❑ [Application](#)
- ❑ [PZB Minutes of June 8, 2015](#)
- ❑ [Ordinance No. 2015-14](#)
- ❑ [City of NMB Zoning Map](#)



# ***City of North Miami Beach, Florida***

Planning and Zoning Department

## **City Council Staff Report**

**TO:** City Council

**FROM:** Carlos Rivero, City Planner

**DATE:** JULY 21, 2015

**ITEM:** P&Z ITEM # 15-007(B) - MAULE LAKE ZONING AMENDMENT

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**RE:** AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE ZONING AND LAND DEVELOPMENT CODE OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER XXIV “NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE” ARTICLE V “ZONING USE DISTRICTS” TO ADD SECTION 24-59 “CONSERVATION ZONING DISTRICT” CREATING A CONSERVATION ZONING DISTRICT; AMENDING THE OFFICIAL ZONING MAP, REFERENCED IN SECTION 24-31 OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, TO ZONE CERTAIN PROPERTY AND APPLY THE CONSERVATION ZONING DISTRICT DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT “A”); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

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***Request:***

The applicant, City of North Miami Beach, proposes a text amendment to Chapter XXIV “North Miami Beach Zoning and Land Development Code” Article V “Zoning Use Districts” to add section 24-59 “Conservation Zoning District” creating a conservation zoning district, and an amendment of the Official Zoning Map, referenced in section 24-31 of the North Miami Beach Code of Ordinances, to zone certain property and apply the Conservation Zoning District designation to those properties shown in exhibit “A”. This action is at the direction of the Mayor and Council, who discussed the matter at their April 21, 2015 Council Meeting, and

directed staff to prepare amendments to rezone Maule Lake as a conservation district and amend the Zoning Map to reflect the new zoning district.

***Background:***

Maule Lake, although privately-owned submerged land, sits adjacent to the Biscayne Bay Aquatic Preserve, and in a direct line between the Oleta River and its outflow into Biscayne Bay. There are no upland areas associated with the property; it is completely submerged and not accessible by any roadway or land. In close proximity is the Miami-Dade County-owned Greynolds Park, and the State-owned Oleta River State Park. The vast majority of the Biscayne Bay basin is government-owned and protected for conservation; Maule Lake, however, is one of the few remaining privately-owned tracts of submerged land located in the Biscayne Bay basin. Most local residents are unaware that this water body is privately-owned and not under the same regulatory and environmental protections as the open waters of Biscayne Bay and the Biscayne Bay Aquatic Preserve. Except that it was formerly a rock quarry and not an original part of Biscayne Bay, its character, especially visually and aesthetically, is very similar to the open waters of the Bay. Nearby residents are under the impression that the open waters of the lake would always remain open and preserved like other areas throughout the basin.

However while the City's Comprehensive Plan contains goals and objectives addressing the preservation and enhancement of "significant natural features", the Code of Zoning Ordinances lacks a conservation district designation. The City seeks to designate and zone this property in such a way that clarifies its status as conservation land and leaves no ambiguity about the potential for development of the property. The City's intention is to follow-up this action with additional research and recommendations for designating and zoning any other similar open bodies of water within the City to the Water/Conservation category.

Other municipalities have similarly situated lands which are designated within their Comprehensive Plan and Zoning Code with appropriate land use designation and zoning. The adjacent portion of Maule Lake that is located within the City of Aventura was designated as Water and zoned Conservation District sixteen years ago, in 1999. The designation and zoning of the subject property as proposed will help eliminate the uncertainty and ambiguity that currently exists with respect to potential development of the site.

***Planning and Zoning Department Analysis:***

Maule Lake lies adjacent to the Biscayne Bay Aquatic Preserve; it is closely linked to the conservation lands in North Biscayne Bay (EXHIBIT "B") and the focal natural communities adjacent to North Biscayne Bay (EXHIBIT "C"). Additionally, Maule Lake is listed as a Critical Habitat for the endangered Florida Manatee (*Trichechus manatus*) as per CFR 17.95(a). Manatees dwell in shallow bay waters and feed on a variety of vegetation. Although privately-owned, the Lake is very similar in character to the adjacent conservation lands with respect to marine life and the environment. It is difficult to foresee how a large-scale full-service residential development within the lake would be compatible with the surrounding conservation lands and or with adjacent residential uses. Any use other than those uses

permitted in the proposed conservation district would be inconsistent with the scale and character of the adjacent districts.

From an economic standpoint, the entire subject parcel of Maule Lake is valued by the Miami-Dade Property Appraiser at \$52,847, or \$449 per acre. This nominal valuation placed on the property is in stark contrast to the existing valuations of vacant, developable land in the Northeast Miami-Dade County area, which range from several hundred thousand dollars to over one million dollars an acre. The extremely low nominal valuation of the property indicates that the property is considered by the Property Appraiser's office as undevelopable and that it contains little economic value given the existence of local, state and federal laws and policies regarding planning and development, environment considerations, and practical realities of construction on submerged lands. The Property Appraiser's Office has indicated this is especially true when there are no upland areas associated with the property. The existing property owner has been paying yearly property taxes based on these nominal valuations, which demonstrates that there is no "investment-backed expectations" for this property. It is unreasonable for any property owner (or prospective buyer of such property) to reasonably expect that this property would be the basis for a significant investment of capital seeking a return on investment of a nature similar to other property development projects on dry land.

The proposed land use designation does not eliminate all economic uses of the subject property; it permits this private open water area to be used for recreational and commercial boating facilities, passive outdoor recreational uses, fishing, boating and camping facilities, and other water-oriented uses not in conflict with water management and wildlife protection.

***Planning and Zoning Department Recommendation:***

Based on the Comprehensive Plan goals and objectives, the location of the site in relation to the Greater Biscayne Bay Aquatic Preserve and concerns expressed by surrounding residents, which include whether development of Maule Lake will adversely affect the public health, safety, welfare or the property of others, including adjacent property owners; whether development will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats; whether it will adversely affect navigation or the flow of water or cause harmful erosion or shoaling, or adversely affect the fishing or recreational values or marine productivity in the vicinity of the development; and the temporary lowering of water quality during construction activities; the Planning and Zoning Department recommends the approval of this amendment as proposed.

# OFFICIAL ZONING MAP

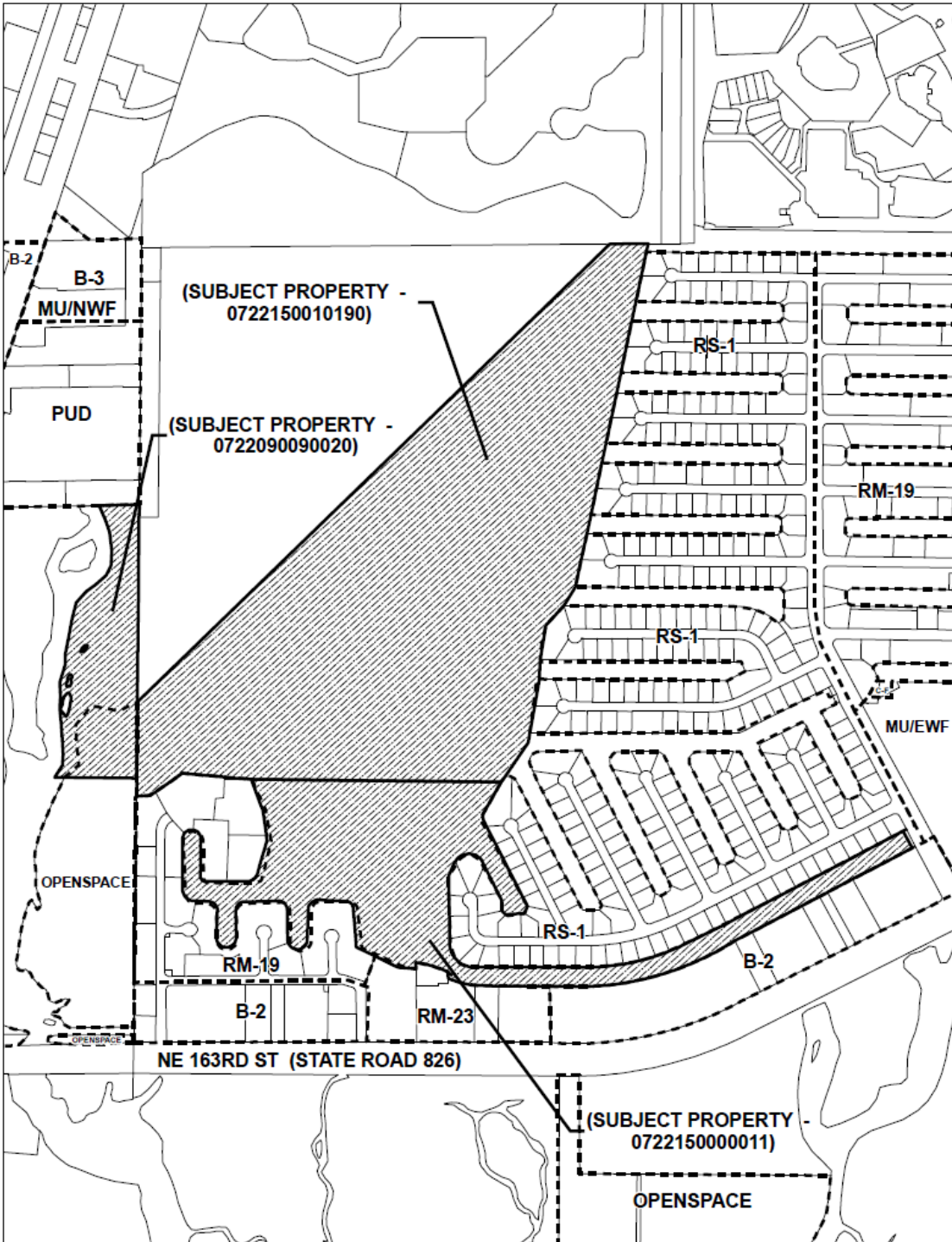


EXHIBIT "A" - SUBJECT PROPERTIES LOCATION

**LEGAL DESCRIPTION OF SUBJECT PARCELS**

ALL OF THE SW1/4 OF SECTION 10, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY FLORIDA, LYING SOUTH & EAST OF A DIAGONAL LINE BEGINNING 200 FEET WEST OF THE NE CORNER OF THE SW QUARTER TO A POINT ON THE WEST LINE, 400 FEET NORTH OF THE SW CORNER OF THE SW1/4, LESS ANY PORT THEREOF PLATTED AS PER PLAT BOOK 65, PAGE 28 AND PLAT BOOK 65, PAGE 39;

