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: May 8, 2012

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 3 ENTITLED "NON-RESIDENTIAL DISTRICTS", SPECIFICALLY AT SECTION 4-302 ENTITLED "USES PERMITTED", TO ESTABLISH SELF STORAGE AS A PERMITTED USE ALONG NON-MAJOR CORRIDORS IN THE C-1 ZONING DISTRICT, TO ENCOURAGE ECONOMIC GROWTH CONSISTENT WITH THE INTENT OF THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

RECOMMENDATION

That the City Council vote on the proposed ordinance to amend Article 4 Section 4-302 of the City's Land Development Regulation (LDR) to permit self storage facilities along non-major corridors in the C-1 District.

PLANNING COMMISSION RECOMMENDATION

At its meeting on May 1, 2012 the Planning Commission reviewed and discussed the proposed ordinance and agreed that the text amendment would be beneficial to the City and adds greater flexibility for property owners located in the C-1 (Commercial) district. If approved the text amendment would become a catalyst to spur redevelopment in some of the City's more stagnant commercial areas and reestablish a use that was once permitted in the City's former B-1 (Commercial) district prior to the update of the City's LDR in 2009. As such, the Commission rendered a unanimous vote of 6-0 recommending approval of the proposed ordinance.

PURPOSE & INTENT

Property owners (Gerard & Nel Opstal) own 5 contiguous lots located at: 640, 650, 660, 675, and 685 NW 133rd Street, totaling 47,478 square feet (or 1.09 acres in total). The applicants are requesting a text amendment to Article 4, Section 4-302 entitled "Uses Permitted," to allow *Self Storage* along non major corridors in the C-1 (Commercial) District, where it is currently not

permitted. The LDR defines *Self Storage* as "a building or group of buildings consisting of individual, self-contained units leased to individuals or organizations or businesses for self service storage of personal property." The current request is consistent with the intent of the City's Comprehensive Plan to promote economic growth in certain sectors. Specifically, 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" Additionally, Goal 9 (Economic Element) requires that the City "strive to create an economic 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."

BACKGROUND INFORMATION

Profile of the C-1 (Commercial) District

The C-1 (Commercial) district is the City's least intense commercial District and as defined in Section 4-301 of the LDR, it's designed to "provide convenient access to goods and services without adversely impacting the integrity of residential neighborhoods." The maximum height permitted in the C-1 district is 55 feet (approximate height of a 5 story building) with a minimum lot size of 10,000 square feet. Uses allowed in the C-1 district include, but are not limited to: Adult/Child Day Care, Banquet Facilities, Office, Restaurants, Bar Lounge, Vehicle Sales, Hospitals, Car Wash, Self Service Laundry to name a few. Based on the zoning map designations, most of the City's C-1 zoned properties are located along or close to NW 119 Street, NW 7th Avenue and Dixie Highway.

Current Zoning Regulations

The City's current Land Development Regulations (LDR) only allows *Self Storage as a permitted use* in the M-1 (industrial) zoning districts. Nevertheless it should be noted that Self Storage was once permitted in the City's former B-1 (Business Commercial) District, along NW 7th Avenue, as part of the most recently repealed LDRs. However since the update of the City's LDR in April 2009, the B-1 zoning district has since been eliminated and the use is no longer permitted in any of the City's Commercial Districts. **If approved, the proposed ordinance would afford property owners the opportunity to create Self Storage facilities in the C-1 zoning district, with the exception of those that have lots fronting on major corridors such as NW 119 Street, NW 7th Avenue and Dixie Highway.**

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

1. **Promotes the public health, safety and welfare;**

The proposed text amendment to include Self Storage uses in the C-1 District is in keeping with the spirit and intent of the City's Comprehensive Plan which encourages "the creation of land use designations and zoning regulations that encourage the retention, attraction and expansion of business

and industry". Staff believes that the proposed amendment would help to spur new development within the C-1 District, create new employment, and enhance the overall quality of life within the City. If approved the proposed amendment would further strengthen the City's public health, safety and welfare.

