

ORDINANCE NO. 1519

**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 CHANGING THE OFFICIAL 2036 FUTURE LAND USE MAP DESIGNATION FROM HIGH DENSITY RESIDENTIAL TO COMMERCIAL/OFFICE FOR THE APPROXIMATELY 0.25-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF NE 123<sup>RD</sup> STREET AND NE 15<sup>TH</sup> AVENUE, AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE FOLIO NUMBER 06-2229-047-0011, IN ACCORDANCE WITH SECTION 163.3187, FLORIDA STATUTES (2023); 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".**

**WHEREAS**, section 163.3187 of the Florida Statutes outlines the procedure for the adoption of ordinances that change the actual future land use map designation of parcels of land involving less than fifty (50) contiguous acres; and

**WHEREAS**, Article 3, Division 11, Sections 3-1102(A) and 3-1105 through Section 3-1111 of the City Land Development Regulations ("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; 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; and

**WHEREAS**, the Subject Property is located in the northwest quadrant of NE 123<sup>rd</sup> Street and NE 15<sup>th</sup> Avenue; approximately 0.25 acre (10,750 s.f.) in size; currently designated High-Density Residential on the City's 2036 Future Land Use Map ("FLUM"); and, identified with Miami-Dade folio number 06-2229-047-0011; and

**WHEREAS**, pursuant to Policy 1.21.1 of the Future Land Use Element, the purpose of the residential districts is, "...primarily for residential dwellings... ", and uses associated with "...residential environment...;" and

**WHEREAS**, the Property Owner, 1535 NE 123, LLC, is requesting a Future Land Use Map amendment changing the land use designation of the Subject Property to Commercial/Office to create a surface parking lot for customers and staff parking for a new Alfa Romeo-Fiat car dealership; and

**WHEREAS**, an amendment to the Official Zoning Map changing the zoning designation of the Subject Property from C-3, Commercial to C-2BW for the Subject Property and additional adjacent parcels is traveling concurrently through the approval process as this amendment, and thus, is on the same agenda for consideration, subject to the approval of this amendment; and

**WHEREAS**, City staff is requesting that pursuant to the requirements of Article 3, Division 11, Section 3-1106 of the City LDRs, the Planning Commission review the proposed FLUM amendment, consider the testimony provided at the public hearing (if any), and issue a recommendation to the Mayor and the City Council on the Property Owner's request as reflected in 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 FLUM of the City Comprehensive Plan; and

**WHEREAS**, the Planning Commission, after a duly noticed quasi-judicial public hearing held on September 6, 2022, reviewed, and discussed the proposed FLUM 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 and FLUM amendments to comply 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**, pursuant to Article 3, Division 11, Section 3-1109(B) of the City LDRs, adoption of the proposed Amendment shall require the concurrence of a supermajority of the City Council; and

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

**Section 1.      Official 2036 Future Land Use Map Amendment.** The Mayor and City

Council of the City of North Miami, Florida, hereby approve and adopt the proposed Amendment to the 2036 Future Land Use Map, changing the designation of the Subject Property from High-Density Residential as attached hereto.

**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 and the FLUM, as amended herein, to the State Land Planning Agency 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 Development Services 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 the 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 AND ADOPTED** by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 23rd day of January, 2024.

**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 9th day of April, 2024.

  
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: Charles

Seconded by: Galvin

**Vote:**

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

THIS ORDINANCE WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI  
CITY COUNCIL ON THIS 24th DAY OF April, 2024.