

ORDINANCE NO. 1359

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 3 ENTITLED "NON-RESIDENTIAL DISTRICTS", SPECIFICALLY AT SECTION 4-302 ENTITLED "USES PERMITTED", TO ESTABLISH 'RECREATION/ENTERTAINMENT, OUTDOOR' AS A SPECIAL EXCEPTION USE IN THE M-1 ZONING DISTRICT, TO FOSTER ECONOMIC GROWTH CONSISTENT WITH THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; 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, Mr. Michael Dezer, the applicant and owner of a property situated within the M-1 Industrial Zoning District, specifically at 1890 Northeast 146th Street, North Miami, is desirous of amending Chapter 29, Section 4-302 entitled "Uses Permitted", to establish '*Recreation/Entertainment, Outdoor*' as a Special Exception Use in the M-1 Zoning District ("Amendment"), in order to provide a recreational use to the public that is not within an enclosed building, and further encourage business expansion in the City's Industrial Zoning District; 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 finds that the proposed Amendment furthers the vision of the City's Comprehensive Plan and does not adversely affect the public's health, safety and welfare; and

WHEREAS, the proposed Amendment furthers the orderly development of the City, encourages future economic growth, and does not directly conflict with any goal, objective or policy of the Comprehensive Plan; and

WHEREAS, on September 3, 2013, after a duly noticed public hearing, the Planning Commission reviewed the proposed Amendment and recommended approval to the Mayor and City Council, in accordance with Section 3-1006, LDRs; and

WHEREAS, the Mayor and City Council, after duly noticed public hearings, accept the Planning Commission's recommendation and find that the proposed Amendment to establish 'Recreation/Entertainment, Outdoor' as a special exception use in the M-1 Zoning District, is consistent with the Comprehensive Plan and 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. Amendment to Land Development Regulation. The Mayor and 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 3 entitled "Non-Residential Districts", specifically at Section 4-302 entitled "Uses Permitted", to establish 'Recreation/Entertainment, Outdoor' as a Special Exception Use in the M-1 Zoning District, to foster economic growth consistent with the City of North Miami Comprehensive Plan, as follows:

CHAPTER 29. LAND DEVELOPMENT REGULATIONS

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ARTICLE 4. ZONING DISTRICTS

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DIVISION 3. NON-RESIDENTIAL DISTRICTS

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Sec. 4-302. Uses Permitted

The following chart establishes the uses permitted in the non-residential zoning district in the City. No use is permitted which is not listed as permitted on this chart. "P" indicates whether the use is permitted, subject to review and approval in accordance with Article 3 of this Code. "P*" indicates that the use is permitted with administrative site plan review. "SE" indicates that the use is permitted but only through special exception review. No use is permitted unless it complies with the provision of the zoning district in which it is located and the applicable development standard in Article 5 of this Code.

NON-RESIDENTIAL DISTRICTS					
PERMITTED USES	C1	C2BE	C2BW	C3	M1
ACCESSORY USES AND STRUCTURES	P	P	P	P	P
ADULT BUSINESSES					SE
ADULT DAYCARE (STAND ALONE BUILDING)	P*	P*	P*	P*	
ANIMAL BOARDING	P*	P*	P*		P*
ANIMAL GROOMING ESTABLISHMENT	P	P	P	P	
APPLIANCE, FURNITURE, ELECTRONIC RENTALS AND REPAIR	P				P
AUTO SERVICE STATION	SE				SE
BANQUET	P*			P*	
BAR, LOUNGE OR TAVERN**	P	P	P	P	SE
BOAT REPAIR					P*
CATERING KITCHEN	P				P
CHECK CASHING STORE					P
CHILD CARE CENTERS	SE			SE	
COMMUNITY FACILITIES	SE	SE	SE		
CONSIGNMENT SHOPS	P*	P*	P*	P*	
CONVENTION CENTER	SE		SE	SE	
DAY SPA	P	P	P	P	
DRIVE THROUGH	SE	SE	SE	SE	
DRY CLEANING PLANT					P
EDUCATIONAL FACILITIES	SE*		SE*	SE*	
FUNERAL HOMES SE	SE				
GOVERNMENT USES	P	P	P	P	P
GUN SHOPS					SE
HOSPITALS	SE	SE	SE	SE	
HOTEL	P*	P*	P*	P*	
INDUSTRIAL					P
INSTITUTIONAL USES	P*	P*	P*	P*	
LIGHT INDUSTRIAL	SE				P
LIQUOR PACKAGE STORES***	SE	SE	SE		
MANUFACTURING					P
MARINAS		P*			
MECHANICAL CAR WASHING	SE				P
MEDICAL	P	P	P	P	
MUSEUMS				P*	P*
NIGHTCLUBS	SE	SE	SE	SE	SE
NURSING AND CONVALESCENT HOMES	P*		P*		
OFFICE	P	P	P	P	

