



## CITY OF NORTH MIAMI BEACH

City Council Meeting  
Council Chambers, 2nd Floor  
City Hall, 17011 NE 19th Avenue  
North Miami Beach, FL 33162  
**Tuesday, February 1, 2011**  
**7:30 PM**

Mayor Myron Rosner  
Vice Mayor Barbara Kramer  
Councilman Philippe Derose  
Councilman McKenzie Fleurimond  
Councilman Frantz Pierre  
Councilwoman Phyllis S. Smith  
Councilwoman Beth E. Spiegel

Acting City Manager Roslyn Weisblum  
City Attorney Darcee S. Siegel  
Interim City Clerk Joanne M. Callahan

### 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

1. **ROLL CALL OF CITY OFFICIALS**
2. **INVOCATION** - Rabbi Chaim Albert, Samuel Scheck Hillel Community Day School
3. **PLEDGE OF ALLEGIANCE**
4. **REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA**
5. **PRESENTATIONS /DISCUSSIONS**
  - 5.1 **Certificate of Recognition to Mr. Randy Juste, NMB High School Student - Presented By Councilwoman Phyllis Smith**
6. **APPOINTMENTS**
  - 6.1 **Swearing In of Bart Armstrong, Asst. City Attorney - By Honorable Judge Lisa Walsh, Miami-Dade County Court**
7. **CONSENT AGENDA** - *None*
8. **CITY MANAGER'S REPORT**
9. **CITY ATTORNEY'S REPORT**
  - 9.1 **Litigation List**
10. **MAYOR'S DISCUSSION**
11. **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 No. R2007-57, 11/06/07)

#### **12. MISCELLANEOUS ITEMS - None**

#### **13. WAIVER OF FEE - None**

#### **14. BUSINESS TAX RECEIPTS**

##### **14.1 The Abriendo Puertas Governing Board of East Little Havana d/b/a Abriendo Puertas**

1810 NE 158 Street, Suite #1 & 2, North Miami Beach, FL 33162

#### **15. LEGISLATION**

##### **15.1 Ordinance No. 2011-2 (First Reading, By Title Only)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RELATING TO MUNICIPAL ELECTIONS; CHANGING THE DATE FOR THE CITY OF NORTH MIAMI BEACH MUNICIPAL RUNOFF ELECTION NOW SCHEDULED FOR MAY 10, 2011 TO MAY 17, 2011 AND TO ADJUST THE TERMS OF OFFICE OF SITTING COUNCILPERSONS NECESSITATED BY SUCH CHANGE OF DATE, AS REQUESTED BY THE MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS AND AS AUTHORIZED BY FLORIDA STATUTES 166.021(4) AND 100.3605(2); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

##### **15.2 Ordinance No. 2011-3 (First Reading, By Title Only)**

AN ORDINANCE AMENDING CHAPTER VII, SECTION 7-14(b), OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; PROVIDING FOR "EARLY VOTING" FOR MAYOR AND CITY COUNCIL ELECTIONS TO BE HELD IN MAY, 2011; DELETING SECTION 7-14(c); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

##### **15.3 Ordinance No. 2011-1 (Second and Final Reading)**

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING SECTION 24-22 OF THE CITY'S CODE OF ORDINANCES, ENTITLED DEFINITIONS, BY DEFINING RESIDENTIAL DETOXIFICATION SERVICE; AMENDING ARTICLE V SECTION 24-52, ENTITLED B-2 GENERAL BUSINESS DISTRICT, AND SECTION 24-53, ENTITLED B-3 INTENSIVE BUSINESS DISTRICT, OF THE CITY'S CODE OF ORDINANCES, BY ADDING RESIDENTIAL DETOXIFICATION SERVICE TO THE LIST OF CONDITIONALLY PERMITTED USES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

**16. CITY COUNCIL REPORTS**

**17. NEXT REGULAR CITY COUNCIL MEETING** - Tuesday, February 15, 2011

**18. ADJOURNMENT**



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:** Darcee S. Siegel, City Attorney  
**DATE:** Tuesday, February 1, 2011

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**RE:** Litigation List

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**BACKGROUND:** As of February 1, 2011.  
**RECOMMENDATION:** N/A  
**FISCAL IMPACT:** N/A  
**CONTACT PERSON(S):** Darcee S. Siegel, City Attorney

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**ATTACHMENTS:**

▣ [Litigation List](#)

**TO: Mayor and City Council**  
**FROM: Darcee S. Siegel, City Attorney**  
**DATE: February 1, 2011**

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**LITIGATION LIST**

**I. Wrongful Deaths: (1)**

Kelly, Estate of v. CNMB  
Wrongful Death

**II. Civil Rights: (4)**

Mack v. CNMB  
Civil Rights Violation/False Arrest                      **SETTLED/CASE CLOSED**

Madura, Maryla v. CNMB, Antonio Marciante and Tony Sanchez, individually  
Civil Rights Violation/False Arrest    **PARTIAL SUMMARY JUDGMENT/  
PARTIAL DISMISSAL/JURY VERDICT/  
POST TRIAL MOTIONS PENDING**

Joseph, Johnny v. CNMB and City of Aventura  
Civil Rights Violation/False Arrest

Ruggerio v. CNMB  
Civil Rights Violation/False Arrest

**III. Personal Injury: (8)**

Adams, Loretta v. CNMB  
Slip & Fall/Personal Injury

Garcia, Benjamin v. CNMB  
Personal Injury

Garcia, Ramona v. CNMB  
Personal Injury

Jones, Zettie & Earnest v. CNMB, et al  
Slip & Fall/Personal Injury

Korakakos, Christian v. CNMB  
Automobile Accident/Personal Injury

Rathjens, Margaret v. CNMB  
Slip & Fall/Personal Injury

Robinson, Waverly v. CNMB  
Slip & Fall/Personal Injury

Ruiz, Adriel v. CNMB  
Personal Injury

**IV. Land Use Litigation: (0)**

**V. Other Litigation: (15)**

American Pinnacle v. Susan Owens  
Writ of Mandamus/Public Records

CACV of Colorado v. Lubin and CNMB  
Writ of Garnishment

Citifinancial Services, Inc. v. Gordo and CNMB  
Writ of Garnishment

Discover Bank v. Raines and CNMB  
Writ of Garnishment

Eastern Financial Florida Credit Union v. Flores and CNMB  
Writ of Garnishment

Grouper Partners, Inc. v. Miami-Dade County and CNMB  
Water/Sewer Fees

Leme v. CNMB and American Traffic Solutions, LLC  
Ordinance No. 2007-13 "Dangerous Intersection Safety Act"  
Class Action for Civil Damages

Nationwide Insurance Company a/s/o Gloria Arboleda and CNMB  
Property Damage

Seay Towing v. CNMB

State Case-Emergency Motion for Temporary Injunction

Seay Towing v CNMB

Federal Case-1983 Civil Rights Violation and Injunctive Relief

Shannon, Brian Palmer v. Lauren Walsh, CNMB and Cora Mann

Negligence/Negligent Hiring and Supervision

State Farm a/s/o Andrea Tovar v. CNMB

Subrogation Claim/Property Damage

**SETTLED**

Tropical Chevrolet v. CNMB, et al.

