NORTH MIAMI
FLORIDA
776 N.E. 125 Street, North Miami, Florida 33161

# Council Report

To: The Honorable Mayor and City Council

From: Maxine Calloway, Esq., A.I.C.P., Director of Community Planning & Development

Date: ~~January 24, 2012~~ **February 14, 2011 (2nd Reading)**

**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; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

---

## RECOMMENDATION

That the City Council approves the proposed ordinance to amend Article 4, Section 4-101 of the City's Land Development Regulations (LDR) and create a new subsection 4-406 to establish the Regional Activity Center (RAC) as a new overlay district in the City.

## PLANNING COMMISSION RECOMMENDATION

At its meeting on January 3, 2012 the Planning Commission reviewed and discussed the proposed ordinance and raised several questions regarding the purpose of the RAC and its impact to the City's infrastructure and future well being. Staff explained that the RAC was previously adopted in 2003 after the State determined that it met all the level of service requirements and was beneficial to the City. The RAC serves as a tool to promote economic growth and maximize the opportunity for infill redevelopment along Biscayne Boulevard, one of the City's major commercial corridors. As such, the Commission rendered a unanimous vote of 6-0 recommending approval of the proposed ordinance along with following revisions below in bolded font:

*Development Limits.* The RAC is approved for the following development limits consistent with Chapter 380.06(2)(e), and Section 380.06(29)(a)2 Florida Statues.

| | |
|---|---|
| 5,000 residential **units** | (Reduced. Previously 7,000 in 2003 RAC Application) |
| 400 hotel rooms | (Same) |
| 1,043 **acres** Oleta State Park | (Same) |
| 1,000,000 **square feet** Industrial | (Reduced. Previously 1,500,000 sq ft |
| 1,050,000 **square feet** Office | (Reduced. Previously 1,550,000 sq ft |
| 1,500,000 **square feet** Commercial/Retail Sales & Service | Increased. Previously 550,000 sq ft |
| 1,776 (K-8) **students** School Use | (Same) |
| 1,200 (9-12) **students** School Use | (Same) |
| 8,199 university students – Florida International University | (Same) |

**PURPOSE & INTENT**

The proposed amendment seeks to revise Article 4 entitled "Zoning Districts" at Section 4-101 entitled "Establishment of Zoning Districts" in order to reference the City's existing Regional Activity Center (RAC) Overlay District and create a new subsection 4-406 that outlines the permitted uses within the RAC, consistent with Policy 1.13.12 of the City's Comprehensive Plan.

**BACKGROUND INFORMATION**

In a regularly scheduled public hearing held on September 23, 2003 the Mayor and Council adopted Ordinance 1146 to establish the City of North Miami's ("City") Regional Activity Center ("RAC") in an effort to promote infill development as well as large scale redevelopment activity consistent with Rule 28-24.014(10)(C)(2), Florida Administrative Code. Per state law the intent of a RAC is to encourage redevelopment in areas of regional significance, particularly encouraging mixed use developments which promote mass transit and reduces the need for automobile dependence. As such, the approved boundaries of the adopted RAC (see attached map) strategically included the Biscayne Landing Site (Residential Mixed use), Florida International University (Educational), Oleta State Park (Recreational) as well as certain neighboring industrial, office and commercial uses. The RAC Overlay District provided a unique opportunity to leverage the benefits of the ideally clustered educational, recreational and transportation resources located along or proximate to Biscayne Boulevard, one of the City's major commercial corridors.

The City's vision for the RAC Overlay District is to provide a balanced mix of land uses with permitted densities and intensities that serve as a catalyst for economic development. To that end, Policy 1.13.12 of the City's Comprehensive Plan recognizes the purpose of the RAC as established by Ordinance 1146. The proposed amendment seeks to also identify the RAC as an existing overlay district in Section 4-101 of the City's Land Development Regulation to ensure consistency with the vision and intent of the City's Comprehensive Plan and include a new subsection 40406 with clearly outlined permitted uses.