ALL THAT PORTION OF SECTION 15, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY FLORIDA, LYING NORTH OF SUNNY ISLES BOULEVARD, LESS ANY PORTION THEREOF PLATTED AS PER PLAT BOOK 65, PAGE 28 AND PLAT BOOK 65, PAGE 43;

TRACT B OF MAULE FEDERAL HIGHWAY INDUSTRIAL SITES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 46, PAGE 55 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**SURROUNDING LAND USES:**

<b>Location</b>	<b>Zoning Designations</b>	<b>Existing Land Uses</b>	<b>Future Land Use Designations</b>
North	Conservation (City of Aventura)	Open water (NE half of Lake Maule)	Recreation and Open Space
East	RS-1 (Single Family Res.)	Single Family Residential	Residential Low Density
South	RM-19, RM-23 and B-2	Residential and Commercial	Residential High Density and Business
West	Conservation (Miami-Dade County and State of Florida)	Greynolds Park East and Oleta River	Recreation and Open Space



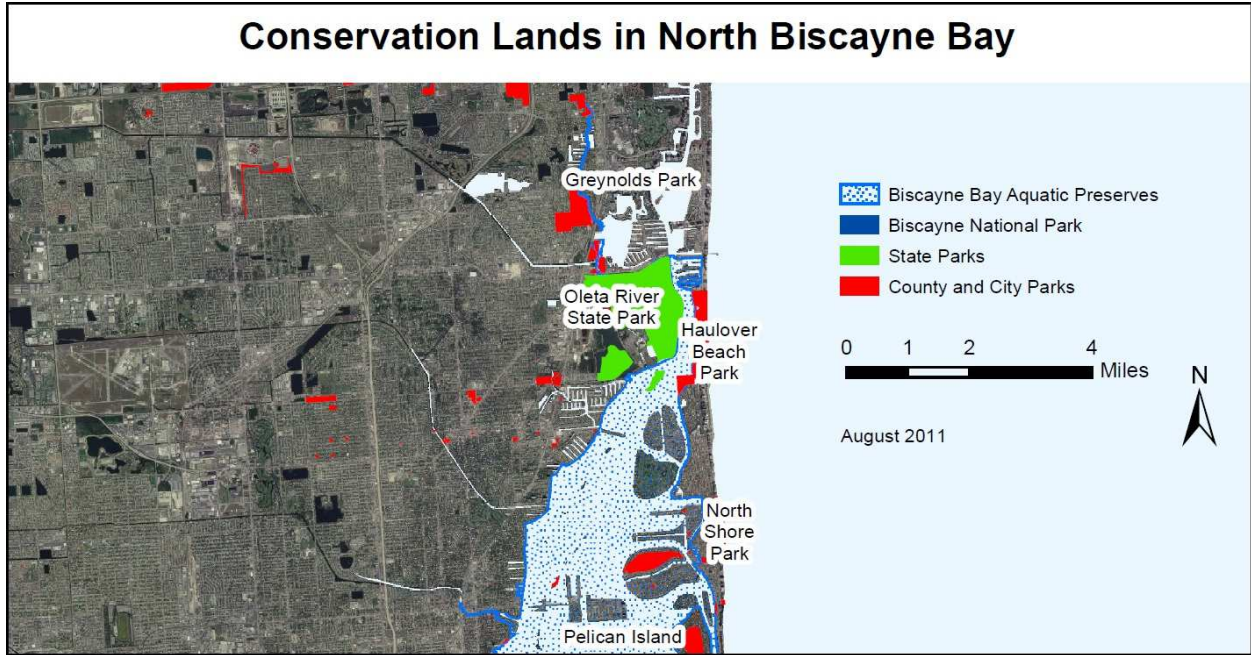


EXHIBIT “B”

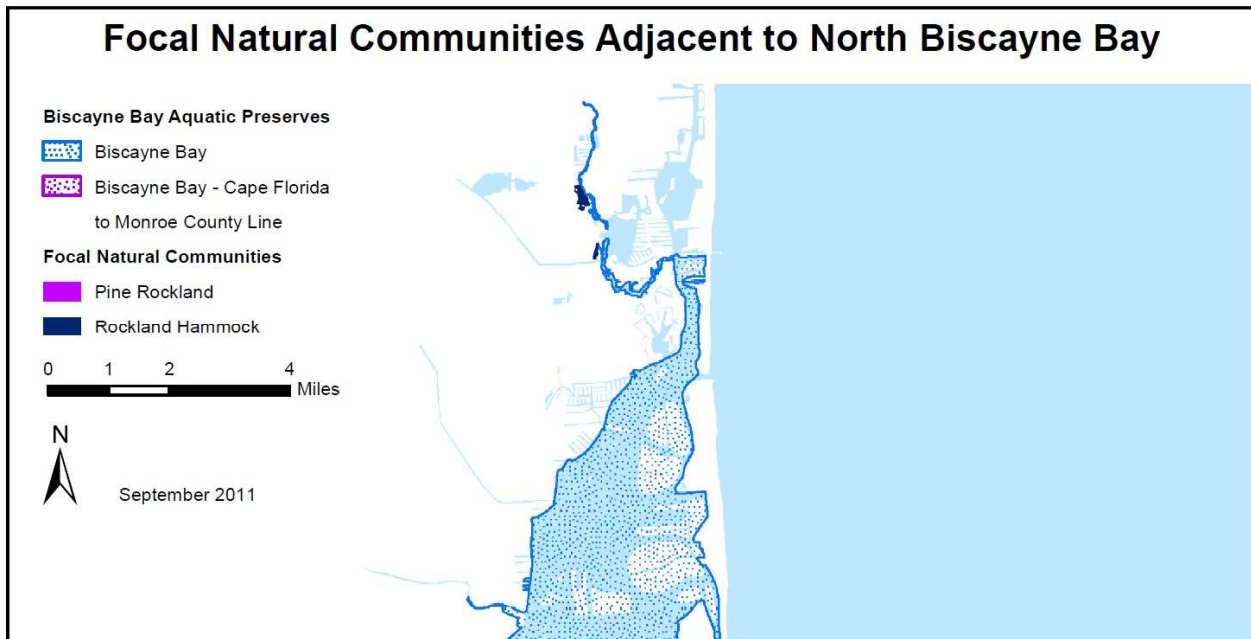


EXHIBIT “C”


**Submittal History:**

Planning and Zoning Board (June 8, 2015) Approved 4-1, two Board Members absent.  
City Council (July 21, 2015)

**Advertisement History:**

MIAMI HERALD | MiamiHerald.com NE THURSDAY, MAY 28, 2015 | 21NE

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## CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING

**DATE/TIME:** Monday, June 8, 2015, 6:00 P.M.  
**LOCATION:** North Miami Beach City Hall, 2nd Floor, City Council Chambers  
17011 NE 19th Avenue, North Miami Beach, FL 33162

**PUBLIC NOTICE** is hereby given that the City of North Miami Beach Planning and Zoning Board shall consider the following public hearing item:  
**Zoning and Land Development Code Amendment – North Miami Beach, FL:**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE ZONING AND LAND DEVELOPMENT CODE OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER XXIV "NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE" ARTICLE V "ZONING USE DISTRICTS" TO ADD SECTION 24-59 "CONSERVATION ZONING DISTRICT" CREATING A CONSERVATION ZONING DISTRICT; AMENDING THE OFFICIAL ZONING MAP, REFERENCED IN SECTION 24-31 OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, TO ZONE CERTAIN PROPERTY AND APPLY THE CONSERVATION ZONING DISTRICT DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.**

*All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to [nmbcomdev@citynmb.com](mailto:nmbcomdev@citynmb.com), FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance.*

**OFFICIAL ZONING MAP**



**CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING**


DATE: Planning and Zoning Board - June 8, 2015, 6:00 P.M.  
 City Council (first reading) - July 7, 2015, 7:30 P.M.  
 (City Council date subject to change without further notice)

LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers  
 17011 NE 19th Avenue, North Miami Beach, FL 33162

PUBLIC NOTICE is hereby given that the City of North Miami Beach Planning and Zoning Board and City Council shall consider the following public hearing item:

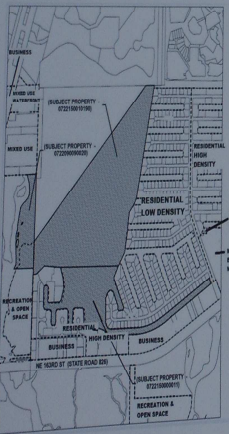
**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN, THE FUTURE LAND USE MAP AND TEXT CHANGES TO THE FUTURE LAND USE ELEMENTS; AMENDING POLICY 1.8.3 OPEN WATER AND TRANSPORTATION CORRIDORS; AMENDING THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY AND APPLY THE AMENDED OPEN WATER AND TRANSPORTATION CORRIDORS DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR CERTIFIED COPIES OF THIS ORDINANCE AND COMPREHENSIVE PLAN TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER LIMITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES AS REQUIRED UNDER CHAPTER 183, PART II, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 183.318, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; SEVERABILITY; AND FOR AN EFFECTIVE DATE.**

All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to [nmbcommunity@citynmb.com](mailto:nmbcommunity@citynmb.com), FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0102). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2969 for assistance.