High Speed Chase/Property Damage

Troutman v. North Miami Beach Police Department

Replevin

**SETTLED**

Weinberg, Bill v. CNMB

Water Fees

**VI. Forfeitures: (15)**

CNMB v. Almendral/Rodriguez/Garcia

Forfeiture

CNMB v. Camejo/Chao

Forfeiture

CNMB v. Carswell

Forfeiture

CNMB v. Gardiner/Bullard

Forfeiture

CNMB v. Goodman

Forfeiture

CNMB v. Guerby

Forfeiture

CNMB v. Hurtado

Forfeiture

**APPEAL**

CNMB v. Jean/Salomon

Forfeiture

CNMB v. Milord  
Forfeiture

CNMB v. Morales-Perez/Villanueva/Johnson/Blue/Quiroz/Sanchez  
Forfeiture

CNMB v. Rivero-Mahique-HSBC Auto  
Forfeiture **SETTLED**

\* CNMB v. Rojo-Salazar-Calbillo  
Forfeiture

CNMB v. Romero/Rivera/Perdomo  
Forfeiture

CNMB v. Sirdar-Kanhai-Aguirre-Villanueva/Valdez  
Forfeiture **DEFAULT ENTERED**

CNMB v. Valdes  
Forfeiture

## **VII. Mortgage Foreclosures: (175)**

Aegis Mortgage Corp v. CNMB (Galina Pikh, et al.)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Garcia, et al.)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (George)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Gomez, et al)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Hernandez)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Martinez, et al)  
Mortgage Foreclosure

Aurora Loan Services, LLC v. CNMB (Perez, et al.)  
Mortgage Foreclosure



Aurora Loan Services, LLC v. CNMB (Rodriguez, et al)  
Mortgage Foreclosure

BAC Home Loans v. CNMB (Alberto, et al.)  
Mortgage Foreclosure

BAC Home Loans v. CNMB (Bonet, et al.)  
Mortgage Foreclosure

BAC Home Loans v. CNMB (Berger, et al)  
Mortgage Foreclosure

BAC Home Loans v. CNMB (Hernandez, et al)  
Mortgage Foreclosure

BAC Home Loans v. CNMB (Jacobi et al)  
Mortgage Foreclosure

BAC Home Loans v. CNMB (Martinez, G. et al)  
Mortgage Foreclosure

BAC Home Loans v. CNMB (Morales, et al)  
Mortgage Foreclosure

BAC Home Loans v. CNMB (Nakash, et al)  
Mortgage Foreclosure

BAC Home Loans. CNMB (Piedrahita, L. et al)  
Mortgage Foreclosure

BAC Home Loans v. CNMB (Prado, et al)  
Mortgage Foreclosure

BAC Home Loans v. CNMB (Sigler)  
Mortgage Foreclosure

BAC Home Loans v. CNMB (Temirao, et al)  
Mortgage Foreclosure

BAC Home Loans v. CNMB (Torain, et al)  
Mortgage Foreclosure

BAC Home Loans v. CNMB (Torres, et al)  
Mortgage Foreclosure

BAC Home Loans v. CNMB (Zephir, et al.)

Mortgage Foreclosure

Bank of America v. CNMB (Alvarez, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Coffey, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Dempster, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Escalante, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Failer, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Failer, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Fortun, et al.)  
Mortgage Foreclosure

Bank of America v. CNMB (Gonzalez, et al.)  
Mortgage Foreclosure

Bank of America v. CNMB (Hernandez, et al.)  
Mortgage Foreclosure

Bank of America v. CNMB (Miller, et al.)  
Mortgage Foreclosure

Bank of America v. CNMB (Otero, et al.)  
Mortgage Foreclosure

**VOLUNTARY DISMISSAL**

Bank of America v. CNMB (Pasmanter, et al)  
Mortgage Foreclosure

Bank of America v. CNMB (Peck, et al)  
Mortgage Foreclosure

Bank of New York v. CNMB (Burkhead, et al)  
Mortgage Foreclosure

Bank of New York v. CNMB (Conley/Williams)  
Mortgage Foreclosure

Bank of New York v. CNMB (Fiallo, et al)  
Mortgage Foreclosure

Bank of New York v. CNMB (Jean, et al)  
Mortgage Foreclosure

Bank of New York v. CNMB (Lauriston et al)  
Mortgage Foreclosure

Bank of New York v. CNMB (Le)  
Mortgage Foreclosure

Bank of New York v. CNMB (Mellian, et al)  
Mortgage Foreclosure

Bank of New York v. CNMB (Valdes et al)  
Mortgage Foreclosure

Baron, Marylin S., et al v. CNMB (Campbell, et al)  
Mortgage Foreclosure

Bayview Loan v. CNMB (Bells Bicycles)  
Mortgage Foreclosure

Beachwalk Properties, LLC v. CNMB (Oceanic Development, et al)  
Mortgage Foreclosure

Beal Bank v. CNMB (Ramos, et al.)  
Mortgage Foreclosure

Biberman v. CNMB (Philadelphia Church of God)  
Mortgage Foreclosure

\* California Bank & Trust v. CNMB (Alan Loren Holdings, et al.)  
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Bolufer, et al)  
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Cohen, et al)  
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (De La Morena, et al)  
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Marc, et al)  
Mortgage Foreclosure

Chase Home Finance, LLC v. CNMB (Panunzio, et al)  
Mortgage Foreclosure

Chase Home Finance, LLC. V. CNMB (Rene et al)  
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Rua, et al)  
Mortgage Foreclosure

