

ORDINANCE NO. 1433

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 AT SECTION 1-106 ENTITLED “OFFICIAL ZONING MAP” TO EXTEND EASTWARDLY THE BOUNDARY OF THE PLANNED CORRIDOR DEVELOPMENT (PCD) OVERLAY DISTRICT BY ONE PARCEL TO INCLUDE A PARCEL OF REAL PROPERTY APPROXIMATELY 4.13-ACRES IN SIZE, LOCATED AT 1850 NE 123RD STREET, TO ALLOW FOR THE PROPOSED DEVELOPMENT OF THE VACANT PROPERTY, IN ACCORDANCE WITH SECTION 166.041(3)(C), FLORIDA STATUTES (2018) 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, sections 163.3164, 163.3167 and 163.3171 of the Florida Statutes, give power and authority, and mandates that, in order to plan and guide its future development and growth, every local government in the State, including the City of North Miami (“City”) must implement adopted or amended comprehensive plans with the adoption of appropriate land development regulations or elements thereof; and

WHEREAS, section 166.041(3)(c) of the Florida Statutes outlines the procedure for the adoption of ordinances that change the actual zoning map designation of parcels of land involving less than ten (10) contiguous acres; and

WHEREAS, Article 3, Division 10, Sections 3-1002, 3-1003, 3-1005 through 3-1007 of the 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, Causeway Village, LLC (“Applicant”), is the owner of the property located at 1850 NE 123 Street, consisting of 4.13 acres in size and legally identified with Miami-Dade County Folio Number 06-2228-001-0270 (“Subject Property”); and

WHEREAS, The subject property is zoned C-2BE, Commercial District (as referenced in Article 1, Section-106 of the LDRs) on the City’s 2017 Official Zoning Map, a zoning district where commercial development is allowed as of right; however, residential uses, are not allowed in this zoning district; and

WHEREAS, the Applicant is seeking to master-develop the site with a mixed-use residential/retail project, which is not a use permitted under the current C-2BE, Commercial District zoning designation of the property; and

WHEREAS, a Small-Scale Land Use Plan Amendment to the City 2036 Future Land Use Map (“FLUM”) of the Future Land Use Element (“FLUE”) of the City Comprehensive Plan was adopted as Ordinance No. 1426 by City Council on October 9, 2018 to extend the Planned Corridor Development Overlay District easterly to include the Subject Property; and

WHEREAS, pursuant to Section. 163.3184(12), Florida Statutes, the Applicant has filed an application for a Zoning Map Amendment to extend the Planned Corridor Development Overlay District easterly to include the Subject Property in order to properly enact the adopted Small-Scale Land Use Plan Amendment; 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 reviews 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 to extend the Planned Corridor Development Overlay District easterly to include the Subject Property; and

WHEREAS, pursuant to Article 2, Division 2, Section 2-203 of the City LDRs, at least four (4) affirmative votes of the Planning Commission 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 November 14, 2018, reviewed and discussed the reports, documents and application packet, and after hearing testimony from attending members of the public, 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 (extending the Planned Corridor Development Overlay District easterly to include the Subject Property) shall require 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 also 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. 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 Official Zoning Map 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 thirty one (31) days after the state land planning agency notifies the City that the plan amendment packet transmitted is complete, and is not otherwise challenged.

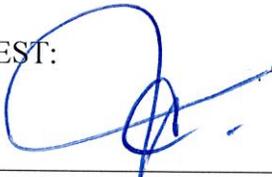
PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 11th day of December, 2018.

PASSED AND ADOPTED by a 4-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 8th day of January, 2019.

for Philippe Brass

DR. SMITH JOSEPH
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Desulme

Seconded by: Galvin

Vote:

Mayor Dr. Smith Joseph, D.O., Pharm. D.
Vice Mayor Philippe Bien-Aime
Councilman Scott Galvin
Councilwoman Carol Keys, Esq.
Councilman Alix Desulme

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