I. ASSEMBLY AND ORGANIZATION:
   A. Call to Order
   B. Roll Call of Board Members
   C. Amendments to the Agenda

II. APPROVAL OF MINUTES:

   April 5, 2022

III. COMMUNICATIONS

IV. CONTINUED PUBLIC HEARING: None

V. PUBLIC HEARING:

   PC: 17-38

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING VOLUME 1: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF NORTH MIAMI 2016 COMPREHENSIVE PLAN, MORE SPECIFICALLY THE FUTURE LAND USE ELEMENT THEREOF, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 163.3184(3), FLORIDA STATUTES (2021), AND CHAPTER 29, ARTICLE 3, DIVISION 11, SECTION 3-1102(A) & SECTIONS, 3-1105 THROUGH 3-1110 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.15.1 TO COMBINE THE PRIMARY AND SECONDARY POOLS OF FLOATING DWELLING UNITS; PROVIDING FOR AN INITIAL HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT TO THE REVIEWING AGENCIES AND/OR ANY INTERESTED LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY FOR REVIEW UNDER THE EXPEDITED STATE REVIEW PROCESS; PROVIDING FOR AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT, AS MAY BE AMENDED TO RESPOND TO COMMENTS FROM THE REVIEWING
AGENCIES, TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS AND AN EFFECTIVE DATE.

1. Staff Report
2. Public Comment
3. Commission Action

PC: 17-39

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”, SPECIFICALLY AT ARTICLE 4, DIVISION 2, SECTION 4-205, ENTITLED, “FLOATING UNIT ALLOCATION”, TO COMBINE THE PRIMARY AND SECONDARY POOLS OF FLOATING DWELLING UNITS, AND FURTHER CLARIFY THE NON RESIDENTIAL POOL, IN ACCORDANCE WITH SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

1. Staff Report
2. Public Comment
3. Commission Action

PC: 17-40

DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

1. Staff Report
2. Public Comment
3. Commission Action

PC: 17-41

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”, AT ARTICLE 5, ENTITLED “DEVELOPMENT STANDARDS” BY AMENDING DIVISIONS 1 AND 16, SPECIFICALLY AT , SPECIFICALLY AT SECTION 5-101, ENTITLED, “ACCESSORY USES AND STRUCTURES”, AND SECTION 5-1611, ENTITLED “MOBILE FOOD DISPENSING VEHICLES” TO MODIFY THE LOCATION WHERE MOBILE FOOD DISPENSING VEHICLES MAY OPERATE IN THE CITY, IN ACCORDANCE WITH SECTION 509.102(2), FLORIDA STATUTES (2021), AND SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

1. STAFF REPORT
2. PUBLIC COMMENT
3. COMMISSION ACTION

VI. COMMITTEE REPORTS

VII. OLD BUSINESS

VIII. NEW BUSINESS

IX. ADJOURNMENT

Members of the public are invited to attend the Public Hearing and provide oral or written comments on the matter. Copies of the reports containing the Community Planning and Development Department’s recommendation will be available for public review from Monday to Friday between the hours of 8:15 a.m. and 5:00 p.m.
in the City Clerk’s Office, City Hall, or online at: https://www.northmiamifl.gov/AgendaCenter/Planning-Commission-4. Written comments may be submitted to: City of North Miami, 776 N.E. 125th Street, North Miami, Florida 33161, Attn: Community Planning and Development Department. For questions, please call (305) 893-6511, Ext. 19005.

Pursuant to Florida Statute section 286.0105, persons appealing any decision made by the Planning Commission with respect to any matter considered at such meeting or hearing, will need a record of the proceedings, and should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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. 19005, FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE 711 OR YOU MAY CONTACT 1-800-955-8771 FOR THE FLORIDA RELAY SERVICE FOR ASSISTANCE.
The meeting was called to order at 7:05 pm and a roll call of the members was taken.

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<th>Name</th>
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<tr>
<td>1. Chairman Charles Ernst</td>
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<td>2. Commissioner Naomi Blemur</td>
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<td>3. Commissioner Michael McDearmaid</td>
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<td>5. Commissioner Hector Medina</td>
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<td>7. Commissioner Mark Bobb</td>
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*Alternate Members:*

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<td>8. Commissioner Robert Besen</td>
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*Staff was represented by:*

Debbie Love, AICP, City Planner  
Jennifer Warren, Deputy City Attorney  
Gary Held, Planning Commission Attorney  
Dunia Sanzetenea, IT Department  
Stephanie Thomas, MMC, Commission Secretary

I. **Assembly and Organization:** None

II. **Approval of Minutes:**

A motion was made by Commissioner Dearmaid to approve the March 1, 2022. Seconded by Commissioner Medina to move the item with amendments. The item passed 7 – 0. No public comment recorded.

III. **Communications:**

a. Attorney Held read public notice information and the procedures for quasi-judicial items.
IV. Continued Public Hearings: None

V. Public Hearings:

PC: 17-35

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR A TEXT AMENDMENT TO CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES BY AMENDING ARTICLE 2, DIVISION 2, ENTITLED “PLANNING COMMISSION”, AND DIVISION 3, ENTITLED “BOARD OF ADJUSTMENT”, TO FURTHER CLARIFY MEMBERSHIP TERMS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS, CODIFICATION AND FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Blemur and seconded by Commissioner Medina to move the item with amendments. The motion passed 4 – 3 by roll call vote. Chairman Ernst, Commissioner Clark and Commissioner voted no. Public comments recorded.

PC: 17-36

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR A PROPOSED MIXED-USE DEVELOPMENT CONSISTING OF A 20-STORY, 139-UNIT RESIDENTIAL BUILDING, AN ATTACHED 4-STORY PARKING GARAGE WITH TWO-HUNDRED THIRTY-FIVE (235) PARKING SPACES, AND NINE-THOUSAND, NINE-HUNDRED EIGHTY-NINE (9,989) SQUARE FEET OF GROUND LEVEL COMMERCIAL AND OFFICE SPACE ON FIVE (5) PARCELS OF REAL PROPERTY, LOCATED AT 12041 NW 7TH AVENUE - FOLIO NO. 06-2125-018-0550; 12065 NW 7TH AVENUE – FOLIO NO. 06-2125-018-0540; 660 NW 121ST STREET – FOLIO NO. 06-2125-018-0590; 654 NW 121ST STREET – FOLIO NO. 06-2125-018-0600; AND A VACANT PARCEL AT THE SOUTHWEST QUADRANT OF THE INTERSECTION OF NW 121ST AND I-95 IDENTIFIED WITH FOLIO NO. 06-2125-018-0610; TOTALING APPROXIMATELY 1.11 ACRES, IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407, ARTICLE 4, DIVISION 2, SECTIONS 4-202, SECTION 4-203(A), AND SECTION 4-205, AND ARTICLE 4, DIVISION 3, SECTION 4-306, OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES,
Oath administered. A motion was made by Commissioner Each and seconded by Commissioner Clark to move the item with recommendations to hold a public workshop and translation of materials in Creole and Spanish. The motion passed 7 – 0 unanimously by roll call vote. No public comments were received.

RECESSED: 9:03 PM
RECONVENED: 9:18 PM

PC: 17-37

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR A PROPOSED MIXED-USE DEVELOPMENT CONSISTING OF A 12-STORY, 218-UNIT RESIDENTIAL BUILDING, WITH A 3-STORY PARKING GARAGE WITH TWO HUNDRED NINETY-THREE (293) PARKING SPACES AND AN AMENITY DECK, TWO-THOUSAND, THREE-HUNDRED (2,300) SQUARE FEET OF GROUND LEVEL RETAIL SPACE, AND ONE-THOUSAND, FIVE HUNDRED (1,500) SQUARE FEET OF OFFICE SPACE ON THREE (3) PARCELS OF REAL PROPERTY, LOCATED AT 12450 NE 13TH AVENUE – FOLIO NO. 06-2229-000-0330; 12304 NE 13TH AVENUE – FOLIO NUMBER 06-2229-000-0150; AND A VACANT PARCEL DIRECTLY SOUTH ON NE 13TH AVENUE – FOLIO NO. 06-2229-015-0210; AND TOTALING APPROXIMATELY 1.46 ACRES, IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407, ARTICLE 4, DIVISION 2, SECTIONS 4-202, SECTION 4-203(A), AND SECTION 4-205, AND ARTICLE 4, DIVISION 3, SECTION 4-310, OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

A motion was made by Commissioner McDearmaid and seconded by Commissioner Each to move the item. The motion passed 6 – 0 by roll call vote. Commissioner Medina recused himself. Public comments recorded.
VI. COMMITTEE REPORTS: None