Chase Home Finance LLC v. CNMB (Santiago et al)  
Mortgage Foreclosure

Citibank, N.A. v. CNMB (Anglade, et al)  
Mortgage Foreclosure

Citibank, N.A. v. CNMB (Austin, et al)  
Mortgage Foreclosure

Citimortgage v. CNMB (Guzman, et al.)  
Mortgage Foreclosure

Citifinancial Equity Services, Inc. v. CNMB (Morales)  
Mortgage Foreclosure

Citimortgage v. CNMB(Anchava)  
Mortgage Foreclosure

Citimortgage v. CNMB (Bilgoray)  
Mortgage Foreclosure

Citimortgage v. CNMB (Garcia)  
Mortgage Foreclosure

Citimortgage v. CNMB (La Fond, et al.)  
Mortgage Foreclosure

Citimortgage v. CNMB (Pena et al)  
Mortgage Foreclosure

Citimortgage v. CNMB (Rivaroli, et al)  
Mortgage Foreclosure

Cong Vo v. CNMB (Perroti, Miranda)

Action to Quiet Title

Consumers Alliance Corp. v. CNMB (Haronda Realty)  
Action to Quiet Title

Countrywide Home Loans, Inc. v. CNMB (Gilles)  
Mortgage Foreclosure

Countrywide Home Loans, Inc. v. CNMB (Joseph, et al.)  
Mortgage Foreclosure

Countrywide Home Loans v. CNMB (Schmidt, et al)  
Mortgage Foreclosure

Credit Based Asset Servicing v. CNMB (Rojas)  
Mortgage Foreclosure

Credit Based Asset Servicing v. CNMB (Rojas, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Castaneda)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Daniels)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Evans, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Jonace, et al.)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Joseph)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Lindor, et al.)  
Mortgage Foreclosure

Deutsche Bank Trust v. CNMB (Marks-Williams)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Martinez, et al.)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (McCullough)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Nascimento)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Perez/Llarena)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Phillips)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Rodriguez)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Sanchez)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Suhag, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Voltaire, et al)  
Mortgage Foreclosure

Deutsche Bank National v. CNMB (Watkins, et al)  
Mortgage Foreclosure

Eastern Shores White House Association v. CNMB (Donoso)  
Mortgage Foreclosure

Eastern Shores White House Association v. CNMB (Grimany)  
Mortgage Foreclosure

Equitymax, Inc. v CNMB (Fenelon)  
Mortgage Foreclosure

**PROPERTY SOLD**

Flagstar Bank v. CNMB (Celiny, et al.)  
Mortgage Foreclosure

Flagstar Bank v. CNMB (Pena)  
Mortgage Foreclosure

Fiserv ISS & Co., vs. CNMB (Estime)  
Mortgage Foreclosure

Global Trust v. CNMB (Roth)  
Mortgage Foreclosure

GMAC Mortgage v. CNMB (Calix)  
Mortgage Foreclosure

GMAC Mortgage v. CNMB (Platel, et al)  
Mortgage Foreclosure

**VOLUNTARY DISMISSAL**

Golden Beach (Town of) v. CNMB (Goodman, et al)  
Mortgage Foreclosure

HSBC Bank v. CNMB (Bull)  
Mortgage Foreclosure

HSBC Bank v. CNMB (Miller, et al.)  
Mortgage Foreclosure

HSBC Bank, N.A. v. CNMB (Mora)  
Mortgage Foreclosure

HSBC Bank, N.A. v. CNMB (Seepersad)  
Mortgage Foreclosure

HSBC Bank v. CNMB (Vidal, et al)  
Mortgage Foreclosure

Indymac Federal Bank v. CNMB (Hamami, et al)  
Mortgage Foreclosure

Indymac Federal Bank v. CNMB (Hernandez, et al)  
Mortgage Foreclosure

JP Morgan v. CNMB (Caceres, et al)  
Mortgage Foreclosure

JP Morgan v. CNMB (Carlos)  
Mortgage Foreclosure

JP Morgan v. CNMB (Garcia, Ramon et al)  
Mortgage Foreclosure

JP Morgan v. CNMB (Garcia)  
Mortgage Foreclosure

JP Morgan v. CNMB (Lopez, et al)  
Mortgage Foreclosure

JP Morgan v. CNMB (Monsalve, et al.)

Mortgage Foreclosure

JP Morgan v. CNMB (Perez, et al)  
Mortgage Foreclosure

Lago Mar Ventures v. CNMB (Oliver)  
Mortgage Foreclosure

LaSalle Bank Midwest v. CNMB (Gomez)  
Mortgage Foreclosure

Metro Bank v. CNMB (Macala, LLC)  
Mortgage Foreclosure

Miami-Dade County v. CNMB (Morrobel)  
Mortgage Foreclosure

Mortgage Investment Group v. CNMB (Deliford, et al)  
Mortgage Foreclosure

Nationstar Mortgage, LLC v. CNMB (Gonzalez et al)  
Mortgage Foreclosure

OneWest Bank v. CNMB (Gutierrez)  
Mortgage Foreclosure

OneWest Bank v. CNMB (Lopez)  
Mortgage Foreclosure

OneWest Bank v. CNMB (Rodriguez, et al)  
Mortgage Foreclosure

OneWest Bank v. CNMB (Ward, et al.)  
Mortgage Foreclosure

OneWest Bank v. CNMB (Wright, et al)  
Mortgage Foreclosure

Owen Federal Bank v. CNMB (Bain)  
Mortgage Foreclosure

PHH Mortgage v. CNMB (Martinez, et al)  
Mortgage Foreclosure

PNC Mortgage v. CNMB (Ordonez/Child, et al.)  
Mortgage Foreclosure



Primary Residential Mortgage v. CNMB (Miranda, et al.)  
Mortgage Foreclosure

RMS Residential v. CNMB (Heredia)  
Mortgage Foreclosure

Sun American Bank v. CNMB (Lehman Family Holdings, et al.)  
Mortgage Foreclosure

SunTrust Mortgage v. CNMB (Garcia, et al.)  
Mortgage Foreclosure

SunTrust Mortgage v. CNMB (Solomon, et al.)  
Mortgage Foreclosure

Terrabank, N.A. v. CNMB (1985 NE 168th Street LLC, et al.)  
Mortgage Foreclosure

Transatlantic Bank v. CNMB (Andor Expressway Corp., et al.)  
Mortgage Foreclosure

Transouth Mortgage Corp v. CNMB (Mozell)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Gonzalez, et al)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Gonzalez, J., et al.)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Jean-Louis)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Joseph, et al.)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Marin)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Martinez)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Mendez)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Miller, et al)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Otero)  
Mortgage Foreclosure

