

ORDINANCE NO. 1343

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 ARTICLE 7 ENTITLED "DEFINITIONS", TO REVISE THE DEFINITION OF "RETAIL, SALES, AND SERVICE", IN ORDER TO CLARIFY OUTDOOR DISPLAY AS INCIDENTAL TO THE SALE OF PRIMARILY NEW GOODS AND PRODUCTS, SPECIFICALLY AUTOMOBILES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, on April 28, 2009, the Mayor and City Council of the City of North Miami, adopted the Land Development Regulations ("LDRs") under Chapter 29 of the City's Code of Ordinances; and

WHEREAS, Article 7 of the LDRs entitled "Definitions," includes a definition for the term 'Retail, Sales, and Service' which allows for "a use, the principle use or purpose of which is the sale of primarily new goods, products, materials, or services directly to the consumer"; and

WHEREAS, the applicant, Italian Design Automotive Group, LLC ("Applicant"), provides an approved retail use that currently operates a new car boutique known as Fiat of North Miami, and which is located at 13110 Biscayne Boulevard; and

WHEREAS, the Applicant has filed a request to amend Article 7 of the LDRs in order to clarify what constitutes a display of automobiles that is typically incidental to the sale of primarily new products ; and

WHEREAS, City administration reviewed the proposed request and recommends that Article 7 be amended to clarify the definition of 'Retail, Sales, and Service' to include limits for principally new automobiles to be displayed outdoors, with a not-to-exceed percentage of pre-owned automobiles; and

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

WHEREAS, the proposed ordinance promotes the public health, safety and welfare, and

further the orderly development of the City; and

WHEREAS, the proposed amendment is not in conflict with any goals, objectives or policy of the Comprehensive Plan of the City; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 4, 2012, and recommended approval of the proposed amendment, to the Mayor and City Council; and

WHEREAS, the Mayor and City Council, hereby accept the Planning Commission’s recommendation and find that the proposed amendment to the LDRs is consistent with the intent of the Comprehensive Plan and its adoption is in the best interest of the City.

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

Section 1. 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 Article 7 entitled “Definitions”, to revise the definition of “Retail, Sales, and Service”, in order to clarify outdoor display as incidental to the sale of primarily new goods and products, specifically automobiles, as follows:

CHAPTER 29. LAND DEVELOPMENT REGULATIONS

ARTICLE 7. DEFINITIONS

Retail, Sales, and Service mean a use, the principle use or purpose of which is the sale of primarily new goods, products, materials, or services directly to the consumer from within an enclosed building, including grocery stores, bakeries, hardware stores, antique and collectible stores, dry cleaning drop-off and pick-up station, dry cleaning establishments, pet shops, personal services, indoor recreation, personal instruction, art galleries, and including the sale of alcoholic beverages for off-premises consumption provided that the sale of alcoholic beverages is subordinate to the principal use and the display of alcoholic beverages occupies less than twenty-five (25%) of the floor area of the use, sale of principally new automobiles involving the outdoor display of a maximum of 20 automobiles of which no more than 30% shall be pre-owned, not including street vendors, farmer's markets, consignment shops, automobile services stations, thrift stores, self-service laundries, the on-premise consumption of alcoholic beverages or problematic uses.

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

Section 3. Conflicts. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

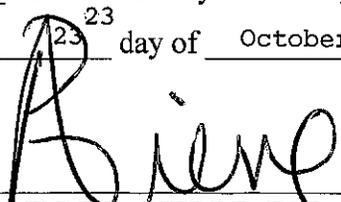
Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, 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 5. 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.

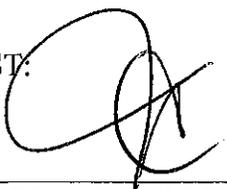
Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 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 23²³ day of October, 2012.

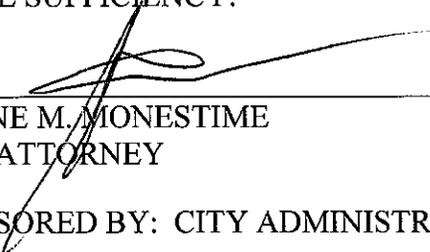


ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST: 

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Councilman Blynn

Seconded by: Mayor Pierre

Vote:

Mayor Andre D. Pierre, Esq.	<u> x </u>	(Yes)	<u> </u>	(No)
Vice Mayor Jean R. Marcellus	<u> x </u>	(Yes)	<u> </u>	(No)
Councilperson Michael R. Blynn, Esq.	<u> x </u>	(Yes)	<u> </u>	(No)
Councilperson Scott Galvin	<u> x </u>	(Yes)	<u> </u>	(No)
Councilperson Marie Erlande Steril	<u> x </u>	(Yes)	<u> </u>	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.