



City of North Miami Beach, Florida

Planning and Zoning Department

City Council Staff Report

TO: City Council

FROM: Carlos Rivero, City Planner

DATE: JULY 21, 2015

ITEM: P&Z ITEM # 15-007(B) - MAULE LAKE ZONING AMENDMENT

RE: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE ZONING AND LAND DEVELOPMENT CODE OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER XXIV “NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE” ARTICLE V “ZONING USE DISTRICTS” TO ADD SECTION 24-59 “CONSERVATION ZONING DISTRICT” CREATING A CONSERVATION ZONING DISTRICT; AMENDING THE OFFICIAL ZONING MAP, REFERENCED IN SECTION 24-31 OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, TO ZONE CERTAIN PROPERTY AND APPLY THE CONSERVATION ZONING DISTRICT DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT “A”); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

Request:

The applicant, City of North Miami Beach, proposes a text amendment to Chapter XXIV “North Miami Beach Zoning and Land Development Code” Article V “Zoning Use Districts” to add section 24-59 “Conservation Zoning District” creating a conservation zoning district, and an amendment of the Official Zoning Map, referenced in section 24-31 of the North Miami Beach Code of Ordinances, to zone certain property and apply the Conservation Zoning District designation to those properties shown in exhibit “A”. This action is at the direction of the Mayor and Council, who discussed the matter at their April 21, 2015 Council Meeting, and

directed staff to prepare amendments to rezone Maule Lake as a conservation district and amend the Zoning Map to reflect the new zoning district.

Background:

Maule Lake, although privately-owned submerged land, sits adjacent to the Biscayne Bay Aquatic Preserve, and in a direct line between the Oleta River and its outflow into Biscayne Bay. There are no upland areas associated with the property; it is completely submerged and not accessible by any roadway or land. In close proximity is the Miami-Dade County-owned Greynolds Park, and the State-owned Oleta River State Park. The vast majority of the Biscayne Bay basin is government-owned and protected for conservation; Maule Lake, however, is one of the few remaining privately-owned tracts of submerged land located in the Biscayne Bay basin. Most local residents are unaware that this water body is privately-owned and not under the same regulatory and environmental protections as the open waters of Biscayne Bay and the Biscayne Bay Aquatic Preserve. Except that it was formerly a rock quarry and not an original part of Biscayne Bay, its character, especially visually and aesthetically, is very similar to the open waters of the Bay. Nearby residents are under the impression that the open waters of the lake would always remain open and preserved like other areas throughout the basin.

However while the City's Comprehensive Plan contains goals and objectives addressing the preservation and enhancement of "significant natural features", the Code of Zoning Ordinances lacks a conservation district designation. The City seeks to designate and zone this property in such a way that clarifies its status as conservation land and leaves no ambiguity about the potential for development of the property. The City's intention is to follow-up this action with additional research and recommendations for designating and zoning any other similar open bodies of water within the City to the Water/Conservation category.

Other municipalities have similarly situated lands which are designated within their Comprehensive Plan and Zoning Code with appropriate land use designation and zoning. The adjacent portion of Maule Lake that is located within the City of Aventura was designated as Water and zoned Conservation District sixteen years ago, in 1999. The designation and zoning of the subject property as proposed will help eliminate the uncertainty and ambiguity that currently exists with respect to potential development of the site.

Planning and Zoning Department Analysis:

Maule Lake lies adjacent to the Biscayne Bay Aquatic Preserve; it is closely linked to the conservation lands in North Biscayne Bay (EXHIBIT "B") and the focal natural communities adjacent to North Biscayne Bay (EXHIBIT "C"). Additionally, Maule Lake is listed as a Critical Habitat for the endangered Florida Manatee (*Trichechus manatus*) as per CFR 17.95(a). Manatees dwell in shallow bay waters and feed on a variety of vegetation. Although privately-owned, the Lake is very similar in character to the adjacent conservation lands with respect to marine life and the environment. It is difficult to foresee how a large-scale full-service residential development within the lake would be compatible with the surrounding conservation lands and or with adjacent residential uses. Any use other than those uses

permitted in the proposed conservation district would be inconsistent with the scale and character of the adjacent districts.

