



**NORTH MIAMI
FLORIDA**
NORTH MIAMI PLANNING COMMISSION
AGENDA
Tuesday, January 3, 2012, 7:00PM
Council Chambers
776 NE 125th Street, North Miami, FL 33161

I. ASSEMBLY AND ORGANIZATION:

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call of Board Members
- D. Amendments to the Agenda

II. APPROVAL OF MINUTES: December 6, 2011

III. CONTINUED PUBLIC HEARINGS: None

IV. PUBLIC HEARINGS:

PC 01-12: 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.

- 1. Staff Report
- 2. Commission Action

PC 02-12: 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, DIVISION 4 ENTITLED "SPECIAL PURPOSE AND OVERLAY DISTRICTS", AT SECTION 4-402 ENTITLED "PLANNED DEVELOPMENT DISTRICT, SPECIFICALLY AT SUBSECTION B ENTITLED "DEVELOPMENT STANDARDS", TO EXPAND THE LIST OF PERMITTED USES, AND TO FURTHER AMEND SECTION B2.F AND SUBSECTION B2H.V., TO REVISE THE DEVELOPMENT STANDARDS AND PROVIDE FOR A WAIVER AS CONTAINED THEREIN, CONSISTENT WITH THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

1. Staff Report
2. Commission Action

- V. COMMITTEE REPORTS:** None
- VI. OLD BUSINESS:** None
- VII. NEW BUSINESS:** None
- VIII. COMMUNICATIONS:** None
- IX. ADJOURNMENT**

Interested parties may appear at the meeting and be heard with respect to the matter. Any person wishing to appeal the recommendations of the Planning Commission will need a verbatim record of the meetings proceedings, which record includes the testimony and evidence upon which the appeal is to be based (Chapter 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 Community Planning & Development Department no later than four (4) days prior to the proceeding. Telephone (305) 893-6511, Ext. 12252, for assistance. If hearing impaired, telephone our TDD line at (305) 893-7936 for assistance.

**MINUTES
NORTH MIAMI PLANNING COMMISSION
7:00 P.M.
December 6, 2011
COUNCIL CHAMBERS**

The meeting was called to order at 7:00 p.m. After the pledge of allegiance, a roll call of the members was taken.

	Name	Present:	Excused	Absent
1	Kevin Seifried	X		
2	Charles Ernst	X		
3	Arrie Fils-Aime		X	
4	Jesús Remón		X	
5	Maureen Harwitz	X		
6	Kenny Each	X		
7	Jean Castor	X		
8	Bill Prevatel	X		
9	Bonnie Schwartzbaum		X	

Staff was represented by:

Tanya Wilson-Sejour, City Planner
 Roland Galdos, Deputy City Attorney
 Carolyn Francis-Royer, CDBG Administrator
 Arceli Redila, Board Secretary/Administrative Specialist
 Dunia Sanzetenea, Webmaster/Videographer

I-D. Assembly and Organization – Amendments to the Agenda: None

II. Approval of Minutes: The minutes of October 4, 2011 were unanimously approved as presented. The motion was made by Mr. Each, seconded by Mr. Castor.

III. Continued Public Hearings: None

IV. Public Hearings:

PC 09-11: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A WAIVER OF PLAT FOR THE PROPERTY LOCATED AT 1125 NE 125TH STREET, IN ACCORDANCE WITH SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES AND CHAPTER 28 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

Ms. Wilson-Sejour from Community Planning and Development Department gave the staff report stating that staff is recommending that the Planning Commission recommend approval of the proposed waiver of plat request, with conditions, for the property located at 1125 NE 125 Street in North Miami.

The applicant, Salerno Holdings proposes to re-plat the lots on the proposed site from 18 lots into two individual lots pursuant to the requirements of Chapter 28 of the Miami- Dade County Code of Ordinances and require the City of North Miami's approval of the Waiver of Plat pursuant to the requirements in Section 3-802 of the City's Land Development Regulation.