U.S. Bank N.A. v. CNMB (Perez)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Robinson, et al)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Rodriguez, et al)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Rodriguez, Maria A., et al).  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Rosenberg)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Serrano, et al)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Suarez, et al.)  
Mortgage Foreclosure

U.S. Bank NA v. CNMB (Torres, et al.)  
Mortgage Foreclosure

Venice Isle, Inc. v. CNMB (Suhag)  
Claim of Lien Foreclosure

Vericrest Financial, Inc. v. CNMB (Palmer/ Webb Estate)  
Mortgage Foreclosure

Wachovia Bank v. CNMB (Martinez)  
Mortgage Foreclosure

Wachovia Bank v. CNMB (Rodriguez, D)  
Mortgage Foreclosure

Washington Mutual Bank, F.A. v. CNMB, Sandra T. Porter, et al  
Mortgage Foreclosure

Wells Fargo Bank N.A. v. CNMB (Amador)

Mortgage Foreclosure

Wells Fargo Bank N.A. v. CNMB (Clozeille)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Campos)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Fil-Aimee)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Frye)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Gonzalez)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Hernandez, et al)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (Ia Torola)  
Mortgage Foreclosure

**CITY DROPPED AS A PARTY**

Wells Fargo Bank v. CNMB (Lopez, et al)  
Mortgage Foreclosure

Wells Fargo Bank v. CNMB (Mendez, et al)  
Mortgage Foreclosure

Wells Fargo Bank v. CNMB (Parish, et al.)  
Mortgage Foreclosure

Wells Fargo v. CNMB (Roberts)  
Mortgage Foreclosure

Wells Fargo v. CNMB (Robinson, et al.)  
Mortgage Foreclosure

Wells Fargo Bank, N.A. v. CNMB (16700-01, LLC)  
Mortgage Foreclosure

Woodside Apartments Assoc. v. CNMB (Mizrahi)  
Mortgage Foreclosure

**VIII. Bankruptcies:**

Adams, Evrol C.  
American LaFrance LLC  
American Home Mortgage Holdings  
Carcamo, Ana Maritza  
Cimax USA, LLC  
Curbelo, Federico  
Diversified Displays/Michael Phelan  
Filene's Basement, Inc.  
Florida Select Insurance  
Kaplun, Raul E.  
Kim, Myung Ja  
K&S Foods LLC  
My Tattoo Shop, Inc.  
Porter, Michael and Shanda  
The New Kosher World Bakery  
Rife, Joseph Alan  
Rodriguez, Carlos  
SMG Entertainment  
South Pointe Family and Children Center  
Sunny Isles Unicenter  
Tweeter Intellectual Property (Sound Advice)  
Vartec Telecom, Inc.  
Verestar, Inc.  
Veliz, Orestes & Sury  
Villaverde, Olga  
WCI Communities, Inc.

**\*New Cases**



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:** Joanne M. Callahan, Interim City Clerk

**DATE:** Tuesday, February 1, 2011

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**RE:** The Abriendo Puertas Governing Board of East Little Havana  
d/b/a Abriendo Puertas

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**BACKGROUND:** On December 13, 2010, The Abriendo Puertas Governing Board of East Little Havana, applied for a Business Tax Receipt (BTR) for a non-profit private school teaching academics, music, arts, and enrichment for children and youth, ages 5 to 18 years old.

Per the City's Code of Ordinances, final approval of this application is to be made by the City Council.

**RECOMMENDATION:** Staff is recommending approval of this item for 90 days (as per temporary Certificate of Occupancy issued by the Building Department and Miami-Dade Fire).

**FISCAL IMPACT:** None.

**CONTACT PERSON(S):** Joanne M. Callahan, Interim City Clerk

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### ATTACHMENTS:

 [Business Tax Receipt Application](#)

792787



City of North Miami Beach • Office of the City Clerk  
Business Tax Receipt Division • 17011 NE 19 Avenue • North Miami Beach, FL 33162  
Phone: (305) 787-6001 • Fax: (305) 787-6026 • E-mail: NMBBTR@citynmb.com

DEC 10 2010  
CITY OF NORTH MIAMI BEACH

### Business Tax Receipt Application

Form 513

Please make sure to fill out the application completely and legibly, and that you submit all required documentation to prevent any delays or denial of your application. If a question does not apply, please write N/A for that item. Payment of fees due upon application does not constitute approval. If you open your business prior to receiving your Business Tax Receipt, the City may charge additional penalty fees, place a lien on this property, or shutdown your business.

- New Business
- Transfer of Location From: \_\_\_\_\_
- Transfer of Ownership From: \_\_\_\_\_