From an economic standpoint, the entire subject parcel of Maule Lake is valued by the Miami-Dade Property Appraiser at \$52,847, or \$449 per acre. This nominal valuation placed on the property is in stark contrast to the existing valuations of vacant, developable land in the Northeast Miami-Dade County area, which range from several hundred thousand dollars to over one million dollars an acre. The extremely low nominal valuation of the property indicates that the property is considered by the Property Appraiser's office as undevelopable and that it contains little economic value given the existence of local, state and federal laws and policies regarding planning and development, environment considerations, and practical realities of construction on submerged lands. The Property Appraiser's Office has indicated this is especially true when there are no upland areas associated with the property. The existing property owner has been paying yearly property taxes based on these nominal valuations, which demonstrates that there is no "investment-backed expectations" for this property. It is unreasonable for any property owner (or prospective buyer of such property) to reasonably expect that this property would be the basis for a significant investment of capital seeking a return on investment of a nature similar to other property development projects on dry land.

The proposed land use designation does not eliminate all economic uses of the subject property; it permits this private open water area to be used for recreational and commercial boating facilities, passive outdoor recreational uses, fishing, boating and camping facilities, and other water-oriented uses not in conflict with water management and wildlife protection.

Planning and Zoning Department Recommendation:

Based on the Comprehensive Plan goals and objectives, the location of the site in relation to the Greater Biscayne Bay Aquatic Preserve and concerns expressed by surrounding residents, which include whether development of Maule Lake will adversely affect the public health, safety, welfare or the property of others, including adjacent property owners; whether development will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats; whether it will adversely affect navigation or the flow of water or cause harmful erosion or shoaling, or adversely affect the fishing or recreational values or marine productivity in the vicinity of the development; and the temporary lowering of water quality during construction activities; the Planning and Zoning Department recommends the approval of this amendment as proposed.

