

ORDINANCE NO. 2017-595

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 21 "ZONING," TO REVISE DEFINITIONS, TO CREATE A SPECIAL BUSINESS IMPROVEMENT AREA DESIGNATION IN THE B BUSINESS DISTRICT, AND TO PROVIDE FOR RELATED DEVELOPMENT STANDARDS; BY AMENDING CHAPTER 4 "ALCOHOLIC BEVERAGES" TO ADDRESS SPACING REQUIREMENTS FOR CERTAIN RESTAURANTS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS, AND FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, Bal Harbour Shops, LLLP (the "Applicant") has requested that the Village Council consider making amendments to the text of the Village Code of Ordinances to facilitate its proposed redevelopment and expansion of the Bal Harbour Shops ("BHS") ("BHS expansion") by creating criteria and standards for the redevelopment of business properties; and

WHEREAS, approval of the BHS expansion requires approval of a master site plan and related Development Agreement between the Village and the Applicant; and

WHEREAS, approval of the BHS expansion also requires approval of a Future Land Use Map Amendment to the Comprehensive Plan for the site previously known as the Church By The Sea (the "Small Scale FLUM Amendment" on the "CBTS site"); and

WHEREAS, if the applicant is not able to include the CBTS site in the BHS expansion, it will need to redesign the project and its proposed standards and guidelines will likely change; and

WHEREAS, the Village Council finds that redevelopment of business properties in accordance with appropriate standards and guidelines can provide economic benefit to the Village; and

WHEREAS, the Village Council finds that the Applicant's proposed amendments to Chapter 21 of the Code for the BHS expansion will enable the Village to allow future redevelopment of business properties in a manner consistent with the character of the Village; and

WHEREAS, the Village Council, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance, finds it is consistent with the Comprehensive Plan and recommends approval; and

WHEREAS, the Village Council has held the required public hearing, duly noticed in accordance with the law; and

WHEREAS, the Village Council further finds that the adoption of this Ordinance is in the best interest of the health, safety and general welfare of the residents of the Village.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:¹

Section 1. Recitals Adopted. That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. Article I of Chapter 21 of the Village Code Amended. That Article I "In General" of Chapter 21 "Zoning" of the Code of Ordinances of Bal Harbour Village, Florida, is hereby amended to read as follows:

ARTICLE I. - IN GENERAL

¹ BHS proposed additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~strikethrough~~.

Sec. 21-1. - Definitions and rules of construction.

- (a) For the purpose of this chapter, which shall be known as the Zoning Ordinance of Bal Harbour Village, Florida, words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words "used for" include the meaning "designed for"; the word "structure" includes the word "building"; the word "shall" is mandatory and not directory; and the word "lot" includes the words "plot" and "tract".
- (b) Words and terms not defined in this section shall be interpreted in accord with their normal dictionary meaning and customary usage.
- (c) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Floor Area Ratio (FAR) means the ~~total~~ Gross Floor Area, ~~including all floors but excluding mezzanines, elevator shafts, emergency stairwells, trash chutes, other vertical mechanical spaces and open balcony areas, measured to the outside of the Structure at each floor, and~~ not including Parking Structures, on a Lot, divided by the Lot area. (For example, a Building containing 20,000 square feet of floor area on a zoning Lot of 10,000 square feet has a Floor Area Ratio of 2.0).

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Groin means a Structure built of wood, steel or concrete on piling, running seaward, and serving the purpose of a breakwater to prevent beach erosion.

Gross Floor Area means the area of all Structures, including all floors but excluding mezzanines, elevator shafts, emergency stairwells, trash chutes, other vertical mechanical spaces and open balcony areas, measured to the outside of the Structure at each floor.

* * * * *

Setback means the minimum horizontal distance between the street line and the front line of the Building, or between the Bulkhead, Seawall or other established line and the Building, or between the side Lot Lines and the Building or any projection, except as otherwise provided in this chapter.

Special Business Improvement Area means any development located in the B Business District that is greater than 10 acres and governed by a Development Agreement approved by the Village Council.

Square Foot Content. In determining the minimum number of square feet of floor area described in this chapter for Buildings in certain sections of the Village, the following shall not be included in the Square Foot Content: open terraces; Porte-Cocheres; Carports; garages, either attached or detached; or Accessory Buildings. Notwithstanding the above, this definition is not intended to exempt such accessory uses from maximum lot coverage calculations.

