

ORDINANCE NO. 1494

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF 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 THE BOUNDARY OF THE NORTH MIAMI TRANSIT STATION OVERLAY DISTRICT (NMTSOD) EASTWARD BY THIRTY-THREE (33) PARCELS OF REAL PROPERTY APPROXIMATELY 14.11 ACRES IN SIZE, BOUNDED BY NE 16TH AVENUE ON THE EAST, NE 127TH STREET TO THE NORTH, AND NE 124TH STREET TO THE SOUTH TO ENCOURAGE COMPACT, MIXED-USE, TRANSIT-ORIENTED DEVELOPMENT, IN ACCORDANCE WITH SECTION 163.3184, SECTION 163.3187, SECTION 166.041(3)(C), 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 166.041(3) of the 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 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, which includes approximately fourteen (14) acres of the former twenty-eight (28) acre Johnson and Wales University ("JWU") campus, is currently designated Community Facility University ("CFU") on the City's 2036 Future Land Use Map ("FLUM") to accommodate the operation, and future expansion of JWU as reflected in the JWU Campus Master Plan; and

WHEREAS, pursuant to Policy 1.21.9 of the Future Land Use Element, uses within the CFU land use district are limited to those that support a university, and does not include commercial, mixed use, or residential uses; and

WHEREAS, in light of the closing and sale of JWU to various private owners, the CFU designation is no longer appropriate, and

WHEREAS, the primary purpose of the North Miami Transit Station Overlay District (“NMTSOD”) is to accommodate compact, high-intensity, high-density mixed-use development to promote mobility and decrease traffic congestion within the area, and ultimately transform the area into a bona fide transit hub where different modes of transportation come together seamlessly, connecting the residents to the major employment centers of the region; and

WHEREAS, the City is desirous of amending its adopted Future Land Use Map (FLUM) to extend the boundary of the NMTSOD Overlay to include thirty-three (33) parcels (“Subject Properties”) totaling 14.11 acres, and identified with the following Miami-Dade folio numbers and locations:

FOLIO NUMBER	ADDRESS
06-2229-068-0010	12665 NE 16 AVE UNIT: 1
06-2229-068-0020	12665 NE 16 AVE UNIT: 2
06-2229-068-0030	12665 NE 16 AVE UNIT: 3
06-2229-068-0040	12665 NE 16 AVE UNIT: 4
06-2229-068-0050	12665 NE 16 AVE UNIT: 5
06-2229-068-0060	12665 NE 16 AVE UNIT: 6
06-2229-068-0070	12665 NE 16 AVE UNIT: 7
06-2229-068-0080	12665 NE 16 AVE UNIT: 8
06-2229-068-0090	12665 NE 16 AVE UNIT: 9
06-2229-068-0100	12665 NE 16 AVE UNIT: 10
06-2229-068-0110	12665 NE 16 AVE UNIT: 11
06-2229-068-0120	12665 NE 16 AVE UNIT: 12
06-2229-068-0130	12665 NE 16 AVE UNIT: 14
06-2229-068-0140	12665 NE 16 AVE UNIT: 15
06-2229-068-0150	12655 NE 16 AVE UNIT: 16
06-2229-068-0160	12665 NE 16 AVE UNIT: 17
06-2229-068-0170	12665 NE 16 AVE UNIT: 18
06-2229-068-0180	12665 NE 16 AVE UNIT: 19
06-2229-068-0190	12665 NE 16 AVE UNIT: 20
06-2229-068-0200	12665 NE 16 AVE UNIT: 21

06-2229-068-0210	12665 NE 16 AVE UNIT: 22
06-2229-068-0220	12665 NE 16 AVE UNIT: 23
06-2229-068-0230	12665 NE 16 AVE UNIT: 24
06-2229-068-0240	12665 NE 16 AVE UNIT: 25
06-2229-068-0250	12665 NE 16 AVE UNIT: 26
06-2229-068-0260	12665 NE 16 AVE UNIT: 27
06-2229-068-0270	12665 NE 16 AVE UNIT: 28
06-2229-068-0280	12665 NE 16 AVE UNIT: 29
06-2229-068-0290	12665 NE 16 AVE UNIT: 30
06-2229-068-0300	12665 NE 16 AVE UNIT: 31
06-2229-068-0310	12665 NE 16 AVE UNIT: 32
06-2229-007-0210	1640 NE 127th St
06-2229-007-0200	Vacant
06-2229-007-0170	1660 NE 127th St
06-2229-007-0320	12600 NE 17th Ave
06-2229-007-0310	1665 NE 126th St
06-2229-007-0300	1645 NE 126th S
06-2229-007-0290	1625 NE 126th St
06-2229-007-0280	1605 NE 126th St
06-2229-007-0010	Vacant
06-2229-007-0330	1600 NE 126th St
06-2229-007-0340	12505 NE 16th Ave
06-2229-011-0010	1725 NE 125th St
06-2229-007-0520	12401 NE 16th Ave
06-2229-007-0511	1620 NE 125th St
06-2229-007-0512	1640 NE 125th St
06-2229-007-0510	1642 NE 124th Ln
06-2229-007-0500	1660 NE 125th St
06-2229-007-0491	1680 NE 125th St
06-2229-007-0490	1682 NE 124th Ln
06-2229-007-0501	1662 NE 124th Ln
06-2229-007-0390	1704 NE 125th St
06-2229-007-0350	1740 NE 125th St
06-2229-007-0430	1747 NE 124th St
06-2229-007-0410	1735 NE 124th St
06-2229-007-0400	1705 NE 124th St
06-2229-007-0610	12410 NE 17th Ave
06-2229-007-0600	1685 NE 124th St
06-2229-007-0590	1647 NE 124th Ln
06-2229-007-0591	1645 NE 124th St
06-2229-007-0570	1627 NE 124th Ln

06-2229-007-0580	1625 NE 124th St
06-2229-054-0010	12550 Biscayne Blvd.

WHEREAS, extending the NMTSOD boundary will provide additional opportunities for development of the Subject Properties with a mix of uses within modern, hardened, and “green” buildings, thereby furthering the vision of the City as a resilient and sustainable community; and

WHEREAS, an amendment to the Official Zoning Map extending the NMTSOD 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 review the proposed amendment to the FLUM, 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 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 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 Planning Commission found the proposed amendment to 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 Amendment 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 2036 Future Land Use Map extending the North Miami Transit Station Overlay District as shown on Exhibit 1 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 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 A. JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Estimé-Irvin

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.