

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE OFFICIAL 2036 FUTURE LAND USE MAP TO EXTEND THE BOUNDARY OF THE PLANNED CORRIDOR DEVELOPMENT (PCD) OVERLAY DISTRICT SOUTHWARD OVER THREE (3) PARCELS OF REAL PROPERTIES LOCATED AT 12290 NE 6TH AVENUE, 12280 NE 6TH AVENUE, AND 540 NE 123RD STREET 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 163.3184, SECTION 163.3187, SECTION 166.041(3)(C), 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 166.041(3), 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 of North Miami (“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, 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 “...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 2036 Future Land Use Map (“FLUM”) 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
06-2230-031-0020	12290 NE 6 th Avenue
06-2230-031-0030	12280 NE 6 th Avenue

and

WHEREAS, the Subject Properties are located adjacent to the existing NE 6th Avenue PCD boundary, and designated Medium Density Residential on the FLUM; and

WHEREAS, extending the PCD boundary will provide additional opportunities for 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 Official Zoning Map 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, 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 LDRs, the Planning Commission reviews the proposed amendment to the FLUM, the recommendation of City staff, testimony provided at the public hearing (if any), and issues a recommendation of approval to the Mayor and the City Council to adopt the proposed FLUM amendment by passage of the attached ordinance; 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 public hearing held on February 6, 2024, 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 amendment to the FLUM consistent with state law and with applicable standards of the LDRs, and therefore recommended that the Mayor and City Council take the appropriate action and adopt the proposed Amendments by passage of the attached ordinance; and

WHEREAS, pursuant to Article 3, Division 11, Section 3-1109(B) of the LDRs, adoption of the proposed Amendments shall require the concurrence of a supermajority of the City Council; 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 26th day of March, 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 2036 Future Land Use Map extending the NE 6th Avenue Planned Corridor Development Overlay District as shown on Exhibit 1 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 of Florida Department of Economic Opportunity 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.

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: Galvin

Seconded by: Desulme

Vote:

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