Mayor George Vallejo  
 Councilman Anthony F. DeFilippo • Councilwoman Phyllis S. Smith • Councilwoman Beth E. Spiegel  
 Councilman Franz Pierre • Councilwoman Barbara Kramer • Councilwoman Marlen Martell

**OFFICIAL FUTURE LAND USE MAP**



**EXHIBIT "A" - SUBJECT PROPERTIES LOCATION**

**CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING**

DATE: Planning and Zoning Board - June 8, 2015, 6:00 P.M.  
 City Council (first reading) - July 7, 2015, 7:30 P.M.  
 (City Council date subject to change without further notice)

LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers  
 17011 NE 19th Avenue, North Miami Beach, FL 33162

PUBLIC NOTICE is hereby given that the City of North Miami Beach Planning and Zoning Board and City Council shall consider the following public hearing item:

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE ZONING AND LAND DEVELOPMENT CODE OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER XXV "NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE" ARTICLE V "ZONING USE DISTRICTS" TO ADD SECTION 24-99 "CONSERVATION ZONING DISTRICT CODE" ARTICLE V "ZONING USE DISTRICTS"; TO ZONE CERTAIN PROPERTY AND APPLY THE CONSERVATION ZONING DISTRICT DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY, CODIFICATION; AND FOR AN EFFECTIVE DATE.**

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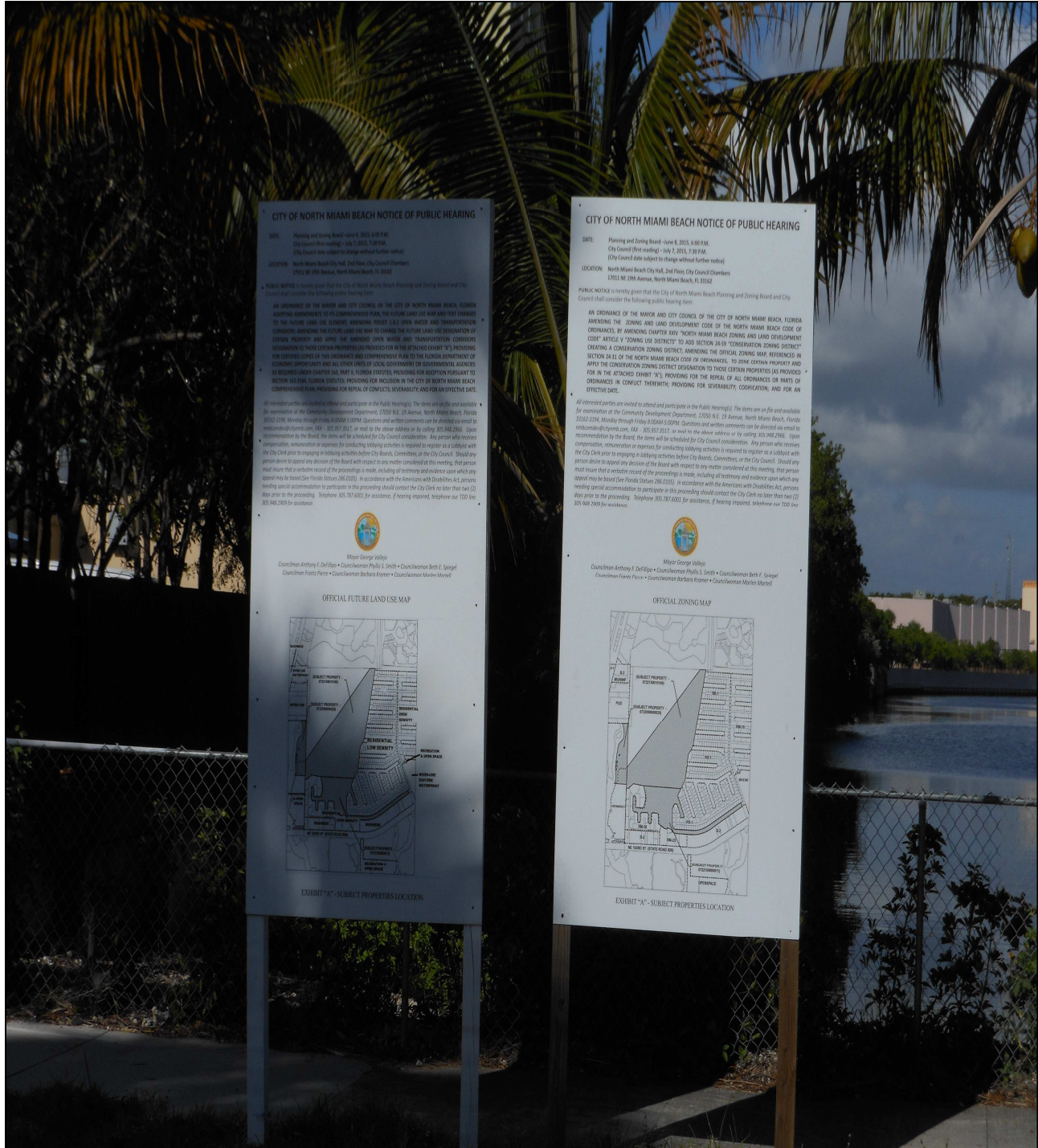
Mayor George Vallejo  
 Councilman Anthony F. DeFilippo • Councilwoman Phyllis S. Smith • Councilwoman Beth E. Spiegel  
 Councilman Franz Pierre • Councilwoman Barbara Kramer • Councilwoman Marlen Martell

**OFFICIAL ZONING MAP**



**EXHIBIT "A" - SUBJECT PROPERTIES LOCATION**









**CITY OF NORTH MIAMI BEACH  
NOTICE OF PUBLIC HEARING**

**DATE/TIME:** Tuesday, July 21, 2015, 7:30 P.M. (1<sup>st</sup> Reading by Title Only)  
**LOCATION:** North Miami Beach City Hall, 2<sup>nd</sup> Floor, City Council Chambers  
17011 NE 19<sup>th</sup> Avenue, North Miami Beach, FL 33162

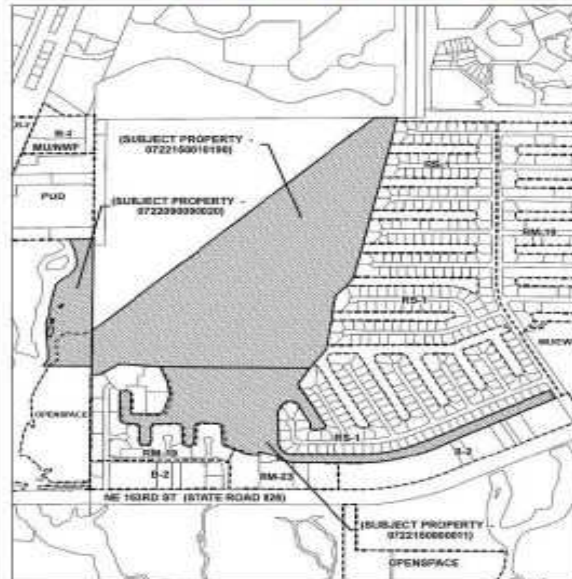
**PUBLIC NOTICE** is hereby given that the City of North Miami Beach City Council shall consider the following public hearing item:

**Zoning and Land Development Code Amendment – North Miami Beach, FL:**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE ZONING AND LAND DEVELOPMENT CODE OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER XXIV "NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE" ARTICLE V "ZONING USE DISTRICTS" TO ADD SECTION 24-59 "CONSERVATION ZONING DISTRICT" CREATING A CONSERVATION ZONING DISTRICT; AMENDING THE OFFICIAL ZONING MAP, REFERENCED IN SECTION 24-31 OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, TO ZONE CERTAIN PROPERTY AND APPLY THE CONSERVATION ZONING DISTRICT DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

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**OFFICIAL ZONING MAP**



**EXHIBIT "A" - SUBJECT PROPERTIES LOCATION**



**General information**

Property/project name: Maule Lake - Rezoning Submittal date May 22, 2015  
Street address(es) of the property: N/A (see legal desc.)  
Proposed use: Amend zoning map to zone subject property to Conservation District  
Applicant(s)/agent(s): City of North Miami Beach

**Application request**

*The undersigned Applicant(s)/Agent(s)/Property Owner(s) request City of North Miami Beach consideration and review of the following application(s). Please check all that apply.*

- Abandonment and Vacations
- Annexation
- Comprehensive Plan Map Amendment - Small Scale
- Comprehensive Plan Map Amendment - Large Scale
- Comprehensive Plan Text Amendment
- Conditional Use
- Conditional Use – Special Limited
- Development Agreement
- Development of Regional Impact
- Development of Regional Impact - Notice of Proposed Change
- Planned Unit Development
- Plat/Replat
- Site Plan
- Variance
- Zoning Code Map Amendment
- Zoning Code Text Amendment
- Other: \_\_\_\_\_

**Project information**

Street address(es) of the property: N/A  
Legal description: Lot(s) See attached LEGAL DESCRIPTION OF SUBJECT PARCELS  
Block(s) \_\_\_\_\_ Section (s) \_\_\_\_\_  
Property folio numbers (list all numbers) 07-2215-010-0190, 07-2209-009-0020 and 07-2215-000-0011



Property owner name(s): Evert Williams Trust (property owner is not the applicant).

Property owner(s) mailing address(es): 485 RIO GRANDE EDGEWATER, FL 32141

Telephone: Business Fax
Other Email @

Applicant(s)/agent(s): City of North Miami Beach

Applicant(s)/agent(s) mailing address: 17051 NE 19 Avenue, North Miami Beach, FL 33162

Telephone: Business 305-948-2900 Fax
Other Email @

Proposed site data and land use(s) information

Please complete and/or respond to all requested information. If "Not Applicable," please note NA.

Current Comprehensive Plan Land Use designation(s): Open Water and Transportation Corridor

Current Zoning District designation(s): N/A

Proposed Comprehensive Plan Land Use designation(s) (if applicable): Water

Proposed Zoning District designations(s) (if applicable): Conservation

Proposed non-residential land uses (list of intended uses), gross square footage, required parking and parking provided.

Table with 4 columns: Use, Square footage, Required parking, Parking provided. Contains 6 rows of blank entries.

Non-residential totals: Square footage: Required parking: Parking provided:

Residential unit size, number by unit type, gross square footage by type, required parking and parking provided:

Unit size: Studio: One-bedroom: Two-bedroom: Three-bedroom:

Table with 4 columns: Unit type, Square footage, Required parking, Parking provided. Contains 4 rows for Studio, One-bedroom, Two-bedroom, and Three-bedroom.

Residential totals: Square footage: Required parking: Parking provided:



Site data information: 5,127,012 s.f.\*  
117.7 Acres\*  
Total lot area (square footage/acreage): \*submerged Lot width: N/A Lot depth: N/A  
Setbacks: Front: N/A Rear: N/A Side: N/A Side (Interior): N/A  
Building height (feet/inches): N/A Number of floors: N/A  
Minimum pervious area: N/A Maximum lot coverage: N/A  
Total required parking: N/A Parking provided: N/A Additional parking: N/A

### Supporting information

A Preapplication Conference is required with the Community Development Staff in advance of application submittal to determine the information necessary to be filed with the application(s). Staff will advise and check the required items at the Preapplication Conference. If necessary, attach additional sheets to application. Staff reserves the right to request additional information as necessary throughout the entire City review process.

- Aerial.
- Affidavit providing for property owner's authorization to process application.
- Annexation supporting materials.
- Application fees.
- Application representation and contact information.
- Appraisal.
- Architectural/building elevations (color).
- Architectural/building elevations architectural elements (color).
- Building floor plans and roof plan.
- Comprehensive Plan analysis.
- Comprehensive Plan text amendment justification.
- Concurrency review application.
- Department of Transportation Driveway Connection Permit
- Drainage Plan.
- Elevations.
- Encroachments plan.
- Environmental assessment.
- Exterior architectural materials board.
- Landscape plan.
- Land use map (subject property outlined).
- Lighting plan.
- Liquor survey (for only review of location of lounge, bar, or package liquor store).
- Lobbyist form (City form).
- Massing model and/or 3D computer model.





