



NORTH MIAMI PLANNING COMMISSION AGENDA
Tuesday, April 7, 2015, 7:00PM
Council Chambers
776 NE 125th Street, North Miami, FL 33161

I. ASSEMBLY AND ORGANIZATION:

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call of Board Members
- D. Amendments to the Agenda

II. APPROVAL OF MINUTES: February 3, 2015

III. COMMUNICATIONS: Communications of Commissioners

IV. ORIENTATION: Planning Commission Orientation

V. CONTINUED PUBLIC HEARINGS: None

VI. PUBLIC HEARINGS:

PC 6-15: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 5, DIVISION 14 ENTITLED "PARKING AND LOADING", SPECIFICALLY AT SECTION 5-1406 ENTITLED "PROHIBITED PARKING AND/OR STORAGE", AND AMENDING ARTICLE 7, AT SECTION 7-101 ENTITLED "DEFINITIONS", TO CLEARLY ESTABLISH APPROPRIATE REGULATIONS FOR THE USE AND PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS, AIMED AT PROTECTING RESIDENTS AND PROPERTIES WITHIN RESIDENTIAL NEIGHBORHOODS, CONSISTENT WITH THE INTENT OF THE NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

- 1. Staff Report
- 2. Commission Action

~~PC 7-15: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 20 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "TREE PRESERVATION AND PROTECTION", TO UPDATE, ORGANIZE, AND CLARIFY SPECIFIC SECTIONS OF THE CHAPTER SO AS TO AFFORD THE CITY'S EXISTING AND FUTURE TREE CANOPY WITH A LEVEL OF PROTECTION REQUIRED FOR CONTINUED SUSTAINABILITY AND GROWTH; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.~~

1. Staff Report
2. Commission Action

VI. COMMITTEE REPORTS: None

VII. OLD BUSINESS: None

VIII. NEW BUSINESS: None

IX. ADJOURNMENT

Interested parties may appear at the meeting and be heard with respect to the matter. Any person wishing to appeal the recommendations of the Planning Commission will need a verbatim record of the meetings 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 Community Planning & Development Department no later than four (4) days prior to the proceeding. Telephone (305) 893-6511, Ext. 12159, for assistance. If hearing impaired, telephone our TDD line at (305) 893-7936 for assistance.



NOTICE OF PROPOSED ORDINANCE

CITY OF NORTH MIAMI, FLORIDA

NOTICE IS HEREBY GIVEN that the City of North Miami, Florida proposes to adopt the following ordinance:

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 5, DIVISION 14 ENTITLED "PARKING AND LOADING", SPECIFICALLY AT SECTION 5-1406 ENTITLED "PROHIBITED PARKING AND/OR STORAGE", AND AMENDING ARTICLE 7, AT SECTION 7-101 ENTITLED "DEFINITIONS", TO CLEARLY ESTABLISH APPROPRIATE REGULATIONS FOR THE USE AND PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS, AIMED AT PROTECTING RESIDENTS AND PROPERTIES WITHIN RESIDENTIAL NEIGHBORHOODS, CONSISTENT WITH THE INTENT OF THE NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

A Public Hearing on this Ordinances will be held by the Planning Commission on **Tuesday, April 7th, 2015 at 7:00 p.m.** and the City Council on **April 14th, 2015 at 7:00pm (First Reading) and April 28th, 2015 (Second Reading and Adoption Hearing)** in the Council Chambers of North Miami City Hall, Second Floor, 776 NE 125 Street, North Miami, Florida 33161.

Members of the public are invited to attend the Public Hearings and provide oral or written comments on the matter. A copy of the application and report containing the Community Planning and Development Department's recommendation will be available for public review from Monday to Friday between the hours of 8:15 a.m. and 5:00 p.m. in the City Clerk's Office, City Hall. Written comments may be submitted to: City of North Miami, 776 N.E. 125th Street, North Miami, Florida 33161, Attn: Community Planning and Development Department. For questions, please call (305) 893-6511, Ext. 12182.

ANY PERSON WISHING TO APPEAL THE DECISION OF THE CITY COUNCIL 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 (SECTION 286.0105. F.S.).

