



12400 Northeast 8th Avenue, North Miami, Florida 33161

(305) 895-9825

March 6, 2019

Mr. Ray Eubanks, Plan Processing Administrator
Florida Department of Economic Opportunity (DEO)
State Land Planning Agency
Caldwell Building
107 East Madison - MSC 160
Tallahassee, Florida 32399

Re: North Miami transmittal of Land Use Plan Text Amendment

Dear Mr. Eubanks:

The City of North Miami is pleased to transmit to the Florida Department of Economic Opportunity a packet containing a proposed amendment to the City's Comprehensive Plan. Said amendment pertains to changes to the Future Land Use Element.

This Amendment is intended to revise Policy 1.18.3 of the Future Land Use Element to allow residential use 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 Overlay Districts. This Amendment will also correct an internal inconsistency to require a conditional use permit instead of a Development Agreement in all PCD Overlay Districts to comply with Policy 1.15.1 of the City of North Miami's Comprehensive Plan which states that, "floating units and/or commercial use shall be approved via a Conditional Use Permit..."

In order to spur economic development 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. The underlying zoning of the NW 7th Avenue PCD is C-1, Commercial District, which does not allow residential uses; therefore, any residential development will require dwelling units to be allocated by City Council from the secondary pool of bonus density units. The amendment does not include any increase in density beyond that which was considered during the establishment of the secondary pool of bonus density units and therefore, would have no impact on infrastructure/concurrency or hurricane evacuation.

Two advertised public hearings for the amendment were held on February 5, 2019 before the City's Planning Commission and February 26, 2019 for first reading before the City Council, where it was approved by a majority vote of 5-0.

The area pertaining to the text amendment is not located within an area of critical state concern and is not a small scale amendment. As such, the City hereby requests that said amendment be reviewed under the *Expedited State Review Process* pursuant to Chapter 163.3184(3).

One paper and two electronic copies (CD) of the adopted amendment are enclosed for your review. We look forward to working with DEO staff during your review of the amendment packet. The following supporting documents are attached:

- Staff report and analysis to City Council for Text Amendment
- City Ordinance (Adopted on First Reading) including Proposed Comprehensive Plan Text Amendment
- Copy of public notice published in the Miami Herald for the February 5, 2019 Planning Commission meeting and February 26, 2019 City Council Meeting
- Transmittal letter for review agencies

If you have any questions, please contact me at (305) 895-9826 or via email at twilson@northmiamifl.gov or our City Planner, Debbie Love, at (305) 893-6511 ext. 19003 or via email at dlove@northmiamifl.gov.

Sincerely,



Tanya Wilson, AICP
Planning, Zoning & Development Director

Cc: Larry M. Spring, Jr., City Manager
Arthur H. Sorey, III, Deputy City Manager
Jeff Cazeau, City Attorney
Jennifer Warren, Deputy City Attorney

One copy of the amendment package has been provided to the following agencies:

Kylene Casey, Education Consultant- Growth Management Liaison, Department of Education
Deena Woodward, Historic Preservation Planner, Department of State
Shereen Yee Fong, Transportation Planner IV, Department of Transportation, District Six
Isabel Cosio Carballo, Executive Director, South Florida Regional Planning Council
Terry Manning, AICP, Policy and Planning Analyst, South Florida Water Management District
Office of Intergovernmental Programs, Department of Environmental Protection
Jerry Bell, Assistant Director for Planning, Regulatory and Economic Resources, Miami Dade County
Ana Rijo Conde, Facilities Planning Officer, Miami Dade County Public Schools

The Plan Amendment Package and the Comments Report will be made available for public inspection during normal business hours at the following location:

City of North Miami
Community Planning and Development Department
12400 NE 8th Avenue, North Miami, FL 33161



12400 Northeast 8th Avenue, North Miami, Florida 33161

(305) 895-9825

March 6, 2019

Re: North Miami transmittal of Land Use Plan Text Amendment

To Whom It May Concern:

As per Chapter 163.3184(3)(c)(2) of the Florida Statutes, the packet enclosed in this mailing is a copy of the City of North Miami's transmittal packet to the Florida Department of Economic Opportunity (DEO) which contains a proposed amendment to the City's Comprehensive Plan. As described in the enclosed letter to DEO, the amendment pertains to a change to the Future Land Use Element.

