

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR THE PROPERTY GENERALLY LOCATED ON THE NORTHWEST QUADRANT OF NORTHEAST 135TH STREET AND 6TH AVENUE, CONSISTING OF FIVE ADJACENT LOTS TOTALING APPROXIMATELY 1.1 ACRES IN SIZE, FROM A MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION TO A HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION, AND TO EXPAND THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT BOUNDARY, DEPICTED ON THE FUTURE LAND USE MAP, TO INCLUDE THE SUBJECT PROPERTY IN ORDER TO ALLOW FOR THE PROPOSED REDEVELOPMENT OF THE VACANT SITE, CONSISTENT WITH THE INTENT OF THE CITY COMPREHENSIVE PLAN; FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT LAND USE AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature adopted Chapter 163, Local Government Comprehensive Planning and Development Regulation Act, which requires the City of North Miami ("City") to adopt and enforce a comprehensive plan; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, allows local governments to periodically make small scale land use amendments to their Comprehensive Plan, Future Land Use Map ("FLUM"), if the proposed amendment does not exceed ten (10) acres and the cumulative annual effect of the acreage for all adopted small scale amendments does not exceed one hundred twenty (120) acres; and

WHEREAS, the subject property, consisting of 47,993 square feet (or 1.1 acres) in size, generally identified by Public Records of Miami-Dade County, Florida, as Lots 1, 2, 3, 11, and 12 of Block 1, Smallwood Manor Subdivision, is a subset of a larger development containing approximately 91,476 square feet or 2.1 acres, which contains two (2) different residential land use designations, reflected as medium and high density on the FLUM ("Subject Property"); and

WHEREAS, Conestoga Holdings LLC ("Applicant"), has filed an application for a Small Scale Land Use Plan Amendment to change the use of the Subject Property from Medium

Density Residential to High Density Residential land use, in order to homogenize the uses upon the Subject Property and create the first mixed-use complex along the existing corridor; and

WHEREAS, Policy Section 9.4.6 of the City Comprehensive Plan (“Comprehensive Plan”) requires that the City “create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry”; and

WHEREAS, the proposed application is consistent with the Comprehensive Plan by encouraging mixed use along major corridors within the Neighborhood Redevelopment Overlay (NRO) District, and promote redevelopment that will enhance the public’s health, safety and welfare of the City; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on January 17, 2013, found the application to be consistent with the goals, policy and objectives of the Comprehensive Plan and recommended the adoption of the proposed Small Scale Land Use Plan Amendment to the Mayor and City Council; and

WHEREAS, the Mayor and City Council, find that the adoption of the proposed Small Scale Land Use amendment to the Future Land Use Map is consistent with the Comprehensive Plan and in the best interest of the City, and thereby, further authorize the City Manager to do all things necessary to effectuate the amendment, as required by Florida law.

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

Section 1. Subject Property. The property legally described in the attached “Exhibit 1”, according to the Public Records of Miami-Dade County, Florida, is hereby re-designated from Medium Density Residential to High Density Residential land use designation.

Section 2. Authority of City Manager. The City Manager is hereby authorized to do all things necessary to effectuate the subject land use amendment as required by Florida law.

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

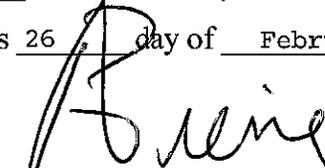
Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, 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.

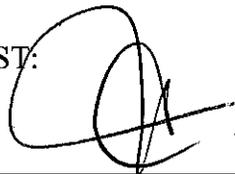
Section 5. Effective Date. This Ordinance shall not become effective until thirty-one (31) days after adoption on second reading, if not otherwise challenged.

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 12 day of February, 2013.

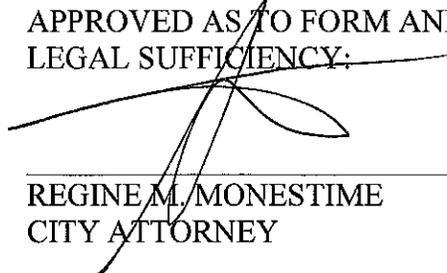
PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 26 day of February, 2013.



ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST: 

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Councilman Marcellus

Seconded by: Councilman Galvin

Vote:

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

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