



12400 Northeast 8th Avenue, North Miami, Florida 33161

(305) 895-9825

July 23, 2018

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 and Map Amendments**

Dear Mr. Eubanks:

The City of North Miami is pleased to transmit to the Florida Department of Economic Opportunity a packet containing two proposed amendments to the City's Comprehensive Plan. Said amendments pertain to changes to the Future Land Use Element and to the Future Land Use Map:

1. Future Land Use Element Text Amendment:

The City's Comprehensive Plan Policy 1.20.6 currently requires that a minimum of 75% of the ground floor gross area of a development in the Mixed Use land use designation contain retail. This proposed amendment clarifies that this requirement is applicable to only mix use development along a major corridor (as defined by Comp Plan Objective 1.2). As documented in the attached staff report, the revision is supported by numerous Objectives of the City's Comprehensive Plan, and as envisioned within the City's Major Corridors Redevelopment Master Plan.

2. Future Land Use Map Amendment:

This proposed map amendment will correct a land use designation scrivener's error assigned to an approximately 23-acre property located at 1820 NE 142<sup>nd</sup> Street, North Miami, Florida 33181 containing an existing apartment complex constructed pursuant to a Conditional Use Permit (CUP) adopted in 1973 under Resolution 1637 (attached), which allowed 36.6 dwelling units per acre (DU/AC) and a height of 100 feet (ft.).

As further detailed in the attached staff report and ordinance, in 2007, during the reconfiguration of the City's land use categories, this property was designated Mixed-Use Low in error, which rendered the property non-conforming. This proposed amendment seeks to change the land use designation from Mixed Use Low to Mixed Use High (110 ft., 45 DU/AC) in order to cure the

non-conformity, and ensure the Future Land Use Map designation comports with the previously approved Conditional Use Permit and the current built environment.

Two advertised public hearings for both amendments were held on March 6, 2018 before the City's Planning Commission and July 10, 2018 for first reading before the City Council, where they were approved by a majority vote of 5-0.

The areas pertaining to the map amendment and text amendments are not located within areas of critical state concern and are not small scale amendments. As such, the City hereby requests that said amendments be reviewed under the *Expedited State Review Process* pursuant to Chapter 163.3184(3). Also, it should be noted that the City is a designated Transportation Concurrency Exception Area (TCEA). As part of the TCEA designation, the City adopted several policies in its Comprehensive Plan to encourage multimodal transportation strategies that reduce auto dependence and encourage pedestrian oriented uses. As you are aware, Chapter 163.3180(5) of the Florida Statutes exempts TCEA designated communities from the State's traffic concurrency requirements. **As such, the City of North Miami is not subject to the concurrency requirements in section 163.3180(6) F.S. and is not required to submit a summary of the deminimis impact records.**

It is important to note that 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 and map amendments 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.

One paper and two electronic copies (CD) of the adopted amendments 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
- Staff report and analysis to City Council for Map Amendment
- City Ordinance (Adopted on First Reading) including Proposed Map Amendment
- Resolution 1637
- Transmittal letter for review agencies
- Copy of public notice published in the Miami Herald for the March 6, 2018 Planning Commission meeting
- Copy of the Public Notice published in the Miami Herald for the July 10, 2018 City Council meeting
- Sign-in sheets for public hearings

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

Sincerely,



Tanya Wilson-Sejour  
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 and Map 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 8<sup>th</sup> Avenue, North Miami, FL 33161

**AGENDA DATE:** July 10, 2018

**TO:** The Honorable Mayor and City Council Members

**FROM:** Tanya Wilson-Séjour, AICP, Planning, Zoning & Development Director 

**SUBJECT:** 2018 City of North Miami Future Land Use Map Amendment

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**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE FUTURE LAND USE MAP TO CORRECT A SCRIVENER'S ERROR, SPECIFICALLY CHANGING THE FUTURE LAND USE DESIGNATION FROM MIXED-USE LOW TO MIXED USE HIGH FOR THE APPROXIMATELY 23 ACRE PROPERTY KNOWN AS PORTOFINO APARTMENTS LOCATED AT 1820 NE 142ND STREET, NORTH, MIAMI, FLORIDA, WITH FOLIO IDENTIFICATION NUMBER 06-2221-023-0010; PROVIDING FOR AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED MAP AMENDMENT TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

**RECOMMENDATION**

Staff has reviewed the proposed amendment ("Amendment") to the City's Adopted 2036 Future Land Use Map (FLUM), as described in the above ordinance title and attached hereto as "Exhibit A", pursuant to the provisions of Article 3, Division 11, Section 3-1105 (B) and recommends approval, and requests that City Council subsequently direct 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 Amendment to the City's FLUM, and to review the request 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.

## **PLANNING COMMISSION RECOMMENDATION**

The proposed Amendment, under PC Item 2-18, was considered as a component of a package of comprehensive plan amendments, by the Planning Commission at its March 6<sup>th</sup>, 2018 regularly scheduled hearing. In attendance were Chair Kevin Seifried, Vice-Chair Charles Ernst, Commissioner Kenneth Each, Commissioner Jason James, Commissioner Bob Pechon, Commissioner Michael McDermid, and Legal Counsel Gary M. Held, Esq, for the Planning Commission; Nixon Lebrun, City Planner, Debbie Love, Zoning Manager, Kent Walia, Planner, Jennifer L. Warren, Deputy City Attorney and Marline Monestime, Board Secretary, for the City administration; as well as a few residents. City staff presented the item to the Planning Commission in the form of a PowerPoint presentation. During the Staff presentation, the Planning Commission discussed and voted on each of the proposed Amendments individually.

After the presentation of the Amendments, Commissioner McDermid made the motion which was seconded by Commissioner James to recommend 2018 Comprehensive Plan and FLUM Amendments to Mayor and City Council for approval to subsequently direct City Staff to transmit said Amendments to the Florida Department of Economic Opportunity (DEO) and all other reviewing agencies for timely comments. The item was recommended for approval by the Planning Commission by a vote of 6-0.

## **BACKGROUND OF THE PROPOSED AMENDMENT**

Over the course of the last two (2) years, City staff has identified several FLUM errors. One of note is the property known as the Portofino Apartments (built in 1974). This approximately 23 acre parcel, with Folio Identification Number of 06-2221-023-0010, is located at 1820 NE 142<sup>nd</sup> Street. The property is governed by previously approved Conditional Use Permit (CUP) adopted under Resolution 1637 in 1973, which allowed 36.6 dwelling units per acre (DU/AC) and a height of 100’.

Prior to 2007, the property’s land use designation was Planned Unit Development (PUD). When the City revised its land use categories and assigned the various properties designated as PUD to an associated new Mixed Use land use designation, the property was designated as Mixed-Use Low in error. This land use designation only provides for a maximum 55 feet in height and 25 DU/AC. With the existing 23 acre site, the current designation would only allow 575 units; however, the property is currently developed with 871 dwelling units located within five 100’ high towers rendering the property non-conforming. As such, in order to cure the non-conformity, and comport with the CUP and the current built environment, the proposed amendment seeks to change the land use designation from Mixed Use Low to Mixed Use High (110 ft., 45 DU/AC). (See **Exhibit B** for visual).

## ANALYSIS

**Section 3-1105 (B) of the City's Land Development Regulations requires that all amendments to the Comprehensive Plan and/or the Future Land Use Map must meet the following minimum criteria:**

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

*Policy 1.2.1 of the Future Land Use Element establishes the development standards, including density, lot coverage and height. This Amendment will better comport with the standards for Mixed Use High.*

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

*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 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 proposed Amendment has no effect on environmental resources.*

**4. Its effect on hurricane evacuation.**

*In 2003, the South Florida Regional Planning Council estimated that it would take 9.15 hours to evacuate residents of the City under the existing land use plan. The Comprehensive Plan at the time projected population and housing units out to 2035. For 2015 (the year closest to this staff report), the Comprehensive Plan projected there would be 31,714 dwelling units and a total population of 82,808. However, According to the 2016 U.S. Census American Community Survey, the City's population is 62,158 and there are 21,496 housing units.*

*The hurricane evacuation study completed in 2003, factored in 20,650 more people than the current population, along with 10,218 more dwelling units than currently constructed.*

*Therefore, although with the proposed Amendment the potential density for the site could increase by 164 dwelling units, since the study over projected the number of dwelling units there should be no impact upon hurricane evacuation.*

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

*The proposed Amendment will not impede the ability for development to provide a wide range of housing choices.*

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

*As noted above, this Amendment will correct a mapping error that will cure the non-conforming status and better comport with the CUP and the built environment.*

**PROCESS FOR REVIEW AND ADOPTION OF THE PROPOSED AMENDMENT**

The Amendment is now being placed on this City Council meeting agenda in order to hold the required public hearing to review for approval said Amendment in accordance with the provisions of Article 3, Division 11, Sections 3-1105 of the City's LDRs.

The proposed Amendment is intended to be reviewed and adopted under the expedited state review process. This process, which is based on the previous s. 163.32465(2), F.S. pilot program, applies to all (large scale) plan amendments adopted by a local government. The expedited state review process requires that, within ten (10) days of the initial public hearing, the City transmit the proposed Amendment to the reviewing agencies listed under s. 163.3184(1)(c), F.S., and any other local government or governmental agency that has filed a written request. In compliance with state law, these reviewing agencies must transmit their comments to the City within thirty (30) days from the date they received the proposed Amendments and must also send a copy of their comments to DEO.

Also within thirty (30) days, DEO will provide the City with a comment letter noting any objections, recommendations and comments. The City must review and prepare a response addressing any comments received from DEO and/or the reviewing agencies to be presented and approved by City Council as part of a second public hearing. The second public hearing must be held within 180 days after receipt of DEO and agency comments (see section 163.3184(3)(c)1, Florida Statutes). The City must transmit the adopted comprehensive plan amendment package within ten working (10) days after the second public hearing to DEO for a determination of

completeness, and to any other agency or local government that provided timely comments (see section 163.3184(3)(c)2, Florida Statutes). Within five (5) days after receipt of the amendment package, DEO must advise the City of its determination of completeness.

Within 30 days after the City adopts the plan amendment, an affected person may file a petition with the Division of Administrative Hearings challenging the plan amendment. If no challenge is filed, the amendment becomes effective 31 days after DEO notifies the local government that the amendment package is complete. If a challenge is filed, the amendment becomes effective after issuance of a final order by DEO or the Administration Commission.