If you have any questions, please contact me at (305) 895-9826 or via email at twilson@northmiamifl.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tanya Wilson", with a long horizontal flourish extending to the right.

Tanya Wilson, AICP
Planning, Zoning & Development Director

Cc: Larry M. Spring, Jr., City Manager
Arthur H. Sorey, III, Deputy City Manager
Jeff Cazeau, City Attorney
Jennifer Warren, Deputy City Attorney

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Jerry Bell, Assistant Director for Planning, Regulatory and Economic Resources, Miami Dade County
Ana Rijo Conde, Facilities Planning Officer, Miami Dade County Public Schools



Council Report

Page 1 of 7

AGENDA DATE: February 26, 2019

TO: The Honorable Mayor and City Council Members

FROM: Tanya S. Wilson, AICP, Planning, Zoning & Development Director

SUBJECT: AMENDMENT TO THE FUTURE LAND USE ELEMENT TO ALLOW RESIDENTIAL USES IN THE NW 7TH AVENUE PLANNED CORRIDOR DEVELOPMENT OVERLAY DISTRICT (PCD) AND REQUIRE A CONDITIONAL USE PERMIT TO ALLOCATE DENSITY BONUS UNITS IN ALL PCD OVERLAY DISTRICTS

SPONSOR: Councilman Alix Desulme

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.

RECOMMENDATION

That, pursuant to the provisions of Article 3, Division 11, Section 3-1107 of the City of North Miami (“City”) Land Development Regulations (LDRs), the City Council review the proposed amendments (“Amendment”) to the City’s Adopted 2016 Comprehensive Plan (“Comprehensive Plan”) as described in the above ordinance title and as attached hereto, consider the Planning Commission’s recommendation, City staff’s recommendation, and any testimony at the public hearing, approve and subsequently direct City Staff to transmit said Amendment to the Florida Department of Economic Opportunity (DEO) and all other reviewing agencies for timely comments.

PURPOSE

The purpose for this agenda item is to hold the required public hearing to receive input from the public on the proposed amendment to the 2036 Comprehensive Plan. This item is sponsored by Councilman Desulme.

PLANNING COMMISSION RECOMMENDATION

The proposed Amendment, under PC Item 2-19, was considered by the Planning Commission at a regularly scheduled public hearing on February 5, 2019. In attendance were Chair Kevin Seifried, Vice-Chair Charles Ernst, Commissioner Kenneth Each, Commissioner Jason James, Commissioner Michael McDearmaid, and outside Legal Counsel Gary M. Held, Esq, for the Planning Commission; Debbie Love, City Planner, Jennifer L. Warren, Deputy City Attorney and Marline Monestime, Board Secretary, for the City administration. City staff presented the item to the Planning Commission in the form of a PowerPoint presentation. After the presentation, the Planning Commission discussed the item and asked questions of staff; the meeting was then open for public hearing.

No public comments were received.

Commissioner McDearmaid made the motion which was seconded by Commissioner Each to recommend approval of the LDR Amendment to Mayor and City Council. The item passed by the Planning Commission with a vote of 5-0.

SUMMARY OF THE PROPOSED AMENDMENT

This Amendment is intended to revise Policy 1.18.3 of the Future Land Use Element to allow residential use 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 Overlay Districts.

Additionally, this Amendment will correct an internal inconsistency to require a conditional use permit instead of a Development Agreement in all PCD Overlay Districts to comply with Policy 1.15.1 of the City of North Miami's Comprehensive Plan which states that, "...floating units and/or commercial use shall be approved via a Conditional Use Permit..."

This specific amendment is sponsored by the elected Councilperson for District 4, Alix Desulme, within the boundary of which NW 7th Avenue is located, in response to the explicit recommendation of the Chinatown Master Plan and feedback from the development community. Residential uses within the NW 7th Avenue PCD are subject to the availability of floating units from the secondary pool for development outside the Neighborhood Redevelopment Overlay (NRO) District. The corresponding amendment to the Land Development Regulations is also scheduled to be heard on the same agenda as this item and is subject to approval of this Amendment.

