

ORDINANCE NO. 1520

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”, AT ARTICLE 1, ENTITLED “GENERAL PROVISIONS”, SPECIFICALLY SECTION 1-106 ENTITLED “OFFICIAL ZONING MAP”, BY REVISING THE ZONING DESIGNATION FROM R-6, RESIDENTIAL TO C-2BW, COMMERCIAL FOR THE APPROXIMATELY 0.25 ACRE REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF NE 123RD STREET AND NE 15TH AVENUE, AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE FOLIO NUMBER 06-2229-047-0011, AND REVISING THE ZONING DESIGNATION FROM C-3, COMMERCIAL TO C-2BW, COMMERCIAL FOR THE ADJACENT FOUR (4) REAL PROPERTIES LOCATED AT THE NORTHEAST CORNER OF NE 125TH AND NE 15TH AVENUE, AND BOUNDED BY NE 124TH STREET TO THE NORTH, AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE FOLIO NUMBERS: 06-2229-045-0390, 06-2229-045-0380, 06-2229-045-0360, AND 06-2229-045-0350, IN ACCORDANCE WITH SECTION 166.041(3)(C), FLORIDA STATUTES (2023) AND SECTIONS 3-1002, 3-1003, 3-1005 THROUGH 3-1007 AND SECTION 3-302 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE CITY COMPREHENSIVE PLAN; FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE ZONING MAP AMENDMENT; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, section 166.041(3), Florida Statutes (2023) 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 City of North Miami (“City”) Land Development Regulations (“LDRs”), outlines the procedures for zoning map and LDR text 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 Subject Properties consist of five (5) vacant parcels, totaling approximately 0.75 acre (32,819 s.f.) in size; and

WHEREAS, Parcel 1 is located at the northwest corner of NE 123rd Street and NE 15th Avenue; currently designated R-6, Residential on the City's Official Zoning Map; and, identified with Miami-Dade folio number 06-2229-047-0011; and

WHEREAS, Parcels 2 through 5 are located at the northeast corner of NE 123rd Street and NE 15th Avenue, and bounded by NE 124th to the north; currently designated C-3, Commercial on the City's Official Zoning Map; and, identified with Miami-Dade folio numbers 06-2229-045-0390, 06-2229-045-0380, 06-2229-045-0360, and 06-2229-045-0350; and

WHEREAS, pursuant to Section 4-201 of the LDRs, allowable uses in the R-6 district is limited to high-density residential, daycare centers, hospitals, and ALFs; and

WHEREAS, vehicle sales and service are not an allowable use in the C-3, Commercial District; and

WHEREAS, the Property Owner, 1535 NE 123 Street, LLC, through their agent Carlos Rios, is requesting a Zoning Map amendment changing the zoning designation of Parcel 1 from R-6 to C-2BW to allow for the development of an accessory surface parking lot for customers and employees, and revising the zoning designation of Parcels 2 through 5 from C-3, Commercial to C-2BW, Commercial to allow the applicant to, through the Special Exception process, develop a 4-story (5 level) automobile retail showroom with minor vehicle service and inventory vehicle storage; and

WHEREAS, a Small-Scale Land Use Plan Amendment to the City's 2036 Future Land Use Map ("FLUM") is also scheduled on the same agenda changing the land use designation of Parcel 1 from High-Density Residential to Commercial/Office; and

WHEREAS, pursuant to section 163.3184(12), Florida Statutes (2023), adoption of the proposed Zoning Map amendment is contingent upon the Small-Scale Land Use Plan and Comprehensive Plan text Amendment becoming effective; and

WHEREAS, the proposed Zoning Map 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 (“PC”) reviews the proposed Zoning Map Amendment request, staff report, testimony provided at the public hearing (if any), and issue a recommendation to the Mayor and the City Council; and

WHEREAS, pursuant to Article 2, Division 2, Section 2-203 of the City LDRs, at least four (4) affirmative votes of the PC shall be required for a positive recommendation of any proposed Zoning Map Amendment; and

WHEREAS, the Planning Commission, after a duly noticed quasi-judicial public hearing held on September 6, 2022, 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 Zoning Map Amendment to be consistent with 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 Zoning Map 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 Zoning Map 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 Zoning Map Amendment.

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

Section 1. Official Zoning Map Amendment. The Mayor and City Council of the City of North Miami, Florida, hereby approve and adopt the proposed Amendment to the Official Zoning, changing the designation of Parcel 1 from R-6 to C-2BW and Parcels 2-5 from C-3, Commercial to C-2BW, Commercial as attached hereto.

Section 2. Repeal. All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. Conflicts. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.


Section 4. 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 5. 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 6 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 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: Timothe

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)

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