

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING THE CITY'S OFFICIAL ZONING MAP, REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF AN AREA CONSISTING OF FOUR ADJACENT LOTS LOCATED AT 11707 AND 11755 BISCAYNE BOULEVARD, AND AT 1700 AND 1750 SANS SOUCI BOULEVARD, FROM C-2BE (COMMERCIAL) TO C-1 (COMMERCIAL) ZONING DESIGNATION, IN ORDER TO PROVIDE CONSISTENCY WITH THE LAND DEVELOPMENT REGULATIONS AND THE COMPREHENSIVE PLAN OF THE CITY OF NORTH MIAMI; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, an application has been filed to rezone an area consisting of four (4) adjacent lots located at 11707 and 11755 Biscayne Boulevard, and at 1700 and 1750 Sans Souci Boulevard, consisting of approximately 121,070 square feet (or 2.78 acres) in size ("Subject Property"), from a C-2BE (Commercial) to C-1 (Commercial) zoning designation; and

WHEREAS, the Subject Property currently contains a vacant structure of approximately 49,143 square feet, formerly owned by Bank of America; and

WHEREAS, the applicant property owner, Byron Properties Holding, LLC, ("Applicant") proposes to rezone the Subject Property in order to revitalize the property and create a new car franchise dealership, which is permitted as a Special Exception Use in the C-1 Zoning District and categorized as "Vehicle Sales and Display" use; and

WHEREAS, the Applicant has agreed to record a Declaration of Restrictive Covenant for the Subject Property to limit its use to Vehicle Sales and Display in perpetuity, pursuant to Article 3, Section 3-1003 B of the City of North Miami ("City") Land Development Regulations ("LDRs"); and

WHEREAS, Policy 9.4.6 of the City's Comprehensive Plan, requires the City to "create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry"; and

WHEREAS, the City believes the proposed application is consistent with the Comprehensive Plan in that the proposed C-1 zoning designation is consistent with the underlying Commercial Land Use and allows for the future redevelopment of a currently derelict and vacant property into a viable business that will generate additional tax revenue and create new jobs within the City; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 4, 2012, and found that the proposed application meets the requirements of Article 3, Section 3-1004 of the LDR's; that it is in harmony with the goals, objectives and policies of the City's Comprehensive Plan; and therefore, recommended approval of the rezoning with additional restrictions to be included in a covenant running with the land, attached hereto as "Exhibit A"; and

WHEREAS, the Mayor and City Council, hereby accept the Planning Commission's recommendation with the additional restrictions and find that the proposed rezoning application is consistent with the intent of the Comprehensive Plan and approve, as being in the best interest of the City, the rezoning of the Subject Property from C-2BE (Commercial) to C-1 (Commercial) zoning designation.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Rezoning of Property and Amendment to Official Zoning Map. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the City of North Miami Code of Ordinances entitled "Land Development Regulations", by amending the City's Official Zoning Map, referenced in Article 1, Section 1-106, to reflect the rezoning of an area consisting of four adjacent lots located at 11707 and 11755 Biscayne Boulevard, and at 1700 and 1750 Sans Souci Boulevard (as legally described in the attached "Exhibit 1" according to the Public Records of Miami-Dade County, Florida), from C-2BE (Commercial) to C-1 (Commercial) zoning designation, in order to provide consistency with the Land Development Regulations and the Comprehensive Plan of the City of North Miami.

Section 2. Conflicts. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

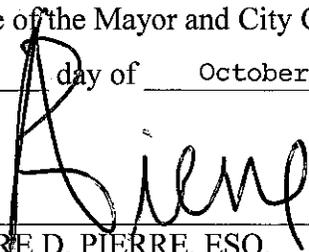
Section 3. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, 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 4. 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 the 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.

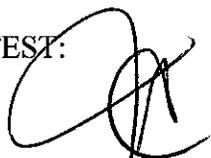
Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 9 day of October, 2012.

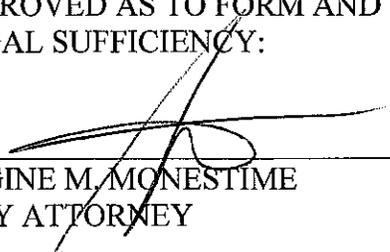
PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 23 day of October, 2012.



ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST: 

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


REGINE M. MONESTIME
CITY ATTORNEY

EXHIBIT A
CONDITIONAL APPROVAL

Recommendations of the Planning Commission from its meeting on September 4th, 2012:

The applicant will provide a declaration of restrictive covenant to the City Attorney's office for review and approval, which includes at a minimum the following additional restrictions:

- Provide lush landscaping onsite to buffer the commercial use from the abutting residential use in the Sans Souci neighborhood.
- Provide adequate lush landscape on the front of the site to enhance the City's gateway along Biscayne Boulevard.
- Test driving is prohibited on San Souci Boulevard and in the adjacent residential neighborhood. Test driving shall only occur on Biscayne Boulevard.
- The site shall only be occupied by a new car franchise dealership