OFFICIAL ZONING MAP

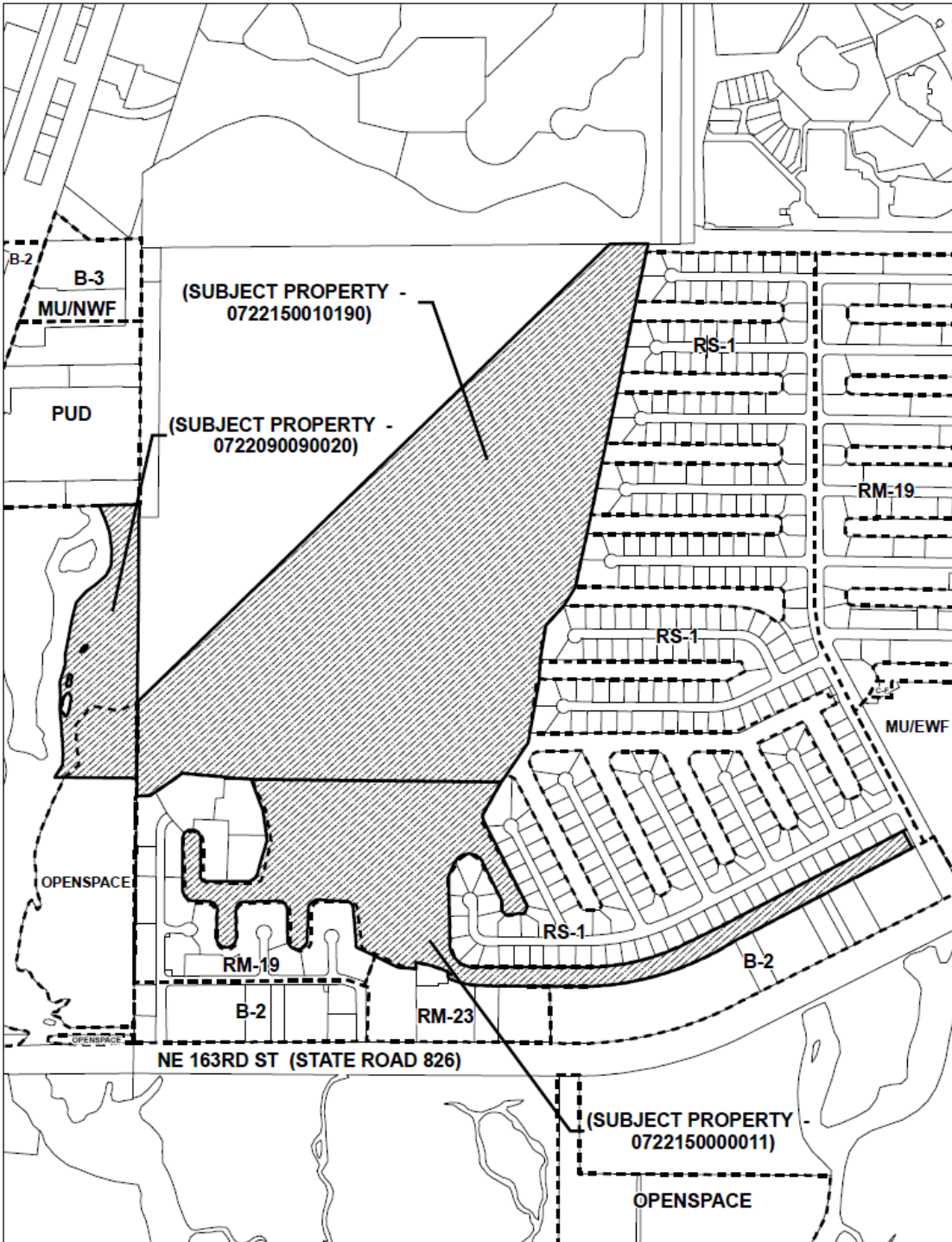


EXHIBIT "A" - SUBJECT PROPERTIES LOCATION

LEGAL DESCRIPTION OF SUBJECT PARCELS

ALL OF THE SW1/4 OF SECTION 10, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY FLORIDA, LYING SOUTH & EAST OF A DIAGONAL LINE BEGINNING 200 FEET WEST OF THE NE CORNER OF THE SW QUARTER TO A POINT ON THE WEST LINE, 400 FEET NORTH OF THE SW CORNER OF THE SW1/4, LESS ANY PORT THEREOF PLATTED AS PER PLAT BOOK 65, PAGE 28 AND PLAT BOOK 65, PAGE 39;

ALL THAT PORTION OF SECTION 15, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY FLORIDA, LYING NORTH OF SUNNY ISLES BOULEVARD, LESS ANY PORTION THEREOF PLATTED AS PER PLAT BOOK 65, PAGE 28 AND PLAT BOOK 65, PAGE 43;

TRACT B OF MAULE FEDERAL HIGHWAY INDUSTRIAL SITES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 46, PAGE 55 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SURROUNDING LAND USES:

Location	Zoning Designations	Existing Land Uses	Future Land Use Designations
North	Conservation (City of Aventura)	Open water (NE half of Lake Maule)	Recreation and Open Space
East	RS-1 (Single Family Res.)	Single Family Residential	Residential Low Density
South	RM-19, RM-23 and B-2	Residential and Commercial	Residential High Density and Business
West	Conservation (Miami-Dade County and State of Florida)	Greynolds Park East and Oleta River	Recreation and Open Space