- Ordinances, resolutions, covenants, development agreements, etc. previously granted for the property.
- Parking study.
- Photographs (color) of property, adjacent uses and/or streetscape.
- Plat.
- Property owners list, including a typewritten list and 2 sets of self-adhesive labels of all properties within 500 feet.
- Property survey and legal description.
- Public Realm Improvements Plan for mixed use projects.
- Public school preliminary concurrency analysis (residential land use/zoning applications only).
- Sign master plan (colored).
- Site plan and supporting information.
- Statement of use and/or cover letter.
- Streetscape master plan.
- Text amendment justification.
- Traffic accumulation assessment.
- Traffic impact statement.
- Traffic impact study.
- Traffic stacking analysis.
- Utilities consent.
- Utilities location plan.
- Vegetation survey.
- Warranty Deed.
- Zoning Code text amendment justification.
- Zoning Map (with subject property outlined)
- Other: \_\_\_\_\_

**Application submittal requirements – Number of copies**

1. Table of Contents. Please provide a Table of Contents identifying all documents provided on all paper and electronic copies. Please clearly indicate date on all pages of plans and drawings.
2. Hard copies.
  - a. Fifteen (15) paper copies (11 inch by 17 inch format with binding) of this application and entire application shall be submitted including all the items identified in the Pre-application Conference.
  - b. One (1) paper full-size (24 inch by 36 inch format, signed and sealed, stapled and folded) plans of all drawings, illustrations, etc.
  - c. One (1) copy of exterior architectural materials board (if applicable).
  - d. Fifteen (15) sets of the application.
  - e. Fifteen (15) sets of the letter of intent for the project.
  - f. Fifteen (15) sets of the most recent survey of the property.
3. Digital media copies. One (1) compact discs (CD ROMs) of the entire application including all items identified in the Pre-application Conference. Each document shall be separated into separate PDF files (i.e., application; site plan,

landscape plan; etc.). Please include a "Table of Contents" identifying all PDF file name(s). Each PDF file size shall not exceed 10 Mb. All discs shall be labeled with the applicant(s) name, project name and date of submittal.

### **Applicant/agent/property owner affirmation and consent**

(I) (We) affirm and certify to all of the following:

1. Submission of the following:
  - a. Warranty deed/tax record as proof of ownership for all properties considered as a part of the application request; or
  - b. Authorized as the applicant(s)/agent(s) identified herein to file this application and act on behalf of all current property owner(s) and modify any valid City of North Miami Beach entitlements in effect during the entire review process.
2. This application, application supporting materials and all future supporting materials complies with all provisions and regulations of the Zoning Code, Comprehensive Land Use Plan and Code of Ordinances of the City of North Miami Beach unless identified and approved as a part of this application request and/or other previously approved applications.
3. That all the answers to the questions in this application, and all data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief.
4. Understand this application must be complete and accurate before a hearing can be advertised. In the event that I or anyone appearing on my behalf is found to have made a material misrepresentation, either oral or written, regarding this application (I)(We) understand that any City review shall be voidable at the option of the City of North Miami Beach.
5. Understand the failure to provide the information necessary pursuant to the established time frames included but not limited to application submittal, submission of revised documents, etc. for review by City Staff and the designated reviewing entity may cause application to be deferred without further review until such time the requested information is submitted.
6. Understand that the application, all attachments, correspondence and fees become a part of the official records of the City of North Miami Beach and are not returnable.
7. Understand that under Florida Law, all the information submitted as part of the application are public records.
8. All representatives of the application have registered with and completed the required lobbyist forms from the City of North Miami Beach City Clerk's Office.
9. The application before the Board or City Council shall be represented by the legal owner, the prospective owner having a bona fide purchase contract or a duly qualified attorney retained by said owner or prospective owner.
10. Additional costs in addition to the application fees may be assessed associated with the review of applications by the City. These are costs that may be incurred by the applicant due to consultant fees paid by City to review the application. The types of reviews that could be conducted may include but are not limited to the following: concurrency review; property appraisals; traffic impact analyses; vegetation/environmental assessments; archeological/historic assessments; market studies; engineering studies or reports; and legal fees. Such fees will be assessed upon finalization of the City application review. Understand that if payment is not received the prior to Final Pubic Hearing Review, the Application shall be postponed by the City until such time all fees are paid.

*(See next page for signature information)*



*(Please complete all below sections and indicate "Not Applicable (N/A)" as appropriate).*

Property owner(s) signature(s): <p style="text-align: center;">N/A</p>	Property owner(s) print name:	
Property owner(s) signature(s):	Property owner(s) print name:	
Property owner(s) signature(s):	Property owner(s) print name:	
Address(es):		
Telephone:	Fax:	Email:
<b>NOTARIZATION</b>		
STATE OF FLORIDA/COUNTY OF _____		
The foregoing instrument was acknowledged before me this _____ day of _____ by _____		
(Signature of Notary Public - State of Florida)		
(Print, Type or Stamp Commissioned Name of Notary Public)		
<input type="checkbox"/> Personally Known OR <input type="checkbox"/> Produced Identification; Type of Identification Produced _____		

Contract Purchaser(s) Signature: <p style="text-align: center;">N/A</p>	Contract Purchaser(s) Print Name:	
Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:	
Address(es):		
Telephone:	Fax:	Email:
<b>NOTARIZATION</b>		
STATE OF FLORIDA/COUNTY OF _____		
The foregoing instrument was acknowledged before me this _____ day of _____ by _____		
(Signature of Notary Public - State of Florida)		
(Print, Type or Stamp Commissioned Name of Notary Public)		
<input type="checkbox"/> Personally Known OR <input type="checkbox"/> Produced Identification; Type of Identification Produced _____		



City of North Miami Beach, Florida  
Community Development Department Public Hearing Application  
17050 NE 19th Ave., North Miami Beach, FL 33162 • Tel: 305.948.2966 • nmbcomdev@citynmb.com

Applicant(s)/Agent(s) Signature(s): <b>Richard Lorber</b> <small>Digitally signed by Richard Lorber DN: cn=Richard Lorber, o=City of North Miami Beach, c=US Manager's Office, email=richard.lorber@citynmb.com Location: City of North Miami Beach, Florida Date: 2015.05.05 12:57:15 -0400</small>		Applicant(s)/Agent(s) Print Name: <b>Richard Lorber for Ana M. Garcia</b>	
Address(es): <b>17051 NE 19 Avenue, North Miami Beach, FL 33162</b>			
Telephone: 305-948-2900	Fax:	Email:	
<b>NOTARIZATION</b>			
STATE OF FLORIDA/COUNTY OF _____			
The foregoing instrument was acknowledged before me this _____ day of _____ by _____			
(Signature of Notary Public - State of Florida)			
(Print, Type or Stamp Commissioned Name of Notary Public)			
<input type="checkbox"/> Personally Known OR <input type="checkbox"/> Produced Identification; Type of Identification Produced _____			

**Office Use Only**

Preapplication conference was completed on _____, 2015 <span style="margin-left: 150px;">Month</span> <span style="margin-left: 150px;">Day</span>
Application submittal date _____, 2015 <span style="margin-left: 150px;">Month</span> <span style="margin-left: 150px;">Day</span>
Fee(s) received <input type="checkbox"/> Yes <input type="checkbox"/> No Amount: \$ _____
<b>NOT APPLICABLE</b>
Fee(s) received for : _____
Check No. _____ City Account No: 010-341201
Upon completion - Scan and insert application into Department "Project" computer file directory. Revision date 06.02.2015

H:\Form, form letters and applications\01 02 2014 NMB community development department public hearing application.docx

# EXHIBIT "A"

## LEGAL DESCRIPTION OF SUBJECT PARCELS

ALL OF THE SW 1/4 OF SECTION 10, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY FLORIDA, LYING SOUTH & EAST OF A DIAGONAL LINE BEGINNING 200 FEET WEST OF THE NE CORNER OF THE SW QUARTER TO A POINT ON THE WEST LINE, 400 FEET NORTH OF THE SW CORNER OF THE SW 1/4, LESS ANY PORT THEREOF PLATTED AS PER PLAT BOOK 65, PAGE 28 AND PLAT BOOK 65, PAGE 39;

ALL THAT PORTION OF SECTION 15, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY FLORIDA, LYING NORTH OF SUNNY ISLES BOULEVARD, LESS ANY PORTION THEREOF PLATTED AS PER PLAT BOOK 65, PAGE 28 AND PLAT BOOK 65, PAGE 43;

TRACT B OF MAULE FEDERAL HIGHWAY INDUSTRIAL SITES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 46, PAGE 55 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



***City of North Miami Beach, Florida***  
**COMMUNITY DEVELOPMENT DEPARTMENT**

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**PENDING REVISION PER MR. KREISBERG'S COMMENTS  
DURING THE JULY 13, 2015 MEETING APPROVAL OF  
MINUTES.**

**PLANNING & ZONING BOARD MEETING  
MONDAY, JUNE 8, 2015**

**Attendees:**

Members -

Chair Evan Piper

V. Chair Julian Kreisberg

Michael Mosher

Saul Smukler

Jeffrey Lynn

Joseph Litowich (absent)

Hector Marrero (absent)

Carlos Rivero, City Planner

Richard Lorber, Assistant City Manager

Sarah Johnston, Assistant City Attorney

Giselle Deschamps, Assistant Planner

Jose Smith, City Attorney

Lisa Edmondson/Prototype, Inc., Board Clerk

**1. Pledge of Allegiance**

Chair Piper called the meeting to order at 6:07 p.m. The Pledge of Allegiance was recited.

**2. Roll Call of Board Members**

Roll was called. It was noted that a quorum was present.

**3. Approval of Minutes - Meeting of Monday, May 11, 2015**

**Motion** made by Vice Chair Kreisberg, seconded by Mr. Lynn, to approve the minutes of the May 11, 2015, meeting. In a voice vote, the motion passed unanimously.

**4. Public Hearing Procedures**

Chair Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

**5. Old Business**

- Item 15-001: Conditional Use and Site Plan Approval – 152 NW 168 Street, North Miami Beach, FL

Approved by the board unanimously on Monday, May 11, 2015. The date for City Council has not yet been set.

- Item 15-006: Zoning and Land Development Code Amendment (elimination of banner bonds and clarifying the frequency and number of signs allowed). - North Miami Beach, FL  
Approved by the board unanimously on Monday, May 11, 2015. This item is scheduled for first reading before the City Council on June 16, 2015.

