

ORDINANCE NO. 1446

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING AMENDMENTS TO 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 (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; SPECIFICALLY BY AMENDING THE FUTURE LAND USE ELEMENT TO: 1) CREATE A NEW NORTH MIAMI TRANSIT STATION OVERLAY DISTRICT WITH RELATED GOALS, OBJECTIVES AND POLICIES, AND 2) AT POLICY 1.2.1 TO ESTABLISH MAXIMUM DENSITY AND HEIGHT FOR THE NEW OVERLAY DISTRICT; AND AMENDING THE FUTURE LAND USE MAP TO REFLECT THE BOUNDARY OF THE NEW OVERLAY DISTRICT; PROVIDING FOR AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENTS AND SUPPORTING DATA AND ANALYSES TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

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 (“GOP”)s 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 anticipation of the completion of the Tri-Rail Coastal Link by the South

Florida Regional Transportation (“SFRTA”), comply with the Objective 1.3 of the Future Land Use Element of the City’s Comprehensive Plan, implement the recommendations of the ULI Advisory Services Panel *Arch Creek Basin Study Report* (May, 2016) and the recently adopted *North Miami Mobility Hub and TOD Strategic Plan*, it is the City’s intent to create the North Miami Transit Station Overlay District (“NMTSOD”), as illustrated on the Future Land Use Map attached hereto; and

WHEREAS, the primary purpose of the NMTSOD is to allow for a seamless integration of transportation modes with a high quality user experience, including an intensive concentration of work, live shop and/or play activities within approximately a half mile radius or a 10-minute walking distance; and

WHEREAS, the City is desirous of amending its adopted 2036 Future Land Use Map (“FLUM”) to reflect the boundary of the newly created NMTSOD; 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 May 7, 2019, 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 August 27, 2019, 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, 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 FLUM 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 August 27, 2019, 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 and as illustrated on the Future Land Use Map attached hereto.

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 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	MAXIMUM LOT COVERAGE	MAXIMUM HEIGHT (FT.)
	* * * * *		
<u>NORTH MIAMI TRANSIT STATION OVERLAY (NMTSOD)</u>	<u>125 du/ac</u>	<u>80%</u>	<u>200'</u>
	* * * * *		

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Policy 1.2.9

The City shall utilize the Neighborhood Redevelopment Overlay, North Miami Transit Station Overlay District, Special Development and Transit-Oriented Development Overlay District, Central Business Commercial District, Planned Corridor Development Overlay, and Planned Community Urban Design Overlay to encourage a range of housing options to accommodate future growth.

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NORTH MIAMI TRANSIT STATION OVERLAY DISTRICT

Objective 1.22

In anticipation of the completion of the Tri-Rail Coastal Link by the South Florida Regional Transportation (SFRTA), comply with Objective 1.3 of the Future Land Use Element of the City's Comprehensive Plan, and implement the recommendations of the recently adopted North Miami Mobility Hub and TOD Strategic Plan, and the ULI Arch Creek Basin Study, it is the City's intent to create the North Miami Transit Station Overlay District (NMTSOD) as illustrated on the Future Land Use Map.

Policy 1.22.1

The NMTSOD will allow for a seamless integration of all transportation modes with a high quality user experience. It will bring together 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.

Policy 1.22.2

The maximum allowable development within the NMTSOD 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. The permitted density within the NMTSOD shall not exceed 125 du/ac (inclusive of floating units), subject to the availability of floating units and pursuant to a Conditional Use Permit.
2. The permitted height within the NMTSOD shall not exceed 200 feet, inclusive of parking pedestal.
3. Permitted uses within the underlying zoning district and those uses allowed within the Mixed-use Land Use District, subject to the minimum site area set forth in the City Land Development Regulations.

Policy 1.22.3

The city shall consider the recommendations of the ULI Arch Creek Basin Study in order to address severe flooding in the area.

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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.

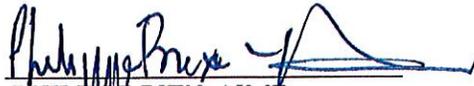
Section 8. Codification. The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this IWO #19-273 (JLW)

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 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.

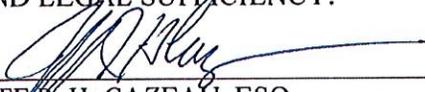

PHILIPPE BIEN-AIME
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Desulme

Sponsored by: Galvin

Vote:

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

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