

Date: September 27th, 2016

To: The Honorable Mayor and City Council of the City of North Miami

From: Tanya Wilson-Séjour, AICP, Community Planning & Development Director

Re: Text Amendment to Article 5, Division 6, Section 5-601 (“Boats”) & Section 5-602 (“Docks”)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS”, AT ARTICLE 5, DIVISION 6, ENTITLED “BOATS, DOCKS, SEAWALLS, ETC.”, SPECIFICALLY AT SECTION 5-601 ENTITLED “BOATS” AND SECTION 5-602 ENTITLED “DOCKS”, TO ALLOW THE PLACEMENT OF BOATS ON LIFTS THROUGHOUT THE CITY WITH CONDITIONS; REQUIRING EXPRESS WRITTEN PERMISSION OF ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION OF A BOAT LIFT; AND LIMITING THE EXTENSION INTO WATERWAYS OR CANALS FROM TWENTY (20) PERCENT TO A MAXIMUM OF TWENTY-FIVE (25) PERCENT; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

RECOMMENDATION

That the Mayor and City Council pass and adopt the attached proposed ordinance, amending Section 5-601 entitled “Boats” and Section 5-602 entitled “Docks” of the City’s Land Development Regulations to address concerns regarding the mooring of boats in the City’s waterways.

BACKGROUND

Article 5, Division 16, Section 5-601(E)(1) of the Land Development Regulations (LDRs), which regulates the use and anchoring of boats within the City’s waterways, currently requires that, **in all residential districts, all boats be moored parallel to the property line abutting the canal or waterway.** The only exception to this provision is found in Subsection 5-601(E)(6) and involves boats that were properly permitted and allowed to be moored to mooring piles perpendicular to the property line abutting the canal or waterway prior to the adoption of the LDRs, inasmuch as said boats do not exceed the maximum waterway encroachment for that

specific canal. Furthermore, Article 5, Division 6, Section 5-602(B)(1), which provides for the regulation of boat docks, piers, wharves, floating vessel platforms, hydro-hoists, boatlifts, dolphins and mooring piles or piers of any nature within the City, limits **the maximum preemption or encroachment of said marine structures into the navigable portion of any City waterway or canal (not including Biscayne Bay) to twenty-five (25) feet or twenty (20) percent of the width of any said canal, whichever is less, as measured from the recorded property line.**

In March 2016, joint Applicants, Messrs. Bryan Zappulla, Angel Martinez and Joel Behar, who own townhouses in Section 3 of Areta Estates Subdivision, with respective property addresses: 2141 NE 123rd Street, 2145 NE 123rd Street and 2171 NE 123rd Street filed a private application to amend Section 5-601 & 5-602 of the City's LDRs. As per the letter of intent (attached), they have purchased their properties with the express purpose of enjoying the access to the Biscayne Bay and the Atlantic Ocean from the canal/waterway, which abuts the rear of their properties. The Areta Estates townhomes were developed between 1966 and 1968, with lot widths averaging approximately nineteen (19) feet. Many of these townhomes already have some form of docks, boatlifts and/or appurtenances for securing vessels to a dock, which are deemed legally non-conforming and are therefore allowed to remain pursuant to Section 5-601(E)(6), since they were properly permitted and approved prior to the adoption of the LDRs.

Given the standards of Article 5, Division 6, Sections 5-601 & 5-602 of the LDRs, and more particularly the minimum setback requirements listed in Section 5-601(D), the average lot width of these townhome lots physically precludes a property owner in the Areta Estates townhome subdivision, whose property does not already have a dock, from building a bona fide dock, and even less mooring a reasonably sized boat parallel to the property line. In fact, between 2012 and 2014, all three (3) Applicants have applied and secured building permits to construct mooring structures at their respective units. However, due to the narrowness of the lots, they were not able to moor their vessels parallel to the shoreline and instead were forced to moor their boats perpendicularly to their property lines, in violation of the applicable standards of the LDRs. This prompted the Code Compliance Division to initiate actions against said parties and eventually the Building Official to revoke the previously issued permits. These affected property owners contend that the provisions of Article 5, Division 6, Sections 5-601 & 5-602 of the LDRs as applied to their units and the other ninety-seven (97) units of the subdivision are overly restrictive and creates an undue hardship.