**PENDING APPROVAL**

Date Applied: <u>12/13/2010</u>		Date Opening: <u>1/3/2011</u>		Hours & Days of Operation: <u>M-F 2pm-6pm</u>	
Trade/DBA Name: <u>Abriendo Puertas</u>		Corporate Name: <u>The Abriendo Puertas Governing Board of East Little Havana</u>			
Business Address: <u>1810 NE 153<sup>rd</sup> St # 1+2 NMB FL 33162</u>		Mailing Address: <u>1401 SW 1<sup>st</sup> # 209 Miami FL 33135</u>			
Business Phone: <u>N/A</u>		Alternate Phone: <u>305 649-6449 x241</u>			
Business Fax: <u>N/A</u>		Plaza/Building Name: _____			
E-mail: <u>jcbelatorre@abriendoportasfl.org</u>		Website: <u>www.abriendoportasfl.org</u>			
Name, Title and Home Address of All Persons Associated with the Business: (If additional space is needed, please attach.)					
<ol style="list-style-type: none"> <li>1. <u>Wanda Velez, PD - President</u> <u>1140 SW 35<sup>th</sup> St # 44 FL 33130</u></li> <li>2. <u>Rosalva Gallo, SD - Secretary</u> <u>2312 SW 98<sup>th</sup> Pl MIA FL 33145</u></li> <li>3. <u>JCBelatorre CEO - CEO</u> <u>3064 SW 113<sup>th</sup> Pl MIA FL 33165</u></li> <li>4. <u>Pablo Canton VD - Director</u> <u>5714 Avenida La C. Lomas FL 33145</u></li> <li>5. <u>Yudaisy Hernandez TD - Treasurer</u> <u>1353 SW 15<sup>th</sup> St # 4 MIA FL 33135</u></li> <li>6. <u>Raul Gonzalez, D - Director</u> <u>1320 NW 3<sup>rd</sup> St # 14 MIA FL 33125</u></li> </ol>					
Complete Information Below, if applicable:					
Fictitious Name Registration (Please submit a copy of your registration with the application.) <b>OR</b> check the appropriate box below: This certifies that the above-named business is exempt from registering for a fictitious name for the following reason: (check one)					
<input checked="" type="checkbox"/> It is a registered legal entity with the State of Florida. <input type="checkbox"/> I am licensed by the Department of Business & Professional Regulation or the Department of Health. <input type="checkbox"/> It is operated under the legal name(s) of the owner(s).					
*Federal Tax Id #: <u>65-0633293</u>		OR *Social Security #: _____		[*Required by F.S. 205.0535(5)]	
Incorporation Reg #: <u>N45 00000 3199</u>		Driver's License #: _____			
State Certificate #: <u>CH 8762</u>		(Please submit a copy with the application.)		Square Footage of Space: <u>1,500</u>	
1. Is this business location run on Septic Service? <input checked="" type="radio"/> Yes <input type="radio"/> No 2. Previous Business Use of Property: <u>Travel Agency</u> Previous Business's Name: _____ 3. Is this a minority-owned business? (optional) <input type="radio"/> Yes <input checked="" type="radio"/> No 4. Are you interested in receiving information from the City regarding economic development opportunities, programs or grants? <input checked="" type="radio"/> Yes <input type="radio"/> No					
Property Owner/Landlord Name: (if different from business owner) <u>Ann J Gordon</u>		Trade/DBA Name: <u>Gordon Management Inc</u>			
Mailing Address: <u>16375 NE 18 Ave #300 NMB FL 33162</u>		Business Phone: <u>305 940-0377</u>			

Juan Carlos

12/14/10



**DETERMINATION OF BUSINESS TAX FEES**

Nature of Business: Please provide a detailed description of what products will be sold and what services will be rendered.

*Private school Teaching Academies, music, arts, and enrichment for children and youth <sup>ages</sup> 5 to 18, grades K-12 during hours M-F 2pm-6pm and full days <sup>all day</sup> during teacher planning day. 15 students per each group session, 1 teacher per class per time. 4 teacher instructors at all times; 4 classes per day of 15 students each per day.*

1. Are you sharing space with another business?  Yes  No - If YES, Business Name: \_\_\_\_\_  
(Please submit a letter from this Business verifying same.)
2. Will you be serving alcohol on the premises?  Yes  No - If YES, do you have a  2COP  4COPSRX  4COP
3. Are you requesting an extension of hours?  Yes  No - If YES, select:  2:00 am - 4:00 am  4:00 am - 6:00 am
4. Is this business going to have retail or wholesale?  Yes  No - If YES, provide the Cost of Inventory: \$ \_\_\_\_\_
5. Is this a home-based business?  Yes  No - If YES, indicate your vehicle: Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_
6. Are you designated by the IRS as a 501(c)3?  Yes  No - If YES, please submit documentation of status.
7. Are you claiming any exemptions per F.S. Chapter 205?  Yes  No - If YES, please submit documentation of status.

I, JC De La Torre, as authorized agent for the above-referenced business do hereby certify that:

1. I have read, understand and will comply with all applicable ordinances of the City of North Miami Beach as it may relate directly to the nature of this business.
2. I will not open a business prior to paying for and receiving my City Business Tax Receipt and my Miami-Dade County Business Tax Receipt (if applicable).
3. I understand that any false or misleading information or failure to comply with the Code of Ordinances of the City of North Miami Beach at anytime could result in the shutdown of my business, a lien being placed on the property, revocation of my City Business Tax Receipt, and additional fines, penalties, and cost collection fees.
4. I acknowledge that my Business Tax Receipt expires on September 30<sup>th</sup> of each year and that I am responsible for annually submitting all required documents and applicable fees prior to that date or I will be responsible for ALL additional fines, penalties, and cost collection fees provided for by the Code of the City of North Miami Beach and ALL applicable Florida Statutes.
5. I will immediately notify the City, in writing, if this business has any change(s) of ownership, location, contact information, nature of business and/or when this business ceases operations.

*[Handwritten Signature]*

Signature of Authorized Agent

Date

12/13/2010

JC De La Torre

Print Name

Title:

CEO & Executive Director

Fees & Payment Information (For City Clerk's Office Use Only)				
Class Code: <u>non-profit # 8496</u>	Application Fee	<u>35.00</u>	Total Due: <u>35.00</u>	Account#: <u>792787</u>
Class Code: <u>501c-3</u>	Certificate of Zoning Use Fee	<u>0-</u>	Payment Type: <b><u>PAID</u></b> <i>cash</i>	CZU: _____
Class Code:	Building Inspection Fee			CRA: _____
Class Code:	Penalties/Late Fees		Received By: <u>jc</u>	Date Routed: <u>12/14/10</u>
Class Code:	Transfer Fee			

Administrative Approvals (For Review Departments Use Only)			
Department	Approved/Denied	Date	Conditions



City of North Miami Beach  
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305-947-7581  
www.citynmb.com

## MEMORANDUM

 **Print**

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**TO:** Mayor and City Council  
**FROM:** Darcee S. Siegel, City Attorney  
**DATE:** Tuesday, February 1, 2011

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**RE:** Ordinance No. 2011-2 (First Reading, By Title Only)

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**BACKGROUND:**

**RECOMMENDATION:** Approval.

**FISCAL IMPACT:** None.

**CONTACT PERSON(S):** Darcee S. Siegel, City Attorney

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**ATTACHMENTS:**

 [Ordinance No. 2011-2](#)



**ORDINANCE NO. 2011-2**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RELATING TO MUNICIPAL ELECTIONS; CHANGING THE DATE FOR THE CITY OF NORTH MIAMI BEACH MUNICIPAL RUNOFF ELECTION NOW SCHEDULED FOR MAY 10, 2011 TO MAY 17, 2011 AND TO ADJUST THE TERMS OF OFFICE OF SITTING COUNCILPERSONS NECESSITATED BY SUCH CHANGE OF DATE, AS REQUESTED BY THE MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS AND AS AUTHORIZED BY FLORIDA STATUTES §166.021(4) AND 100.3605(2); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article III of the Charter of the City of North Miami Beach provides for regular elections to be held biennially on the first Tuesday in May and runoff elections, if required to be held the second Tuesday in May; and

