

ORDINANCE NO. 1347

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 4, DIVISION 4, ENTITLED "SPECIAL PURPOSE AND OVERLAY DISTRICTS", AT SECTION 4-402, ENTITLED "PLANNED DEVELOPMENT DISTRICT", SPECIFICALLY AT SUBSECTION B, ENTITLED "DEVELOPMENT STANDARDS", TO INCLUDE 'VEHICLE SALES/DISPLAYS' TO THE LIST OF PERMITTED USES; 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 ("City"), passed and adopted the Land Development Regulations under Chapter 29, City Code of Ordinances ("LDRs"); and

WHEREAS, the applicant, Oleta Partners LLC, is requesting a text amendment to Section 4-402 of the LDRs, to allow vehicle sales/displays as a permitted use in the Planned Development District in order to facilitate the future development of the Biscayne Landing site, which will include new car franchises; and

WHEREAS, Policy 9.4.6 of the City's Comprehensive Plan ("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 City administration believes the proposed amendment to the LDRs ("Amendment"), furthers the vision of the City's Comprehensive Plan and does not adversely affect the public's health, safety and welfare; and

WHEREAS, on December 4, 2012, after a duly noticed public hearing, the Planning Commission recommended approval of the Amendment to the Mayor and City Council; and

WHEREAS, the Mayor and City Council, hereby accept the Planning Commission's recommendation of approval and find that the Amendment is consistent with the intent of the Comprehensive Plan and that it presents no direct conflict with any of the goals, objectives or policies contained in the Comprehensive Plan.

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 4, Division 4, entitled “Special Purpose and Overlay Districts”, at Section 4-402, entitled “Planned Development District”, specifically at Subsection B, entitled “Development Standards”, to include ‘Vehicle Sales/Displays’ to the list of permitted uses, as follows:

CHAPTER 29. LAND DEVELOPMENT REGULATIONS

ARTICLE 4. ZONING DISTRICTS

DIVISION 4. SPECIAL PURPOSE AND OVERLAY DISTRICTS

Section 4-402.Planned Development District

- A. Purpose and applicability. The purpose of the planned development district (PDD) is to provide a means of:
 - 1. Promoting greater innovation and creativity in the development of land;
 - 2. Ensuring that the location of mixed use development outside of the NRO is appropriate and compatible with adjacent land uses in accordance with the goals, policies and objectives of the comprehensive plan; and
 - 3. To promote a more desirable community environment through approval as a rezoning and the issuance of a conditional use permit.
 - 4. A planned development district shall not be approved in a R-1 or R-2 district.

- B. Development standards. The city council may approve a planned development subject to compliance with the development criteria and minimum development standards set out in this section.

1. Uses permitted:
 - Active and passive parks and open space;
 - Adult living facilities (ALF);
 - Community facilities;
 - Educational facilities;
 - Hospitals and related medical facilities;
 - Hotels;
 - Recreation/entertainment indoor;
 - Nightclubs;
 - Office;
 - Public uses;
 - Recording and TV/radio;
 - Residential;
 - Restaurants;
 - Research and technology;
 - Retail sales and service;
 - Vehicle Sales/Displays (only within a PD greater than 30 acres in size)
 - Mixed use—Any combination of two (2) or more permitted uses.

2. Minimum development standards. Any parcel of land for which a planned development is proposed must conform to the following minimum standards:
 - a. Minimum site area. The minimum site area required for a planned development shall be not less than two (2) acres.
 - b. Configuration of land. The parcel of land for which the application is made for a planned development shall be a contiguous unified parcel with sufficient width and depth to accommodate the proposed use. The minimum average width and or depth for any planned development shall be one hundred (100) feet.
 - c. Density. The density requirements shall be in accordance with the provisions of the applicable land use classifications in the comprehensive plan as follows:
 - Maximum density (without bonuses under the provisions below):
 - Mixed use low: 25 du/acre;
 - Mixed use medium: 40 du/acre;
 - Mixed use high: 45 du/acre;

Hotels: for parcels less than fifty (50) acres, not exceeding double the number of permitted dwelling units with at least ten (10) percent of the floor area to be office, retail or residential.

Other uses: density consistent with comprehensive plan land use category.

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

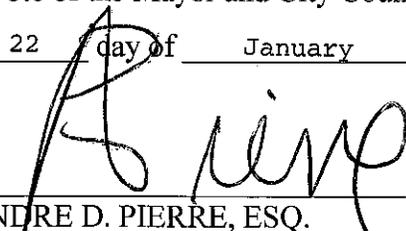
Section 3. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, 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 shall 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 intentions and the word "ordinance" may be changed to "section", "article" or any other appropriate word as may be required.

Section 5. 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 8 day of January, 2013.

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 22 day of January, 2013.



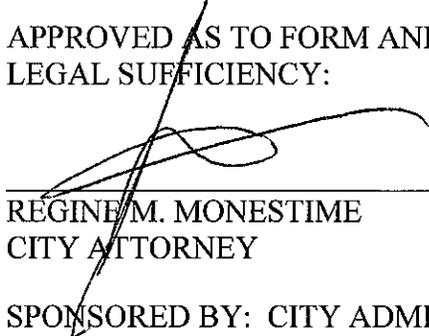
ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST.



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



REGINIE 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 Marie Erlande Steril	<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 Jean R. Marcellus	<u> x </u>	(Yes)	<u> </u>	(No)

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