

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, COMPREHENSIVELY UPDATING AND AMENDING CHAPTER 111, "ALCOHOLIC BEVERAGES" OF THE NORTH BAY VILLAGE CODE OF ORDINANCES, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, North Bay Village (“Village”) has adopted a Code of Ordinances (the “Code”) to govern and address certain issues and situations, such as providing regulation for building construction, health and sanitation, and various business activities, in order to promote the health, safety, order, convenience, comfort and general welfare of the public; and

WHEREAS, the Village finds it periodically necessary to amend its Code in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance thereof; and

WHEREAS, during its 75th anniversary year and following an extended public discussion about future growth and development, the Village adopted the “NBV100 Master Plan,” which looks at the community’s next twenty-five years; and

WHEREAS, the “NBV100 Master Plan” envisions the 79th Street Causeway through Treasure Island as a vibrant, pedestrian-oriented urban corridor, encompassing ground floor retail, dining, and entertainment uses, along with structured parking, office, multifamily residential, amenities, and other permitted uses on upper stories of mixed-use buildings; and

WHEREAS, to implement the NBV100 Master Plan, on February 9, 2021, the Village adopted a new Form-Based Code that applies to land on both sides of the 79th Street Causeway through Treasure Island. The new regulations incentivize the development and redevelopment of this land in a manner consistent with the NBV100 Master Plan vision and goals for this area; and

WHEREAS, since the adoption of the Form-Based Code, the Village has approved several requests for mixed-use projects consistent with the NBV100 Master Plan, one of which, as a redevelopment project, will require the demolition of an existing building and the relocation of several existing alcoholic beverage licensees' businesses to other locations within the Village; and

WHEREAS, several of these relocated businesses, as well as one of the new uses proposed through the site plan approval process were required to obtain variances from the provisions of Chapter 111 (Alcoholic Beverages) of the Village's Code of Ordinances, due to their distance from the Treasure Island Elementary School (TIES) campus; and

WHEREAS, the renewed scrutiny of Chapter 111 as a result of these variance requests indicated that the regulatory framework for alcoholic beverage licenses does not currently align with the vision of NBV100 Master Plan for the 79th Street Causeway; and

WHEREAS, Chapter 111 was initially adopted by North Bay Village in 1964, and many of the regulations currently contained in this chapter are outdated, poorly written, lacking in clarity, and generally not supportive of or tailored to the Village's needs for the 79th Street Causeway corridor; and

WHEREAS, the Village Commission finds that in its current form, Chapter 111 creates unfavorable regulatory conditions for the types of businesses that the Village wishes to attract to this corridor; and

WHEREAS, as a result, during the June 20, 2022 meeting of the Village Commission, Staff was directed to undertake an update of Chapter 111; and

WHEREAS, the modifications provided herein are consistent with the NBV100 Master Plan, the Village's Comprehensive Plan, the Florida Community Planning Act, and Miami-Dade County's proposed ordinance; and

WHEREAS, the Planning and Zoning Board, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and has recommended approval to the Mayor and the Village Commission; and

WHEREAS, this Ordinance was presented to the Village Commission in two readings, with second reading conducted as the required public hearing on _____, 2023; and

WHEREAS, the Village Commission, after a duly noticed public hearing, finds that this Ordinance is in the best interest of the community and will promote the public health, safety, and welfare of the Village's residents and visitors.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:¹

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

Section 2. Amending Chapter 111 of the Village Code. That Chapter 111, "Alcoholic Beverages" of the code of ordinances of North Bay Village, Florida, is hereby

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

amended to read as provided in Exhibit "A," which is incorporated herein and made a part hereof by this reference.

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

Section 4. Codification. That it is the intention of the Village Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 5. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

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

PASSED on first reading on the _____ day of _____, 2022.

PASSED AND ADOPTED on second reading on the ____ day of _____, 2023.

Brent Latham, Mayor

ATTEST:

Alba L. Chang, CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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

First Reading:
Moved By: _____
Seconded By: _____

Second Reading:
Moved By: _____
Seconded By: _____

Vote on Final Adoption:
Mayor Brent Latham _____
Commissioner Richard Chervony _____
Commissioner Goren Cuk _____
Commissioner Andy Rotondaro _____
Commissioner Rachel Streitfeld _____