

ORDINANCE NO. 1425

AN ORDINANCE (SECOND READING) 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, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 163.3184(3), FLORIDA STATUTES (2017), 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 TO: 1) CREATE A NEW SPECIAL DEVELOPMENT AND TRANSIT OVERLAY DISTRICT WITH RELATED GOALS, OBJECTIVES AND POLICIES IN FURTHERANCE OF THE VISION OF THE REGIONAL ACTIVITY CENTER, AND 2) AT POLICY 1.2.1 TO ESTABLISH MAXIMUM DENSITY AND HEIGHT FOR THE NEW OVERLAY DISTRICT; FURTHER AMENDING THE FUTURE LAND USE MAP TO REFLECT THE BOUNDARY OF THE NEW OVERLAY, PROVIDING FOR AN INITIAL HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED TEXT AND MAP AMENDMENTS 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 AMENDMENTS AND SUPPORTING DATA AND ANALYSES, 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; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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WHEREAS, the 2011 Florida State Legislature repealed and replaced the 1985 Local Government Comprehensive Planning and Land Development Regulation Act with the Community Planning Act (“2011 Act”) as Part II of Chapter 163, Florida Statutes (F.S.); and

WHEREAS, the 2011 Act, through s. 163.3191, Florida Statutes, stipulates that every

seven (7) years, every local government shall amend its comprehensive plan pursuant to the provisions set out in Section 163.3164, F.S.; 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, the State of Florida Department of Economic Opportunity (DEO), the State Land Planning Agency, reviewed the EAR-based Amendments to the City Comprehensive Plan (North Miami Amendment 15-2ER) under the state coordinated review process and, on June 23rd, 2016, issued a Notice of Intent finding said EAR-based Amendments to the City Comprehensive Plan adopted by Ordinance 1399 on April 26, 2016, to be in compliance, pursuant to s. 163.3184(4), F.S.; and

WHEREAS, s. 163.3184(3), F.S., provides that local governments may review and adopt comprehensive plan amendments under the expedited state review process, provided they do not involve plan amendments that: (1) qualify as small-scale development amendments, which may follow therefore the small-scale review process in s. 163.3187, F.S.; (2) are in an area of critical state concern designated pursuant to s. 380.05, F.S.; (3) propose a rural land stewardship area pursuant to s. 163.3248, F.S.; (4) propose a sector plan pursuant to s. 163.3245, F.S. or an amendment to an adopted sector plan; (5) update a comprehensive plan based on an evaluation and appraisal pursuant to s. 163.3191, F.S.; (6) propose a development that is subject to the state coordinated review process pursuant to s. 380.06; or (7) are new plans for newly incorporated municipalities adopted pursuant to s. 163.3167, F.S., which must follow therefore the state coordinated review process in s. 163.3184(4), F.S.; and

WHEREAS, sections. 163.3764, 163.3167, 163.3171 and 163.3202, F.S., give power and authority, and mandate that, in order to plan and guide its future development and growth, every local government in the State, implements adopted or amended comprehensive plans by the adoption of appropriate land development regulations or elements thereof within one (1) year after submission of its comprehensive plan or revised comprehensive plan; and

WHEREAS, on July 11, 2017, the Mayor and City Council of the City adopted updates

to the Land Development Regulations (“LDRs”) and the Official Zoning Map under Chapter 29 of the City Code of Ordinances, in order to implement the 2015 Ear-based Amendments to the City Comprehensive Plan, consistent with the requirements of ss. 163-3184, 163.3202, 166.041(3)(c), 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 anticipation of the completion of the Tri-Rail Coastal Link by the South Florida Regional Transportation (SFRTA) and in light of the recently adopted Strategic Miami Area Rapid Transit (SMART) Plan by the Miami-Dade County Transportation Planning Organization (TPO), it is the City’s intent to create a Special Development and Transit-Oriented Development (SDTOD) Overlay for the 126-acre sub-area of the Regional Activity Center (RAC), generally located west of the Florida East Coast Railway (FEC), and generally bounded by NE 151st Street to the north, NE 18th Avenue to the west, the Florida East Coast (FEC) Railway to the east, and NE 137th Street and NE 140th Street to the south;

WHEREAS, the primary purpose of the SDTOD Overlay is to accommodate compact, high-intensity, high-density mixed-use development by making a maximum of 2,000 residential units from the total of 7,000 residential units approved for the RAC, in order to promote mobility and decrease traffic congestion within the area, and ultimately transform the area into a bona fide transit hub where different modes of transportation come together seamlessly, connecting the residents to the major employment centers of the region; and

