

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING AMENDMENTS TO VOLUME 1: GOALS, OBJECTIVES, AND POLICIES OF THE CITY OF NORTH MIAMI 2016 COMPREHENSIVE PLAN, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 163.3184(3), FLORIDA STATUTES (2023), AND CHAPTER 29, ARTICLE 3, DIVISION 11, SECTION 3-1102(A) & SECTIONS, 3-1105 THROUGH 3-1110 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES; SPECIFICALLY BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.2.1 AND POLICY 1.21.3 TO ESTABLISH A HEIGHT BONUS FOR THE BAYSHORE ZONE; PROVIDING FOR AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENTS TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Article 3, Division 11, Sections 3-1102(A) and 3-1105 through Section 3-1111 of the City of North Miami Land Development Regulations (“LDRs”) set forth procedures for text amendments 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 within the jurisdictional boundary of the City; and

WHEREAS, Article 3, Division 3, Section 3-302 of the LDRs establishes a uniform notice and procedure in order to ensure procedural due process and maintain citizen access to the local government decision-making process relating to the approval of amendments to the texts and maps of the Comprehensive Plan within the jurisdictional boundary of the City; and

WHEREAS, pursuant to Policy 1.2.1 and Policy 1.21.3 of the Future Land Use Element, the maximum height in the BZ District is one hundred fifteen (115) feet; and

WHEREAS, the Property Owner, 12000 Property Owner, LLC, through their agent, Pedro Gassant with Holland and Knight, LLP, is requesting a Comprehensive Plan text amendment to implement a height bonus in the BZ District for a total height up to two hundred thirty-eight feet (238) ten (10) inches through a conditional use permit (“Amendment”); and

WHEREAS, the bonus height conditional use permit will be reviewed under criteria set forth in Article 4, Division 2, Section 4-203, and Article 5, Division 8, Sections 5-802 and 5-803; and

WHEREAS, any property in the BZ District granted bonus height will be required to build proposed buildings under Leadership in Energy and Environmental Design (LEED) Gold level standards and/or any nationally or locally recognized green standards acceptable to the City; and

WHEREAS, a text amendment to the LDRs is also scheduled on the same agenda increasing the maximum height in the Bayshore Zone through a conditional use permit to allow bonus height up to two hundred and thirty-eight (238) feet ten (10) inches; and

WHEREAS, pursuant to section 163.3184(12), Florida Statutes (2023), adoption of the proposed LDRs text amendment is contingent upon the Comprehensive Plan text Amendment becoming effective; and

WHEREAS, the proposed Amendment shall be considered in accordance with Article 3, Division 11, Sections 3-1105, 3-1106, and 3-1107 through 3-1110, 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 3-1106 of the LDRs, the Planning Commission (“PC”) reviews the proposed Amendment, and 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, the PC positive recommendation for the proposed LDRs text amendment shall require a super majority vote of the commission members present; and

WHEREAS, the Planning Commission, after a duly noticed quasi-judicial public hearing held on April 11, 2024, reviewed, and discussed the reports, documents, and application packet, and after hearing testimony from attending members of the public found the requested 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 of the LDRs, adoption of the requested Amendment shall require the concurrence of the majority of the City Council present, 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 find it in the best interest of the City to adopt the proposed text amendment.

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 Comprehensive Plan identified in Section 2.

Section 2. Amendments. Amendments to Volume 1: Goals, Objectives and Policies of the City of North Miami 2036 Comprehensive Plan, specifically the Future Land Use Element as follows:

CITY OF NORTH MIAMI
VOLUME 1: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF NORTH MIAMI
2036 COMPREHENSIVE PLAN

* * * * *
FUTURE LAND USE ELEMENT

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Policy 1.2.1

The following land use categories are established, with corresponding intensity standards.