## **CONCLUSION**

The proposed Amendment to the City's Official Future Land Use Map will correct the scrivener's error on the FLUM related to Portofino Apartments. Staff finds that this Amendment satisfies the criteria found in 3-1105 of the LDR and is in keeping with the long term vision of the community as expressed in the Comprehensive Plan. **Staff is therefore recommending City Council approval of the proposed Amendment to the City's Official 2036 Future Land Use Map (FLUM), as described in the ordinance attached hereto, and to subsequently direct City Staff to transmit said Amendment to the Florida Department of Economic Opportunity (DEO) and all other reviewing agencies for timely comments.**

TWS/dl

- Attachments:
1. Exhibit A: Proposed Ordinance
  2. Exhibit B: Future Land Use Map
  3. Advertisement



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE FUTURE LAND USE MAP TO CORRECT A SCRIVENER’S ERROR, SPECIFICALLY CHANGING THE FUTURE LAND USE DESIGNATION FROM MIXED-USE LOW TO MIXED USE HIGH FOR THE APPROXIMATELY 23 ACRE PROPERTY KNOWN AS PORTOFINO APARTMENTS LOCATED AT 1820 NE 142ND STREET, NORTH, MIAMI, FLORIDA, WITH FOLIO IDENTIFICATION NUMBER 06-2221-023-0010; PROVIDING FOR AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED MAP AMENDMENT TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY AND 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 23, 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**, ss. 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**, the City is desirous of amending its adopted 2036 Future Land Use Map (“FLUM”) to eliminate scrivener’s errors which City staff has identified while implementing the Comprehensive Plan; and

**WHEREAS**, over the course of the last two (2) years, City staff has identified a scrivener’s error on the Future Land Use Map requiring correction affecting the Portofino Apartment parcel; and

**WHEREAS**, the property is governed by Conditional Use Permit (“CUP”) in accordance with Resolution 1637, which allowed 36.6 (DU/AC) and a height of 100’; and

**WHEREAS**, the property was previously designated as a Planned Unit Development on the FLUM and, through a scrivener’s error, the land use designation was inadvertently changed to Mixed Use Low (55’, 25 DU/AC); and

**WHEREAS**, City staff is recommending that in order to comport with the CUP and the current built environment, the land use designation for this parcel be changed to Mixed Use High (110 ft., 45 DU/AC); 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**, pursuant to the requirements of Article 3, Division 11, Section 3-1106 of the City LDRs, the Planning Commission has reviewed the proposed Amendment to the FLUM, 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 to the FLUM by passage of the attached ordinance; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on March 6, 2018, reviewed and discussed the proposed Amendment to the FLUM, 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 FLUM 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 to the FLUM by passage of the attached ordinance; and

**WHEREAS**, s. 163.3184(11), F.S., requires that the Amendment to the FLUM shall be adopted by a super-majority of the Mayor and City Council by Ordinance; and

**WHEREAS**, the Mayor and City Council, after duly noticed hearings held on June 26, 2018, and July 10, 2018, reviewed and discussed the proposed Amendment to the FLUM, and authorized its 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**, pursuant to Article 3, Division 11, Section 3-1109(B) of the City LDRs, adoption of the proposed Amendment to the FLUM 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

Month XX, 2018, found the adoption of the proposed Amendment to the FLUM reflects 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 future land use map as identified in Exhibit 1.

**Section 2. Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are repealed.

**Section 3. Conflict.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

**Section 4. 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 5. 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 6. 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 7. 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 \_\_\_\_\_, 2018.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 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: \_\_\_\_\_

Sponsored by: \_\_\_\_\_

**Vote:**

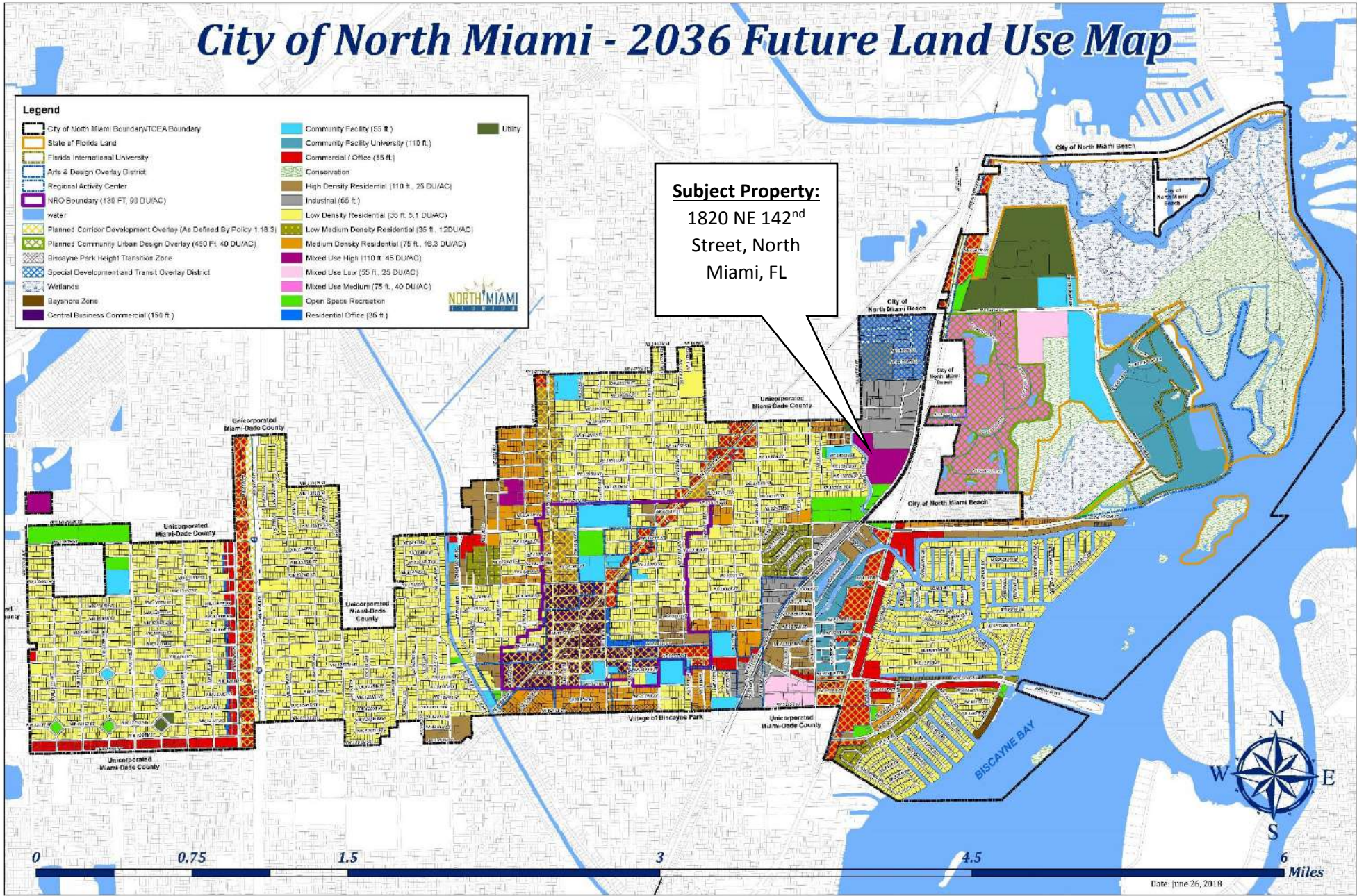
Mayor Smith Joseph, D.O., Pharm. D.	_____ (Yes)	_____ (No)
Vice Mayor Carol Keys, Esq.	_____ (Yes)	_____ (No)
Councilman Scott Galvin	_____ (Yes)	_____ (No)
Councilman Philippe Bien-Aime	_____ (Yes)	_____ (No)
Councilman Alix Desulme	_____ (Yes)	_____ (No)

# City of North Miami - 2036 Future Land Use Map

## Legend

-  City of North Miami Boundary/TCEA Boundary
-  State of Florida Land
-  Florida International University
-  Arts & Design Overlay District
-  Regional Activity Center
-  NRO Boundary (130 FT, 90 DU/AC)
-  Water
-  Planned Corridor Development Overlay (As Defined By Policy 1-18.3)
-  Planned Community Urban Design Overlay (450 FT, 40 DU/AC)
-  Biscayne Park Height Transition Zone
-  Special Development and Transit Overlay District
-  Wetlands
-  Bayshore Zone
-  Central Business Commercial (150 ft.)
-  Community Facility (55 ft.)
-  Community Facility University (110 ft.)
-  Commercial / Office (55 ft.)
-  Conservation
-  High Density Residential (110 ft., 25 DU/AC)
-  Industrial (65 ft.)
-  Low Density Residential (36 ft., 5.1 DU/AC)
-  Low Medium Density Residential (36 ft., 120 DU/AC)
-  Medium Density Residential (75 ft., 19.3 DU/AC)
-  Mixed Use High (110 ft., 45 DU/AC)
-  Mixed Use Low (55 ft., 25 DU/AC)
-  Mixed Use Medium (75 ft., 42 DU/AC)
-  Open Space Recreation
-  Residential Office (35 ft.)
-  Utility

**Subject Property:**  
 1820 NE 142<sup>nd</sup>  
 Street, North  
 Miami, FL



# Venezuelan opposition activist says she isn't part of any Maduro assassination plot

BY ANTONIO MARIA DELGADO  
adelgado@elnuevoherald.com

Venezuelan opposition activist Maria Corina Machado said Friday she could be arrested at any time after President Nicolas Maduro accused her of participating in an alleged plot to assassinate him.

Military court documents obtained by El Nuevo Herald show that Machado was named as a suspect in the plot, although the documents offer no evidence, and other suspects named in the documents have alleged they were tortured.

Machado — who denied any participation in any conspiracy against Maduro — noted that nearly 300 members of the armed forces were detained or disappeared in recent weeks because of suspicions of plots against the government, but she added that's the risk that all Venezuelans face today.

"Any one of us can be arrested. This is a dictatorship. In Venezuela, there is no rule of law and there is no justice," said Machado.

Machado added that she will not leave Venezuela despite the government efforts to link her to the alleged assassination plot.

"I ask Venezuelans to stay here," she said in a telephone interview after a press conference Friday. "This is our country and we're not going to give it away. The ones who have to leave are Maduro and his mafias. The heart of my message is stay and fight, and that's what I am doing."