## 6. New Business

### **Item 15-004: Site Plan Approval and Variance– 18200 NE 19<sup>th</sup> Avenue, North Miami Beach, FL:**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL, IN ORDER TO CONSTRUCT A 4,562 SQUARE FOOT, TWO-STORY PROFESSIONAL OFFICE BUILDING ON A 7,589 SQUARE FOOT PARCEL OF LAND, AS PROPOSED; AND GRANTING A VARIANCE FROM SECTION 24-51 (D) (3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE 16 FEET OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF 25 FEET, WHERE A FRONT YARD SETBACK OF 9 FEET IS PROPOSED, AND TO WAIVE THE ENTIRE MINIMUM REQUIRED CORNER SIDE YARD SETBACK OF 20 FEET, WHERE A CORNER SIDE YARD SETBACK OF 0 FEET IS PROPOSED; IN THE B-1, LIMITED BUSINESS ZONING DISTRICT, ON PROPERTY LEGALLY DESCRIBED AS: LOTS 16 & 17, BLOCK 205 OF "FULFORD BY THE SEA SECTION K", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 29, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. ALSO KNOWN AS 18200 NE 19 AVENUE, NORTH MIAMI BEACH, FLORIDA.

Mr. Rivero provided a summary of the staff report. He noted the applicant has agreed to all conditions for the construction of the new building. Two variances are requested: front and side setbacks.

Applicant Stephanie Halfen - 96 Golden Beach Drive, Golden Beach, Florida - representing Rising Assets LLC, described the lot and plans for building. She stated that the adjacent buildings all go to the front of the setback and sides of the setback. However, she believed the Code changed, not allowing the subject building to go to the setback. Ms. Halfen said they are requesting the variance in order to have coherence on the street.

Ms. Halfen clarified that the front setback is the one facing 19 Avenue; she said the building would be nine feet from the property line to allow for landscaping and a walk-through area. The side setback faces 182 Street; she added that there would be parking on the swale. Mr. Rivero commented that the owner would be performing the public property improvements for the parking.

Mr. Lorber remarked that the build pattern on the street goes to the front property line, and the building is a "perfect fit" for the area.

Chair Piper opened the meeting for public comment; hearing none, Chair Piper closed the meeting for public comment.

Mr. Rivero stated that the Planning and Zoning Department recommended approval of the project, subject to the conditions that are outlined in the staff report. The applicant accepted the conditions.

**Motion** made by Vice Chair Kreisberg, seconded by Mr. Mosher, to approve the site plan approval with the variances for Item 15-001 as per staff recommendations. In a roll call vote, the **motion** passed 5-0.

<b>Chair Evan Piper</b>	<b>Yes</b>
<b>Joseph Litowich</b>	<b>Absent</b>
<b>Julian Kreisberg</b>	<b>Yes</b>
<b>Saul Smukler</b>	<b>Yes</b>
<b>Michael Mosher</b>	<b>Yes</b>
<b>Hector Marrero</b>	<b>Absent</b>
<b>Jeffrey Lynn</b>	<b>Yes</b>

Chair Piper recognized the presence of Councilmember Smith.

**Item 15-007(A) - Comprehensive Plan Amendment – North Miami Beach, FL:**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN, THE FUTURE LAND USE MAP AND TEXT CHANGES TO THE FUTURE LAND USE ELEMENT; AMENDING POLICY 1.8.2 OPEN WATER AND TRANSPORTATION CORRIDORS; AMENDING THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY AND APPLY THE AMENDED OPEN WATER AND TRANSPORTATION CORRIDORS DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR CERTIFIED COPIES OF THIS ORDINANCE AND COMPREHENSIVE PLAN TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER UNITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; SEVERABILITY; AND FOR AN EFFECTIVE DATE.

**Item 15-007(B)-Zoning and Land Development Code Amendment-North Miami Beach, FL:**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE ZONING AND LAND DEVELOPMENT CODE OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER XXIV "NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE" ARTICLE V "ZONING USE DISTRICTS" TO ADD SECTION 24-59 "CONSERVATION ZONING DISTRICT" CREATING A CONSERVATION ZONING DISTRICT; AMENDING THE OFFICIAL ZONING MAP, REFERENCED IN SECTION 24-31 OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, TO ZONE CERTAIN PROPERTY AND APPLY THE CONSERVATION ZONING DISTRICT DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR



PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

Mr. Rivero gave an overview of Item 15-007(A).

Mr. Lorber then shared his qualifications regarding his years of experience in land use issues:

- Worked in the field of city and regional planning for 23 years
- Certified Planner with the American Institute of Certified Planners for over 16 years
- Master's Degrees in Planning and Economics
- Taught college level planning courses at FAU
- Served a variety of leadership positions in the profession
- Certified by the U.S. Green Building Council as a LEED-accredited professional

Mr. Lorber stated he would present on both items - 15-007(A) and 15-007(B) - as they both deal with Maule Lake. He stated that the subject property consists of three contiguous parcels of submerged lands, making up the portion of Maule Lake located within North Miami Beach. They are privately owned by the Williams Trust. He clarified that the applicant is the City of North Miami Beach, not the property owner; the applications have been submitted at the request of the Mayor and City Council.

Mr. Lorber stated that Policy 1.8.2 of the Comprehensive Plan contains all the future land use designations. He said that the "Open Water and Transportation Corridors" policy would be changed to "Water." He added that the change would also designate the Maule Lake property as "Water" on the Future Land Use map.

Mr. Lorber continued, saying that Item 15-007 (B) would amend Chapter 24, Article 5, of the Zoning Code to add a new zoning designation, the Conservation Zoning District. It also amends the zoning map to zone the subject property as Conservation District. He said that the portion of Maule Lake that is in Aventura was designated as a Conservation District in 1999.

Mr. Lorber provided a description of Maule Lake, including its location, character, and adjacent properties. The vast majority of the Biscayne Bay Basin is government-owned and protected for conservation, except for Maule Lake and a few other areas. Maule Lake is now listed as a critical habitat for the endangered Florida Manatee.

Mr. Lorber stated that approval of the proposed amendment would be in support of the City's Comprehensive Plan policy to ensure reasonable protection of natural resources and the Environmentally Sensitive Plan as well as clarify the lake's status as conservation land. There would not be any ambiguity about the potential for any large-scale development there.

Mr. Lorber continued, stating the valuation of the entire lake (\$52,800), which is very low, indicates that the Miami-Dade Property Appraiser's office finds it undevelopable. Private, open water areas would be permitted to be used for recreational, commercial boating facilities, passive outdoor recreational uses, fishing, boating, camping facilities, and other water-oriented uses that do not conflict with water management and wildlife protection.

Mr. Rivero read the analysis and recommendations of the Planning and Zoning Department for Item 15-007(A).

Mr. Lorber stated that the north end of Maule Lake is located within Aventura and is owned by the same owner of the North Miami Beach portion of the lake. He did not believe the tax value of the Maule Lake property would be changed by Item 15-007(A).

Vice Chair Kreisberg wondered if the private owner of the lake could restrict certain uses, such as requiring boaters to pay a fee. He expressed concern about why the property should be designated for conservation, since the owner was not taxed at the highest use. There was a brief discussion about zoning of the properties on Eastern Shores.

Vice Chair Kreisberg also expressed concern that the proposed zoning would inhibit boating activities. He asked why they are proposing the action today as opposed to last year or some other time in the past. Mr. Lorber replied that nobody had pulled a permit for development. He added that at some time in the last year, a preliminary application was submitted to the Planning and Zoning Department by Dutch Docklands Company for the floating homes development in Maule Lake. Many questions were left unanswered, and the application has not progressed. Mr. Lorber stated that the City believes now is the time to clarify the zoning for the area; the amendment was initiated at a discussion item in front of the City Council on April 21, 2015. He added that the matter did not come up "all of a sudden."

Mr. Smukler was curious why the other canals on the map were not shaded, who they belong to, and what their zoning is. Mr. Lorber responded that they utilized the online records of the Property Appraiser, which does not reveal any information on the canals. At this point, the southernmost canal is clearly shown as being owned by the Evert M. Williams Trust. Mr. Lorber stated they are still researching Sky Lake and would include information on the remaining canals as part of the research.

Mr. Mosher wondered what the classification of zoning would be for the floating houses. Mr. Lorber said they would not be vessels, but he believed they would be considered houses.

Chair Piper wondered if yacht moorings could be set up for rental there. Mr. Lorber said there are no uplands associated with the parcel – it is entirely within the lake. Dry land

development (parking, access, etc.) would have to be considered with any yacht moorings.

Chair Piper opened the meeting for public comment for Item 15-007(A).

Frank Behrens, Executive Vice President of Dutch Docklands USA, 15051 Royal Oaks Lane, North Miami, said the company remained "very committed" to the project on Maule Lake and want to go forward with 29 floating villas. He spoke about the positive attention it will bring to North Miami Beach. Less than five percent of the total lake surface would be taken up by the islands; views of the lake and boat traffic would not be interrupted. The islands would generate an ad valorem tax benefit of no less than \$2.793 million annually, 24% of the City's total budget. He lamented the actions taken by the City Council which would preclude the Dutch Docklands development. Mr. Behrens described how their company is very environmentally responsible.

Kerri Barsh, attorney for Dutch Docklands USA, with the law firm of Greenberg Traurig, 333 Avenue of the Americas, Miami, said that she appeared before the U. S. Supreme Court in a case about the floating structures. She strongly opposed the requested Comprehensive Development Master Plan change and the zoning for the following reasons: a singular focus preventing property owner from developing; and it deprives the public and decision-makers from having the opportunity to evaluate the project. Ms. Barsh said they "strongly disagree" with the staff's reliance on the property values as defined by the County Property Appraiser.

Chris Williams, Williams Family Trust, 1023 NE 46 Court, Oakland Park, represented the owner of the property. He said they always had expectations of high value of the lake; they have had many developers approach them. Mr. Williams noted that they took steps to make sure they are good stewards of the land and were amazed by the environmental plan of Dutch Docklands. He asked that the City give them an opportunity to explain their plan and go through the normal permit process.

Ronald Glantz, 2693 NE 165 Street, Lakeview Townhomes, said he enjoys a view of the "pristine lake." Mr. Glantz opposed the development, declaring it is about more money for the City; he did not think the manatees would be able to navigate through the floating islands and did not agree with developing.

