



**NORTH MIAMI BOARD OF ADJUSTMENT MEETING AGENDA  
776 NORTHEAST 125 STREET, NORTH MIAMI CITY HALL, 2<sup>ND</sup> FLOOR  
WEDNESDAY, DECEMBER 21, 2016, 6:30 PM**

**I. ASSEMBLY AND ORGANIZATION:**

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call of Board Members
- D. Announcement to Audience of the Public Hearing Process

***QUASI-JUDICIAL ITEMS: THESE ITEMS MAY EITHER BE APPROVED, DENIED, OR APPROVED WITH CONDITIONS.***

PUBLIC HEARINGS: PLEASE BE ADVISED THAT THE FOLLOWING ITEMS ON THE AGENDA ARE QUASI-JUDICIAL IN NATURE. THE APPLICANT OR DULY AUTHORIZED AGENT FOR THE APPLICANT MUST BE PRESENT. IF NO REPRESENTATIVE IS PRESENT, THE APPLICATION WILL BE TABLED TO THE NEXT BOARD OF ADJUSTMENT MEETING. WHEN THE PETITION IS ANNOUNCED, THE APPLICANT OR HIS/HER AGENT SHALL APPROACH THE MICROPHONE AND STATE HIS/HER NAME AND ADDRESS FOR THE RECORD.

ANY INTERESTED PARTY WISHING TO SPEAK ON ANY ITEM MAY APPROACH THE PODIUM AFTER THE BOARD HAS OPENED THE PUBLIC HEARING. EACH PARTY SHALL APPROACH THE MICROPHONE AND STATE HIS/HER NAME AND ADDRESS FOR THE RECORD, AND SHALL ADDRESS HIS/HER COMMENTS TO THE BOARD. EACH PARTY SHALL SPEAK FOR NOT MORE THAN 3 (THREE) MINUTES IN ORDER TO PROVIDE FOR ORDER AND TIME FOR OTHER INTERESTED PARTIES TO ADDRESS THEIR CONCERNS/COMMENTS TO THE BOARD.

- E. Quasi-Judicial Oath
- F. Amendments to the Agenda

**II. APPROVAL OF MINUTES: OCTOBER 19, 2016 BOARD OF ADJUSTMENT MEETING**

**III. COMMUNICATIONS: BOARD MEMBER COMMUNICATIONS**

**IV. CONTINUED PETITIONS: NONE**

**V. NEW PETITIONS:**

**V-9-16 CARTEL CLIPPERS BARBER LOUNGE, LLC – 671 NE 125<sup>TH</sup> STREET**

**NOTICE OF APPEAL FROM AN ADMINISTRATIVE DETERMINATION DENYING A CERTIFICATE OF USE APPLICATION PERTAINING TO A BARBER SHOP TO BE LOCATED AT 671 NE 125TH STREET, PURSUANT TO THE PROVISIONS OF ARTICLE 5, DIVISION 22, SECTION 5-2203(B) OF THE LAND DEVELOPMENT REGULATIONS; SAID APPEAL TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 7, SECTION 3-702(A) OF THE LAND DEVELOPMENT REGULATIONS.**

**VI. OLD BUSINESS: NONE**

**VII. NEW BUSINESS: NONE**

**VIII. ADJOURNMENT:**

**NOTICE: No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person wishing to appeal the recommendations of the Board of Adjustment will need a verbatim record of the meeting's proceedings, which record includes the testimony and evidence upon, which the appeal is to be based (Chapter 286.0105 F.S.)**

**In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the Zoning Department no later than four (4) days prior to the proceeding. Telephone (305) 893-6511, ext. 12256 for assistance. If hearing impaired, telephone our TDD line at (305) 893-7936 for assistance.**

**AS A COURTESY TO THE PEOPLE RECORDING THE MEETING, PLEASE PUT YOUR CELL PHONE ON SILENT.**



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MINUTES  
 NORTH MIAMI BOARD OF ADJUSTMENT  
 6:30 P.M.  
 WEDNESDAY, OCTOBER 19, 2016  
 COUNCIL CHAMBERS

The meeting was called to order at 6:55 p.m. After the pledge of allegiance, a roll call of the members was taken.

	<b>Name</b>	<b>Present</b>	<b>Excused</b>	<b>Absent</b>
1.	Roseline Philippe Chair	X		
2.	Holly Cohen		X	
3.	Michael McDearmaid	X		
4.	Dotie Joseph		X	
5.	Danna Magloire-Fenelon		X	
6.	Pegy Boulé	X		
7.	Laura Hill Alternate	X		
8.	Mary Estimé-Irvin Alternate			

**Staff was represented by:**

Alex A. David, Zoning Administrator  
 Roland Galdos, Deputy City Attorney  
 Brittini Duria, Board Secretary

**I. Assembly and Organization – Amendments to the Agenda: None**

**II. Approval of Minutes:**

The minutes of the July 20, 2016 board meeting were unanimously approved and a motion was made by board member McDearmaid and seconded by board member Hill.

**III. Board Member Communications: None**

**IV. CONTINUED PETITIONS: NONE**

**V. NEW PETITIONS:**

**V-7-16 CASA DE RESTAURACION IGLESIA COMUNITARIA – 1981-91 NE 135 STREET**

**A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A PROPOSED RELIGIOUS INSTITUTION AT THE PROPERTY LOCATED AT 1981-91 NE 135 STREET IN THE R-5 DISTRICT; SAID SPECIAL EXCEPTION TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LAND DEVELOPMENT REGULATIONS.**

**Board Discussion:**

The Chair introduced the item and Mr. David went over the staff report. Pastor Victor Caballero was then offered the chance to speak. He stated his purpose for his congregation, which is to help the area and give assistance in the community. Based off of the information within the staff report of the existing businesses in the plaza, he clarified that the pizzeria is no longer in business and that the beauty salon is only open certain days out of the week.

The Chair questioned the presence of the property owner who was not in attendance. Mr. Galdos clarified that they were given the Power of Attorney to speak on their behalf regarding the portion of the property they proposed to occupy.

Once the public hearing was closed, the Board members began discussion. Board member McDermid stated that this was a residential neighborhood. The plaza had been blight and parking may detract from the neighborhood and create unnecessary burdens (as quoted in the staff report). He stated that he trusted staffs opinion and that the code violations and residents' concerns. The use would not be appropriate at the location nor give an appropriate response.

Board member Hill stated that she had many questions. She first asked why they were in operation without any permits and the Pastor stated that he lives in Hollywood, however the congregation lives in North Miami. He was unaware that the permits were necessary when the lease was signed. Board member Hill then questioned the cookout, the Pastor apologized for not abiding. She stated that the intention of the City was to keep it as a residential area and that she respects the church's mission but such actions were unacceptable.

Board member Boulé stated that she agreed with staff as well and that there may be better places throughout the City for the congregation. She suggested that they reach out to staff to try and find another location. Based on safety and possible growth, the location would not suffice. Board member Boulé gave an example for an emergency. She raised the question as to how can fire rescue access the building with an overflow of parking? It would, indeed, be a safety issue.

The Chair wanted to discuss the citation. The plaza is a commercial use within a residential district. It may serve the residents but the use would deter the livelihood of the plaza and restrict other potential businesses that would want to come in.

Board member Hill questioned the mention of buses and why they have not yet been used. The Pastor stated that he was not sure of what the outcome of the Special Exception would be but since they then knew, he will not continue the issue of parking and begin the usage. She then questioned the terms of the lease, which he replied was five (5) years. Board member Boulé then asked if the property owner knew of the use prior to the finalization of the lease and the Pastor stated yes. Mr. Galdos then mentioned that the property owner should be responsible for parking and not the tenant. Board member Boulé stated to take in account the residential use of the area. Board member McDearmaid stated that he agreed with his colleagues, to speak with staff and search for another location.

### **Public Hearing:**

Gene Gatti, President of the Moonraker Condominium Association, Inc. directly adjacent to the proposed religious institution, stated that there is indeed inadequate parking and that there are actually only sixteen (16) parking spaces instead of the mentioned 26. He mentions that they are in violation of the Land Development Regulations (LDRs) and have been in operation since July of this year (2016) and that they have given no respect to the Board of Adjustment or the surrounding properties, therefore meaning they are negative to the community. Mr. Gatti also mentioned that they were improperly published. He stated that the community was beginning to get better after the last 25 years by the efforts of the police and the residents but Highland Village and the convenience store has posed as the continuous threat and this use would create an additional nuisance. He believes that since this pastor lives in Hollywood, he should propose his religious institution there and not in his backyard. Mr. Gatti reminded us that he did send an email to staff in regards to his opinion on the subject. Mr. Galdos then reminded all board members that all letters of objection were given within the meeting package.

Yvonne Pinedo, a congregante of the church, stated that issues with parking can be resolved. Other issues of the facility can also be worked out and it is not every day that the institution would be open and functioning. She explained that they were acquiring the special exception because they wanted to abide by the laws, they were simply uneducated of the process and the intent of the congregation was to avoid delinquency. She then stated that it was understood the area is primarily zoned for residential purposes yet there are commercial properties nearby. In the conclusion of her chance to speak, she stated that the meeting was a public hearing, meaning that although letters of opposition were sent, those same individuals should have been there had it been so important to them. Ms. Pinedo wished to have the Board's support and good faith.