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

The proposed use is consistent with the permitted uses allowed in the underlying Commercial Land Use 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;

Policy 1.1. of the City's Comprehensive Plan (Future Land Use Element) establishes maximum densities and intensities in each land use category which restricts proposed developments throughout the City to certain minimum development standards. Also Section 4-303 of the LDR provides maximum density and intensity standards for proposed developments in each zoning district. E.g. uses in the C-1 district have maximum lot coverage of 80% with a maximum height of 55 ft. As such, all future uses associated with the proposed text amendment must comply with the maximum densities and intensities permitted in the City's Comprehensive Plan and Section 4-303 of the LDR.

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;

Any future permitted uses associated with the proposed text amendment will be subject to concurrency requirements. If it is determined that any proposed development may potentially cause adverse impacts on the City's current or future infrastructure, the developer would be required to mitigate these impacts that exceed the established level of service for a 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 the Economic Element 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.

Although the 5 adjacent lots currently contain single family residential units, the underlying land use designation is Commercial and the zoning is C-1. As such, the current residential use is non conforming and inconsistent with the City's Comprehensive Plan which designates that area for Commercial use. The owners, who are both elderly, have raised concerns about numerous incidents of crime and illicit activities as well as difficulties with squatters occupying their rental units. The applicants' desire is to redevelop the site in order to construct a commercial self storage facility on site. The proposed amendment would allow them to eradicate the slum and blight in the area and make certain improvements which they are prohibited from doing under the current regulations.

Additionally the proposed language in the attached ordinance prohibits Self Storage *on C-1 lots that abut a single family residentially zoned district and on major C-1 zoned commercial corridors such as Dixie Highway, NW 7th Avenue and NW 119th Street. Staff believes this amendment provides greater flexibility within the City's C-1 Commercial district and makes these areas more attractive for redevelopment.*

CONCLUSION

With the Commercial Districts occupying over 4% of the City's total land area it's critical for North Miami to develop flexible zoning standards that encompass a broad spectrum of commercial uses that cater to current market demands. Staff is of the opinion that the proposed text amendment will create greater flexibility, and serve as a catalyst in the Commercial district to spur redevelopment in more stagnant areas. Furthermore, in order to preserve the City's major corridors for less intense commercial businesses, **staff is recommending that the City restrict the self storage facilities within the C-1 district from fronting on major corridors and instead permits such facilities solely along non major corridors.** To that end, staff believes the proposed amendment is in keeping with the goals, policies and objectives of the City's Comprehensive Plan and would promote economic growth within the City. Staff requests that the City Council recommends adoption of the proposed ordinance.

TWS/mc

Attachments

1. Ordinance
2. Letter of intent
3. Zoning Map

ORDINANCE NO. _____

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 3 ENTITLED "NON-RESIDENTIAL DISTRICTS", SPECIFICALLY AT SECTION 4-302 ENTITLED "USES PERMITTED", TO ESTABLISH SELF STORAGE AS A PERMITTED USE ALONG NON-MAJOR CORRIDORS IN THE C-1 ZONING DISTRICT, TO ENCOURAGE ECONOMIC GROWTH CONSISTENT WITH THE INTENT OF THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

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

WHEREAS, the City is desirous of amending Article 4, Division 3 of Chapter 29, entitled "Non-Residential Districts" specifically at Section 4-302 entitled "Uses Permitted", to establish self storage as a permitted use along non major corridors in the C-1 zoning district, to attract new businesses and create a catalyst for redevelopment within the Commercial District; 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 amendment is consistent with the City's Comprehensive Plan in that it promotes attraction and retention of businesses and does not adversely impact the public health, safety and welfare of the City, as such use will not be permitted along major C-1 corridors such as Dixie Highway, NW 7th Avenue and NW 119th Street; and

WHEREAS, the proposed amendment furthers the orderly development of the City and does not directly conflict with any goals, objectives or policies of the Comprehensive Plan and encourages future economic growth; and

WHEREAS, on May 1, 2012, the City Planning Commission held a duly noticed public hearing and recommended approval of the proposed amendment to the City Council; and

WHEREAS, the Mayor and City Council find that the proposed amendment to Chapter 29 is in the best interest of the City, and its adoption furthers the goals, objectives and policies of the Comprehensive Plan of the City of North Miami.

