

ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 8.11, "USE EXCEPTIONS" OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) TO PROVIDE FOR TEMPORARY USE SETBACK MODIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the North Bay Village ("Village") Unified Land Development Code ("ULDC") establishes regulations to guide coordinated, balanced, and harmonious development in accordance with the Village's present and future needs, while protecting the public health, safety, and general welfare; and

WHEREAS, Section 8.11 of the ULDC provides for use exceptions in order to allow flexibility in the application of zoning regulations to accommodate certain uses otherwise not permitted by code; and

WHEREAS, the Village Commission recognizes that temporary uses associated with active construction projects, including construction trailers, sales centers, and similar facilities, are necessary to facilitate efficient and timely development; and

WHEREAS, the Village Commission further recognizes that strict application of setback requirements to such temporary uses may, in certain instances, create practical difficulties due to site constraints, including but not limited to conflicts with the footprint of the building under development; and

WHEREAS, the Village Commission desires to provide a mechanism within Section 8.11 of the ULDC to allow for modification of setback requirements for temporary uses in connection with active construction, subject to review and approval as a use exception; and

WHEREAS, the Village Commission finds that allowing such temporary setback modifications, when accompanied by appropriate mitigation measures such as enhanced landscaping, buffering, or comparable methods, will minimize impacts on adjacent properties while maintaining compatibility with surrounding uses; and

WHEREAS, the Village Commission further finds that such temporary setback modifications should not require the granting of a variance, as they are limited in duration and tied to active construction activities reviewed through the use exception process; and

WHEREAS, the Planning and Zoning Board, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and has recommended [approval/approval with conditions/denial]; and

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

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

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

Section 2. Amending Section 8.11 of the Village Code. That Section 8.11 of the Unified Land Development Code of North Bay Village, Florida, is hereby amended to read as follows:

Chapter 8 – Zoning

* * *

§ 8.11 – Use Exceptions.

* * *

E. Temporary Use Setback Modifications. For temporary uses in connection with active construction, applicable setbacks may be modified by the Village Commission as part of the use exception approval based on a showing of practical difficulty, including but not limited to conflicts with the footprint of the building under development. In such cases, the applicant shall provide mitigation such as enhanced landscaping and buffering or other comparable buffering methods to reduce the impact on adjacent properties and neighbors. For avoidance of doubt, any setback modifications granted pursuant to this subsection shall be expressly limited to the duration of the approved temporary use and shall automatically expire upon the removal or cessation of the temporary use, at which time full compliance with all applicable setback requirements shall be required. The setback modifications permitted pursuant to this subsection shall not require a variance.

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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 _____, 2026.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2026.

Rachel Streitfeld, Mayor

ATTEST:

Alba L. Chang, CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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

First Reading:
Moved By: _____
Seconded By: _____

Second Reading:
Moved By: _____
Seconded By: _____

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