Janet Yarbrough-Moody, a resident directly across from the property, stated that she had observed and photographed activities of the religious institution and so has Code Enforcement. There had been instances of 30+ cars, a cookout with blaring speakers and a yard sale. She also mentioned that post cards were placed on cars. No permits were ever pulled and the church continued to function although they were made aware of the laws after violations were given. Ms. Yarbrough-Moody then mentioned that she had witnessed congregantes giving money to panhandlers and explained that the residents would be the ones to suffer because they would keep returning.

### **Vote:**

The motion to deny the item was made by board member Hill and seconded by board member McDearmaid. The item was denied based on a unanimous decision.

— — —

The next meeting was tentatively set for November 19, 2016.

- I. COMMITTEE REPORTS: None**
- II. OLD BUSINESS: NONE**
- III. NEW BUSINESS: NONE**
- IV. ADJOURNMENT:**

The meeting was adjourned at 7:48 p.m. Motioned by board member McDearmaid and seconded by the Chair.

Respectfully submitted:

Attest:

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Roseline Philippe, Chairperson  
Board of Adjustment

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Alex David, AICP, Zoning Administrator  
Community Planning & Development

Prepared by:

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Brittni Duria, Board Secretary  
Community Planning & Development



776 Northeast 125<sup>th</sup> Street, P.O. Box 610850, North Miami, Florida 33161-0850 (305) 893-6511

**To:** Honorable Board of Adjustment Members

**From:** Brittni Duria, Senior Planning Technician  
Community Planning & Development Department

**Date:** December 21, 2016

**V-9-16** Cartel Clippers Barber Lounge, LLC – 671 NE 125<sup>th</sup> Street

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### Application Summary

**Applicant/Agent:** Cartel Clippers Barber Lounge, LLC/Rodney Blount  
**Property Owner:** Gator JAG, Inc.  
**Location:** 671 NE 125<sup>th</sup> Street  
**Total Land Area:** 2,700 sq. ft. (0.06 acre)  
**Folio Numbers:** 06-2230-007-0770  
**Petition:** NOTICE OF APPEAL FROM AN ADMINISTRATIVE DETERMINATION DENYING A CERTIFICATE OF USE APPLICATION PERTAINING TO A BARBER SHOP TO BE LOCATED AT 671 NE 125<sup>TH</sup> STREET, PURSUANT TO THE PROVISIONS OF ARTICLE 5, DIVISION 22, SECTION 5-2203(B) OF THE LAND DEVELOPMENT REGULATIONS; SAID APPEAL TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 7, SECTION 3-702(A) OF THE LAND DEVELOPMENT REGULATIONS.

### Background

On September 12, 2016, Cartel Clippers Barber Lounge, LLC, (the “Applicant”), through its registered agent, Mr. Rodney Blount, applied for a certificate of use (CU) to open a barber shop at 671 NE 125<sup>th</sup> Street, within the Downtown District/C-3 Zoning District. Upon reviewing the application, the Community Planning and Development Department (the “Department”) issued a zoning letter dated September 13, 2016 and denied the application on the grounds that the location did not meet the distance requirement set forth in Article 5, Division 22, Section 5-2203(B) of the Land Development Regulations (LDRs). The Applicant, who has already started doing renovation improvements to the location after being told by representatives from the property owner group (Gator JAG, Inc.) that the location was previously a unisex beauty salon, is challenging the decision of the Department and has therefore filed this notice of appeal, alleging that staff had erred in the interpretation of the LDRs as they relate to the proposed barber shop use (see attached appeal).

vision for the Downtown District as expressed in ~~Policy 2A.2.9~~ the Economic Element of the City's Comprehensive Plan nor is it in keeping with the intent and purpose of the City's LDRs.

**Attachments**

Application

Letter of Intent

Letter reply of Zoning Verification Letter

Addenda to Submittal

Sections 3-702, 4-302 and 5-2203, Code of North Miami

Gap Analysis Map

Folio Information

Certificate of Use Application

Zoning Verification Letter

Distance Verification Map

Planning Commission Staff Report

City Council Staff Report

Ordinance 1368

CU Appeal



# Board of Adjustment Public Hearing Application

Instructions: Please print or type all information. The application must be filled out accurately and completely.

**TYPE OF APPLICATION:**

- Special Exception
- Variance
- Appeal by Applicant
- Appeal by Aggrieved Party

**PROPERTY OWNER'S INFORMATION:**

Owner's Name: GATOR SAG INC  
 Mailing Address: 1595 NE 163 ST  
 City: NMB State: FL Zip: 33162  
 Phone #: 3 749 90 49 E-mail Address: AMenendez@GATORINC.COM

**APPLICANT/DULY APPOINTED AGENT INFORMATION:**

Contact Name: Kenneth K Blount  
 Company Name: Clipper Cartel Barber Lounge  
 Mailing Address: 671 Ne 125th St  
 City: North Miami State: FL Zip: 33161  
 Phone: 786-488-3670 E-mail Address: Coffi-barbe@gmail.com

**PROJECT INFORMATION:**

Project Name: \_\_\_\_\_  
 Address of Property: \_\_\_\_\_  
 Folio Number(s): \_\_\_\_\_  
 \_\_\_\_\_  
 Size of Property: \_\_\_\_\_ Building Square Footage: \_\_\_\_\_

**LEGAL DESCRIPTION:**

\_\_\_\_\_  
\_\_\_\_\_

**PREVIOUS APPROVALS:**

Previous approvals (list all previous approvals that substantial compliance/site plan modification/administrative modification is being sought):

HAIR SALON Date Approved: \_\_\_\_\_  
 \_\_\_\_\_ Date Approved: \_\_\_\_\_



**OWNERSHIP AFFIDAVIT FOR INDIVIDUAL**

**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE**

Before me, the undersigned authority, personally appeared James A. Goldsmith  
hereinafter the Affiant, who being first duly sworn by me, on oath, deposes and says:

- 1. Affiant is the fee owner of the property that is the subject of this request.
- \* 2. The subject property is legally described as:
- 3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of the zoning approval.
- \* 4. The Affiant has authorized \_\_\_\_\_ as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.

**WITNESSES:**

Signature [Signature]  
Print Name Jeanette Gomez

Signature [Signature]  
Print Name Alex Merendez

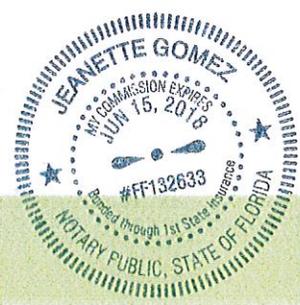
Signature Alex Merendez  
Print Name \_\_\_\_\_

Affiant's Signature [Signature]  
Print Name James A. Goldsmith

Sworn to and subscribed before me on the 3rd day of October, 2016.  
Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Notary [Signature]

Commission Expires: 6/15/18



# Rodney Blount

## Registered Agent

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### Clipper Cartel Barber Lounge, LLC

652 N.E. 83rd Lane Apt 3

Miami, FL 33138

786.488.3670

CCbarberlounge@gmail.com

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SEPTEMBER 28, 2016

### Article 3-702 Division

City of North Miami Land Development Regulations

% Tania Wilson

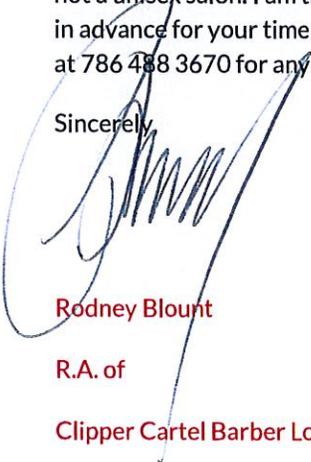
To Whom It May Concern:

I, Rodney Blount Registered agent of the Clipper Cartel Barber Lounge, LLC, have sincere intentions of opening a Barber Lounge at 671 NE 125 ST in the North Miami area. The Clipper Cartel Barber Lounge will cater exclusively to men and children. The layout of the barber lounge entails 5 barber stations. A brief description of the services I will provide to the North Miami and nearby areas are as listed below:

- Straight Razor Shave
- Hot towel treatment
- Cut and style
- mustache/beard trimming
- Skin and hair care
- etc...

Im also bringing to the area of North Miami a professional, clean and conducive environment for the younger generation of North Miami. I humbly ask , being that it is not a salon that is labeled unisex ,that you allow Clipper Cartel Barber Lounge to be an asset to the North Miami residential and business community. Please keep in mind that this is a Barber Lounge not a unisex salon. I am truly looking forward to doing business. Thank you in advance for your time and consideration. Please feel free to contact me at 786 488 3670 for any questions you may have.