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Section 3. Article III of Chapter 21 of the Village Code Amended. That Article III, "District Regulations" of Chapter 21 "Zoning" of the Code of Ordinances of Bal Harbour Village, Florida, is hereby amended to read as follows:

ARTICLE III. - DISTRICT REGULATIONS

DIVISION 11. B BUSINESS DISTRICT

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Sec. 21-319. - Yards; Setbacks.

(a) The following Yard and Setback requirements shall apply in the B Business District:

(1) *Front Yard Setback.* The following front Yard Setbacks shall be maintained:

- a. From Collins/Bal Harbour Boulevard and Harding Avenues:
 - 1. 50 feet for Buildings occupied and used for the sale of merchandise or services at retail.
 - 2. 100 feet for Parking Structures and all other Structures.
- b. From 96th Street: 7.5 feet for all Buildings, Parking Structures and all other Structures.
- c. From Bal Bay Drive: 20 feet for all Buildings, Parking Structures and all other Structures.
- d. From Park Drive: 100 feet for all Buildings, Parking Structures and all other Structures.
- e. From Bal Cross Drive: 50 feet for all Buildings, Parking Structures and all other Structures.

- (2) *Interior, side and rear Yards.* There shall be interior, side and rear Yards having a width of not less than seven feet six inches on each side of a Building or Structure, including Parking Structures.
- (3) *Waterfront Setback.* There shall be a waterfront Setback of 40 feet, as measured from the outside face of the Seawall.

(b) The following Yard and Setback requirements shall apply in the Special Business Improvement Area:

(1) Front Yard Setback. The following front Yard Setbacks shall be maintained:

a. From Collins/Bal Harbour Boulevard and Harding Avenues:

I. for the first 250 lineal feet of frontage north of the 96th Street northern right-of-way line along the west side of Collins/Bal Harbour Boulevard only: 20 feet for Buildings occupied and used for the sale of merchandise or services at retail or for restaurants. 50 feet for Parking Structures and all other Structures.

II. for all other properties fronting Collins/Bal Harbour Boulevard and Harding Avenues: 50 feet for all Buildings, Parking Structures and all other Structures.

b. From 96th Street: 0 feet for all Buildings, Parking Structures and all other Structures.

c. From Bal Bay Drive: 20 feet for all Buildings, Parking Structures and all other Structures.

d. From Park Drive: 50 feet for all Buildings, Parking Structures and all other Structures.

e. From Bal Cross Drive: 50 feet for all Buildings, Parking Structures and all other Structures.

(2) Interior, side and rear Yards. There shall be interior, side and rear Yards having a width of not less than 7.5 feet on each side of a Building or Structure, including Parking Structures.

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Sec. 21-321. - Floor Area Ratio.

(a) The maximum allowable Floor Area Ratio for the B Business District shall be FAR 0.70.

(b) The maximum allowable Floor Area Ratio for the Special Business Improvement Area shall be FAR 1.22.

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Section 4. Article IV of Chapter 21 of the Village Code Amended. That Article IV, "Supplementary District Regulations" of Chapter 21 "Zoning" of the Code of Ordinances of Bal Harbour Village, Florida, is hereby amended to read as follows:

ARTICLE IV. - SUPPLEMENTARY DISTRICT REGULATIONS

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Sec. 21-358. - Walls, fences and landscape plantings.

- (a) In the Single Family Residential Districts (R Districts), Private Club District (PC District) and the Multiple Family Residential Districts (RM Districts), no wall or fence shall be erected outside of the Building Lines which is higher than five feet above the elevation of the centerline of the adjoining Street. Notwithstanding the above, in the R-2 Single Family Residential District, walls or fences which are within the Front Building Line Area and are parallel to the front property line shall be structured to the following design criteria:
 - (1) A maximum of two feet of opaque wall surface above grade shall be permitted.
 - (2) The balance of allowable wall/fence height up to the maximum five-foot height may be constructed of nonopaque material such as wrought iron, aluminum, decorative open weave concrete or clay products, glass block and similar materials. Supplemental landscaping acceptable to the Village Architectural Review Board (ARB) shall be provided on the street side of any such wall or fence.
 - (3) Any such wall shall be decorative, with finishes on both sides and compatible with the dwelling architecture.
 - (4) The Architectural Review Board (ARB) may grant exceptions to the design criteria stated herein based on creative and compatible design solutions.
- (b) In Blocks 1 and 12 in zoning districts R-1, RM-4 and RM-5, no wall or fence more than four feet in height shall be created between the Seawall and the front Setback line.
- (c) In the Ocean Front District (OF District) ~~and Business District (B District)~~, no boundary wall or fence shall be constructed which is more than six feet above the elevation of the center of the adjoining Street.