The purpose of the re-plat is to allow the property owner to consolidate the lots and create two separate commercial parcels identified as Parcel A which consist of .70 Acres and Parcel B consisting of 1.05 acres on the enclosed boundary survey. The owner intends to retain Parcel B and has plans to sell Parcel A which is currently zoned C-3 for commercial use.

As a part of the review staff forwarded the proposed survey to the city's contract surveyor Craven Thompson Associates and based on the recommendations from the contract surveyor staff believes that all the recommended changes had been incorporated and the proposed survey is consistent with the LDR and also the Comprehensive Plan. As such, staff is recommending approval with the following conditions:

1. After Council approval the applicant shall deliver a signed copy of the resolution to Miami Dade Plat Committee along with copies of the survey and file a request for County review.
2. Upon approval by the Miami Dade Plat Committee and prior to final recordation, the applicant shall submit final mylars to the Director of Community Planning and Development.
3. Upon approval by the Miami Dade Plat Committee the applicant shall be responsible for recording the final plat and City resolution with the County Clerk and also request new folio numbers from the property appraiser's office.

The applicant or their representative had been invited to attend but was not present at the meeting.

Public Discussion: There was no member of the public who came and speak on the item.

Commission Discussion:

The Commission supported staff's recommendation as proposed and rendered a unanimous vote. The motion to approve was made by Mr. Ernst and was seconded by Mr. Castor.

PC 10-11: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A WAIVER OF PLAT FOR THE PROPERTY LOCATED AT 12108-12190 BISCAYNE BOULEVARD, IN ACCORDANCE WITH SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES AND CHAPTER 28 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES;

PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

Ms. Wilson-Sejour from Community Planning and Development Department gave the staff report stating that staff is recommending that the Planning Commission recommend approval of the proposed waiver of plat request, with conditions, for the property located at 12108-12190 Biscayne Boulevard in North Miami.

The applicant, Biscayne Development Associates proposes to re-plat the lots on the proposed site from three (3) lots to create two (2) individual lots pursuant to Chapter 28 of the Miami- Dade County Code of Ordinances and require the City of North Miami's approval of the Waiver of Plat pursuant to the requirements in Section 3-802 of the City's Land Development Regulation.

The applicant essentially desires to redevelop the 3.35 acre site, which is currently zoned C-2BW to potentially build a new Whole Foods Supermarket as well as create an out parcel for a bank building on the remainder of the site. The purpose of the re-plat is to allow the property owner to reconfigure the site from the three (3) existing lots and instead create two separate commercial parcels identified as Parcel 1 consisting of 2.97 Acres and Parcel 2 consisting of 0.38 acres on the enclosed boundary survey.

Staff forwarded the proposed survey to the city's contract surveyor Craven Thompson Associates and based on the recommendations from the contract surveyor staff believes that all the recommended changes had been incorporated and the proposed survey is consistent with the LDR and also the Comprehensive Plan. As such, staff is recommending approval with the following conditions:

1. After Council approval the applicant shall deliver a signed copy of the resolution to Miami Dade Plat Committee along with copies of the survey and file a request for County review.
2. Upon approval by the Miami Dade Plat Committee and prior to final recordation, the applicant shall submit final mylars to the Director of Community Planning and Development.
3. Upon approval by the Miami Dade Plat Committee the applicant shall be responsible for recording the final plat and City resolution with the County Clerk and also request new folio numbers from the property appraiser's office.

The applicant or their representative had been invited to attend but was not present at the meeting.

Public Discussion: There was no member of the public who came and speak on the item.

- Has it been confirmed that it is Whole Foods? Will it be a stand alone or will they have additional space?
 - Staff replied that since the staff report was written the applicant confirmed that it has been finalized, it will be Whole Foods and it is a stand alone, just Whole Foods.

The Commission supported staff's recommendation as proposed and rendered a unanimous vote. The motion to approve was made by Ms. Harwitz and was seconded by Mr. Ernst.

