

ORDINANCE NO. 2023-004

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 13, "VACATION RENTAL LICENSES" OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO EXTEND THE TIME FRAME FOR PROPERTY OWNERS WHO APPLIED FOR A VACATION RENTAL LICENSE BY JULY 19, 2022 TO OBTAIN A VACATION RENTAL LICENSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, North Bay Village (the "Village") has home-rule authority pursuant to Section 166.021, Florida Statutes "to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law"; and

WHEREAS, on July 19, 2022, the Village Commission adopted Ordinance No. 2022-008 repealing Chapter 13, "Vacation Rental License Program" of the Village's Unified Land Development Code ("ULDC") and amending the ULDC to create a new Chapter 13, "Vacation Rental Licenses" to provide regulations for vacation rentals in non-residential zoning districts and for continued operation of properties previously licensed as a vacation rental in residential zoning districts; and

WHEREAS, on March 15, 2023, during the adoption process for Ordinance No. 2022-008, the Village's Planning and Zoning Board reviewed the then-proposed ordinance and voted to recommend approval to the Mayor and the Village Commission with three recommendations; and

WHEREAS, one of the three recommendations from the Village's Planning and Zoning Board was that the Village receive applications by July 19, 2022 and that licenses be obtained within 6 months thereafter, with the ability of the Village Manager to grant a reasonable extension for just cause; and

WHEREAS, while acknowledging the legitimacy of the Board's recommendation, the Village Commission determined that a firm deadline to obtain the license would send a strong message that the Village was interested in achieving change in its vacation rental regulatory structure; and

WHEREAS, therefore, the Village Commission adopted Ordinance No. 2022-008, providing that property owners with an application for a license that the Village deemed complete on or prior to July 19, 2022 shall be treated as license holders for purposes of this Division 2 if they diligently pursue the license approval process and obtain a license by January 19, 2023; and

WHEREAS, Exhibit B of Ordinance No. 2022-008 reflects that, as of July 19, 2022, 30 properties in residential zoning districts were licensed as vacation rentals and 36

properties had an application pending issuance of a license (see Exhibit A attached hereto, which is Exhibit B from Ordinance No. 2022-008); and

WHEREAS, in accordance with Ordinance No. 2022-008 and as reflected in Exhibit B attached hereto, of the 36 properties that had timely applied for a license by July 19, 2022, 18 became licensed as of January 19, 2023, resulting in 48 total licensed properties in residential zoning districts and leaving another 18 properties that timely applied for a license by July 19, 2022, but failed to obtain the license by the January 19, 2023 deadline (see Exhibit B attached hereto); and

WHEREAS, in order to comply with Ordinance No. 2022-008, certain license applicants must make substantial building improvements to satisfy the requirements of the Ordinance; and

WHEREAS, recently, Village stakeholders have requested an extension to obtain the license due to delays that have prevented certain property owners from obtaining their license by the January 19, 2023 deadline; and

WHEREAS, the Village Commission recognizes that the community continues to experience supply chain shortages, labor shortages, and other challenges, which have resulted in delays in the construction, permitting, and inspection process, leading to an inability for property owners to obtain their license by the January 19, 2023 deadline; and

WHEREAS, with the adoption of this Ordinance, the Village Commission seeks not to reopen the time frame for property owners to *apply* for a license, but rather give those property owners who timely applied for a license by the July 19, 2022 deadline additional time to *obtain* the license, by December 31, 2023; and

WHEREAS, on March 15, 2023, the Planning and Zoning Board, sitting in its capacity as the Local Planning Agency, reviewed this Ordinance, found that it is consistent with the Future Land Use Element of both the Village's Comprehensive Plan, and voted to recommend approval to the Mayor and the Village Commission; and

WHEREAS, this Ordinance was duly noticed and presented to the Village Commission in two readings, with second reading conducted as the required public hearing on April 18, 2023; and

WHEREAS, the Village Commission finds that this Ordinance is consistent with the Future Land Use Element of the Village's Comprehensive Plan, is necessary, and 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:¹

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.