The Applicants argue that the ability to use the waterway behind their properties for boating was the primary purpose that they had in mind when they purchased their properties. They therefore believe that the text amendments they are proposing to the relevant sections of the LDRs are reasonable and will guarantee against the deprivation of these riparian rights and ward against any interference with their reasonable investment-backed expectations. These Applicants

retained the legal services of Mr. Frank Wolland, Esq. and filed an application to amend the texts of the aforementioned sections of the LDRs to include specific minimum requirements for the permitting of docking and mooring facilities in connection with the Areta Estates townhomes subdivision.

PLANNING COMMISSION RECOMMENDATION

The proposed ordinance to amend the aforementioned sections of the City's Land Development Regulations (LDRs) was heard and reviewed by Commissioners Kevin Seifried (Chair), Charles Ernst (Vice-Chair), Peggy Boule, Michael McDermid, Bob Pechon, and Emmanuel Jeanty at the regularly scheduled Planning Commission on March 1st, 2016 meeting. Following staff's presentation, the Planning Commission engaged in a very spirited discussion on the item, recalling the very reason why the City had, in the first place, adopted the regulations in question. The Commissioners also discussed and weighed the peculiar sizes of the townhouse lots of the Areta Subdivision against the strict application of these provisions, with some even expressing some concerns relating to navigational safety along the canal. Upon allowing to speak on the item, the Applicant's attorney gave a very thorough presentation, which not only highlighted the merit of the application and the necessity for the proposed text amendment, but also addressed in detail the very concerns raised by the Commissioners. After Chair Seifried opened the public hearing to give the numerous attendees an opportunity to speak on the item, scores of residents, mainly from the Areta Estates subdivision, stepped forward and spoke passionately in favor of the text amendment. Only two (2) residents spoke against the item.

Upon hearing the testimony of the attendees, the Commissioners engaged in further discussion on the item and agreed to the first portion of the text amendment, which provides that, for the townhomes of that subdivision, boats are allowed to be moored either parallel or perpendicular to the property line abutting the canal. Commissioners Ernst and Pechon objected, to the second part of the request, which sought to increase the projection of mooring piles, watercrafts and other similar mooring appurtenances from the current 25 feet or 20 percent of the width of the canal, whichever is less, to 30 feet or 30 percent of the width of said canal, or whichever is less. They asserted that, as proposed, this amendment was too wide in its scope as it would apply to all the canals in the City, not just the one abutting the townhome properties involved. Upon further deliberation, the Planning Commission agreed to a maximum projection of 25 feet for mooring piles and other marine structures into the canal, which would only be applicable for the Areta Estates townhomes. Commissioner Ernst then directed staff to come up with some standardized set of guidelines for the construction and encroachment of docks in the City, which take into account all environmental concerns, if any. Commissioner McDermid made a motion to recommend adoption of the ordinance, as amended by the Planning Commission, and forward it to the Mayor and City Council for final consideration. Seconded by Commissioner Boule, the motion passed 6-0 by roll call vote.

PREVIOUS CITY COUNCIL ACTION

The Applicants' requests, as revised to incorporate the Planning Commission's recommendation, were subsequently reviewed on first reading by the Mayor and City Council at their regularly scheduled meeting held on March 22nd, 2016. After a hotly debated hearing, some Councilmembers expressed concerns about the ramifications of the proposed text amendments. Residents also came and spoke passionately both in favor of and against the application. A motion was made by Councilman Scott Galvin to continue the item at the May 24th, 2016 meeting. Chief among the reasons for that motion was the necessity to allow staff to explore and exhaust every single option in order to not only cure the Applicants' violations, but also to take the necessary proactive steps in order to address boat docking issues citywide. Councilman Galvin's original motion was later amended to include Mayor Smith Joseph's recommendation that City Manager hold two (2) town hall meetings to garner further community input. Seconded by Councilwoman Carol Keys, the amended motion passed 4-1 by roll call vote, the dissenting vote coming from Vice-Mayor Alix Désulmé.