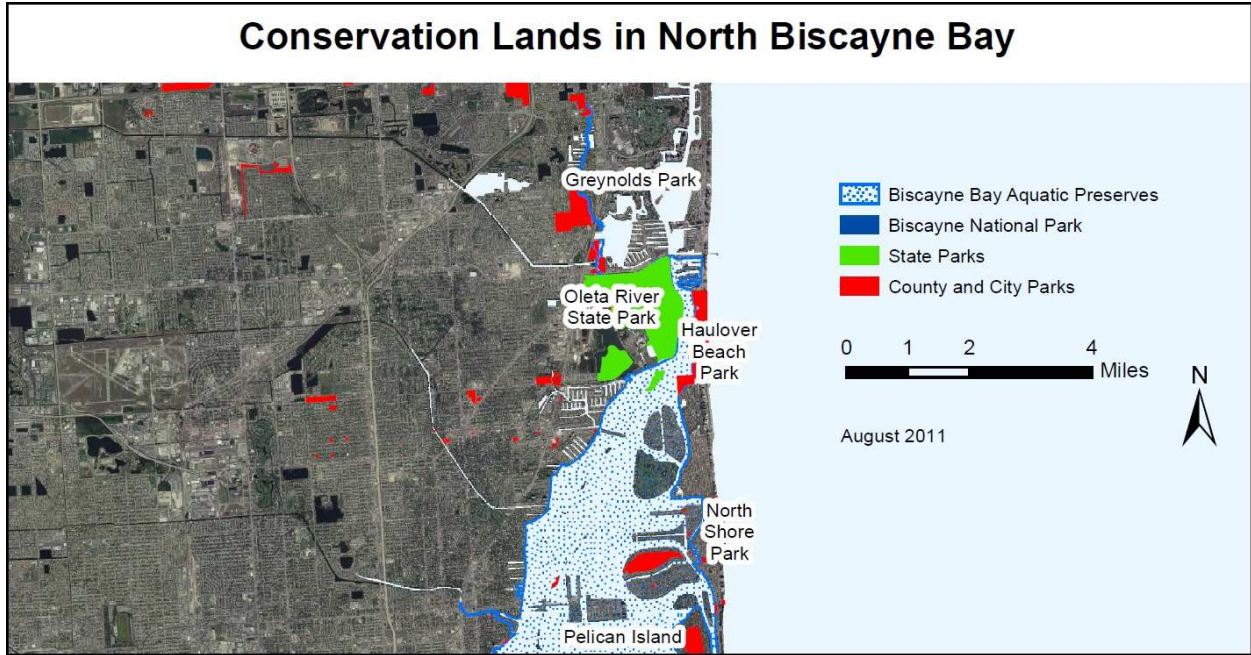


EXHIBIT “B”