PC 11-11: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE AWARD OF FISCAL YEAR 2011-2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO NOT-FOR-PROFIT COMMUNITY BASED ORGANIZATIONS (CBOs); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

Tanya Wilson-Sejour gave the staff report and requested that the Planning Commission hear presentations from Community-Based Organizations that submitted proposals for FY 2011-2012 Community Development Block Grant (CDBG) funding and provide its recommendations and/or concurrence for submission to the City Council. Pursuant to U.S. HUD regulations, total amount of federal funding available under the Public Service category is \$111,500.00. The City has customarily allocated \$15,000 for the North Miami Foundation for Senior Citizen's Services from the Public Service category, \$30,000 was allocated to the Youth Employment Summer Program, leaving a remaining balance of \$66,500 for awards to other not-for-profit community organizations. Twelve (12) proposals, with total requests for \$134,816 were received from the CBO's for FY 2011-2012 CDBG funding.

Carolyn Francis-Royer, CDBG Administrator was present and provided additional information stating that each proposal was evaluated on the following criteria:

1. Project is eligible and meets one of the three broad National Objectives:
 - Principally benefits low/moderate income persons;
 - Prevents or eliminates slum or blight;
 - Address an urgent need or problem in the community
2. Project fits into the community priorities set out by the City of North Miami's FY 2010-2015 Consolidated Plan;
3. Prior experience with CDBG related activities; and/or prior experience with other grant programs, and proven record carrying out similar projects in the community;
4. Financial capacity and financial stability, as indicated by funding sources and amounts over time;
5. Adequate staffing;
6. Organizational strength; and
7. Performance Measurement, to indicate program impact on community or in lives of persons assisted.

Public Discussion:

The Chairman opened the public hearing and below is a table listing 1) the organizations; 2) the person who presented the proposal; 3) the name of the program; 4) the amount of funding requested; and 5) the amount approved by the Planning Commission.

No.	Name	Program	Funding Requested	Planning Commission Recommendation
1.	ASPIRA of Florida, Inc. (No Representative)	"Youth Leadership Outreach Project"	\$ 10,726.00	\$9,000.00
2.	Food for Life (No Representative)	"Home Delivered Meals for People Living with HIV/AIDS"	\$ 12,420.00	\$9,000.00
3.	Haitian Elderly Center Daniel Calixte	"Homecare for the Elderly"	\$10,000.00	\$7,000.00
4.	Jewish Community Services of South Florida, Inc. Eve Mart	"Supported Employment"	\$10,000.00	\$9,000.00
5.	North Miami Foundation for Senior Citizens' Services, Inc. Debbie Kleinberg	"Helping Haitian Seniors & Other Frail Elders in North Miami"	\$7,000.00	\$7,000.00
6.	NANAY, Inc. Bennie Trinidad	"Elder Services"	\$ 25,000.00	10,500.00
7.	Positive Impact Guylene Berry	"Young Entrepreneurs Academy"	\$9,850.00	\$0
8.	PanZOu Project, Inc. Laura Kallus	"One Life Violence Intervention Project"	\$15,000.00	\$15,000.00
9.	South Florida Youth Symphony	Music Scholarship for Students	N/A	DISQUALIFIED
10.	Stop Hunger, Inc. Julius Littman	"Stop Hunger Inc Program "	\$ 15,000.00	\$0
11.	Social Harmony Club Pradel Vilme	Intergenerational Art, Culture and History	\$10,000.00	\$0
12.	Youth Education Through Sports, Inc. (No Representative)	"Victory Soccer Academy"	\$10,000.00	\$0
			\$134,816.00	\$66,500.00

Commission Discussion:

Mr. Galdos informed the board that he received a call from Mr. Each informing him of a potential conflict of interest on item PC 11-11. The chair recognized the recusal of Mr. Each and Mr. Remon on item PC 11-11.

The following are the highlights of the Commission discussion:

- Staff was commended for developing fair, objective and a very transparent system.
- Staff indicated that the evaluation committee looks at an organization's experience in managing grants and all organizations must be audited, and the funding of the organization must be justified. The result of the service must be quantifiable. The grant is just a supplement and not intended to be all of their funding.
- The Commission was pleased with the overall result and confident with the process used by the evaluation committee.

