

ORDINANCE NO. 1440

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 BY AMENDING ARTICLE 3, DIVISION 4, ENTITLED “CONDITIONAL USES”, SPECIFICALLY AT SECTION 3-401, ENTITLED “PURPOSE AND APPLICABILITY”, AND AT ARTICLE 3, DIVISION 13, ENTITLED “DEVELOPMENT AGREEMENTS”, SPECIFICALLY AT SECTION 3-1301, ENTITLED, “PURPOSE AND APPLICABILITY”, FURTHER AMENDING ARTICLE 4, DIVISION 3, ENTITLED “SPECIAL PURPOSE AND OVERLAY DISTRICTS”, SPECIFICALLY AT SECTION 4-306, ENTITLED “PLANNED CORRIDOR OVERLAY DISTRICT (PCD)” TO ESTABLISH RESIDENTIAL DENSITY IN THE STATE ROAD 7/NW 7TH AVENUE PCD AND REQUIRE A CONDITIONAL USE PERMIT FOR DEVELOPMENT WITHIN THE PCD; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, the current Land Development Regulations (“LDRs”), Chapter 29 of the City Code of Ordinances, were adopted in July 2017 in accordance with Ordinance No. 1417 (“2017 LDRs”); and

WHEREAS, the intended purpose of the 2017 LDRs was to establish zoning districts and regulations that implement the adopted 2007 Future Land Use Map (FLUM) designations; and

WHEREAS, Article 3, Division 10, Sections 3-1003 through 3-1007 of the LDRs outlines the procedures for text amendments and zoning map changes to the LDRs 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 City LDRs establishes a uniform notice and procedure in order to ensure due process and maintain citizen access to the local government decision-making forum relating to the approval of LDR text changes within the jurisdictional boundary of the City; and

WHEREAS, the proposed Amendment, seeks to amend Section 4-306 of the LDRs to encourage mixed use, establish the allowable density within the State Road 7/NW 7th Avenue

Planned Corridor Development (“PCD”) Overlay District, and assure that development within the Chinatown Cultural Arts and Innovation District adheres to established design guidelines for that area; and

WHEREAS, a development agreement is currently the mechanism for allocating bonus density units within the Planned Corridor Development Overlay District, which is inconsistent with Policy 1.15.1(5) of the Future Land Use Element of the City of North Miami’s Comprehensive Plan which requires a conditional use permit; and

WHEREAS, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the LDRs, the Planning Commission has reviewed the proposed Amendment to the LDRs, the recommendation of City staff, testimony provided at the public hearing (if any), and recommends that the Mayor and the City Council take the appropriate action and adopt the proposed Amendment with the recommended by passage of this ordinance; and

WHEREAS, on February 8, 2019, the Planning Commission, after a duly noticed public meeting, approved the proposed LDR Amendment, pursuant to Article 3, Division 10, Section 3-1006, of the LDRs; and

WHEREAS, pursuant to Article 3, Section 3-1007 of the LDRs, the Mayor and City Council have jurisdiction to adopt the proposed LDR text amendment, and after two (2) duly noticed public meetings (first reading and second reading), have reviewed evidence that the amendment is in the best interest of City residents and in accordance with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. **Recitals.** The recitals to the preamble herein are incorporated by reference.

Section 2. **Amendment to Chapter 29, North Miami Code of Ordinances.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the North Miami Code of Ordinances entitled “Land Development Regulations”, by amending Article 3, Division 4, entitled “Conditional Uses”, specifically at Section 3-401, entitled “Purpose and applicability”, Article 3, Division 13, entitled “Development Agreements”, specifically at Section 3-1301, entitled “Purpose and Applicability”, Article 4, Division 3, entitled “Special Purpose and Overlay Districts”, specifically at Section 4-306, entitled “Planned

Corridor Overlay District (PCD)” to establish residential density in the State Road 7/NW 7th Avenue PCD and require a conditional use permit for development within the PCD as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES
CHAPTER 29. LAND DEVELOPMENT REGULATIONS

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ARTICLE 3. – DEVELOPMENT REVIEW

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DIVISION 4. – CONDITIONAL USES

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Sec. 3-401. – Purpose and applicability.

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B. Applicability. With the exception of applications in the PCUD, conditional use approval is the mechanism for approval of all planned development district applications, for allocating units in the NRO district, for approval of PU applications, and approval of density and height bonuses in article 4, division 4, section 4-404.

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DIVISION 13. – DEVELOPMENT AGREEMENTS

Sec. 3-1301. - Purpose and applicability.

The city council may enter into development agreements in accordance with the provisions of this division and applicable Florida law to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development. Development agreements shall be required for all developments within the ~~Planned Corridor Development Overlay District~~, and Planned Community Urban Design (PCUD) Overlay District. Development agreements for university campus master plans shall also be subject to the requirements of F.S. §1013.30.

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ARTICLE 4. – ZONING DISTRICTS

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DIVISION 3. – SPECIAL PURPOSE AND OVERLAY DISTRICTS

Sec. 4-306. – Planned Corridor Overlay District (PCD)

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D. Standards. The permitted uses, density and intensity of uses within the various corridors are governed by the underlying land use designations of the subject property; notwithstanding the foregoing, parcels within the PCD are subject to the following:

1. State Road 7/NW 7th Avenue.

- a. Height: Up to 200 feet on the east side of the corridor, including parking levels and compatible building transitions and setbacks. On west side: maximum 55’.
- b. Mixed use is allowed along the corridor with a permitted density of up to 125 du/acre, including floating units. Allocation is subject to the availability of floating units, and pursuant to a conditional use permit.
- c. Maximum lot coverage: 80%
- d. Development within the area bounded by NW 119th Street to the south and NW 135th Street to the north shall be subject to the design guidelines established for the Chinatown Cultural Arts and Innovation District Master Plan.

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3. Biscayne Boulevard:

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- d. Density: Up to 125 du/ac (limited to the west side), including floating units, subject to the availability of floating units. Such floating units require a development agreement conditional use permit.

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4. West Dixie Highway:

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- b. Density: Up to 100 du/ac, including bonus floating units. Such bonus floating units require a development agreement conditional use permit.

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5. NE 125th Street:

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- b. Density: Up to 100 du/ac, including bonus floating units. Such bonus floating units require a development agreement conditional use permit.

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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 herewith the provisions of this Ordinance are repealed.

Section 5. **Severability.** The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, phrase, clause or word of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, phrases, clause or words of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall notwithstanding the invalidity of any part.

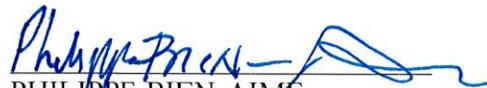
Section 6. **Scrivener's Errors.** The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

Section 7. **Codification.** 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 relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or any other appropriate word.

Section 8. **Effective Date.** This Ordinance shall become effective ten (10) days after adoption on second reading.

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 February, 2019.

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 25th day of June, 2019.


PHILIPPE BIEN-AIME
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: Keys

Vote:

Mayor Philippe Bien-Aime	<u> X </u> (Yes) _____ (No)
Vice Mayor Carol Keys, Esq.	<u> X </u> (Yes) _____ (No)
Councilman Scott Galvin	<u> X </u> (Yes) _____ (No)
Councilwoman Mary Estimé – Irvin	<u> X </u> (Yes) _____ (No)
Councilman Alix Desulme	<u> X </u> (Yes) _____ (No)