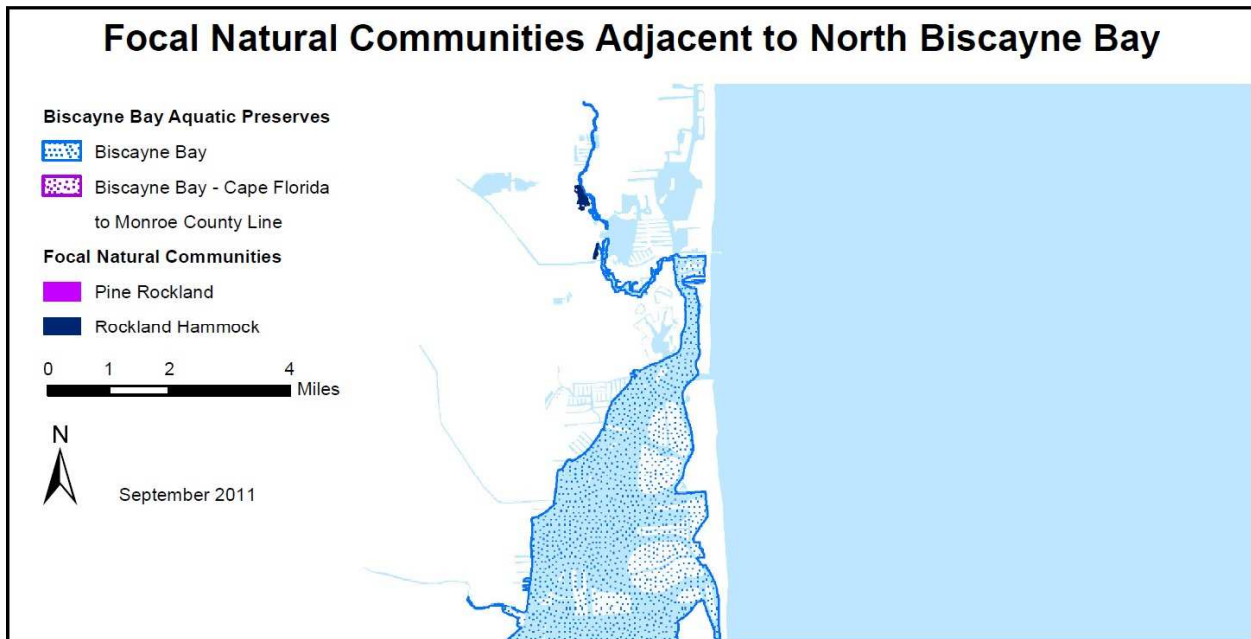



EXHIBIT “C”

Submittal History:

Planning and Zoning Board (June 8, 2015) Approved 4-1, two Board Members absent.
City Council (July 21, 2015)

Advertisement History:

MIAMI HERALD | MiamiHerald.com NE THURSDAY, MAY 28, 2015 | 21NE



CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING

DATE/TIME: Monday, June 8, 2015, 6:00 P.M.
LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers
17011 NE 19th Avenue, North Miami Beach, FL 33162

PUBLIC NOTICE is hereby given that the City of North Miami Beach Planning and Zoning Board shall consider the following public hearing item:
Zoning and Land Development Code Amendment – North Miami Beach, FL:

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE ZONING AND LAND DEVELOPMENT CODE OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER XXIV "NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE" ARTICLE V "ZONING USE DISTRICTS" TO ADD SECTION 24-59 "CONSERVATION ZONING DISTRICT" CREATING A CONSERVATION ZONING DISTRICT; AMENDING THE OFFICIAL ZONING MAP, REFERENCED IN SECTION 24-31 OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, TO ZONE CERTAIN PROPERTY AND APPLY THE CONSERVATION ZONING DISTRICT DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to nmbcomdev@citynmb.com, FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance.