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE OFFICE OF THE CITY CLERK NO LATER THAN FOUR (4) DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 893-6511, EXT. 2147, FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE OUR TDD LINE AT (305) 893-7936 FOR ASSISTANCE.

NORTH MIAMI PLANNING COMMISSION AGENDA

Tuesday, April 7, 2015, 7:00PM
 Council Chambers
 776 NE 125th Street, North Miami, FL 33161

**I. ASSEMBLY AND ORGANIZATION:**

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call of Board Members
- D. Amendments to the Agenda

II. APPROVAL OF MINUTES: February 3, 2015**III. COMMUNICATIONS:** Communications of Commissioners**IV. CONTINUED PUBLIC HEARINGS:** None**V. PUBLIC HEARINGS:**

PC 6-14: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 5, DIVISION 14 ENTITLED "PARKING AND LOADING", SPECIFICALLY AT SECTION 5-1406 ENTITLED "PROHIBITED PARKING AND/OR STORAGE", AND AMENDING ARTICLE 7, AT SECTION 7-101 ENTITLED "DEFINITIONS", TO CLEARLY ESTABLISH APPROPRIATE REGULATIONS FOR THE USE AND PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS, AIMED AT PROTECTING RESIDENTS AND PROPERTIES WITHIN RESIDENTIAL NEIGHBORHOODS, CONSISTENT WITH THE INTENT OF THE NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

- 1. Staff Report
- 2. Commission Action

PC 7-15: AN ORDINANCE OF THE VICE MAYOR ACTING AS MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 20 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "TREE PRESERVATION AND PROTECTION", TO UPDATE, ORGANIZE, AND CLARIFY SPECIFIC SECTIONS OF THE CHAPTER SO AS TO AFFORD THE CITY'S EXISTING AND FUTURE TREE CANOPY WITH A LEVEL OF PROTECTION REQUIRED FOR CONTINUED SUSTAINABILITY AND GROWTH; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

- 1. Staff Report
- 2. Commission Action

VI. COMMITTEE REPORTS: None**VII. OLD BUSINESS:** None**VIII. NEW BUSINESS:** None**IX. ADJOURNMENT**

Interested parties may appear at the meeting and be heard with respect to the matter. Any person wishing to appeal the recommendations of the Planning Commission will need a verbatim record of the meetings 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 Community Planning & Development Department no later than four (4) days prior to the proceeding. Telephone (305) 893-6511, Ext. 12159, for assistance. If hearing impaired, telephone our TDD line at (305) 893-7936 for assistance.

NOTICE OF PROPOSED ORDINANCE
 CITY OF NORTH MIAMI, FLORIDA



NOTICE IS HEREBY GIVEN that the City of North Miami, Florida proposes to adopt the following ordinance:

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 5, DIVISION 14 ENTITLED "PARKING AND LOADING", SPECIFICALLY AT SECTION 5-1406 ENTITLED "PROHIBITED PARKING AND/OR STORAGE", AND AMENDING ARTICLE 7, AT SECTION 7-101 ENTITLED "DEFINITIONS", TO CLEARLY ESTABLISH APPROPRIATE REGULATIONS FOR THE USE AND PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS, AIMED AT PROTECTING RESIDENTS AND PROPERTIES WITHIN RESIDENTIAL NEIGHBORHOODS, CONSISTENT WITH THE INTENT OF THE NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

AND

AN ORDINANCE OF THE VICE MAYOR ACTING AS MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 20 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "TREE PRESERVATION AND PROTECTION", TO UPDATE, ORGANIZE, AND CLARIFY SPECIFIC SECTIONS OF THE CHAPTER SO AS TO AFFORD THE CITY'S EXISTING AND FUTURE TREE CANOPY WITH A LEVEL OF PROTECTION REQUIRED FOR CONTINUED SUSTAINABILITY AND GROWTH; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

A Public Hearing on this Ordinance will be held by the Planning Commission on Tuesday, April 7th, 2015 at 7:00 p.m. and the City Council on April 14th, 2015 at 7:00pm (First Reading) and April 28th, 2015 (Second Reading and Adoption Hearing) in the Council Chambers of North Miami City Hall, Second Floor, 776 NE 125 Street, North Miami, Florida 33161.