The Maduro government announced some weeks back that it had broken up a conspiracy to assassinate Maduro, the leader of the so-called Bolivarian Revolution, and topple his government.

News media in Venezuela have previously reported the arrests of nearly 20 armed forces officers, and that Machado was among the civilians implicated in the case.

The reports have sparked concerns in the United States.

"Maria Corina is with the people of Venezuela in its fight for freedom. Ma-

duro and his minions should think twice before threatening her life," Florida Republican Sen. Marco Rubio wrote on Twitter.

"The U.S. and international community should take note and will enforce tough sanctions if her life is at risk," added Rubio, one of most influential Washington voices on Venezuelan affairs.

Documents from the court case against the military officers, obtained by el Nuevo Herald, say Machado is accused of participating in and financing the alleged "Operation Armageddon."

"Among the political figures, there was information that links [to the plot] citizen Maria Corina Machado, leader of the Vente Venezuela political movement, financier and international liaison," noted one document, which gave no further information.

The Colombian government is also involved in the conspiracy, according to the documents and official comments made by the Maduro government.

The accusations before a military tribunal in Caracas identify more than 30 armed forces members in the alleged conspiracy to assassinate Maduro and sabotage the presidential election that was held in May — and was regarded as fraudulent by much of the international community.

The documents say the allegations are based on "intelligence work," but details are not included in the files.

Most of people named as suspects were arrested illegally, before the court signed their arrest orders.

At least two of the suspects detained told military court judge Claudia Carolina Perez de Mogollon, who is in charge of the case, that they were tortured and forced to sign fabricated confessions.

Machado told el Nuevo Herald that relatives of the armed forces members who were detained have told her the detainees are being tortured.

She said her goal is to see Maduro removed from office.

"I have told Nicolas Maduro that I want him

out of Miraflores [presidential palace], but that I want him alive, so he can face the justice that he has denied to all Venezuelans," she said. "The day when change comes, when he leaves power, I am going to do everything in my power to protect his life and make sure he faces justice."

The armed forces members arrested joined the already high number of soldiers jailed by Maduro.

According to the court documents, the assassination plotters met several times to prepare the operation, gathered communication equipment and tried to recruit other members of the armed forces.

But the documents offer no evidence of what happened during the alleged



FEDERICO PARRA AFP/Getty Images

The Venezuelan opposition's Maria Corina Machado speaks at a press conference in Caracas on Friday. She says she could be arrested at any moment.

meetings or whether the meetings in fact were held. The documents make

few direct mentions of Machado, saying only that she financed the plot.

Follow Antonio Maria Delgado on Twitter: @DelgadoAntonioM

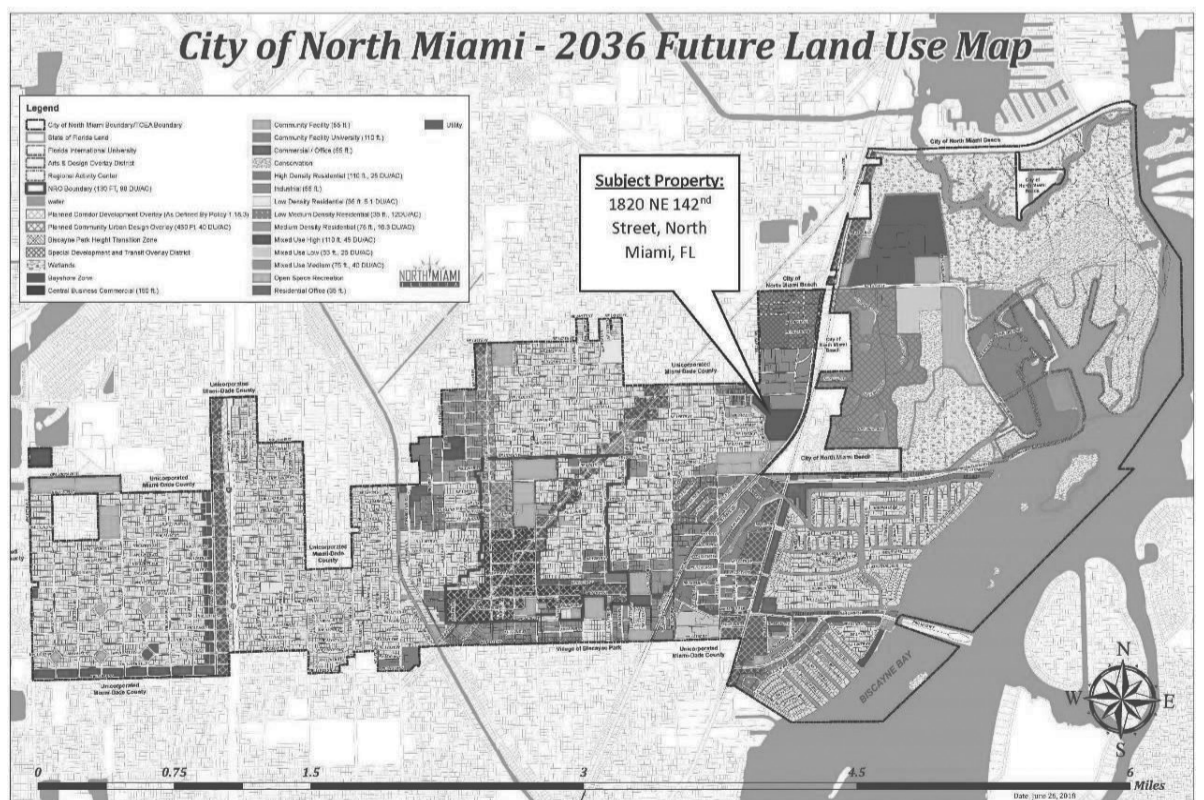


## NOTICE OF PROPOSED ORDINANCES CITY OF NORTH MIAMI, FLORIDA

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

**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 AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT THEREOF, 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; BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.20.6 TO CLARIFY THE GROUND FLOOR RETAIL REQUIREMENT; 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; AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENTS, AS MAY BE AMENDED TO RESPOND TO COMMENTS FROM THE REVIEWING AGENCIES, TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, CODIFICATION AND AN EFFECTIVE DATE.**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE FUTURE LAND USE MAP TO CORRECT A SCRIVENER'S ERROR, SPECIFICALLY CHANGING THE FUTURE LAND USE DESIGNATION FROM MIXED-USE LOW TO MIXED USE HIGH FOR THE APPROXIMATELY 23 ACRE PROPERTY KNOWN AS PORTOFINO APARTMENTS LOCATED AT 1820 NE 142ND STREET, NORTH, MIAMI, FLORIDA, WITH FOLIO IDENTIFICATION NUMBER 062221-023-0010; PROVIDING FOR AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED MAP AMENDMENT TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.**



A Public Hearing on these Ordinances will be held by the City Council for first reading on **Tuesday, July 10, 2018 at 7:00 p.m.** in the Council Chambers of North Miami City Hall, Second Floor, 776 NE 125 Street, North Miami, Florida 33161.

Members of the public are invited to attend the Public Hearings and provide oral or written comments on the matter. A copy of the application and report 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. 125<sup>th</sup> 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 THESE PROCEEDING SHOULD CONTACT THE COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT NO LATER THAN FOUR (4) DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 893-6511, EXT. 19003 FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE 711 OR YOU MAY CONTACT 1-800-955-8771 FOR THE FLORIDA RELAY SERVICE FOR ASSISTANCE.**

# OAS asks U.S. to reunite migrant families as soon as possible

BY LUIS ALONSO LUGO  
Associated Press

The Organization of American States urged the United States on Friday to follow through on President Donald Trump's decision to stop the separation of migrant families at the southern border.

The 34-nation regional bloc also called for the U.S. to reunite migrant children with their parents as soon as possible.

The OAS resolution was adopted without debate or vote — or objection from the U.S. delegation.

The resolution was much less critical toward the Trump administration than the original draft proposed by Mexico, El Salvador, Guatemala and Honduras, which had urged the U.S. "not to resort under any circumstance to the separation of migrant families."

The resolution was watered down after the leaders of Guatemala, El Salvador and Honduras met

Vice President Mike Pence in Guatemala on Thursday. According to Honduran diplomat Luis Cordero, the three Central American leaders "value positively" Trump's executive action to halt the policy of taking children from their detained parents.


Nonetheless, the resolution urges Washington not to prosecute asylum seekers and calls for human rights investigators to visit the southern border to assess the impact of the migration policy. The resolution describes any migration policy that leads to separation of families as violating human rights, especially of children and adolescents.

Under Trump's policy, the government has begun prosecuting all migrants caught entering the country without authorization. About 2,000 children separated from their parents after crossing the border illegally are still being held, and many families say they don't know how to locate them.



**AGENDA DATE:** July 10, 2018

**TO:** The Honorable Mayor and City Council Members

**FROM:** Tanya Wilson-Séjour, AICP, Planning, Zoning & Development Director 

**SUBJECT:** 2018 City of North Miami Comprehensive Plan Amendment

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**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 AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT THEREOF, 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; BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.20.6 TO CLARIFY THE GROUND FLOOR RETAIL REQUIREMENT; 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; AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENTS, AS MAY BE AMENDED TO RESPOND TO COMMENTS FROM THE REVIEWING AGENCIES, TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, CODIFICATION AND AN EFFECTIVE DATE.**

**RECOMMENDATION**

Staff has reviewed the proposed amendment ("Amendment") to the Future Land Use Element (FLUE) of City's Adopted 2036 Comprehensive Plan, as described in the above ordinance title and attached hereto as "Exhibit A", pursuant to the provisions of Article 3, Division 11, Section 3-1105 (B) and recommends approval, and requests that City Council subsequently direct 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 Amendment to the City's FLUE, and to review the request 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.

## **PLANNING COMMISSION RECOMMENDATION**

The proposed Amendment, under PC Item 2-18, was considered as a component of a package of comprehensive plan amendments, by the Planning Commission at its March 6<sup>th</sup>, 2018 regularly scheduled hearing. In attendance were Chair Kevin Seifried, Vice-Chair Charles Ernst, Commissioner Kenneth Each, Commissioner Jason James, Commissioner Bob Pechon, Commissioner Michael McDermid, and Legal Counsel Gary M. Held, Esq, for the Planning Commission; Nixon Lebrun, City Planner, Debbie Love, Zoning Manager, Kent Walia, Planner, Jennifer L. Warren, Deputy City Attorney and Marline Monestime, Board Secretary, for the City administration; as well as a few residents. City staff presented the item to the Planning Commission in the form PowerPoint presentation. During the Staff presentation, the Planning Commission discussed and voted on each of the proposed amendments individually.

