ORDINANCE NO. 1366

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING THE CITY OF NORTH MIAMI OFFICIAL ZONING MAP REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF AN AREA OF APPROXIMATELY 1.33 ACRES IN SIZE, ENCOMPASSING SIX (6) PROPERTIES ADJACENT TO THE WINSON WATER TREATMENT PLANT, LOCATED AT 1094 NORTHWEST 122ND STREET, 1092 NORTHWEST 122ND STREET, 1080 NORTHWEST 122ND STREET, 1075 NORTHWEST 121ST STREET, 1085 NORTHWEST 121ST STREET, AND 12105 NORTHWEST 11TH AVENUE, FROM THE CURRENT R-2 (RESIDENTIAL) ZONING DESIGNATION TO PU (PUBLIC USE) ZONING DESIGNATION, IN ORDER TO PROVIDE CONSISTENCY WITH THE LAND DEVELOPMENT REGULATIONS AND TO ALLOW FOR THE PROPOSED EXPANSION AND REDEVELOPMENT OF THE WINSON WATER TREATMENT PLANT, IN ACCORDANCE WITH THE INTENT OF THE COMPREHENSIVE PLAN OF THE CITY OF NORTH MIAMI; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of North Miami ("City") Public Works Department filed an application with the Community Planning and Development Department, to initiate a zoning map amendment to rezone an area of approximately 1.33 acres in size, encompassing the six (6) properties adjacent to the Winson Water Treatment Plant ("Water Plant") located at 1094 Northwest 122nd Street, 1092 Northwest 122nd Street, 1080 Northwest 122nd Street, 1075 Northwest 121st Street, 1085 Northwest 121st Street, and 12105 Northwest 11th Avenue (collectively the "Subject Property"), from the current R-2 (Residential) zoning to PU (Public Use) zoning; and

WHEREAS, the approval of the rezoning application will allow the City to redevelop the Subject Property for the use and expansion of the Water Plant into a single water plant site, pursuant to Article 4, Section 4-404 of the City Code of Ordinances, Land Development Regulations ("LDRs"); and

WHEREAS, Policy 4D.2.1 of the City Comprehensive Plan ("Comprehensive Plan"), requires that the City maintain the Water Plant and distribution system such that they operate at adequate levels to meet population water service demand; and

WHEREAS, in accordance with Section 4-404 of the LDRs, the purpose of the Public Use (PU) Zoning District is to "allow the development of the publicly owned or used lands in an efficient, innovative, and flexible way in order to maximize the benefit to the public of the use of the lands designated for public use"; and

WHEREAS, City administration believes the proposed rezoning is consistent with the Comprehensive Plan in that the proposed PU zoning facilitates the proposed public use of the Subject Property and supports the current and future demand for water service; and

WHEREAS, pursuant to Article 2, Section 2-203 of the LDRs, at least four (4) affirmative votes of the Planning Commission shall be required for a positive recommendation of any proposed zoning or Comprehensive Plan change ; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on January 7, 2014, unanimously found the rezoning application met the requirements of Article 3, Section 3-1004 of the LDRs, and is in harmony with the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the Planning Commission recommend approval of the proposed rezoning to the Mayor and City Council with conditions (as specifically delineated in "Exhibit A", attached hereto); and

WHEREAS, Policy 1.1.3 of the Comprehensive Plan, provides that densities and intensities of the Future Land Use Element cannot be changed without the concurrence of a supermajority of the City Council; and

WHEREAS, pursuant to Article 3, Section 3-1007C of the LDRs, approval of a zoning map change shall require an affirmative vote of at least four (4) members of the City Council; and

WHEREAS, the Mayor and City Council, hereby accept the Planning Commission's recommendation with the stated conditions, and find that the proposed rezoning application is consistent with the intent of the Comprehensive Plan and is therefore, in the best interest of the City.

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

Section 1. **Rezoning of Property and Amendment to Official Zoning Map.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the City of North Miami Code of Ordinances, entitled "Land Development Regulations", by amending the City of North Miami Official Zoning Map referenced in Article 1, Section 1-106, to reflect the rezoning of an area of approximately 1.33 acres in size, encompassing six (6) properties adjacent to the Winson Water Treatment Plant located at 1094 Northwest 122nd Street, 1092 Northwest 122nd Street, 1080 Northwest 122nd Street, 1075 Northwest 121st Street, 1085 Northwest 121st Street, and 12105 Northwest 11th Avenue, from the current R-2 (Residential) zoning designation to PU (Public Use) zoning designation, in order to provide consistency with the Land Development Regulations and to allow for the proposed expansion and redevelopment of the Winson Water Treatment Plant, in accordance with the intent of the Comprehensive Plan of the City of North Miami.

Section 2. **Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. **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 4. **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 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 28th day of January, 2014.

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 11th day of February, 2014.

LUCIE M. TONDREAU
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: Steril

Seconded by: Tondreau

Vote:

Mayor Lucie M. Tondreau	x (Yes)	(No)
Vice Mayor Scott Galvin	x (Yes)	(No)
Councilperson Carol Keys	x (Yes)	(No)
Councilperson Philippe Bien-Aime	x (Yes)	(No)
Councilperson Marie Erlande Steril	x (Yes)	(No)

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