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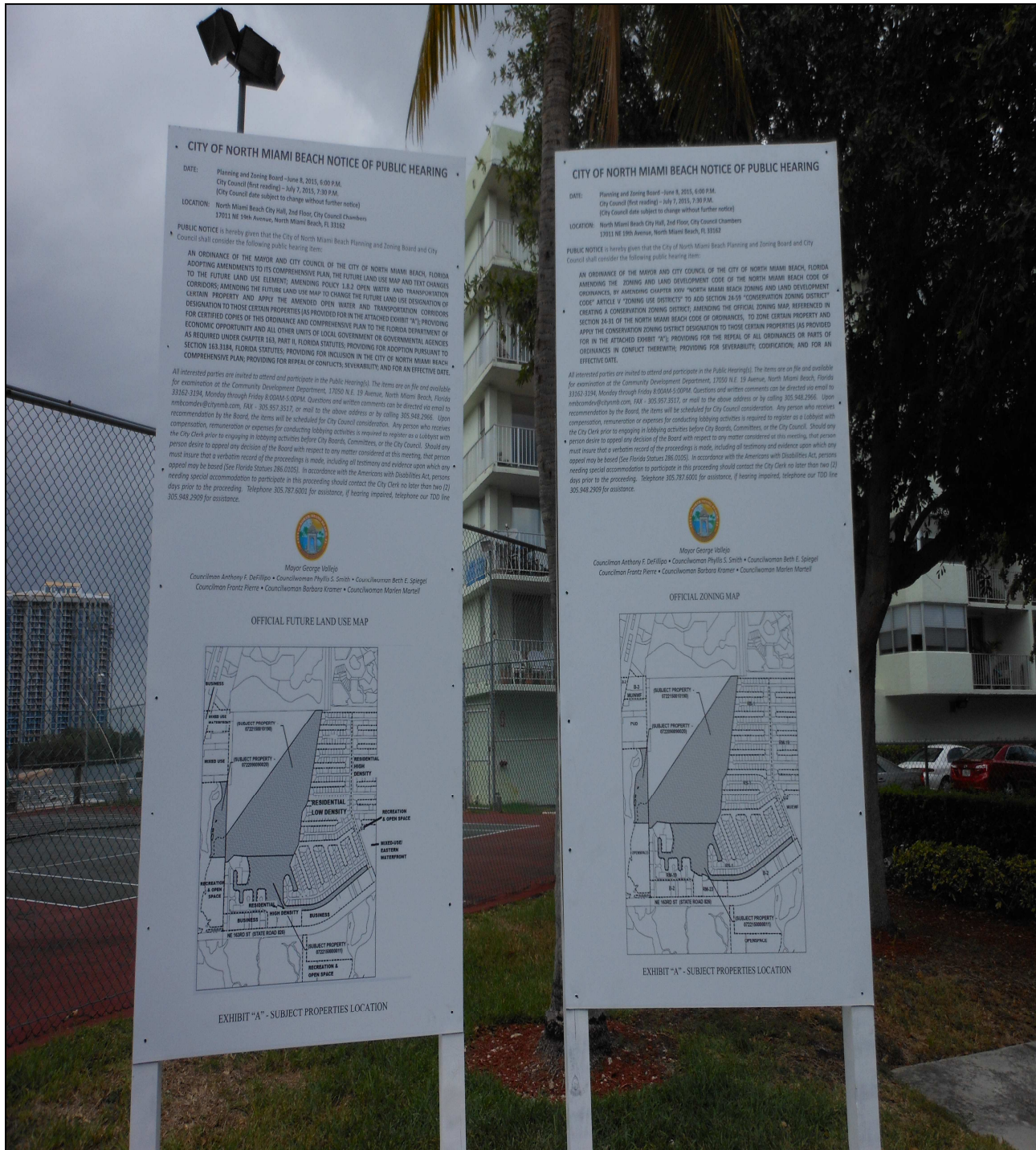
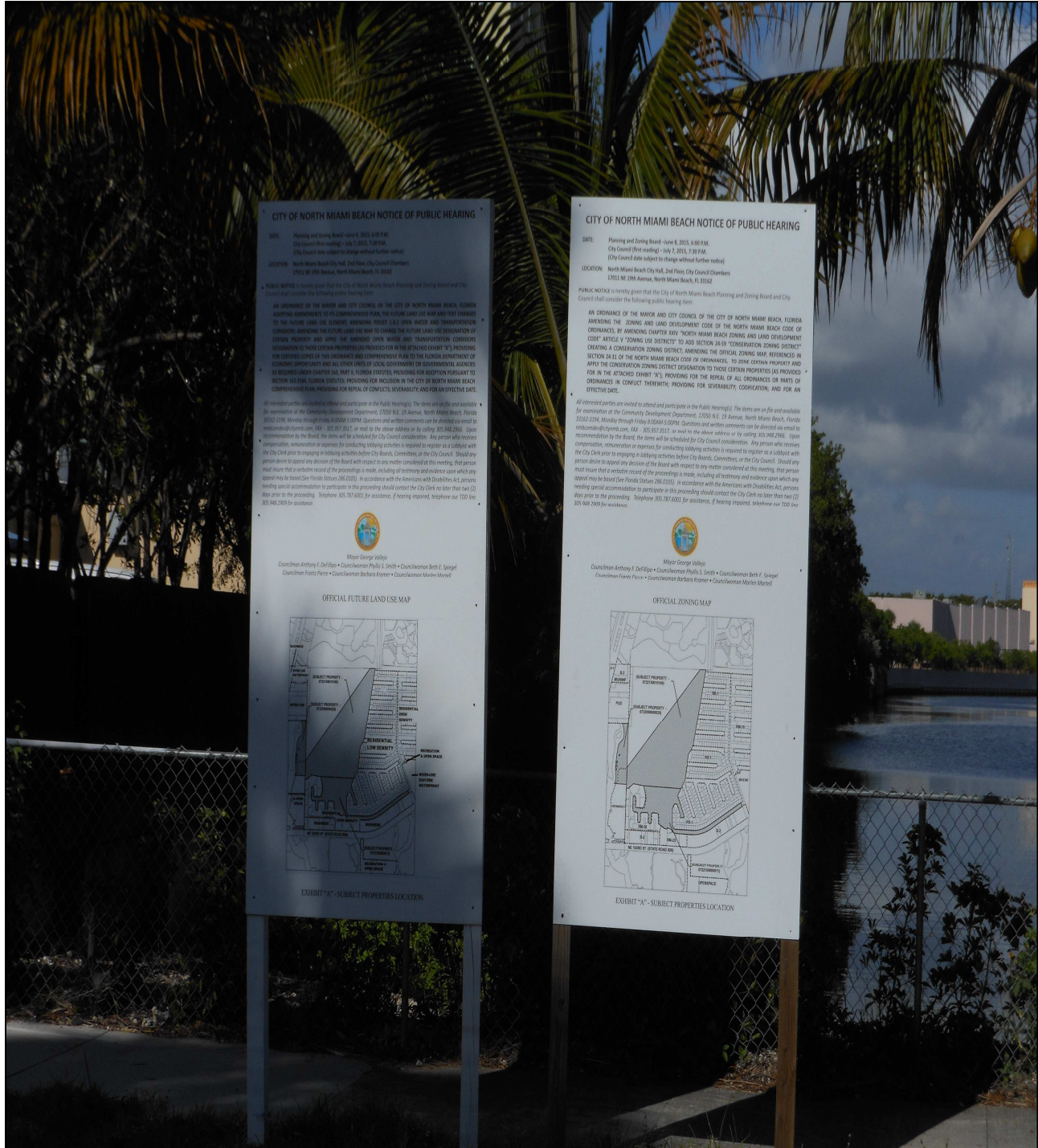