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ANALYSIS

Section 3-1105 (B) of the City’s Land Development Regulations requires that all amendments to the Comprehensive Plan must meet the following minimum criteria:

1. Whether it specifically advances any goal, objective or policy of the comprehensive plan.

The proposed text amendment is consistent with the goals, policies and objectives of the City’s Comprehensive Plan. Specifically, Policy 1.17.2 which encourages mixed use along the main corridors within the PCD; Objective 1.18 which outlines the vision and purpose of the Planned Corridor Development Overlay District as creating, “...a compact, high-intensity mix of residential, commercial, employment and civic/institutional uses...”and Policy 3B.2.7 which requires the City to allow for a range of housing options. Additionally, as noted above, this Amendment will correct an internal inconsistency and comply with Policy 1.15.1 which requires that, “...floating units and/or commercial use shall be approved via a conditional use permit...”

2. Its effect on the level of service of public infrastructure.

The underlying zoning of the NW 7th Avenue PCD is C-1, Commercial District, which does not allow residential uses; therefore, any residential development will require dwelling units to be allocated by City Council from the secondary pool of bonus density units. Thus, this Amendment would not increase the overall amount of already planned residential development.

Furthermore, all future developments are subject to the requirements of Policy 11.2.7 of the City’s Comprehensive Plan which stipulates that all decisions regarding land use planning and the issuance of development orders and permits shall consider the availability of public facilities and services necessary to support such development at the adopted LOS standards concurrent with the associated impacts. As such, all future uses associated with the proposed text amendment shall comply with all concurrency requirements. If it is determined that any proposed development may potentially cause adverse impacts on the City’s current or future infrastructure, the applicant will be required to mitigate the impacts that exceed the established level of service.

3. Its effect on environmental resources.

The NW 7th Avenue PCD contains no identified environmental resources, e.g., wetlands, wellfields, threatened or endangered species, champion or specimen trees, fisheries or marine habitat. New development within the District will be required to be resilient and sustainable, provide much needed landscaping and open space, and will add to the City’s tree canopy.

Therefore, the Amendment will further the goals and objectives within the Conservation and Climate Change Elements for water conservation and energy efficiency, and mitigation of urban heat island effects, stormwater runoff, and sea level rise.

4. Its effect on hurricane evacuation.

The proposed text amendment does not include any increase in density beyond that which was considered during the establishment of the secondary pool of bonus density units and therefore, would have no impact on hurricane evacuation.

5. Its effect on the availability of housing that is affordable to people who work in the city.

The City’s housing stock is also aging. Almost 70% of the City’s 21,496 housing units are over 50 years old, with approximately 46 percent of the units built before 1960.

Table 1: Year Housing Built

Year	1939 or earlier	1940-1949	1950-1959	1960-1969	1970-1979	1980-1999	1990-1999	2000-2009	2010-2013	2014 or later	Totals
Housing Units	364	1,310	8,387	4,533	4,145	1,493	504	729	22	9	21,496
%	1.70%	6.10%	39.00%	21.10%	19.30%	6.90%	2.30%	3.40%	0.10%	0.000419%	100%

Source: U.S. Census, American Community Survey (2016)

A study recently completed by Florida International University for the City North Miami CRA, reveals that, “Only 3.5 percent (760 units) of the City’s housing supply has been built since 2000 compared to 15.6 for Miami-Dade County, as a whole.”¹

Additionally, the study documents that approximately 54% of the City’s owner-occupied housing and 65% of renter-occupied units are cost burdened (paying more than 30% of income on housing). Of the eleven (11) Census Tracts (CT) studied, CTs 4.05 and 4.10, which include this corridor and the surrounding neighborhoods, are ranked No. 1 and No. 3, respectively for cost-burdened renters; No. 9 and No. 4, respectively for cost-burdened owners and No. 5 and No. 7 for severely cost-burdened renters (paying more than 50% of income on rent).

¹ FIU Metropolitan Center, *City of North Miami Workforce and Housing Needs Assessment and Housing Revitalization Area Strategy*, 2018.

Allowing for residential along the corridor will encourage mixed use development, resulting in a greater supply of workforce housing within the area. The proposed Amendment will encourage much needed housing options within the City.

6. Any other effect that city staff determines is relevant to the city council's decision on the application.

There are no multi-family zoning parcels west of North Miami Avenue; this Amendment will create more housing options for students, young professionals and seniors/elderly seeking housing alternatives to single family residences. In order to spur economic development 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.