Sincerely,



Rodney Blount

R.A. of

Clipper Cartel Barber Lounge, LLC

# Clipper Cartel Barber Lounge, LLC

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671 N.E. 125th Street  
North Miami, FL 33161  
786-488-3670  
CCbarberlounge@gmail.com

October 3, 2016

Attention: Tanya Wilson-Sejour, A.I.C.P.  
Planning Zoning & Development Director

I am writing this letter in response to the denial received from the City of North Miami pertaining to the Clipper Cartel Barber Lounge which we are requesting to be located at 671 N.E. 125th Street. The decision I received was (denied) based on the new ordinance under section 5-2203 location and distance restriction within the C-3 zoning district. Based on this ordinance it states no hair salon, barber shop, convenience store or tax preparation business shall be located within 1500 ft of an identical or similar use. I confer that the Clipper Cartel Barber Lounge, thou labeled Barber Lounge we offer unique exclusive services to the male community of North Miami and surrounding areas. (Note: This is not a hair salon providing exclusively female services but titled unisex.)An example of these exclusive \*services I will provide are as listed: Steam hot towel shaves, male facial and skin treatments, artistic hand design haircuts and a lounge atmosphere for all clientele. Entail offering an environment conducive for the young children in the North Miami community. I humbly ask that you find favor in this appeal. I am also looking forward to being an asset to the community of North Miami and the surrounding areas. Again I thank you.

Sincerely,



Rodney K. Blount  
Registered Agent

## Sec. 3-702. - Administrative appeals.

- A. *Zoning appeals.* An appeal from any zoning decision by the community planning and development department or the development review committee where it is alleged that there is an error in any order, requirement, decision or interpretation made in the enforcement or interpretation of these LDRs, shall be taken by an aggrieved party to the board of adjustment. An aggrieved party may file a notice of appeal to the board of adjustment with the community planning and development department within ten (10) days of the administrative decision. The notice of appeal should be accompanied by any relevant documents related to the appeal and applicable fees; as such said fees may be amended from time to time by resolution of the city council.
- B. *Administrative variances.* An appeal to an administrative variance granted under section 3-604 shall be submitted to the community planning and development department by an aggrieved party. Said party may file a notice of appeal for consideration before the board of adjustment within thirty (30) days of the administrative decision. More than one appeal arising from the same property, shall be consolidated into one hearing before the board of adjustment. In addition to the regular application fee, the applicant property owner seeking the issuance of an administrative variance shall bear the cost of the applicable one time appeal fee.
- C. *[Prior notice.]* Appeals to the board of adjustment shall require prior notice of the hearing in accordance with the provisions of article 3, division 3 of these LDRs.

(Ord. No. 1278, § 1(exh. 1), 4-28-09; Ord. No. 1395, § 1, 12-8-15)

## 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.

<b>Nonresidential Districts</b>					
<b>Permitted Uses</b>	<b>C1</b>	<b>C2BE</b>	<b>C2BW</b>	<b>C3</b>	<b>M1</b>
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				

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
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 and Technology Uses	P				P
Restaurants	P	P	P	P	P*
Retail, Sales, Services	P	P	P	P	P
Retail Showroom, Automobile			SE*****		
Schools	SE	SE	SE	SE	
Schools, Special and 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*
<b>P = Permitted Use</b>					
<b>P* = Administrative Site Plan Required</b>					
<b>SE = Special Exception</b>					

\* 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.

\*\*\*\*\* Retail Showroom, Automobile use requires minimum lot area of one (1) acre. No more than fifteen (15) percent of the gross building area (GBA) assigned to the retail automobile showroom business shall be devoted to minor vehicle service.

\*\*\*\*\* 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.

(Ord. No. 1292, § 1, 2-9-10; Ord. No. 1316, § 1, 4-12-11; Ord. No. 1333, § 1, 5-22-12; Ord. No. 1359, § 1, 10-8-13; Ord. No. 1387, § 1, 6-23-15)

Sec. 5-2203. - Location and distance restriction within the C-3 zoning district.

- A. Hair salons, barber shops, convenience stores, and businesses devoted to tax preparation services shall be allowed within the C-3 commercial zoning district, subject to the distance requirement provided herein.
- B. No hair salon, barber shop, convenience store, or tax preparation business shall be located within one thousand five hundred (1,500) feet of an identical or similar use of:

1. Any lawfully pre-existing hair salon, barber shop, convenience store, or tax preparation business that is located within the C-3 commercial zoning district; or
  2. Any pre-existing zoning district within the city that is zoned for residential use.
- C. The distances provided for in this subsection shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the parcel upon which the hair salon business or tax preparation business is located to the nearest property line of a parcel:
1. Upon which such a lawfully pre-existing hair salon, barber shop, convenience store, or tax preparation business, is located; or
  2. Within a district zoned for residential use.

(Ord. No. 1368, § 1, 4-8-14)

# Beauty Salons and Barber Shops within City of North Miami 2013

**Zoning Categories**

C-3

**Legend**

- Beauty Salons / Barber Shops
- 500 Ft Radius = 1000 Ft Diameter
- 800 Ft Radius = 1600 Ft Diameter
- Streets

Map Created by Alexis Pena, City of North Miami



© 2012 DigitalGlobe. Imagery courtesy of USGS © 2013 Google Earthstar Geographic Systems, LLC & GAND



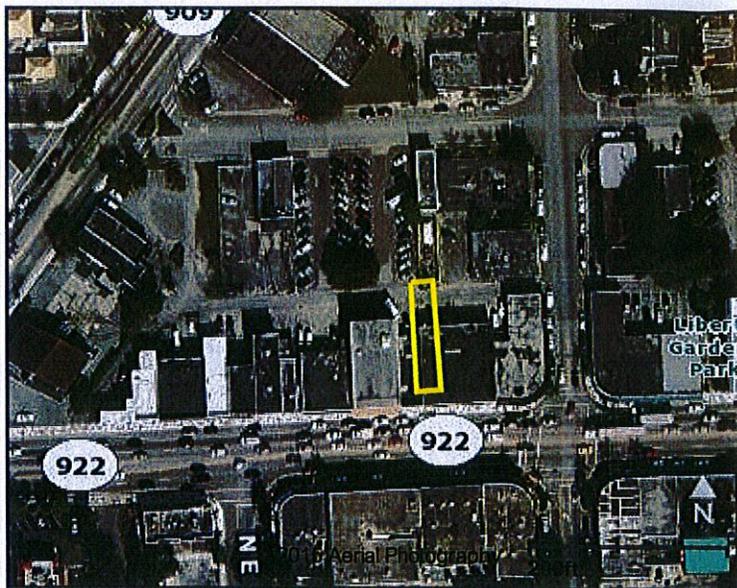


# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 11/10/2016

Property Information	
Folio:	06-2230-007-0770
Property Address:	671 NE 125 ST North Miami, FL 33161-5503
Owner	GATOR-JAG INC
Mailing Address	1595 NE 163 ST NORTH MIAMI BCH, FL 33162-4717
Primary Zone	6000 COMMERCIAL - GENERAL
Primary Land Use	1111 STORE : RETAIL OUTLET
Beds / Baths / Half	0 / 0 / 0
Floors	1
Living Units	0
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	1,803 Sq.Ft
Lot Size	2,700 Sq.Ft
Year Built	1953



Assessment Information			
Year	2016	2015	2014
Land Value	\$62,100	\$62,100	\$62,100
Building Value	\$64,854	\$58,369	\$56,207
XF Value	\$0	\$0	\$0
Market Value	\$126,954	\$120,469	\$118,307
Assessed Value	\$126,954	\$120,469	\$115,287

Benefits Information				
Benefit	Type	2016	2015	2014
Non-Homestead Cap	Assessment Reduction			\$3,020

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
IRONS MANOR A SUB OF E1/2 PB 10-71 LOT 39 BLK 5 LOT SIZE IRREGULAR OR 13061-70 1086 2

Taxable Value Information			
	2016	2015	2014
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$126,954	\$120,469	\$115,287
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$126,954	\$120,469	\$118,307
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$126,954	\$120,469	\$115,287
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$126,954	\$120,469	\$115,287

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
10/01/1986	\$465,000	13061-0070	Deeds that include more than one parcel

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



CERTIFICATE OF USE APPLICATION

A completed application includes:

A copy of the property lease or a notarized letter from the property owner approving your intent to lease, and \$100.00 non-refundable check or money order made to The City of North Miami must be provided at the time of application.

A letter of intent signed by the business owner describing the business in detail.

The PROPERTY Owner/LANDLORD's notarized signature. NOTE\* This application WILL NOT BE PROCESSED unless BOTH the Landlord's\* signature and Notary Stamp Appear at the Bottom!

BUSINESS INFORMATION:

Describe Business in Detail

Check One: Retail/ Services Office Restaurant/Bars Hotel/Apartment

Schools/Daycares Vehicle Sales/Repair Other:

Business Name: Clippers Cartel Barber lounge

Business Address: 671 NE 125th North Miami, FL

City: State: Zip:

Phone: 786-488-3620 Email: Cotti Barber@gmail.com

Business Owner Name: Rodney Blount

Applicant (Business Owner) Signature: [Signature] Date 9/12/16

Previous Use

PROPERTY OWNER["landlord"] INFORMATION:

Property Owner's Name:

Address:

Property Owner's (or LANDLORD) Name (Print)

(STATE OF FLORIDA) (COUNTY OF DADE)

Sworn and subscribed before me by Owner this

Property Owner (or LANDLORD) Signature (must be notarized)

day of

Notary Public

Stamped Commission Name

Personally Known Produced I.D.

Type of I.D Produced.