VII. OLD BUSINESS: None

VIII. NEW BUSINESS:

Next Planning Commission Meeting will be held on:

- Tuesday, May 3, 2022

IX. ADJOURNMENT: Meeting adjourned at 10:43 p.m.

Respectfully submitted: Attest:

Charles Ernst, Chair Debbie Love, AICP, City Planner
Planning Commission Community Planning & Development

Prepared by:

Stephanie Thomas, MMC, Commission Secretary
Community Planning & Development
To: Planning Commission

From: Debbie Love, AICP, City Planner

Date: May 3, 2022

RE: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING VOLUME 1: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF NORTH MIAMI 2016 COMPREHENSIVE PLAN, MORE SPECIFICALLY THE FUTURE LAND USE ELEMENT THEREOF, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 163.3184(3), FLORIDA STATUTES (2021), AND CHAPTER 29, ARTICLE 3, DIVISION 11, SECTION 3-1102(A) & SECTIONS, 3-1105 THROUGH 3-1110 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.15.1 TO COMBINE THE PRIMARY AND SECONDARY POOLS OF FLOATING DWELLING UNITS; PROVIDING FOR AN INITIAL HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT TO THE REVIEWING AGENCIES AND/OR ANY INTERESTED LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY FOR REVIEW UNDER THE EXPEDITED STATE REVIEW PROCESS; PROVIDING FOR AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT, AS MAY BE AMENDED TO RESPOND TO COMMENTS FROM THE REVIEWING AGENCIES, TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS AND AN EFFECTIVE DATE.

RECOMMENDATION

That, pursuant to the provisions of Article 3, Division 11, Section 3-1106(A) of the City of North Miami ("City") Land Development Regulations (LDRs), the Planning Commission review the proposed Amendment to the City’s Adopted 2036 Comprehensive Plan ("Comprehensive Plan") as described in the above ordinance title and as attached hereto, consider City staff’s recommendation, and any testimony at the public hearing, and recommend approval to the Mayor and the City Council, and subsequently direct City
Staff to transmit said Amendment to the Florida Department of Economic Opportunity (DEO), and all other reviewing agencies for timely comments.

BACKGROUND

Context: In 2007, the City established three pools of floating units: 1) a pool of 1,800 floating dwelling units and 375,000 s.f. of commercial use reserved for the Central City District (“CCD”); 2) a pool of 2,200 floating dwelling units and 375,000 s.f. of commercial use anywhere within the Neighborhood Redevelopment Overlay (“NRO”); and, 3) a secondary pool of 1,000 unassigned dwelling units for use outside of the NRO.

Subsequently, in 2015, the City modified the pools to establish a primary pool of 2,500 floating units to be used exclusively within the NRO; a secondary pool of 2,500 floating dwelling units for use outside of the NRO; and, a pool of 750,000 s.f. of non-residential use reserved for use within the NRO, Planned Corridor Development Overlay (“PCDO”) districts, and mixed use districts such as the North Miami Transit Station Overlay (“NMTSOD”).

An analysis of the prevailing conditional use permit (“CUP”) requests for floating units indicates that the vast majority are for projects outside of the NRO; as such, the number of available floating units in the secondary pool has rapidly depleted.

ANALYSIS

Section 3-1105 (B) of the City’s Land Development Regulations requires that all amendments to the Comprehensive Plan must meet the following minimum criteria:

1. Whether it specifically advances any goal, objective or policy of the comprehensive plan.

The proposed text amendment is consistent with the goals, policies and objectives of the City’s Comprehensive Plan. Specifically, Policy 1.17.2 which encourages mixed use along the main corridors within the PCDO; Objective 1.18 which outlines the vision and purpose of the PCDO as creating, “…a compact, high-intensity mix of residential, commercial, employment and civic/institutional uses…”; Policy 1.22.1 for the NMTSOD that intends to, “…bring together an intensive concentration of work, live, shop and/or play activities comfortably accessible by foot, within approximately a half-mile radius or a 10-minute walking distance.”; and, Policy 3B.2.7 which requires the City to allow for a range of housing options.

2. Its effect on the level of service of public infrastructure.
Any residential development, above that allowed by the underlying zoning district will require dwelling units to be allocated by City Council from the pool of floating units. Thus, this Amendment would not increase the overall amount of already planned residential development.

Furthermore, all future developments are subject to the requirements of Policy 11.2.7 of the City’s Comprehensive Plan, which stipulates that 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.

3. **Its effect on environmental resources.**

Natural plant communities identified within the City of North Miami include mangroves, mangroves/saltmarsh communities, coastal and tropical hammocks, pinelands, and wetlands. The overwhelming majority of these communities are protected as part of Oleta River State Park and/or are located in Enchanted Forest. The bulk of the City is highly urbanized; however, all new development within the City is required to be resilient, sustainable, and provide additional green space, native landscaping, and add to the City’s tree canopy. Therefore, the Amendment will further the goals and objectives within the Conservation and Climate Change Elements for water conservation and energy efficiency, and mitigation of urban heat island effects, stormwater runoff, and sea level rise.

4. **Its effect on hurricane evacuation.**

The proposed text amendment does not include any increase in density beyond that which was considered during the establishment of the pools of floating units and therefore, would have no impact on hurricane evacuation.

5. **Its effect on the availability of housing that is affordable to people who work in the city.**

The City’s housing stock is also aging. According to the 2020 U.S. Census, over 80% of the City’s 21,865 housing units are over 50 years old; approximately 39 percent of the units were built before 1960. Combining the pools will encourage development along the
major corridors, and within the NMTSOD, and result in the development of more up to date housing options within the City.

6. Any other effect that city staff determines is relevant to the city council’s decision on the application.

This amendment will spur economic development, and encourage the continued development of compact, mixed-use development, and much needed hardened, modern and safe housing.

**FUNDING IMPACT / FUNDING SOURCE**

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**ATTACHMENTS**

1. Proposed Ordinance
2. Public Notice
ORDINANCE NO. ___________

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING VOLUME 1: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF NORTH MIAMI 2016 COMPREHENSIVE PLAN, MORE SPECIFICALLY THE FUTURE LAND USE ELEMENT THEREOF, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 163.3184(3), FLORIDA STATUTES (2021), AND CHAPTER 29, ARTICLE 3, DIVISION 11, SECTION 3-1102(A) & SECTIONS, 3-1105 THROUGH 3-1110 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.15.1 TO COMBINE THE PRIMARY AND SECONDARY POOLS OF FLOATING DWELLING UNITS; PROVIDING FOR AN INITIAL HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT TO THE REVIEWING AGENCIES AND/OR ANY INTERESTED LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY FOR REVIEW UNDER THE EXPEDITED STATE REVIEW PROCESS; PROVIDING FOR AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT, AS MAY BE AMENDED TO RESPOND TO COMMENTS FROM THE REVIEWING AGENCIES, TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Article 3, Division 11, Sections 3-1102(A) and 3-1105 through Section 3-1111 of the City LDRs set forth procedures for text amendments and future land use map changes to the Comprehensive Plan initiated by either the City or one (1) or more owners of record for parcel(s) located within the jurisdictional boundary of the City within the jurisdictional boundary of the City; and

WHEREAS, Article 3, Division 3, Section 3-302 of the City LDRs establishes a uniform notice and procedure in order to ensure procedural due process and maintain citizen access to the local government decision-making process relating to the approval of amendments to the texts and maps of the Comprehensive Plan within the jurisdictional boundary of the City; and

WHEREAS, in 2007, the City established a three pools of floating units: 1) A pool of 1,800 floating dwelling units and 375,000 s.f. of commercial use reserved for the Central City District (“CCD”); 2) A pool of 2,200 floating dwelling units and 375,000 s.f. of commercial use anywhere within the Neighborhood Redevelopment Overlay (“NRO”); and 3) A secondary pool of 1,000 unassigned dwelling units for use outside of the NRO; and

IWO #22-193 (JLW)
WHEREAS, in 2015, the City modified the pools to establish a primary pool of 2,500 floating units to be used exclusively within the NRO, a secondary pool of 2,500 floating dwelling units for use outside of the NRO, and a pool of 750,000 s.f. of non-residential use reserved for use within the NRO, Planned Corridor Development Overlay (“PCDO”) districts, and mixed use districts; and

WHEREAS, an analysis of the prevailing conditional use permit (“CUP”) requests for floating units indicate that the vast majority are for projects outside of the NRO; as such, the number of available floating units in the secondary pool has rapidly depleted; and

WHEREAS, in order to continue to spur economic development, and encourage the continued development of modern, safe housing, and compact, mixed use development, the City desires to combine the primary and secondary pools; and

