

ORDINANCE NO. 1491

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 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 ZONING MAP AMENDMENT; 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 zoning map designation of parcels of land involving less than ten (10) contiguous acres; and

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 the local government decision-making process relating to the approval of zoning map changes within the jurisdictional boundary of the City; 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, a Small-Scale Land Use Plan Amendment to the City 2036 Future Land Use Map (FLUM) of the Future Land Use Element of the City Comprehensive Plan is also scheduled on the same agenda to extend the SDTOD Overlay District eastward and to the south to include the Subject Property; and

WHEREAS, pursuant to §163.3184(12), F.S., adoption of the proposed Zoning Map Amendment is contingent upon the Small-Scale 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 to extend the SDTOD Overlay District eastward and to the south to include the Subject Properties; 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 July 13, 2022, reviewed and discussed the reports, documents and application packet, and heard 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 (extending the SDTOD Overlay District eastward and to the south to include the Subject Property) 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 Small-Scale 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 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: Gavin

Vote:

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.