FOR OFFICIAL USE ONLY

TO BE COMPLETED BY CITY STAFF

Date: Process #: Folio # 062230007 0770 Zoning District: Land Use Zoning Approval

"The undersigned has carefully reviewed this application, and all information contained herein has been freely and voluntarily provided. All facts, figures, statements contained in this application are true, correct and complete to the best of my knowledge and belief. The applicant acknowledges and understands that the issuance of a Certificate of Use is contingent upon a zoning compliance inspection and review, as well as approval of the use and assessment of any impact fees that may be levied by the City of North Miami and Miami Dade County's Department of WASA and DERM. The applicant also acknowledges that a Certificate of Use approval by the City and the County are required prior to the issuance of a Business Tax Receipt by the City of North Miami, which is required prior to operating any business within the City limits."



## ZONING DETERMINATION LETTER

September 13, 2016

Rodney Blount/Crystal Moree Blount  
652 NE 83<sup>rd</sup> Lane  
North Miami, FL 33161

**RE: Address: 671 NE 125 Street North Miami, FL 33161**  
**Folio No.: 06-2230-007-0770**

Mr. Blount:

The Community Planning and Development Department has acknowledged receipt of your zoning letter request for the above-mentioned property and your responses to our questions. Following is a summary of findings:

- Proposed Use
  - **Applicant Response – Barber Shop**

Based on the initial information submitted by you to the City, *barber shops* are permitted as of right in the C-3 Commercial District as set forth in the North Miami Land Development Regulations (LDRs) for Permitted Uses in Article 4, Division 2, Sec. 4-302. By definition, *Barber shop* means any place of business wherein the practice of barbering is carried on, including, but not limited to, shaving, cutting trimming, coloring, shampooing, arranging, dressing, curling, or weaving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical device.

In the review of this application staff has also reviewed the following code citation:

**Sec. 5-2203. - Location and distance restriction within the C-3 zoning district.**

- A. Hair salons, barber shops, convenience stores, and businesses devoted to tax preparation services shall be allowed within the C-3 commercial zoning district, subject to the distance requirement provided herein.
- B. No hair salon, barber shop, convenience store, or tax preparation business shall be located within one thousand five hundred (1,500) feet of an identical or similar use of:
  1. Any lawfully pre-existing hair salon, barber shop, convenience store, or tax preparation business that is located within the C-3 commercial zoning district; or
  2. Any pre-existing zoning district within the city that is zoned for residential use.



- C. The distances provided for in this subsection shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the parcel upon which the hair salon business or tax preparation business is located to the nearest property line of a parcel:
1. Upon which such a lawfully pre-existing hair salon, barber shop, convenience store, or tax preparation business, is located; or
  2. Within a district zoned for residential use.

Therefore, a Barber Shop **would not be permitted** in this location based on Sec. 5-2203 (B) which requires a minimum distance of 1,500 feet from an identical or similar use.

Should you have any further questions, please feel free to contact us at 305-893-6511 Ext. 12148 or via email at [awinchester@northmiamifl.gov](mailto:awinchester@northmiamifl.gov).

Sincerely,

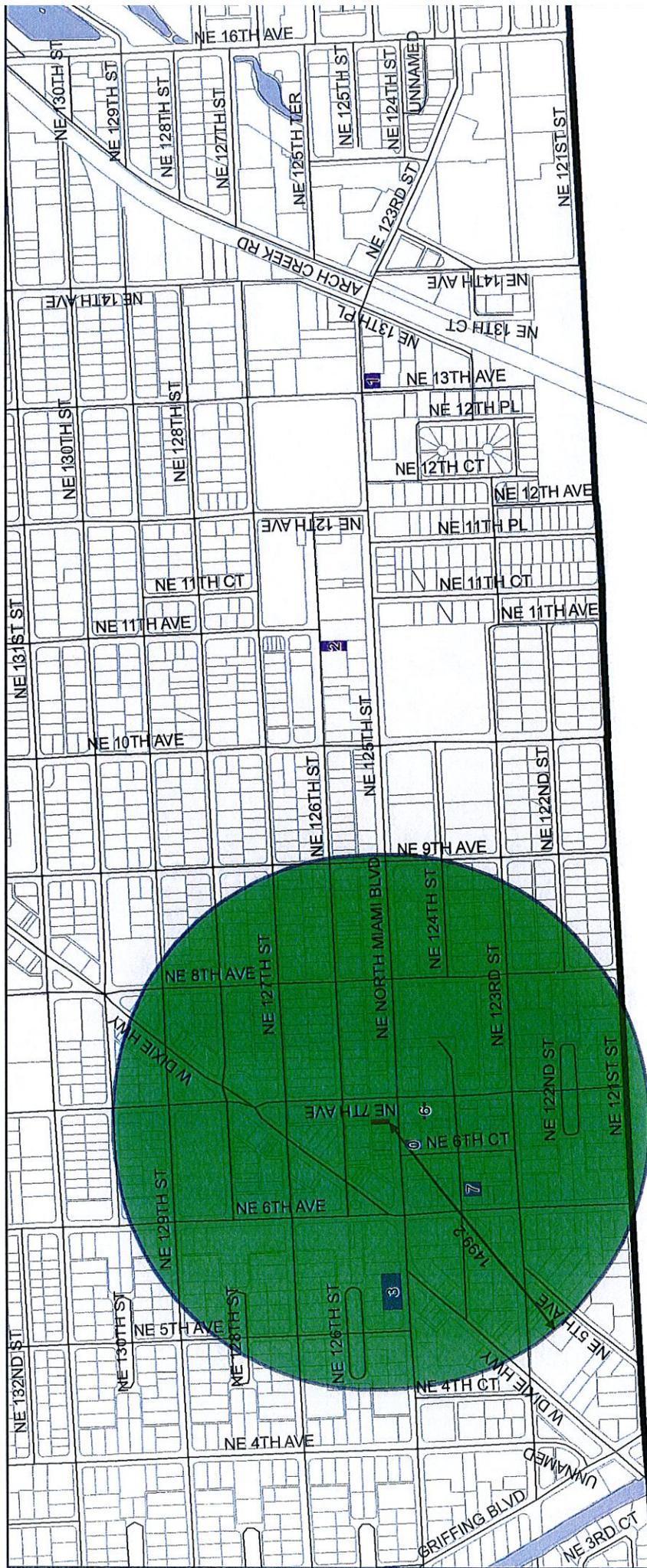
A handwritten signature in blue ink that reads "Alex A. David". The signature is written in a cursive, flowing style.

Alex A. David, AICP, Zoning Administrator  
Community Planning & Development Department

Cc: Tanya Wilson-Sejour, Planning Zoning and Development Director  
Roland Galdos, Deputy City Attorney  
Nixon Lebrun, City Planner  
Brittni Duria, Senior Zoning Technician

Attachments

# Barber Shop Distance Verification Map



FID	FOLIO	ADDRESS
0	0622300320040	650 NE 125 ST
1	0622290420230	1300 NE 125 ST
2	0622290340150	
3	0622300250270	523 NE 125 ST
4	0622280110140	1948 NE 123 ST
5	0622280110310	1960 NE 123 ST
6	0622300320140	12470 NE 7 AVE
7	0622300320220	610-16 NE 124 ST
8	0622280110540	2104 NE 123 ST

- Legend**
- 1500\_Buffer
  - 671\_NE\_125th
  - Existing\_Barber\_Shops
  - north\_miami\_boundary
  - Dimensions
  - NomiProp



**To:** The Planning Commission

**From:** Tanya Wilson-Sejour, Planning Manager, Community Planning & Development Department

**Date:** February 24, 2014

**Re:** Amendment to Article 5, to create Division 22, Section 5-2201 - Distance Requirement in the C-3 District.

**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", SPECIFICALLY AT ARTICLE 5 ENTITLED "DEVELOPMENT STANDARDS", TO INCLUDE A NEW DIVISION 22 ENTITLED "DISTANCE REQUIREMENT FOR CERTAIN RETAIL USES", TO MITIGATE THE PROLIFERATION OF SPECIFIC RETAIL USES, SPECIFICALLY AS IT APPLIES TO THE DOWNTOWN COMMERCIAL CORRIDOR, AND TO ENCOURAGE A MORE DIVERSE AND PRODUCTIVE BUSINESS ENVIRONMENT AS ENVISIONED IN THE CITY OF NORTH MIAMI DOWNTOWN MASTER DEVELOPMENT AND MAJOR CORRIDOR PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.**

## RECOMMENDATION

That the Planning Commission approves the proposed ordinance to amend Article 5 of the City's Land Development Regulations (LDRs) to create Division 22, Section 5-2201 to establish a distance requirement for certain retail uses in the C-3 District and forward said ordinance to the City Council for final consideration.