Members of the public are invited to attend the Public Hearings and provide oral or written comments on the matter. A copy of the application and report containing the Community Planning and Development Department's recommendation will be available for public review from Monday to Friday between the hours of 8:15 a.m. and 5:00 p.m. in the City Clerk's Office, City Hall. Written comments may be submitted to: City of North Miami, 776 N.E. 125th Street, North Miami, Florida 33161, Attn: Community Planning and Development Department. For questions, please call (305) 893-6511, Ext. 12182.

ANY PERSON WISHING TO APPEAL THE DECISION OF THE CITY COUNCIL 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 (SECTION 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 OFFICE OF THE CITY CLERK NO LATER THAN FOUR (4) DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 893-6511, EXT. 2147, FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE OUR TDD LINE AT (305) 893-7936 FOR ASSISTANCE.

.MINUTES
 NORTH MIAMI PLANNING COMMISSION
 7:00 P.M.
 Tuesday, February 3, 2015
 COUNCIL CHAMBERS

The meeting was called to order at 7:00 p.m. After the pledge of allegiance, a roll call of the members was taken.

	Name	Present	Excused	Absent
1.	Kevin Seifried	x		
2.	Charles Ernst		x	
3.	Kenny Each	x		
4.	Jean Castor	x		
5.	Jason James	x		
6.	Bill Prevatel	x		
7.	<i>Vacant</i>			
8.	<i>Vacant</i>			
9.	<i>Vacant</i>			

Staff was represented by:

Nixon Lebrun, AICP, CFM Zoning Administrator
 Roland Galdos, Deputy City Attorney
 Kent Walia, Temporary Board Secretary
 Dunia Sanzetenea, Information Technology

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

II. Approval of Minutes:

Commissioner Prevatel recommended amendments to the January 2015 planning commission minutes. Staff acknowledged the Commissioners amendments noted the necessary corrections. The minutes of the January 6, 2015 was motioned for approval by Commissioner Castor and seconded by Commissioner Prevatel seconded the minutes where passed unanimously 6-0.

III. Continued Public Hearings: None

IV. Public Hearings:

PC 3-15: **AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR A 9.66 ACRE PORTION OF A PARENT TRACT TOTALING 13.66 ACRES LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050 TO GO FROM OPEN SPACE/RECREATION TO MIXED USE LOW DENSITY LAND USE DESIGNATION, IN ORDER TO ALLOW A PROPOSED LAND USE CHANGE, TO BE CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.**

1. Staff Report
2. Commission Action

The item was introduced by the Chair Seifried. Staff report was given by Mr. Lebrun. Mr. Lebrun mentioned that the following item was sponsored by Councilwoman Marie Sterile. The intent of the item was to make the portion of the existing of Claude Pepper Site which is a landfill site into a designated site as a Brownfield to mitigate the contamination of the site and then carve a portion of the site to change the land use to low-density residential to be consistent with the Comprehensive Plan. The development would be mix-use with elderly residential and retail. Staff believes that the criteria is consistent with the application process. Staff says there is no developer for this item.

Public Hearing:

The first resident to stand at the podium was Mr. Kevin Burns. Mr. Burns said he could not believe that City Staff would consider turning park land into housing. Mr. Burns said that this this biggest piece of vacant land remaining in the City outside of Biscayne Landings. Mr. Burns voiced his opinion that the item and said that it should have gone to council first before going to the planning commission. Burns mentioned that he doesn't trust the item put before staff.

The next resident to speak at the podium was Al Sinolovski. Mr. Sinolovski asked council to have the terminology of rezoning clarified. Commission Chair addressed the clarification. Mr. Sinolovski opposed the idea of retail near the residential area because there are plenty of retail

already in the east and the west sides of the City. Mr. Sinolovski said that he felt that this site is not appropriate for retail.

The next resident to speak at the podium was Mr. Regional Simms. Mr. Simms said that he felt that the site become a nature preserve and have no other development.