NON-RESIDENTIAL DISTRICTS					
PERMITTED USES	C1	C2BE	C2BW	C3	M1
OUTDOOR STORAGE (AS MAIN USE)					SE
PUBLIC FACILITIES	P	P	P	P	P
PUBLIC PARK	P	P	P	P	P
RECORDING AND TV/RADIO	P	P	P	P	P
RECREATION, INDOOR	P*	P*	P*	P*	P*
RECREATION, OUTDOOR					SE
RELIGIOUS INSTITUTIONS	SE				
RESEARCH & TECHNOLOGY USES	P				P
RESTAURANTS	P	P	P	P	P*
RETAIL, SALES, SERVICES	P	P	P	P	P
SCHOOLS	SE	SE	SE	SE	
SCHOOLS, SPECIAL & TECHNICAL	SE	SE		SE	
SELF-SERVICE LAUNDRIES	SE				
SELF STORAGE					P
STUDIOS (FINE ARTS)					P*
TEMPORARY USES	P	P	P	P	P
TOW TRUCK YARD					P*
VEHICLE SALES/DISPLAYS	SE				SE
VEHICLE SALES/DISPLAYS, MAJOR					SE
VEHICLE RENTAL	P*				P*
VEHICLE SERVICE, MAJOR					P*
VEHICLE SERVICE, MINOR	P*				P*
VETERINARY CLINICS	P*	P*	P*		P*
P = PERMITTED USE					
P* = ADMINISTRATIVE SITE PLAN REQUIRED					
SE = SPECIAL EXCEPTION					

* If a college/university dormitory was included in a master plan approved by the City prior to the adoption of these LDRs, administrative site plan shall be required.

** Subject to chapter 3 of the city's Code.

*** Prohibited in the arts, culture and design overlay district (AOD) subject to section 4-403E and chapter 3 of the city's Code.

**** Retail and personal service uses larger than one (1) acre in size are prohibited in the industrial district, in an effort to minimize a depletion of the industrial land supply. Retail sales and service uses one (1) acre and less in size should front on major east west corridors including NE 146 Street and NE 151 Street.

***** Prohibited in C-1 zoned areas that abuts a single family residential district and on major C-1 commercial corridors such as Dixie Highway, NW 7th Avenue and NW 119th Street.

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

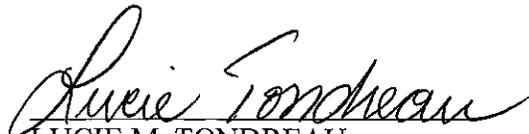
Section 3. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, 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 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 24 day of September, 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 8 day of October, 2013.

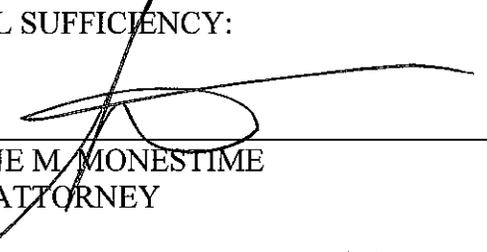

LUCIE M. TONDREAU
MAYOR

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: Vice Mayor Galvin

Seconded by: Councilwoman Keys

Vote:

Mayor Lucie M. Tondreau	<u> x </u>	(Yes)	<u> </u>	(No)
Vice Mayor Scott Galvin	<u> x </u>	(Yes)	<u> </u>	(No)
Councilperson Carol Keys, Esq.	<u> x </u>	(Yes)	<u> </u>	(No)
Councilperson Philippe Bien-Aime	<u> x </u>	(Yes)	<u> </u>	(No)
Councilperson Marie Erlande Steril	<u> x </u>	(Yes)	<u> </u>	(No)