CONCLUSION

Staff is requesting that, pursuant to the requirements of Article 3, Division 10, Section 3-1107 of the City's LDRs, the City Council review the proposed Amendment, consider the Planning Commission's recommendation, City staff's recommendation and any testimony at the public hearing, **approve and subsequently direct City Staff to transmit said Amendment to the Florida Department of Economic Opportunity (DEO) and all other reviewing agencies for timely comments.**

TW/dl

- Attachments:
1. Proposed Ordinance
 2. Newspaper Advertisement
 3. Future Land Use Map

ORDINANCE NO. _____

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 5, 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 _____, 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 were presented to and approved for transmittal by the City Council at the _____, 2019 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 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

_____, 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

* * * * *

FUTURE LAND USE ELEMENT

* * * * *

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:

* * * * *

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.

* * * * *

4. West Dixie Highway:

* * * * *

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

* * * * *

5. NE 125th Street:

* * * * *

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

* * * * *

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 ____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this ____ day of _____, 2019.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this this ____ day of _____, 2019.

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: COUNCILMAN ALIX DESULME

Moved by: _____

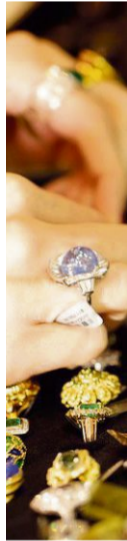
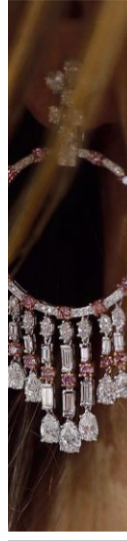
Sponsored by: Councilman Alix Desulme

Vote:

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

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

H1



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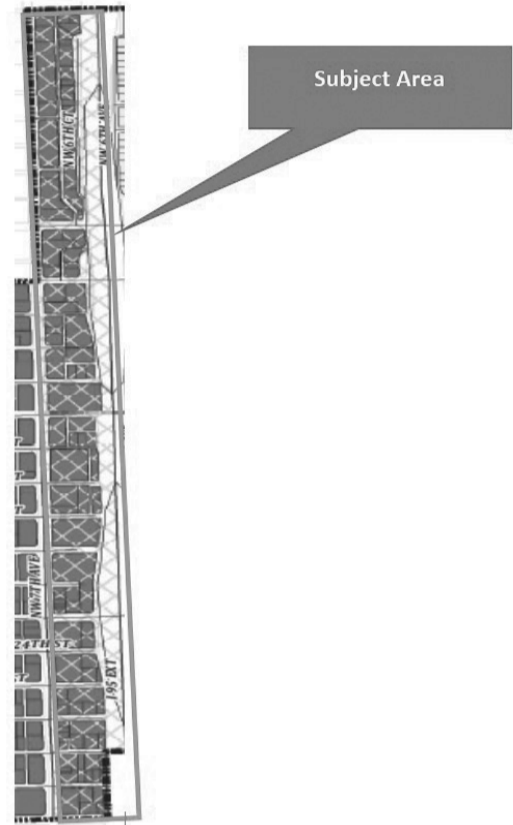
NOTICE OF PUBLIC HEARING
CITY OF NORTH MIAMI, FLORIDA

NOTICE IS HEREBY GIVEN that the City of North Miami, Florida proposes to adopt the following ordinances:

A Public Hearing for the following proposed ordinances will be held by the Planning Commission on **Tuesday, February 5, 2019 at 7:00 p.m.**, and by the City Council for first reading on **Tuesday, February 26, 2019 at 7:00 p.m.**, in the Council Chambers of North Miami City Hall, Second Floor, 776 NE 125 Street, North Miami, Florida 33161:

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.

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 BY AMENDING ARTICLE 3, DIVISION 4, ENTITLED "CONDITIONAL USES", SPECIFICALLY AT SECTION 3-401, ENTITLED "PURPOSE AND APPLICABILITY", AND AT ARTICLE 3, DIVISION 13, ENTITLED "DEVELOPMENT AGREEMENTS", SPECIFICALLY AT SECTION 3-1301, ENTITLED, "PURPOSE AND APPLICABILITY", FURTHER AMENDING ARTICLE 4, DIVISION 3, ENTITLED "SPECIAL PURPOSE AND OVERLAY DISTRICTS", SPECIFICALLY AT SECTION 4-306, ENTITLED "PLANNED CORRIDOR OVERLAY DISTRICT (PCD)" TO ESTABLISH RESIDENTIAL DENSITY IN THE STATE ROAD 7/NW 7TH AVENUE PCD AND REQUIRE A CONDITIONAL USE PERMIT FOR DEVELOPMENT WITHIN THE PCD; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, CODIFICATION AND FOR AN EFFECTIVE DATE.