Fortuna Smukler, 3207 NE 168 Street, spoke on behalf of Eastern Shores Property Owners Association (ESPOA). ESPOA President Chuck Arsano asked her to read the following into the record: "ESPOA supports fully the zoning and land development code amendments proposed in the ordinance, which will result in the application of the Conservation Zoning District designation to that portion of Maule Lake falling within the boundaries of the North Miami Beach. There has been overwhelming support of the residents of Eastern Shores to have the City enact this ordinance. We trust this body will act accordingly to recommend its passage." Ms. Smukler added that her email list from Eastern Shores shows that the residents fully support the amendment. She spoke

about the boats currently on the lake which are apparently allowed by the owner of the lake.

Claudia Gallegos, 16558 NE 26 Avenue (Reef Club), said they were approached by a representative from Dutch Docklands to use part of their property for lake access. She wanted to protect the lake from development.

Carol Paine, 16546 NE 26 Avenue (Reef Club), was against any development on the lake. While acknowledging the tax revenue that the City would get from the Dutch Docklands project, Ms. Paine said many residents would be unhappy as a result. She said there are other developments (The Harbor and Marina Palms) around the lake that will bring in tax revenue.

Richard Paiz, 16546 NE 26 Avenue (Reef Club), reviewed the discussion that the Reef Club Board had regarding the Dutch Docklands project, ultimately ending in a vote against the project. Mr. Paiz expressed concern about the effects of a hurricane on the floating islands, particularly the building roofs.

Tammy Isikoff, 3206 NE 168 Street, said the issue is about Maule Lake, not Dutch Docklands, and spoke in support of the amendment. She enjoys the wildlife she sees in the lake. She maintained that property on Eastern Shores was sold as a “pristine waterfront area.”

Stacey Raskin, 3225 NE 167 Street, said they bought in Eastern Shores mainly because of the lake. She opposed development and was in favor of conservation. Ms. Raskin feared the houses would be “party houses” and generate problems. She suggested the City consider buying the lake to prevent mooring of yachts and such items.

Barry Schuger, 3220 NE 165 Street, bought in Eastern Shores because of the lake and proximity to fishing. He spoke in favor of conservation and said he enjoys seeing the manatee and dolphins in the lake.

Bruce Lamberto, 3420 NE 165 Street, stated that the residents of Eastern Shores proposed the amendment to the City. He hoped that it would be approved. He thanked the Williams Family Trust for allowing use of the lake.

Rachel Orly Averbach, 12669 NE 164 Street, spoke in favor of the conservation amendment, citing Maule Lake as an amenity for those who live on its shores.

Leslie Sardinia, 16480 NE 29 Avenue, said they live right on the lake and have enjoyed the sea rays, dolphins and manatee. She was against development, citing the probability of trash blowing around the surface of the lake.

Elizabeth Winter, 16558 NE 26 Avenue (Reef Club), spoke in favor of the amendment and mentioned that the anticipation of the Dutch Docklands development is what has prompted the community to respond. She wondered if a floating home could be taxed for real estate purposes.

Hearing no further comments, Chair Piper closed the meeting for public comment for Item 15-007(A).

Vice Chair Kreisberg thought they should consider if the amendment is the method they want to take to stop the development in the future. He thought there may be unintended consequences, such as a lawsuit.

Jose Smith, City Attorney, stated that the primary mission of the Board is to consider good, sound, reasonable planning principles. He felt the reasons were given by staff why they believe the zoning is appropriate for the property. Possible litigation and so forth are beyond the jurisdiction of the Board. Mr. Smith researched the matter "extensively" and said the City would not be exposed to Bert Harris or takings claims; he cited prior histories from other cities. He reiterated the Board should consider the planning issues only.

**Motion** made by Mr. Smukler, seconded by Mr. Lynn, to recommend approval of the amendment to the Maule Lake Comprehensive Plan, Item 15-007(A), as per the staff recommendation. **Motion** passed 4-1.

<b>Chair Evan Piper</b>	<b>Yes</b>
<b>Joseph Litowich</b>	<b>Absent</b>
<b>Julian Kreisberg</b>	<b>No</b>
<b>Saul Smukler</b>	<b>Yes</b>
<b>Michael Mosher</b>	<b>Yes</b>
<b>Hector Marrero</b>	<b>Absent</b>
<b>Jeffrey Lynn</b>	<b>Yes</b>

Mr. Rivero provided the staff report on Item 15-007(B). He said that, based on the Comprehensive Plan Goals and Objectives, the Planning and Zoning Department recommends the approval of the amendment as proposed.

Chair Piper opened the meeting for public comment for Item 15-007(B).

Chris Williams, Williams Family Trust, 1023 NE 46 Court, Oakland Park, said they partnered with Dutch Docklands for environmental reasons. He said they are trying to establish the health of the lake for the next 100 years, and said the Dutch Docklands was the best project they looked at that they felt would increase marine life. He said that any future developers could not come close to what Dutch Docklands has proposed

in terms of the environment. He clarified that they have not allowed boats to dock there. Mr. Williams asserted that the Aventura designation 16 years ago was done illegally.

Richard Paiz, 16546 NE 26 Avenue, said that Dutch Docklands was looking for a place to “experiment.” He continued that tax flow has rebounded.

Tammy Isikoff, 3206 NE 168 Street, spoke in favor of the item, noting that “all of North Miami Beach” enjoys Maule Lake, not just those who live on its shores. She emphasized that the agenda item has nothing to do with Dutch Docklands; they are just ensuring the future quality and use of the lake. She wondered what was represented regarding the lake’s future when the area was subdivided.

Claudia Gallegos, 16558 NE 26 Avenue, said that people are using and enjoying the lake every day. She asserted they need to make sure the lake area can still be enjoyed by the City and its neighbors.

Stacey Raskin, 3225 NE 167 Street, spoke against development, saying that Eastern Shores provides a large proportion of the City’s tax base - they do not need Dutch Docklands for tax revenue.

Carol Paine, 16546 NE 26 Avenue, brought up the negative issue of noise emanating from development on a lake (noise travels over water).

Fortuna Smukler, 3207 NE 168 Street, pointed out that no residents had spoken in favor of the Dutch Docklands project or against conservation. She asserted that she will approach the Police Department regarding the boats on the lake since Mr. Williams said he did not give the boats permission to be on the lake.

Kerri Barsh, 333 Avenue of the Americas, on behalf of Dutch Docklands, requested that her previous comments under Item 15-007(A) be reiterated for this item.

Richard Lorber, Assistant City Manager, also wanted his previous comments from Item 15-007(A) reiterated for Item 15-007(B).

Hearing no further comments, Chair Piper closed the meeting for public comment for Item 15-007(B).

Mr. Lorber responded to Ms. Isikoff’s comment regarding the research done on the development of Eastern Shores and what was presented to home buyers. He said they researched that, even going to the Historical Museum and looking through the plats; he said there is not much there with any meaning to help a prospective buyer know what would be there. Some sales brochures for Eastern Shores indicated a beautiful, pristine lake, but that does not have the force of law. Mr. Lorber continued that a potential buyer could inquire about the existing zoning.

Mr. Lorber stated that at this time, the lake parcels are not zoned; they are now proposing zoning them as a Conservation District. This is the first time they have been zoned. Why they are doing it now is because there is a potential use or activity being considered. Without any zoning in place, there is ambiguity as to what uses would be permitted. The City is correcting a situation that should have been corrected earlier.

Chair Piper asked if the zoning could be changed again at some point, and Mr. Smith replied it could – it is not irreversible. Mr. Lorber added that the zoning could be changed through amendment or rezoning.

Mr. Smith asserted that he bought a lot on the water in Eastern Shores in 1974 and said he would not have bought if he thought there would be a future project built on Maule Lake. The plat says “Maule Lake,” not “future home of floating homes.” He said it was very clearly represented by the developers of Eastern Shores in the early 1970s (and before that) there would not be any type of developments on the lake.

Vice Chair Kreisberg read the permitted uses on Maule Lake from the amendment, and wondered why the developer could not propose a plan that falls under those uses. Mr. Lorber responded that non-listed uses are not permitted, such as residences.

Mr. Smukler thanked the representatives from Dutch Docklands for their presence and also all the residents who attended.

**Motion** made by Mr. Smukler, seconded by Mr. Lynn, to recommend approval as per the staff recommendation for Maule Lake Zoning Amendment, Item 15-007(B). **Motion** passed 4-1.

<b>Chair Evan Piper</b>	<b>Yes</b>
<b>Joseph Litowich</b>	<b>Absent</b>
<b>Julian Kreisberg</b>	<b>No</b>
<b>Saul Smukler</b>	<b>Yes</b>
<b>Michael Mosher</b>	<b>Yes</b>
<b>Hector Marrero</b>	<b>Absent</b>
<b>Jeffrey Lynn</b>	<b>Yes</b>

**7. Public/Citizen Comments - none**

Chair Piper opened the public hearing. Hearing no comments, Chair Piper closed the public hearing.

**8. Adjournment**

Upon motion duly made and seconded, Chair Piper adjourned the meeting at 8:10 p.m.

[Minutes prepared by J. Rubin, Prototype, Inc.]





**ORDINANCE NO. 2015-14**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE ZONING AND LAND DEVELOPMENT CODE OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER XXIV “NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE” ARTICLE V “ZONING USE DISTRICTS” TO ADD SECTION 24-59 “CONSERVATION ZONING DISTRICT” CREATING A CONSERVATION ZONING DISTRICT; AMENDING THE OFFICIAL ZONING MAP, REFERENCED IN SECTION 24-31 OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, TO ZONE CERTAIN PROPERTY AND APPLY THE CONSERVATION ZONING DISTRICT DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT “A”); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Comprehensive Plan for the City of North Miami Beach (“City”) provides that it is the policy of the City to protect and maintain natural resources and environmentally sensitive lands(Future Land Use Element Objective 1.4); and

**WHEREAS**, there is a man-made water body within the City that has no zoning designation on the adopted City of North Miami Beach Zoning and Land Development Code Zoning Map; and

**WHEREAS**, this area provides numerous benefits to the City of North Miami Beach and is an important component of the City’s natural environment, providing open space and urban relief; recreation, waterways, wetlands, flood control, stormwater drainage and storage, and natural resource protection and enhancement; and

**WHEREAS**, the adjacent water body, located in a neighboring municipality, has a zoning designation of Conservation District which allows for uses compatible with continuing conservation of the natural resources located within the district; and

**WHEREAS**, this similarly situated land shall have an appropriate zoning designation for consistency with the existing and adjacent designations and uses; and

**WHEREAS**, the Mayor and City Council have reviewed the proposed amendments, and find the proposed Zoning and Land Development Code amendments included herein, to be consistent with the City’s Comprehensive Plan and recommend approval (and transmittal

to the required State of Florida Agencies) of the proposed changes to the City's Comprehensive Plan by a vote of \_\_\_ to \_\_\_; and

**WHEREAS**, the City's Planning and Zoning Board, as the Local Planning Agency, held a duly noticed public hearing on June 8, 2015, reviewed the proposed amendments to the Zoning and Land Development Code and determined such amendments to be consistent with the Comprehensive Plan (and proposed amendments) and compatible with the existing Zoning and Land Development Code and recommended approval to the City Council by a vote of 4 to 1; and

**WHEREAS**, the City Council has received and considered the recommendation of the Local Planning Agency, and held a public hearing on July 21, 2015, to consider adoption of the proposed amendments; and

**WHEREAS**, the City Council believes it is in the best interest of the public to amend the Zoning and Land Development Code by adopting the proposed amendments provided for below and in the attached Exhibit "A".

