

ORDINANCE NO. 1445

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 4, "ZONING DISTRICTS" AND THE OFFICIAL ZONING MAP TO ESTABLISH THE NORTH MIAMI TRANSIT STATION OVERLAY DISTRICT; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, 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 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 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 LDR text changes within the jurisdictional boundary of the City; and

WHEREAS, the proposed Amendments to Article 4 creates the regulations to govern the North Miami Transit Station Overlay District (NMTSOD); and

WHEREAS, the City desires to amend the Official Zoning Map to include the NMTSOD boundary; and

WHEREAS, pursuant to Article 2, Division 2, Section 2-203, LDRs, at least four (4) affirmative votes of the Planning Commission shall be required for a positive recommendation of any proposed zoning or Comprehensive Plan change; and

WHEREAS, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the City LDRs, at duly noticed public meeting held on May 7, 2019, the Planning Commission

reviewed the proposed Amendment to the LDRs, the recommendation of City staff, testimony provided at the public hearing (if any), and issued a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed Amendment by passage of this ordinance; and

WHEREAS, pursuant to Article 3, Division 10, Section 3-1007(B), LDRs, at least four (4) affirmative votes of the City Council shall be required for approval of any proposed zoning change; 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 determined that the amendments are 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 4, entitled “Zoning Districts”, as follows:

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

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ARTICLE 4. – ZONING DISTRICTS

DIVISION 1. - ESTABLISHMENT OF ZONING DISTRICTS

Sec. 4-101. - Establishment of zoning districts.

The following zoning districts are hereby established in the City of North Miami:

* * * * *

c. Overlay and special purpose districts:

* * * * *

North Miami Transit Station Overlay District (NMTSOD)

Sec. 4-102 - Purpose and Intent.

This article is to establish zoning districts where the comprehensive plan land uses are located and grouped together to create, protect and maintain a desirable living environment within the City of North Miami. Based on these districts the LDRs also implement the goals, objectives and policies of the City Comprehensive Plan (the “Plan” or “comprehensive plan”) and adopted maps. Zoning district uses, standards, dimensional and area requirements are also established in this article.

Comprehensive Plan- Future Land Use Designation	LDRs - Zoning District
* * * * *	
<u><i>Overlay Districts</i></u>	
* * * * *	* * * * *
<u>North Miami Transit Station Overlay District (NMTSOD)</u>	<u>NMTSOD: C-2BW, C-3, M-1, PD, PU, R-5, R-6</u>

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Sec. 4-203. - Minimum standards of development.

A. Residential districts.

Uses permitted in the residential districts shall be developed in accordance with the following standards and other applicable development standards in article 5 of these LDRs:

Residential District	Max. Density ¹ DU/ac*****	Lot Dimensions			Setbacks (ft.) ^{2 3}			Max. Height (ft.) ***	Min. Floor Area (s.f.)*	Required ² Open Space
		Area (s.f.)	Width (ft.)	Depth (ft.)	Front	Side	Rear *****			
R-1	5.1	9,200	80	115	25	7.5 or 10%**	25	35	1,500	
R-2	5.1	6,000	60	100	25	7.5 or 10%**	25	35	1,000	
R-4	12.0				25	7.5 or 10%**	25	35		20%
R-5	16.3				25	7.5 or 10%**	25	75		20%

R-6	25.0		25	7.5 or 10%**	25	110		20%
BZ	100.0		25 ²	7.5 or 10%**	25	115		15%

* The minimum floor area of a dwelling unit in the R-1 district is one thousand five hundred (1,500) square feet, and in the R-2 district it is one thousand (1,000) square feet. Except for college/university dormitories as per the approved campus master plan, the minimum size for a dwelling unit in multi-family and mixed use districts is seven hundred fifty (750) square feet, except that up to 20% of units within projects in the NRO and PCD may be five hundred, fifty (550) square feet and for projects within the NMTSOD, units may be five hundred (500) square feet.

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B. Non-residential Districts^{1 2 3}

	Minimum Lot Size	Minimum Lot Width	Setback Front*	Minimum Setback Side*	Minimum Setback Rear*	Maximum Height	Maximum Lot Coverage
C1 Commercial	10,000 s.f.	100'	15'	10'	10' (when no alley or easement)	55'	80%
C2BE	10,000 s.f.**	100'	15'	10'	10'	55'	80%
C2BW	10,000 s.f.**	100'	15'	10'	10'	55'	80%
C3	10,000 s.f	100',	15'	10'	10'	55';110';150' with incentives	80%
M-1	20,000 s.f.	100'	20'	15'	15'	55'	75%

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³Subject to NMTSO criteria established in Sec. 4-310 and the design and sustainability standards of Sections 5-802 and 5-803, as may be applicable.

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DIVISION 3. - SPECIAL PURPOSE AND OVERLAY DISTRICTS

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Sec. 4-310- North Miami transit station overlay district (NMTSOD).

- A. Purpose. The primary purpose of the NMTSOD is to create an intensive concentration of work, live, shop and/or play activities comfortably accessible by foot, within approximately a half-mile radius or a 10-minute walking distance.
- B. Applicability. The development standards of the underlying zoning districts shall govern except to the extent any provision of this NMTSOD district conflicts with the provisions of an underlying zoning district, and in such event, the provisions of this NMTSOD district shall control.
- C. Boundaries. The boundaries of the NMTSOD as depicted on the official zoning map.
- D. Permitted Uses.
 - 1. All uses permitted in the zoning district wherein the property lies. The one acre maximum size for uses in the M-1 – Industrial district shall not be applicable within the NMTSOD.
 - 2. Residential.
 - 3. Retail.
 - 4. Office.
 - 5. Mixed-use.
 - 6. Community facilities.
 - 7. Cultural facilities.
 - 8. Hotels or similar lodging.
 - 9. Parks and open space.
- E. Development Standards.
 - 1. Height. The permitted height shall not exceed 200 feet, inclusive of parking.
 - 2. Density limitation. Up to 125 du/acre (inclusive of floating units), subject to the availability of floating units. Density and intensity limitations, approved uses, and any additional requirements shall be set forth in the Conditional Use Permit.
 - 3. Minimum lot size. For the purposes of development, a minimum lot size of ten thousand (10,000) sq. ft. shall be required.
 - 4. Dwelling unit size. Minimum five hundred (500) s.f.
 - 5. Lot coverage. Maximum eighty (80) percent lot coverage.
 - 6. Setbacks.
 - a. Front: 0' – 10'
 - b. Side: 0'
 - c. Rear: 0'
 - 7. Transitional standards when adjacent to single family dwellings.

- a. Structures with a height of greater than thirty-five (35) feet shall be set back twenty-five (25) feet from the property line adjacent to the existing single-family dwellings.
- b. No surface parking lot shall be located within seven and one-half (7½) feet of any property line.

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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.

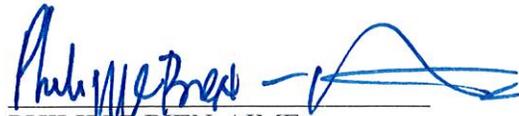
Section 6. **Scrivener's Errors.** The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

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 27th day of August, 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 26th day of November, 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: Estimé-Irvin

Vote:

Mayor Philippe Bien-Aime
Vice Mayor Carol Keys, Esq.
Councilman Scott Galvin
Councilwoman Mary Estimé-Irvin
Councilman Alix Desulme, Ed.D.

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