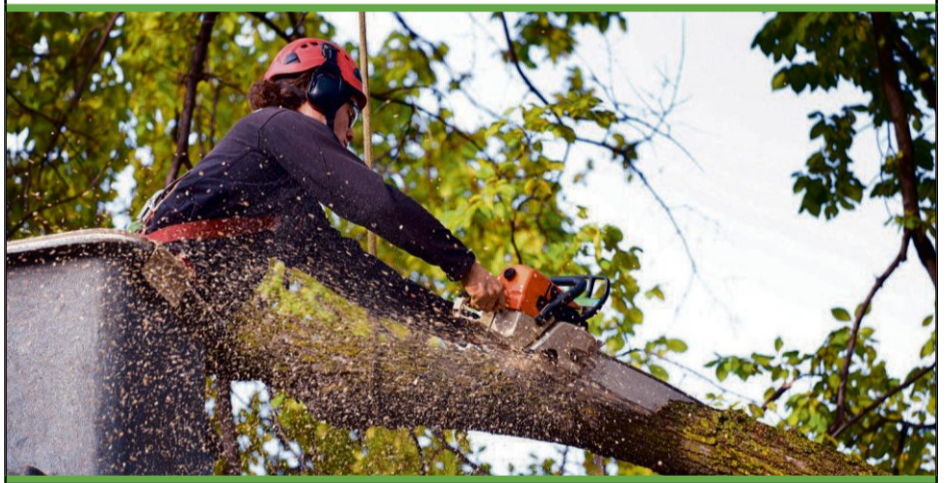
Members of the public are invited to attend the Public Hearing and provide oral or written comments on the matter. Copies of the reports containing the Community Planning and Development Department's recommendation will be available for public review from Monday to Friday between the hours of 8:15 a.m. and 5:00 p.m. in the City Clerk's Office, City Hall. Written comments may be submitted to: City of North Miami, 776 N.E. 125th Street, North Miami, Florida 33161, Attn: Community Planning and Development Department. For questions, please call (305) 893-6511, Ext. 19003.

ANY PERSON WISHING TO APPEAL THE DECISION OF THE CITY COUNCIL WILL NEED A VERBATIM RECORD OF THE MEETING'S PROCEEDINGS, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (SECTION 286.0105, F.S.).

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT NO LATER THAN FOUR (4) DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 893-6511, EXT. 19005, FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE 711 OR YOU MAY CONTACT 1-800-955-8771 FOR THE FLORIDA RELAY SERVICE FOR ASSISTANCE.



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City of North Miami - 2036 Future Land Use Map

Adopted by Ordinance No.1427

Legend

- | | | | |
|--|--|--|--|
| | City of North Miami Boundary/TCEA Boundary | | Commercial / Office (55 ft.) |
| | Planned Community Urban Design Overlay | | Conservation |
| | Neighborhood Redevelopment Overlay Boundary | | High Density Residential (110 ft., 25 DU/AC) |
| | Arts & Design Overlay District | | Industrial (55 ft.) |
| | Regional Activity Center | | Low Density Residential (35 ft. 5.1 DU/AC) |
| | Planned Corridor Development Overlay (As Defined By Policy 1.18.3) | | Low Medium Density Residential (35 ft., 12DU/AC) |
| | Biscayne Park Height Transition Zone | | Medium Density Residential (75 ft., 16.3 DU/AC) |
| | Special Development and Transit Overlay District | | Mixed Use High (110 ft. 45 DU/AC) |
| | Wetlands | | Mixed Use Low (55 ft., 25 DU/AC) |
| | Bayshore Zone | | Mixed Use Medium (75 ft., 40 DU/AC) |
| | Central Business Commercial (150 ft.) | | Open Space Recreation |
| | Community Facility (55 ft.) | | Residential Office (35 ft.) |
| | Community Facility University (110 ft.) | | Utility |