WHEREAS, City staff is requesting that pursuant to the requirements of Article 3, Division 11, Section 3-1106 of the City LDRs, Planning Commission review the proposed Amendment to the City Comprehensive Plan, consider the recommendation of City staff and testimony provided at the public hearing (if any), and issue a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed text Amendment by passage of the attached ordinance; and

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

WHEREAS, the Planning Commission, after a duly noticed public hearing held on May 3, 2022, reviewed and discussed the proposed Amendment, City staff’s report, and heard testimony from the attending members of the public; and

WHEREAS, the Planning Commission found the proposed Amendment to the City Comprehensive Plan to be in compliance with state law and with applicable standards of the City LDRs, and therefore recommended that the Mayor and City Council take the appropriate action and adopt the proposed Amendment by passage of the attached ordinance; and

WHEREAS, s. 163.3184(11), F.S., requires that the Amendment be adopted by the
WHEREAS, the Mayor and City Council, after a duly noticed initial hearing held on __________, 2022, reviewed and discussed the proposed Amendment to the City Comprehensive Plan, and authorized their transmittal to the Department of Economic Opportunity (“DEO”) and other reviewing agencies, pursuant to state law; and

WHEREAS, the Amendment to the City Comprehensive Plan, which were presented to and approved for transmittal by the City Council at the __________, 2022 public hearing, have since been revised to address comments from DEO and other reviewing agencies, in compliance with state law; and

WHEREAS, in accordance with the requirements of s.163.3184 (3)(c), F. S., the City has one hundred eighty (180) days from the receipt of agency comments to hold the second public hearing on whether to adopt the proposed Amendment to the Comprehensive Plan by Ordinance; and

WHEREAS, Policy 1.2.3 of the City Comprehensive Plan provides that the densities and intensities set forth in the Future Land Use Element of the City Comprehensive Plan cannot be changed without by concurrence of a supermajority vote of the Mayor and City Council; and

WHEREAS, pursuant to Article 3, Division 11, Section 3-1109(B) of the City LDRs, adoption of the proposed Amendment shall require concurrence of a supermajority of the City Council; and

WHEREAS, the Mayor and City Council, after a duly noticed adoption hearing held on __________, 2022, found the adoption of the proposed Amendment to the City Comprehensive Plan to reflect the developmental vision and aspirations of the City, and further authorized their transmittal to DEO for a determination of completeness, in accordance with state law.

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

Section 1. Adoption. The Mayor and City Council of the City of North Miami, Florida, hereby approve and adopt the proposed Amendment to the City of North Miami Comprehensive Plan identified in Section 2.
Section 2. Amendment. Amendment to Volume 1: Goals, Objectives and Policies of the City of North Miami 2036 Comprehensive Plan, specifically the Future Land Use Element with related Goals, Objectives and Policies as follows:

CITY OF NORTH MIAMI
VOLUME 1: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF NORTH MIAMI
2036 COMPREHENSIVE PLAN

* * * * *
FUTURE LAND USE ELEMENT

* * * * *

Policy 1.15.1

1. A primary pool of 2,295 floating dwelling units are reserved for the Neighborhood Redevelopment Overlay (NRO).

2. A secondary pool of 2,500 floating dwelling units are reserved for use outside of the Neighborhood Redevelopment Overlay (NRO) use throughout the city, excluding the Special Development and Transit Oriented District (“SDTOD”), subject to the availability of potable water supply and waste water treatment capacity limitations necessitate that the potable water supply reserved for the secondary pool of dwelling units may be allocated to land use plan amendments identified in Appendix B for additional redevelopment.

3. A pool of 750,000 s.f. of non-residential use is reserved for use within the Neighborhood Redevelopment Overlay (NRO), Planned Corridor Development Overlay (PCDO), and the North Miami Transit Station Overlay District—mixed-use amendment sites identified in Appendix B.

4. These pools may be used to facilitate mixed-use development, and either higher intensities or additional land uses that are not permitted by the underlying map designations.

5. Additional floating units and/or commercial use shall be approved via a Conditional Use Permit by resolution before City Council; said Conditional Use Permit to be null and void if no precise plan is filled within twenty-four (24) months off the approval.
6. Allowable floating dwelling units and/or commercial use are governed by available units and square feet mentioned herein, and allocation will be tracked by staff administratively.

* * * * *

**Section 3. Transmittal.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the appropriate City officials to submit the appropriate number of copies of this Ordinance and the City Comprehensive Plan, as amended herein, to the State of Florida Department of Economic Opportunity and to any other governmental agency having jurisdiction with regard to the approval of same in accordance with, and pursuant to Chapter 163, F.S., and to keep available copies of the amended Comprehensive Plan available for public review and examination at the North Miami Community Planning & Development Department.

**Section 4. Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are repealed.

**Section 5. Conflict.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

**Section 6. 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 7. Scrivener’s Errors.** The City Attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy with the City Clerk.

**Section 8. 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 this 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 9. Effective Date.** This Ordinance shall not become effective until thirty-one (31) days after the State Land Planning Agency notifies the City that the plan amendment packet transmitted is complete.
ATTEST:

____________________________________
PHILLIPE BIEN-AIME
MAYOR

VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

____________________________________
JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: COUNCILWOMAN TIMOTHE

Moved by: ______________________
Seconded by: ______________________

Vote:

Mayor Philippe Bien-Aime  _______ (Yes) _______ (No)
Vice Mayor Alix Desulme, Ed.D.  _______ (Yes) _______ (No)
Councilman Scott Galvin  _______ (Yes) _______ (No)
Councilwoman Carol Keys, Esq.  _______ (Yes) _______ (No)
Councilwoman Mary Estimé-Irvin  _______ (Yes) _______ (No)
NOTICE OF PUBLIC HEARING

CITY OF NORTH MIAMI, FLORIDA

NOTICE IS HEREBY GIVEN that the City of North Miami, Florida proposes to adopt the following:

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING VOLUME 1: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF NORTH MIAMI 2016 COMPREHENSIVE PLAN, MORE SPECIFICALLY THE FUTURE LAND USE ELEMENT THEREOF, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 163.3184(3), FLORIDA STATUTES (2021), AND CHAPTER 29, ARTICLE 3, DIVISION 11, SECTION 3-1102(A) & SECTIONS, 3-1105 THROUGH 3-1110 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.15.1 TO COMBINE THE PRIMARY AND SECONDARY POOLS OF FLOATING DWELLING UNITS; PROVIDING FOR AN INITIAL HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT TO THE REVIEWING AGENCIES AND/OR ANY INTERESTED LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY FOR REVIEW UNDER THE EXPEDITED STATE REVIEW PROCESS; PROVIDING FOR AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT, AS MAY BE AMENDED TO RESPOND TO COMMENTS FROM THE REVIEWING AGENCIES, TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

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”, SPECIFICALLY AT ARTICLE 4, DIVISION 2, SECTION 4-205, ENTITLED, “FLOATING UNIT ALLOCATION”, TO COMBINE THE PRIMARY AND SECONDARY POOLS OF FLOATING DWELLING UNITS, AND FURTHER CLARIFY THE NON RESIDENTIAL POOL, IN ACCORDANCE WITH SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

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”, AT ARTICLE 5, ENTITLED “DEVELOPMENT STANDARDS” BY AMENDING DIVISIONS 1 AND 16, SPECIFICALLY AT SECTION 5-101, ENTITLED, “ACCESSORY USES AND STRUCTURES”, AND SECTION 5-1611, ENTITLED “MOBILE FOOD DISPENSING VEHICLES” TO MODIFY THE LOCATION WHERE MOBILE FOOD DISPENSING VEHICLES MAY OPERATE IN THE CITY, IN ACCORDANCE WITH SECTION 509.102(2), FLORIDA STATUTES (2021), AND SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

The Planning Commission will hold a Public Hearing for these items on **Tuesday, May 3, 2022 at 7:00 p.m.** in the Council Chambers of North Miami City Hall, Second Floor, 776 NE 125 Street, North Miami, Florida 33161.

Members of the public are invited to attend the Public Hearing and provide oral or written comments on the matter. Copies of the reports containing the Community Planning and Development Department’s recommendation will be available for public review from Monday to Friday between the hours of 8:15 a.m. and 5:00 p.m. in the City Clerk’s Office, City Hall, or online at: [https://www.northmiamifl.gov/AgendaCenter/Planning-Commission-4](https://www.northmiamifl.gov/AgendaCenter/Planning-Commission-4). If you have any questions about any of the items on the agenda, you may contact the Community Planning and Development Department at 305-893-6511 Ext. 19005.

