

ORDINANCE NO. 1471

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 1, ENTITLED “GENERAL PROVISIONS”, SPECIFICALLY AT SECTION 1-106 ENTITLED “OFFICIAL ZONING 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 ZONING DESIGNATIONS FOR THE PROPERTIES LOCATED IN THE AREA IN ACCORDANCE WITH SECTION 166.041(3)(C), FLORIDA STATUTES (2021) AND SECTIONS 3-1002, 3-1003, 3-1005 THROUGH 3-1007 AND SECTION 3-302 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE CITY COMPREHENSIVE PLAN; FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE ZONING MAP AMENDMENT; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, Article 3, Division 10, Sections 3-1002, 3-1003, 3-1005 through 3-1007 of the LDRs, outlines the procedures for zoning map changes 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 relating to the approval of zoning map changes within the jurisdictional boundary of the City; 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 Official Zoning Map 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 zoning designations to the above-noted parcels; and

WHEREAS, an amendment to the City’s 2036 Future Land use Map reflecting the boundary change, and assigning appropriate future land use 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; and

WHEREAS, pursuant to Section 163.3184(12), Florida Statutes, adoption of the proposed Zoning Map Amendment is contingent upon the Land Use Plan Amendment becoming effective; and

WHEREAS, the proposed Zoning Map Amendment shall be considered in accordance with Article 3, Division 10, Sections 3-1002, 3-1003 and 3-1005 through 3-1007, as well as Article 3, Division 3, Section 3-302 of the City LDRs; and

WHEREAS, City staff requests that, pursuant to the requirements of Sections 3-1004 through 3-1006 of the LDRs, the Planning Commission reviews the proposed Zoning Map Amendment, the recommendation of City staff, testimony provided at the public hearing (if any), and issue a recommendation to the Mayor and the City Council to approve the requested Zoning Map Amendment; 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 Zoning Map Amendment; and

WHEREAS, the Planning Commission, after a duly noticed quasi-judicial public hearing held on April 6, 2021, reviewed and discussed the reports, documents and application packet, and after hearing testimony from attending members of the public; and

WHEREAS, the Planning Commission found the requested Zoning Map Amendment to be consistent with the applicable standards of the City LDRs and recommended that the Mayor and City Council adopt same; and

WHEREAS, pursuant to Article 3, Division 10, Section 3-1007(b) of the LDRs, adoption of the requested Zoning Map Amendment shall require concurrence of a supermajority of the City Council, attained at a quasi-judicial proceeding; and

WHEREAS, the Mayor and City Council find the proposed Zoning Map Amendment is consistent with the applicable standards of the City LDRs, and the newly enacted Land Use Amendment for the Subject property, and also find it in the best interest of the City to adopt the proposed Zoning Map Amendment.

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 Official

Zoning Map attached hereto.

Section 2. **Repeal.** All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. **Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Codification.** It is the intention of the City Council of the City of North Miami and it is hereby ordained that 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 the word “ordinance” may be changed to “section,” “article” or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall not become effective until ten (10) days after adoption by the Mayor and City Council.

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)