The Planning Commission find that Stop Hunger, Inc is a sound organization with a substantial budget that is far greater than the other organizations. The Planning Commission unanimously voted that Stop Hunger, Inc. not receive funding at this time and that the \$9,000 recommended by staff to Stop Hunger be divided and allocated to PANZO Project "One Life Violence Intervention Program", the North Miami Foundation's "Frozen Home Delivered Meals"

Program and NANAY, Inc. “Center-Based Elder Services Program. The \$9,000 will be allocated \$6,000, \$1,500, and \$1,500 respectively. Following Commission discussion, the Commission accepted Staff’s recommendation with amendments. Mr. Ernst moved to approve Staff’s recommendation with amendments. Mr. Prevatel seconded the motion and passed unanimously.

V. Committee Reports: None

VI. Old Business: None

VII. New Business: None

VIII. Communications: None

IX. Adjournment:

There being no further business to come before the Planning Commission, the meeting adjourned at 8:35 p.m.

Respectfully submitted:

Attest:

Kevin Seifried, Chairman
Planning Commission

Tanya Wilson-Sejour, AICP, City Planner
Community Planning & Development

Arceli Redila, LEED AP, Board Secretary/Administrative Specialist
Community Planning & Development

DATE: January 3, 2012

TO: Planning Commission

RE: **Amendment to Land Development Regulations, Article 4, Section 4-101 to Create the Regional Activity Center (RAC) under the New Subsection 4-406**

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 Planning Commission recommends approval of the proposed ordinance to amend Article 4, Section 4-101 of the City's Land Development Regulations (LDR) to create a new subsection 4-406 to establish the Regional Activity Center (RAC), and forward said changes to the City Council for final consideration.

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 4406 with clearly outlined permitted uses.

Section 3-1004 of the City's Land Development Regulations requires that all City initiated Text 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.

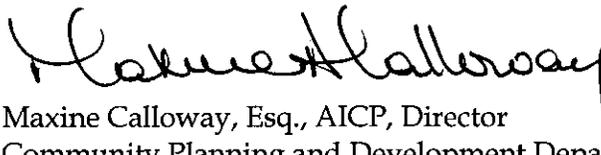
6. The proposed amendment furthers the orderly development of the City of North Miami.

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 Planning Commission recommends adoption of the proposed ordinance.

Respectfully submitted,



Maxine Calloway, Esq., AICP, Director
Community Planning and Development Department

TWS/mc

Attachments

1. Ordinance
2. Map of RAC Overlay District

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; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING 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 _____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 Multi-Family District
R-5 Multi-Family District
R-6 Multi-Family District

Non-residential 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)(e), and Section 380.06(29)(a)2 Florida Statutes.

5000 residential

400 Hotel rooms

1043 Oleta State Park

1,000,000 Industrial

1,050,000 Office

1,500,000 Commercial/Retail Sales & Service

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 by _____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of _____, 2011.

PASSED AND ADOPTED by _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2011.

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: _____

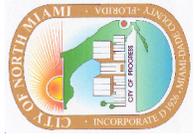
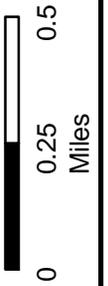
Vote:

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

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



Figure 1
City of North Miami
Regional Activity Center
Boundary Map



DATE: January 3, 2012

TO: Planning Commission

RE: Amendment to Land Development Regulations, Article 4, Section 4-402

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, DIVISION 4 ENTITLED "SPECIAL PURPOSE AND OVERLAY DISTRICTS", AT SECTION 4-402 ENTITLED "PLANNED DEVELOPMENT DISTRICT, SPECIFICALLY AT SUBSECTION B ENTITLED "DEVELOPMENT STANDARDS", TO EXPAND THE LIST OF PERMITTED USES, AND TO FURTHER AMEND SECTION B2.F AND SUBSECTION B2H.V., TO REVISE THE DEVELOPMENT STANDARDS AND PROVIDE FOR A WAIVER AS CONTAINED THEREIN, CONSISTENT WITH THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

RECOMMENDATION

That the Planning Commission recommends approval of the proposed ordinance to amend Article 4, Section 4-402 of the City's Land Development Regulations (LDR), to expand the list of permitted uses, revise the development standards and incorporate a waiver provision, and forward said changes to the City Council for final consideration.