- (d) In the Business District (B District), no boundary wall or fence shall be constructed which is more than twenty feet above the elevation of the center of the adjoining Street along Bal Bay, Bal Cross and Park Drive and no more than six feet above the elevation of the center of the adjoining Street along Collins/Bal Harbour Boulevard, Harding and 96th Street. No other wall or fence shall be constructed which is more than six feet above the elevation of the center of any adjoining Street.
- (e)~~(d)~~ In all zoning districts, ornamental entrances, fountains, rotisseries, flower bins and similar architectural features exceeding the wall height restriction will be permitted, provided that:
- (1) No such feature shall exceed in height the wall height restriction for that district plus three feet.
 - (2) There shall be only one such feature in any front, side or rear Yard, except that there may be two entrance gates.
 - (3) There shall be at least ten feet between any such feature and any part of any Building on the same Lot, measured at right angles from the feature.
 - (4) Such features shall not restrict passage through front, rear or side Yards to less than 88 inches in any place.
- (f)~~(e)~~ Hedges of living vegetation in the P.C. District may be kept and maintained with the same limitations for walls in said district. In all other districts, hedges may be kept and maintained without any height limitation, provided such hedges are neatly trimmed and do not interfere with traffic or visibility on public rights-of-way.
- (g)~~(f)~~ Planting of vegetation in Easement Areas.
- (1) No trees may be planted within any utility easement as shown on the recorded plats of the various subdivisions of the Village ("Easement Areas"), unless approved by the Village Council as part of a Major Site Plan Review and the owner of the easement. Trees may be planted within access easements. Nothing in this section shall be construed to prohibit the planting of low-growth Landscaping in Easement Areas ("Easement Landscaping"). Easement Landscaping is subject to removal by the Village without notice in the event that the Easement Landscaping impedes access to Easement Areas. The Village shall not be responsible for damage to Easement Landscaping removed.
 - (2) Prior to planting of low-growth Landscaping in Easement Areas, a Landscaping plan shall be provided to the Village for review to ensure compliance with subsection ~~(f)~~(e)(1) of this section.
 - (3) Prior to planting of low-growth Landscaping in Easement Areas, the Owner shall execute a Permission for Removal, Release and Indemnification Agreement, in a

form acceptable to the Village, pertaining to low-growth Landscaping in Easement Areas.

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Section 5. Article V of Chapter 21 of the Village Code Amended. That Article V, "Off-Street Parking Facilities" of Chapter 21 "Zoning" of the Code of Ordinances of Bal Harbour Village, Florida, is hereby amended to read as follows:

ARTICLE V. - OFF-STREET PARKING FACILITIES

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Sec. 21-382. - Interpretation of requirements.

- (a) *Alterations and change in use.* Whenever a Building, Structure or use is enlarged by the addition of floor area, number of units, employees, seating capacity or otherwise, which creates a requirement for increased off-street parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- (b) *Change in use.* When the use of any Structure or premises is changed, in total or part, to a different use, parking spaces shall be provided on the basis of the change in use.
- (c) *Mixed uses.* In the case of mixed uses within a Building or Structure, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, unless otherwise approved by the Village Council, based on a traffic study, or parking study or both submitted by the applicant meeting the technical specifications required by the Village Manager.

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Sec. 21-384. - Number of spaces.

The schedule of off-street parking requirements shall be as follows:

- (1) *Single-family detached dwellings:* Two parking spaces for each dwelling unit, with not less than one space provided within a garage or Carport.
- (2) *Multiple-Family Dwellings:* One and one-half parking spaces for each dwelling unit, plus one additional space for each ten dwelling units in the total apartment complex, plus the required spaces for any business establishments contained within the complex.