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

Section 2. Amending Chapter 13 of the Unified Land Development Code. That Chapter 13 “Vacation Rental Licenses” of the Unified Land Development Code of North Bay Village, Florida, is hereby amended as follows:

Chapter 13

VACATION RENTAL LICENSES

PART 1

REGULATIONS FOR LEGAL NONCONFORMING VACATION RENTAL LICENSES

DIVISION 1. GENERAL PROVISIONS

* * *

§ 13.2 Definitions.

* * *

License. A vacation rental license issued by the Village ~~prior to July 19, 2022.~~

* * *

DIVISION 2. MAINTENANCE OF VACATION RENTAL LICENSE

§ 13.3. Active license required.

- A. Owners with an application for a license that the Village has deemed complete on or prior to July 19, 2022 shall be treated as license holders for purposes of this Division 2 if they diligently pursue the license approval process and obtain a license ~~within 6 months following July 19, 2022~~ on or before December 31, 2023.

* * *

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 15th day of February, 2023.

PASSED AND ADOPTED on second reading on the 18 day of April, 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: Commissioner Streitfeld

Seconded By: Commissioner Rotondaro

Second Reading:

Moved By: Commissioner Streitfeld

Seconded By: Mayor Latham

Vote on Final Adoption:

Mayor Brent Latham Yes

Vice Mayor Richard Chervony Yes

Commissioner Goran Cuk Yes

Commissioner Andy Rotondaro Yes

Commissioner Rachel Streitfeld Yes

Exhibit A to Ordinance 2023-XXXX

Ordinance 2022-008

Exhibit B - Effective 7-19-22

| | A | B | C | D | E |
|----|---------------------------|------------------|-----------------|---|-----------------------------------|
| 1 | Property Address | Village Location | Zoning District | Property Owner | VR License Status as of 7-19-22 |
| 2 | 7939 EAST DR #1 | Harbor Island | RM-70 | NBV TOWER LLC | Application Pending as of 7-19-22 |
| 3 | 7939 EAST DR #10 | Harbor Island | RM-70 | NBV TOWER LLC | Application Pending as of 7-19-22 |
| 4 | 7939 EAST DR #11 | Harbor Island | RM-70 | NBV TOWER LLC | Application Pending as of 7-19-22 |
| 5 | 7939 EAST DR #12 | Harbor Island | RM-70 | NBV TOWER LLC | Application Pending as of 7-19-22 |
| 6 | 7939 EAST DR #13 | Harbor Island | RM-70 | NBV TOWER LLC | Application Pending as of 7-19-22 |
| 7 | 7939 EAST DR #14 | Harbor Island | RM-70 | NBV TOWER LLC | Application Pending as of 7-19-22 |
| 8 | 7939 EAST DR #15 | Harbor Island | RM-70 | NBV TOWER LLC | Application Pending as of 7-19-22 |
| 9 | 7939 EAST DR #2 | Harbor Island | RM-70 | NBV TOWER LLC | Application Pending as of 7-19-22 |
| 10 | 7939 EAST DR #3 | Harbor Island | RM-70 | NBV TOWER LLC | Application Pending as of 7-19-22 |
| 11 | 7939 EAST DR #4 | Harbor Island | RM-70 | NBV TOWER LLC | Application Pending as of 7-19-22 |
| 12 | 7939 EAST DR #5 | Harbor Island | RM-70 | NBV TOWER LLC | Application Pending as of 7-19-22 |
| 13 | 7939 EAST DR #6 | Harbor Island | RM-70 | NBV TOWER LLC | Application Pending as of 7-19-22 |