WORKSHOPS

The two town hall meetings were hosted by the City Manager at the Gwen Margolis Community Center on April 11, 2016 and June 7, 2016, respectively. These workshops were attended by many residents from the Areta Estates Subdivision, as well as from the nearby neighborhoods of Keystone Point and Sans Souci, who passionately aired their concerns regarding both the issues facing the Areta Estates Subdivision waterfront townhomes, as well as the need to be more comprehensive in the approach and revisit the entire texts of the "Boats" and "Docks" sections of the LDRs. Residents indicated that the issue of mooring water crafts were not germane to just the town homes but to all other waterfront properties in the City. As a result of the community input gleaned at these workshops, the original requests have been substantially changed and expanded to allow both parallel and perpendicular mooring citywide, subject to certain conditions, and to uniformly limit the extension into waterways or canals from twenty (20) percent to a maximum of twenty-five (25) percent citywide.

ANALYSIS

Article 3, Division 10, Section 3-1004 of the City's LDR requires that all text amendments adhere to the following minimum standards:

1. Promotes the public health, safety and welfare;

The proposed text amendments only seek to establish appropriate regulations for the use and anchoring of boats along the waterfront properties within the City and for the

projection of marine structures into the City's waterways. The standards included in the amended texts will neither adversely impact access or safety, nor create any navigational hazard. In fact, amending the LDRs to establish these uniform minimum requirements for the permitting of docking and mooring facilities in the City is an appropriate action, one that will provide meaningful and predictable standards in the permitting of docks for both staff and the public. The amendments do not conflict with and do not otherwise supersede the requirements of the Florida Building Code and of all applicable County and State regulatory authorities. As such, these text amendments are consistent with the purpose and intent of the LDRs, and will safeguard the public health, safety and welfare of the residents.

- 2. Does not permit uses the Comprehensive Land Use Plan prohibits in the area affected by the zoning map change or text amendment;**

The proposed text amendments do not affect land use. They only deal with regulations pertaining to the use and anchoring of boats, as well as the preemption of mooring piles into the navigable portion of the abutting canal. They do not allow land uses, which are otherwise prohibited in the Comprehensive Land Use Plan.

- 3. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property;**

The proposed text amendments neither changes the residential land use map designations of the effected properties nor modifies the uses or intensities of the developments authorized in the affected FLUE designations, as it pertains to regulations for the permitting of docking and mooring facilities.

- 4. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less than the minimum requirements of the Comprehensive Land Use Plan;**

As stated previously, the proposed text amendments do not allow densities in excess of those permitted in the affected districts. As such, they will neither cause a decline in the level of service for public services, nor negatively impact the response time for emergency service in said districts.

- 5. Does not directly conflict with any goal, objective or policy of the Comprehensive Land Use Plan; and**

The proposed text amendments provide for appropriate regulations for the mooring of boats and the projection of mooring piles into the City's canals, in order to afford greater opportunities and enhance the quality of life for all homeowners, subject to the review of all applicable City, County and State regulatory authorities. Given their scope and purpose, the amendments will not conflict with any of the goals, policies and objectives of the City's Comprehensive Plan.

6. The proposed amendment furthers the orderly development of the City of North Miami.

The proposed text amendment does not weaken the original intent of the relevant sections of the LDRs. It will not adversely affect property values in the adjacent area, nor will it impede navigation on the canal. It shall be noted that, in order to properly evaluate the request at hand, staff has reviewed the dock-related Code requirements of some other coastal communities and finds the suggested revisions to be generally consistent with most of the provisions therein. Additionally, the proposed amendment provides greater predictability and reduces ambiguity in the regulations governing the mooring of boats in residential districts.

CONCLUSION

In view of the foregoing analysis, City Administration believes that the proposed text amendment conforms to the goals, objectives and policies of the Future Land Use Element of the City's Comprehensive Plan and is also in keeping with the intent and purpose of the City's LDRs. **Staff is therefore requesting that the Mayor and City Council pass and adopt the attached ordinance, as revised by the Planning Commission, to amend Chapter 29 of the North Miami Code of Ordinances entitled "Land Development Regulations by amending the texts of Article 5, Division 6 ("Boats, Docks, Seawalls, Etc."), specifically at Section 5-601 ("Boats") and Section 5-602 ("Docks") to allow the placement of boats on lifts throughout the City with conditions, subject to securing an express written permission from adjacent property owners prior to construction of a boat lift, and to uniformly limit the extension of mooring piles into the City's waterways or canals from twenty (20) percent to a maximum of twenty-five (25) percent.**

