

ORDINANCE NO. 1493

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 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 WEST, 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 166.041(3)(C), FLORIDA STATUTES (2022) 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 (2021) outlines the procedure for the adoption of ordinances that change the actual zoning map designation of parcels of land involving less than fifty (50) contiguous acres; and

WHEREAS, Article 3, Division 10, Sections 3-1002, 3-1003, 3-1005 through 3-1007 of the City of North Miami (“City”) Land Development Regulations (“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 to 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, including portions of the former twenty-eight (28) acre Johnson and Wales University (“JWU”) campus, is currently zoned Public Use (“PU”) on the official zoning map to accommodate the operation, and future expansion of JWU as reflected in the JWU Campus Master Plan; however, residential, commercial, and mixed uses are not allowed; and

WHEREAS, in light of the closing and sale of JWU to various private owners, the PU zoning 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 Official Zoning Map 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	12655 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, 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 NMTSOD to include the Subject Properties; and

WHEREAS, pursuant to section 163.3184(12), Florida Statutes (2021), 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 (“PC”) 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 for 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 PC 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 June 7, 2022, reviewed and discussed the reports, documents and application packet, and after hearing 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 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 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 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. 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) _____ (No) _____
Vice Mayor Alix Desulme, Ed.D.	<input checked="" type="checkbox"/> (Yes) _____ (No) _____
Councilman Scott Galvin	<input checked="" type="checkbox"/> (Yes) _____ (No) _____
Councilwoman Kassandra Timothe, MPA	<input checked="" type="checkbox"/> (Yes) _____ (No) _____
Councilwoman Mary Estimé-Irvin	<input checked="" type="checkbox"/> (Yes) _____ (No) _____

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