| 14 | 7939 EAST DR #7 | Harbor Island | RM-70 | NBV TOWER LLC | Application Pending as of 7-19-22 |
| 15 | 7939 EAST DR #8 | Harbor Island | RM-70 | NBV TOWER LLC | Application Pending as of 7-19-22 |
| 16 | 7939 EAST DR #9 | Harbor Island | RM-70 | NBV TOWER LLC | Application Pending as of 7-19-22 |
| 17 | 1353 Bay Terrace | North Bay Island | RS-1 | 1353 BAY TERRACE LLC | Application Pending as of 7-19-22 |
| 18 | 7500 Miami View Drive | North Bay Island | RS-1 | JOSEPH GONZALEZ ; JONATHAN ROLLO | Application Pending as of 7-19-22 |
| 19 | 7530 Miami View Drive | North Bay Island | RS-1 | SUSAN T GALLAGHER TRS ; SUSAN T GALLAGHER REV TR | Application Pending as of 7-19-22 |
| 20 | 7720 Miami View Drive | North Bay Island | RS-1 | Miami View Drive LLC | Application Pending as of 7-19-22 |
| 21 | 7810 Miami View Drive | North Bay Island | RS-1 | STEVEN ROBLES | Application Pending as of 7-19-22 |
| 22 | 7501 Coquina Drive | North Bay Island | RS-1 | 7501COQUINA LLC | Licensed |
| 23 | 7510 Coquina Drive | North Bay Island | RS-1 | ADIL BENJELLOUN / SOUMIA BENJELLOUN | Licensed |
| 24 | 7521 Coquina Drive | North Bay Island | RS-1 | HASAN KERESTECI | Licensed |
| 25 | 7611 Coquina Drive | North Bay Island | RS-1 | CIESSE INVESTMENTS FLORIDA LLC | Licensed |
| 26 | 7700 Beach View Drive | North Bay Island | RS-1 | PV INVEST LAND USA CORP | Licensed |
| 27 | 7700 Miami View Drive | North Bay Island | RS-1 | MIAMI VIEW PROPERTIES LLC | Licensed |
| 28 | 7701 Beach View Drive | North Bay Island | RS-1 | Nabil Hach Al-Luch | Licensed |
| 29 | 7711 Coquina Drive | North Bay Island | RS-1 | JARRED LEIBNER | Licensed |
| 30 | 7720 Center Bay Drive | North Bay Island | RS-1 | SANDKAMP PROPERTIES LLC | Licensed |
| 31 | 7800 Beach View Drive | North Bay Island | RS-1 | NADIA & FILS LLC | Licensed |
| 32 | 7800 Miami View Drive | North Bay Island | RS-1 | 7800MIAMIVIEWNBV LLC | Licensed |
| 33 | 7801 Miami View Drive | North Bay Island | RS-1 | VILLA MIA LLC | Licensed |
| 34 | 7810 Coquina Drive | North Bay Island | RS-1 | TUNG DUC NGUYEN / LOAN DANG NGUYEN | Licensed |
| 35 | 7811 Beach View Drive | North Bay Island | RS-1 | Danny Atar | Licensed |
| 36 | 7830 Miami View Drive | North Bay Island | RS-1 | Deborah P. Wright | Licensed |
| 37 | 1441 South Treasure Drive | Treasure Island | RS-2 | 1441 S TREASURE LLC | Application Pending as of 7-19-22 |
| 38 | 1450 S Treasure Drive | Treasure Island | RS-2 | 1450 S Treasure Dr LLC | Application Pending as of 7-19-22 |
| 39 | 1480 S Treasure Drive | Treasure Island | RS-2 | PAWAN SINGH | Application Pending as of 7-19-22 |
| 40 | 1540 N Treasure Drive | Treasure Island | RS-2 | LIVE SUMMER FLORIDA LLC | Application Pending as of 7-19-22 |
| 41 | 1671 S Treasure Drive | Treasure Island | RS-2 | 11 INVEST PRO LLC | Application Pending as of 7-19-22 |
| 42 | 1690 S Treasure Drive | Treasure Island | RS-2 | Atmosphere Invest LLC | Application Pending as of 7-19-22 |
