

ORDINANCE NO. 1496

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR A TEXT AMENDMENT TO CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES BY AMENDING ARTICLE 4, DIVISION 3, ENTITLED “SPECIAL PURPOSE AND OVERLAY DISTRICTS”, TO FURTHER CLARIFY DEVELOPMENT STANDARDS HIERARCHY, PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, the current Land Development Regulations (“LDRs”), Chapter 29 of the City Code of Ordinances, was adopted in July 2017 through Ordinance No. 1417 to establish zoning districts and regulations that implement the adopted 2007 Future Land Use Map (“FLUM”) designations; and

WHEREAS, Article 3, Division 10, Sections 3-1003 through 3-1007 of the LDRs outlines the procedures for text amendments and zoning map changes to the LDRs 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 a uniform notice and procedure in order to ensure due process and maintain citizen access to the local government decision-making forum relating to the approval LDR text changes within the jurisdictional boundary of the City; and

WHEREAS, currently, the LDRs do not recognize that there are properties located in the Planned Corridor Development (“PCD”) Overlay District that are also in the North Miami Transit Station Overlay District (“NMTSOD”); and

WHEREAS, this amendment to the LDRs clarifies that, for the purposes of development controls, the NMTSOD takes precedence over the PCD Overlay District.

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

Section 1. Recitals. The recitals to the preamble herein are incorporated by reference.

Section 2. Amendment to Chapter 29, North Miami Code of Ordinances. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the North Miami Code of Ordinances entitled “Land Development Regulations”, by amending Article 4, entitled “Zoning Districts” as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES

CHAPTER 29. LAND DEVELOPMENT REGULATIONS

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ARTICLE 4: ZONING DISTRICTS

DIVISION 3. – SPECIAL PURPOSE AND OVERLAY DISTRICTS

Sec. 4-306. – Planned Corridor Overlay District (PCD).

A. Purpose. The purpose of the PCD is to encourage a compact, high-intensity mix of residential, commercial, employment, and civic-institutional uses to support transit use, reduce single-occupancy vehicle use, increase pedestrian activity and improve access and mobility.

B. Effect of overlay. The development standards of the underlying zoning districts shall govern except to the extent any provision of this PCD district conflicts with the provisions of such underlying zoning district, in which event the provisions of this PCD district shall control. Furthermore, with the exception of the NMTSOD, the PCD district shall take precedence over any other overlay district.

C. General location. As identified on the zoning map, the PCD is applied to the following major corridors: State Road 7/NW 7th Avenue, NE 6th Avenue, Biscayne Boulevard, West Dixie Highway and NE 125th Street (as depicted on the zoning map).

Sec. 4-310- North Miami transit station overlay district (NMTSOD).

A. Purpose. The primary purpose of the NMTSOD is to create an intensive concentration of work, live, shop, and/or play activities comfortably accessible by foot, within approximately a half-mile radius or a 10-minute walking distance.

B. Applicability. The development standards of the underlying zoning districts shall govern except to the extent any provision of the NMTSOD district conflicts with the provisions of an underlying zoning district, or PCD overlay district, and in such event, the provisions of the NMTSOD district shall control.

C. Boundaries. The boundaries of the NMTSOD as depicted on the official zoning map.

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Section 3. Repeal. All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Conflicts. All Ordinances or parts of ordinances in conflict herewith the provisions of this Ordinance are repealed.

Section 5. Severability. The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, phrase, clause or word of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, phrases, clause or words of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall notwithstanding the invalidity of any part.

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 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 relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or any other appropriate word.

Section 8. Effective Date. This Ordinance shall become effective ten (10) days after adoption on second reading.

PASSED AND ADOPTED by a 4-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 11th day of October, 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 25th day of October, 2022.

Philippe Bien-Aime
PHILIPPE BIEN-AIME
MAYOR

ATTEST:

V. Joseph
VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

J. P. Cazeau
JEFF P. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Desulme

Seconded by: Galvin

Vote:

Mayor Philippe Bien-Aime	<input checked="" type="checkbox"/> (Yes) <input type="checkbox"/> (No)
Vice Mayor Alix Desulme, Ed.D.	<input checked="" type="checkbox"/> (Yes) <input type="checkbox"/> (No)
Councilman Scott Galvin	<input checked="" type="checkbox"/> (Yes) <input type="checkbox"/> (No)
Councilwoman Kassandra Timothe, MPA	<input checked="" type="checkbox"/> (Yes) <input type="checkbox"/> (No)
Councilwoman Mary Estimé-Irvin	<input checked="" type="checkbox"/> (Yes) <input type="checkbox"/> (No)

THIS ORDINANCE WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI
CITY COUNCIL ON THIS 17th DAY OF November, 2022.