The next resident to speak at the podium was Ms. Carol Praiger. Ms. Praiger said that she is a civic activist and she objects this item. Ms. Praiger mentioned that she felt that parks were important to the area. She also mentioned that other cities are looking for greenspace. Ms. Praiger said that she felt the City should relocate the old Sasso Park to this site and make it a revenue generating park like Cagney Park. Ms. Praiger said that she doesn't believe in this item and that it should be kicked back to council.

The next resident to speak at the podium was Ms. Anne Montgomery. Ms. Montgomery said that she would like to see sport fields in the area and for the site not to be sold to a developer.

The next resident to speak at the podium was Ms. Beverly Hilton. Ms. Hilton mentioned to the Commission that she is ok with homes being built for Senior Citizens, but she does not want to see the land given to a private developer. She mentioned that we need a park and a pool that would benefit the neighbors. Ms. Hilton said that she is in favor of using the land for City use only.

Commission Discussion:

Mr. Galdos said that there is nothing in the code that prevents this particular item to be sponsored by the City. Commissioner Each mentioned that he has several questions. The first question he had was if the park's commission involved in this project? The second question was that there was going to be a LDR amendment coming up in a few months and the item should be brought up during the text amendment to decide what to do with the site. Commissioner Each said that he would like to see an actual park. Commissioner Each questioned if there was an economic reason for why the City wanted to sell the portion of the parcel to a developer instead of keeping it. Commissioner Each also mentioned that we should build affordable high rise housing on NW 7th Ave. Then Commissioner Each followed up by saying that this item is like putting the cart before the horse. Commissioner Castor said that he is for affordable housing but however he thinks the item lack communication with the Park's commission.

Commission Chairman Seifried said he has concerned feeling regarding the item. The Chairman said that he is opposed to the item for the number of reason: (1) the item was not vented past the Sunkist Grove residents, (2) he was not in favor of taking park land and that may have been bought with federal dollars to sell to a developer which could "open a can of worms," (3) the item was not vented past the parks board, (4) and because the of absence of visioning in the City. The Chairman though the Site could be cleaned up and used for something great in the future such as an Olympic sized track or a pool. The Chairman said that the City should look at long term future and consider possible future annexation areas such as (Biscayne Gardens), which could be available if Dade County drops the area in the future and it would be available to North Miami or North Miami Beach. The Chairman said that these potential Miami-Dade County annexation areas have a lot of homes but no park space. The Chairman said that if this item had gone through a full examination

process them his impression of the item maybe have been different. Commissioner Jason James says that he has no comment.

Commissioner Prevatel said that he is glad to see the commission coming together and on the right track. Commissioner Prevatel said that he agrees with Commissioner Each that we need to have an overall vision for the City. The Commissioner then said that he is privy to Chairman Seifried's remark on downtown revitalization process agreeing that it was done Myopically. Commissioner Prevatel said that he was very happy about the people support of the Westside. The Commissioner said that the area was lacking park space. Commissioner Prevatel said that the City has 184 acres at Biscayne Landings. The Commissioner also said he would like to see an academic facility with field amenities for this site. Commissioner Prevatel mentioned that he wants to address the issue of fair housing. The Commissioner questioned that by adding all these additional housing projects what would the City do to create jobs for these people. The Commissioner asked what initiatives the City has to bring businesses with jobs to balance the economy. Commissioner Prevatel said in his opinion that if we go for higher density and we have more people on the streets, we must have housing hand in hand with office space and commercial activity so people can live near their work to reduce traffic. The Commissioner Prevatel concluded by saying that he doesn't believe that urban sprawl would benefit the City and he feels we should keep our park space. Mr. Galdos addressed the Chair by suggesting since the item is looking like it would be denied to deny the item without prejudice so that if it comes back within a period 12 months the planning commission could still hear it. Chairman Seifried responded to Mr. Galdos by saying that given the current status of the LDR's that he would recommend the item denied with prejudice. Commissioner Each motioned to deny the item with prejudice and Commissioner Castor seconded the denial and the item was denied 5-0.