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of North Miami Beach, Florida.

**Section 1.** The foregoing "Whereas" clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

**Section 2.** The City Council of the City of North Miami Beach, Florida Zoning and Land Development Code is amended as follows:

**Sec. 24-59 - Conservation Zoning District**

Conservation Zoning District

The Conservation (CNS) District is intended to provide for only those uses compatible with the continuing conservation of the natural resources located within the district. This zoning district may be applied to land designated on the City's Future Land Use Map as Water or Parks and Recreation.

Uses Permitted: No building or structure or part thereof within the district shall be erected altered or used or land used in whole or part for other than one or more of the following specific uses:

- a) Passive Outdoor recreational uses such as wildlife sanctuaries and feeding stations nature centers and trails, outdoor research stations and walkways;
- b) Fishing, boating, sailing, water sports and camping facilities;
- c) Structures used for flood control drainage and water storage;
- d) Wetlands;
- e) Uses which do not impair the natural environment or disturb the natural ecosystem of the area and which are not in conflict with applicable water management and wildlife protection policies of local state and federal agencies;
- f) Waterways.

**Section 3.** The City Council of the City of North Miami Beach, Florida Zoning and Land Development Code Zoning Map is amended as provided for in the attached Exhibit “A”.

**Section 4.** Codification. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and word “Ordinance” may be changed to “Section,” “Article” or other appropriate word as the codifier may deem fit.

**Section 5.** All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby repealed.

**Section 6.** 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 7.** Effective Date. This Ordinance shall be effective upon its adoption by the City Council.

**APPROVED BY TITLE ONLY** on first reading this 21<sup>st</sup> day of July, 2015.

**APPROVED AND ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
PAMELA L. LATIMORE  
CITY CLERK

(CITY SEAL)

\_\_\_\_\_  
GEORGE VALLEJO  
MAYOR

APPROVED AS TO FORM, LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
JOSÉ SMITH  
CITY ATTORNEY

Sponsored by: Mayor and Council

Note: Proposed additions to existing City Code text are indicated by underline.

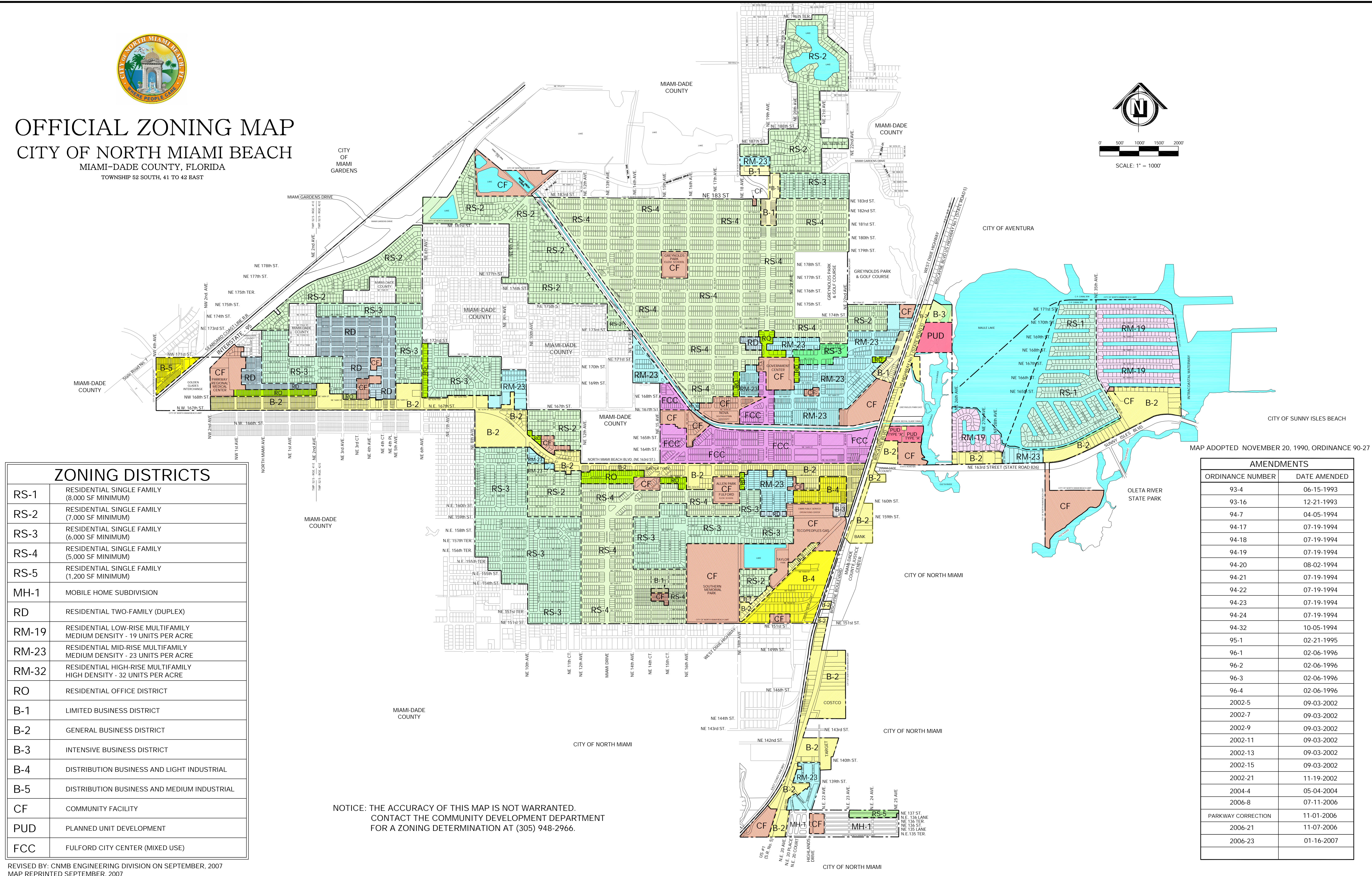
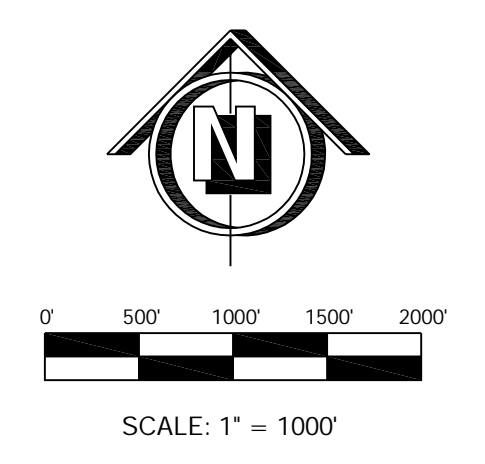




# OFFICIAL ZONING MAP

## CITY OF NORTH MIAMI BEACH

MIAMI-DADE COUNTY, FLORIDA  
TOWNSHIP 52 SOUTH, 41 TO 42 EAST



ZONING DISTRICTS	
RS-1	RESIDENTIAL SINGLE FAMILY (8,000 SF MINIMUM)
RS-2	RESIDENTIAL SINGLE FAMILY (7,000 SF MINIMUM)
RS-3	RESIDENTIAL SINGLE FAMILY (6,000 SF MINIMUM)
RS-4	RESIDENTIAL SINGLE FAMILY (5,000 SF MINIMUM)
RS-5	RESIDENTIAL SINGLE FAMILY (1,200 SF MINIMUM)
MH-1	MOBILE HOME SUBDIVISION
RD	RESIDENTIAL TWO-FAMILY (DUPLX)
RM-19	RESIDENTIAL LOW-RISE MULTIFAMILY MEDIUM DENSITY - 19 UNITS PER ACRE
RM-23	RESIDENTIAL MID-RISE MULTIFAMILY MEDIUM DENSITY - 23 UNITS PER ACRE
RM-32	RESIDENTIAL HIGH-RISE MULTIFAMILY HIGH DENSITY - 32 UNITS PER ACRE
RO	RESIDENTIAL OFFICE DISTRICT
B-1	LIMITED BUSINESS DISTRICT
B-2	GENERAL BUSINESS DISTRICT
B-3	INTENSIVE BUSINESS DISTRICT
B-4	DISTRIBUTION BUSINESS AND LIGHT INDUSTRIAL
B-5	DISTRIBUTION BUSINESS AND MEDIUM INDUSTRIAL
CF	COMMUNITY FACILITY
PUD	PLANNED UNIT DEVELOPMENT
FCC	FULFORD CITY CENTER (MIXED USE)

AMENDMENTS	
ORDINANCE NUMBER	DATE AMENDED
93-4	06-15-1993
93-16	12-21-1993
94-7	04-05-1994
94-17	07-19-1994
94-18	07-19-1994
94-19	07-19-1994
94-20	08-02-1994
94-21	07-19-1994
94-22	07-19-1994
94-23	07-19-1994
94-24	07-19-1994
94-32	10-05-1994
95-1	02-21-1995
96-1	02-06-1996
96-2	02-06-1996
96-3	02-06-1996
96-4	02-06-1996
2002-5	09-03-2002
2002-7	09-03-2002
2002-9	09-03-2002
2002-11	09-03-2002
2002-13	09-03-2002
2002-15	09-03-2002
2002-21	11-19-2002
2004-4	05-04-2004
2006-8	07-11-2006
PARKWAY CORRECTION	11-01-2006
2006-21	11-07-2006
2006-23	01-16-2007

NOTICE: THE ACCURACY OF THIS MAP IS NOT WARRANTED. CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR A ZONING DETERMINATION AT (305) 948-2966.

