

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS" BY AMENDING ARTICLE 4 ENTITLED "ZONING DISTRICTS", SPECIFICALLY AT SECTION 4-101 ENTITLED "ESTABLISHMENT OF ZONING DISTRICTS", TO REFERENCE THE REGIONAL ACTIVITY CENTER (RAC) AS AN OVERLAY AND SPECIAL PURPOSE DISTRICT, AND TO FURTHER AMEND DIVISION 4, ENTITLED "SPECIAL PURPOSE AND OVERLAY DISTRICTS", TO CREATE A NEW SECTION 4-406 ENTITLED "REGIONAL ACTIVITY CENTER", IN ORDER TO LIST THE USES PERMITTED IN THE RAC CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, on September 23, 2003 the Mayor and Council adopted ordinance 1146 to establish the City of North Miami ("City") Regional Activity Center ("RAC") in an effort to promote infill development and create a catalyst for large scale redevelopment activity; and

**WHEREAS**, Policy 1.13.12 of the City's Comprehensive Plan establishes the City's Regional Activity Center Overlay District in an effort to facilitate mixed use development, encourage mass transit use, reduce the need for automobile travel and provide incentives for quality development; and

**WHEREAS**, the City is desirous of amending Chapter 29, Article 4 entitled "Zoning Districts", Specifically at Section 4-101 entitled "Establishment of Zoning Districts" to reference the Regional Activity Center (RAC) as a Special Purpose and Overlay District as established in the Comprehensive Plan, and to further amend Division 4 entitled "Special Purpose And Overlay Districts" to create a new subsection 4-406 entitled "Regional Activity Center" in order to clearly identify the uses permitted within the RAC consistent with Policy 1.13.12 of the Comprehensive Plan; and

**WHEREAS**, on January 3, 2012, after a duly noticed public hearing, the Planning Commission recommended approval of the proposed ordinance to the City Council; and

WHEREAS, the Mayor and City Council find that the proposed ordinance to Chapter 29 is in the best interest of the City and further implements the vision, goals and objectives of the City's Comprehensive Plan.

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

Section 1. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the Code of Ordinances entitled "Land Development Regulations" by amending Article 4 entitled "Zoning Districts", specifically at Section 4-101 entitled "Establishment of Zoning Districts", to reference the Regional Activity Center (RAC) as an Overlay and Special Purpose District, and to further amend Division 4, entitled "Special Purpose and Overlay Districts", to create a new Section 4-406 entitled "Regional Activity Center", in order to list the uses permitted in the RAC consistent with the City's Comprehensive Plan, as follows:

**CHAPTER 29. LAND DEVELOPMENT REGULATIONS**

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**ARTICLE 4. ZONING DISTRICTS**

**DIVISION 1. ESTABLISHMENT OF ZONING DISTRICTS.**

**Sec. 4-101. Establishment of zoning districts.**

The following zoning districts are hereby established in the City of North Miami:

Residential districts:

- R-1 Residential estate district;
- R-2 Single-family district;
- R-4 Multifamily district;
- R-5 Multifamily district;
- R-6 Multifamily district;

Nonresidential districts:

- C-1 Commercial;
- C-2BE Commercial;
- C-2BW Commercial;
- C-3 Commercial;
- M-1 Industrial;

Overlay and special purpose districts:

- Residential office district (RO);
- Planned development district (PD);
- Arts, culture and design overlay district (AOD);
- Public use district (PU);
- Neighborhood redevelopment overlay district (NRO and CCD);
- Regional activity center overlay district (RAC).

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DIVISION 4. SPECIAL PURPOSE AND OVERLAY DISTRICTS.

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**Section 4-406. Regional activity center.**

A. Purpose. The purpose of the regional activity center overlay district (RAC) is to encourage and promote large-scale development and redevelopment as well as small parcel infill development and redevelopment that facilitate a balanced mix of land uses by providing maximum flexibility for development and redevelopment activities.

B. General Location. The regional activity center (RAC) totaling approximately 1,739 acres, is generally bound by Biscayne Bay to the east, NE 163<sup>rd</sup> Street to the north, Biscayne Boulevard to the west, and NE 135<sup>th</sup> Street to the south, excluding property not located within the city limits of North Miami. The boundaries of the proposed regional activity center also include the area west of Biscayne Boulevard generally bound by 151<sup>st</sup> Street to the north, NE 18<sup>th</sup> Avenue to the west, FEC rail corridor to the east and NE 137<sup>th</sup> Street and NE 140<sup>th</sup> Street to the south (as depicted on the City's official zoning map).

C. Permitted Uses. The permitted uses and density and intensity of uses within the RAC shall be governed by the underlying land use designations of the subject property.

All future development within the regional activity center shall be compact, high intensity, high density multi-use development designated as appropriate for intensive growth by the City and may include: residential use; commercial; office; cultural and community facilities; educational facilities; recreational and entertainment facilities; hotels or motels; transportation facilities; utilities; research and development uses; health care services and appropriate industrial activities.

D. Development Limits. The RAC is approved for the following development limits consistent with Chapter 380.06(2), Florida Statutes:

- 5000 residential
- 400 Hotel rooms
- 1043 Oleta State Park
- 1,500,000 Industrial
- 1,050,000 Office
- 1,500,000 Commercial
- 1,776 (K-8) School Use
- 1200 (9-12) School Use

8,199 University Students - Florida international University

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

**Section 3. Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

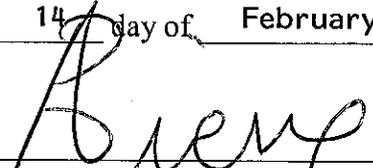
**Section 4. Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, 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.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

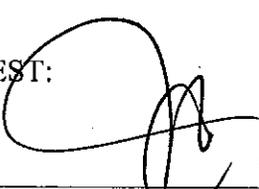
**Section 6. Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 24 day of January, 2012.

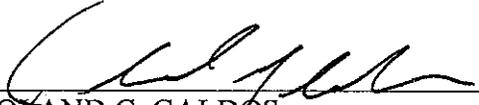
**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 14 day of February, 2012.

  
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ANDRE D. PIERRE, ESQ.  
MAYOR

ATTEST:

  
\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
ROLAND C. GALDOS  
INTERIM CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Councilman Blynn

Seconded by: Vice Mayor Marcellus

**Vote:**

|                                      |          |       |       |      |
|--------------------------------------|----------|-------|-------|------|
| Mayor Andre D. Pierre, Esq.          | <u>X</u> | (Yes) | _____ | (No) |
| Vice Mayor Jean R. Marcellus         | <u>X</u> | (Yes) | _____ | (No) |
| Councilperson Michael R. Blynn, Esq. | <u>X</u> | (Yes) | _____ | (No) |
| Councilperson Scott Galvin           | <u>X</u> | (Yes) | _____ | (No) |
| Councilperson Marie Erlande Steril   | <u>X</u> | (Yes) | _____ | (No) |

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