**WHEREAS**, the Miami-Dade Supervisor of Elections and the County Manager have requested that the North Miami Beach City Council adopt an Ordinance changing the date of the upcoming runoff election, if one is required, from May 10, 2011 to May 17, 2011 to allow for the accurate programming of voting machines, as well as the preparation, printing, testing and return of absentee ballots; and

**WHEREAS**, Sections 100.3605(2) and 166.021(4), Florida Statutes, specifically empower municipalities to enact changes in election dates and changes in terms of office that are necessitated by such changes in election dates, without approval by referendum of the electors; and

**WHEREAS**, in reliance on the representations of Miami-Dade County, and the herein cited state law as to the necessity and legality of such changes, the Mayor and City Council have

determined it to be in the best interests of the citizens and residents of the City to change this year's runoff election, if any, from May 10, 2011 to May 17, 2011, and to extend the terms of office of all sitting councilpersons until the declaration of such election results, and installation of all newly elected (or re-elected) members of Council at a special meeting of the City Council to be held on or about 7:00 p.m. on Tuesday, May 24, 2011, pursuant to the City's Charter and ordinance provisions, and above cited state law.

**NOW, THEREFORE,**

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

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

**Section 2.** The Mayor and City Council of the City of North Miami Beach, Florida pursuant to Municipal powers vested by state law in accordance with Florida Statutes §100.3605(2) and 166.021(4), hereby change the election date for a runoff election, if required, for the general election for the year 2011, from May 10, 2011 to May 17, 2011 and hereby extend the terms of office for all sitting councilpersons, until the declaration of said election results and installation of all newly elected or re-elected councilpersons, at a special meeting of the City Council to be held at 7:00 p.m. on Tuesday, May 24, 2011.

**Section 3.** The City Clerk is hereby directed to send a certified copy of this ordinance to the Miami-Dade County Supervisor of Elections.

**Section 4.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**Section 5.** If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

**Section 6.** 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 relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

**APPROVED BY TITLE ONLY** on first reading this \_\_\_\_ **day of February, 2011.**

**APPROVED AND ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, **2011.**

ATTEST:

\_\_\_\_\_  
JOANNE M. CALLAHAN  
INTERIM CITY CLERK

\_\_\_\_\_  
MYRON ROSNER  
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

Sponsored by: Mayor and City Council



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## MEMORANDUM

 Print

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**TO:** Mayor and City Council  
**FROM:** Darcee S. Siegel, City Attorney  
**DATE:** Tuesday, February 1, 2011

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**RE:** Ordinance No. 2011-3 (First Reading, By Title Only)

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**BACKGROUND:**

**RECOMMENDATION:** Approval.

**FISCAL IMPACT:** None.

**CONTACT PERSON(S):** Darcee S. Siegel, City Attorney

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**ATTACHMENTS:**

 [Ordinance No. 2011-3](#)

**ORDINANCE NO. 2011-3**

**AN ORDINANCE AMENDING CHAPTER VII, SECTION 7-14(b), OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA; PROVIDING FOR “EARLY VOTING” FOR MAYOR AND CITY COUNCIL ELECTIONS TO BE HELD IN MAY, 2011; DELETING SECTION 7-14(c); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council, pursuant to North Miami Beach Ordinance No. 2005-5, exempted municipal Mayor and City Council election(s) commencing with the May 3, 2005 election(s) from the duration, hours of operation and other restrictions for early voting as provided by Section 101.657(1)(b), Florida Statutes, while enabling the City to provide for sufficient, but shortened, schedule of early voting in advance of such municipal election(s); and

**WHEREAS**, the City Council desires to establish the early voting time period for the May 2011 election cycle.

**WHEREAS**, the Mayor and City Council recognize that Section 7-14(c), as written, conflicts with Section 7-14(b) and, as such, should be deleted; and

**NOW, THEREFORE,**

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

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

**Section 2.** Chapter VII, Section 7-14(b), of the Code of Ordinances of the City of North Miami Beach, is hereby amended to read as follows:

**(b) In lieu of the above-described provisions of Section 101.657(1)(b), Florida Statutes, it is hereby provided that early**

voting shall be provided at North Miami Beach City Hall as follows: ~~Sunday, April 26, 2009~~ April 24, 2011 through ~~Saturday, May 2, 2009~~ April 30, 2011. Voting hours shall be from 10:00 a.m. to 6:00 p.m. Monday through Friday, and from 2:00 p.m. to 6:00 p.m. on Saturday and Sunday. If a Runoff Election occurs, early voting will be provided on ~~Thursday, May 14, 2009~~ May 12, 2011 and ~~Friday, May 15, 2009~~ May 13, 2011, from 10:00 a.m. to 6:00 p.m., as feasible, based upon information by the Miami-Dade County Supervisor of Elections Office.

**Section 3.** Section 7-14(c) is hereby deleted in its entirety.

**Section 4.** 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 relettered to accomplish this intention and the word “Ordinance” may be changed to “Section”, “Article” or other appropriate word as the codifier may deem fit.

**APPROVED BY TITLE ONLY** on first reading this \_\_\_\_ **day of February, 2011.**

**APPROVED AND ADOPTED** on second reading this \_\_\_\_ **day of \_\_\_\_\_, 2011.**

ATTEST:

\_\_\_\_\_  
JOANNE M. CALLAHAN  
INTERIM CITY CLERK

\_\_\_\_\_  
MYRON ROSNER  
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
DARCEE S. SIEGEL  
CITY ATTORNEY

Sponsored by: Mayor and City Council



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## MEMORANDUM

 **Print**

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**TO:** Mayor and City Council

**FROM:** Roslyn Weisblum, Acting City Manager

**DATE:** Tuesday, February 1, 2011

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**RE:** Ordinance No. 2011-1 (Second and Final Reading)

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**BACKGROUND:** Staff is recommending amending the Land Development Regulations by defining and adding Residential Detoxification Service to the list of conditionally permitted uses in both the B-2, General Business and B-3, Intensive Business Districts.