REVISED BY: CNMB ENGINEERING DIVISION ON SEPTEMBER, 2007  
MAP REPRINTED SEPTEMBER, 2007





City of North Miami Beach  
17011 NE 19 Avenue  
North Miami Beach, FL 33162  
305-947-7581  
www.citynmb.com

## MEMORANDUM

 [Print](#)

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**TO:** Mayor and City Council  
**FROM:** Ana M. Garcia, City Manager  
**VIA:** Esmond Scott, Director of Public Works  
Brian K. O'Connor, Chief Procurement Officer  
**DATE:** Tuesday, July 21, 2015

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**RE:** Ordinance No. 2015-12, Second and Final Reading (Esmond Scott, Director of Public Works and Brian O'Connor, Chief Procurement Officer)

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**BACKGROUND ANALYSIS:**

Chapter XVIII, Section 19 of the City's Code of Ordinances allows private solid waste providers to apply for a Business Tax Receipt (BTR) to provide garbage services to the City's commercial customers. This is in conflict with current practices of the City's commercial solid waste collection services and has created problems enforcing violations of the City's Code.

The Administration desires to amend Chapter XVIII, Code of Ordinances, to designate the City as the sole provider of solid waste collection and disposal services within the City, to amend the regulations for hauling and disposal of construction and demolition debris, and to provide penalties for violations.

This recommendation will align the Solid Waste operations with current practices and the City's Strategic Plan to be a high performing city organization providing great customer service and continuing to increase the City's financial sustainability.

**RECOMMENDATION:**

Staff recommends adoption of the ordinance prohibiting unauthorized and unregulated private entities from servicing North Miami Beach customers for solid waste and/or construction and demolition debris collection.

**FISCAL/BUDGETARY**

Compliance by all commercial accounts allows the City to gain

**IMPACT:**

all revenue generated from the servicing of such accounts.

---

**ATTACHMENTS:**

- [Ordinance No. 2015-12](#)

**ORDINANCE NO. 2015-12**

**AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING CHAPTER XVIII, CODE OF ORDINANCES ENTITLED “SOLID WASTE MANAGEMENT” BY AMENDING SECTION 18-1 “DEFINITIONS” TO CLARIFY THE DEFINITION OF GARBAGE; CREATING SECTION 18-18 “CITY AS THE EXCLUSIVE PROVIDER OF SOLID WASTE COLLECTION; PENALTIES”; AND AMENDING SECTION 18-19 “PRIVATE CONSTRUCTION AND DEMOLITION DEBRIS CONTAINER SERVICE HAULING, COMMERCIAL WASTE CONTRACTORS TRASH AND/OR GARBAGE COLLECTION, AUTHORIZED; LIMITATIONS, BUSINESS TAX RECEIPT REQUIRED; SUPERVISORY CONTROL; SUSPENSION, REVOCATION, FEE” TO REMOVE REFERENCES TO COMMERCIAL TRASH AND GARBAGE COLLECTION AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, it is the purpose of this legislation to ensure that areas within the City are adequately provided with high-quality solid waste, construction and demolition debris collection and disposal service; and

**WHEREAS**, because of the overriding public health, safety and welfare considerations associated with the provision of these services, it is necessary that the City retains regulatory authority over the solid waste, construction and demolition debris collection and disposal service; and

**WHEREAS**, the provisions of this ordinance will also ensure that this service is efficient and responsive to public complaints and that the public convenience, aesthetic and environmental considerations, and the public investment in right-of-way property is protected; and

**WHEREAS**, the City of North Miami Beach desires to amend Chapter XVIII, Code of



Ordinances, to clarify the definition of “garbage”, to establish the City as the sole provider of solid waste collection and disposal services within the City, to amend the regulations for hauling and disposal of construction and demolition debris, and to provide penalties for violations.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of North Miami Beach, Florida:

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** Chapter XVIII of the Code of Ordinances of the City of North Miami Beach, entitled “Solid Waste Management,” is hereby amended as follows:

**18-1 DEFINITIONS.**

\* \* \*

*Garbage* shall mean every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in, or storage of, meats, fish, fowl, fruit, or vegetables, and any other matter, of any nature whatsoever, which is subject to decay and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding materials for flies or other germ-carrying insects; and any bottles, cans or other containers which due to their ability to retain water, may serve as breeding places for mosquitoes or other water-breeding insects. Any materials defined by Section 403.703, Florida Statutes, as Biomedical Waste, Biological Waste, Hazardous Substance, or Hazardous Waste shall not be considered garbage for purposes of this chapter.

**18-18 CITY AS THE EXCLUSIVE PROVIDER OF SOLID WASTE COLLECTION; PENALTIES.**

- a. The City shall be the sole and exclusive provider of solid waste collection and transportation for disposal from any premises over the streets or public rights-of-way within the incorporated area of the City.
- b. Violation.
  1. Owners/Occupant. It shall be a violation for an owner or occupant of property to allow the use of a private solid waste contractor for property located within the City limits.
  2. Private Solid Waste Collection Contractor. It shall be a

violation of this chapter for any person or entity to collect and transport solid waste for disposal from any premises over the streets or public rights-of-way within the incorporated area of the City.

Each twenty-four (24) hour period will be considered a separate violation.

Any person or entity convicted of violating any provision of section 18-18(b)(1) shall be prosecuted in the City's special magistrate system. A first violation is punishable by a per day fine not to exceed two hundred and fifty dollars (\$250.00); repeat violations are punishable by a fine not to exceed five hundred dollars (\$500.00) per day.

Any person or entity convicted of violating any provision of section 18-18(b)(2) shall be punished by imposition of a fine not to exceed five hundred dollars (\$500.00) and/or imprisonment for a period not to exceed sixty (60) days.

**18-19 PRIVATE CONSTRUCTION AND DEMOLITION DEBRIS CONTAINER SERVICE HAULING, ~~COMMERCIAL WASTE CONTRACTORS TRASH AND/OR GARBAGE COLLECTION, AUTHORIZED;~~ LIMITATIONS, BUSINESS TAX RECEIPT REQUIRED; SUPERVISORY CONTROL; SUSPENSION, REVOCATION, FEE.**

Private construction and demolition debris hauling, ~~commercial trash and/or garbage collection~~ shall be permitted within the City after first satisfying the requisites hereinafter set forth, ~~both as to conditions and obtaining the necessary business tax receipts.~~

~~a. Limitations.~~

- ~~1. Private commercial trash and/or garbage collection shall be limited to commercial buildings only, such as stores, warehouses, offices, hospitals, etc., located in business or community facility zoned districts only.~~
- ~~2. Private commercial garbage collection shall be permitted from hospitals only and may include the pickup of all garbage and organic matter.~~

a. ~~a~~. Business Tax Receipt Required. Before a private commercial enterprise shall engage in construction and demolition debris hauling, ~~trash and/or garbage collection~~ within the City, a special construction and demolition debris hauling, ~~trash and/or garbage~~ business tax receipt shall first be

~~obtained. Such special construction debris hauling, trash and/or garbage business tax receipt shall be issued only after application to and approval by the City Council and, if issued, shall be subject to direct supervision by the City's Director of Public Works. The business tax receipt required by this chapter shall be in addition to any other permit(s), registration or license(s) which may be required by federal, state or local law.~~

b. Violation.

1. Owner/Occupant. It shall be a violation for an owner or occupant of a property located within the City limits to allow the use of a private construction and demolition debris collection contractor which has not obtained a business tax receipt for such purposes.
2. Construction Contractors. It shall be a violation for any construction contractor to allow the use of a construction and demolition debris collection contractor which has not obtained a business tax receipt for such purposes, for any project within the City.
3. Construction and Demolition Debris Contractor. It shall be a violation of this chapter for any person or entity to collect and transport construction and demolition debris for disposal from any premises over the streets or public rights-of-way within the incorporated area of the City without first obtaining the appropriate business tax receipt from the City to carry on such business.

Each twenty-four (24) hour period will be considered a separate violation. Any person or entity convicted of violating any provision of section 18-19(b)(1) shall be prosecuted in the City's special magistrate system. A first violation is punishable by a per day fine not to exceed two hundred and fifty dollars (\$250.00); repeat violations are punishable by a fine not to exceed five hundred dollars (\$500.00) per day.

Any person or entity convicted of violating any provision of section 18-19(b)(2) and/or (3) shall be punished by imposition of a fine not to exceed five hundred dollars (\$500.00) and/or imprisonment for a period not to exceed sixty (60) days.

- c. Supervisory Control. ~~Collection of commercial trash and/or garbage and hauling of construction and demolition debris shall come under the direct supervision and control of the City's Director of Public Works, who shall have the necessary police power to enforce the City Sanitary Code, not only as to commercial trash and/or garbage collection and hauling of~~

construction and demolition debris but as to all other matters relating to sanitary conditions being maintained throughout the City in accordance with health statutes and ordinances. The Director of Public Works and/or his designee shall have the authority to issue citations and summons for violations of the City's Sanitary Code as they pertain to this section ~~and to have the same heard as charged violations of the City ordinances in the County Court.~~

d. *Suspension; Revocation.* The City Manager or designee, for good cause shown, shall have the right to recommend the suspension and/or revocation of any ~~trash and/or garbage business tax receipt or~~ construction and demolition debris hauling business tax receipt issued ~~by written request and report to the City Council~~ for violation of the terms of this section or for violation of any other ordinance of the City.

e. *Fee.* ~~After hearing before the City Council and final approval by that body granting permission to obtain such a construction debris hauling, private occupational trash and/or garbage collection license, The applicant, so approved, shall apply to the City Clerk and there obtain a construction debris hauling business tax receipt, a trash collection business tax receipt or garbage collection business tax receipt and shall pay the sum designated in section 12-31 (39). of three hundred twenty five (\$325.00) dollars for a construction debris hauling business tax receipt, four hundred fifty (\$450.00) dollars for a trash business tax receipt and one thousand two hundred fifty (\$1,250.00) dollars for a garbage business tax receipt.~~

**Section 3.** All ordinances and resolutions or parts of ordinances and resolutions and all sections and parts of sections in conflict herewith shall be and hereby are repealed.

**Section 4.** If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

**Section 5** It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word "Ordinance" may be

changed to “Section,” “Article” or other appropriate word as the codifier may deem fit.

**Section 6.** This ordinance shall take effect immediately upon adoption.

**APPROVED BY TITLE ONLY** on first reading this 16<sup>th</sup> day of June, 2015.

**APPROVED AND ADOPTED** on second reading this 21<sup>st</sup> day of July, 2015.

**ATTEST:**

\_\_\_\_\_  
**PAMELA L. LATIMORE**  
**CITY CLERK**

**(CITY SEAL)**

\_\_\_\_\_  
**GEORGE VALLEJO**  
**MAYOR**

**APPROVED AS TO FORM, LANGUAGE  
AND LEGAL SUFFICIENCY**

\_\_\_\_\_  
**JOSÉ SMITH**  
**CITY ATTORNEY**

Sponsored by: Mayor George Vallejo and the City Council

Note: Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~striketrough~~.