| 43 | 7504 Bounty Avenue | Treasure Island | RS-2 | MICHAEL M O'CONNELL ; CECILIA MARIA VELOZ | Application Pending as of 7-19-22 |
| 44 | 7505 Adventure Avenue | Treasure Island | RS-2 | 7505 Adventure Avenue LLC | Application Pending as of 7-19-22 |
| 45 | 7513 Adventure Avenue | Treasure Island | RS-2 | WHEELER RENTALS LLC | Application Pending as of 7-19-22 |
| 46 | 7517 Hispanola Avenue | Treasure Island | RS-2 | STEPHANIE HAUGHTON | Application Pending as of 7-19-22 |
| 47 | 7525 Buccaneer Avenue | Treasure Island | RS-2 | 7525 BUCCANEER AVE NORTH BAY VILLAGE LLC | Application Pending as of 7-19-22 |
| 48 | 7537 W Treasure Drive | Treasure Island | RS-2 | Guillaume B. O. A. De Fonvielle | Application Pending as of 7-19-22 |
| 49 | 7540 W Treasure Drive | Treasure Island | RS-2 | Miguel Mendiola | Application Pending as of 7-19-22 |
| 50 | 7544 Mutiny Avenue | Treasure Island | RS-2 | DUREX LLC | Application Pending as of 7-19-22 |
| 51 | 7544 W Treasure Drive | Treasure Island | RS-2 | Dani Goldenberg ; Ceyda Kohen Goldenberg | Application Pending as of 7-19-22 |
| 52 | 7552 Cutlass Avenue | Treasure Island | RS-2 | NVN PROPERTIES LLC | Application Pending as of 7-19-22 |
| 53 | 1560 South Treasure Drive | Treasure Island | RS-2 | VILLAGES 1 LLC | Licensed |
| 54 | 1580 South Treasure Drive | Treasure Island | RS-2 | SOUTH TREASURE PROPERTY INC / C/O CHEEMA AND DEL FIERRO PA | Licensed |
| 55 | 7504 West Treasure Drive | Treasure Island | RS-2 | 7504 W TREASURE LLC | Licensed |
| 56 | 7505 Mutiny Avenue | Treasure Island | RS-2 | 11 INVEST INTERNATIONAL LLC | Licensed |
| 57 | 7521 Cutlass Avenue | Treasure Island | RS-2 | TREASURE7557 LLC | Licensed |
| 58 | 7532 Hispanola Avenue | Treasure Island | RS-2 | VILLA TESORO INC | Licensed |
| 59 | 7533 Bounty Avenue | Treasure Island | RS-2 | JESUS E SUAREZ TOSCANO | Licensed |
| 60 | 7536 Adventure Avenue | Treasure Island | RS-2 | JORDAN LEWITES | Licensed |
| 61 | 7536 Bounty Avenue | Treasure Island | RS-2 | SIBER US LLC | Licensed |
| 62 | 7536 West Treasure Drive | Treasure Island | RS-2 | 7536 W TREASURE DR LLC | Licensed |
| 63 | 7548 Adventure Avenue | Treasure Island | RS-2 | 11 INVEST PRO L L C | Licensed |
| 64 | 7548 Hispanola Avenue | Treasure Island | RS-2 | LUIS A SANCHEZ TRS ; SANCHEZ FAMILY TRUST ; MICHELLE GONZALEZ SANCHEZ TRS | Licensed |
| 65 | 7549 West Treasure Drive | Treasure Island | RS-2 | GUILLERMO MALDONADO | Licensed |
| 66 | 7552 Mutiny Avenue | Treasure Island | RS-2 | DAVID P PIEDRAHITA / SINDY Y MARIN | Licensed |
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| 66. | 7552 Muliny Avenue | Treasure Island | RS-2 | DAVID P PIEDRAHITA / SINDY Y MARIN | Licensed | Licensed |
| 67. | 7556 W Treasure Drive | Treasure Island | RS-2 | JESUS MORENO & W DASY | Licensed | Licensed |
| 68 | | | | | Total Licensed as of 7-19-22: 30 | Total Licensed as of 1-19-23: 48 |
| 69 | | | | | Total Applications Pending as of 7-19-22: 36 | Total Applications Pending as of 1-19-23: 18 |