**RECOMMENDATION:** Approval.

**FISCAL IMPACT:** None.

**CONTACT PERSON(S):** Shari Kamali, Director of Public Services  
Christopher Heid, City Planner

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### **ATTACHMENTS:**

- ▢ [Staff Report](#)
- ▢ [Minutes](#)
- ▢ [Ordinance 2011-1](#)



## CITY OF NORTH MIAMI BEACH INTEROFFICE MEMORANDUM

**TO: MAYOR AND COUNCIL**

**FROM: ROSLYN WEISBLUM, ACTING CITY MANAGER**

**DATE: JANUARY 18, 2011**

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**RE: PROPOSED LAND DEVELOPMENT REGULATIONS  
AMENDMENTS REGARDING RESIDENTIAL  
DETOXIFICATION SERVICES**

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Staff is recommending amending the City's Land Development Regulations (LDRs) by adding residential detoxification service to the list of conditionally permitted uses in the B-2, General Business and B-3, Intensive Business Zoning Districts, as well as defining the new use in Section 24-22, Definitions. The LDRs currently allow drug and alcohol rehabilitation services as a conditionally permitted use in the B-2 General business District and a permitted use in the B-3 Intensive Business District, but are silent on detoxification services. Defining and listing this use will provide clarity to the topic.

### **Planning & Zoning Board History:**

This item received the favorable recommendation of the Planning & Zoning Board by a vote of 7-0 at the meeting of January 10, 2011.

The proposed LDR text amendments are as follows:

### **Sec. 24-22 Definitions**

*Residential detoxification service:* A service involving care that is provided on an inpatient basis, in a structured live-in environment within a non-hospital setting, to assist individuals to withdraw from the physiological and psychological effects of substance abuse.

\* \* \* \*

### **Sec. 24-52 B-2 General Business District**

(C) *Uses Permitted Conditionally.*



(1) Animal hospitals, veterinarians, kennels, pet shops and dog groomers; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located less than three hundred (300) feet from any residential district.

(2) Automobile parts and accessories stores; provided that any such use shall sell new merchandise only and that it shall not provide any on-premises installation services.

(3) Barbeque Restaurants (Open Air).

(4) Bars, lounges and package liquor stores; provided that any such use shall not be located within one thousand five hundred (1,500) feet of any other bar, lounge or package liquor store.\*

\*Schools (elementary, middle or secondary) are covered by State Law § 562.45(2)(a) Florida Statute, with a five hundred (500) foot distance separation.

Maintaining a one thousand five hundred (1,500) foot distance requirement for places of public assembly (which includes churches and schools) would all but eliminate this as a viable use in this district.

(5) Bonding Companies (Bail).

(6) Drug/Alcohol Rehabilitation Service, including Residential Detoxification Service.

(7) Funeral homes; provided that any such use shall have a site area of not less than fifteen thousand (15,000) square feet, that it shall be located not less than three hundred (300) feet from any residential district, and that the front yard setback area shall be entirely landscaped.

(8) Hotels and motels; provided that any such use shall have a site area of not less than two (2) acres.

(9) Modeling Agency.

(10) Parking garages; provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and that any such structure shall be well landscaped.

(11) Psychiatric & Psychological services (Drug/Alcohol and Violent/ Dangerous Behavior, Counseling or Treatment).

(12) Recording studios; provided that any such use shall be located entirely within an air conditioned, sound-proofed building.

(13) Residential, multifamily or mixed use: In conformance with the RM-23 provisions of Section 24-48 and conditioned upon compatible adjacent uses that will not adversely impact residential units.

(14) Restaurants, fast food.

(15) Service stations as defined in Article II; provided that any such use shall not have any outside display of merchandise, that there shall not be any rental, sale or

storage of trucks, trailers, motorcycles or automobiles, that there shall be no major mechanical repairs or body work conducted on-premises, and that automobile washing be limited to washing by hand in one (1) bay only as an accessory use to gasoline sales.

(16) Social Service Agencies.

(17) Tanning Salons.

\* \* \* \*

**Sec. 24-53 B-3 Intensive Business District**

(C) *Uses Permitted Conditionally.*

(1) Animal hospitals, veterinarians, kennels, pet shops and dog groomers; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located less than three hundred (300) feet from any residential district.

(2) Barbeque restaurants (open air).

(3) Blood banks.

(4) Hotels and motels; provided that any such use shall have a site area of not less than two (2) acres.

(5) Residential Detoxification Service.

~~(5)~~ Residential, multifamily. In conformance with the RM-23 provisions of Section 24-48 and conditioned upon compatible adjacent uses that will not adversely impact residential units.

**PLANNING & ZONING BOARD MEETING  
PARTIAL MINUTES  
MONDAY JANUARY 10, 2011**

**Attendees:**

**Members -**

Chairman Evan Piper  
Jaime Eisen  
Joseph Litowich  
Julian Kreisberg  
Norman Edwards  
Hector Marrero  
Tom Potts

**Staff -**

Darcee Siegel, City Attorney  
Shari Kamali, Director of Public Services  
Chris Heid, City Planner  
Steven Williams, Board Recorder

**Minutes:**

**Item # 10-494 Land Development Regulations Text Amendment- Residential Detoxification Service**

Mr. Heid explained to the board that staff is recommending changes to the Land Development Regulations (LDR) to clarify if Residential Detoxification Services are permitted. The LDRs currently permit drug and alcohol rehabilitation services, but it is not clear if that includes a residential component where you would stay overnight for a specific period of time while you get yourself off of the drugs and can then go into treatment. We are recommending that this use be added as a conditional use in both our B-2 and B-3 zoning districts.

Mr. Heid advised the board that staff has not included any other conditions to the use but they had the option to do so. He explained that this use would not be a matter of right and someone you have to come before the board and request approval and then receive final approval from the City Council, so they have the option to add conditions to the uses or to add conditions on a case by case basis. He then gave the board some conditions to think about for discussion such as distance separations, limiting the number of patients, length of stay, or requiring medical staff.

Mr. Potts stated that he has no problems with the use, and because it is a conditional use he would not put any limits on it but would look at it on a case by case basis because at that time you could look at the project and place appropriate limits.

Chairman Piper agreed with Mr. Potts, and stated that depending on the circumstances there may be one project that might need more conditions and limits.

Mr. Edwards asked Mr. Heid what suggestions he had about placing limits on this use.

Mr. Heid stated that his personal preference would be to look at each project on a case by case basis because standard limitations could become problematic because applicants may not only have to come for a conditional use but may also need variances.

Mr. Kreisberg agreed that putting conditions at this time would be premature. He asked Mr. Heid why this amendment is being done now and if there are any anticipated projects.

Mr. Heid stated that there have been some inquires from some individuals and because the use is not defined it is difficult to interpret where or even if it is permitted.