## BACKGROUND INFORMATION

In May 28, 2013, the Mayor and City Council approved Resolution R-2013-55, adopting the City's Downtown Master Development and Major Corridor Plan ("Master Plan") to serve as an urban design and architectural guide for future development and redevelopment within the City's Downtown (defined in Article 7 of the City's LDR as all C-3 zoned areas). As part of the process, a retail gap analysis was conducted to determine the demand and supply of certain retail uses within a one (1), three (3) and five (5) mile radii within the downtown core. The results revealed a demand for certain retail uses within the downtown such as clothing, books, and home furnishing stores, to name a few. However the results also revealed the excess supply or proliferation of certain retail uses located within

the downtown. Exhibit 1 (attached) includes a detailed Geographic Information System (GIS) map of the downtown and shows the distribution of certain uses such as beauty salons, and tax preparation services within the City's downtown area. The map shows over 34 beauty salons and 15 tax preparation businesses being located within the City's downtown. It should be noted that the proliferation of such uses may stagnate the market and hinder the creation of other viable retail uses that are in higher demand within the City's Downtown.

The Master Plan recommends that the City review its current land use and zoning regulations to identify limitations in order to encourage a more diverse supply of uses that are in demand, and able to attract a more regional customer base to the City's downtown area. The proposed ordinance seeks to regulate the location of hair salons, barber shops, convenience stores, and tax preparation businesses in order to prevent the saturation and proliferation of such uses within the C-3 zoned downtown area, and to create a more balanced use of limited commercial zoning area within the central core of the city. If approved the proposed regulation would establish a distance separation of at least 1500 feet between the aforementioned uses in order to limit the presence of such overabundant uses in the downtown area and to foster an environment where people can live, work, shop and invest.

## ANALYSIS

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 to establish a 1500 feet distance requirement for certain retail uses within the Downtown Area/C-3 Zoning District is in keeping with the spirit and intent of the City's Comprehensive Plan which, further requires that the City introduce employment generating uses along major transportation corridors, ensuring that employment generating uses are compatible with the character of the neighborhood through revisions in development regulations and permit review process proposed use is anticipated to create new employment, and enhance the overall quality of life within the City. If approved the proposed amendment is anticipated to limit the current proliferation of certain uses with the downtown, promote an environment that encourages a variety of other permitted uses and help to improve the City's public image, 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 text amendment does not permit uses that are prohibited by the underlying Commercial Land Use designation.*

**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 all non-residential zoning districts. As such, all future uses 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;**

*The proposed ordinance will not cause a decline in the level of service.*

- 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, 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 citizens.*

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

*The proposed amendment furthers the orderly development within the City's C-3 zoning district/Downtown Area in that it limits the excess supply of hair salons, barber shops, convenience stores, and tax preparation businesses in the City's downtown that may stifle other viable uses and hinder economic growth. The 1500 ft distance separation allows said uses to be more evenly distributed within the C-3 district and makes way for uses in higher demand, particularly along major corridors where there has been a high number of vacancies in the last few years.*

## CONCLUSION

Staffs analysis revealed the downtown currently contains an excessive number of hair salons, barber shops, convenience stores, and tax preparation businesses. The proposed ordinance seeks to reduce the adverse effects such proliferation may have on the image and prosperity of the downtown area by preventing or limiting the concentration of such businesses. As such the proposed ordinance establishes minimum distances between such businesses and encourages hair salons, barber shops and tax preparation businesses to locate in other areas throughout the City.

In an effort to aid in the revitalization of the City's Downtown area, Staff recognizes the importance of maintaining a viable business district with a mixture of anchor tenants that can attract a regional clientele. Given the foregoing, staff believes the proposed amendment will help raise the aesthetics of the downtown area and make the major corridors more attractive to potential investors. As such, 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. Therefore, staff requests that the Planning Commission recommends approval of the proposed ordinance.

TWS

**Attachments**

1. Ordinance
2. Distance Separation Map

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", SPECIFICALLY AT ARTICLE 5 ENTITLED "DEVELOPMENT STANDARDS", TO INCLUDE A NEW DIVISION 22 ENTITLED "DISTANCE REQUIREMENT FOR CERTAIN RETAIL USES", TO MITIGATE THE PROLIFERATION OF SPECIFIC RETAIL USES, SPECIFICALLY AS IT APPLIES TO THE DOWNTOWN COMMERCIAL CORRIDOR, AND TO ENCOURAGE A MORE DIVERSE AND PRODUCTIVE BUSINESS ENVIRONMENT AS ENVISIONED IN THE CITY OF NORTH MIAMI DOWNTOWN MASTER DEVELOPMENT AND MAJOR CORRIDOR PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, on May 28, 2013, the Mayor and City Council of the City of North Miami ("City") passed Resolution Number R-2013-55, adopting the Downtown Master Development and Major Corridor Plan ("Master Plan") to serve as a design guide for future development and redevelopment; and

**WHEREAS**, a retail gap analysis conducted as part of the assessment for the Master Plan ("Gap Analysis"), revealed an excess supply of certain retail uses saturating the downtown commercial corridor, and stagnating the creation of other desirable retail uses that are in higher demand; and

**WHEREAS**, the Master Plan provides that the City should review the current land use and zoning district designation limitations for potential revisions in order to encourage a more diverse supply of uses that are in demand in order to attract new regional businesses and customers to the City's downtown area; and

**WHEREAS**, Policy 9.4.2 of the City Comprehensive Plan, further requires that the City introduce employment generating uses along major transportation corridors, ensuring that

employment generating uses are compatible with the character of the neighboring area through revisions in development regulations and permit review process; and

**WHEREAS**, a detailed map based on the information provided in the Gap Analysis, confirms a proliferation of certain uses such as beauty salons, barber shops, convenience stores, and tax preparation services within the City’s downtown area; and

**WHEREAS**, the City is desirous of amending the Land Development Regulations in order to limit the number of such overabundant uses in the downtown area, so as to create a diverse and more productive business environment where people can work, shop and invest.

**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 Regulations.** 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”, specifically at Article 5 entitled “Development Standards”, to include a new Division 22 entitled “Distance Requirement for Certain Retail Uses”, to mitigate the proliferation of specific retail uses, specifically as it applies to the downtown commercial corridor, and to encourage a more diverse and productive business environment as envisioned in the City of North Miami Downtown Master Development and Major Corridor Plan, as follows:

**CHAPTER 29. LAND DEVELOPMENT REGULATIONS**

\* \* \* \* \*

**ARTICLE 5. DEVELOPMENT STANDARDS**

\* \* \* \* \*

**DIVISION 22. DISTANCE LIMITATION FOR CERTAIN USES**

**Sec. 5-2201. Purpose, legislative intent.**

The purpose of this division is to regulate the location of hair salons, barber shops, convenience stores, and tax preparation businesses so as to prevent the saturation and proliferation of such uses within a specific and limited commercial area, in order to obtain a more balanced use of limited commercial zoning area within the central core of the city. This section is designed to eliminate or lessen such adverse effects by preventing or lessening the concentration of such businesses by maintaining minimum distances between such businesses and between certain other uses, and allowing hair salons, barber shops and tax preparation businesses to locate in appropriate areas only. The sole purpose of the legislative body of the city in enacting this section is the desire to preserve and protect the quality of life, public health, safety, and general welfare of the citizens of the city.

**Sec. 5-2202. Definitions.**

For the purposes of this division, the following words and terms have the meaning so specified:

*Barber shop* means any place of business wherein the practice of barbering is carried on, including, but not limited to, shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waiving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical device.

*Convenience store* means a use consisting of the sale of goods, products, materials, or services directly to the consumer from within an enclosed building, including, but not limited to, bill paying services, phone card sales, money transfer services, immigration consulting, notary public, tax preparation services, dollar stores, and laundry or dry cleaning establishments.

*Hair salon* means any place of business wherein the practice of cosmetology is carried on for the treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services.

**Sec. 5-2203. Location and distance restriction within the C-3 zoning district.**

A. Hair salons, barber shops, convenience stores, and businesses devoted to tax preparation services shall be allowed within the C-3 commercial zoning district, subject to the distance requirement provided herein.

B. No hair salon, barber shop, convenience store, or tax preparation business shall be located within one thousand five hundred (1,500) feet of an identical or similar use of:

1. Any lawfully pre-existing hair salon, barber shop, convenience store, or tax preparation business that is located within the C-3 commercial zoning district; or

2. Any pre-existing zoning district within the city that is zoned for residential use.

C. The distances provided for in this subsection shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the parcel upon which the hair salon business or tax preparation business is located to the nearest property line of a parcel:

1. Upon which such a lawfully pre-existing hair salon, barber shop, convenience store, or tax preparation business, is located; or

2. Within a district zoned for residential use.

\* \* \* \* \*

**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 \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
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: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