EXHIBIT "A" - SUBJECT PROPERTIES LOCATION







**CITY OF NORTH MIAMI BEACH
NOTICE OF PUBLIC HEARING**

DATE/TIME: Tuesday, July 21, 2015, 7:30 P.M. (1st Reading by Title Only)
LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers
17011 NE 19th Avenue, North Miami Beach, FL 33162

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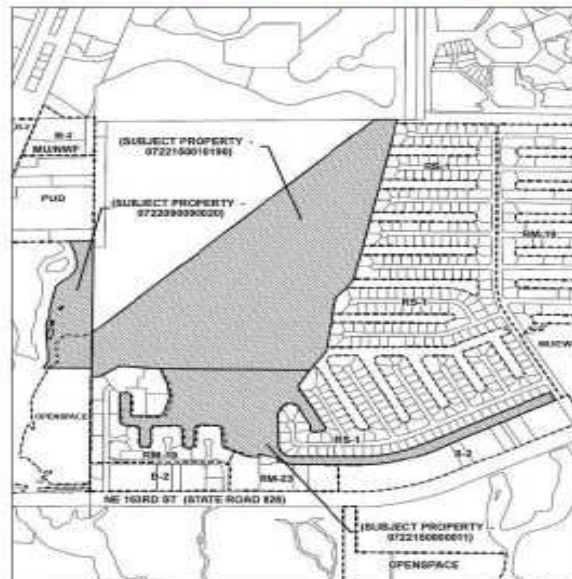


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