

ORDINANCE NO. 1497

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 ADDING A NEW PROPERTY RIGHTS ELEMENT, IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES (2022), 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”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes, Section 163.3167, requires the City of North Miami (“City”) to maintain a comprehensive plan to guide its future development and growth; and

WHEREAS, Florida Statutes, Section 163.3177(6)(i)(1), requires the City’s comprehensive plan to include a property rights element; and

WHEREAS, the City respects judicially acknowledged and constitutionally protected private property rights; and

WHEREAS, the City respects the rights of all people to participate in land use planning processes; and

WHEREAS, this ordinance will amend the comprehensive plan by adding a property rights element; and

WHEREAS, the Planning Commission, after a duly noticed quasi-judicial public hearing held on July 13, 2022, reviewed and discussed the proposed Comprehensive Plan text amendment, City staff’s report, and heard testimony from the attending members of the public; and

WHEREAS, the Planning Commission found the proposed Comprehensive Plan text amendment 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.

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

Section 1. Adoption. The City of North Miami’s comprehensive plan is amended by adding the property rights element as follows:

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CITY OF NORTH MIAMI

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

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13. PROPERTY RIGHTS ELEMENT

GOAL 13

The City of North Miami (“City”) will make decisions with respect for property rights and with respect for people’s rights to participate in decisions that affect their lives and property.

Objective 13.1

The City will respect judicially acknowledged and constitutionally protected private property rights.

Policy 13.1.1

The City will consider in its decision-making the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 13.1.2

The City will consider in its decision-making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 13.1.3

The City will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.

Policy 13.1.4

The City will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

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13.14. MONITORING AND EVALUATION

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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, as amended herein, to the State of Florida Department of Economic Opportunity pursuant to Chapter 163, Florida Statutes, 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 by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on transmittal (first reading) this 1st day of September, 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: Bien-Aime

Seconded by: Galvin

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)