Pursuant to Florida Statute section 286.0105, persons appealing any decision made by the Planning Commission with respect to any matter considered at such meeting or hearing, will need a record of the proceedings, and should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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. 19005, FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE 711 OR YOU MAY CONTACT 1-800-955-8771 FOR THE FLORIDA RELAY SERVICE FOR ASSISTANCE.
To: Planning Commission

From: Debbie Love, AICP, City Planner

Date: May 3, 2022

RE: 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", SPECIFICALLY AT ARTICLE 4, DIVISION 2, SECTION 4-205, ENTITLED, "FLOATING UNIT ALLOCATION", TO COMBINE THE PRIMARY AND SECONDARY POOLS OF FLOATING DWELLING UNITS, AND FURTHER CLARIFY THE NON-RESIDENTIAL POOL, IN ACCORDANCE WITH SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED "LAND DEVELOPMENT REGULATIONS"; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

RECOMMENDATION

Staff is requesting that, pursuant to Article 3, Division 10, Section 3-1006 of the City's Land Development Regulations (LDRs), Planning Commission review the proposed amendment, as described in the above ordinance title, and as attached hereto, consider City staff's recommendation, and any testimony at the public hearing, and make a recommendation to the Mayor and City Council to adopt the proposed amendment by passage of the attached ordinance.

BACKGROUND

Context: in 2007, under Section 4-305 of the LDRs, the City established a three pools of floating units: 1) a pool of 1,800 floating dwelling units and 375,000 s.f. of commercial use reserved for the Central City District ("CCD"); 2) a pool of 2,200 floating dwelling units and 375,000 s.f. of commercial use anywhere within the Neighborhood Redevelopment Overlay ("NRO"); and 3) a secondary pool of 1,000 unassigned dwelling units for use outside of the NRO. Subsequently, in 2017, the City modified and renumbered Section 4-305 of the LDRs (to 4-205), and established a primary pool of 2,500 floating units to be used exclusively within the NRO, a secondary pool of 2,500 floating dwelling units for use outside of the NRO, and a pool of 750,000 s.f. of non-residential use reserved for use.
within the NRO, Planned Corridor Development ("PCD") Overlay districts, and mixed use districts.

An analysis of the prevailing conditional use permit ("CUP") requests for floating units indicate that the vast majority are for projects outside of the NRO; as such, the number of available floating units in the secondary pool has rapidly depleted.

An amendment to the 2036 Comprehensive Plan combining the residential pools is before the Planning Commission at the same meeting for review and consideration. If that item is approved, this implementing LDR amendment will also be considered.

**Analysis:** This amendment has been reviewed pursuant to the standards for approval set forth in Article 3, Division 10, Section 3-1004 of the City’s LDRs as follows:

A. **Whether the amendment promotes the public health, safety and welfare;**
   
   *This text amendment does not change the standards required to protect the public health, safety and welfare.*

B. **Whether the amendment permits uses the comprehensive land use plan prohibits in the area affected by the zoning map change or text amendment;**
   
   *This amendment to the LDRs does not affect the permitted or prohibited uses.*

C. **Whether the amendment allows densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property;**
   
   *This amendment to the LDRs does not affect the allowable densities or intensities.*

D. **Whether the amendment causes 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;**
   
   *The residential floating units are included in the current level of service demands; therefore, this amendment has no impact upon the level of service for public infrastructure.*

E. **Whether the amendment directly conflicts with a goal, objective or policy of the comprehensive land use plan; and**
   
   *This amendment does not conflict with the comprehensive plan. Rather, it implements several important objectives and policies, including Policy 1.17.2, which encourages mixed use along the main corridors within the PCDO; Objective 1.18 which outlines the vision and purpose of the PCDO as creating, “…a compact, high-intensity mix of residential, commercial, employment and civic/institutional uses…”; Policy 1.22.1 for the NMTSOD that intends to, “…bring
together an intensive concentration of work, live, shop and/or play activities comfortably accessible by foot, within approximately a half-mile radius or a 10-minute walking distance.”; and, Policy 3B.2.7 which requires the City to allow for a range of housing options.

F. Whether the amendment furthers the orderly development of the City of North Miami.

This amendment will continue to spur economic development, and encourage the further development of compact, mixed-use development, and much needed hardened, modern, and safe housing opportunities.

**FUNDING IMPACT / FUNDING SOURCE**

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<th>Department</th>
<th>Allocation</th>
<th>Funding Source</th>
<th>Contract Manager</th>
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**Total:** N/A

**ATTACHMENTS**

1. Proposed Ordinance
2. Public Notice
ORDINANCE NO. __________

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”, SPECIFICALLY AT ARTICLE 4, DIVISION 2, SECTION 4-205, ENTITLED, “FLOATING UNIT ALLOCATION”, TO COMBINE THE PRIMARY AND SECONDARY POOLS OF FLOATING DWELLING UNITS, AND FURTHER CLARIFY THE NON-RESIDENTIAL POOL, IN ACCORDANCE WITH SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, the current Land Development Regulations (“LDRs”), Chapter 29 of the City Code of Ordinances, were adopted in July 2017 through Ordinance No. 1417 to establish zoning districts and regulations; and

WHEREAS, Article 3, Division 10, Sections 3-1003 through 3-1007 of the LDRs outlines the procedures for text amendments and zoning map changes to the LDRs initiated by either the City of North Miami (“City”) or one (1) or more owners of record for parcel(s) located within the jurisdictional boundary of the City; and

WHEREAS, Article 3, Division 3, Section 3-302 of the LDRs establishes a uniform notice and procedure in order to ensure due process and maintain citizen access to the local government decision-making forum relating to the approval LDR text changes within the jurisdictional boundary of the City; and

WHEREAS, in 2007, under Section 4-305 of the LDRs, the City established a three pools of floating units: 1) A pool of 1,800 floating dwelling units and 375,000 s.f. of commercial use reserved for the Central City District (“CCD”); 2) A pool of 2,200 floating dwelling units and 375,000 s.f. of commercial use anywhere within the Neighborhood Redevelopment Overlay (“NRO”); and 3) A secondary pool of 1,000 unassigned dwelling units for use outside of the NRO; and
WHEREAS, in 2017, the City modified and renumbered Section 4-305 of the LDRs (to 4-205), and established a primary pool of 2,500 floating units to be used exclusively within the NRO, a secondary pool of 2,500 floating dwelling units for use outside of the NRO, and a pool of 750,000 s.f. of non-residential use reserved for use within the NRO, Planned Corridor Development (“PCD”) Overlay districts, and mixed use districts; and

WHEREAS, an analysis of the prevailing conditional use permit (“CUP”) requests for floating units indicate that the vast majority are for projects outside of the NRO; as such, the number of available floating units in the secondary pool has rapidly depleted; and

WHEREAS, in order to continue to spur economic development, and encourage the continued development of modern, safe housing, and compact, mixed use development, the City desires to combine the primary and secondary pools of available floating units; and

WHEREAS, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the City LDRs, on May 3, 2022, the Planning Commission reviewed the proposed Amendment to the LDRs and issued a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed Amendment by passage of this ordinance; and

WHEREAS, pursuant to Article 3, Section 3-1007 of the LDRs, the Mayor and City Council have jurisdiction to adopt the proposed LDR text amendment, and after two (2) duly noticed public meetings (first reading and second reading), have determined that the amendments are in the best interest of City residents.

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

Section 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings and the intent and purpose of the City Council of the City of North Miami.

Section 2. Floating Unit Allocation. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the North Miami Code of Ordinances entitled “Land Development Regulations”, by amending Article 5, entitled “Development Standards” as follows:
DIVISION 2. – ZONING DISTRICTS

Sec. 4-205. – Floating unit allocation.

A. Residential and Commercial Pools. Residential and commercial pools of available floating units, and available non-residential square footage for use with the NRO and for use in the PCD, PD, NMTSOD, and multifamily districts outside of the NRO are hereby created as follows:

1. Primary Residential: A pool of two thousand five hundred ninety-five (2,500) floating units for use within the NRO, PCD, PD (exclusive of Sole Mia), NMTSOD, and multifamily districts outside of the SDTOD, through the conditional use permit process. Commercial pool of seven hundred fifty thousand (750,000) square feet within the NRO.

2. Secondary Commercial: A commercial pool of seven hundred, fifty thousand (750,000) square feet for use within the NRO, PCD, and the NMTSOD, through the conditional use permit process. A pool of two thousand, five hundred (2,500) units outside of the NRO.

3. For each new unit approved through an amendment to the comprehensive plan outside of the NRO, one (1) dwelling unit shall be debited from the secondary residential pool.

B. Multi-family residential zoning districts outside the NRO.

For parcels of land within the multifamily residential zoning districts outside of the NRO, a density bonus may be granted up to twenty-five (25) du/acre through conditional use approval, (excepting those properties which lie in, or are adjacent to, or abutting the Village of Biscayne Park Transition Zone).