PURPOSE & INTENT

The proposed amendment seeks to revise Article 4, Section 4-402 entitled "Planned Development" (PD) in order to further clarify the types of uses permitted within the aforementioned district, while modifying certain development standards and incorporating a waiver provision to encourage economic growth and facilitate infill development within the PD district.

BACKGROUND INFORMATION

The PD District is identified as a Special Purpose District in the City's Land Development Regulation. Unlike many of the City's other more stringent *Euclidean* style zoning districts, namely the R-1, R-2, M-1 and the Commercial Districts, Special Purpose Districts (like the PD District) are designed to provide the greatest flexibility in development standards. The Planned Development District is an effective redevelopment tool in built out areas like North Miami with limited supply of vacant land, as it allows investors to more easily maximize the development potential of a given property.

Per Section 4-402 of the City's LDR, the current PD District serves the following primary purposes:

1. Promoting greater innovation and creativity in the development of land;
2. Ensuring that the location of mixed use development is appropriate and compatible with adjacent land uses in accordance with the goals, policies and objectives of the Comprehensive Plan; and

3. To promote a more desirable community environment through approval as a rezoning and the issuance of a conditional use permit.

There are currently only five (5) properties within the City with a zoning designation of Planned Development. All the identified properties within the City with the exception of Biscayne Landing are completely built out. Although no conditional use permits or development applications have been filed with the Community Planning & Development Department to date, preliminary discussions are underway to redevelop the site to incorporate a mix of uses that will include, but are not limited to: Residential, Commercial, Assisted Living Facility, TV/Movie/Recording Studio, Research & Development Facilities, Educational and Student Living Facilities, Medical Laboratories and Biotech Facilities, Urgent Care and Emergency Room Facilities, Theaters and other Entertainment and Amusement Facilities, Community Facilities and Community Facilities-Universities.

However several of the uses contemplated in the future development are not listed as permitted uses under the current PD provision in Section 4-402 of the City's LDR. As such, the proposed amendment seeks to broaden the existing permitted uses and revise certain development standards in the PD District in order to facilitate future redevelopment consistent with the intent of the City's Comprehensive Plan.

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

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

The proposed text amendment expands the types of permitted uses allowed in the PD District and adds greater clarity to the design standards which 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 shall be governed by the underlying land use designations of a given 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 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.

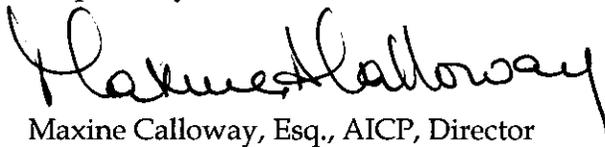
6. The proposed amendment furthers the orderly development of the City of North Miami.

Staff believes the proposed amendment furthers the orderly development of the City, clarifies the types of uses allowed/encouraged in the PD District and also helps to create more flexible development standards in the PD District.

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. Therefore staff requests that the Planning Commission recommends adoption of the proposed ordinance.

