

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 EXTEND THE BOUNDARY OF THE PLANNED CORRIDOR DEVELOPMENT OVERLAY DISTRICT OVER THE REAL PROPERTIES OF 12290 NE 6TH AVENUE, 12280 NE 6TH AVENUE, AND 540 NE 123RD STREET, IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBERS 06-2230-031-0020, 06-2230-031-0030, AND 06-2230-031-0010 TOTALING APPROXIMATELY 0.68 ACRES; 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 INTERIM 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 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, considering future sea level rise, the City desires to expand opportunities for compact, high-density, mixed-use, transit-oriented development in appropriate areas; and

WHEREAS, the primary purpose of the Planned Corridor Development District (“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;” and

WHEREAS, the property owner, BOTANIK VENTURE LLC (“Applicant”), through their agent, Nicholas Noto is requesting an amendment to the Official Zoning Map to extend the boundary of the NE 6th Avenue PCD to include three (3) vacant parcels (“Subject Properties”) totaling 0.68 acres, and identified with the following Miami-Dade folio numbers and locations:

06-2230-031-0010	540 NE 123 rd Street
06-2230-031-0030	12280 NE 6 th Avenue
06-2230-031-0020	12290 NE 6 th Avenue

and

WHEREAS, the Subject Properties are located adjacent to the existing NE 6th Avenue PCD boundary, designated Medium Density Residential on the Future Land Use Map (“FLUM”) and zoned R-5 on the Official Zoning Map; and

WHEREAS, extending the PCD boundary will provide additional opportunities for the development of the high visibility, but underutilized Subject Properties with a mix of uses within modern, hardened, and “green” buildings, thereby furthering the vision of the City as a resilient and sustainable community; and

WHEREAS, an amendment to the 2036 (“FLUM”) extending the NE 6th Avenue PCD is traveling concurrently through the approval process as this amendment, and thus, is on the same agenda for consideration, and the amendment is subject to the FLUM approval; and

WHEREAS, City staff requests that pursuant to the requirements of Sections 3-1004 through 3-1006 of the LDRs, the Planning Commission (“PC”) review the proposed Zoning Map 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 Zoning Map Amendment for the Subject Properties; and

WHEREAS, pursuant to Article 2, Division 2, Section 2-203 of the LDRs, at least four (4) affirmative votes of the Planning Commission shall be required for a positive recommendation of any proposed amendment to FLUM of the City Comprehensive Plan; and

WHEREAS, the Planning Commission, after a duly noticed quasi-judicial public hearing

held on February 6, 2024, 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 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, after a duly noticed initial hearing held on March 26, 2024, reviewed and discussed the proposed amendment; and

WHEREAS, the Mayor and City Council, after a duly noticed public hearing **PASSED AND ADOPTED** the amendment by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida this 14th day of May, 2024, and further authorized its transmittal to the Department of Economic Opportunity 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 Official Zoning Map extending the NE 6th Avenue Planned Corridor Development Overlay District as shown on Exhibit 1 attached hereto.

Section 2. Repeal. All ordinances or parts of ordinances in conflict or inconsistent are repealed.

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

Section 4. 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 5. 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 6. 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 7. Effective Date. This Ordinance shall not become effective until thirty-one (31) days after adoption.

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 26th day of March, 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 14th day of May, 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 22nd DAY OF MAY, 2024.