Mr. Marrero agreed that conditions should be looked at on a case by case basis.

Mr. Eisen had no comment.

Mr. Litowich asked for clarity on how this use would be controlled and how the neighboring properties would be protected.

Mr. Heid explained that any property applying for this conditional use would have to come back to the board and then the City Council and any reasonable limitations could be applied to the project, also these facilities are very securely monitored.

Chairman Piper opened the floor for public comment. There was no one present that wished to speak on this item. Public comment was closed.

Mr. Heid stated that staff is recommending approval of this item.

Mr. Edwards disclosed that he previously discussed this item with a member of the public.

A Motion to approve Item 10-494 was made by Tom Potts. The motion was seconded by Julian Kreisberg. The motion to approve Item 10-494 passed with a unanimous vote of 7-0.

**ORDINANCE NO. 2011-1**

**AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING SECTION 24-22 OF THE CITY'S CODE OF ORDINANCES, ENTITLED DEFINITIONS, BY DEFINING RESIDENTIAL DETOXIFICATION SERVICE; AMENDING ARTICLE V SECTION 24-52, ENTITLED B-2 GENERAL BUSINESS DISTRICT, AND SECTION 24-53, ENTITLED B-3 INTENSIVE BUSINESS DISTRICT, OF THE CITY'S CODE OF ORDINANCES, BY ADDING RESIDENTIAL DETOXIFICATION SERVICE TO THE LIST OF CONDITIONALLY PERMITTED USES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of North Miami Beach's Land Development Regulations (Zoning Code) currently permits drug and alcohol rehabilitation services but does not address residential detoxification service; and

**WHEREAS**, it is in the City's best interest to have residential detoxification service clearly defined and listed to prevent inconsistent interpretations of City's Land Development Regulations; and

**WHEREAS**, the City of North Miami Beach believes that residential detoxification service is an appropriate use within the City's B-2, General Business and B-3, Intensive Business Districts; and

**WHEREAS**, the City of North Miami Beach believes that residential detoxification service should be listed as a conditionally permitted use to ensure the City can monitor the development and location of the establishments; and

**WHEREAS**, the City of North Miami Beach recognizes that detoxification service is necessary to assist in drug and alcoholic rehabilitation; and

WHEREAS, this item was heard, discussed and favorably recommended by the City's Planning and Zoning Board on Monday, January 10, 2011 by a unanimous vote of 7-0.

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. Section 24-22 of the Land Development Regulations of the City of North Miami Beach is hereby amended as follows:

**Sec. 24-22 Definitions**

**Residential detoxification service: A service involving care that is provided on an inpatient basis, in a structured live-in environment within a non-hospital setting, to assist individuals to withdraw from the physiological and psychological effects of substance abuse.**

Section 3. Article V, Zoning Use Districts, of the Land Development Regulations of the City of North Miami Beach is hereby amended as follows:

**Sec. 24-52 B-2 General Business District**

**(C) Uses Permitted Conditionally.**

- (1) Animal hospitals, veterinarians, kennels, pet shops and dog groomers; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and that no such use shall be located less than three hundred (300) feet from any residential district.**
- (2) Automobile parts and accessories stores; provided that any such use shall sell new merchandise only and that it shall not provide any on-premises installation services.**
- (3) Barbeque Restaurants (Open Air).**
- (4) Bars, lounges and package liquor stores; provided that any such use shall not be located within one thousand five hundred (1,500) feet of any other bar, lounge or package liquor store.\***

**\*Schools (elementary, middle or secondary) are covered by State Law § 562.45(2)(a) Florida Statute, with a five hundred (500) foot distance separation.**

Maintaining a one thousand five hundred (1,500) foot distance requirement for places of public assembly (which includes churches and schools) would all but eliminate this as a viable use in this district.

- (5) Bonding Companies (Bail).
- (6) Drug/Alcohol Rehabilitation Service, including Residential Detoxification Service.
- (7) Funeral homes; provided that any such use shall have a site area of not less than fifteen thousand (15,000) square feet, that it shall be located not less than three hundred (300) feet from any residential district, and that the front yard setback area shall be entirely landscaped.
- (8) Hotels and motels; provided that any such use shall have a site area of not less than two (2) acres.
- (9) Modeling Agency.
- (10) Parking garages; provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and that any such structure shall be well landscaped.
- (11) Psychiatric & Psychological services (Drug/Alcohol and Violent/ Dangerous Behavior, Counseling or Treatment).
- (12) Recording studios; provided that any such use shall be located entirely within an air conditioned, sound-proofed building.
- (13) Residential, multifamily or mixed use: In conformance with the RM-23 provisions of Section 24-48 and conditioned upon compatible adjacent uses that will not adversely impact residential units.
- (14) Restaurants, fast food.
- (15) Service stations as defined in Article II; provided that any such use shall not have any outside display of merchandise, that there shall not be any rental, sale or storage of trucks, trailers, motorcycles or automobiles, that there shall be no major mechanical repairs or body work conducted on-premises, and that automobile washing be limited to washing by hand in one (1) bay only as an accessory use to gasoline sales.
- (16) Social Service Agencies.
- (17) Tanning Salons.

\* \* \* \*

**Sec. 24-53 B-3 Intensive Business District**

**(C) Uses Permitted Conditionally.**

- (1) Animal hospitals, veterinarians, kennels, pet shops and dog groomers; provided that all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building

**and that no such use shall be located less than three hundred (300) feet from any residential district.**

- (2) Barbeque restaurants (open air).**
- (3) Blood banks.**
- (4) Hotels and motels; provided that any such use shall have a site area of not less than two (2) acres.**
- (5) Residential Detoxification Service.**
- (56) Residential, multifamily. In conformance with the RM-23 provisions of Section 24-48 and conditioned upon compatible adjacent uses that will not adversely impact residential units.**

**Section 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5.** If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

**Section 6.** 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 relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

**APPROVED BY TITLE ONLY** on first reading this **18th day of January, 2011.**

**APPROVED AND ADOPTED** on second reading this \_\_\_ day of February, 2011.

**ATTEST:**

\_\_\_\_\_  
**JOANNE M. CALLAHAN**  
**INTERIM CITY CLERK**

\_\_\_\_\_  
**MYRON ROSNER**  
**MAYOR**

**APPROVED AS TO FORM**

**Sponsored by: Mayor & City Council**

\_\_\_\_\_  
**DARCEE S. SIEGEL**  
**CITY ATTORNEY**