

ORDINANCE NO. 1430

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 ENTITLED “LAND DEVELOPMENT REGULATIONS”, BY AMENDING ARTICLE 5, DIVISION 14, ENTITLED “PARKING AND LOADING”, SPECIFICALLY AT SECTION 5-1402, ENTITLED “SCHEDULE OF REQUIRED PARKING” TO ADJUST THE PARKING RATIO REQUIREMENT FROM 0.5 TO ONE (1.0) PARKING SPACE FOR “ELDERLY HOUSING”; 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, was adopted in July 2017 through Ordinance No. 1417 (2017 LDRs). 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 sponsored by Vice Mayor Carol Keys seeks to amend Section 5-1402 of the LDRs to adjust the parking standard for “Elderly Housing” from .50 to 1.0 to ensure ratios comport with market demands and maintain housing affordability; and

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WHEREAS, the current Land Development Regulations (LDRs), Chapter 29 of the City Code of Ordinances, was adopted in July 2017 through Ordinance No. 1417 (2017 LDRs). 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 sponsored by Vice Mayor Carol Keys seeks to amend Section 5-1402 of the LDRs to adjust the parking standard for “Elderly Housing” from .50 to 1.0 to ensure ratios comport with market demands and maintain housing affordability; 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 September 4, 2018, 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 the requirements of Article 3, Division 10, Section 3-1007 of the City LDRs, the Mayor and City Council reviewed the proposed Amendment to the LDRs at a duly a noticed public hearing (first reading) held on October 23, 2018, and voted to revise the parking ratio from 0.5 to One (1) and include the requirement of 100% occupancy by residents age 55 and over as guaranteed through a deed restriction; 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; and

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 5, Division 14, entitled “Parking and Loading”, specifically at Section 5-1402as follows:

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

* * *

ARTICLE 5. – DEVELOPMENT STANDARDS

* * *

DIVISION 14. – PARKING AND LOADING

* * *

Sec. 5-1402. – Schedule of required parking.

* * *

USE	MINIMUM PARKING REQUIREMENT
Educational facilities	The greater of one (1) space per two hundred (200) s.f. of floor area.
Elderly Housing	0.5 <u>One (1) space per dwelling unit (available only if 100% of the residents are age 55 and over as guaranteed through a deed restriction).</u>
Family day care home	One (1) parking space per five hundred (500) s.f. of floor area. * * *

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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 immediately upon adoption on second reading.

PASSED AND ADOPTED by a 4-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 23rd day of October, 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 27th day of November, 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: VICE MAYOR CAROL KEYS

Moved by: Galvin

Seconded by: Keys

Vote:

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

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