PC 4-15: **AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING THE CITY OF NORTH MIAMI OFFICIAL ZONING MAP REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF A 9.66 ACRE PORTION OF A PARENT TRACT TOTALING 13.66 ACRES GENERALLY LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050, FROM THE CURRENT PU (PUBLIC USE) ZONING TO PD (PLANNED DEVELOPMENT) ZONING, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

1. Staff Report
2. Commission Action

The item was introduced by the Chair. Staff report was given by Mr. Lebrun. Mr. Lebrun mentioned that this item was the 2nd part of the discussion and the rezoning of this item was contingent upon the LUPA of the previous item. Mr. Lebrun mentioned that the recommendations are the same. Mr.

Public Hearing:

The first resident to approach the podium is Keven Burns. Mr. Burns said the original intent of the site was to be used for recreation fields. Mr. Burns said that he wants to touch on Claude Pepper perception of being contaminated. Mr. Burns said that the fill that was added on to the site during his time as mayor was certified fill and not contaminated. Mr. Burns said that the fill was clean since Mark Collins was there. Mr. Burns said that City spent federal dollars to purchase that site. Mr. Burns said we owe it to the residents to develop that area into park land. Mr. Burns said that there is about 200 to 300 people a day running around the area and that is an indication that area is functioning as a park and that we need more space.

The next resident to approach the podium is Carol Praiger. Ms. Praiger asked staff where should could find the information stating that Site B is contaminated. Staff addressed the comment stating that they could provide the proven documentation.

The next resident to speak at the podium was Al Sinolovski. Mr. Sinolovski said that he opposes the whole item and that he adopts his previous comments made. Mr. Sinolovski said that he commends the Planning Commission board for their decision.

The next resident to speak at the podium was Anne Montgomery. Ms. Montgomery said that she opposes the change of zoning and appreciates everything that the Planning Commission board has done.

Commission Discussion:

Commissioner Prevatel questioned the material that was given for the item because it was an aerial photograph and a red outline. Commissioner Prevatel questioned that the submitted documents saying that they weren't sufficient and there were not renderings or detailed drawings showing what the design of the site would look like? Commissioner Prevatel motioned the item to be denied with prejudice and Commissioner Castor seconded the denial and the item was denied 5-0.

PC 5-15:

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A WAIVER OF PLAT FOR THE CLAUDE PEPPER LAKEFILL SITE LOCATED AT 1525 NW 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2123-000-0050, IN ACCORDANCE WITH ARTICLE 3, DIVISION 8, SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

1. Staff Report
2. Commission Action

The item was introduced by the Chair. Staff report was given by Mr. Lebrun said that the recommendation for this item remains the same even though the previous two was denied.

Public Hearing:

The first resident to approach the podium is Keven Burns. Mr. Burns said that for the record just because something is lawful but does it make it beneficial? Mr. Burns says he adopts all of his previous comments.

The next resident to approach the podium is Carol Praiger. Ms. Praiger said that she opposes item #3.

The next resident to speak at the podium was Al Sinolovski. Mr. Sinolovski said that he opposes the item.

The next resident to speak at the podium was Anne Montgomery. Ms. Montgomery said that she adopts all of her previous comments.

Commission Discussion:

Commissioner Each motioned the item to be denied with prejudice and Commissioner Castor seconded the denial and the item was denied 5-0. Commissioner Each said that he had previous discussions with the planning manager and the development review committee. Commissioner Each said that having a design review board should look at the architectural design that are being submitted so that we don't get these cookie cutter buildings. Commissioner Prevatel said that if this item goes back to the urban design phase that it should supplement the master plan. Commissioner Each mentioned that he would like the commission to be allowed to provide input at the design review board. Commissioner Castor mentioned that he would volunteer for the board. Chairman Seifried said that this item was like putting the cart before the horse.

— — —

The next meeting was scheduled for April 7, 2015.

V. COMMITTEE REPORTS: None

VI. OLD BUSINESS: None

VII. NEW BUSINESS:

Staff mentioned that there was a comprehensive plan workshop for February the 26th.

