ORDINANCE NO. 1441

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING VOLUME 1: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF NORTH MIAMI 2016 COMPREHENSIVE PLAN, MORE SPECIFICALLY THE FUTURE LAND USE ELEMENT THEREOF, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 163.3184(3), FLORIDA STATUTES (2018), 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, BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.18.3. TO PROVIDE FOR RESIDENTIAL USE WITHIN THE NW 7TH AVENUE PLANNED CORRIDOR DEVELOPMENT OVERLAY (PCD), AS IS PERMITTED WITHIN OTHER PLANNED CORRIDOR DEVELOPMENT OVERLAYS, AND TO REQUIRE A CONDITIONAL USE PERMIT TO ALLOCATE DENSITY BONUS UNITS IN THE PCD; PROVIDING FOR AN INITIAL HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT TO THE REVIEWING AGENCIES AND/OR ANY INTERESTED LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY FOR REVIEW UNDER THE EXPEDITED STATE REVIEW PROCESS; PROVIDING FOR AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENT, AS MAY BE AMENDED TO RESPOND TO COMMENTS FROM THE REVIEWING AGENCIES, TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, the 1985 Florida State Legislature established the Local Government Comprehensive Planning and Land Development Regulation Act ("1985 Act"), which required every local government in the State, including the City of North Miami ("City"), to adopt a detailed comprehensive plan by 1992; and

WHEREAS, in conformity with the 1985 Act, the City adopted its first Comprehensive Plan in 1989, consisting of principles, guidelines, standards, and strategies, arranged in goals, objectives and policies intended to foster the orderly and balanced future economic, social, physical, environmental, and fiscal development of the City; and

WHEREAS, on April 26, 2016, the Mayor and City Council of the City unanimously passed Ordinance No. 1399, adopting the 2015 Evaluation and Appraisal Review ("EAR") based

Amendments to Volume I; Goals, Objectives and Policies ("GOPs") of the City Comprehensive Plan "(Comprehensive Plan"), in accordance with requirements of Rule 73C-49, Florida Administrative Code, and s.163.3191, F.S.; and

WHEREAS, Article 3, Division 11, Sections 3-1102(A) and 3-1105 through Section 3-1111 of the City 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 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 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, in order to further spur economic development, encourage mixed use, and implement the recommendations of the Chinatown Cultural Arts and Innovation District master plan, residential use must be allowed as one of the permitted uses within the NW 7th Avenue Planned Corridor Development ("PCD") Overlay, as is allowed in the City's other PCD Overlays; and

WHEREAS, a development agreement is 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, City staff is requesting that, pursuant to the requirements of Article 3, Division 11, Section 3-1106 of the City LDRs, the Planning Commission reviews the proposed Amendments to the City Comprehensive Plan, the recommendation of City staff, testimony provided at the public hearing (if any), and issues a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed text Amendments by passage of the attached ordinance; 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 amendment to the texts and Future Land Use Map (FLUM) of the City Comprehensive Plan; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on February 05, 2019, reviewed and discussed the proposed 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 City Comprehensive Plan to be in compliance with state law and with applicable standards of the City LDRs, and therefore recommended that the Mayor and City Council take the appropriate action and adopt the proposed Amendment by passage of the attached ordinance; and

WHEREAS, s. 163.3184(11), F.S., requires that the Amendment shall be adopted by the Mayor and City Council by Ordinance; and

WHEREAS, the Mayor and City Council, after a duly noticed initial hearing held on February 26, 2019, reviewed and discussed the proposed Amendment to the City Comprehensive Plan, and authorized their transmittal to DEO and other reviewing agencies, pursuant to state law; and

WHEREAS, the Amendment to the City Comprehensive Plan, which was presented to and approved for transmittal by the City Council at the February 26, 2019 public hearing, has since been revised to address comments from DEO and other reviewing agencies, in compliance with state law; and

WHEREAS, in accordance with the requirements of s.163.3184 (3)(c), F. S., the City has one hundred eighty (180) days from the receipt of agency comments to hold the second public hearing on whether to adopt the proposed Amendment to the Comprehensive Plan by Ordinance; and

WHEREAS, Policy 1.2.3 of the City Comprehensive Plan provides that the densities and intensities set forth in the Future Land Use Element of the City Comprehensive Plan cannot be changed without by concurrence of a supermajority vote of the Mayor and City Council; and

WHEREAS, pursuant to Article 3, Division 11, Section 3-1109(B) of the City LDRs, adoption of the proposed Amendment shall require concurrence of a supermajority of the City Council; and

WHEREAS, the Mayor and City Council, after a duly noticed adoption hearing held on April 23, 2019, found the adoption of the proposed Amendment to the City Comprehensive Plan to reflect the developmental vision and aspirations of the City, and further authorized their transmittal to DEO for a determination of completeness, 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 City of North Miami Comprehensive Plan identified in Section 2.

Section 2. **Amendment.** Amendment to Volume 1: Goals, Objectives and Policies of the City of North Miami 2016 Comprehensive Plan, specifically the Future Land Use Element with related Goals, Objectives and Policies as follows:

CITY OF NORTH MIAMI
VOLUME 1: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF NORTH MIAMI
2016 COMPREHENSIVE PLAN

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FUTURE LAND USE ELEMENT

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Policy 1.18.3

The maximum allowable development within the PCD Overlay shall be governed by building transitions that are appropriately scaled to adjacent streets and single-family neighborhoods, the future land use plan map designations therein, and as follows:

1. State Road 7/NW 7th Avenue:
   a. The permitted height along NW 7th Avenue shall allow up to 200 feet in height on the east side of the corridor. The allowable height includes parking levels and appropriate building transitions.
   b. Mixed use is allowed along the corridor with a ~~The land use of the corridor is limited to office and commercial~~ permitted density up to 125 du/ac (inclusive of floating units), subject to the availability of floating units and pursuant to a conditional use permit.
   c. The maximum lot coverage is 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.

3. Biscayne Boulevard:

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d. The permitted density is up to 125 du/ac (inclusive of floating units), subject to the availability of floating units and pursuant to a ~~development agreement~~ conditional use permit.

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4. West Dixie Highway:

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b. The permitted density is up to 100du/ac (inclusive of floating units), subject to ~~with~~ the availability of ~~bonus~~ floating units ~~not to exceed 100du/ac. The bonusunits~~ and ~~are~~ pursuant to a ~~development agreement~~ conditional use permit.

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5. NE 125th Street:

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b. The permitted density is up to 100du/ac (inclusive of floating units), subject to the availability of ~~bonus~~ floating units and pursuant to a ~~development agreement~~ conditional use permit.

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Section 3. **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 City Comprehensive Plan, as amended herein, to the State of Florida Department of Economic Opportunity and to any other governmental agency having jurisdiction with regard to the approval of same in accordance with, and 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 Community Planning & Development Department.

Section 4. **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are repealed.

Section 5. **Conflict.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

Section 6. **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 7. **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 8. **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 9. **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.

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 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: Desulme

Vote:

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