

ORDINANCE NO. 1499

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”, SPECIFICALLY AT ARTICLE 4, DIVISION 2, SECTION 4-205, ENTITLED, “FLOATING UNIT ALLOCATION”, TO COMBINE THE PRIMARY AND SECONDARY POOLS OF FLOATING DWELLING UNITS, AND FURTHER CLARIFY THE NON-RESIDENTIAL POOL, IN ACCORDANCE WITH SECTION 3-302, AND SECTIONS 3-1004 THROUGH 3-1007 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the current Land Development Regulations (“LDRs”), Chapter 29 of the City Code of Ordinances, were adopted in July 2017 through Ordinance No. 1417 to establish zoning districts and regulations; 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 of North Miami (“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, in 2007, under Section 4-305 of the LDRs, the City established three pools of floating units: 1) A pool of 1,800 floating dwelling units and 375,000 s.f. of commercial use reserved for the Central City District (“CCD”); 2) A pool of 2,200 floating dwelling units and 375,000 s.f. of commercial use anywhere within the Neighborhood Redevelopment Overlay (“NRO”); and 3) A secondary pool of 1,000 unassigned dwelling units for use outside of the NRO; and

WHEREAS, in 2017, the City modified and renumbered Section 4-305 of the LDRs (to 4-205), and established a primary pool of 2,500 floating units to be used exclusively within the NRO, a secondary pool of 2,500 floating dwelling units for use outside of the NRO, and a pool of 750,000 s.f. of non-residential use reserved for use within the NRO, Planned Corridor Development (“PCD”) Overlay districts, and mixed-use districts; and

WHEREAS, an analysis of the prevailing conditional use permit (“CUP”) requests for floating units indicate that the vast majority are for projects outside of the NRO; as such, the number of available floating units in the secondary pool has rapidly depleted; and

WHEREAS, in order to continue to spur economic development, and encourage the continued development of modern, safe housing, and compact, mixed-use development, the City desires to combine the primary and secondary pools of available floating units; and

WHEREAS, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the City LDRs, on May 3, 2022, the Planning Commission reviewed the proposed Amendment to the LDRs and issued a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed Amendment by passage of this ordinance; and

WHEREAS, pursuant to Article 3, Section 3-1007 of the LDRs, the Mayor and City Council have jurisdiction to adopt the proposed LDR text amendment, and after two (2) duly noticed public meetings (first reading and second reading), have determined that the amendments are in the best interest of City residents.

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

Section 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings and the intent and purpose of the City Council of the City of North Miami.

Section 2. Floating Unit Allocation. 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 5, entitled “Development Standards” as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES
CHAPTER 29. LAND DEVELOPMENT REGULATIONS

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ARTICLE 4. – ZONING DISTRICTS

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DIVISION 2. – ZONING DISTRICTS

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Sec. 4-205. – Floating unit allocation.

A. Residential and Commercial Pools. Residential and commercial pools of available floating units, and available non-residential square footage for use with the NRO and for use in the PCD, PD, NMTSOD and multifamily districts outside of the NRO are hereby created as follows:

1. Primary Residential: A pool of two one thousand five two hundred twenty-six (2,500 1,226) floating units for use within the NRO, PCD, PD (exclusive of Sole Mia), NMTSOD, and multifamily districts outside of the SDTOD, through the conditional use permit process. Commercial pool of seven hundred fifty thousand (750,000) square feet within the NRO.
2. Secondary Commercial: A commercial pool of seven hundred, fifty thousand (750,000) square feet for use within the NRO, PCD, and the NMTSOD, through the conditional use permit process. A pool of two thousand, five hundred (2,500) units outside of the NRO.
3. For each new unit approved through an amendment to the comprehensive plan outside of the NRO, one (1) dwelling unit shall be debited from the secondary residential pool.

B. Multi-family residential zoning districts outside the NRO.

For parcels of land within the multifamily residential zoning districts outside of the NRO, a density bonus may be granted up to twenty-five (25) du/acre through conditional use approval, (excepting those properties which lie in, or are adjacent to, or abutting the Village of Biscayne Park Transition Zone).

Residential developments immediately north of NE 121st Street, within the Village of Biscayne Park Transition Zone, may not exceed their current entitlement and shall be subject to the strict development standards as further established in these LDRs.

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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 re-lettered 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 24th day of May, 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 7th day of November, 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: _____ Galvin _____

Seconded by: _____ Desulme _____

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 29th DAY OF November, 2022.