

**ORDINANCE NO. 1527**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR TEXT AMENDMENT TO CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS”, AT ARTICLE 4, ENTITLED “ZONING DESIGNATIONS”, SPECIFICALLY AT SECTION 4-203, IMPLEMENTING A HEIGHT BONUS IN THE BZ DISTRICT FOR A TOTAL HEIGHT UP TO TWO HUNDRED THIRTY-EIGHT (238) FEET TEN (10) INCHES THROUGH THE CONDITIONAL USE PERMIT PROCESS, IN ACCORDANCE WITH SECTION 166.041(3)(C), FLORIDA STATUTES (2023) AND SECTIONS 3-1002, 3-1004, 3-1005 THROUGH 3-1007 AND SECTION 3-302 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES 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, 3-1004, 3-1005 through 3-1007 of the City of North Miami (“City”) Land Development Regulations (“LDRs”), outlines the procedures for LDRs 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**, pursuant to Section 4-203 of the LDRs, the maximum height in the BZ District is one-hundred fifteen (115) feet, and the maximum density is one hundred (100) dwelling units per acre; and

**WHEREAS**, the Property Owner, 12000 Property owner, LLC, through their agent, Pedro Gassant with Holland and Knight, LLP, is requesting a LDRs 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 the conditional use permit; and

**WHEREAS**, the bonus height conditional use permit will be reviewed under criteria set

forth in the LDRs, Article 3, Division 4, Article 4, Section 4-203, and Article 5, 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 of the Future Land Use Element of the City Comprehensive Plan 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 LDRs text 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 LDRs text 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 majority vote of the commission members present; and

**WHEREAS**, the Planning Commission, after a duly noticed quasi-judicial public hearing held on April 9, 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 LDRs text 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 of the LDRs, adoption of the requested LDRs Text Amendment shall require the concurrence of a majority of the City



Council, attained at a quasi-judicial proceeding; and

**WHEREAS**, the Mayor and City Council find the proposed LDRs text 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.

**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 City of North Miami LDRs text attached hereto as follows:

**CITY OF NORTH MIAMI CODE OF ORDINANCES**

**CHAPTER 29. LAND DEVELOPMENT REGULATIONS**

**\* \* \* \* \***

**ARTICLE 4: ZONING DISTRICTS**

**\*\*\*\*\***

**DIVISION 2. – ZONING DISTRICTS**

**\*\*\*\*\***

**Sec. 4-203. - Minimum standards of development.**

**A. Residential districts.**

Uses permitted in the residential districts shall be developed in accordance with the following standards and other applicable development standards in article 5 of these LDRs:

Residential District	Max. Density <sup>1</sup> DU/ac*****	Lot Dimensions			Setbacks (ft.) <sup>2 3</sup>			Max. Height(ft.)* **	Min. Floor Area(s.f.) *	Required <sup>2</sup> Open Space
		Area (s.f.)	Width (ft.)	Depth (ft.)	Front	Side	Rear**			
R-1	5.1	9,200	80	115	25	7.5 or 10%**	25	35	1,500	
R-2	5.1	6,000	60	100	25	7.5 or 10%**	25	35	1,000	
R-4	12.0				25	7.5 or 10%**	25	35		20%
R-5	16.3				25	7.5 or 10%**	25	75		20%

R-6	25.0		25	7.5 or 10%**	25	110		20%
BZ	100.0		25	7.5 or 10%**	25	115*****		15%

\* The minimum floor area of a dwelling unit in the R-1 district is one thousand five hundred (1,500) square feet, and in the R-2 district it is one thousand (1,000) square feet for the principal dwelling unit. Except for college/university dormitories as per the approved campus master plan, the minimum size for a dwelling unit in multi-family and mixed-use districts is seven hundred fifty (750) square feet, except that for mixed-use projects within the NRO, PCD, PD, DTOD and the NMTSOD, units may be five hundred (500) square feet. For detached accessory selling units (ADUs) in the R-1 and R-2 zoning districts, such units shall be a minimum of 500 sq. ft., up to a maximum of 25% of the size of the principal residence.

\*\* Seven and one-half (7.5) feet or ten (10) percent of the lot frontage, whichever is greater. Corner lot setback: minimum fifteen (15) feet or front setback of an adjoining lot fronting on a side street. Setbacks for accessory structures are the same as the principal structure unless modified by Article 5, division 1.

\*\*\* Buildings and structures immediately north of the Village of Biscayne Park (121st Street boundary), shall not exceed thirty-five (35) feet in height for the first one hundred (100) feet north of 121st Street; thereafter, the height may increase at the rate of one (1) foot vertical for every two (2) feet horizontal, not to exceed the maximum height allowed by the underlying use zoning district designation.

\*\*\*\* In the R-4, R-5, and R-6 districts, buildings with a height of forty (40) feet or less which are located on parcels of land adjacent to and/or abutting an R-1 or R-2 district shall be set back at least twenty-five (25) feet from the proposed development's property line that is adjacent and/or abutting to an R-1 or R-2 district; portions of a building that exceed thirty-five (35) feet up to the maximum permitted height shall be set back an additional ten (10) feet.

\*\*\*\*\* In calculating permitted and/or bonus density under these land development regulations, if such calculation results in a fraction of five-tenths (.5) or more, the permitted number of units may be rounded up provided that, in no case shall the permitted number of units exceed the maximum density in the underlying land development regulations.

<sup>1</sup> For additional bonus density see sections 4-205 and 4-305.

<sup>2</sup> Townhouse setbacks and open space: See Sec. 4-204.

<sup>3</sup> Or as required by the Miami-Dade County Shoreline Review Ordinance, whichever is more restrictive.

\*\*\*\*\*The permitted height in the BZ District shall be 115 feet; however, the properties specifically located south of NE 123<sup>rd</sup> Street and east of Bayshore Drive an applicant may seek a height bonus subject to the following criteria being met: 1. a conditional use permit ("CUP") is required to allow a maximum height of up to two hundred thirty-eight (238) feet ten (10) inches with the CUP reviewed under criteria set forth in LDRs, Article 3, Division 4 and Article 5, Sections 5-802 and 5-803; 2. The developer development will provide public access to Biscayne Bay or contribute to a local park to enhance access to the view of the bay that enhances the pedestrian experience and safety; 3. That proposed buildings are built under Leadership in Energy and Environmental Design (LEED) or greater standards, or any nationally or locally recognized green standards acceptable to the City; 4. That development buildings are no closer than seventy-five (75) feet from the nearest single-family zoned property line, and 5. The applicant may proffer a community benefits package that involves community input and Planning Commission recommendation that is acceptable and approved by the City Council; 6. That properties specifically located north of NE 123<sup>rd</sup> Street within the BZ Zone may only obtain an increase in the currently allowable height pursuant to, and in accordance with, the paragraph entitled "Modifications, Amendments and Release" in that certain Declaration of Restrictions dated October 4, 2022 as recorded in CFN: 20230079647, Official Records Book 35570, Page 1163, in the Public Records of Miami-Dade County, Florida."

\*\*\*\*\*

**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 3 - 2 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 25th day of July, 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.	<u>          </u>	(Yes)	<u>  X  </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>          </u>	(Yes)	<u>          </u>	(No) Recused
Councilman Pierre Frantz Charles, M.Ed.	<u>  X  </u>	(Yes)	<u>          </u>	(No)

THIS ORDINANCE WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI  
CITY COUNCIL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.