After the presentation of the amendments, Commissioner McDermid made the motion which was seconded by Commissioner James to recommend 2018 Comprehensive Plan and FLUM Amendments to Mayor and City Council for approval to subsequently direct City Staff to transmit said Amendments to the Florida Department of Economic Opportunity (DEO) and all other reviewing agencies for timely comments. The item was recommended for approval by the Planning Commission by a vote of 6-0.

## **BACKGROUND OF THE PROPOSED AMENDMENT**

After almost two (2) years of using the Comprehensive Plan, City staff has identified a number of scrivener's errors, i.e., ambiguities, internal discrepancies, wrong and/or obsolete references and other errata. One such error is contained within Policy Comprehensive Plan Policy 1.20.6 of the Future Land Use Element (FLUE). This policy requires that a minimum of 75% of the ground floor gross area of a development in the Mixed Use land use designation contain retail. **While this requirement was previously approved for complete deletion during the above-noted Planning Commission meeting, upon further discussion with administration and review of the proposed amendment, staff believes the requirement to maintain 75% of the ground floor**

**as retail is advantageous to activating the City’s major corridors and particularly the downtown district. As such, staff is requesting that the provision be maintained but applied to only mix use development along a major corridor.** This revision is supported by several objectives within the FLUE, including Objective 1.1, which, “...Promotes walkable and connected communities and provides for compact development...transit-oriented developments...”; Objective 1.2, which seeks, “...transit-oriented development along major roadway corridors...”; Objective 1.3, which promotes “...a vibrant mix of uses and street-level activity.”; Objective 1.6 and its policies, that promote mixed use along the city’s major corridors in order to create a sense of place, and make the built environment more usable and accessible to the general public through strategies such as incorporating, “... parks, public plazas, civic and cultural activities in the Downtown and along major corridors...”; and Objective 9.8.5 of the Economic Element which encourages revisions to the City’s Land Development Regulations to encourage “neighborhood stability and economic vitality, through flexibility in mixing of uses, site development criteria...”; Additionally, the community’s desired vision as identified in the Downtown and Major Corridors Master Plan (the “Master Plan”) focuses compact development, and walkable street frontage along major corridors.

It is clear that, based upon the vision established in the Master Plan and the FLUE goals, objectives and policies within the Comprehensive Plan, the intent of Policy 1.20.6 regarding the 75% ground floor retail requirement was to promote walkability and livability along the major corridors. Therefore, in order to comport with the above-stated objectives of the FLUE, City staff recommends that the current language within Policy 1.20.6 remain, but be amended to clarify that this requirement is applicable only to mixed use development along a major corridor.

## **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 and, as noted above, advances a number of stated objectives related to creating a pedestrian friendly and transit oriented public experience along major corridors.*

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

*This amendment does not change the allowable development thresholds has no impact upon the level of service of public infrastructure. 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 proposed amendment has no effect on environmental resources.*

**4. Its effect on hurricane evacuation.**

*The proposed text amendment does not include any increase in density beyond that which is allowable in the land use district and therefore, will 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 proposed amendment will not impede the ability for development to provide a wide range of housing choices.*

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

*The ordinance as proposed would eliminate entirely the requirement under Policy 1.20.6 for 75% of the ground floor to be dedicated to retail. Instead, staff believes this requirement should be maintained, but applied only to all mixed use development along major corridors, and read as follows:*

**Policy 1.20.6**

\* \* \* \* \*

Uses permitted in areas designated Mixed Use are as follows:

1. Residential dwelling units, subject to the limitation for a parcel as shown on the Future Land Use Map, and subject to the density and intensity limitations set forth in Policy 1.2.1. Mixed use low, medium and high may allow an additional density bonus not to exceed 15 du/ac, if developed in accordance with the policies contained under Objective 1.3 and 1.12 as further defined in the City's Land Development

Regulations. A minimum of 75 percent of the ground floor gross area of a mixed use development along a major corridor ~~in the Mixed Use land use designation~~ shall contain retail uses. Mixed use development within the NRO or are subject to the density and height bonuses in accordance with the policies contained under Objective 1.15 as further defined in the City's Land Development Regulations. Mixed use development within the PCD are subject to the density bonuses in accordance with the policies contained under Objective 1.16 and further defined in the ~~2016~~ 2017 update of the City's Land Development Regulations.

*The elimination of this regulatory inconsistency is critical, as it could unduly impede the development approval process at a time in which the City is poised for redevelopment.*

## **PROCESS FOR REVIEW AND ADOPTION OF THE PROPOSED AMENDMENT**

The Amendment is now being placed on this City Council meeting agenda in order to hold the required public hearing to review for approval said Amendment in accordance with the provisions of Article 3, Division 11, Sections 3-1106 and 3-1107 of the City's LDRs.

The proposed Amendment is intended to be reviewed and adopted under the expedited state review process. This process, which is based on the previous s. 163.32465(2), F.S. pilot program, applies to all (large scale) plan amendments adopted by a local government. The expedited state review process requires that, within ten (10) days of the initial public hearing, the City transmit the proposed Amendment to the reviewing agencies listed under s. 163.3184(1)(c), F.S., and any other local government or governmental agency that has filed a written request. In compliance with state law, these reviewing agencies must transmit their comments to the City within thirty (30) days from the date they received the proposed Amendments and must also send a copy of their comments to DEO.

Also within thirty (30) days, DEO will provide the City with a comment letter noting any objections, recommendations and comments. The City must review and prepare a response addressing any comments received from DEO and/or the reviewing agencies to be presented and approved by City Council as part of the second public hearing. The second public hearing must be held within 180 days after receipt of DEO and agency comments (see section 163.3184(3)(c)1, Florida Statutes). The City must transmit the adopted comprehensive plan amendment package within ten working (10) days after the second public hearing to DEO for a determination of completeness, and to any other agency or local government that provided timely comments (see section 163.3184(3)(c)2, Florida Statutes). Within five (5) days after receipt of the amendment package, DEO must advise the City of its determination of completeness.

Within 30 days after the City adopts the plan amendment, an affected person may file a petition with the Division of Administrative Hearings challenging the plan amendment. If no challenge is filed, the amendment becomes effective 31 days after DEO notifies the local government that the amendment package is complete. If a challenge is filed, the amendment becomes effective after issuance of a final order by DEO or the Administration Commission.

## **CONCLUSION**

The proposed Amendment, with the suggested language change as noted in this staff report, to the Future Land Use Element of the City's 2036 Comprehensive Plan will remove the ambiguity regarding the ground floor retail provision by clarifying its applicability to only major corridors. Staff finds that this Amendment is in keeping with the long term vision of the community, encourage walkability and help to enhance the aesthetics of the City's Downton and major corridors. **Staff is therefore recommending City Council approval of the proposed amendment ("Amendment") to the Future Land Use Element (FLUE) of the City's 2036 Comprehensive Plan, as described in Exhibit A, with the suggested language revision as proffered herein, and to subsequently direct City Staff to transmit said Amendment to the Florida Department of Economic Opportunity (DEO) and all other reviewing agencies for timely comments.**

TWS/dl

- Attachments:
1. Exhibit A: Proposed Ordinance
  2. Advertisement

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 AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT THEREOF 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; BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.20.6 TO CLARIFY THE GROUND FLOOR RETAIL REQUIREMENT; 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; AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENTS, AS MAY BE AMENDED TO RESPOND TO COMMENTS FROM THE REVIEWING AGENCIES, TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS, CODIFICATION 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**, 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 23, 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**, ss. 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**, Comprehensive Plan Policy 1.20.6 of the Future Land Use Element (FLUE), requires that a minimum of 75% of the ground floor gross area of a development in the Mixed Use land use designation contain retail; and

**WHEREAS**, the purpose of such requirement is to encourage compact development, and walkable street frontage; and

**WHEREAS**, in order to provide greater flexibility, City staff recommends that the current language within Policy 1.20.6 be amended to delete this requirement; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on March 6, 2018, reviewed and discussed the proposed Amendment to the FLUE, 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 FLUE 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 to the FLUE by passage of the attached ordinance; and

**WHEREAS**, s. 163.3184(11), F.S., requires that the Amendment to the FLUE shall be adopted by a majority of the Mayor and City Council by Ordinance; and

**WHEREAS**, the Mayor and City Council, after a duly noticed initial hearing held on July 10, 2018, reviewed and discussed the proposed Amendment to the FLUE and staff's recommendation, and authorized its 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 FLUE by Ordinance; and

**WHEREAS**, pursuant to Article 3, Division 11, Section 3-1109(B) of the City LDRs, adoption of the proposed Amendment to the FLUE shall require concurrence of a majority of the City Council; and

**WHEREAS**, the Mayor and City Council, after a duly noticed adoption hearing held on Month XX, 2018, found the adoption of the proposed Amendment to the FLUE reflects the developmental vision and aspirations of the City, and further authorized its 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.** An Amendment to Volume 1: Goals, Objectives and Policies of the City of North Miami 2016 Comprehensive Plan, specifically Policy 1.20.6 of the Future Land Use Element clarifying the ground floor retail requirement 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 1.20.6

\* \* \* \* \*

Uses permitted in areas designated Mixed Use are as follows:

1. Residential dwelling units, subject to the limitation for a parcel as shown on the Future Land Use Map, and subject to the density and intensity limitations set forth in Policy 1.2.1. Mixed use low, medium and high may allow an additional density bonus not to exceed 15 du/ac, if developed in accordance with the policies contained under Objective 1.3 and 1.12 as further defined in the City's Land Development Regulations. ~~A minimum of 75 percent of the ground floor gross area of a development in the Mixed Use land use designation shall contain retail uses.~~ Mixed use development within the NRO or are subject to the density and height bonuses in accordance with the policies contained under Objective 1.15 as further defined in the City's Land Development Regulations. Mixed use development within the PCD are subject to the density bonuses in accordance with the policies contained under Objective 1.16 and further defined in the ~~2016~~ 2017 update of the City's Land Development Regulations.

\* \* \* \* \*

**Section 3. Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are repealed.

**Section 4. Conflict.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

**Section 5. 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 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 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 8. 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 \_\_\_\_\_, 2018.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 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: \_\_\_\_\_

Sponsored by: \_\_\_\_\_

**Vote:**

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

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

# Venezuelan opposition activist says she isn't part of any Maduro assassination plot

BY ANTONIO MARIA DELGADO  
adelgado@elnuevoherald.com

Venezuelan opposition activist Maria Corina Machado said Friday she could be arrested at any time after President Nicolas Maduro accused her of participating in an alleged plot to assassinate him.