- (3) *Hotels*: One parking space for each Guest Room capable of separate occupancy, plus one space for each 400 square feet of public assembly area, plus the required spaces for any business establishments contained within the complex.
- (4) *Business establishments*: ~~Four~~ 3.1 permanent parking spaces for each 1,000 square feet of ~~leasable floor area or~~ 90 percent of gross floor area, ~~whichever is the greater~~, except for the following uses:
 - a. Municipal Buildings.
 - b. ~~Churches~~ Religious Institutions.
- (5) *Private Clubs*: One parking space for each five members, plus one space for each three employees.
- (6) *Private Recreational Facilities*: One parking space for each 400 square feet of gross floor area. Notwithstanding the provisions of section 21-385(a), at the discretion of the Village Council up to 50 percent of the required number of parking spaces may be provided by the utilization of a stabilized sodded grass alternative surface. Such sodded grass alternative surface shall conform to Village specifications for base material, drainage and species of grass.

Sec. 21-385. - Design and maintenance.

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- (d) *Marking*. Individual stalls shall be marked with permanent lines, four to six inches wide.
- (e) *Bumper guards and wheel stops*. Every parking facility shall have bumper guards located adjacent to any Building or Structure, wall, fence, hedge, walkway, landscaped area, property line or parking stall, to protect Persons, Property, and other vehicles. Bumper guards and wheel stops may be removable.

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- (l) *Maneuvering and parking stall accessibility*.
 - (1) All parking facilities shall be arranged so that parking maneuvers can be accomplished without driving, maneuvering or encroaching into or upon any public right-of-way, walkway, or unpaved landscaped area within or adjoining the parking facility.
 - (2) All parking stalls shall open directly upon a maneuvering or turnaround area, an access driveway, or an aisle leading to an access driveway, and shall be individually and continuously accessible, except as permitted in tandem parking.

(m) Tandem parking. Tandem parking is a parking layout in which one or more automobiles must be moved in order to retrieve another automobile. Where tandem parking is employed, shall be permitted provided that the tandem parking is not more than two stalls in depth, that full-time parking attendants are provided required, and that no self-parking is shall be permitted, and tandem parking must not be more than two stalls in depth. The restrictions of this paragraph, requiring parking attendants and prohibiting self-parking, shall not apply if the tandem parking spaces which restrict access to one another are assigned to the same occupancy or dwelling unit, in accordance with a restrictive covenant filed in the official records of Miami-Dade County, Florida and approved as to legal form and sufficiency by the Village Attorney. Where tandem parking is employed in a Special Business Improvement District, spaces shall not be limited to a two-stall depth, but shall meet all other requirements for the Special Business Improvement Area.

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(q) Special Business Improvement Area. These provisions shall supersede any other provisions in this section which may be in conflict.

(1)Off-site location. Within the Special Business Improvement Area, during periods of construction which temporarily reduce the availability of on-site parking, required parking may be provided on a Lot other than the Lot on which the Structure or use served is located, provided that:

(a) The number of required parking spaces located off-site shall not exceed 25 percent of the required parking.

(b)The off-site parking shall be located within a reasonable walking distance (1,320 feet) of the land use served, or, if outside a reasonable walking distance:

(i) a dedicated shuttle service appropriate to the needs of the parkers at the off-site facility shall be provided, or

(ii) valet parking service shall be provided on-site.

An agreement assuring that the spaces will be available to the land use must be executed if the spaces are owned or controlled by a party other than the property owner of the land use served. Such agreement shall be terminable only upon approval of the Village Manager, which shall be granted upon a showing that sufficient on-site or alternate off-site parking is available to meet the parking requirements of the primary use, and shall be approved as to form and content by the Village Attorney and Village Manager.

(2) Flex Parking Spaces: Recognizing the seasonal nature of population, tourism, business activity and parking demand in the Village of Bal Harbour, parking plans whereby spaces designed and normally used for self-parking may be converted to valet parking layout and operations to increase the parking ratio to 3.6 parking spaces for each 1000 square feet of 90% of the gross floor area and higher. The capacity of the parking facility in the valet parking layout shall be used in determining the adequacy of the parking supply. The valet layout need not be striped or have bumper guards or

wheel stops. In the event the property owner intends to utilize flex parking for more than 6 continuous months, the property owner shall provide written notice to the Village Manager of the scope of its intended use.

(3) Ramps. A maximum grade of six percent shall be permitted for sloped portions of sloping floor garages where ramps provide direct access to stalls. Interfloor ramps and ramps to and from the established Grade of any Street shall not exceed 14 percent, and no parking shall be permitted directly off these ramps. For any ramp over 10 percent a transition ramp at least 10 feet long and at least half the slope of the main ramp shall be provided.

