

ORDINANCE NO. 1490

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 THE OFFICIAL 2036 FUTURE LAND USE MAP TO EXTEND SOUTHWARD AND EASTWARD THE BOUNDARY OF THE SPECIAL DEVELOPMENT AND TRANSIT-ORIENTED DEVELOPMENT (SDTOD) OVERLAY DISTRICT BY THREE (3) PARCELS OF REAL PROPERTY TOTALING APPROXIMATELY 9.86-ACRES IN SIZE, LOCATED AT 1890 NE 146TH STREET – FOLIO NUMBER 06-2221-006-0100, 2000 NE 146TH STREET – FOLIO NUMBER 06-2221-005-0010, AND 14401 NE 20TH LANE – FOLIO NUMBER 06-2221-005-0020, TO ENCOURAGE COMPACT, MIXED-USE, TRANSIT-ORIENTED DEVELOPMENT, 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 AMENDMENT TO THE FUTURE LAND USE MAP; 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 Land Development Regulations (“LDRs”) set forth procedures for 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 consist of three (3) parcels of real property located at 1890 NE 146th Street – Folio Number 06-2221-006-0100, 2000 NE 146th Street – Folio Number 06-2221-005-0010, and 14401 NE 20th Lane – Folio Number 06-2221-005-0020, totaling

approximately four-hundred twenty-nine thousand, three-hundred twenty-three (429,323) square feet (9.86 acres) that are zoned M-1, Industrial District (as referenced in Article 1, Section-106 of the LDRs) on the City's Official Zoning Map, a zoning district where industrial development is allowed as of right; however, residential, commercial, and mixed uses are limited or not allowed; and

WHEREAS, the Property Owners, Fountainhead Sub Parcel 1, LLC and Dezer Museum Properties, LLC (collectively the "Applicants"), through their agent, Michael Pizzi, Esq., requests the extension of the Special Development and Transit-Oriented Development ("SDTOD") Overlay District to include the Subject Property; 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 amendment to the Future Land Use Map ("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 FLUM of the City Comprehensive Plan; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on July 13, 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 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 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 Amendment shall require concurrence of a supermajority of the City

Council.

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 Future Land Use Map, as described above and attached hereto.

Section 2. Repeal. All ordinances or parts of ordinances in conflict or inconsistent are repealed.

Section 3. Conflict. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

Section 4. 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 5. 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 6. 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 7. 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 13th day of September, 2022.

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 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: Galvin

Vote:

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|-------------------------------------|----------|-------|-------|------|
| Mayor Philippe Bien-Aime | <u>X</u> | (Yes) | _____ | (No) |
| Vice Mayor Alix Desulme, Ed.D. | <u>X</u> | (Yes) | _____ | (No) |
| Councilman Scott Galvin | <u>X</u> | (Yes) | _____ | (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 25th DAY OF October, 2022.