Military court documents obtained by El Nuevo Herald show that Machado was named as a suspect in the plot, although the documents offer no evidence, and other suspects named in the documents have alleged they were tortured.

Machado — who denied any participation in any conspiracy against Maduro — noted that nearly 300 members of the armed forces were detained or disappeared in recent weeks because of suspicions of plots against the government, but she added that's the risk that all Venezuelans face today.

"Any one of us can be arrested. This is a dictatorship. In Venezuela, there is no rule of law and there is no justice," said Machado.

Machado added that she will not leave Venezuela despite the government efforts to link her to the alleged assassination plot.

"I ask Venezuelans to stay here," she said in a telephone interview after a press conference Friday. "This is our country and we're not going to give it away. The ones who have to leave are Maduro and his mafias. The heart of my message is stay and fight, and that's what I am doing."

The Maduro government announced some weeks back that it had broken up a conspiracy to assassinate Maduro, the leader of the so-called Bolivarian Revolution, and topple his government.

News media in Venezuela have previously reported the arrests of nearly 20 armed forces officers, and that Machado was among the civilians implicated in the case.

The reports have sparked concerns in the United States.

"Maria Corina is with the people of Venezuela in its fight for freedom. Ma-

duro and his minions should think twice before threatening her life," Florida Republican Sen. Marco Rubio wrote on Twitter.

"The U.S. and international community should take note and will enforce tough sanctions if her life is at risk," added Rubio, one of most influential Washington voices on Venezuelan affairs.

Documents from the court case against the military officers, obtained by el Nuevo Herald, say Machado is accused of participating in and financing the alleged "Operation Armageddon."

"Among the political figures, there was information that links [to the plot] citizen Maria Corina Machado, leader of the Vente Venezuela political movement, financier and international liaison," noted one document, which gave no further information.

The Colombian government is also involved in the conspiracy, according to the documents and official comments made by the Maduro government.

The accusations before a military tribunal in Caracas identify more than 30 armed forces members in the alleged conspiracy to assassinate Maduro and sabotage the presidential election that was held in May — and was regarded as fraudulent by much of the international community.

The documents say the allegations are based on "intelligence work," but details are not included in the files.

Most of people named as suspects were arrested illegally, before the court signed their arrest orders.

At least two of the suspects detained told military court judge Claudia Carolina Perez de Mogollon, who is in charge of the case, that they were tortured and forced to sign fabricated confessions.

Machado told el Nuevo Herald that relatives of the armed forces members who were detained have told her the detainees are being tortured.

She said her goal is to see Maduro removed from office.

"I have told Nicolas Maduro that I want him

out of Miraflores [presidential palace], but that I want him alive, so he can face the justice that he has denied to all Venezuelans," she said. "The day when change comes, when he leaves power, I am going to do everything in my power to protect his life and make sure he faces justice."

The armed forces members arrested joined the already high number of soldiers jailed by Maduro.

According to the court documents, the assassination plotters met several times to prepare the operation, gathered communication equipment and tried to recruit other members of the armed forces.

But the documents offer no evidence of what happened during the alleged



FEDERICO PARRA AFP/Getty Images

The Venezuelan opposition's Maria Corina Machado speaks at a press conference in Caracas on Friday. She says she could be arrested at any moment.

meetings or whether the meetings in fact were held. The documents make

few direct mentions of Machado, saying only that she financed the plot.

Follow Antonio Maria Delgado on Twitter: @DelgadoAntonioM

# OAS asks U.S. to reunite migrant families as soon as possible

BY LUIS ALONSO LUGO  
Associated Press

The Organization of American States urged the United States on Friday to follow through on President Donald Trump's decision to stop the separation of migrant families at the southern border.

The 34-nation regional bloc also called for the U.S. to reunite migrant children with their parents as soon as possible.

The OAS resolution was adopted without debate or vote — or objection from the U.S. delegation.

The resolution was much less critical toward the Trump administration than the original draft proposed by Mexico, El Salvador, Guatemala and Honduras, which had urged the U.S. "not to resort under any circumstance to the separation of migrant families."

The resolution was watered down after the leaders of Guatemala, El Salvador and Honduras met

Vice President Mike Pence in Guatemala on Thursday. According to Honduran diplomat Luis Cordero, the three Central American leaders "value positively" Trump's executive action to halt the policy of taking children from their detained parents.

Nonetheless, the resolution urges Washington not to prosecute asylum seekers and calls for human rights investigators to visit the southern border to assess the impact of the migration policy. The resolution describes any migration policy that leads to separation of families as violating human rights, especially of children and adolescents.

Under Trump's policy, the government has begun prosecuting all migrants caught entering the country without authorization. About 2,000 children separated from their parents after crossing the border illegally are still being held, and many families say they don't know how to locate them.

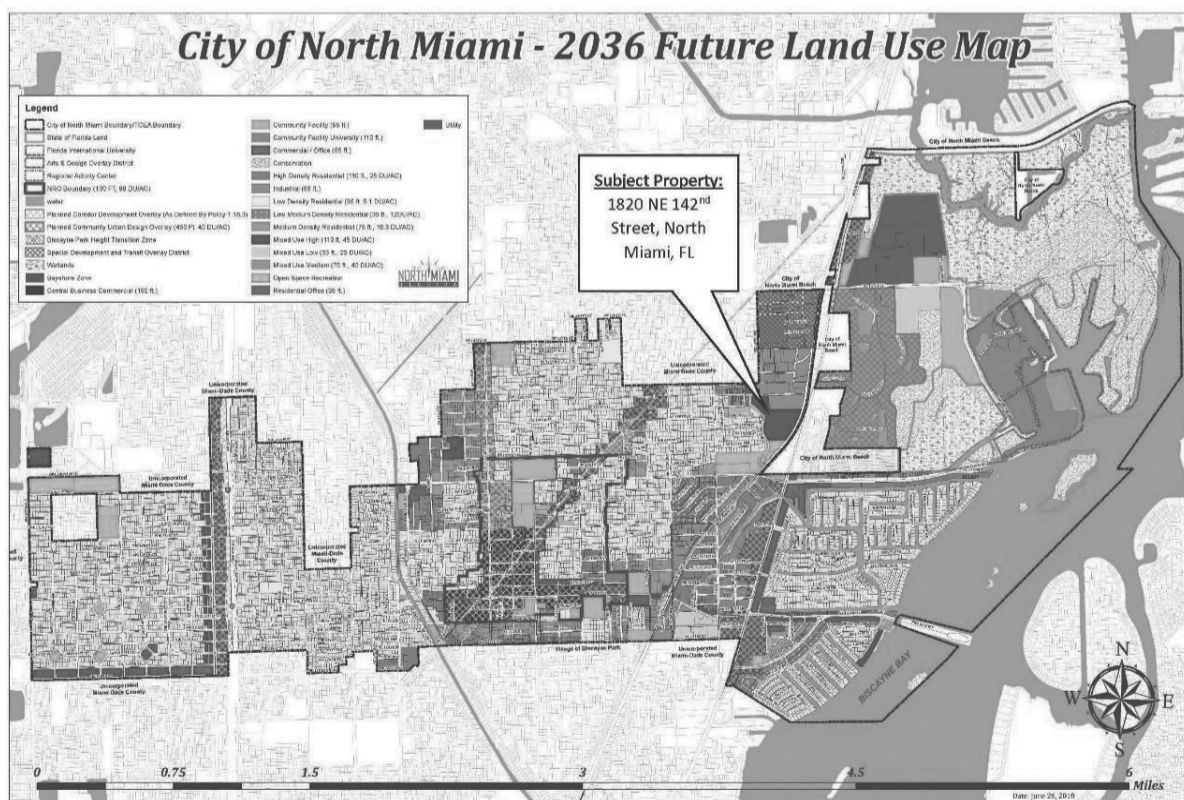


## NOTICE OF PROPOSED ORDINANCES CITY OF NORTH MIAMI, FLORIDA

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

**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 AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT THEREOF, 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; BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.20.6 TO CLARIFY THE GROUND FLOOR RETAIL REQUIREMENT; 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; AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENTS, AS MAY BE AMENDED TO RESPOND TO COMMENTS FROM THE REVIEWING AGENCIES, TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, CODIFICATION AND AN EFFECTIVE DATE.**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE FUTURE LAND USE MAP TO CORRECT A SCRIVENER'S ERROR, SPECIFICALLY CHANGING THE FUTURE LAND USE DESIGNATION FROM MIXED-USE LOW TO MIXED USE HIGH FOR THE APPROXIMATELY 23 ACRE PROPERTY KNOWN AS PORTOFINO APARTMENTS LOCATED AT 1820 NE 142ND STREET, NORTH, MIAMI, FLORIDA, WITH FOLIO IDENTIFICATION NUMBER 062221-023-0010; PROVIDING FOR AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED MAP AMENDMENT TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.**



A Public Hearing on these Ordinances will be held by the City Council for first reading on **Tuesday, July 10, 2018 at 7:00 p.m.** in the Council Chambers of North Miami City Hall, Second Floor, 776 NE 125 Street, North Miami, Florida 33161.

Members of the public are invited to attend the Public Hearings and provide oral or written comments on the matter. A copy of the application and report 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. 125<sup>th</sup> 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 THESE PROCEEDING SHOULD CONTACT THE COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT NO LATER THAN FOUR (4) DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 893-6511, EXT. 19003 FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE 711 OR YOU MAY CONTACT 1-800-955-8771 FOR THE FLORIDA RELAY SERVICE FOR ASSISTANCE.**

RESOLUTION 1634

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF MULTIPLE-FAMILY FACILITIES TO BE KNOWN AS THE CARMEL APARTMENT AND TENNIS CLUB IN ACCORDANCE WITH THE PROVISIONS OF THE RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT ZONE.

