

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 2016 COMPREHENSIVE PLAN, MORE SPECIFICALLY THE FUTURE LAND USE ELEMENT THEREOF, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 163.3184(3), FLORIDA STATUTES (2022), AND CHAPTER 29, ARTICLE 3, DIVISION 11, SECTION 3-1102(A) & SECTIONS, 3-1105 THROUGH 3-1110 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.15.1 TO COMBINE THE PRIMARY AND SECONDARY POOLS OF FLOATING DWELLING UNITS; PROVIDING FOR AN INITIAL HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT TO THE REVIEWING AGENCIES AND/OR ANY INTERESTED LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY FOR REVIEW UNDER THE EXPEDITED STATE REVIEW PROCESS; PROVIDING FOR AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT, AS MAY BE AMENDED TO RESPOND TO COMMENTS FROM THE REVIEWING AGENCIES, TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

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 within the jurisdictional boundary of the City; and

WHEREAS, Article 3, Division 3, Section 3-302 of the City LDRs establishes a uniform notice and procedure in order to ensure procedural due process and maintain citizen access to the local government decision-making process relating to the approval of amendments to the texts and maps of the Comprehensive Plan within the jurisdictional boundary of the City; and

WHEREAS, in 2007, 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 2015, the City modified the pools to establish 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 Overlay (“PCDO”) 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; and

WHEREAS, City staff is requesting that pursuant to the requirements of Article 3, Division 11, Section 3-1106 of the City LDRs, Planning Commission review the proposed Amendment to the City Comprehensive Plan, consider the recommendation of City staff and 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 text 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 text of the City Comprehensive Plan; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on May 3, 2022, reviewed and discussed the proposed 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 the City Comprehensive Plan 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, s. 163.3184(11), F.S., requires that the Amendment be adopted by the

Mayor and City Council by Ordinance; and

WHEREAS, the Mayor and City Council, after a duly noticed initial hearing held on _____, 2022, reviewed and discussed the proposed Amendment to the City Comprehensive Plan, and authorized their transmittal to the Department of Economic Opportunity (“DEO”) and other reviewing agencies, pursuant to state law; and

WHEREAS, the Amendment to the City Comprehensive Plan, which was presented to and approved for transmittal by the City Council at the _____, 2022 public hearing, received no comments from DEO or other reviewing agencies; however, it has been revised to include the most up to date number of floating bonus units remaining in the combined pools; and

WHEREAS, in accordance with the requirements of s.163.3184 (3)(c), F. S., the City has one hundred eighty (180) days from the receipt of agency comments to hold the second public hearing on whether to adopt the proposed Amendment to the Comprehensive Plan by Ordinance; and

WHEREAS, Policy 1.2.3 of the City Comprehensive Plan provides that the densities and intensities set forth in the Future Land Use Element of the City Comprehensive Plan cannot be changed without by concurrence of a supermajority vote of the Mayor and City Council; 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; and

WHEREAS, the Mayor and City Council, after a duly noticed adoption hearing held on _____, 2022, found the adoption of the proposed Amendment to the City Comprehensive Plan to reflect the developmental vision and aspirations of the City, and further authorized their transmittal to DEO for a determination of completeness, in accordance with state law.

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 Comprehensive Plan identified in Section 2.

Section 2. **Amendment.** Amendment to Volume 1: Goals, Objectives and Policies of the City of North Miami 2036 Comprehensive Plan, specifically the Future Land Use Element with related Goals, Objectives and Policies as follows:

CITY OF NORTH MIAMI
VOLUME 1: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF NORTH MIAMI
2036 COMPREHENSIVE PLAN

* * * * *
FUTURE LAND USE ELEMENT

* * * * *

Policy 1.15.1

1. A ~~primary~~ pool of ~~2,500~~1,226 floating dwelling units are reserved for ~~the Neighborhood Redevelopment Overlay (NRO).~~
2. A ~~secondary~~ pool of 2,500 floating dwelling units ~~are reserved for use outside of the Neighborhood Redevelopment Overlay (NRO)~~use throughout the city, excluding the Planned Community Urban Design (PCUD) Overlay, and the Special Development and Transit Oriented District (SDTOD), subject to the availability of .Potable water supply and wastewater treatment capacity limitations necessitate that the ~~potable water supply reserved for the secondary pool of dwelling units may be allocated to land use plan amendments identified in Appendix B for additional redevelopment.~~
23. A pool of 750,000 s.f. of non-residential use is reserved for use within the Neighborhood Redevelopment Overlay (NRO), Planned Corridor Development (PCD) Overlay districts, and the North Miami Transit Station Overlay District~~mixed use amendment sites identified in Appendix B.~~
34. These pools may be used to facilitate mixed-use development, and either higher intensities or additional land uses that are not permitted by the underlying map designations.
45. Additional floating units and/or commercial use shall be approved via a Conditional Use Permit by resolution before City Council; said Conditional Use Permit to be null and void if no precise plan is filled within twenty-four (24) months of the approval.

56. Allowable floating dwelling units and/or commercial use are governed by available units and square feet mentioned herein, and allocation will be tracked by staff administratively.

* * * * *

Section 3. 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 City Comprehensive Plan, as amended herein, to the State of Florida Department of Economic Opportunity and to any other governmental agency having jurisdiction with regard to the approval of same in accordance with, and 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 4. Repeal. All ordinances or parts of ordinances in conflict or inconsistent are repealed.


Section 5. Conflict. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

Section 6. 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 7. 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 8. 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 9. Effective Date. This Ordinance shall not become effective until thirty-one (31) days after the State Land Planning Agency notifies the City that the plan amendment packet transmitted is complete.



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	<u>X</u>	(Yes)	_____	(No)
Vice Mayor Alix Desulme, Ed.D.	<u>X</u>	(Yes)	_____	(No)
Councilman Scott Galvin	<u>X</u>	(Yes)	_____	(No)
Councilwoman Kassandra Timothe, MPA	<u>X</u>	(Yes)	_____	(No)
Councilwoman Mary Estimé-Irvin	<u>X</u>	(Yes)	_____	(No)

THIS ORDINANCE WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI CITY
COUNCIL ON THIS 29th DAY OF November, 2022.