Respectfully submitted,



Maxine Calloway, Esq., AICP, Director
Community Planning and Development Department

TWS/mc

Attachments

1. Ordinance

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, DIVISION 4 ENTITLED “SPECIAL PURPOSE AND OVERLAY DISTRICTS”, AT SECTION 4-402 ENTITLED “PLANNED DEVELOPMENT DISTRICT”, SPECIFICALLY AT SUBSECTION B ENTITLED “DEVELOPMENT STANDARDS”, TO EXPAND THE LIST OF PERMITTED USES, AND TO FURTHER AMEND SUBSECTION B2.F AND SUBSECTION B2H.V, TO REVISE THE DEVELOPMENT STANDARDS AND PROVIDE FOR A WAIVER AS CONTAINED THEREIN, CONSISTENT WITH THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City is desirous of amending Article 4, Division 4 of the LDRs entitled “Special Purpose and Overlay Districts”, specifically at Subsection 4-402 B.1., entitled “Uses Permitted”, Subsection B2.f and Subsection B2h.v., to further clarify the types of uses permitted within the aforementioned district and create more flexible standards that encourage economic growth and facilitate infill development within the Planned Development District; and

WHEREAS, Policy 9.4.6 of the City’s 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 City believes the proposed LDR amendments will further implement the vision of the City’s Comprehensive Plan and will not adversely affect the public health, safety and welfare of the City; and

WHEREAS, on January ____, 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 its adoption furthers the goals, objectives and policies of the Comprehensive Plan of the City of North Miami.

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, Division 4 entitled “Special Purpose and Overlay Districts”, at Section 4-402 entitled “Planned Development District”, specifically at Subsection B entitled “Development Standards”, to expand the list of permitted uses, and to further amend Subsection B2.f. and Subsection B2h.v., to revise the Development Standards and provide for a waiver as contained therein, consistent with the Comprehensive Plan, as follows:

CHAPTER 29. LAND DEVELOPMENT REGULATIONS

* * * * *

ARTICLE 4. ZONING DISTRICTS

* * * * *

Division 4. Special Purpose and Overlay Districts

* * * * *

Section 4-402.Planned Development District

* * * * *

B. Development Standards. The City Council may approve a planned Development subject to compliance with the development criteria and minimum development standards set out in this section.

1. Uses permitted:

Active and passive parks and open space

Adult Living facilities (ALF)

Community facilities

Educational facilities

Hospitals and Related Medical Facilities

Hotels

Recreation /Entertainment indoor

Nightclubs

Office

Public uses

Recording & TV/Radio

Residential

Restaurants

Research & Technology

Retail sales and service

Mixed use – any combination of 2 or more permitted uses

2. Minimum Development Standards. Any parcel of land for which a Planned Development is proposed must conform to the following minimum standards:

a. Minimum site area. The minimum site area required for a Planned Development shall be not less than 2 acres.

b. Configuration of land. The parcel of land for which the application is made for a Planned Development shall be a contiguous unified parcel with sufficient width and depth to accommodate the proposed use. The minimum average width and or depth for any Planned Development shall be one hundred (100) feet.

c. Density. The density requirements shall be in accordance with the provisions of the applicable land use classifications in the Comprehensive Plan as follows:

Maximum density (without bonuses under the provisions below):

Mixed use low: 25/du/acre

Mixed use medium: 40 du/acre

Mixed use high: 45 du/acre

Hotels: for parcels less than 50 acres, not exceeding double the number of permitted dwelling units with at least 10% of the floor area to be office, retail or residential

Other uses: density consistent with comprehensive plan land use category.

- d. Bonus density for mixed use (outside the Neighborhood Redevelopment Overlay District): Additional density may be granted through conditional use approval up to the maximum densities provided as follows:

Mandatory: Green building and sustainability (Designed to achieve LEED Certified or greater)	7 du/ac
Mandatory: Transit-Oriented Development with at least 4 of 8 of the following standards	3 du/ac
i. Neighborhood pedestrian connections between adjacent uses	
ii. Improved pedestrian way connecting to nearest arterial w/way finding signage	
iii. Sheltered bus stop w/in 1/4 mile of the proposed development in accordance with Sec. 5-903	
iv. Internal bike and pedestrian circulation system	
v. Provision of bike lockers or racks	
vi. Provision of showers for bicyclists	
vii. Connection to existing or planned regional bike trail	
viii. TDM Sec. 5-803B	
Optional: Affordable/Workforce Housing (15% of units)	5 du/ac
Approval of a bonus for affordable/workforce housing would require:	
■ a determination that there is a demonstrated need for the proposed affordable/workforce housing based on a current needs assessment prepared by the City. The City may request that the applicant for a affordable workforce housing bonus reimburse the City for preparation of the needs assessment.	
■ appropriate conditions on approval for maintaining the bonus housing as affordable/workforce housing for a term of not less than ten (10) years	