TWS/nl

- Attachments:
1. Proposed Ordinance
 2. Applicants' Original Letter of Intent
 3. Townhall Meeting Flyers
 4. Newspaper Advertisement

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES, ENTITLED “LAND DEVELOPMENT REGULATIONS”, AT ARTICLE 5, DIVISION 6, ENTITLED “BOATS, DOCKS, SEAWALLS, ETC.”, SPECIFICALLY AT SECTION 5-601, ENTITLED “BOATS” AND SECTION 5-602, ENTITLED “DOCKS”, TO ALLOW THE PLACEMENT OF BOATS ON LIFTS THROUGHOUT THE CITY WITH CONDITIONS; REQUIRING EXPRESS WRITTEN PERMISSION OF ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION OF A BOAT LIFT; AND LIMITING THE EXTENSION INTO WATERWAYS OR CANALS FROM TWENTY (20) PERCENT TO A MAXIMUM OF TWENTY-FIVE (25) PERCENT; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, on April 28, 2009, the Mayor and City Council adopted the City of North Miami (“City”) Land Development Regulations under Chapter 29, City Code of Ordinances (“LDRs”); and

WHEREAS, applicable provisions of the LDRs are designed to protect and regulate residential and commercial uses, as reflected in the various residential and commercial zoning districts within the City, and are consistently used to implement the intent of the City Comprehensive Plan; and

WHEREAS, members of the public have increasingly raised several issues concerning the use of properties adjacent to waterways, and the use and maintenance of boats, slips, docks, seawalls and other marine structures; and

WHEREAS, public workshops were held by City administration, i.e., April 11, 2016, and June 7, 2016 (“Workshops”) in which members of the public aired their issues and concerns, addressing the need to modify certain sections of the LDRs; and

WHEREAS, as a result of the Workshops and essential public input, the City administration respectfully recommends the approval of the proposed amendments to the current LDRs.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Amendments to Chapter 29, North Miami Code of Ordinances. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the North Miami Code of Ordinances entitled “Land Development Regulations”, at Article 5, Division 6, entitled “Boats, Docks, Seawalls, etc.”, specifically at Section 5-601, entitled “Boats” and Section 5-602, entitled “Docks”, to allow the placement of boats on lifts throughout the City with conditions; requiring express written permission of adjacent property owners prior to construction of a boat lift; and limiting the extension into waterways or canals from twenty (20) percent to a maximum of twenty-five (25) percent, as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES
CHAPTER 29. LAND DEVELOPMENT REGULATIONS

* * * * *

ARTICLE 5. DEVELOPMENT STANDARDS

* * * * *

DIVISION 6. BOATS, DOCKS, SEAWALLS, ETC.

* * * * *

Sec. 5-601. Boats.

- E. Mooring of boats. The following regulations shall apply to the mooring of boats within the city:
- ~~1. In all residential districts, where boats are permitted to be moored in canals or inland waterways, all boats shall be moored parallel to the property line abutting the canal or waterway.~~
 - 2.1. In all residential districts, where boats are permitted to be moored in canals or waterways, all boats shall be moored to mooring piles, docks, boatlifts, boat davits, hoists or similar mooring structures, and at no time shall boats or vessels be moored to another boat or vessel. No boats shall be moored to floating vessel platforms, hydro-hoists or similar structures. All boats (excluding personal watercraft) on perpendicularly situated lifts shall be positioned sternway, such that the stern is closest to the property line.
 - ~~3.2.~~ No boat shall be docked or anchored adjacent to residential property in such a position that causes it to extend beyond the lot line of any adjacent property, unless there is a written agreement from the adjacent property owner(s) to allow such an extension.

- 4.3. No boat slips, docks, boat davits, hoists, mooring pilings and similar mooring structures may be constructed by any owner of any single family lot unless a principal residence exists on such lot.
4. No boat lift may be constructed by any owner of any townhouse without the express written permission of adjacent property owner(s).
5. The renting of docks, dock space, or moorings, and the rental of boats or any portion thereof, for any purpose whatsoever shall be specifically prohibited in residential districts.
6. In all residential districts, where boats, which were permitted prior to the adoption of these LDRs are properly permitted and allowed to be moored to mooring piles perpendicular to the property line abutting the canal or waterway, said mooring shall be considered non-conforming uses and can continue to be moored in such manner as long as the boat does not exceed the maximum waterway encroachment for that specific canal.
7. Nothing in this division shall relieve any property owner from complying with any applicable federal, state or county regulations or requirements.
8. A property owner may request a variance from the provisions of this section upon a showing that any required approval from any federal, state or county agency requires that the provisions of this section be varied.