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 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 Self Storage as a permitted use along non-major corridors in the C-1 Zoning District, to encourage economic growth consistent with the intent of the Comprehensive Plan, as follows:

CHAPTER 29. LAND DEVELOPMENT REGULATIONS

* * * * * *

ARTICLE 4. ZONING DISTRICTS

* * * * * *

DIVISION 3. NON-RESIDENTIAL DISTRICTS

* * * * * *

Section 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 DAY CARE (STAND ALONE BUILDING)	P*	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	
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		
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	
OUTDOOR STORAGE (AS MAIN USE)					SE
PUBLIC FACILITIES	P	P	P	P	P

PERMITTED USES	C1	C2BE	C2BW	C3	M1
PUBLIC PARK	P	P	P	P	P
RECORDING AND TV/RADIO	P	P	P	P	P
RECREATION, INDOOR	P*	P*	P*	P*	P*
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*****				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 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 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. **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are hereby repealed.

Section 3. **Conflicts.** In the event that the provisions of this Ordinance are in conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail.

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 _____ vote of the Mayor and City Council on first reading this _____ day of _____, 2012.

PASSED AND ADOPTED by _____ vote of the Mayor and City Council on second reading this _____ day of _____, 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: _____

Seconded by: _____

Vote:

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

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

PC – 04-12
Attachment 2

City of North Miami
12400 NE 8th Avenue
North Miami, FL 33161

Text Amendment Application - Letter of Intent

RE:
640 NW 133 street
650 NW 133 street
660 NW 133 street
675 NW 133 street
685 NW 133 street

It is our intent to construct a self contained conditioned mini storage on the aforementioned properties in the event we are successful with the Text amendment. Per our narrative, the current C-1 zoning does not allow for mini storage facilities and based on our research there is a strong need and demand for community storage. Please consider this request as it will be a significant improvement to the community

Maurice Opstal
President
Stellar Development, Inc.

9021 Town Center Parkway, Lakewood Ranch, FL 34202
Phone: 941-907-8788 Fax: 941-907-8789

FEBR 10 2012

Project Narrative

The development review application herein is a request for a "Land Use Text Amendment."

Currently there are (5) parcels located on NW 133 street east of NW 7th Avenue , which are 675& 685 NW 133 street to the North and 640, 650 & 660 NW 133 street to the South. The parcels are set back off of NW 7th avenue and dead end into I-95 south bound.

The current status of the street and houses are in very poor condition. The houses have been occupied by vagrants and non-paying tenants for years. We believe that the houses are used for drugs and prostitution. By the city approving the zoning text amendment, it is our intent to construct a new commercial self storage facility, encompassing all five parcels to improve and provide for the community.

The current Zoning for all (5) Five Parcels is C-1, so the property as it currently stands is non-conforming as there are single family homes. The C-1 zoning appears to prohibit the use of self contained conditioned self storage. We are hereby requesting a modification to the current zoning to allow for a self storage facility, with the provision that this facility and/or the property shall NOT have frontage on a major arterial road/corridor nor will the property be adjacent to residentially zoned lands. It may front a major interstate so long as there is not direct access.

We hope this meets your approval as we are anxious to do something positive for the community and improve the neighborhood.

