

ORDINANCE NO. 2015-__

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN, THE FUTURE LAND USE MAP AND TEXT CHANGES TO THE FUTURE LAND USE ELEMENT; AMENDING POLICY 1.8.2 OPEN WATER AND TRANSPORTATION CORRIDORS; AMENDING THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY AND APPLY THE AMENDED OPEN WATER AND TRANSPORTATION CORRIDORS DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT “A”); PROVIDING FOR CERTIFIED COPIES OF THIS ORDINANCE AND COMPREHENSIVE PLAN TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER UNITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; SEVERABILITY; AND FOR AN EFFECTIVE DATE.

WHEREAS, it is the policy of the City to protect and maintain natural resources and environmentally sensitive lands (Future Land Use Element Objective 1.4); and

WHEREAS, there is a man-made water body within the City that has no land use designation on the adopted City of North Miami Beach Comprehensive Plan Future Land Use Map; and

WHEREAS, this area provides numerous benefits to the City of North Miami Beach and is an important component of the City’s natural environment, providing open space and urban relief; recreation, waterways, wetlands, flood control, stormwater drainage and storage, and natural resource protection and enhancement; and

WHEREAS, the adjacent water body, located in a neighboring municipality, has a “water” land use designation for the purpose of natural resource protection and enhancement and limits the uses to recreation and commercial boating facilities and uses; and

WHEREAS, this similarly situated adjacent water body shall have an appropriate land use designation for consistency with the existing and adjacent designations and uses; and

WHEREAS, The City of North Miami Beach is desirous of similarly designating those areas of the City consisting of natural and man-made water bodies within their Comprehensive Plan; and

WHEREAS, Chapter 163, Florida Statutes provides for the process by which a City's Comprehensive Plan may be amended; and

WHEREAS, the City's Planning and Zoning Board, as the Local Planning Agency, pursuant to Florida Statutes and Florida Administrative Rules, held a duly noticed public hearing on January 12, 2015, reviewed the proposed amendments to the City's Comprehensive Plan and to the Map Series of the Future Land Use Element of the City's Comprehensive Plan and determined such applications to be consistent with the Comprehensive Plan and appropriate to the future land uses within the City and recommended approval/denial to the City Council by a vote of __ to__; and

WHEREAS, City Council has received and considered the recommendation of the Local Planning Agency, and held a public hearing on _____, 2015, to consider the transmittal of the proposed amendments in accordance with the requirements of Chapter 163, Florida Statutes, Part II; and

WHEREAS, the City Council believes it is in the best interest of the public to amend the Comprehensive Plan by adopting the proposed amendments to the Future Land Use Element and to the Future Land Use Map as provided for in the attached Exhibit "A"

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of North Miami Beach

Section 1. The foregoing "Whereas" clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Pursuant to Chapter 163, Florida Statutes, the City Council of the City of North Miami Beach, Florida, hereby amends the Future Land Use Element of its current Comprehensive Plan by adopting the below text amendment and the attached Future Land Use Map Amendment, attached hereto as Exhibit "A" both of which shall be incorporated into the current Comprehensive Plan. A copy of the Comprehensive Plan, as amended, is available with the City Clerk and on the City's website at www.citynmb.com. The Future Land Use Element shall be amended as follows:

Policy 1.8.2

The following land use densities, intensities and approaches shall be incorporated in the Land Development Code. Building height is defined as the vertical distance above the centerline of the adjacent fronting road to the highest point of the building, except that in a Special Flood Hazard Area (SFHA) the building height shall be measured from the minimum finished flood elevation required in the SFHA, less those structures permitted elsewhere in these regulations to extend beyond the height of the building. Home occupation uses are conditionally allowed in all residential categories.

* * *

~~Open wWater and transportation corridors:~~ This category includes those areas consisting of open water lakes and canals ~~as well as transportation corridors which are otherwise undesignated on the future land use map.~~ The areas that are designated Water on the Future Land Use Map reflect natural and man-made bodies within the City. These areas provide numerous benefits to the City of North Miami Beach and are an important component of the City's multi-modal transportation network, stormwater drainage infrastructure, and natural and built environments. The use of these areas shall be limited to recreational and commercial boating facilities and uses (including water taxis and ferries), the provision of open space and urban relief; recreation, waterways, wetlands, flood control, stormwater drainage and storage, and natural resource protection and enhancement, and comply with the requirements of Chapter 24, "Environmental Protection..." of the Miami- Dade County Code of Ordinances. Development in or above areas designated "Water" that will diminish these functions will be prohibited, and development and redevelopment adjacent to these areas shall include provisions to enhance these functions where appropriate.

Section 3. The City Clerk is directed to transmit a copy of the amendments to the State of Florida Department of Community Affairs and other agencies as provided under Chapter 163, Part II of the Florida Statutes.

Section 4. Inclusion in the Comprehensive Plan. It is the intention of the City Council and it is hereby ordained that the amendments to the Comprehensive Plan made by this Ordinance shall become part of the Comprehensive Plan of the City of North Miami Beach.

Section 5. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. 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 7. Effective Date. This Ordinance shall be effective pursuant to Chapter 163, Part II of the Florida Statutes.

[SIGNATURE PAGE TO FOLLOW]

APPROVED BY TITLE ONLY on first reading this _____ day of _____

APPROVED AND ADOPTED on second reading this ___ day of _____

ATTEST:

ORDINANCE NO. 2015-__

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION

JOSÉ SMITH
CITY ATTORNEY

Sponsored by: Mayor and Council

Note: Proposed additions to existing City Code text are indicated by underline.