Sec. 5-602. Docks.

- A. {Regulation.} The regulation of boat docks, piers, wharves, floating vessel platforms, hydro-hoists, boatlifts, dolphins and mooring piles or piers of any nature shall be in accordance with any applicable Florida State, City, or Miami-Dade County laws.
- B. Projection into waterways.
1. No dock, wharf or similar structure shall be constructed over or in any navigable canal or waterway, or on abutting land which extends more than six (6) feet outward from either the property line or the bank of such navigable canal or waterway, or the face of the seawall cap whichever is closest to the edge of water, or greater than fifteen (15) feet into Biscayne Bay from either the property line or the established bulkhead line, or the face of the seawall cap, whichever is closest to the edge of water.
 2. The extension of mooring piles (dolphins), floating vessel platforms, hydro-hoists, boatlifts and watercraft shall be limited as follows:
 - a. Waterways or canals: No more than ~~twenty (20)~~ twenty five (25) percent of the width of the waterway or canal, or a maximum of twenty-five (25) feet, whichever is less, as measured from the property line.
 - b. Biscayne Bay: no more than thirty-five (35) feet from the property line.
 - c. Nighttime reflectors shall be affixed to all docks and mooring piles that extend more than five (5) feet into any waterway.

* * * * *

Section 2. **Repeal.** All ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. **Conflicts.** In the event that the provisions of this Ordinance are in conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail.

Section 4. **Severability.** 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 by a court of competent jurisdiction, 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 5. **Codification.** It is the intention of the City Council of the City of North Miami 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, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “section,” “article” or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of _____, 2016.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2016.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Sponsored by: _____

Vote:

Mayor Dr. Smith Joseph, D.O., Pharm. D.	_____ (Yes)	_____ (No)
Vice Mayor Alix Desulme	_____ (Yes)	_____ (No)
Councilman Scott Galvin	_____ (Yes)	_____ (No)
Councilman Carol Keys, Esq.	_____ (Yes)	_____ (No)
Councilman Philippe Bien-Aime	_____ (Yes)	_____ (No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.

**LAW OFFICE OF FRANK WOLLAND
ATTORNEY AT LAW
12865 West Dixie Highway
North Miami, FL 33161**

FRANK WOLLAND, ESQ.
Email: fwolland@wolland.com

TEL: 305-899-8588
FAX: 305-892-8434

January 29, 2016

VIA HAND DELIVERY

Mr. Nixon Lebrun
City of North Miami Zoning Administrator
City of North Miami Community Planning and Development Department
12400 NE 8 Avenue
North Miami, FL 33161
nlebrun@northmiamifl.gov

RECEIVED
JAN 29 2016
COMMUNITY PLANNING
& DEVELOPMENT

**Re: Letter of Intent for Proposed Modifications to North Miami City Code
Sec. 29-5-602**

Dear Mr. Lebrun:

Kindly be advised that our office represents Mr. Angel Martinez, who owns the property at 2145 NE 123rd Street in North Miami, and Mr. Bryan Zappulla, who owns the property at 2141 NE 123rd Street in North Miami, and Mr. Joel Behar, who is the principal of JSB Properties, LLC, which owns the property at 2171 NE 123rd Street in North Miami. My clients are all owners of townhomes in the Areta Estates, section 3 subdivision. They are all similarly situated and have common interests, together with the other 94 property owners of Areta Estates who own and occupy the townhouses on the North side of 123rd Street, east of Biscayne Boulevard.

Our clients, in each case, purchased their property with the express purpose of using and enjoying the property's access to Biscayne Bay and the Atlantic Ocean. All of the townhouse properties in Areta Estates are 19 feet wide and almost all of them have some form of dock, boat lift, or mooring pilings in order to accommodate their use and enjoyment of their riparian rights, i.e. their right to use and enjoy the water which abuts the rear of their properties.