**Section 3-1004 of the City's Land Development Regulations requires that all City initiated Map Amendments to the LDR must meet the following minimum criteria:**

1. **Promotes the public health, safety and welfare;**

*The proposed text amendment strengthens the City's vision for the RAC and helps to implement the goals and objectives of the City's Comprehensive Plan. Clearly emphasizing the presence of the RAC and the permitted uses in the LDR helps to foster a business friendly environment that promotes economic growth, stimulates job creation and enhances the overall quality of life within the City.*

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

*The uses associated with the proposed text amendment are consistent with the permitted uses allowed in the underlying Land Use as identified in the City's Comprehensive 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 permitted uses, density and intensity of uses within the RAC shall be governed by the underlying land use designations of the subject property.*

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;**

*Per Policy 11.27 of the City's Comprehensive Plan all decisions regarding land use planning and the issuance of development orders and permits shall consider the availability of public facilities and services necessary to support such development at the adopted LOS standards concurrent with the associated impacts. As such all future uses associated with the proposed text amendment shall comply with all concurrency requirements. If it is determined that any proposed development may potentially cause*

*adverse impacts on the City's current or future infrastructure, the applicant will be required to mitigate the impacts that exceed the established level of service for the given public facility.*

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

*The proposed text amendment is consistent with the goals, policies and objectives of the City's Comprehensive Plan. Specifically, Policy 1.13.12 which outlines the vision and purpose of the RAC as well as Policy 9.4.6 which requires that the City create land use and zoning regulations that encourage the retention, attraction and expansion of businesses. Furthermore Goal 9 also requires that the City create an environment that will enhance the economic prosperity of local businesses and attract new business while improving the quality of life for all of its citizens.*

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

*Staff believes the proposed amendment furthers the orderly development of the City, clarifies the types of uses allowed/encouraged in the RAC overlay District and also helps to preserve the existing mix of uses currently located in within the RAC boundary.*

## CONCLUSION

Staff is of the opinion that the proposed amendment is in keeping with the goals, policies and objectives of the City's Comprehensive Plan and helps to implement the overall vision of the Comprehensive Plan. Staff requests that the May & Council adopt the proposed ordinance.

TWS/mc

Attachments

1. Ordinance
2. Map of RAC Overlay District
3. Ordinance Creating the RAC

**ORDINANCE NO. _____**

**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

**********

## 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).

* * * * *

DIVISION 4. SPECIAL PURPOSE AND OVERLAY DISTRICTS.

* * * * *

**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 163rd Street to the north, Biscayne Boulevard to the west, and NE 135th 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 151st Street to the north, NE 18th Avenue to the west, FEC rail corridor to the east and NE 137th Street and NE 140th 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 Statues:

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

* * * * * * * * * * * * * * * * * * * *

**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 _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2012.

_____
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

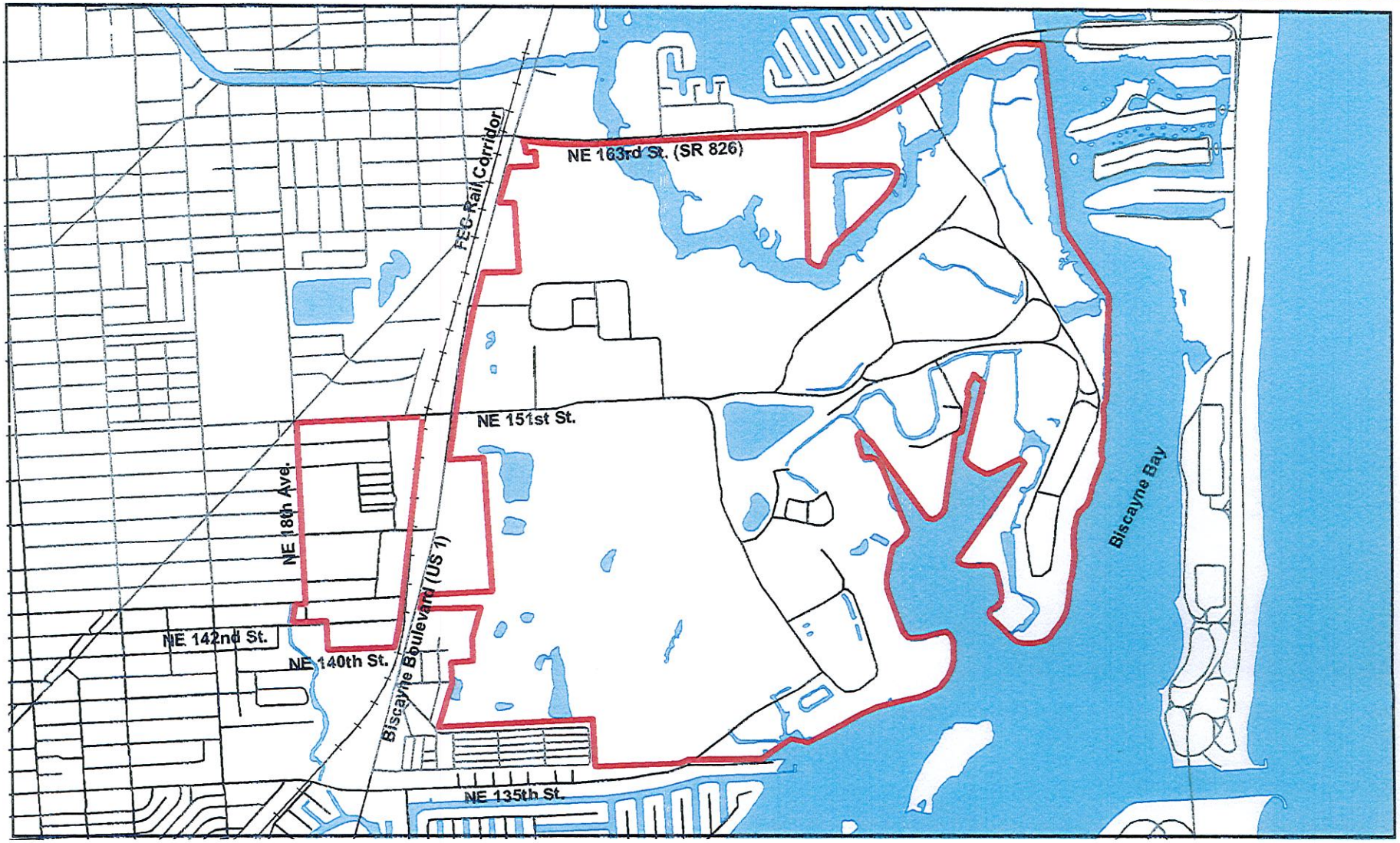
Moved by: _____

Seconded by: _____

**Vote:**

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

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




0 0.25 0.5
Miles

# Figure 1

## City of North Miami
## Regional Activity Center
## Boundary Map

Kimley-Horn and Associates, Inc.
Last Revised September 22, 2003

**ORDINANCE NO. 1146**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, BY AMENDING THE TEXT TO ESTABLISH CRITERIA FOR THE DESIGNATION OF A "REGIONAL ACTIVITY CENTER", AND DESIGNATING CERTAIN LAND WITHIN THE CITY AS THE NORTH MIAMI URBAN INFILL REGIONAL ACTIVITY CENTER; PROVIDING FOR REPEAL, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3167, Florida Statutes, requires that each municipality in the State of Florida prepare, adopt and implement a Comprehensive Plan in order to plan for their future growth and development; and

**WHEREAS**, pursuant to Section 163.3184, Florida Statutes, the Planning Commission, acting as the City's Local Planning Agency, and the City Council have held public hearings as required, and the Local Planning Agency has submitted a recommendation of approval of the Comprehensive Plan amendment; and

**WHEREAS**, the Mayor and City Council find that the adoption of the amendment to the Comprehensive Plan is in the best interests of the City of North Miami and finds that such plan, as amended, is in compliance with Chapter 163, Florida Statutes.

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

Section 1. **Comprehensive Plan – Future Land Use Element Text**. That the text of the Future Land Use Element of the City of North Miami Comprehensive Plan, attached as "Exhibit 1", and the Regional Activity Center (RAC) Boundary Map attached as "Figure 1", is approved and transmitted to the Florida Department of Community Affairs pursuant to Chapter 163, Florida Statutes, as an amendment to the adopted Comprehensive Plan for the City of North Miami, Florida.