(4) Marking. Individual stalls shall be marked with permanent lines, four to six inches wide, except Plaza areas which are used for parking part-time need not be so marked and are not required to have bumper guards or wheel stops.

(5) Bumper guards and wheel stops. Every surface parking facility shall have bumper guards located adjacent to any Building or Structure, wall, fence, hedge, walkway, landscaped area, property line or parking stall, to protect Persons, Property, and other vehicles. Bumper guards and wheel stops may be removable and are not required in Plaza areas.

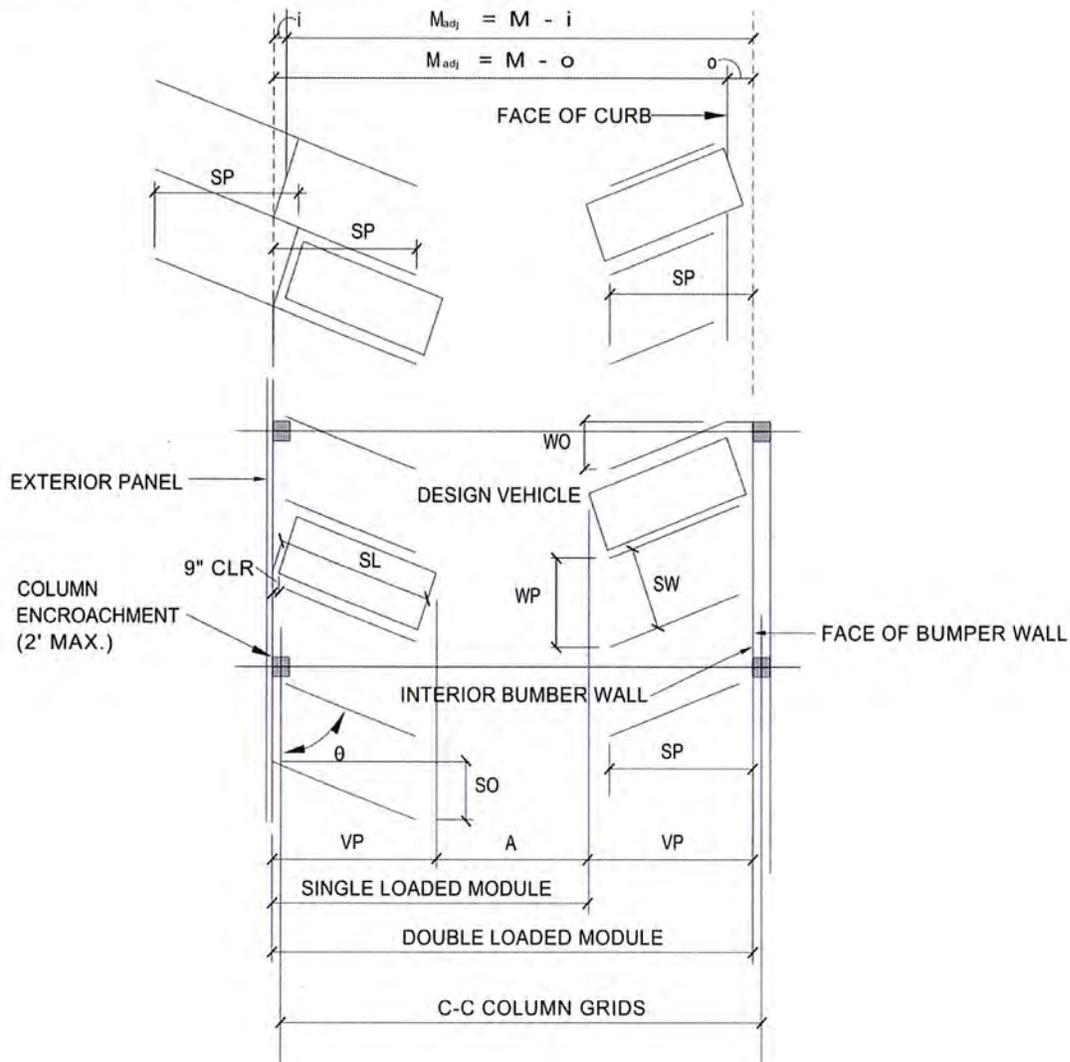
(6) Minimum dimensions. Parking layouts shall conform to the minimum requirements of this section.