All of my clients have boat lifts which were constructed at the rear of their properties. The boat lifts were secured with permits issued and approved by the City of North Miami as well as all other applicable government agencies, and have been used and enjoyed by my clients for years.

Several years ago, one unhappy North Miami resident, Annie Montgomery, began making complaints to the City with regard to my client's properties. Several code enforcement matters followed.

Careful review of the City of North Miami Code, and the manner of its application to the property owners who live in the Areta townhomes subdivision indicates that the public interest and the homeowner's interest would best be served by a number of modifications to the existing City Code. These modifications would be accomplished by the attached proposed text amendment. This letter of intent is written in support of the proposed text amendment.

The first portion of the text amendment concerns section 5-602 of the City of North Miami Code of Ordinances which provides that the extension of mooring piles (Dolphins), floating vessel platforms, hydro-hoists, boat lifts and water craft shall be limited... in waterways and canals to no more than twenty (20) percent of the width of the waterway or canal, or a maximum of twenty-five (25) feet, whichever is less, as measured from the property line...

We believe that that Code section is overly restrictive as applied to the Areta Estates Townhouses. The Townhouse properties are each 19 feet wide, if boats were to be moored parallel to the sea wall, it would, as a practical matter, be impossible for owners to have a reasonably sized boat or to use and enjoy their waterfront property in a reasonable fashion.

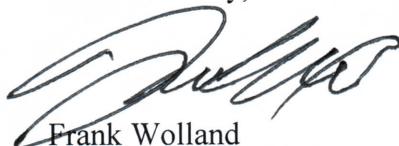
We propose that City Code be modified to provide that for the Areta Estates Townhomes properties, boats may be moored perpendicular or parallel to the sea wall and may extend to not more than 30% of the width of the water, or a maximum of 30 feet.

We believe that such a text amendment is reasonable and will assist our clients and the other property owners of Areta Estates Townhomes in realizing a reasonable investment backed expectation that they will have and be able to use the waterway behind their home for boating, as indeed that is the primary purpose that most of the Townhouse homeowners had in mind when they purchased their properties. We believe that the waterway is more than wide enough to accomplish this modification, and to permit the safe storage and use of boats.

We feel that the modification is in the best interest of the City, as it will improve property values and permit the residents of the City who are effected to live happier and more fulfilling and enjoyable lives.

We trust and hope that City Staff, City Council, and the other informed and effected parties will agree with our request and look forward to staff's recommendation as well as the deliberations of the planning commission and city council

Most Cordially,



Frank Wolland

Enclosure: Ordinance Modification Proposal

INPUT BRAINSTORM COMMUNITY LISTEN NEIGHBORS
IDEAS SOLUTIONS RESIDENTS DISCUSS FEEDBACK



Boats, Docks & Seawalls Town Hall Meeting

Monday, April 11, 2016 | 6:00 p.m.



Residents are encouraged to attend the meeting, share their ideas, ask questions, and express their concerns about establishing appropriate regulations for the mooring of boats within the city of North Miami.

**GWEN MARGOLIS
COMMUNITY CENTER**
1590 NE 123 Street
North Miami, FL 33161

The following City Departments will be represented:
City Manager's Office
Building Department
Community Planning and Development
Code Compliance

For more information, please contact the City Manager's Office at 305-895-9888



NorthMiamiFL.gov

INPUT BRAINSTORM COMMUNITY LISTEN NEIGHBORS
IDEAS SOLUTIONS RESIDENTS DISCUSS FEEDBACK



Boats, Docks & Seawalls Town Hall Meeting

Tuesday, June 7, 2016 | 6:00 p.m.



Residents are encouraged to attend the meeting, share their ideas, ask questions, and express their concerns about establishing appropriate regulations for the mooring of boats within the city of North Miami.