Section 2. **Severability**. If any word, clause, phrase, sentence, paragraph or section of this ordinance is held to be invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph or section of this ordinance.

Section 3. **Repeal**. All ordinances or parts of ordinances in conflict or inconsistent with this ordinance are repealed.

Section 4. **Effective Date**. This ordinance shall become effective upon passage by the City Council on second reading, and as provided by law.

**PASSED AND ADOPTED** by 5-0 vote of the Mayor and City Council on first reading on the 13 day of May, 2003.

**PASSED AND ADOPTED** by 5-0 vote of the Mayor and City Council on second reading on the 23 day of September, 2003.

MAYOR

ATTEST:

CITY CLERK

Deputy

APPROVED AS TO FORM:

5.7.03

CITY ATTORNEY

## EXHIBIT 1

## REGIONAL ACTIVITY CENTER DESIGNATION

The Future Land Use Element of the City of North Miami Comprehensive Plan is amended as follows:

* * *

### 2.4 Regional Activity Center

The Regional Activity Center (RAC) designation is intended to encourage and promote large-scale development and redevelopment as well as small parcel infill development and redevelopment that facilitates a balanced mix of land uses by providing maximum flexibility for development and redevelopment activities. In accordance with Chapter 28-24.014(10)(b)2, F.A.C., a Regional Activity Center in the City of North Miami shall be a compact, high intensity, high density multi-use area 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; and appropriate industrial activities. The major purposes of this designation are to facilitate mixed use development, encourage mass transit, reduce the need for automobile travel, provide incentives for quality development and give definition to the urban form.

Chapter 380.06(2)(e), Florida Statutes, and Chapter 28-24.014(10), Florida Administrative Code, authorize local governments to designate areas as Regional Activity Centers where the local government seeks to encourage higher intensities of development by increasing the threshold of development size required to undergo State review as a Development of Regional Impact (DRI), referred to "Chapter 380 Regional Activity Centers." Additionally, Policy 2.1.12 of the Strategic Regional Policy Plan for South Florida authorizes the designation of "Regional Development Districts" to implement the provisions of Chapter 380.0651(3)(d)(3) and (3)(g)(2), Florida Statutes, which provide for the designation of geographic areas highly suitable for increased DRI review threshold intensity.

The designation of a specific area and boundaries as a Chapter 380 regional activity center for the purpose of increasing DRI review thresholds does not change the City of North Miami Land Use Plan map designation of any land, nor does it change the uses or intensities of development authorized by the Future Land Use Plan Element of the City's Comprehensive Plan. It only changes the circumstances under which proposed development in the designated area would have to be reviewed through the Ch. 380, F.S., DRI process.

For an area to qualify as a Regional Activity Center, the following criteria must be met:

1. The type of land uses permitted within each Regional Activity Center and the density of residential uses shall be specified within the City Land Use Plan.

2. Regional Activity Centers shall include mixed land uses of regional significance.

3, Each Regional Activity Center shall be a defined geographical area described in the City Future Land Use Plan text and delineated on a map that is an exhibit to the City Future Land Use Plan.

4. Regional Activity Centers shall be proximate and accessible to interstate or major arterial roadways.

The following area has been designated Regional Activity Center within the City of North Miami Land Use Plan:

**North Miami Urban Infill Regional Activity Center**

General Location: South of State Road 826, North of the trailer park at the municipal boundary, East of Biscayne Bay and West of U.S. 1. Also, the area west of Biscayne Boulevard generally bound by N.E. 151st Street to the north, N.E. 18th Avenue to the west, FEC Rail corridor to the east and N.E. 137th and N.E. 140th Streets to the south.

List of 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.

The North Miami Urban Infill Regional Activity Center is designated to be a Chapter 380 Regional Activity Center and, subject to amendment of the Strategic Regional Policy Plan for South Florida by the South Florida Regional Planning Council, as a regional development district (a geographic area specifically designated as highly suitable for increased threshold intensity) for the purpose of increasing DRI thresholds.

* * *