WHEREAS, Section No. 29-37.05 of the Code of Ordinances, of the City of North Miami, requires a Conditional Use Permit to facilitate development in a Residential Planned Unit Development District Zone, and

WHEREAS, the Planning and Zoning Board did, pursuant to conduct of public hearing, decide to recommend to the City Council development of the hereinafter described real properties in the manner proposed by the applicant and as indicated on the Provisional Plan submitted in conjunction with the application for a Conditional Use Permit, and

WHEREAS, the City Council, pursuant to the conduct of public hearing, did decide to approve, with modification, the recommendation and findings of the Planning and Zoning Board, and

WHEREAS, the City Council did determine:

- A. The site for the proposed use is adequate in size and shape to accommodate the intended use.
- B. The site for the proposed use relates to streets and highways, adequate in width and pavement to carry the quantity and type of traffic generated by the proposed use.
- C. The proposed use will have no adverse effect on abutting properties or the permitted uses thereof and will not result in significant environmental effects.
- D. The conditions hereinafter set forth insure the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MIAMI:

That pursuant to the provisions of Section 29-37.05, H (Conditional Use Permit), a Conditional Use Permit is hereby granted

to permit the development of the hereinafter described real property as hereinafter set forth.

Section 1. Uses And Structures Permitted

The following uses are hereby permitted along with such other uses as the City Council, by resolution, may deem to be similar or incidental to those uses listed:

Residential

1. Multiple-Family Dwellings which shall not exceed 650 in number (170 units for each building) and shall consist of 90 studio units, 660 one-bedroom units and 100 two-bedroom units as indicated on the Provisional Plan submitted in conjunction with the application for a Conditional Use Permit.

Recreation

1. Game Areas
2. Picnic Areas
3. Putting Green
4. Recreation Buildings
5. Swimming Pools
6. Tennis Courts

Other

1. Coffee Shop
2. Pharmacy
3. Valet Services
4. Vending Machines - dispensing only soft drinks and confectioneries

Such uses to be used solely for the benefit of the permanent residents of the development, and in conjunction therewith, there shall be no physical evidence upon the facilities or premises denoting the existence thereof. Further, no access to such facilities shall be by means of other than from within the structure in which they are located.

Section 2. Dwelling Unit Density

The Dwelling Unit Density as herein permitted shall not exceed 36.6 units per acre, in accordance with said Provisional Plan as revised by the City Council upon the date of approval of this Resolution and on file in the Building and Zoning Department.

Section 3. Buildings

No building and/or structure shall exceed a height of ten (10) stories or one hundred (100) feet in height, whichever is less,



which such buildings shall be restricted to five (5) in number and located in the manner denoted on said revised Provisional Plan submitted in conjunction with the application for a Conditional Use Permit and which shall be designated on the Precise Plan. Buildings reserved for recreational purposes shall not exceed two (2) stories in height, and as to location shall be as indicated on said revised Provisional Plan.

All buildings as heretofore permitted shall not occupy land in excess of that amount indicated on said revised Provisional Plan.

All buildings, as to architecture, shall be as approved by the Board of Architects of the City of North Miami on February 1, 1973.

#### Section 4. General Conditions

The following conditions are deemed necessary to insure the public health, safety, and welfare. Such conditions shall include but not be limited to:

1. The total of the hereinafter described properties shall be recorded on a plat of record as one (1) parcel prior to the issuance of a building permit.
2. A Precise Plan as prescribed in Section 29-37.05, G, 8 (Precise Plan), shall be filed with the Director of Building and Zoning prior to the issuance of any and all building permits.
3. A detailed Landscaping and Irrigation Plan shall be submitted in conjunction with the Precise Plan indicating type and size of trees, shrubs, ground cover, and other horticulture in addition to location, size, and method of irrigation facilities.
4. Pursuant to granting of this Conditional Use Permit, the developer shall within one hundred eighty (180) days secure building permits for all construction, and shall within sixty (60) days thereafter commence construction of one (1) or more of the proposed structures.

The overall project shall be completed within three (3) years from the date of approval of Conditional Use Permit.

Such time limits may be extended by the City Council pursuant to request of the developer, who must show good cause for extension of such time period.

5. Any and all signs shall be in keeping with the provisions of Chapter 3 of the Code of Ordinances of the City of North Miami as may be in effect or under consideration at the time of granting of the building permit.
6. The developer shall dedicate all necessary right-of-way for N. E. 142nd Street as may be required and shall further consent to the vacation of that portion of said 142nd Street situated between Little Arch Creek right-of-way, as same existed on February 6, 1973, and the southerly prolongation of the west line of N. E. 18th Avenue if such vacation is deemed appropriate by the City Council.
7. The applicant shall consent to recordation of vacation of vehicular access rights to N. E. 140th Street from the west right-of-way line of Little Arch Creek easterly therefrom.
8. Any and all drainage from the subject property shall be in accordance with the approval of the City Engineer and the Dade County Pollution Control Department.
9. Fire protection facilities shall be provided as may be required by the Dade County Fire Department.
10. Off-street parking shall be provided as indicated on said revised Provisional Plan and means of vehicular access thereto shall be subject to the approval of the City Engineer.
11. The applicant of the Conditional Use Permit and/or owner of the property or successors thereto, shall maintain unified control over the project and no transfer of interest and/or title shall occur unless otherwise approved by the City Council. Failure to comply with this provision shall automatically cause this Conditional Use Permit to become null and void.
12. Any and all bonds required to insure the installation of any on-site or off-site improvements, as may be required by the City of North Miami to facilitate appropriate public rights-of-way, facilities and services, shall be deposited with said City prior to issuance of a building permit unless otherwise waived by the City Council.

Section 5. Legal Description

The real property subject to the heretofore described conditions is legally described as follows:

That part of R. E. McDonald's Sub., PB 2 of the Public Records of Dade County, Florida, described as follows: All of Lots 16, 17, 20, 29 and 32 lying east of Little Arch Creek R/W and west of F. E. C. Railroad R/W except

that part of Lot 16 and the north 115 feet of Lot 17 which lies east of a line 297.92 feet east of and parallel to the west line Section 21-52-42; excepting therefrom, the southerly three hundred (300) feet thereof.

The real property is bordered on the west by Little Arch Creek, on the east by the Florida East Coast Railroad, and on the north by N. E. 142nd Street, with the exception of those lands occupied by Thunderbird Products Corporation.

Section 6. Voiding Of Conditional Use Permit

The voiding of this Conditional Use Permit shall be subject to the provisions of Section 29-37.05, H, 1, (Conditional Use Permit) of the Code of Ordinances of the City of North Miami.

Section 7. Special Conditions

As a further condition to the granting of this Conditional Use Permit, the applicant shall agree in writing to, prior to the issuance of a building permit, dedicate to the City of North Miami in fee, the southerly three hundred (300) feet of the heretofore described real properties, which said land shall be reserved for park and recreation purposes in conjunction with the development of the Enchanted Forest Park properties. Such dedication to occur prior to the granting of the Certificate of Occupancy for the last structure completed for human habitation.

PASSED AND ADOPTED by the City Council of the City of North Miami this <sup>th</sup> 27 day of March 1973.

  
MAYOR

ATTEST:

  
CITY CLERK



**NORTH MIAMI PLANNING COMMISSION AGENDA**  
**Tuesday, March 6, 2018 7:00 PM**  
**Council Chambers**  
**776 NE 125<sup>th</sup> Street, North Miami, FL 33161**

- I. ASSEMBLY AND ORGANIZATION:**
- A. Call to Order
  - B. Pledge of Allegiance
  - C. Roll Call of Board Members
  - D. Amendments to the Agenda
- II. APPROVAL OF MINUTES:** January 11, 2018
- III. COMMUNICATIONS:** None
- IV. CONTINUED PUBLIC HEARING:** None
- V. PUBLIC HEARINGS:**

**PC 2-18:** 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 AND COASTAL MANAGEMENT ELEMENTS THEREOF, 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; BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.2.1 TO INCLUDE LANGUAGE CLARIFYING AND PROVIDING MORE MEANINGFUL AND PREDICTABLE STANDARDS FOR THE MAXIMUM DENSITY AND INTENSITY OF LAND USE ALLOWED WITH THE FUTURE LAND USE CATEGORIES; BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.18.3.1 TO PROVIDE FOR RESIDENTIAL USE WITHIN THE NW 7<sup>TH</sup> AVENUE PLANNED CORRIDOR DEVELOPMENT OVERLAY AS IS PERMITTED WITHIN OTHER PLANNED CORRIDOR DEVELOPMENT OVERLAYS; BY AMENDING THE FUTURE LAND USE ELEMENT TO: 1) CREATE A NEW SPECIAL DEVELOPMENT AND TRANSIT-DEVELOPMENT OVERLAY WITH RELATED GOALS, OBJECTIVES AND POLICIES IN FURTHERANCE OF THE VISION OF THE REGIONAL ACTIVITY CENTER 2) CHANGE THE FUTURE LAND USE MAP TO REFLECT THE BOUNDARY OF THE NEW OVERLAY AND TO ADJUST THE BOUNDARY LINES OF THE EXISTING FUTURE LAND USE CATEGORIES TO PROVIDE FOR BETTER ACCURACY AND 3) UPDATE VARIOUS TERMS AND REFERENCES AND CORRECT CERTAIN SCRIVENER'S ERRORS, AMBIGUITIES, INTERNAL DISCREPANCIES, WRONG AND/OR OBSOLETE REFERENCES, AND OTHER ERRATA, AS IDENTIFIED BY CITY ADMINISTRATION AND THE STATE LAND PLANNING AGENCY; BY AMENDING THE COASTAL MANAGEMENT ELEMENT TO INCLUDE A REDEVELOPMENT COMPONENT WITH RELATED GOALS, OBJECTIVES AND POLICIES, IN CONFORMITY WITH THE PERIL OF FLOOD REQUIREMENT SET FORTH IN SECTION 163.3178(2)(F)4, FLORIDA STATUTES (2017); PROVIDING FOR AN INITIAL HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENTS AND SUPPORTING DATA AND ANALYSES 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; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

- 1. Staff Report
- 2. Commission Action

**PC 3-18:** 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 2, "DECISION-MAKING AND ADMINISTRATIVE BODIES", ARTICLE 3, "DEVELOPMENT REVIEW", ARTICLE 4 "ZONING DISTRICTS", ARTICLE 5, "DEVELOPMENT STANDARDS", AND ARTICLE 7, "DEFINITIONS" TO PROVIDE FOR THE CORRECTION OF SCRIVENER'S ERRORS AND ANY ERRORS AND OMISSIONS IN THE MOST RECENT UPDATE OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