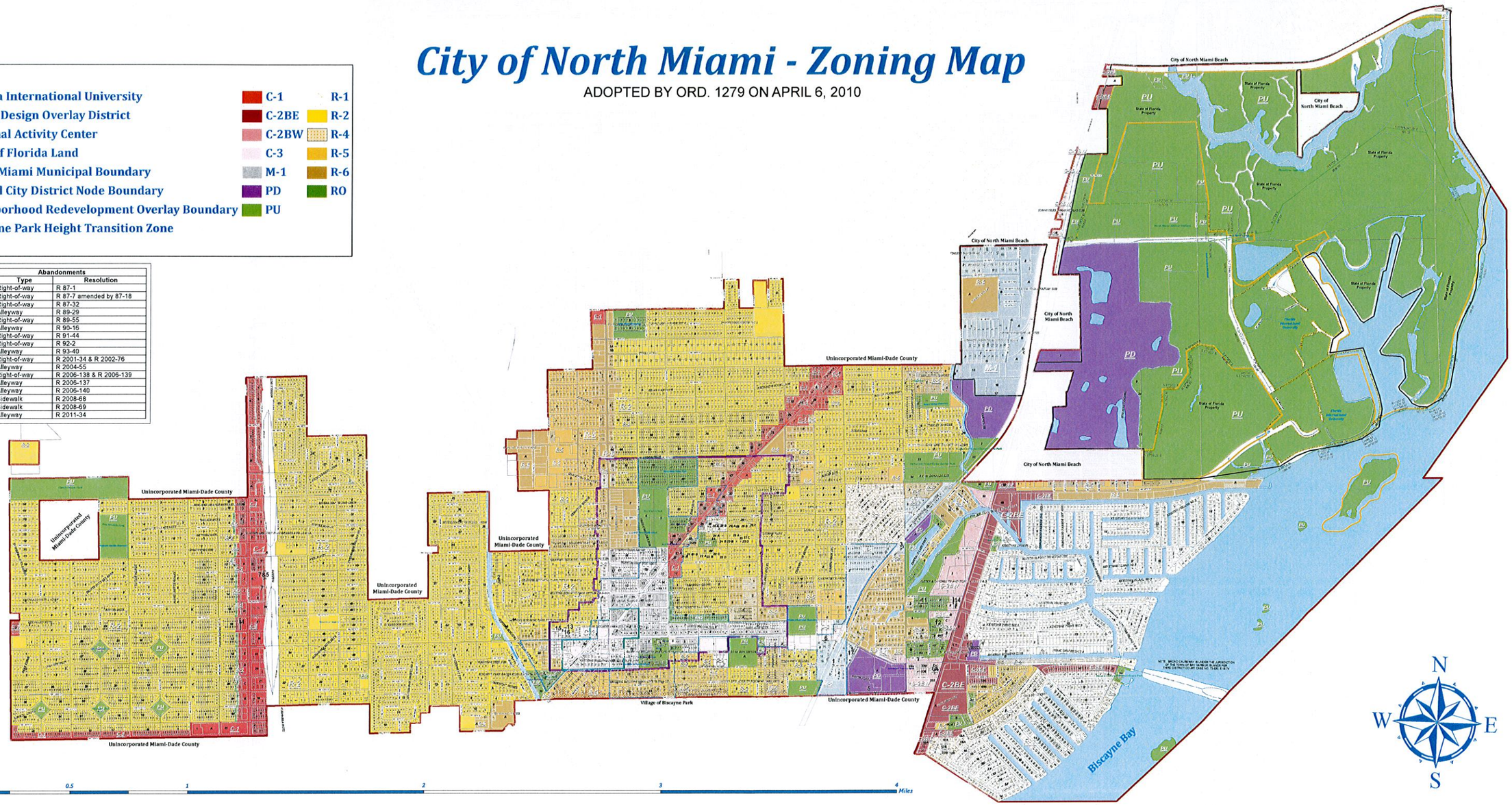
FEBR 10 2012

City of North Miami - Zoning Map

ADOPTED BY ORD. 1279 ON APRIL 6, 2010

Legend

- Florida International University
- Arts & Design Overlay District
- Regional Activity Center
- State of Florida Land
- North Miami Municipal Boundary
- Central City District Node Boundary
- Neighborhood Redevelopment Overlay Boundary
- Biscayne Park Height Transition Zone
- Water

C-1, C-2BE, C-2BW, C-3, M-1, PD, PU, R-1, R-2, R-4, R-5, R-6, RO

Abandonments		
ID	Type	Resolution
1	Right-of-way	R 87-1
2	Right-of-way	R 87-7 amended by 87-18
3	Right-of-way	R 87-32
4	Alleyway	R 89-29
5	Right-of-way	R 89-55
6	Alleyway	R 90-16
7	Right-of-way	R 91-44
8	Right-of-way	R 92-2
9	Alleyway	R 93-40
10	Right-of-way	R 2001-34 & R 2002-76
11	Alleyway	R 2004-55
12	Right-of-way	R 2006-138 & R 2006-139
13	Alleyway	R 2006-137
14	Alleyway	R 2006-140
15	Sidewalk	R 2008-68
16	Sidewalk	R 2008-69
17	Alleyway	R 2011-34