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

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

# Beauty Salon within City of North Miami 2013

## Legend

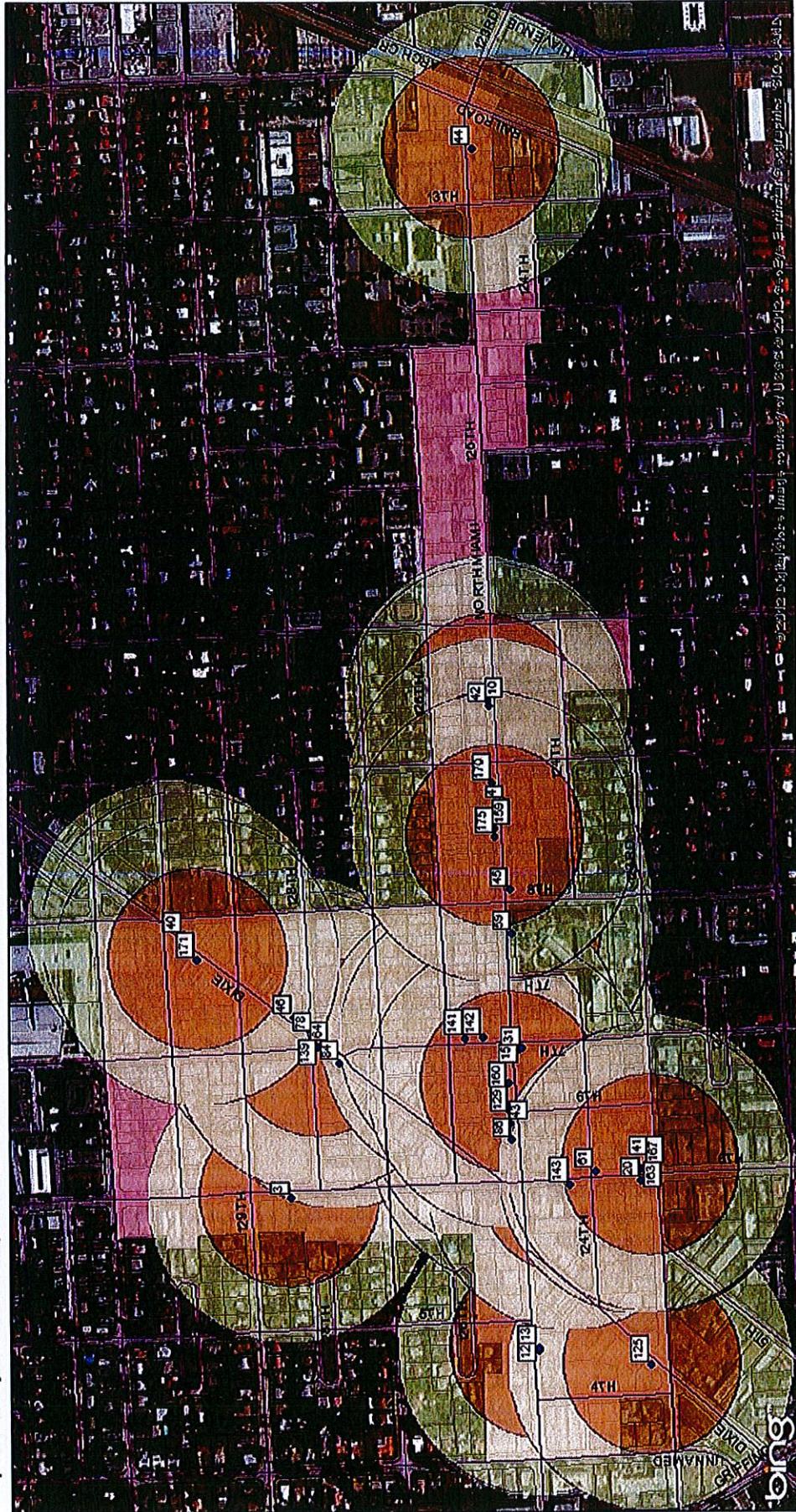
- ◆ Beauty Salon
- Streets
- 500 Ft Radius = 1000 Ft Diameter
- 800 Ft Radius = 1600 Ft Diameter

## Zoning Categories



C-3

Map Created By Alexis Pena, City of North Miami



# Tax Preparation within City of North Miami 2013

## Legend

◆ Tax Preparation

— Streets

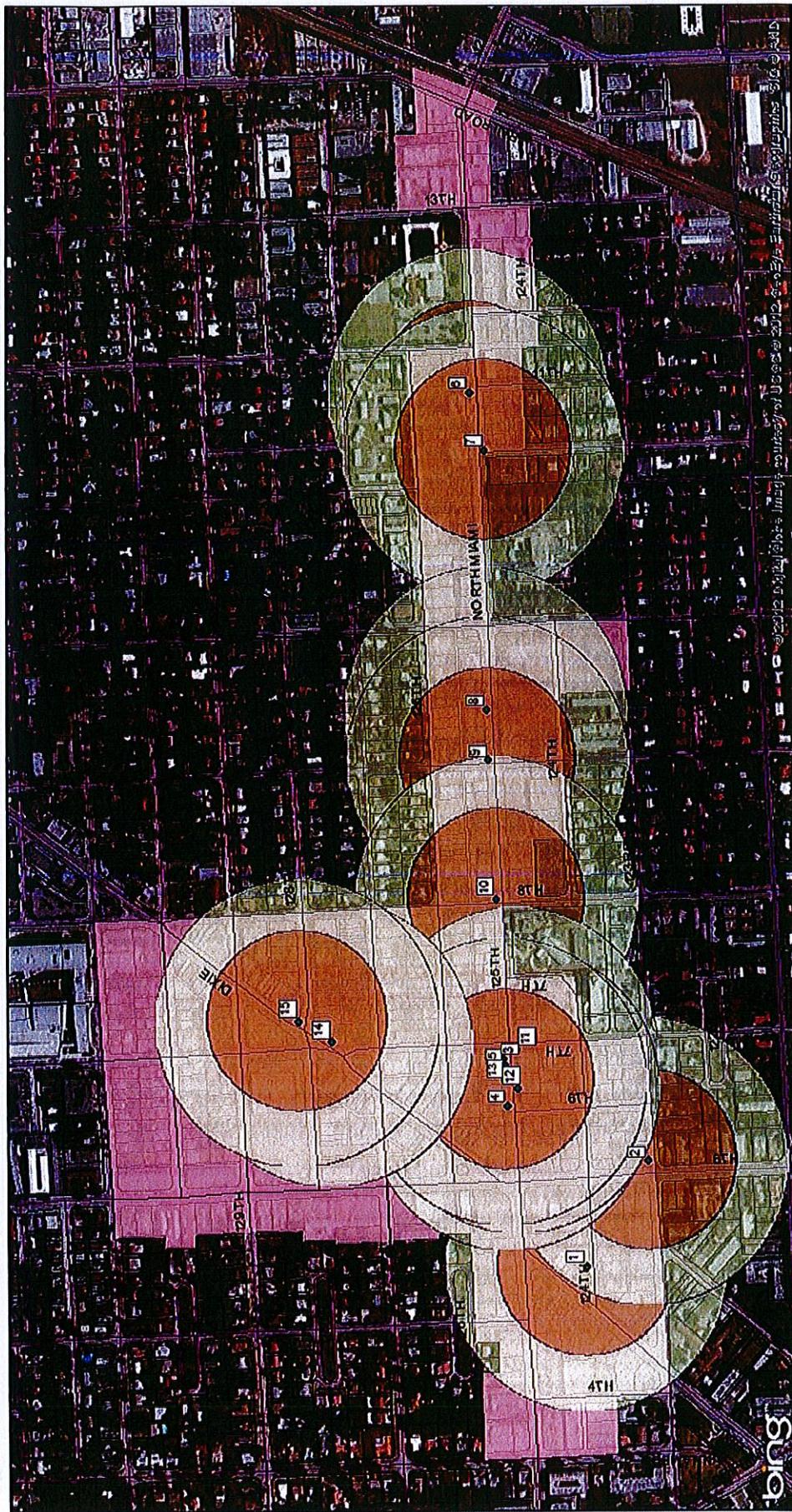
500 Ft Radius = 1000 Ft Diameter

800 Ft Radius = 1600 Ft Diameter

## Zoning Categories

C-3

Map Created By Alexis Pena, City of North Miami





## City Council Report

Date: ~~March 25, 2014~~ April 8, 2014 (Second Reading)

To: The Honorable Mayor and City Council

From: Tanya Wilson-Sejour, Planning Manager, Community Planning & Development Department

Re: **Amendment to Article 5, to create Division 22, Section 5-2201 - Distance Requirement in the C-3 District**

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", SPECIFICALLY AT ARTICLE 5 ENTITLED "DEVELOPMENT STANDARDS", TO INCLUDE A NEW DIVISION 22 ENTITLED "DISTANCE REQUIREMENT FOR CERTAIN RETAIL USES", TO MITIGATE THE PROLIFERATION OF SPECIFIC RETAIL USES, SPECIFICALLY AS IT APPLIES TO THE DOWNTOWN COMMERCIAL CORRIDOR, AND TO ENCOURAGE A MORE DIVERSE AND PRODUCTIVE BUSINESS ENVIRONMENT AS ENVISIONED IN THE CITY OF NORTH MIAMI DOWNTOWN MASTER DEVELOPMENT AND MAJOR CORRIDOR PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

### RECOMMENDATION

That the Mayor and Council approve the proposed ordinance to amend Article 5 of the City's Land Development Regulations (LDRs) to create Division 22, Section 5-2201 to establish a distance requirement for certain retail uses in the C-3 District.