The meeting was adjourned at 08:37 p.m.

VIII. ADJOURNMENT

Respectfully submitted:

Attest:

Commissioner Kevin Seifried, Chair
Planning Commission

Nixon Lebrun, AICP, CFM, Zoning Administrator
Community Planning & Development

Prepared by:

Kent Walia, Temporary Board Secretary
Community Planning & Development



MEMORANDUM

To: The Planning Commission

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

CC: Nixon Lebrun, AICP, CFM
City Planner, Liaison to the Planning Commission

Date: March 27, 2015

RE: Appointment of New Members to the Planning Commission

The City Clerk’s office has advised that, at its regularly scheduled meeting of January 27, 2015, the City Council appointed the following three (3) new regular members and two (2) new alternates to the Planning Commission: Ms. Peggy Boule, Mr. Daniel Calixte, Mr. Emmanuel Jeanty, Ms. Mary Irvin and Mr. Michael McDermid. At the same meeting, the City Council also reappointed Mr. Kenney Each. The new membership composition of the Planning Commission and the respective term limits are as follows:

<u>MEMBER</u>	<u>APPOINTED BY</u>	<u>APPOINTED</u>	<u>TERM ENDING</u>
Charles Ernst	Councilwoman Steril	6/11/2013	5/26/2015
Daniel Calixte	At-Large	1/27/2015	6/9/2015
Emmanuel Jeanty	Councilman Bien-Aimé	1/27/2015	5/23/2017
Jason James	Councilman Galvin	6/11/2013	5/26/2015
Kenny Each	Mayor Joseph	1/27/2015	5/26/2015
Mary Irvin	Alternate	6/11/2013	6/9/2015
Michael McDermid	Alternate	6/11/2013	6/9/2015
Peggy Boule	Mayor Joseph	1/27/2015	5/26/2015
William Prevatel	Councilwoman Keys	6/11/2013	5/23/2017



MEMORANDUM

On behalf of the Community Planning & Development Department, I would like to congratulate the newly appointed members of the Commission and also extend our most sincere thanks to the departing Chair of the Commission, Mr. Kevin Seifried, for his more than twenty-five (25) years of unsurpassed leadership, vision, and sacrificial service. Also I would also like to thank departing Commissioner, Mr. Jean Castor for his years of dedicated service.

TWS/nl

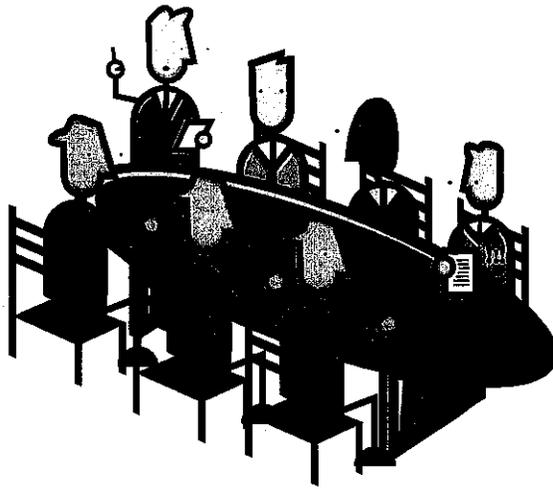
Planning Commission
Orientation Packet



CITY OF NORTH MIAMI
PLANNING COMMISSION ORIENTATION PACKET

TABLE OF CONTENTS

- I Overview of Planning Commission Composition & Term
- II Ethical Principles in Planning – Proposed Draft
- III Responsibilities from the Code of Ordinances
- IV Accepting the Call to serve
- V Draft of a Typical Agenda
- VI Future Planning Commission Calendar
- VII Planning Commission Directory
- VIII Packet Checklist – What to Expect
- IX Comprehensive Plan, Land Development Regulations
- X Resources for Planning Commissioners



PLANNING COMMISSION COMPOSITION & TERM

***CITY OF NORTH MIAMI PLANNING COMMISSION
OVERVIEW OF COMPOSITION & TERM***

(Sect 2-202, North Miami Land Development Regulations)