Residential developments immediately north of NE 121st Street, within the Village of Biscayne Park Transition Zone, may not exceed their current entitlement and shall be subject to the strict development standards as further established in these LDRs.

* * * * *

Section 3. Repeal. All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Conflicts. All Ordinances or parts of ordinances in conflict herewith the provisions of this Ordinance are repealed.
Section 5.  Severability. The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, phrase, clause or word of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, phrases, clause or words of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall notwithstanding the invalidity of any part.

Section 6.  Scrivener’s Errors. The City Attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy with the City Clerk.

Section 7.  Codification. The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or any other appropriate word.

Section 8.  Effective Date. This Ordinance shall become effective ten (10) days after adoption on second reading.

PASSED AND ADOPTED by a _________ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this ______ day of ______________, 2022.

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 ______________, 2022.

PHILLIPE BIEN-AIME
MAYOR

ATTEST:

____________________________________
VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

IWO #22-192 (JLW)
JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: ______________________
Seconded by: ______________________

Vote:
Mayor Philippe Bien-Aime _______ (Yes) _______ (No)
Vice Mayor Alix Desulme, Ed.D. _______ (Yes) _______ (No)
Councilman Scott Galvin _______ (Yes) _______ (No)
Councilwoman Carol Keys, Esq. _______ (Yes) _______ (No)
Councilwoman Mary Estimé-Irvin _______ (Yes) _______ (No)
NOTICE OF PUBLIC HEARING

CITY OF NORTH MIAMI, FLORIDA

NOTICE IS HEREBY GIVEN that the City of North Miami, Florida proposes to adopt the following:

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING VOLUME 1: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF NORTH MIAMI 2016 COMPREHENSIVE PLAN, MORE SPECIFICALLY THE FUTURE LAND USE ELEMENT THEREOF, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 163.3184(3), FLORIDA STATUTES (2021), AND CHAPTER 29, ARTICLE 3, DIVISION 11, SECTION 3-1102(A) & SECTIONS, 3-1105 THROUGH 3-1110 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.15.1 TO COMBINE THE PRIMARY AND SECONDARY POOLS OF FLOATING DWELLING UNITS; PROVIDING FOR AN INITIAL HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT TO THE REVIEWING AGENCIES AND/OR ANY INTERESTED LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY FOR REVIEW UNDER THE EXPEDITED STATE REVIEW PROCESS; PROVIDING FOR AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT, AS MAY BE AMENDED TO RESPOND TO COMMENTS FROM THE REVIEWING AGENCIES, TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

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”, SPECIFICALLY AT ARTICLE 4, DIVISION 2, SECTION 4-205, ENTITLED, “FLOATING UNIT ALLOCATION”, TO COMBINE THE PRIMARY AND SECONDARY POOLS OF FLOATING DWELLING UNITS, AND FURTHER CLARIFY THE NON RESIDENTIAL POOL, IN ACCORDANCE WITH SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

OF THE CITY, IN ACCORDANCE WITH SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

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The Planning Commission will hold a Public Hearing for these items on **Tuesday, May 3, 2022 at 7:00 p.m.** in the Council Chambers of North Miami City Hall, Second Floor, 776 NE 125 Street, North Miami, Florida 33161.

Members of the public are invited to attend the Public Hearing and provide oral or written comments on the matter. Copies of the reports containing the Community Planning and Development Department’s recommendation will be available for public review from Monday to Friday between the hours of 8:15 a.m. and 5:00 p.m. in the City Clerk’s Office, City Hall, or online at: [https://www.northmiamifl.gov/AgendaCenter/Planning-Commission-4](https://www.northmiamifl.gov/AgendaCenter/Planning-Commission-4). If you have any questions about any of the items on the agenda, you may contact the Community Planning and Development Department at 305-893-6511 Ext. 19005.

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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. 19005, FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE 711 OR YOU MAY CONTACT 1-800-955-8771 FOR THE FLORIDA RELAY SERVICE FOR ASSISTANCE.
RECOMMENDATION

Staff is requesting that, pursuant to Article 3, Division 10, Section 3-1006 of the City’s Land Development Regulations (LDRs), Planning Commission review the proposed amendment, as described in the above ordinance title, and as attached hereto, consider City staff’s recommendation, and any testimony at the public hearing, and make a recommendation to the Mayor and City Council to deny, adopt or adopt with amendments the proposed amendment outlined in the attached ordinance.

BACKGROUND

Context: During the coronavirus pandemic, drive-through facilities became a crucial element for restaurants.¹ According to industry studies, in 2021 drive-throughs generated $8.3 billion across the fast food industry, an increase from $8 billion in sales over the same period in 2019.

At many chains, including McDonald's, drive-throughs accounted for around 70% of revenue before the pandemic, reported *The New York Times* (May 1, 2021). While in-house dining declined or was eliminated in its entirety during the crisis, drive-through sales held steady for the most part. Chipotle recently opened more of its drive-thru locations, which were first announced in 2019. Over the next few years, more dine-in chains may begin experimenting with the drive-through format, according to industry experts.²

In a post COVID-19 world, restaurant design must evolve and adapt to the new normal. According to Modern Restaurant Management, the consumer-facing footprint will look different, and “…creative concepts that minimize time spent inside the restaurant will also become more prevalent. Dining al fresco will no longer be a temporary fix to social distancing guidelines; it will become a must-have for years to come. Walk-up windows and drive-through only restaurants will also become increasingly popular for all types of food experiences from quick service to fine dining.”³

By streamlining the approval process to eliminate any barrier to development of a drive-through facility, and expanding the locational opportunities for this use, the City’s forward looking recognition of the “new normal” trends for restaurants will help make the restaurant experience more sustainable, bolster consumer confidence, and attract new business to the City of North Miami.

**Analysis:** This amendment has been reviewed pursuant to the standards for approval set forth in Article 3, Division 10, Section 3-1004 of the City’s LDRs as follows:

A. **Whether the amendment promotes the public health, safety and welfare;**

This text amendment does not change the standards required to protect the public health, safety and welfare, since all drive-through facilities are subject to the design standards and neighborhood protections established in Section 5-104. Additionally, due to the trend toward alternatives to in-house dining and reducing in-person exposure, sparked by Covid-19 concerns, Staff anticipates that this amendment will further protect the health, safety and welfare of the public.

B. **Whether the amendment permits uses the comprehensive land use plan prohibits in the area affected by the zoning map change or text amendment;**

This amendment to the LDRs does not change the permitted or prohibited uses established in the comprehensive plan.


C. Whether the amendment allows densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property;

This amendment to the LDRs does not affect the allowable densities or intensities.

D. Whether the amendment causes 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;

Staff anticipates that this amendment will not reduce the level of service for public infrastructure. However, all new development is subject to full concurrency review at the time of application, and will require mitigation of any impact upon the adopted level of service.

E. Whether the amendment directly conflicts with a goal, objective or policy of the comprehensive land use plan; and

This amendment does not conflict with the comprehensive plan. Rather, it implements several important objectives and policies, including Objective 1.1 of the Future Land Use Element that requires the City to create incentives to attract and encourage economic development, and the primary Goal of the Economic Element to enhance the economic prosperity of local business and attract new business.

F. Whether the amendment furthers the orderly development of the City of North Miami.

As noted earlier, streamlining the approval process to eliminate any barrier to development of a drive-through facility (while maintaining appropriate standards and protections), and expanding the locational opportunities for this use, it is anticipated that this amendment will help make the restaurant experience more sustainable, bolster consumer confidence, and attract new business to the City of North Miami.

**FUNDING IMPACT / FUNDING SOURCE**

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</table>

Total: N/A
ATTACHMENTS

1. Proposed Ordinance
2. Public Notice
ORDINANCE NO. __________


WHEREAS, the current Land Development Regulations (“LDRs”), Chapter 29 of the City Code of Ordinances, were adopted in July 2017 through Ordinance No. 1417 to establish zoning districts and regulations; and

WHEREAS, Article 3, Division 10, Sections 3-1003 through 3-1007 of the LDRs outlines the procedures for text amendments and zoning map changes to the LDRs initiated by either the City of North Miami (“City”) or one (1) or more owners of record for parcel(s) located within the jurisdictional boundary of the City; and

WHEREAS, Article 3, Division 3, Section 3-302 of the LDRs establishes a uniform notice and procedure in order to ensure due process and maintain citizen access to the local government decision-making forum relating to the approval LDR text changes within the jurisdictional boundary of the City; and

WHEREAS, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the City LDRs, the Planning Commission has reviewed the proposed Amendment to the LDRs and issued a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed Amendment by passage of this ordinance; and

WHEREAS, pursuant to Article 3, Section 3-1007 of the LDRs, the Mayor and City Council have jurisdiction to adopt the proposed LDR text amendment, and after two (2) duly
noticed public meetings (first reading and second reading), have determined that the amendments are in the best interest of City residents.