### PLANNING COMMISSION RECOMMENDATION

At its meeting on March 4, 2014, the Planning Commission (attended by Commissioners James, Each, Ernst, Castor and Seifried) reviewed and discussed the proposed ordinance to amend Article 5 of the City's Land Development Regulations (LDRs) to create a new Division 22, Section 5-2201 to establish a distance requirement for certain retail uses in the C-3 District. Staff provided a report and shared data from a recent market study finding concerning the demand and supply of certain uses within the downtown. The proposed text amendment to establish a distance separation is intended to limit certain excessive uses within the downtown and promote a business environment that will facilitate a boarder composition of more desirable uses. Based on the information provided, the Planning Commission agreed that the text amendment would be beneficial to the local businesses and support the City's redevelopment efforts that are underway. As such the Planning Commission rendered a unanimous approval of 5-0. The motion to approve was made by Commissioner Castor and seconded by Commissioner Each.

## BACKGROUND INFORMATION

On May 28, 2013, the Mayor and City Council approved Resolution R-2013-55, adopting the City's Downtown Master Development and Major Corridor Plan ("Master Plan") to serve as an urban design and architectural guide for future development and redevelopment within the City's Downtown (defined in Article 7 of the City's LDR as all C-3 zoned areas). As part of the process, a retail gap analysis was conducted to determine the demand and supply of certain retail uses within a one (1), three (3) and five (5) mile radii within the downtown core. The results revealed a demand for certain retail uses within the downtown such as clothing, books, and home furnishing stores, to name a few. However the results also revealed the excess supply or proliferation of certain retail uses located within the downtown. Exhibit 1 (attached) includes a detailed Geographic Information System (GIS) map of the downtown and shows the distribution of certain uses such as beauty salons, and tax preparation services within the City's downtown area. The map shows over 34 beauty salons and 15 tax preparation businesses being located within the City's downtown. It should be noted that the proliferation of such uses may stagnate the market and hinder the creation of other viable retail uses that are in higher demand within the City's Downtown.

The Master Plan recommends that the City review its current land use and zoning regulations to identify limitations in order to encourage a more diverse supply of uses that are in demand, and able to attract a more regional customer base to the City's downtown area. The proposed ordinance seeks to regulate the location of hair salons, barber shops, convenience stores, and tax preparation businesses in order to prevent the saturation and proliferation of such uses within the C-3 zoned downtown area, and to create a more balanced use of limited commercial zoning area within the central core of the city. If approved the proposed regulation would establish a distance separation of at least 1500 feet between the aforementioned uses in order to limit the presence of such overabundant uses in the downtown area and to foster an environment where people can live, work, shop and invest.

## ANALYSIS

**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 to establish a 1500 feet distance requirement for certain retail uses within the Downtown Area/C-3 Zoning District is in keeping with the spirit and intent of the City's Comprehensive Plan which, further requires that the City introduce employment generating uses along major transportation corridors, ensuring that employment generating uses are compatible with the character of the neighborhood through revisions in development regulations and permit review process proposed use is anticipated to create new employment, and enhance the overall quality of life within the City. If approved the proposed amendment is anticipated to limit the current proliferation of certain uses with the downtown, promote and environment that encourages a variety of other permitted uses and help to improve the City's public image, 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 text amendment does not permit uses that are prohibited by the underlying Commercial Land Use designation.*

- 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 all non-residential zoning districts. As such, all future uses 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;**

*The proposed ordinance will not cause a decline in the level of service.*

- 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, 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 citizens.*

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

*The proposed amendment furthers the orderly development within the City's C-3 zoning district/Downtown Area in that it limits the excess supply of hair salons, barber shops, convenience stores, and tax preparation businesses in the City's downtown that may stifle other viable uses and hinder economic growth. The 1500 ft distance separation allows said uses to be more evenly distributed within the C-3 district and makes way for uses in higher demand, particularly along major corridors where there has been a high number of vacancies in the last few years.*

## CONCLUSION

Staffs analysis revealed the downtown currently contains an excessive number of hair salons, barber shops, convenience stores, and tax preparation businesses. The proposed ordinance seeks to reduce the adverse effects such proliferation may have on the image and prosperity of the downtown area by preventing or limiting the

concentration of such businesses. As such the proposed ordinance establishes minimum distances between such businesses and encourages hair salons, barber shops and tax preparation businesses to locate in other areas throughout the City.

In an effort to aid in the revitalization of the City's Downtown area, Staff recognizes the importance of maintaining a viable business district with a mixture of anchor tenants that can attract a regional clientele. Given the foregoing, staff believes the proposed amendment will help raise the aesthetics of the downtown area and make the major corridors more attractive to potential investors. As such, 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. Therefore, staff requests that the City Council approve the proposed ordinance.

TWS

#### Attachments

1. Ordinance
2. Distance Separation Map

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", SPECIFICALLY AT ARTICLE 5, ENTITLED "DEVELOPMENT STANDARDS", TO INCLUDE A NEW DIVISION 22, ENTITLED "DISTANCE REQUIREMENT FOR CERTAIN RETAIL USES", TO MITIGATE THE PROLIFERATION OF SPECIFIC RETAIL USES, SPECIFICALLY AS IT APPLIES TO THE DOWNTOWN COMMERCIAL CORRIDOR, AND TO ENCOURAGE A MORE DIVERSE AND PRODUCTIVE BUSINESS ENVIRONMENT AS ENVISIONED IN THE CITY OF NORTH MIAMI DOWNTOWN MASTER DEVELOPMENT AND MAJOR CORRIDOR PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, on May 28, 2013, the Mayor and City Council of the City of North Miami ("City") passed Resolution Number R-2013-55, adopting the Downtown Master Development and Major Corridor Plan ("Master Plan") to serve as a design guide for future development and redevelopment; and

**WHEREAS**, a retail gap analysis conducted as part of the assessment for the Master Plan ("Gap Analysis"), revealed an excess supply of certain retail uses saturating the downtown commercial corridor, and stagnating the creation of other desirable retail uses that are in higher demand; and

**WHEREAS**, the Master Plan provides that the City should review the current land use and zoning district designation limitations for potential revisions in order to encourage a more diverse supply of uses that are in demand in order to attract new regional businesses and customers to the City's downtown area; and

**WHEREAS**, Policy 9.4.2 of the City Comprehensive Plan, further requires that the City introduce employment generating uses along major transportation corridors, ensuring that employment generating uses are compatible with the character of the neighboring area through revisions in development regulations and permit review process; and

**WHEREAS**, a detailed map based on the information provided in the Gap Analysis,

confirms a proliferation of certain uses such as beauty salons, barber shops, convenience stores, and tax preparation services within the City's downtown area; and

WHEREAS, the City is desirous of amending the Land Development Regulations in order to limit the number of such overabundant uses in the downtown area, so as to create a diverse and more productive business environment where people can work, shop and invest.

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 Regulations.** 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", specifically at Article 5 entitled "Development Standards", to include a new Division 22 entitled "Distance Requirement for Certain Retail Uses", to mitigate the proliferation of specific retail uses, specifically as it applies to the downtown commercial corridor, and to encourage a more diverse and productive business environment as envisioned in the City of North Miami Downtown Master Development and Major Corridor Plan, as follows:

**CHAPTER 29. LAND DEVELOPMENT REGULATIONS**

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**ARTICLE 5. DEVELOPMENT STANDARDS**

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**DIVISION 22. DISTANCE LIMITATION FOR CERTAIN USES**

**Sec. 5-2201. Purpose, legislative intent.**

The purpose of this division is to regulate the location of hair salons, barber shops, convenience stores, and tax preparation businesses so as to prevent the saturation and proliferation of such uses within a specific and limited commercial area, in order to obtain a more balanced use of limited commercial zoning area within the central core of the city. This section is designed to eliminate or lessen such adverse effects by preventing or lessening the concentration of such businesses by maintaining minimum distances between such businesses and between certain other uses, and allowing hair salons, barber shops and tax preparation businesses to be located in appropriate areas only. The sole purpose of the legislative body of the city in enacting this section is the desire to preserve and protect the quality of life, public health, safety, and general welfare of the citizens of the city.

**Sec. 5-2202. Definitions.**

For the purposes of this division, the following words and terms have the meaning so specified:

Barber shop means any place of business wherein the practice of barbering is carried on, including, but not limited to, shaving, cutting trimming, coloring, shampooing, arranging, dressing, curling, or weaving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical device.

Convenience store means a use consisting of the sale of goods, products, materials, or services directly to the consumer from within an enclosed building, including, but not limited to, bill paying services, phone card sales, money transfer services, immigration consulting, notary public, tax preparation services, dollar stores, and laundry or dry cleaning establishments.

Hair salon means any place of business wherein the practice of cosmetology is carried on for the treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services.

**Sec. 5-2203. Location and distance restriction within the C-3 zoning district.**

A. Hair salons, barber shops, convenience stores, and businesses devoted to tax preparation services shall be allowed within the C-3 commercial zoning district, subject to the distance requirement provided herein.

B. No hair salon, barber shop, convenience store, or tax preparation business shall be located within one thousand five hundred (1,500) feet of an identical or similar use of:

1. Any lawfully pre-existing hair salon, barber shop, convenience store, or tax preparation business that is located within the C-3 commercial zoning district; or
2. Any pre-existing zoning district within the city that is zoned for residential use.

C. The distances provided for in this subsection shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the parcel upon which the hair salon business or tax preparation business is located to the nearest property line of a parcel:

1. Upon which such a lawfully pre-existing hair salon, barber shop, convenience store, or tax preparation business, is located; or
2. Within a district zoned for residential use.

