

ORDINANCE NO. 1488

**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 CHANGING THE OFFICIAL 2036 FUTURE LAND USE MAP DESIGNATION FROM LOW MEDIUM DENSITY RESIDENTIAL TO BAYSHORE ZONE FOR THE APPROXIMATELY 1.1 ACRE PROPERTY LOCATED AT 2305 NE 123<sup>RD</sup> STREET, AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE FOLIO NUMBER 06-2228-022-0010, AND BOUNDED BY NE 123<sup>RD</sup> STREET TO THE SOUTH, N. BAYSHORE DRIVE TO THE WEST AND BISCAYNE BAY TO THE NORTH AND EAST, IN ACCORDANCE WITH SECTION 163.3187, FLORIDA STATUTES (2021); 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”.**

**WHEREAS**, Section 163.3187, 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 fifty (50) contiguous acres; and

**WHEREAS**, Article 3, Division 11, Sections 3-1102(A) and 3-1105 through Section 3-1111 of the City Land Development Regulations (“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**, the Subject Property is located at 2305 NE 123<sup>rd</sup> Street; approximately 1.1 acre (46,424 s.f.) in size; currently designated Low Medium Density Residential on the City’s 2036 Future Land Use Map (“FLUM”); and, identified with Miami-Dade folio number 06-2228-022-0010; and

**WHEREAS**, pursuant to Policy 1.2.1 of the Future Land Use Element, the maximum allowable height in the Low Medium Density Residential land use designation is thirty-five (35) feet, and the maximum density is twelve (12) dwelling units per acre, which would allow up to

thirteen (13) dwelling units on the Subject Property; and

**WHEREAS**, pursuant to Policies 1.2.1 and 1.21.3 of the Future Land Use Element, the maximum height in the Bayshore Zone is one-hundred fifteen (115) feet, and the maximum density is one hundred (100) dwelling units per acre, which would allow up to one hundred ten (110) dwelling units on the Subject Property; and

**WHEREAS**, the Property Owner, Biscayne Harbour Property Owner, LLC, through their agent Pedro Gassant with Holland and Knight, LLP, is requesting a Future Land Use Map amendment changing the land use designation of the Subject Property to Bayshore Zone; and

**WHEREAS**, an amendment to Official Zoning Map changing the zoning designation of the Subject Property from R-4, Residential to BZ 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**, the Planning Commission (“PC”), after a duly noticed quasi-judicial public hearing held on June 7, 2022 reviewed and discussed the proposed FLUM amendment, City staff’s report, and heard testimony from the attending members of the public; and

**WHEREAS**, the PC found the proposed FLUM amendment 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 FLUM Amendment; 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

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

**Section 1. Official 2036 Future Land Use Map Amendment.** The Mayor and City Council of the City of North Miami, Florida, hereby approve and adopt the proposed Amendment to the 2036 Future Land Use Map, changing the zoning designation of the Subject Property from Low Medium Density Residential to Bayshore Zone, 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 the appropriate number of copies



of this Ordinance and the FLUM, as amended herein, to the State of Florida Department of Economic Opportunity 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 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 adoption on second reading.

**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 1st day of September, 2022.

**PASSED AND ADOPTED** by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 27th day of September, 2022.

  
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: Desulme

**Vote:**

Mayor Philippe Bien-Aime	<u>X</u>	(Yes)	_____	(No)
Vice Mayor Alix Desulme, Ed.D.	<u>X</u>	(Yes)	_____	(No)
Councilman Scott Galvin	_____	(Yes)	<u>X</u>	(No)
Councilwoman Kassandra Timothe, MPA	<u>X</u>	(Yes)	_____	(No)
Councilwoman Mary Estimé-Irvin	<u>X</u>	(Yes)	_____	(No)

THIS ORDINANCE WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI  
CITY COUNCIL ON THIS 25<sup>th</sup> DAY OF October, 2022.