- e. Height:
Mixed use low: 55'
Mixed use medium: 75' *
Mixed use high: 110'
Other uses: refer to comprehensive plan land use category

**Exception: The property commonly referred to as the Munisport parcel with boundaries generally described as NE 137 Street to NE 151 Street from Biscayne Boulevard to Bay Vista Boulevard as authorized in Resolution No 2002-71 shall be permitted up to 25 stories of building height.*

- f. Mixed Uses. Mixed uses within a Planned Development shall be a compatible and complimentary combination of office, hotel, multi-family and retail or any two or more combination of permitted uses which shall be oriented to the needs of the district in which the development is located. A minimum of 75 percent of the ground floor gross area of a mixed use building shall contain retail uses.
- g. Open space. The minimum open space required for a Planned Development shall be not less than twenty percent (20%) of the parcel proposed for development.
- h. Design requirements. All buildings within a Planned Development shall conform to the following:
- i. The design requirements in Article 5 Division 8 of these LDRs;
 - ii. Architectural relief and elements (i.e. windows, cornice lines, etc.) shall be provided on all sides of buildings visible to the public, similar to the architectural features provided on the front façade;
 - iii. Facades in excess of 150 feet in length shall incorporate design features such as: staggering of the façade, different window treatments and use of architectural elements such as vertical features;
 - iv. Parking garages shall include architectural treatments compatible with the principal use and comply with the provisions of Section 5-1409;

v. ~~No building façade shall have a length greater than 200 feet without a public pedestrian passageway or alley through the building;~~

~~v~~ v. All buildings, except accessory buildings, shall have their main pedestrian entrance oriented towards the front property line or parking lot.

- i. Perimeter and transition. Any part of the perimeter of a Planned Development which fronts on an existing street or open space shall be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, and screening. Height and setbacks for properties which are adjacent and/or abutting land in the R-1 and R-2 Districts shall comply with the height/setback requirements for multifamily and non-residential development which are adjacent and/or abutting land in the R-1 and R-2 Districts in Sections 4-202 and 4-303.
- j. Minimum street frontage; building site requirement, number of buildings per site, lot coverage and all setbacks. There shall be no specified minimum requirements for street frontage, building sites, number of buildings within the development, or lot coverage.
- k. Building Frontage. Nothing in this Section shall be construed as prohibiting a building in a Planned Development from fronting on a private street when such buildings are shown to have adequate access in a manner which is consistent with the purposes and objectives of these regulations and such private street has been reviewed by the Planning Commission and approved by the City Council.
- l. Accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are permitted in a Planned Development. Any use permissible as a principal use may be permitted as an accessory use, subject to limitations and requirements applying to the principal use.
- m. Signs. The number, size, character, location and orientation of signs and lighting for signs for a Planned Development shall be governed by a comprehensive sign program for the project or the portions thereof seeking a conditional use permit.
- n. Waiver. The development standards hereof may be waived, modified and/or altered by the City Council as part of the conditional use permit granted to the applicant if it is determined

that the granting of the waiver furthers the purpose and applicability of the planned development by promoting greater innovation and creativity in the development of the land.

* * * * *

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 by _____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of _____, 2011.

PASSED AND ADOPTED by _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2011.

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 Marie Erlande Steril	_____	(Yes)	_____	(No)
Councilperson Michael R. Blynn, Esq.	_____	(Yes)	_____	(No)
Councilperson Scott Galvin	_____	(Yes)	_____	(No)
Councilperson Jean R. Marcellus	_____	(Yes)	_____	(No)

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