

**ORDINANCE NO. 2016-XX**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL AMENDING CHAPTER XXIV, OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY AMENDING ARTICLE V, “ZONING USE DISTRICTS” SECTIONS 24-58.1 THROUGH 24-58.7, AND AMENDING ARTICLE XV, “OTHER DEVELOPMENT REVIEW PROCEDURES”, SECTION 24-177, “SPECIAL LIMITED CONDITIONAL USES”, SPECIFYING THAT APPLICATIONS FOR SPECIAL LIMITED CONDITIONAL USES ARE PERMITTED IN THE MIXED-USE MU/TC, MU/EC, MU/NC, MU/C, MU/NWF, MU/SWF, AND MU/EWF ZONING DISTRICTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the North Miami Beach Zoning and Land Development Code (“City Code”) contains provisions for applicants to request approval for “Special Limited Conditional Use”; and

**WHEREAS**, Special Limited Conditional Use is governed by Section 24-177 of the City Code; and

**WHEREAS**, Conditional Uses are defined as a use, which when specifically listed as such within the use district regulations, may be permitted with certain stipulated conditions that will serve to insure that said use will assimilate properly into its surrounding neighborhood without deleterious effects; and

**WHEREAS**, Special Limited Conditional Uses are only permitted to be applied for and granted within the City’s B-1, B-2, B-3, B-4 and FCC Commercial Zoning Districts; and

**WHEREAS**, as part of the City’s recent Mixed-Use zoning initiative, several areas of the City were rezoned from one or more of the above referenced commercial zoning districts to new Mixed-Use Zoning Districts; and

**WHEREAS**, during the preparation, adoption and codification of the rezoning, the sections referring to Special Limited Conditional Use were not amended to include the new mixed-use districts, thereby removing a land use option from those properties previously zoned commercial and now zoned mixed-use; and

**WHEREAS**, at this time the City desires to add back in these properties to give them the ability to apply for Special Limited Conditional use when warranted; and

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**WHEREAS**, the City’s Planning and Zoning Board, as the Local Planning Agency, held a duly noticed public hearing on June 13, 2016, and reviewed the proposed amendment for consistency with the City of North Miami Beach’s Comprehensive Plan, and recommended approval by a vote of \_\_ to \_\_; and

**WHEREAS**, the City Council believes the proposed amendment is consistent with the North Miami Beach Comprehensive Plan and is in the best interests of the City.

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

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

**Section 2.** Article V of the City of North Miami Beach Zoning and Land Development Code, entitled Zoning Use Districts, is amended as follows:

**Sec. 24-58.1 - Fulford Mixed-Use Town Center District (MU/TC)**

\* \* \*

(G) *Permitted Uses.*

\* \* \*

(3) Special Limited Conditional Uses. See Section 24-177.

\* \* \*

**Sec. 24-58.2 Mixed-use Employment Center District (MU/EC)**

\* \* \*

(G) *Permitted Uses.*

\* \* \*

(3) Special Limited Conditional Uses. See Section 24-177.

\* \* \*

**Sec. 24-58.3 Mixed-use Neighborhood Center District (MU/NC)**

\* \* \*

(G) *Permitted Uses.*

\* \* \*

(3) Special Limited Conditional Uses. See Section 24-177.

\* \* \*

**Sec. 24-58.4 Arch Creek Mixed-use Corridor District (MU/C)**

\* \* \*

(G) *Permitted Uses.*

\* \* \*

(3) Special Limited Conditional Uses. See Section 24-177.

\* \* \*

**Sec. 24-58.5 Southern Mixed-use Waterfront District (MU/SWF)**

\* \* \*

(G) *Permitted Uses.*

\* \* \*

(3) Special Limited Conditional Uses. See Section 24-177.

\* \* \*

**Sec. 24-58.6 Northern Mixed-use Waterfront District (MU/NWF)**

\* \* \*

(G) *Permitted Uses.*

\* \* \*

(3) Special Limited Conditional Uses. See Section 24-177.

\* \* \*

**Sec. 24-58.7 Eastern Mixed-use Waterfront District (MU/WF)**

\* \* \*

(G) *Permitted Uses.*

\* \* \*

(3) Special Limited Conditional Uses. See Section 24-177.

\* \* \*

**Section 3.** Article XV of the City of North Miami Beach Zoning and Land Development Code, entitled “Other Development Review Procedures”, Section 24-177, entitled “Special Limited Conditional Uses” is amended as follows:

**Sec. 24-177 - Special Limited Conditional Uses.**

- (A) Due to unique or special circumstances, in addition, but not limited to the standards contained in Section 24-175(B) and 24-176(C), all of which shall also apply hereto, a Special Limited Conditional Use application may be made and considered for a land utilization not specifically enumerated for the B-1, B-2, B-3, B-4, MU/TC, MU/EC, MU/NC, MU/C, MU/NWF, MU/SWF, and MU/EWF ~~FCC~~ zoning districts.
- (B) Notice of all pending Special Limited Conditional Use Applications before the City Council shall be provided by newspaper publication and by mail to all property owners (and to residents and tenants, where possible) within five hundred (500) feet of the subject property, said notice to be at applicant's expense.
- (C) All variance application requirements and review procedures shall apply, including Planning and Zoning Board review and recommendation, except that a different application fee may be required for a Special Limited Conditional Use application.

- (D) An applicant for a Special Limited Conditional Use shall agree to all conditions, restrictions and limitations imposed by the City Council in consideration and granting of said extraordinary utilization.
- (E) All applications for a Special Limited Conditional Use shall meet all landscaping, signage, site development and other appropriate standards of the host zoning district.
- (F) The granting of a Special Limited Conditional Use shall not be considered or utilized as a re-zoning of the subject property.

**Section 4.** The Director of Community Development is hereby directed to make all necessary changes to the City of North Miami Beach Zoning and Land Development Code to implement the intent of this Ordinance.

**Section 5.** All ordinances or parts of ordinances in conflict therewith be and the same are hereby repealed.

**Section 6.** If any section, subsection, clause or provision of this Ordinance is held invalid, the reminder shall not be affected by such invalidity.

**Section 7.** It is the intention of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word Ordinance” may be changed to “Section”, “Article”, or other appropriate word as the Codifier may deem fit.

**Section 8.** This Ordinance shall become effective ten days after adoption on second reading.

**APPROVED BY TITLE ONLY** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2016.

**APPROVED AND ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2016.

**[SIGNATURE PAGE TO FOLLOW]**

ATTEST:

\_\_\_\_\_  
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.

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