WHEREAS, the City is desirous of amending its adopted 2036 Future Land Use Map (FLUM) to reflect the boundary of the newly created SDTOD Overlay, as well as adjust the

boundary lines of the existing future land use categories to align them with those of the properties involved, thereby eliminating the many split land use designation issues and scrivener's errors which City staff has identified over the course of the last two (2) years implementing the Comprehensive Plan; 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 and FLUM, 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 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 FLUM of the City Comprehensive Plan; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on March 6th, 2018, reviewed and discussed the proposed Amendments, City staff's report, and heard testimony from the attending members of the public; and

WHEREAS, the Planning Commission found the proposed Amendments 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 Amendments by passage of the attached ordinance; and

WHEREAS, s. 163.3184(11), F.S., requires that the Amendments 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 June 12, 2018, reviewed and discussed the proposed Amendments to the City Comprehensive Plan, and authorized their transmittal to DEO and other reviewing agencies, pursuant to state law; and

WHEREAS, the Amendments to the City Comprehensive Plan, which were presented to and approved for transmittal by the City Council at the June 12, 2018 public hearing, have 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 Amendments 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 FLUE 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 Amendments 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 September 12, 2018, found the adoption of the proposed Amendments 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 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 2016 Comprehensive Plan, specifically the Future Land Use Element creating a new Special Development and Transit Overlay District with related Goals, Objectives and Policies to further the vision of the Regional Activity Center 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 1.2.1

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

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Use	Maximum Density	Height (FT.)
<u>SPECIAL DEVELOPMENT & TRANSIT OVERLAY DISTRICT</u>	<u>150 du/ac</u>	<u>200 ft.</u>

* * * * *

Special Development and Transit Overlay District

Objective 1.20

The Special Development and Transit Overlay District (SDTOD) has been created for the approximately 70-acre sub-area of the RAC, which is generally bounded by NE 151st Street to the north, NE 18th Avenue to the west, the Florida East Coast (FEC) Railway to the east, and NE 146th Street to the south. This sub- area, which has been identified as a premium transit hub in the RAC application transmitted to and approved by the State of Florida in 2003, is predominantly industrial, with the exception of an approximately 15-acre multi-family residential site located on NE 149th Street, between NE 19th Avenue and NE 18th Avenue. The primary purpose of the SDTOD is to accommodate compact, high-intensity, high-density mixed-

use development and redevelopment featuring an attractive, intensive concentration of living, employment, shopping and enjoyment. The goal is to create a sustainable mix of regionally significant uses that could support transit alternatives, promote mobility and decrease traffic congestion within the area and around the Biscayne Boulevard Corridor through the integration of transit-oriented development and/or mobility hub principles. With the regionally transformational Tri-Rail Coastal Link nearing completion and the recently adopted Strategic Miami Area Rapid Transit (SMART) Plan, this Overlay has the potential to become a place of connectivity where different modes of transportation come together seamlessly, connecting the residents to the major employment centers of the region.

Policy 1.20.1

In order to leverage the economic advantages offered by the Tri-Tail Coastal Link along the FEC Railway and ultimately create a cohesive and attractive environment in which to live, work, shop, visit and enjoy, the City shall invite and support development in the SDTOD, which contains a balanced mix of housing, employment, shops, services and entertainment uses, connected by a continuous and coherent pattern of inviting streets that conveniently serve every single mode of transportation, and by a safe and well-lit network of sidewalks and pedestrian paths.

Policy 1.20.2

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

1. A residential pool of 2,000 floating dwelling units shall be available in the SDTOD.
2. This residential pool may be used to facilitate mixed-use development, and either higher intensities or additional land uses that are not permitted by the underlying map designation.
3. Floating units shall be approved via a Conditional Use Permit by resolution before City Council; said Conditional Use Permit to be null and void if no precise plan is filled within twenty-four (24) months off the approval.
4. Allowable floating dwelling units are governed by available units mentioned herein.

and allocation will be tracked by staff administratively.

5. The permitted density within the SDTOD shall not exceed 150 du/ac, subject to the availability of floating units within the SDTOD and pursuant to a Conditional Use Permit.

6. The permitted height within the SDTOD shall not exceed 200 feet, inclusive of parking pedestal.

7. Permitted uses within mixed-use, residential, community facility, commercial and industrial are allowed in the SDTOD, subject to the minimum site area set forth in the City Land Development Regulations.

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 12th day of June, 2018.

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 12th day of September 2018.

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: Galvin

Sponsored by: Keys

Vote:

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

X (Yes) _____ (No)
X (Yes) _____ (No)
X (Yes) _____ (No)
X (Yes) _____ (No)
X (Yes) _____ (No)