NORTH MIAMI
FLORIDA
776 N.E. 125 Street, North Miami, Florida 33161

Council Report

To: The Honorable Mayor and City Council

From: Maxine Calloway, Community Planning & Development Director

Date: January 8, 2013

Subject: **Amendment to Land Development Regulations, Article 4, Section 4-402**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE 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", AT SUBSECTION 1, "USES PERMITTED", TO ADD VEHICLE SALES/DISPLAY TO THE LIST OF PERMITTED USES; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

RECOMMENDATION

That the City Council approves the proposed ordinance to amend Article 4, Section 4-402 of the City's Land Development Regulations (LDR) to add *Vehicle Sales/Display* to the list of permitted uses.

PLANNING COMMISSION RECOMMENDATION

At its meeting on December 4th, 2012 the Planning Commission reviewed the proposed ordinance and engaged in a lengthy discussion about the need for lush landscaping to screen any vehicle sales and service use from the Biscayne Boulevard corridor. The majority of the Board was optimistic that the proposed text amendment would help to advance the redevelopment of the vacant Biscayne Landing site and possibly spur redevelopment in other areas of the City. As such, the Commission rendered a vote of 3-1 recommending approval of the proposed ordinance. The one (1) dissenting vote was cast by Commissioner Prevatel.

PURPOSE & INTENT

The applicant, Oleta Partners LLC, is requesting a text amendment to Article 4, Section 4-402 entitled "Planned Development" (PD) in order to add vehicle sales/display as a permitted use in

the Planned Development (PD) District. The applicant believes the proposed request is necessary to facilitate the future development of the 184 acres Biscayne Landing site which will include a mix of both residential and non residential uses, one of which is a proposed 90,000 square feet new luxury car franchise which is expected to create 400 new jobs. If approved the City would include stipulation that restricts *Vehicle Sales And Service* only on PD zoned parcels that are greater than 30 acres in size, which would only pertain to the Biscayne landing site.

BACKGROUND INFORMATION

Article 7 of the City's LDR defines *Vehicle sales/displays* as "a business or commercial activity involving the display and/or sale of principally new automobiles, small trucks and vans and other small vehicular or transport mechanisms and including vehicle service. The sale of previously owned vehicles shall only be permitted as subordinate to the principal use." The use is currently allowed by special exception in the C-1 (Commercial) and M-1 (industrial) districts.

Section 4-402.B of the LDR currently permits any combination of two (2) or more of the following uses on PD zoned lots:

Adult Public uses;
Adult living facilities (ALF);
Community facilities;
Educational facilities;
Hospitals and related medical facilities;
Hotels;
Hotels
Recreation/entertainment indoor
Nightclubs;
Office
Public uses
Recording and TV/radio;
Residential;
Restaurants;
Research and technology;
Retail sales and service;

The PD District is identified as a Special Purpose District in the City's Land Development Regulation. Unlike many of the City's other more stringent *Euclidean* style zoning districts, namely the R-1, R-2, M-1 and the Commercial Districts, Special Purpose Districts (like the PD District) are designed to provide the greatest flexibility in development standards. The Planned Development District is an effective redevelopment tool in built out Cities like North Miami with limited supply of vacant land, as it allows investors to more easily maximize the development potential of a given property. There are currently 5 PD zoned properties in North Miami, 4 of which are completely built out. The Biscayne Landing property is the only remaining PD zoned site that is still not yet completely developed.

Section 3-1004 of the City's Land Development Regulations requires that all text amendments to the LDR must meet the following minimum criteria:

1. Promotes the public health, safety and welfare;

The proposed text amendment further expands the types of uses allowed in the PD District and aids in the future redevelopment of the Biscayne landing site, which provides a significant fiscal benefit to the City 's tax base and is anticipated to generate many new jobs within North Miami, factors which enhance the overall quality of life in the City.

2. Does not permit uses the Comprehensive Land Use Plan prohibits in the area affected by the zoning map change or text amendment

The uses associated with the proposed text amendment are consistent with the permitted uses allowed in the underlying Mixed Use Medium Land Use designation as identified in the City's Comprehensive Plan.

3. **Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property;**

The amendment will not permit uses, density and intensity that are in conflict with the underlying land use designations of a given property.

4. **Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less than the minimum requirements of the Comprehensive Land Use Plan;**

Per Policy 11.27 of the City's Comprehensive Plan all decisions regarding land use planning and the issuance of development orders and permits shall consider the availability of public facilities and services necessary to support such development at the adopted LOS standards concurrent with the associated impacts. As such all future uses associated with the proposed text amendment shall comply with all concurrency requirements. If it is determined that any proposed development may potentially cause adverse impacts on the City's current or future infrastructure, the applicant will be required to mitigate the impacts that exceed the established level of service for the given public facility.

5. Does not directly conflict with any goal, objective or policy of the Comprehensive Land Use Plan; and

The proposed text amendment is consistent with the goals, policies and objectives of the City's Comprehensive Plan. Specifically, Policy 9.4.6 which requires that the City create land use and zoning regulations that encourage the retention, attraction and expansion of businesses. Furthermore Goal 9 also requires that the City create an environment that will enhance the economic prosperity of local businesses and attract new business while improving the quality of life for all of its citizens.

6. The proposed amendment furthers the orderly development of the City of North Miami.

Staff believes the proposed amendment furthers the orderly development of the City, clarifies the types of uses allowed/encouraged in the PD District and also helps to create more flexible development standards in the PD District.

CONCLUSION

With the limited supply of vacant developable land remaining in the City and a aging housing stock, it's crucial for North Miami to develop flexible zoning standards that accommodate a broad spectrum of uses which cater to current market demands. Staff is of the opinion that the proposed text amendment to the PD District will create greater flexibility, and serve as a catalyst to spur redevelopment in more stagnant areas of the City. As proposed, the text amendment is in keeping with the goals, policies and objectives of the City's Comprehensive Plan and further enhances the vision of the Comprehensive Plan. Therefore staff requests that the City Adopts the proposed ordinance.

ORDINANCE NO. _____

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

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ARTICLE 4. ZONING DISTRICTS

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DIVISION 4. SPECIAL PURPOSE AND OVERLAY DISTRICTS

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Section 4-402. Planned Development District

A. Purpose and applicability. The purpose of the planned development district (PD~~D~~) 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.

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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 _____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of _____, 2013.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2013.

_____
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: _____

Seconded by: _____

Vote:

Mayor Andre D. Pierre, Esq.	_____ (Yes)	_____ (No)
Vice Mayor Marie Erlande Steril	_____ (Yes)	_____ (No)
Councilperson Michael R. Blynn, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Jean R. Marcellus	_____ (Yes)	_____ (No)

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