Definitions (see also Figure 1):

- Angle (θ): The angle of rotation of the stall from a position parallel to the wall or edge of the module to the desired angle of parking, in degrees.
- Stall Width Projection (WP): The running dimension parallel to the wall or module edge of a stall rotated to the associated angle. ($WP = \text{stall width} / \sin \theta$).
- Module (M): The out-to-out dimension of two rows of parked vehicles and the drive aisle between. $M = VP + A + VP$. Where single-loaded parking aisles (i.e., parking stalls on only one side of the drive aisle) are provided, then $M_{adj} = M - VP$.
- Vehicle Projection (VP): The rotation of a design vehicle 6'7" wide by 17'3" to the desired angle plus an allowance of 9" clear distance between the parked vehicle and the wall or module edge, measured perpendicular to the wall or module edge.
- Aisle (A): The drive aisle serving rows of parked vehicles. ($A = M - 2 * VP$).
- Interlock (i): An adjustment of the module for a parking design which has overlapping stalls. ($i = SW / (2 * \cos \theta)$). Where stalls on only one side of the aisle are interlocked, then $M_{adj} = M - i$. Where stalls on both sides of the module are interlocked, then $M_{adj} = M - 2 * i$.
- Overhang (o): A dimension for the maximum permissible distance of a curb or wheel stop from the edge of the module so as to not reduce the effective dimensions below the minimum required. ($o = 2'6" / \sin \theta$).
- Wall offset (WO): The appropriate dimension to start the back end of a stall stripe from a wall, face of column or other delineation, in order to maintain the specified stall width.

- Stripe Projections (SP): The recommended maximum projection of a stripe, perpendicular to the wall or edge of module. It is not necessary or desirable to extend the stripe either to the VP or the full length of a stall rotated to the desired angle.
- Stripe offset (SO): The projection parallel to the wall or module edge of a stall stripe extending to the stripe projection; used in laying out parking stalls to be sure that parked vehicles do not encroach on adjacent spaces, such as turning bays or aisles.

Figure 1 (below)



DEFINITION OF BASIC LAYOUT DIMENSIONS

θ = Angle of Park	VP = Vehicle Projection
M = Module	WP = Width Projection
A = Aisle Width	SW = Stall Width
i = Interlock	SL = Stall Length
o = Overhang	WO = Wall Offset
SP = Stripe Projection = 16'-6"	SO = Stripe Offset

Table 1: Minimum Required Parking Dimensions

Angle of Parking	Stall Width		Module	Vehicle Projection	Aisle	Interlock		Overhang	Wall Offset	Stripe Offset
	9'0"	8'6"				i	i			
θ	WP	WP	M	VP	A	i	i	o	WO	SO
45	12'9"	12'0"	48'0"	17'8"	12'8"	3'2"	3'0"	1'9"	10'8"	16'6"
50	11'9"	11'1"	49'9"	18'3"	13'3"	2'11"	2'9"	1'11"	9'5"	13'10"
55	11'0"	10'5"	51'0"	18'8"	13'8"	2'7"	2'5"	2'1"	8'3"	11'7"
60	10'5"	9'10"	52'6"	19'0"	14'6"	2'3"	2'2"	2'2"	7'2"	9'6"
65	9'11"	9'5"	53'9"	19'2"	15'5"	1'11"	1'10"	2'3"	6'1"	7'8"
70	9'7"	9'1"	55'0"	19'3"	16'6"	1'6"	1'5"	2'4"	5'0"	6'0"
75	9'4"	8'10"	56'0"	19'1"	17'10"	1'2"	1'1"	2'5"	3'10"	4'5"
Angles of parking between 76 and 89 degrees not permitted.										
90	9'0"	8'6"	60'0"	18'0"	24'0"	0'0"	0'0"	2'6"	1'0"	0'0"

Notes to Table 1:

1. 9'0" stalls shall be used except that 8'6" stalls may be used for the following uses: residential, general business offices, data processing/telemarketing/operations offices, industrial, storage/wholesale, utility, and educational (except for spaces serving cultural/ recreational/ entertainment uses at educational campuses.)
2. Dimensions may be interpolated for angles between 45 and 75 degrees.
3. All dimensions based on Design Vehicle of 6'7" by 17'3", parked 9" from front of stall
4. Light poles and columns may protrude into a parking module a maximum of 2 ft combined as long as they do not impact more than 25% of the stalls. For example, either a one foot encroachment on both sides of the aisle, or a 2 ft encroachment on one side only, is acceptable.
5. Interlock reductions cannot be taken where there is encroachment by columns, light poles or other obstructions for more than 25% of the stalls in the bay.
6. All dimensions rounded to the nearest inch.
7. Aisles and corresponding modules are for two way traffic flow for 90 degree parking and one way traffic flow for angled parking between 45 and 75 degrees.
8. For two-way traffic flow and angled parking, a minimum 24 ft aisle is required.
9. Parallel parking stalls to be 8' by 22', with 12'0" travel lane. For parallel parking along a two-way drive, a minimum aisle of 24 ft. is required.

(7) Valet Parking Layouts: When parking spaces are employed in a permanent valet parking operation, or in a Flex Parking operation as defined in this Article, they shall be not less than 8' 3" wide and the stall length shall be not less than 17' 6". The aisle widths for valet parking must provide reasonable maneuvering space for the valet operation, but need not conform to the requirements for self-parking contained in Table 1.

At least 80% of obstructed stalls must be arranged so that no more than one vehicle needs to be moved in order to retrieve another vehicle. In no case shall more than two vehicles need to be moved in order to retrieve another vehicle.

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Sec. 21-387. - Landscaping.

- (a) *Applicability of section.* For parking facilities with more than ten parking spaces, the Landscaping requirements set out in this section shall apply.
- (b) *Interior Landscaping.* For surface parking facilities, at least ten percent of the parking facility shall be permanently landscaped. The interior Landscaping requirement shall be computed on the basis of the Net Parking Facility. For the purposes of this section, "Net Parking Facility" shall include parking stalls, access drives, aisles, walkways, dead spaces, and required separations from Structures, but shall not include required Street Setbacks or access driveways for walkways within such Setbacks.
- (c) *Planting beds.* All Landscaping shall be contained in planting beds. Each planting bed shall have a minimum width of four feet and a minimum area of 25 square feet and shall be enclosed by concrete or masonry curbing at least four inches wide and six inches in height above the paving surface. Planting beds within the Special Business Improvement Area are not required to be enclosed by concrete or masonry curbing.

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Section 6. Section 4-3 of Chapter 4 of the Village Code Amended. That Section 4-3, "Sale prohibited in filling stations, theaters; sales near churches, schools" of Chapter 4 "Alcoholic Beverages" of the Code of Ordinances of Bal Harbour Village, Florida, is hereby amended to read as follows:

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Sec. 4-3. - Sale prohibited in filling stations, theaters; sales near ~~churches~~ religious institutions, schools.

(a) No liquor, beer or wine shall be sold in any gasoline filling station or motion picture theater, including any room opening directly or indirectly into or having a direct connection with any motion picture theater.

(b) No liquor, beer or wine shall be sold within 300 feet of any religious institution ~~church~~, nor within 300 feet of any public school property, nor any property upon which there is maintained a private school operated for the instruction of minors in the common branches of learning, except at restaurants which qualify for an SRX license, 2COP license or 4COP license or their equivalents and at such places of business as were established at the time of the adoption of this section. In ascertaining the proximity of any school or ~~church~~ religious institution referred to in this subsection, the method of measurement shall be made or taken from the main or front entrance of the ~~church~~ religious institution or school or the main or front place of such business along the route of ordinary pedestrian traffic along the public thoroughfare.

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Section 7. 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.

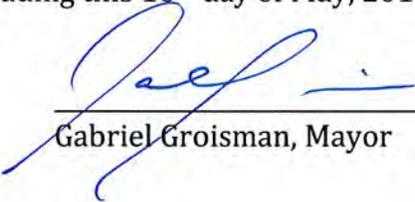
Section 8. Inclusion in the Code. That it is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Bal Harbour Village; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 9. Conflict. That all sections or parts of sections of the Village Code, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 10. Effective Date. That this Ordinance shall not become effective until the Small Scale FLUM Amendment becomes effective .

PASSED AND ADOPTED on first reading this 25th day of April, 2017.

PASSED AND ADOPTED on second reading this 16th day of May, 2017.



Gabriel Groisman, Mayor

ATTEST:





Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



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