- 1. Staff Report
- 2. Commission Action

- VI. COMMITTEE REPORTS:** None
- VII. OLD BUSINESS:** None
- VIII. NEW BUSINESS:** None
- IX. ADJOURNMENT**

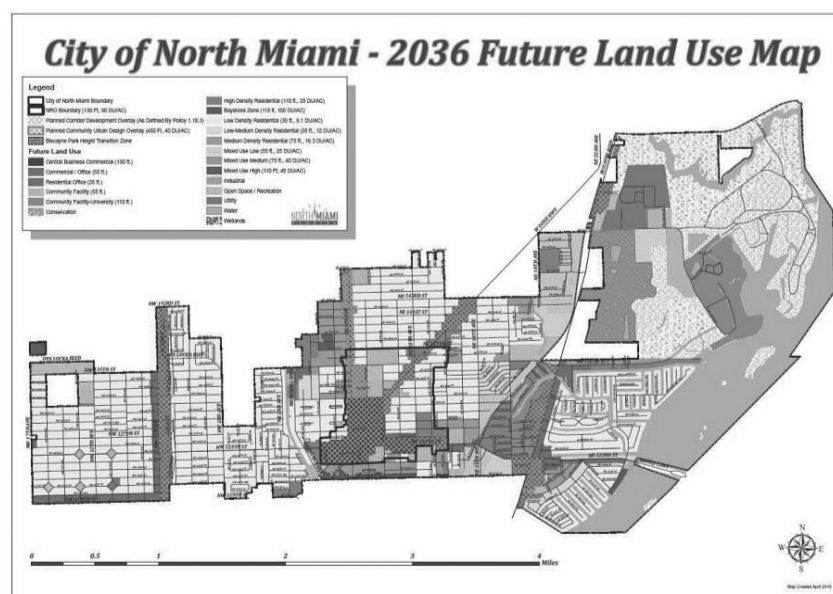
Interested parties may appear at the meeting and be heard with respect to the matter. Any person wishing to appeal the recommendations of the Planning Commission will need a verbatim record of the meetings proceedings, which record includes the testimony and evidence upon which the appeal is to be based (Chapter 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. 19003, for assistance. If hearing impaired, telephone 711 or you may contact 1-800-955-8771 for the Florida Relay Service for assistance.



**NOTICE OF FUTURE LAND USE TEXT AMENDMENT AND OFFICIAL FUTURE LAND USE MAP AMENDMENT**  
**CITY OF NORTH MIAMI, FLORIDA**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of North Miami, Florida will hold a Public Hearing to consider the following ordinance:

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 AND COASTAL MANAGEMENT ELEMENTS THEREOF, 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; BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.2.1 TO INCLUDE LANGUAGE CLARIFYING AND PROVIDING MORE MEANINGFUL AND PREDICTABLE STANDARDS FOR THE MAXIMUM DENSITY AND INTENSITY OF LAND USE ALLOWED WITH THE FUTURE LAND USE CATEGORIES; BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.18.3.1 TO PROVIDE FOR RESIDENTIAL USE WITHIN THE NW 7<sup>TH</sup> AVENUE PLANNED CORRIDOR DEVELOPMENT OVERLAY AS IS PERMITTED WITHIN OTHER PLANNED CORRIDOR DEVELOPMENT OVERLAYS; BY AMENDING THE FUTURE LAND USE ELEMENT TO: 1) CREATE A NEW SPECIAL DEVELOPMENT AND TRANSIT-DEVELOPMENT OVERLAY WITH RELATED GOALS, OBJECTIVES AND POLICIES IN FURTHERANCE OF THE VISION OF THE REGIONAL ACTIVITY CENTER 2) CHANGE THE FUTURE LAND USE MAP TO REFLECT THE BOUNDARY OF THE NEW OVERLAY AND TO ADJUST THE BOUNDARY LINES OF THE EXISTING FUTURE LAND USE CATEGORIES TO PROVIDE FOR BETTER ACCURACY AND 3) UPDATE VARIOUS TERMS AND REFERENCES AND CORRECT CERTAIN SCRIVENER'S ERRORS, AMBIGUITIES, INTERNAL DISCREPANCIES, WRONG AND/OR OBSOLETE REFERENCES, AND OTHER ERRATA, AS IDENTIFIED BY CITY ADMINISTRATION AND THE STATE LAND PLANNING AGENCY; BY AMENDING THE COASTAL MANAGEMENT ELEMENT TO INCLUDE A REDEVELOPMENT COMPONENT WITH RELATED GOALS, OBJECTIVES AND POLICIES, IN CONFORMITY WITH THE PERIL OF FLOOD REQUIREMENT SET FORTH IN SECTION 163.3178(2)(F)4, FLORIDA STATUTES (2017); PROVIDING FOR AN INITIAL HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENTS AND SUPPORTING DATA AND ANALYSES 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; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.



A Public Hearing on this Ordinance will be held by the Planning Commission on **Tuesday, March 6<sup>th</sup>, 2018 at 7:00 p.m.** and a hearing will be held by the City Council on **Tuesday, March 27<sup>th</sup>, 2018 at 7:00 p.m.** (First Hearing) in the Council Chambers of North Miami City Hall, Second Floor, 776 NE 125 Street, North Miami, Florida 33161.

Members of the public are invited to attend the Public Hearings and provide oral or written comments on the matter. A copy of the staff report or application materials will be available for public review Monday to Thursday between the hours of 8:15 am and 5:00 pm at the Community Planning and Development Department's office located at 12400 NE 8 Avenue. Written comments may be faxed prior to the meetings to (305) 895-4074 or mailed to: City of North Miami, Community Planning & Development Department, at 12400 NE 8 Avenue, North Miami, Florida 33161. For questions, please call (305) 893-6511.

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 OFFICE OF THE CITY CLERK NO LATER THAN FOUR (4) DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 893-6511, EXT. 19003, FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE 711 OR YOU MAY CONTACT 1-800-955-8771 FOR THE FLORIDA RELAY SERVICE FOR ASSISTANCE.



**CITY COUNCIL MEETING**  
776 N.E. 125th Street, 2nd Floor, Council Chambers  
North Miami, FL 33161  
**Tuesday, July 10, 2018**  
**7:00P.M.**

**CALL TO ORDER / ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**ORDER OF BUSINESS** (Additions/Deletions/Amendments/Deferrals)

[TAB A] APPROVAL OF MINUTES — June 26, 2018

[TAB B] PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH BLUE COURAGE FOR AN AMOUNT NOT TO EXCEED FIFTY-FIVE THOUSAND DOLLARS (\$55,000.00), FOR THE DEPARTMENT-WIDE TRAINING OF ALL SWORN AND CIVILIAN POLICE DEPARTMENT EMPLOYEES; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

[TAB C] PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE RETIREMENT OF POLICE DOG MAX AND AWARDED POLICE DOG MAX TO DETECTIVE ORESTES TORRES; PROVIDING AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

[TAB D] PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK TO TAKE ALL NECESSARY ACTION AND TO EXECUTE ALL DOCUMENTS AFFECTING THE HEALTH, SAFETY AND WELFARE OF THE CITY DURING THE CITY COUNCIL'S RECESS COMMENCING JULY 11, 2018 THROUGH AUGUST 27, 2018; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

[TAB E] PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH SHI INTERNATIONAL CORP., AT AN AMOUNT NOT TO EXCEED TWENTY-SEVEN THOUSAND EIGHT HUNDRED FOURTEEN DOLLARS (\$27,814.00) FOR THE PURCHASE OF MICROSOFT SQL SERVERS AND LICENSES FOR THE IMPLEMENTATION OF THE CITYWORKS ASSET MANAGEMENT SYSTEM, PIGGYBACKING STATE OF FLORIDA DEPARTMENT OF MANAGEMENT SERVICES INVITATION TO NEGOTIATE NO. 07-43230000-L; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

**PUBLIC HEARINGS – RESOLUTIONS, ORDINANCES, ZONING, LAND USE ITEMS, ETC.**

[TAB F] PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE AWARD OF FISCAL YEAR 2018-2019 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO NOT-FOR-PROFIT COMMUNITY BASED ORGANIZATIONS (CBOS) AS REQUIRED BY 2 CFR 200.458; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

[TAB G] PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING FISCAL YEAR 2018-2019 ACTION PLAN UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP GRANT (HOME) PROGRAMS; AS REQUIRED BY 24 CFR 91.15(a)(1); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

[TAB H] PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE CITY ADMINISTRATION'S COMPETITIVE SELECTION OF METRO EXPRESS, INC., AS THE LOWEST-RESPONSIVE AND RESPONSIBLE BIDDER TO PROVIDE ALL LABOR, EQUIPMENT, MATERIALS, SERVICES AND EXPERTISE REQUIRED TO COMPLETE THE TRESSLER STREET DRAINAGE IMPROVEMENTS PROJECT, IN ACCORDANCE WITH THE TERMS, CONDITIONS, AND SPECIFICATIONS CONTAINED IN INVITATION FOR BID NO. 27-17-18; FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH METRO EXPRESS, INC., FOR THE PROVISION OF SERVICES IN AN AMOUNT NOT TO EXCEED EIGHT HUNDRED THIRTY-TWO THOUSAND FOUR HUNDRED SIXTY-NINE DOLLARS (\$832,469.00); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

[TAB I] PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE CITY ADMINISTRATION'S COMPETITIVE SELECTION OF STONEHENGE CONSTRUCTION, LLC., AS THE LOWEST-RESPONSIVE AND RESPONSIBLE BIDDER TO PROVIDE ALL LABOR, EQUIPMENT, MATERIALS, SERVICES AND EXPERTISE REQUIRED TO COMPLETE THE REHABILITATION OF WASTEWATER PUMP STATION NO. 10, IN ACCORDANCE WITH THE TERMS, CONDITIONS, AND SPECIFICATIONS CONTAINED IN INVITATION FOR BID NO. 37-17-18; FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO FINALIZE AND EXECUTE AN AGREEMENT WITH STONEHENGE CONSTRUCTION, LLC, FOR THE PROVISION OF SERVICES IN AN AMOUNT NOT TO EXCEED EIGHT HUNDRED SEVENTY-FOUR THOUSAND FIVE HUNDRED SEVENTY-NINE DOLLARS (\$874,579.00); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

[TAB J] PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE CITY ADMINISTRATION'S COMPETITIVE SELECTION OF SOUTHEASTERN ENGINEERING CONTRACTORS, INC., AS THE LOWEST-RESPONSIVE AND

