

**ORDINANCE NO. 1464**

**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 2036 COMPREHENSIVE PLAN, SPECIFICALLY BY AMENDING OBJECTIVE 1.20 OF THE FUTURE LAND USE ELEMENT, AND THE OFFICIAL 2036 FUTURE LAND USE MAP TO EXTEND THE BOUNDARY OF THE SPECIAL DEVELOPMENT AND TRANSIT-ORIENTED DEVELOPMENT (SDTOD) OVERLAY DISTRICT SOUTHWARD BY SEVENTEEN (17) PARCELS OF REAL PROPERTY APPROXIMATELY 9.9-ACRES IN SIZE, BOUNDED BY NE 18<sup>TH</sup> AVENUE ON THE WEST, NE 146<sup>TH</sup> STREET TO THE NORTH, AND NE 143<sup>RD</sup> STREET TO THE SOUTH TO ENCOURAGE COMPACT, MIXED-USE, TRANSIT-ORIENTED DEVELOPMENT, IN ACCORDANCE WITH SECTION 163.3184, SECTION 163.3187, SECTION 166.041(3)(C), FLORIDA STATUTES (2020); AND ARTICLE 3, ENTITLED “DEVELOPMENT REVIEW”, DIVISION 3, SECTION 3-302, SECTIONS 3-1104 THROUGH 3-1107, SECTION 3-1109, AND SECTION 3-1110, 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**, Section 166.041(3), Florida Statutes outlines the procedure for the adoption of ordinances that change the actual future land use map designation of parcels of land involving less than ten (10) contiguous acres; and

**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; and;

**WHEREAS**, Article 3, Division 3, Section 3-302 of the LDRs establishes uniform notice procedures to ensure procedural due process and maintain citizen access to the local government decision-making process; and

**WHEREAS**, considering future sea level rise, the City of North Miami (“City”) desires to expand opportunities for compact, high density, mixed use, transit-oriented development in appropriate areas of the City, particularly those with higher elevations such as within the Special Development and Transit-Oriented Development (“SDTOD”) Overlay District; and

**WHEREAS**, the primary purpose of the SDTOD is to accommodate compact, high-intensity, high-density mixed-use development to promote mobility and decrease traffic congestion within the area, and ultimately transform the area into a bona fide transit hub where different modes of transportation come together seamlessly, connecting the residents to the major employment centers of the region; and

**WHEREAS**, the City is desirous of amending its adopted 2036 Comprehensive Plan and Future Land Use Map (FLUM) to extend the boundary of the SDTOD Overlay to include seventeen (17) parcels (“Subject Properties”) totaling 9.9 acres, and identified with the following Miami-Dade folio numbers and locations:

|                   |                |
|-------------------|----------------|
| 06-22-21-006-0010 | 1810 NE 146 ST |
| 06-22-21-006-0020 | No address     |
| 06-22-21-006-0042 | 1810 NE 144 ST |
| 06-22-21-006-0044 | No address     |
| 06-22-21-006-0050 | 1820 NE 146 ST |
| 06-22-21-006-0060 | 1850 NE 146 ST |
| 06-22-21-006-0070 | 1850 NE 146 ST |
| 06-22-21-006-0080 | 1860 NE 146 ST |
| 06-22-21-006-0090 | No address     |
| 06-22-21-006-0190 | 1825 NE 144 ST |
| 06-22-21-006-0191 | No address     |
| 06-22-21-006-0201 | No address     |
| 06-22-21-006-0202 | No address     |
| 06-22-21-006-0210 | 1815 NE 144 ST |
| 06-22-21-006-0220 | 1810 NE 144 ST |
| 06-22-21-006-0230 | 1820 NE 144 ST |

|                   |                |
|-------------------|----------------|
| 06-22-21-006-0240 | 1830 NE 144 ST |
|-------------------|----------------|

; and

**WHEREAS**, the Subject Properties are located within a higher elevation area of the City, contiguous to the existing SDTOD boundary, and designated Industrial on the FLUM; however, pursuant to Policy 1.21.7 of the Future Land Use Element, uses within the Industrial land use district do not include commercial, mixed use, or residential; and