**GWEN MARGOLIS
COMMUNITY CENTER
1590 NE 123 Street
North Miami, FL 33161**

The following City Departments will be represented:
City Manager's Office
Building Department
Community Planning and Development
Code Compliance

For more information, please contact the City Manager's Office at 305-895-9888



NorthMiamiFL.gov



**NOTICE OF PROPOSED ORDINANCE
CITY OF NORTH MIAMI, FLORIDA**

NOTICE IS HEREBY GIVEN that the City of North Miami, Florida proposes to adopt the following ordinance:

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", AT ARTICLE 5, DIVISION 6, ENTITLED "BOATS, DOCKS, SEAWALLS, ETC.", SPECIFICALLY AT SECTION 5-601 ENTITLED "BOATS" AND SECTION 5-602 ENTITLED "DOCKS", TO ALLOW THE PLACEMENT OF BOATS ON LIFTS THROUGHOUT THE CITY WITH CONDITIONS; REQUIRING EXPRESS WRITTEN PERMISSION OF ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION OF A BOAT LIFT; AND LIMITING THE EXTENSION INTO WATERWAYS OR CANALS FROM TWENTY (20) PERCENT TO A MAXIMUM OF TWENTY-FIVE (25) PERCENT; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

A Public Hearing on this Ordinance will be held by the City Council for first reading on **Tuesday, September 13th, 2016 at 7:00pm** then for second reading on **Tuesday, September 27th, 2016 at 7:00pm** in the Council Chambers of North Miami City Hall, Second Floor, 776 NE 125 Street, North Miami, Florida 33161.

Members of the public are invited to attend the Public Hearings and provide oral or written comments on the matter. A copy of the application and report containing the Community Planning and Development Department's recommendation will be available for public review from Monday to Friday between the hours of 8:15 a.m. and 5:00 p.m. in the City Clerk's Office, City Hall. Written comments may be submitted to: City of North Miami, 776 N.E. 125th Street, North Miami, Florida 33161, Attn: Community Planning and Development Department. For questions, please call (305) 893-6511, Ext. 12182.

ANY PERSON WISHING TO APPEAL THE DECISION OF THE CITY COUNCIL WILL NEED A VERBATIM RECORD OF THE MEETING'S PROCEEDINGS, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (SECTION 286.0105. F.S.).

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE OFFICE OF THE CITY CLERK NO LATER THAN FOUR (4) DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 893-6511, EXT. 2147, FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE OUR TDD LINE AT (305) 893-7936 FOR ASSISTANCE.



**NORTH BAY VILLAGE
PUBLIC MEETING NOTICE**

- | | | |
|--------------------------------------|------------------|--|
| TUESDAY, SEPTEMBER 6, 2016 | 7:30 P.M. | REGULAR PLANNING & ZONING BOARD MEETING
VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141 |
| TUESDAY, SEPTEMBER 13, 2016 | 7:30 P.M. | REGULAR COMMISSION MEETING
VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141 |
| WEDNESDAY, SEPTEMBER 14, 2016 | 7:00 P.M. | MAYOR CONNIE LEON-KREPS TOWN HALL MEETING
BURYING UTILITY LINES IN THE VILLAGE VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141
<i>(ONE OR MORE MEMBERS OF THE COMMISSION MAY BE PRESENT AT THIS MEETING)</i> |
| THURSDAY, SEPTEMBER 15, 2016 | 6:30 P.M. | TENTATIVE BUDGET PUBLIC HEARING
VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141 |
| MONDAY, SEPTEMBER 19, 2016 | 7:00 P.M. | YOUTH & EDUCATION SERVICES BOARD MEETING
VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141 |
| WEDNESDAY, SEPTEMBER 21, 2016 | 6:30 P.M. | CITIZENS BUDGET & OVERSIGHT BOARD MEETING
VILLAGE HALL
1666 KENNEDY CAUSEWAY, 3RD FLOOR
NORTH BAY VILLAGE, FL 33141 |
| MONDAY, SEPTEMBER 26, 2016 | 5:30 P.M. | BUSINESS DEVELOPMENT ADVISORY BOARD MEETING
VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141 |
| TUESDAY, SEPTEMBER 27, 2016 | 6:30 P.M. | FINAL BUDGET PUBLIC HEARING
VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141 |
| THURSDAY, SEPTEMBER 29, 2016 | 6:30 P.M. | COMMUNITY ENHANCEMENT BOARD MEETING
VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141 |

Any meeting may be opened and continued and, under such circumstances, additional legal notice would not be provided. Any person may contact the Village Clerk at (305) 756-7171 for information. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 756-7171 no later than four (4) days prior to the proceedings. TTY users may also call 711 (Florida Relay Service). One or more members of the Commission may be in attendance at any of these meetings.