

**ORDINANCE NO. 2015-5**

**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"; SECTION 24-58 FCC FULFORD CITY CENTER (MIXED USE) TO BE DELETED AND REPLACED WITH "MIXED USE (MU) DISTRICT"; SECTION 24-58.1 "PURPOSE AND INTENT" TO BE AMENDED AND RENAMED "FULFORD MIXED USE TOWN CENTER DISTRICT (MU/TC)"; SECTION 24-58.2 "LAND USES" TO BE DELETED AND REPLACED WITH "MIXED USE EMPLOYMENT CENTER DISTRICT (MU/EC)"; SECTION 24-58.3 "SITE DESIGN" TO BE DELETED AND REPLACED WITH "MIXED USE NEIGHBORHOOD CENTER DISTRICT (MU/NC)"; SECTION 24-58.4 "BUILDING DESIGN" TO BE DELETED AND REPLACED WITH "ARCH CREEK MIXED USE CORRIDOR (MU/C)"; SECTION 24-58.5 "SUPPLEMENTAL REGULATIONS" TO BE DELETED AND REPLACED WITH "SOUTHERN MIXED USE WATERFRONT DISTRICT (SOUTHERN MU/WF)"; SECTION 24-58.6 "NORTHERN MIXED USE WATERFRONT DISTRICT (NORTHERN MU/WF)" TO BE ADDED, AND; SECTION 24-58.7 "EASTERN MIXED USE WATERFRONT DISTRICT (EASTERN MU/WF)" TO BE ADDED; CREATING CERTAIN MIXED USE ZONING DISTRICTS AND; PROVIDING FOR DISTRICT REGULATIONS AND SUB AREA REGULATING PLANS, STREET NETWORK CONNECTIVITY REGULATING PLANS, DESIGNATED PUBLIC OPEN SPACES AND GREENWAY SYSTEMS REGULATING PLANS, AND BUILDING HEIGHT REGULATING PLANS FOR EACH MIXED USE DISTRICT; AMENDING THE OFFICIAL ZONING MAP, REFERENCED IN SECTION 24-31 OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, TO RE-ZONE CERTAIN PROPERTY AND APPLY THE MIXED USE ZONING DESIGNATIONS 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 City of North Miami Beach ("City") seeks to encourage and incentivize mixed-use and planned unit development projects that are the appropriate intensity, density, land-use mix, and urban design for the City; and

**WHEREAS**, the City, in an effort to facilitate the development of designated mixed-use zoning districts in the City, undertook a nine month long process to allow the stakeholders and neighboring property owners to participate in the process of developing the zoning districts and the proposed amendments to the Comprehensive Plan and the Zoning and Land Development Code; and

**WHEREAS**, establishing the 163<sup>rd</sup> Street South MU/EC, Mixed Use Employment Center, 159<sup>th</sup> Street MU/EC, Mixed-Use Employment Center, West Dixie Highway MU/NC, Mixed-Use Neighborhood Center, Arch Creek MU/C, Mixed-Use Corridor, Northern MU/WF, Mixed Use Waterfront, Eastern MU/WF, Mixed-Use Waterfront, And Southern MU/WF, Mixed Use Waterfront and amending the Fulford MU/TC Mixed-Use Town Center Zoning Districts (hereinafter “Districts”) allows the City to ensure the development of those articulated areas will be compatible with and in scale with the built environment of the adjacent areas and in the best interest of the City; and

**WHEREAS**, the Mayor and City Council reviewed proposed amendments, consistent with the proposed Zoning and Land Development Code amendments included herein, to the City’s Comprehensive Plan and to the Map Series of the Future Land Use Element and recommended approval (and transmittal to the required State of Florida Agencies) of the proposed changes to the City’s Comprehensive Plan by a vote of 6 to 0; and

**WHEREAS**, the City’s Planning and Zoning Board, as the Local Planning Agency, held a duly noticed public hearing on February 9, 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 6 to 0; and

**WHEREAS**, the City Council has received and considered the recommendation of the Local Planning Agency, and held a public hearing on March 3, 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 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.** The City Council of the City of North Miami Beach, Florida, hereby adopts amendments to its Zoning and Land Development Code consisting of the pages identified in Exhibit "A" Zoning and Land Development Code Amendments and which are incorporated into the current Code. A copy of the Zoning and Land Development Code, as amended, is available with the City Clerk and on the City's website at [www.citynmb.com](http://www.citynmb.com).

**Section 3.** 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 4.** 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 5.** 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 6.** Effective Date. This Ordinance shall be effective upon its adoption by the City Council.

**APPROVED BY TITLE ONLY** on first reading this **3rd** day of **March, 2015**.

**APPROVED AND ADOPTED** on second reading this 17<sup>th</sup> day of March 2015.

ATTEST:

  
PAMELA L. LATIMORE  
CITY CLERK

  
GEORGE VALLEJO  
MAYOR

(CITY SEAL)

APPROVED AS TO FORM, LANGUAGE  
AND FOR EXECUTION

  
JOSE SMITH  
CITY ATTORNEY 

Sponsored by: Mayor and Council

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

## EXHIBIT "A"

DUE TO THE LARGE SIZE OF THIS ITEM THE FULL TEXT OF THE AMENDMENT CAN BE FOUND:

- ON THE CITY'S WEBSITE [WWW.CITYNMB.COM](http://WWW.CITYNMB.COM);
- BY CLICKING HERE, [MIXED USE ZONING INITIATIVE TEXT AMENDMENTS](#); OR
- ON FILE WITH THE CITY CLERK.