* * * * *

USE	MAXIMUM DENSITY	MAXIMUM LOT COVERAGE	MAXIMUM HEIGHT (FT.)
RESIDENTIAL LOW	5.1 du/ac	80%	35 ft.
RESIDENTIAL LOW-MEDIUM	12 du/ac	80%	40 ft.
RESIDENTIAL MEDIUM	16.3 du/ac	80%	40 ft.
RESIDENTIAL HIGH	25 du/ac	80%	75 ft.
RESIDENTIAL OFFICE	n/a	85%	35 ft.
BAYSHORE ZONE (BZ)	100 du/ac	85%	115 ft.*****

* * * *

Note: Industrial uses within the Industrial land use classification shall be limited to 55 feet in height. As stated in the Permitted Uses section of this Comprehensive Plan, mixed uses are permitted within the Industrial land use designation. Mixed uses within the Industrial land use classification shall be limited to the density/intensity and height specified for the Mixed Use High land use designation.

****** Residential uses located immediately north of the Village of Biscayne Park (121st Street boundary) shall not be allowed to increase in density or intensity and shall be subject to those design standards further established in the Permitted Uses section of this Element. Additional density is permitted for following the policies contained in Policy 1.21.6, subject to the transition zone guiding principles outlined in Policy 1.16.1.

*******The permitted height within the NRO other than PCD and CBCD shall be 90 ft. with an additional 40 feet for following policies contained under Objective 1.3, 1.4 and 1.12, subject to the intensity transition policies herein.

******** The permitted height within the CBCD shall be 110 feet with an additional 40 feet for following policies contained under Objective 1.17, Policy 1.17.2, and Policy 1.17.3, including in areas within the NRO and subject to the transition policies herein.

********* The permitted height within the PCD overlay shall be pursuant to Objective 1.18 and Policy 1.18.3, and subject to the transition policies herein.

********* The permitted height in the Bayshore Zone (BZ) shall be 115 feet; however, for properties in the Bayshore Zone specially located south of NE 123rd Street and east of Bayshore Drive, an applicant may seek a height bonus up to two hundred thirty-eight (238) feet ten (10) inches, including parking levels, with a conditional use permit for following policies in Objective 1.6, Objective 1.12, Objective 1.13, Objective 1.16; providing public access to Biscayne Bay or a contribution to a local park to enhance access to view the bay; and the option to proffer a community benefits package that includes community input and Planning Commission recommendation to City Council that is acceptable and approved by City Council.

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Objective 1.21

Land use categories are further defined as follows:

* * * *

Policy 1.21.3

BAYSHORE ZONE (BZ)

The area designated Bayshore Zone (BZ) on the Future Land Use Map is to allow for a high density multifamily district. Future development within BZ shall provide a desirable character that is in harmony with the upland development and waterway. The BZ category is subject to the following:

1. Conserve the natural amenities of the land by encouraging the preservation and

improvement of scenic and functional space.

2. Provide maximum opportunity for application of concepts to the creation of aesthetically pleasing environments for living on properties of adequate size, shape and location.
3. Complies with the Miami-Dade County shoreline restrictions and development review standards as required by Chapter 33 (D) of the County's Code of Ordinances.
4. The permitted height along Bayshore Drive shall be 115 feet, including parking levels, providing that the buildings transition appropriately to adjacent streets and single-family neighborhoods. Notwithstanding the foregoing, however, for properties in the Bayshore Zone specifically located south of NE 123rd Street and east of Bayshore Drive, an applicant may seek a height bonus up to two hundred thirty-eight (238) feet ten (10) inches, including parking levels, with a conditional use permit for following policies in Objective 1.6, Objective 1.12, Objective 1.13, Objective 1.16; providing public access to Biscayne Bay or a contribution to a local park to enhance access to view the bay; and the option to proffer a community benefits package that involves community input with Planning Commission recommendation to City Council that is acceptable and approved by City Council.
5. The permitted density is 100 du/ac.
6. The maximum lot coverage is 80 percent.

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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 thirty (30) days after adoption by the Mayor and City Council.

PASSED AND ADOPTED by a 3 - 2 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 25th day of June, 2024.

PASSED AND ADOPTED by a 3 - 1 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 24th day of September, 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: Estime-Irvin

Vote:

Mayor Alix Desulme, Ed.D.

Vice-Mayor Mary Estimé-Irvin

Councilman Scott Galvin

Councilwoman Kassandra Timothe, MPA

Councilman Pierre Frantz Charles, M.Ed.

_____	(Yes)	<u>X</u>	(No)
<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)

Recused