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

Section 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings and the intent and purpose of the City Council of the City of North Miami.

Section 2. Drive-Through Facilities. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the North Miami Code of Ordinances entitled “Land Development Regulations”, by amending Article 5, entitled “Development Standards” as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES
CHAPTER 29. LAND DEVELOPMENT REGULATIONS

ARTICLE 5. – DEVELOPMENT STANDARDS

DIVISION 1. - ACCESSORY USES AND STRUCTURES
Sec. 5-101. - Accessory uses and structures; Permits required.
A. Except as explicitly provided herein, no use designated as an accessory use in this division shall be established until after the person proposing such use has applied for and received all required development permits which may include; a building permit, zoning improvement permit (ZIP), certificate of use, and a certificate of occupancy all pursuant to the requirements of this division. No permit shall be issued for an accessory building for any use unless the principal building and established use exists on the property, or unless a permit is obtained simultaneously for both buildings and construction progress concurrently.
B. Prohibited uses. Any accessory use not specifically listed as permitted, or listed as a related use, and which the administrative official cannot categorize as similar to a permitted use or related use, shall be considered expressly prohibited.
C. Applicability of principal use and building regulations. An accessory use and building or structure shall be subject to the same regulations that apply to the principal use, building and structure in each district, except as otherwise provided.
D. Location. All accessory uses, buildings and structures, except for approved off-site parking, shall be located on the same lot as the principal or main use.

E. The following accessory use table shall be used to determine the required zoning district in which a use may be established. Unless otherwise stated, setback and spacing regulations shall adhere to the minimum requirements of this division. Additional standards shall be complied with for the establishment of the accessory use.

<table>
<thead>
<tr>
<th>Zoning District/Accessory Use and Structures</th>
<th>R-1</th>
<th>R-2</th>
<th>R-4</th>
<th>R-5</th>
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<th>C-1</th>
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<td>Detached accessory dwelling unit</td>
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<td>Drive-through facilities</td>
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</tbody>
</table>

Legend:  P indicates permitted
P* indicates permitted through Admin. Site Plan approval
P** indicates permitted through the underlying zoning district
Blank indicates not permitted

Note: See additional standards, requirements, and criteria for specific accessory uses set forth in this division and the master permitted uses list in section 4-202.

1 Subject to the standards in section 5-1611.

2 This use may be accommodated in other zoning districts as a special event through the temporary use permit process as provided in section 5-1903.

*****

Sec. 5-104. - Drive-throughs, walk-up windows, and automated teller machines.

Drive-throughs, walk-up windows, and ATMs accessory to banks, restaurants, and retail sales and service shall be permitted provided that:
A. In addition to the sight visibility standards of section 5-1004, such uses are designed so as to not interfere with the circulation of pedestrian or vehicular traffic on the site itself, and on the adjoining streets, alleys or sidewalks.

B. Drive-through lanes and vehicle stacking areas adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by railings, or hedges at least thirty-six (36) inches in height.

C. Drive-through, ATMs and walk-up elements should be architecturally integrated into the building, rather than appearing to be applied or "stuck on" to the building.

D. Drive-through displays, ordering areas, walk-up windows, ATMs and parking canopies shall not serve as the singularly dominant feature on the site or as a sign or an attention-getting device.

E. Entries and/or exits to drive-through facilities shall be a minimum of one hundred (100) feet from any intersection as measured from the edge of the drive closest to the intersection to the property line at the intersection. Shorter distances from road intersections may be approved if the city determines that public safety and/or the efficiency of traffic circulation are not being compromised.

F. Drive-through stacking lanes shall be a minimum of one hundred (100) feet from any single-family residential parcel unless the community planning and development department determines that an adequate buffer exists through the use of landscaping or other means.

G. All service areas, restrooms and ground mounted equipment associated with the drive-through shall be screened from public view.

H. Landscaping shall screen drive-through aisles from the public right-of-way and adjacent uses and shall be used to minimize the visual impacts of readerboard signs and directional signs.

I. Drive-throughs shall not be permitted in the NRO district, except those existing prior to the adoption of these regulations or this amendment.

* * * * *

**Section 3. Repeal.** All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 4. Conflicts.** All Ordinances or parts of ordinances in conflict herewith the provisions of this Ordinance are repealed.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, phrase, clause or word of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, phrases, clause or words of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall notwithstanding the invalidity of any part.
Section 6. Scrivener’s Errors. The City Attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy with the City Clerk.

Section 7. Codification. The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or relabeled to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or any other appropriate word.

Section 8. Effective Date. This Ordinance shall become effective ten (10) days after adoption on second reading.

PASSED AND ADOPTED by a ________ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this ______ day of ________________, 2022.

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 ________________, 2022.

ATTEST:

VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION
Moved by: ______________________
Seconded by: ______________________

Vote:
Mayor Philippe Bien-Aime                  (Yes) (No)
Vice Mayor Alix Desulme, Ed.D.            (Yes) (No)
Councilman Scott Galvin                    (Yes) (No)
Councilwoman Carol Keys, Esq.              (Yes) (No)
Councilwoman Mary Estimé-Irvin             (Yes) (No)
NOTICE OF PUBLIC HEARING

CITY OF NORTH MIAMI, FLORIDA

NOTICE IS HEREBY GIVEN that the City of North Miami, Florida proposes to adopt the following:

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING VOLUME 1: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF NORTH MIAMI 2016 COMPREHENSIVE PLAN, MORE SPECIFICALLY THE FUTURE LAND USE ELEMENT THEREOF, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 163.3184(3), FLORIDA STATUTES (2021), AND CHAPTER 29, ARTICLE 3, DIVISION 11, SECTION 3-1102(A) & SECTIONS, 3-1105 THROUGH 3-1110 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.15.1 TO COMBINE THE PRIMARY AND SECONDARY POOLS OF FLOATING DWELLING UNITS; PROVIDING FOR AN INITIAL HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT TO THE REVIEWING AGENCIES AND/OR ANY INTERESTED LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY FOR REVIEW UNDER THE EXPEDITED STATE REVIEW PROCESS; PROVIDING FOR AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT, AS MAY BE AMENDED TO RESPOND TO COMMENTS FROM THE REVIEWING AGENCIES, TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS AND AN EFFECTIVE DATE.

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”, SPECIFICALLY AT ARTICLE 4, DIVISION 2, SECTION 4-205, ENTITLED, “FLOATING UNIT ALLOCATION”, TO COMBINE THE PRIMARY AND SECONDARY POOLS OF FLOATING DWELLING UNITS, AND FURTHER CLARIFY THE NON RESIDENTIAL POOL, IN ACCORDANCE WITH SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

OF THE CITY, IN ACCORDANCE WITH SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

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”, AT ARTICLE 5, ENTITLED “DEVELOPMENT STANDARDS” BY AMENDING DIVISIONS 1 AND 16, SPECIFICALLY AT SECTION 5-101, ENTITLED, “ACCESSORY USES AND STRUCTURES”, AND SECTION 5-1611, ENTITLED “MOBILE FOOD DISPENSING VEHICLES” TO MODIFY THE LOCATION WHERE MOBILE FOOD DISPENSING VEHICLES MAY OPERATE IN THE CITY, IN ACCORDANCE WITH SECTION 509.102(2), FLORIDA STATUTES (2021), AND SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

The Planning Commission will hold a Public Hearing for these items on **Tuesday, May 3, 2022 at 7:00 p.m.** in the Council Chambers of North Miami City Hall, Second Floor, 776 NE 125 Street, North Miami, Florida 33161.

Members of the public are invited to attend the Public Hearing and provide oral or written comments on the matter. Copies of the reports containing the Community Planning and Development Department’s recommendation will be available for public review from Monday to Friday between the hours of 8:15 a.m. and 5:00 p.m. in the City Clerk’s Office, City Hall, or online at: [https://www.northmiamifl.gov/AgendaCenter/Planning-Commission-4](https://www.northmiamifl.gov/AgendaCenter/Planning-Commission-4). If you have any questions about any of the items on the agenda, you may contact the Community Planning and Development Department at 305-893-6511 Ext. 19005.

