

ORDINANCE NO. 1495

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 3, DIVISION 2, ENTITLED “GENERAL DEVELOPMENT REVIEW PROCEDURES”, SPECIFICALLY AT SECTION 3-216 ENTITLED “UNITY OF TITLE; COVENANT IN LIEU THEREOF” TO MODIFY THE DEFINITION OF UNIFIED DEVELOPMENT SITE; 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, Section 3-216 of the LDRs provides two (2) different mechanisms for property owners to: a) unify two (2) or more lots to create a unified development site through a Unity of Title; or b) allow multiple forms of ownership, including a condominium form of ownership on single lots by recording a Covenant in Lieu of Unity of Title; and

WHEREAS, this amendment modifies the definition of “unified development site” to remove the public right of way separation limitation to encourage compact, pedestrian-friendly development and better align with the regulations governing unity of title and covenant-in lieu of unity title requests, as established by both Miami-County and other jurisdictions within the County.

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 3: DEVELOPMENT REVIEW

DIVISION 2. – GENERAL DEVELOPMENT REVIEW PROCEDURES

Sec. 3-216. - Unity of title; covenant in lieu thereof.

A. The term "unified development site" shall be defined as a site where a development is proposed and consists of multiple lots, ~~all lots touching and not separated by a lot under different ownership, or a public right of way. A "unified development site" does not include any lots separated by a public right of way or any non-adjacent, non-contiguous parcels.~~ All applications for building permits where buildings and/or improvements are proposed for a single lot, or where building(s) are proposed for a unified development site, shall be accompanied by one of the following documents:

1. Unity of Title. A unity of title shall be utilized when there is solely one owner of the entire unified development site. The unity of title, approved for legal form and sufficiency by the city attorney, shall run with the land and be binding upon the owner's heirs, successors, personal representatives, and assigns, and upon all mortgagees or lessees and others presently or in the future having any interest in the property; or

2. Covenant in Lieu of Unity of Title. A covenant in lieu of unity of title or a declaration of restrictive covenants, shall be utilized when the unified development site is owned, or is proposed for multiple ownership, including, but not limited to, a condominium form of ownership, or the

unified development site is separated by a public right of way. The covenant in lieu of unity of title shall be approved for legal form and sufficiency by the city attorney. The covenant in lieu of unity of title shall run with the land and be binding upon the owner's heirs, successors, personal representatives, and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property. The covenant shall contain the following necessary elements:

- a. The unified development site shall be developed in substantial accordance with the approved site plan.
- b. No modification to the site plan shall be effectuated without the written consent of the then owner(s) of the unified development site for which modification is sought.

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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
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: 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.

IWO #22-414 (JLW)

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