

ORDINANCE NO. 1470

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE OFFICIAL 2036 FUTURE LAND USE MAP TO AMEND THE BOUNDARY OF THE CITY TO INCLUDE THE RECENTLY ANNEXED AREA KNOWN AS THE “GRATIGNY-DIXIE ANNEXATION AREA”, DESCRIBED AS: BOUNDED ROUGHLY ON THE NORTH BY NE 121ST STREET, TO THE EAST BY WEST DIXIE HIGHWAY, TO THE SOUTH BY NE 119TH STREET, AND TO THE WEST BY NORTH MIAMI AVENUE, AND ESTABLISH FUTURE LAND USE DESIGNATIONS FOR THE PROPERTIES LOCATED IN THE AREA, 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, SCRIVENER’S ERRORS, AND 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 more 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 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 uniform notice procedures to ensure procedural due process and maintain citizen access to the local government decision-making process; and

WHEREAS, section 6.04(B) of the Miami-Dade County Home Rule Charter and chapter 20 of the Code of Miami-Dade County (“Code”) authorizes the Board of County Commissioners (“BCC”) to approve changes to municipal boundaries; and

WHEREAS, on October 14, 2014, the City submitted an application for the annexation of the unincorporated area referred to in the City’s application as “Gratigny-Dixie Annexation Area”, adjacent to the City (“Subject Properties”); and

WHEREAS, on October 6, 2020, the BCC adopted Ordinance No. 20-107 changing the

boundaries of the City pursuant to its annexation request; and

WHEREAS, the City desires to amend its adopted 2036 Future Land Use Map (“FLUM”) to revise the City’s boundary to include the 16.2 acre Subject Properties, which includes that portion of the NW 119th Street roadway right of way abutting the area, and ten (10) parcels of real property totaling 13.4 acres, and identified with the following Miami-Dade folio numbers and locations:

| | |
|------------------|--------------------------------|
| 06-2230-001-0371 | 12042 West Dixie Hwy. |
| 06-2230-001-0370 | 12040 West Dixie Hwy. |
| 06-2230-001-0020 | 11990 West Dixie Hwy. |
| 06-2230-001-0050 | 11950 West Dixie Hwy. |
| 06-2231-038-0620 | 11900 West Dixie Hwy. |
| 06-2125-000-0220 | 11925 N. Miami Avenue |
| 06-2125-000-0250 | 11996 N. Miami Avenue |
| 06-2125-000-0240 | 1 NW 119 th Street |
| 06-2125-000-0260 | 45 NW 119 th Street |
| 06-2125-000-0270 | 55 NW 119 th Street |

and

WHEREAS, the City desires to assign appropriate future land use designations to the above-noted parcels; and

WHEREAS, an amendment to the Official Zoning Map reflecting the boundary change, and assigning corresponding zoning designations to the above-noted properties 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 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 June 1, 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 amendment to the 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 amendment by passage of the attached ordinance; and

WHEREAS, Section 163.3184, Florida Statutes, requires that the amendments shall be adopted by Mayor and City Council by Ordinance; and

WHEREAS, Mayor and City Council, after a duly noticed public hearing held on August 24, 2021, approved the proposed ordinance on first reading to amend the City's FLUM and directed the City Manager to transmit said amendment to the Florida Department of Economic Opportunity ("DEO") and other reviewing agencies, pursuant to state law; and

WHEREAS, in accordance with the requirements of Section 163.3184 (3)(c), Florida Statutes, the City has one hundred eighty (180) days from the receipt of agency comments, if any, to hold the second public hearing on whether to adopt the proposed amendment to the 2036 FLUM by Ordinance; and

WHEREAS, on September 28, 2021, Mayor and City Council, after a duly noticed public hearing, find that it is in the City's best interests to approve the proposed ordinance to amend the City's FLUM, and authorize the City Manager to transmit said amendment 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 2036 FLUM attached hereto.

Section 2. **Transmittal.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the appropriate City officials to submit 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, Florida Statutes, and to keep available copies of the Ordinance and the FLUM available for public review and examination at the North Miami Community Planning & Development Department.

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

Section 4. **Conflict.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

Section 5. **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 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 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 8. **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 5-0 vote of the Mayor and City Council of

the City of North Miami, Florida, on first reading this 24th day of August, 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 28th day of September, 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: Timothe

Vote:

Mayor Philippe Bien-Aime

X (Yes) (No)

Vice Mayor Scott Galvin

X (Yes) (No)

Councilwoman Kassandra Timothe, MPA

X (Yes) (No)

Councilwoman Mary Estimé-Irvin

X (Yes) (No)

Councilman Alix Desulme, Ed.D.

X (Yes) (No)