**SPECIAL PRESENTATION(S)**  
**CITY EVENTS – ANNOUNCEMENT**  
**CITY PROJECT(S) UPDATE**  
**CONSENT AGENDA**



**Page 2-2**

**CITY COUNCIL MEETING**  
776 N.E. 125th Street, 2nd Floor, Council Chambers  
North Miami, FL 33161  
**Tuesday, July 10, 2018**  
**7:00P.M.**

RESPONSIBLE BIDDER TO PROVIDE ALL LABOR, EQUIPMENT, MATERIALS, SERVICES AND EXPERTISE REQUIRED TO COMPLETE THE REHABILITATION OF WASTEWATER PUMP STATION NO. 12, IN ACCORDANCE WITH THE TERMS, CONDITIONS, AND SPECIFICATIONS CONTAINED IN INVITATION FOR BID NO. 38-17-18; FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO FINALIZE AND EXECUTE AN AGREEMENT WITH SOUTHEASTERN ENGINEERING CONTRACTORS, INC., FOR THE PROVISION OF SERVICES IN AN AMOUNT NOT TO EXCEED NINE HUNDRED SEVENTY-NINE THOUSAND SEVEN HUNDRED SIXTY-SIX DOLLARS (\$979,766.00); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

[TAB K] PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE CITY ADMINISTRATION'S SELECTION OF WASTE PRO OF FLORIDA, INC. TO PROVIDE SANITATION SERVICES; FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT IN AN AMOUNT NOT TO EXCEED THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000.00) ANNUALLY, IN ACCORDANCE WITH THE TERMS, CONDITIONS AND SPECIFICATIONS CONTAINED IN REQUEST FOR PROPOSALS NO. 64-16-17; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

[TAB L] PROPOSED ORDINANCE (**FIRST READING**) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE FUTURE LAND USE MAP TO CORRECT A SCRIVENER'S ERROR, SPECIFICALLY CHANGING THE FUTURE LAND USE DESIGNATION FROM MIXED-USE LOW TO MIXED USE HIGH FOR THE APPROXIMATELY 23 ACRE PROPERTY KNOWN AS PORTOFINO APARTMENTS LOCATED AT 1820 NE 142ND STREET, NORTH, MIAMI, FLORIDA, WITH FOLIO IDENTIFICATION NUMBER 06-2221-023-0010; PROVIDING FOR AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED MAP AMENDMENT TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.

[TAB M] PROPOSED ORDINANCE (**FIRST 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, MORE SPECIFICALLY AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT THEREOF 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; BY AMENDING THE FUTURE LAND USE ELEMENT AT POLICY 1.20.6 TO CLARIFY THE GROUND FLOOR RETAIL REQUIREMENT; 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; AN ADOPTION HEARING AND SUBSEQUENT TRANSMITTAL OF THE PROPOSED AMENDMENTS, AS MAY BE AMENDED TO RESPOND TO COMMENTS FROM THE REVIEWING AGENCIES, TO THE STATE LAND PLANNING AGENCY FOR A DETERMINATION OF COMPLETENESS; REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, CODIFICATION AND AN EFFECTIVE DATE.

[TAB N] DISCUSSION AND APPROVAL OF PROPOSED DATE FOR FIRST BUDGET HEARING ON TUESDAY, SEPTEMBER 4, 2018, AND SECOND BUDGET HEARING ON MONDAY, SEPTEMBER 17, 2018, AND SET A TENTATIVE MILLAGE RATE.

**CITIZENS' FORUM**

**COUNCIL REPORTS**

**CITY CLERK'S REPORT**

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH CODE SECTIONS 2-401, ALL LOBBYISTS SHALL REGISTER WITH THE OFFICE OF THE CITY CLERK WITHIN FIVE (5) BUSINESS DAYS OF BEING RETAINED AS A LOBBYIST OR BEFORE ENGAGING IN ANY LOBBYING ACTIVITIES, WHICHEVER SHALL COME FIRST.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE OFFICE OF THE CITY CLERK NO LATER THAN 4 DAYS PRIOR TO THE PROCEEDING. TELEPHONE NUMBER (305) 893-6511, EXT. 13000, FOR ASSISTANCE; IF HEARING IMPAIRED, TELEPHONE THE 711 OR YOU MAY CONTACT 1-800-955-8771 FOR THE FLORIDA RELAY SERVICE FOR ASSISTANCE.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF NORTH MIAMI WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM MAY CONTACT THE OFFICE OF THE CITY CLERK, (305) 893-6511, EXT. 13000. THE ENTIRE AGENDA PACKET CAN ALSO BE FOUND ON THE CITY'S WEBSITE AT WWW.NORTHMIAMIFL.GOV.

TWO OR MORE MEMBERS OF THE CITY COUNCIL AND OTHER CITY BOARDS MAY BE IN ATTENDANCE AT THIS MEETING. THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY A TELEPHONE CONFERENCE CALL. THE LOCATION, 776 N.E. 125TH STREET, NORTH MIAMI, FL. 33161, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT.

**CITY ATTORNEY'S REPORT**

**CITY MANAGER'S REPORT**

**ADJOURNMENT**



12400 Northeast 8th Avenue, North Miami, Florida 33161

(305) 895-9825

July 23, 2018

**Re: North Miami transmittal of Land Use Plan Text and Map Amendments**

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 which contains proposed amendments to the City's Comprehensive Plan. Said amendments pertain to changes to both the Future Land Use Element and Future Land Use Map.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Tanya Wilson-Sejour", with a long, sweeping underline.

Tanya Wilson-Sejour  
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

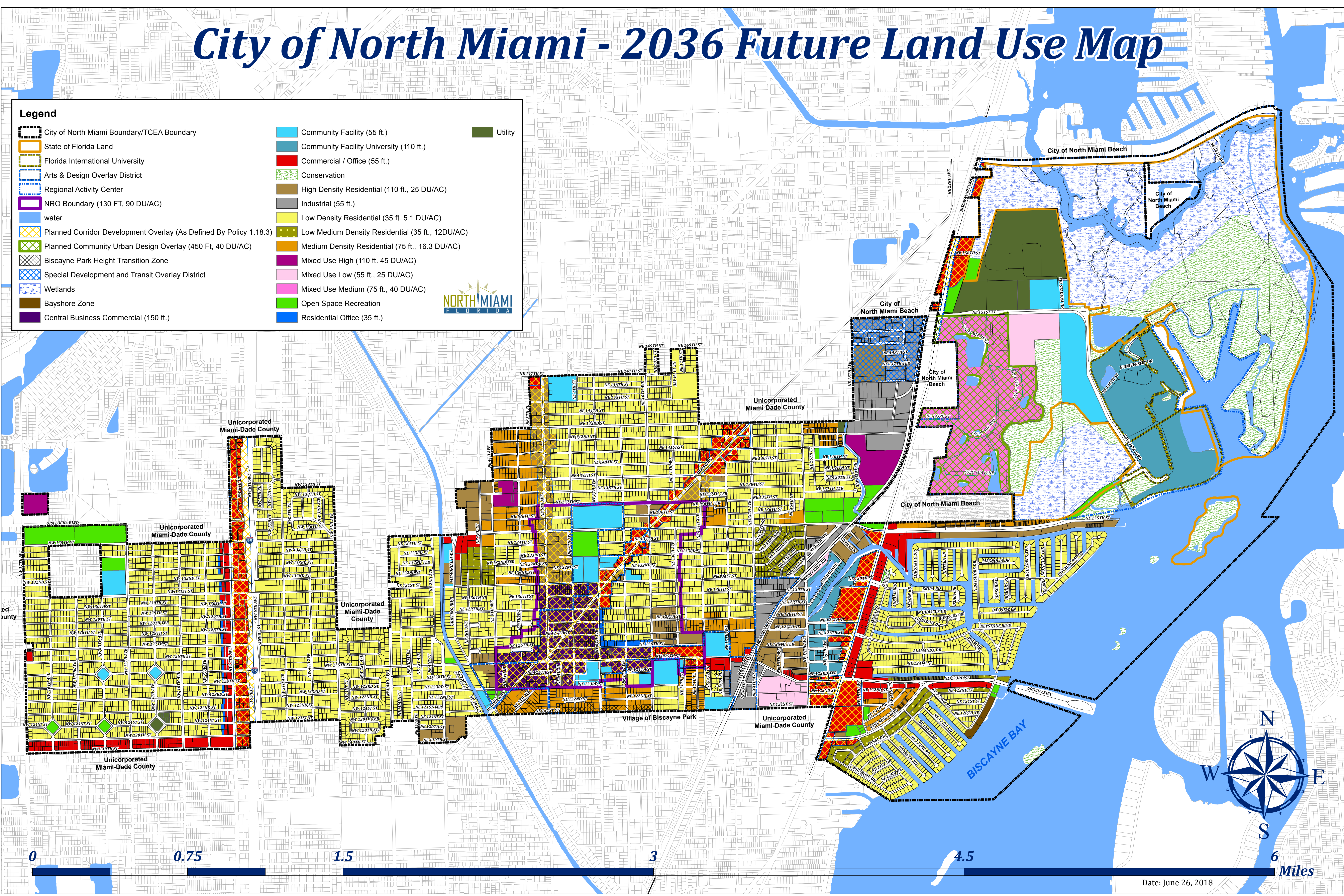
One copy of the amendment package has been provided to the following agencies:

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

# City of North Miami - 2036 Future Land Use Map

**Legend**

	City of North Miami Boundary/TCEA Boundary		Community Facility (55 ft.)		Utility
	State of Florida Land		Community Facility University (110 ft.)		Commercial / Office (55 ft.)
	Florida International University		Conservation		High Density Residential (110 ft., 25 DU/AC)
	Arts & Design Overlay District		Industrial (55 ft.)		Low Density Residential (35 ft., 5.1 DU/AC)
	Regional Activity Center		Low Medium Density Residential (35 ft., 12 DU/AC)		Medium Density Residential (75 ft., 16.3 DU/AC)
	NRO Boundary (130 FT, 90 DU/AC)		Mixed Use High (110 ft., 45 DU/AC)		Mixed Use Low (55 ft., 25 DU/AC)
	water		Mixed Use Medium (75 ft., 40 DU/AC)		Open Space Recreation
	Planned Corridor Development Overlay (As Defined By Policy 1.18.3)		Residential Office (35 ft.)		
	Planned Community Urban Design Overlay (450 Ft, 40 DU/AC)				
	Biscayne Park Height Transition Zone				
	Special Development and Transit Overlay District				
	Wetlands				
	Bayshore Zone				
	Central Business Commercial (150 ft.)				



Date: June 26, 2018