

ORDINANCE NO. 1516

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS" BY AMENDING ARTICLE 4, "ZONING DISTRICTS" AND THE OFFICIAL ZONING MAP TO ESTABLISH THE CLAUDE PEPPER GLOBAL PLANNED CORRIDOR DEVELOPMENT OVERLAY DISTRICT; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.041(3), Florida Statutes 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 LDRs, outlines the procedures for LDR text amendments and 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 City owns two (2) parcels of land approximately 1,248,430 s.f. (28.66 acres) in size, located at 1255 and 1525 NW 135th Street, and further identified by Miami Dade Folio Numbers 06-2123-000-0180 and 06-2123-000-0050 (the "Subject Property"), which includes Claude Pepper Park, the Joe Celestin Center, and an abutting vacant site to the west consisting of approximately 11.23 acres of undeveloped land; and

WHEREAS, the Subject Property is designated Open Space/Recreation on the Future Land Use Map ("FLUM") and PU, Public Use on the Official Zoning Map, which limits uses to public uses, e.g., government use, public facilities, parks, community facilities, and educational facilities; and

WHEREAS, on August 31, 2022, the City issued a Request for Proposals under RFP No. 70-21-22 (the "RFP") for the design, development, and financing of improvements to Claude Pepper Park, renovations to the Joe Celestin Center and the development of the vacant site with a

mixed-use project containing senior housing, workforce housing along with retail, restaurant, and other commercial uses; and

WHEREAS, Redwood CP Dev, LLC submitted a response to the RFP and at a Special Council meeting held on November 18, 2022, was selected as the top-ranked bidder; and

WHEREAS, to implement the development program approved by Mayor and City Council for the Subject Property, the City desires to create the Claude Pepper Global PCD along a portion of the north side of NW 135th Street between NW 12th Avenue and NW 17th Avenue; and

WHEREAS, a Small-Scale Land Use Plan Amendment to the Future Land Use Element and FLUM of the City Comprehensive Plan is also scheduled on the same agenda to establish the Claude Pepper Global Planned Corridor Development District; and

WHEREAS, pursuant to section 163.3184(12), Florida Statutes, adoption of the proposed text amendment of the Land Development Regulations (“LDRs”) and the Zoning Map (collectively, the “Amendment”) is contingent upon the Small-Scale Land Use Plan Amendment becoming effective; and

WHEREAS, the proposed 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 review the proposed 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 Amendment establishing the Claude Pepper Global PCD; 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 LDR and Zoning Map Amendment; and

WHEREAS, the Planning Commission, after a duly noticed quasi-judicial public hearing held on November 7, 2023, 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 Amendment to be consistent with the Comprehensive Plan and the applicable standards of the City LDRs and recommended that the Mayor and City Council adopt the same; and

WHEREAS, pursuant to Article 3, Division 10, Section 3-1007(b) of the LDRs, adoption of the requested Amendment shall require the concurrence of a supermajority of the City Council, attained at a quasi-judicial proceeding; and

WHEREAS, the Mayor and City Council find the proposed 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 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 Amendments to the City of North Miami Land Development Regulations identified in Section 2 and as illustrated on the Official Zoning Map attached hereto as Exhibit 1.

Section 2. Amendment to Chapter 29, North Miami Code of Ordinances. 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 4, entitled “Zoning Districts”, 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 3. – SPECIAL PURPOSE AND OVERLAY DISTRICTS

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Sec. 4-306. – Planned Corridor Overlay District (PCD).

- A. Purpose. The purpose of the PCD is to encourage a compact, high-intensity mix of residential, commercial, employment, and civic-institutional uses to support transit use, reduce single-occupancy vehicle use, increase pedestrian activity, and improve access and mobility.
- B. Effect of overlay. The development standards of the underlying zoning districts shall govern except to the extent any provision of this PCD district conflicts with the provisions of such underlying zoning district, in which event the provisions of this NRO district shall control. Furthermore, the PCD district shall take precedence over any other overlay district.
- C. General location. As identified on the zoning map, the PCD is applied to the following major corridors: State Road 7/NW 7th Avenue, the north side of NW 135th Street between NW 12th Avenue and NW 17th Avenue, NE 6th Avenue, Biscayne Boulevard, West Dixie Highway and NE 125th Street (as depicted on the zoning map).
- D. Standards. The permitted uses, density, and intensity of uses within the various corridors are governed by the underlying land use designations of the subject property; notwithstanding the foregoing, parcels within the PCD are subject to the following:

* * *

6. Joe Celestin Global (NW 135th Street):

- a. This overlay district shall include property on the north side of NW 135th Street between NW 12th Avenue and NW 17th Avenue.
- b. Height: Up to 200 feet west of the Joe Celestin Center, including parking levels and compatible building transitions and setbacks.
- c. Mixed-use is allowed along the corridor with a permitted density of up to 150 du/acre, including floating units. Allocation is subject to the availability of floating units, and pursuant to a conditional use permit. Commercial floor area is not subject to intensity limits but shall be approved by the City Council pursuant to a conditional use permit.
- d. Maximum lot coverage: 80% (to be calculated for the district, including the residential, commercial, and recreational uses)
- e. Signage. All property within the district will be subject to the regulations of the Comprehensive Sign Program in Section 5-1506.

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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 or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. 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 6. 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 7. 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 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 28th day of November, 2023.

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 12th day of December, 2023.



ALIX DESULME, ED.D.
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: Estimé-Irvin

Seconded by: Charles

Vote:

Mayor Alix Desulme, Ed.D.

X (Yes) _____ (No)

Vice-Mayor Mary Estimé-Irvin

X (Yes) _____ (No)

Councilman Scott Galvin

X (Yes) _____ (No)

Councilwoman Kassandra Timothe, MPA

X (Yes) _____ (No)

Councilman Pierre Frantz Charles, M.Ed.

X (Yes) _____ (No)