**WHEREAS**, extending the SDTOD boundary will provide additional opportunities for development of the Subject Properties with a mix of uses within modern, hardened, and “green” buildings, thereby furthering the vision of the City as a resilient and sustainable community; and

**WHEREAS**, an amendment to the Official Zoning Map extending the SDTOD Overlay District is traveling concurrently through the approval process as this amendment, and thus, is on the same agenda for consideration, subject to approval of this amendment; and

**WHEREAS**, City staff is requesting that, pursuant to the requirements of Article 3, Division 11, Section 3-1106 of the City LDRs, the Planning Commission reviews the proposed amendments to Objective 1.2 of the Future Land Use Element and to the FLUM, the recommendation of City staff, testimony provided at the public hearing (if any), and issues a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed FLUM 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 and FLUM of the City Comprehensive Plan; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on April 6, 2021, reviewed and discussed the proposed FLUM amendment, City staff’s report, and heard testimony from the attending members of the public; and

**WHEREAS**, the Planning Commission found the proposed amendments to FLUM 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 Amendments by passage of the attached ordinance; and



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

**WHEREAS**, the Mayor and City Council, after a duly noticed initial hearing held on May 25, 2021 reviewed and discussed the proposed amendment; and

**WHEREAS**, the Mayor and City Council, after a duly noticed public hearing **PASSED AND ADOPTED** the amendment by a May 25, 2021 vote of the Mayor and City Council of the City of North Miami, Florida this 22nd day of June, 2021, and further authorized its transmittal to the Department of Economic Opportunity 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 Amendments to the City of North Miami Comprehensive Plan identified in Section 2.

**Section 2. Amendments.** Amendments to Volume 1: Goals, Objectives and Policies of the City of North Miami 2036 Comprehensive Plan, specifically the Future Land Use Element creating a new Special Development and Transit Overlay District with related Goals, Objectives and Policies to further the vision of the Regional Activity Center 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

\* \* \* \* \*

**Special Development and Transit Overlay District**

**Objective 1.20**

The Special Development and Transit Overlay District (SDTOD) has been created for the approximately 70-acre sub-area of the RAC, which is generally bounded by NE 151<sup>st</sup> Street to the

north, NE 18th Avenue to the west, the Florida East Coast (FEC) Railway to the east, and NE ~~146th~~ 143<sup>rd</sup> Street to the south. This sub- area, which has been identified as a premium transit hub in the RAC application transmitted to and approved by the State of Florida in 2003, is predominantly industrial, with the exception of an approximately 15-acre multi-family residential site located on NE 149th Street, between NE 19th Avenue and NE 18th Avenue. The primary purpose of the SDTOD is to accommodate compact, high-intensity, high-density mixed-use development and redevelopment featuring an attractive, intensive concentration of living, employment, shopping and enjoyment. The goal is to create a sustainable mix of regionally significant uses that could support transit alternatives, promote mobility and decrease traffic congestion within the area and around the Biscayne Boulevard Corridor through the integration of transit-oriented development and/or mobility hub principles. With the regionally transformational Tri-Rail Coastal Link nearing completion and the recently adopted Strategic Miami Area Rapid Transit (SMART) Plan, this Overlay has the potential to become a place of connectivity where different modes of transportation come together seamlessly, connecting the residents to the major employment centers of the region.

**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 FLUM, 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.

**PASSED AND ADOPTED** by a 4-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 25th day of May, 2021.


**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 22nd day of June, 2021.

  
PHILIPPE 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: CITY ADMINISTRATION

Moved by: Estimé-Irvin

Seconded by: Galvin

**Vote:**

Mayor Philippe Bien-Aime  
Vice Mayor Scott Galvin  
Councilwoman Kassandra Timothe, MPA  
Councilwoman Mary Estimé-Irvin  
Councilman Alix Desulme, Ed.D.

|          |       |       |      |
|----------|-------|-------|------|
| <u>X</u> | (Yes) | _____ | (No) |
| <u>X</u> | (Yes) | _____ | (No) |
| <u>X</u> | (Yes) | _____ | (No) |
| <u>X</u> | (Yes) | _____ | (No) |
| <u>X</u> | (Yes) | _____ | (No) |