

**ORDINANCE NO. 2015-14**

**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.**

**WHEREAS**, the Comprehensive Plan for the City of North Miami Beach (“City”) provides that 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 zoning designation on the adopted City of North Miami Beach Zoning and Land Development Code Zoning 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 zoning designation of Conservation District which allows for uses compatible with continuing conservation of the natural resources located within the district; and

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

**WHEREAS**, the Mayor and City Council have reviewed the proposed amendments, and find the proposed Zoning and Land Development Code amendments included herein, to be consistent with the City’s Comprehensive Plan and recommend approval (and transmittal

to the required State of Florida Agencies) of the proposed changes to the City's Comprehensive Plan by a vote of \_\_\_ to \_\_\_; and

**WHEREAS**, the City's Planning and Zoning Board, as the Local Planning Agency, held a duly noticed public hearing on June 8, 2015, reviewed the proposed amendments to the Zoning and Land Development Code and determined such amendments to be consistent with the Comprehensive Plan (and proposed amendments) and compatible with the existing Zoning and Land Development Code and recommended approval to the City Council by a vote of 4 to 1; and

**WHEREAS**, the City Council has received and considered the recommendation of the Local Planning Agency, and held a public hearing on July 21, 2015, to consider adoption of the proposed amendments; and

**WHEREAS**, the City Council believes it is in the best interest of the public to amend the Zoning and Land Development Code by adopting the proposed amendments provided for below and in the attached Exhibit "A".

**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.** The City Council of the City of North Miami Beach, Florida Zoning and Land Development Code is amended as follows:

**Sec. 24-59 - Conservation Zoning District**

Conservation Zoning District

The Conservation (CNS) District is intended to provide for only those uses compatible with the continuing conservation of the natural resources located within the district. This zoning district may be applied to land designated on the City's Future Land Use Map as Water or Parks and Recreation.

Uses Permitted: No building or structure or part thereof within the district shall be erected altered or used or land used in whole or part for other than one or more of the following specific uses:

- a) Passive Outdoor recreational uses such as wildlife sanctuaries and feeding stations nature centers and trails, outdoor research stations and walkways;
- b) Fishing, boating, sailing, water sports and camping facilities;
- c) Structures used for flood control drainage and water storage;
- d) Wetlands;
- e) Uses which do not impair the natural environment or disturb the natural ecosystem of the area and which are not in conflict with applicable water management and wildlife protection policies of local state and federal agencies;
- f) Waterways.

**Section 3.** The City Council of the City of North Miami Beach, Florida Zoning and Land Development Code Zoning Map is amended as provided for in the attached Exhibit “A”.

**Section 4.** Codification. It is the intention of the City Council 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 of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and word “Ordinance” may be changed to “Section,” “Article” or other appropriate word as the codifier may deem fit.

**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 upon its adoption by the City Council.

**APPROVED BY TITLE ONLY** on first reading this 21<sup>st</sup> day of July, 2015.

**APPROVED AND ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

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.