

ARTICLE VII. - OLETA RIVER OVERLAY DISTRICT

Sec. 24-70 - Purpose and Location.

- (A) *Purpose.* To insure the environmental protection of the Oleta River waterfront and adjacent waters, particularly the endangered flora and fauna located therein, through an overlay district that imposes additional standards to those of the underlying districts as shown on the Zoning Map and described in Article V.
- (B) *Geographic Location.* This district shall extend one hundred (100) feet inland from the ordinary high water level of the Oleta River wherever it abuts land with the City of North Miami Beach, plus the entirety of any such tracts located south of State Road 826.

Sec. 24-71 - Site Development Regulations.

In addition to the provisions of the underlying zoning district, the following provisions shall apply, superseding the regulations of the underlying district where in conflict; and City Comprehensive Plan policies that are more restrictive shall also apply:

- (A) *Development.* No principal building shall be located within fifty (50) feet of the ordinary high water level and no parking facility shall be located within the zone.
- (B) *State Park Protection.* Any applicant for a development permit on land adjacent to the Oleta River State Park Area shall submit an environmental impact study to the City demonstrating that the development will have no negative impact upon the Park Area; the Director shall provide the criteria for such an impact study.
- (C) *Marinas and Boat Docks.*
 - (1) No marinas shall be permitted in the River.
 - (2) No new docks or other new structures shall be permitted in the River or adjacent canals.
 - (3) A no-wake zone shall apply to the River within the district.
- (D) *Waterfront Vegetation.*
 - (1) No beaches shall be permitted on the River.
 - (2) Within fifty (50) feet of the water, a regulated buffer strip shall be maintained. No mangroves or other native plant material shall be cleared therein unless permitted by Miami-Dade County under Chapter 24 of the County Code of Ordinances.
 - (3) Additional native plant material shall be used where necessary to provide the fifty (50) foot vegetative buffer. The City Department of Community Development shall maintain a list of acceptable native and xeriscape plant materials.
 - (4) No paths shall be cleared to the water unless it meets Miami-Dade County Shoreline Development Review Committee criteria.
 - (5) Any mitigation plan relative to mangroves and other protected native species shall require approval by the City Community Development Director and Florida Department of Environmental Protection (DEP).
- (E) *Detention.* Run-off from a twenty-five (25) year, twenty-four (24) hour storm shall be detained onsite.
- (F) *Pollution.*
 - (1) The use of insecticides and fertilizers shall be limited to those chemicals used by the DEP in the Oleta River State Park.
 - (2) Septic tanks are prohibited.

(G) *Bottom Vegetation*. No dredging or other action impacting bottom vegetation shall be permitted.

Sec. 24-72 - Review Procedures.

- (A) *City Review*. The applicant shall demonstrate compliance with the above standards at the time of site plan review or if this is not applicable, then building permit review.
- (B) *County Review*. All such applications shall also require approval by the County Shoreline Development Review Committee.

Secs. 24-73—24-78 - Reserved.