

ATTACHMENT II

ORDINANCE NO. 2026-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT TEXT; AMENDING POLICIES 1.2.7, 1.6.3, 1.8.2, 1.8.5, AND 1.8.6 TO SET MINIMUM STANDARDS OVER ALL DEVELOPMENT WITHIN THE RAPID TRANSIT ZONE (RTZ) BY ADOPTING A LOCAL ORDINANCE WITH ITS OWN POLICIES SATISFYING THE MINIMUM FLOOR-AREA RATIO (FAR) REQUIREMENTS OF THE COUNTY'S RTZ ORDINANCE, AS WELL AS PROCEDURES FOR REVIEW AND APPROVAL OF NEW DEVELOPMENT WITHIN THE RTZ. PROVIDING FOR CERTIFIED COPIES OF THIS ORDINANCE AND COMPREHENSIVE PLAN TO FLORIDA LAND PLANNING AGENCY (FL COMMERCE) AND ALL OTHER UNITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; SEVERABILITY; AND FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach ("City") desires to amend its Comprehensive Plan to establish appropriate maximum residential densities, Floor Area Ratio (FAR) intensities, and maximum building heights based on Miami-Dade County's Rapid Transit Zone (RTZ) and incentivize mixed-use development projects that are the appropriate density, intensity, land-use mix, and urban design for the City; and

WHEREAS, the City has prepared a Comprehensive Plan amendment application establishing a Rapid Transit Zone (RTZ) within ½ mile of the Northeast Corridor (FEC Railway) as identified by Miami-Dade County's Strategic Miami Area Rapid Transit (SMART) Corridors; and

WHEREAS, the City desires to be in compliance with the residential density and Floor Area Ratio (FAR) intensity requirements of the Miami-Dade County RTZ Ordinance within ½ mile of the Northeast Corridor; and

WHEREAS, Chapter 163, Florida Statutes provides for the process by which a City's Comprehensive Plan may be amended; and

WHEREAS, the City's Planning and Zoning Board, as the Local Planning Agency, pursuant to Florida Statutes and Florida Administrative Rules, held a duly noticed public

hearing on May 13, 2024, reviewed the proposed amendments in accordance with the requirements of Chapter 163, Florida Statutes, Part II and determined these amendments are consistent with the Comprehensive Plan and appropriate to the future land uses within the City and recommended approval to the City Commission by a vote of 7 to 0; and

WHEREAS, City Commission has received and considered the recommendation of the Local Planning Agency, and held a public hearing on June 27, 2024 and voted to transmit the proposed amendment to the State Land Planning Agency (Florida Commerce) in accordance with the requirements of Chapter 163, Florida Statutes, Part II; and

WHEREAS, the Florida Commerce provided acknowledgement of receipt of the transmitted proposed comprehensive plan amendment on July 11, 2024; and

WHEREAS, the Florida Commerce provided a letter of Objections, Recommendations, and Comments (ORC) to the transmitted proposed comprehensive plan amendment on August 9, 2024, establishing consistent with Florida Statute a 180 day deadline for adoption; and

WHEREAS, the need to respond to certain state comments and the subsequent adoption by the City Commission of the B-2 Overlay Zoning Amendment, City staff requested and Florida Commerce granted several extensions to the original 180 day adoption deadline with a final deadline of March 26, 2026; and

WHEREAS, City staff has resolved state comments and provided suitable modifications to the proposed RTZ Comprehensive Plan Amendment to align its provisions with the allowances of the B-2 Overlay Zoning Amendment; and

WHEREAS, the City Commission believes it is in the best interest of the public to amend the Comprehensive Plan by adopting the proposed amendments to the Future Land Use Element text.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of North Miami Beach, Florida.

Section 1. Recitals. The foregoing “Whereas” clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this Ordinance; all exhibits attached hereto are made a specific part of this Ordinance.

Section 2. Findings of Fact. Pursuant to Chapter 163, Florida Statutes, the City Commission of the City of North Miami Beach, Florida, hereby amends the Future Land Use Element of its current Comprehensive Plan by adopting the text as attached in ATTACHMENT III – EXHIBIT A, containing provisions necessary for the implementation of the following City Commission priorities:

1. Support the following strategies of the City of North Miami Beach 2025 Economic
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Development Strategic Plan:

- a. Expand Economic Diversification Opportunities in the City
 - b. Enhance North Miami Beach's Identity and Competitiveness through Placemaking
 - c. Focus on Economic Development Enhancement Areas – specifically the Innovation District.
2. Maintain consistency with the Miami-Dade County Rapid Transit Zoning as part of the Northeast Corridor of the SMART transit priority corridor plan.
 3. Enable the modernization of the Code of Ordinances to delete antiquated language, ensure internal document consistency and streamline processes specifically:
 - a. Enabling the previously adopted B-2 Overlay District Zoning Amendment
 - b. Enabling future zoning amendment proposals within other zoning districts with the Northeast Corridor RTZ area.

Section 3. Inclusion. The Community Development Department is authorized to sign and submit the required Adopted Plan Amendment Package to the State Land Planning Agency as provided under Chapter 163, Part II of the Florida Statutes, for publication as part of the State Comprehensive Plan with inclusion of amended text into the Comprehensive Plan of the City of North Miami Beach.

Section 4. Conflicts. If the provisions of this Ordinance conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective

[SIGNATURE PAGE TO FOLLOW]

APPROVED on the first reading this 27th day of June, 2024.

APPROVED AND ADOPTED on second reading this ____ day of _____ 2026.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

MICHAEL JOSEPH
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE USE AND
RELIANCE OF THE CITY OF NORTH
MIAMI BEACH:

GREENSPOON MARDER, LLP

BY: _____
CITY ATTORNEYS

Sponsored by: _____

COMMISSIONERS	YES	NO	ABSTAIN	ABSENT
Mayor Michael Joseph				
Commissioner Jay R. Chernoff				
Commissioner Daniela Jean				
Commissioner Fortuna Smukler				
Commissioner McKenzie Fleurimond				
Commissioner Phyllis Smith				
Commissioner Lynn Su				