Pursuant to Florida Statute section 286.0105, persons appealing any decision made by the Planning Commission with respect to any matter considered at such meeting or hearing, will need a record of the proceedings, and should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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. 19005, FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE 711 OR YOU MAY CONTACT 1-800-955-8771 FOR THE FLORIDA RELAY SERVICE FOR ASSISTANCE.
To: Planning Commission

From: Debbie Love, AICP, City Planner

Date: May 3, 2022

RE: 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”, AT ARTICLE 5, ENTITLED “DEVELOPMENT STANDARDS” BY AMENDING DIVISIONS 1 AND 16, SPECIFICALLY AT SECTION 5-101, ENTITLED, “ACCESSORY USES AND STRUCTURES”, AND SECTION 5-1611, ENTITLED “MOBILE FOOD DISPENSING VEHICLES” TO MODIFY THE LOCATION WHERE MOBILE FOOD DISPENSING VEHICLES MAY OPERATE IN THE CITY, IN ACCORDANCE WITH SECTION 509.102(2), FLORIDA STATUTES (2021), AND SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

RECOMMENDATION

Staff is requesting that, pursuant to Article 3, Division 10, Section 3-1006 of the City’s Land Development Regulations (LDRs), Planning Commission review the proposed amendment, as described in the above ordinance title, and as attached hereto, consider City staff's recommendation, and any testimony at the public hearing, and make a recommendation to the Mayor and City Council to adopt the proposed amendment by passage of the attached ordinance.

BACKGROUND

Context: On September 28, 2021, the City adopted Ordinance No 1469 establishing uniform regulations to allow the operation of mobile food dispensing vehicles (“MFDVs”) within the City consistent with the preemption provided in Section 509.102, Florida Statutes. Currently, unless allowed elsewhere under a temporary use permit, MFDVs as an accessory use are limited to the M-1, Industrial district.
Councilwoman Kassandra Timothe desires to support additional entrepreneurial opportunities within the City, and requests that the Mayor and City Council expand the locations to certain commercial districts where MFDVs may operate as an accessory use to a permitted laundromat and/or mechanical car wash. The only commercial districts where these two uses may operate is in the C-1 and C-3 Commercial districts. A laundromat is a permitted use in the C-1 and C-3 districts, a mechanical car wash is a permitted use, via a special exception, in the C-1 district, and food and beverage uses are permitted in all commercial districts.

**Analysis:** This amendment has been reviewed pursuant to the standards for approval set forth in Article 3, Division 10, Section 3-1004 of the City’s LDRs as follows:

A. Whether the amendment promotes the public health, safety and welfare;

   *The amendment does not change the adopted regulations governing mobile food dispensing vehicles, which requires that vendors operate in areas with sufficient pedestrian traffic, and in a manner that avoids traffic conflicts and congestion, protects public safety, and does not detract from the aesthetic beauty and attractiveness of the surrounding streetscape and properties.*

B. Whether the amendment permits uses the comprehensive land use plan prohibits in the area affected by the zoning map change or text amendment;

   *This amendment to the LDRs to permit mobile food dispensing vehicles does not conflict with the allowable uses in commercial districts. As noted above, a laundromat is a permitted use in both the C-1 and C-3 districts, a mechanical car wash is a permitted use, via a Special Exception, in the C-1 district, and food and beverage uses are allowed in all commercial districts.*

C. Whether the amendment allows densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property;

   *This amendment to the LDRs does not affect the allowable densities or intensities.*

D. Whether the amendment causes 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;

   *Since MFDVs are self-contained and not connected to water or sewer lines, this amendment has no impact upon the level of service for public infrastructure.*

E. Whether the amendment directly conflicts with a goal, objective or policy of the comprehensive land use plan; and
This amendment does not conflict with the comprehensive plan. Rather, it implements the primary intention of the Comprehensive Plan, which is to contribute to economic sustainability, and protect public health, safety and welfare.

F. Whether the amendment furthers the orderly development of the City of North Miami.

As noted earlier, this amendment will allow the City to continue to provide land use and operational controls for MFDVs to assure avoidance of traffic conflicts and congestion, protection of the aesthetic beauty and attractiveness of the surrounding streetscape and properties, and protections of public health and safety.

FUNDING IMPACT / FUNDING SOURCE

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<th>Department</th>
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ATTACHMENTS

1. Proposed Ordinance
2. Public Notice
ORDINANCE NO. ____________

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”, AT ARTICLE 5, ENTITLED “DEVELOPMENT STANDARDS” BY AMENDING DIVISIONS 1 AND 16, SPECIFICALLY AT SECTION 5-101, ENTITLED, “ACCESSORY USES AND STRUCTURES”, AND SECTION 5-1611, ENTITLED “MOBILE FOOD DISPENSING VEHICLES” TO MODIFY THE LOCATION WHERE MOBILE FOOD DISPENSING VEHICLES MAY OPERATE IN THE CITY, IN ACCORDANCE WITH SECTION 509.102(2), FLORIDA STATUTES (2021), AND SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, on September 28, 2021, the City of North Miami (“City”) adopted Ordinance No. 1469 establishing uniform regulations to allow the operation of mobile food dispensing vehicles (“MFDVs”) within the City consistent with the preemption provided in Section 509.102, Florida Statutes; and

WHEREAS, Councilwoman Kassandra Timothe desires to support additional entrepreneurial opportunities within the City, and requests that the Mayor and City Council expand the locations where MFDVs may operate to include certain commercial districts as an accessory use to a permitted laundromat and/or mechanical car wash; and

WHEREAS, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the City LDRs, the Planning Commission has reviewed the proposed Amendment to the LDRs and issued a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed Amendment by passage of this ordinance; and

WHEREAS, pursuant to Article 3, Section 3-1007 of the LDRs, the Mayor and City Council have jurisdiction to adopt the proposed LDR text amendment, and after two (2) duly noticed public meetings (first reading and second reading), have determined that the amendments are in the best interest of City residents.
NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1.  Recitals. The foregoing recitals are hereby fully incorporated herein by this
reference as legislative findings and the intent and purpose of the City Council of the City of North
Miami.

Section 2.  Mobile Food Dispensing Vehicles. The Mayor and City Council of the City of
North Miami, Florida, hereby amend Chapter 29 of the North Miami Code of Ordinances entitled
“Land Development Regulations”, by amending Article 5, entitled “Development Standards” as
follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES
CHAPTER 29. LAND DEVELOPMENT REGULATIONS

ARTICLE 5. – DEVELOPMENT STANDARDS

DIVISION 1. - ACCESSORY USES AND STRUCTURES

Sec. 5-101. - Accessory uses and structures; Permits required.
A. Except as explicitly provided herein, no use designated as an accessory use in this division shall
be established until after the person proposing such use has applied for and received all required
development permits which may include; a building permit, zoning improvement permit (ZIP),
certificate of use, and a certificate of occupancy all pursuant to the requirements of this division.
No permit shall be issued for an accessory building for any use unless the principal building and
established use exists on the property, or unless a permit is obtained simultaneously for both
buildings and construction progress concurrently.
B. Prohibited uses. Any accessory use not specifically listed as permitted, or listed as a related use,
and which the administrative official cannot categorize as similar to a permitted use or related use,
shall be considered expressly prohibited.
C. Applicability of principal use and building regulations. An accessory use and building or
structure shall be subject to the same regulations that apply to the principal use, building and
structure in each district, except as otherwise provided.
D. Location. All accessory uses, buildings and structures, except for approved off-site parking, shall be located on the same lot as the principal or main use.

E. The following accessory use table shall be used to determine the required zoning district in which a use may be established. Unless otherwise stated, setback and spacing regulations shall adhere to the minimum requirements of this division. Additional standards shall be complied with for the establishment of the accessory use.

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</table>

Legend:  
P indicates permitted  
P* indicates permitted through Admin. Site Plan approval  
P** indicates permitted through the underlying zoning district  
Blank indicates not permitted

Note: See additional standards, requirements, and criteria for specific accessory uses set forth in this division and the master permitted uses list in section 4-202.

1 Subject to the standards in section 5-1611.

2 This use may be accommodated in other zoning districts as a special event through the temporary use permit process as provided in section 5-1903.

3 In these districts, MFDVs shall only be associated with a permitted primary use of laundromat or mechanical car wash.

*****

DIVISION 16. - STANDARDS FOR SPECIFIC USES

*****

Section. 5-1611. – Mobile food dispensing vehicles.

A. Purpose and intent. The purpose and intent of this section is to establish land use and zoning regulations for real property upon which a mobile food-dispensing vehicle ("MFDV"), e.g., “food
“truck” is authorized to operate within the jurisdictional limits of the city. Unless authorized by this section, or allowed under a temporary use permit, MFDVs on other real property are prohibited and unlawful. This section is intended to neither prohibit MFDVs from operating within the entirety of the city, nor regulate the licensing, registration, permitting and fees of MFDVs, preempted by the state under section 509.102, Florida Statutes.