\*\*\*\*\*

**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 4-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 25 day of March, 2014.

**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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
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: MAYOR LUCIE M. TONDREAU

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

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

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

# Beauty Salon within City of North Miami 2013

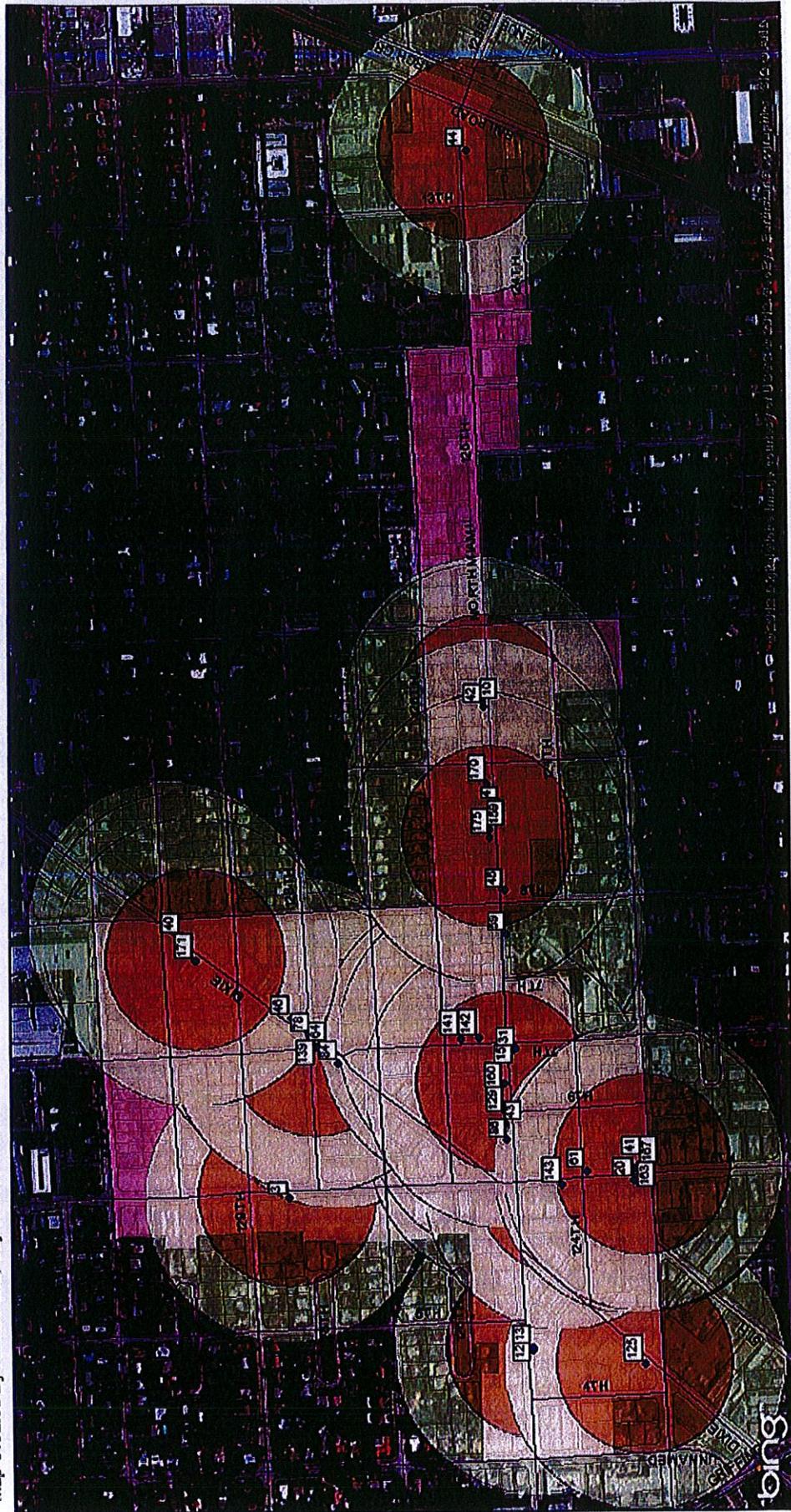
## Legend

- ◆ Beauty Salon
- 500 Ft Radius = 1000 Ft Diameter
- 800 Ft Radius = 1600 Ft Diameter
- Streets

## Zoning Categories

- C-3

Map Created By Alexis Pena, City of North Miami



# Tax Preparation within City of North Miami 2013

## Legend

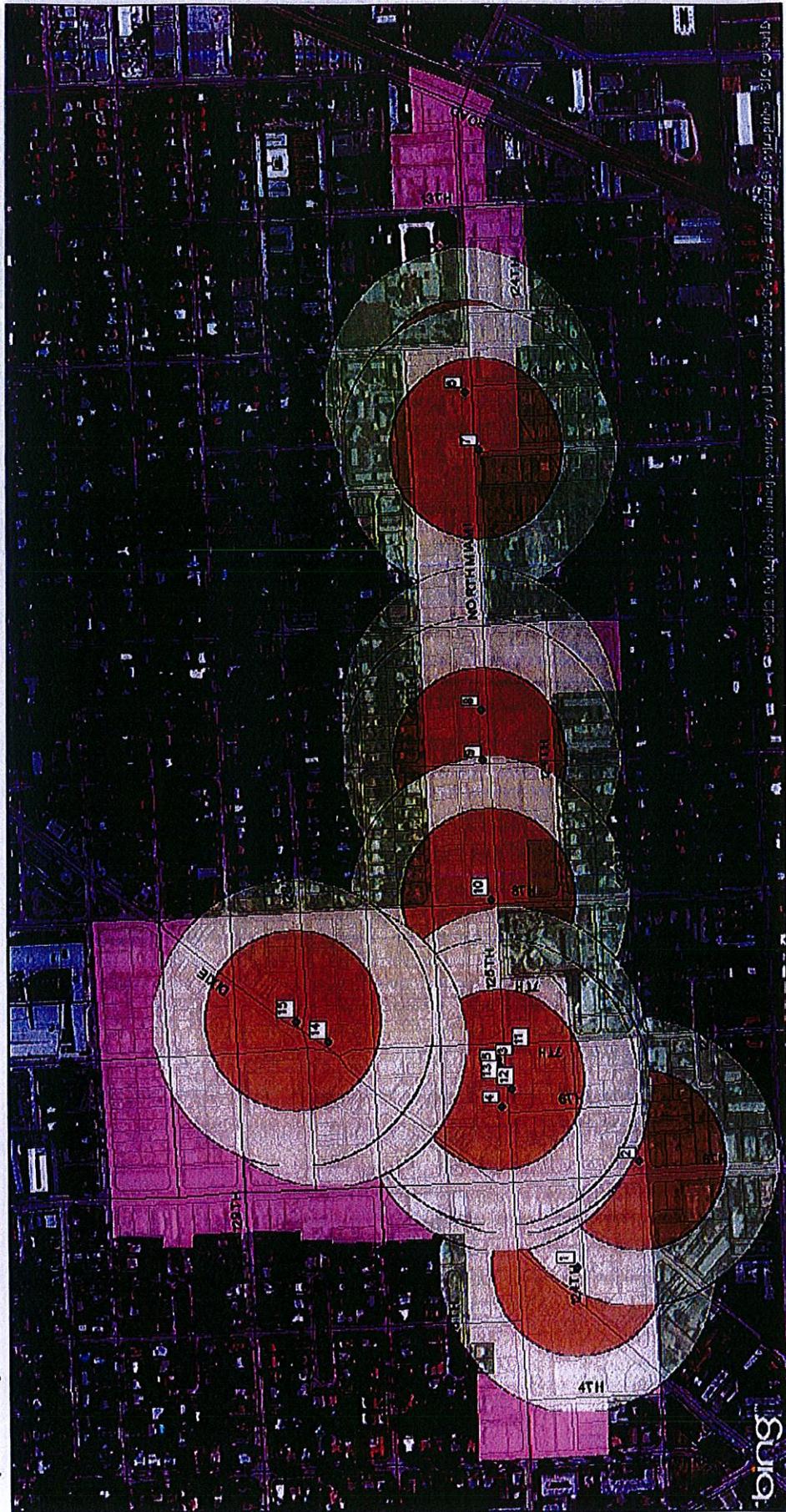
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## Zoning Categories

-  C-3

Map Created By Alexis Pena, City of North Miami



ORDINANCE NO. 1368

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2. Any pre-existing zoning district within the city that is zoned for residential use.

C. The distances provided for in this subsection shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the parcel upon which the hair salon business or tax preparation business is located to the nearest property line of a parcel:

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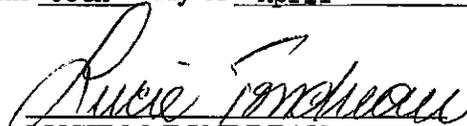
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**Section 5. Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by a 4-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 25th day of March, 2014.

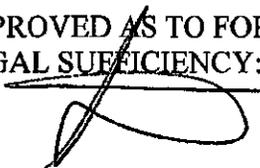
**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 08th day of April, 2014.

  
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: MAYOR LUCIE M. TONDREAU

Moved by: Galvin

Seconded by: Tondreau

**Vote:**

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