B. Authorized locations. Subject to the terms and conditions set forth in this section, long-term MFDVs shall be allowed to operate within the jurisdictional limits of the city as an accessory use as follows:

1. On property zoned C-1 and C-3, accessory to only a permitted primary use of laundromat or mechanical car wash.
2. On property zoned M-1, and on the city’s official zoning map.
3. MFDVs, as part of a special event, may be accommodated in other districts through the temporary use permit as outlined in section 5-1903.

C. Land use conditions for MFVDs. With the exception of MFVDs operating as part of a special event approved under a temporary use permit, the following shall apply to all MFDVs operating within the city:

1. The property owner must obtain specific administrative site plan approval from the community planning and development department.
2. As required for all businesses operating in the City, the property owner shall assure that each MFDV obtain, and maintain a business tax license from the city, and a certificate of use, if determined necessary by the community planning and development department.
3. The subject property shall be developed with a legally operating permanent business. MFDVs shall operate only during such business’ normal hours of operation.

D. Operational standards. The following operational standards shall apply to all MFDVs operating within the city, whether long-term or as part of a special event approved under a temporary use permit:

1. Unless otherwise approved under a temporary use permit, no portion of the MFDV shall extend onto an adjacent property or into any right-of-way.
2. The MFDV shall not interfere with vehicular and pedestrian movement or visibility, block access to loading/service areas, emergency access and fire lanes, driveways, sidewalks, or damage landscaped areas.
3. MFDVs must be located on a paved surface.
4. MFDVs that occupy any site parking space(s) shall only utilize those parking space(s) that are not required for the host business location, or any business-required parking space on the site.
5. The food vendor shall provide receptacles, adjacent to the MFDV, for litter associated with the sales activity, and shall remove all litter, debris and other waste attributable to the vendor and/or customers on a daily basis.
6. The MFDV must not discharge waste, fat, oil, grease or such other similar substances from the vehicle. All such substances related to or generated from the vehicle shall be taken with the vehicle when the vehicle leaves the subject property.
7. No food shall be sold, prepared or displayed outside of the MFDV while in operation on the subject site.
8. Adequate sanitary facilities must be provided to serve employees and patrons.
9. Vendors shall not use any flashing, blinking, or strobe lights or similar effects to draw attention to the MFDV.
10. Vendors shall not use loud music, amplification devices, bullhorns, crying out, or any other audible methods to gain attention.
11. With the exception of one (1) A-frame sign located directly next to the MFDV’s customer service area, there shall be no signage used by vendors except for what is allowed on the MFDV itself.
12. With the exception of dining furniture approved through the administrative site plan, vendors are prohibited from locating, placing or putting personal property outside of the MFDV, including but not limited, to fixtures, and equipment. All allowable dining furniture shall be removed at the end of daily operations.
13. Vendors shall comply with all applicable city laws, regulations, and ordinances, including those regulating noise, signage, and loitering.
14. With the exception of ancillary sales of branded items consistent with the food or vendor, such as a cup or tee shirt that bears the name of the company, restaurant or organization engaged in MFDV vending, the sale of products other than food and beverages under the permit authorized in this section is prohibited.
15. Unless otherwise approved as part of a temporary use permit issued under article 5, division 19, no more than two (2) MFDVs are allowed to operate simultaneously per site.
16. No overnight parking of the MFDV allowed on-site.
17. A MFDV shall not be located on private property upon which there are unpaid liens or open code violations.
18. MFDVs selling or dispensing of food to customers in a moving vehicle or otherwise engaging in drive-up sales is prohibited.

D. Additional permits and licenses. A copy of the appropriate license(s) issued from the Florida Department of Business & Professional Regulation (Division of Hotels and Restaurants) shall be maintained on the MFDV at all times when the vehicles is in operation on real property located within the city, and shall be made available for inspection upon request by the city’s law or code compliance officers.

E. Penalties and appeals.
1. Owners and operators of MFDVs, property owners on which such vehicles operate, and the temporary use permittee, shall be jointly and severably liable for any violations of this section. The code compliance department shall revoke the property owners’ MFVD site plan or the temporary use permit if any MFDV vendor ceases to meet any requirement of this section; or, who violates any other federal, state or local law, ordinance or regulation; or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare.
2. If the MFDV site plan approval is denied or revoked, the property owner may appeal the decision to the zoning appeals board pursuant to article 2, division 5, “Zoning Appeals Board”.

* * * * *

Section 3. Repeal. All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Conflicts. All Ordinances or parts of ordinances in conflict herewith the provisions of this Ordinance are repealed.

Section 5. Severability. The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, phrase, clause or word of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by a court of competent jurisdiction,
such decision shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, phrases, clause or words of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall notwithstanding the invalidity of any part.

Section 6. Scrivener’s Errors. The City Attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy with the City Clerk.

Section 7. Codification. The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or any other appropriate word.

Section 8. Effective Date. This Ordinance shall become effective ten (10) days after adoption on second reading.

PASSED AND ADOPTED by a _______ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this ____ day of ________________, 2022.

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 ________________, 2022.

PHILLIPE BIEN-AIME
MAYOR

ATTEST:

VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: COUNCILWOMAN TIMOTHE

Moved by: ______________________
Seconded by: ______________________

Vote:
Mayor Philippe Bien-Aime
Vice Mayor Alix Desulme, Ed.D.
Councilman Scott Galvin
Councilwoman Carol Keys, Esq.
Councilwoman Mary Estimé-Irvin

   (Yes)   (No)
_______  ______
_______  ______
_______  ______
_______  ______
_______  ______

IWO # 22-194 (JLW)
NOTICE OF PUBLIC HEARING

CITY OF NORTH MIAMI, FLORIDA

NOTICE IS HEREBY GIVEN that the City of North Miami, Florida proposes to adopt the following:

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING VOLUME 1: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF NORTH MIAMI 2016 COMPREHENSIVE PLAN, MORE SPECIFICALLY THE FUTURE LAND USE ELEMENT THEREOF, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 163.3184(3), FLORIDA STATUTES (2021), AND CHAPTER 29, ARTICLE 3, DIVISION 11, SECTION 3-1102(A) & SECTIONS, 3-1105 THROUGH 3-1110 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.15.1 TO COMBINE THE PRIMARY AND SECONDARY POOLS OF FLOATING DWELLING UNITS; PROVIDING FOR AN INITIAL HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT TO THE REVIEWING AGENCIES AND/OR ANY INTERESTED LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY FOR REVIEW UNDER THE EXPEDITED STATE REVIEW PROCESS; PROVIDING FOR AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT, AS MAY BE AMENDED TO RESPOND TO COMMENTS FROM THE REVIEWING AGENCIES, TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF Completeness; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS AND AN EFFECTIVE DATE.

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”, SPECIFICALLY AT ARTICLE 4, DIVISION 2, SECTION 4-205, ENTITLED, “FLOATING UNIT ALLOCATION”, TO COMBINE THE PRIMARY AND SECONDARY POOLS OF FLOATING DWELLING UNITS, AND FURTHER CLARIFY THE NON RESIDENTIAL POOL, IN ACCORDANCE WITH SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

OF THE CITY, IN ACCORDANCE WITH SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

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”, AT ARTICLE 5, ENTITLED “DEVELOPMENT STANDARDS” BY AMENDING DIVISIONS 1 AND 16, SPECIFICALLY AT , SPECIFICALLY AT SECTION 5-101, ENTITLED, “ACCESSORY USES AND STRUCTURES”, AND SECTION 5-1611, ENTITLED “MOBILE FOOD DISPENSING VEHICLES” TO MODIFY THE LOCATION WHERE MOBILE FOOD DISPENSING VEHICLES MAY OPERATE IN THE CITY, IN ACCORDANCE WITH SECTION 509.102(2), FLORIDA STATUTES (2021), AND SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

The Planning Commission will hold a Public Hearing for these items on Tuesday, May 3, 2022 at 7:00 p.m. in the Council Chambers of North Miami City Hall, Second Floor, 776 NE 125 Street, North Miami, Florida 33161.

Members of the public are invited to attend the Public Hearing and provide oral or written comments on the matter. Copies of the reports containing the Community Planning and Development Department’s recommendation will be available for public review from Monday to Friday between the hours of 8:15 a.m. and 5:00 p.m. in the City Clerk’s Office, City Hall, or online at: https://www.northmiamifl.gov/AgendaCenter/Planning-Commission-4. If you have any questions about any of the items on the agenda, you may contact the Community Planning and Development Department at 305-893-6511 Ext. 19005.

Pursuant to Florida Statute section 286.0105, persons appealing any decision made by the Planning Commission with respect to any matter considered at such meeting or hearing, will need a record of the proceedings, and should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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. 19005, FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE 711 OR YOU MAY CONTACT 1-800-955-8771 FOR THE FLORIDA RELAY SERVICE FOR ASSISTANCE.