- 7 regular members and 2 alternates
- Staffed by Community Planning Department
- Meets first Tuesday of every month @ 7 p.m.
- Advisory to and serves at the pleasure of the City Council
- Members hold office for staggered terms of two (2) years (ending on the second Tuesday in June of each odd year).
- Officers include: Chair, Vice Chair and Secretary (reelection of officers should be done annually).
- At least 4 members needed for a quorum



ETHICAL PRINCIPLES IN PLANNING

DRAFT

City of North Miami Planning Commission

Ethical Principles in Planning

(Excerpt from APA Adopted Ethical Principles, May 1992)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

The planning process must continuously pursue and faithfully serve the public interest.

Planning Process Participants should:

1. Recognize the rights of citizens to participate in planning decisions;
2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;
5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
6. Strive to protect the integrity of the natural environment and the heritage of the built environment;
7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors;
2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker (see also Advisory Ruling "Conflicts of Interest When a Public Planner Has a Stake in Private Development")
3. Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;
4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;
5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;
6. Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;
7. Serve as advocates only when the client's objectives are legal and consistent with the public interest.
8. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;
9. Not use confidential information acquired in the course of their duties to further a personal interest;
10. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;
11. Not misrepresent facts or distort information for the purpose of achieving a desired outcome;
12. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;
13. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.



**RESPONSIBILITIES
FROM THE CODE OF ORDINANCES
(SECTION 2-201)**

DIVISION 2. - PLANNING COMMISSION

Sec. 2-201. - Powers and duties.

Sec. 2-202. - Membership; terms; vacancies; removal.

Sec. 2-203. - Meetings; quorum; required vote.

Sec. 2-204. - Officers; staff.

Sec. 2-205. - Rules and records.

Sec. 2-201. - Powers and duties.

The planning commission shall have the following powers and duties:

- A. Prepare and recommend to the city council a comprehensive master plan for the public welfare, economic, and physical development of all areas within the city.
- B. Prepare and recommend to the city council land use regulations for implementation of the comprehensive plan.
- C. Continually plan for the progress and growth of the city with respect to capital projects and local improvements, as these terms are defined in sections 58 and 111 of the City Charter; assist the city manager and the director of community planning and development department in preparing the capital improvements portion of the annual budget, as contemplated in section 46 of the Charter; and from time to time, recommend to the city council such legislation as may be deemed appropriate to carry out such plans as the commission may decide.
- D. Continually plan for the progress and growth of the city with respect to properly regulating the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures, and land and water for trade, industry, residence or other purposes, and from time to time recommend to the city council such legislation as may be deemed appropriate to carry out such plans.
- E. Review and study potential and existing areas of distress and decay and recommend action with respect to urban renewal or rehabilitation; institute a program of education covering ways and means to avoid the decay of a neighborhood, and study and recommend zoning changes to effect the improvement of a neighborhood.
- F. Conduct public hearings in connection with the study of future plans and include the results of such public hearings in its recommendations to the city council on proposed plans.
- G. Conduct public hearings regarding proposed planned development and conditional uses and make recommendations thereon to the city council.
- H. Whenever any amendment, supplement, change or repeal of existing zoning districts or classification of the official zoning map is proposed, the planning commission shall

conduct a public hearing and make recommendations to the city council, as provided by article 3

(S.M. No. 127 § 1001.1.0.0.00)

Sec. 2-202. - Membership; terms; vacancies; removal.

- A. *Membership.*
1. The planning commission shall be composed of seven (7) members and two (2) alternates. The members shall be appointed by a majority of the city council.
 2. Each member shall be a resident of the city and shall not hold any other elected public office or city employment within the City during the term of such appointment. Any member who ceases to reside within the city limits during the term of office shall be deemed to have resigned as of the date of moving from the city. No member or alternate shall serve if that person is obligated to the city for any recorded lien, fine, judgment or if there is a code enforcement violation against the member which has remained unresolved for sixty (60) days or more, without an appeal being taken by the member.
- B. *Terms.* Members of the planning commission shall serve for staggered terms of two (2) years, unless sooner removed by the city council. The terms of four (4) members shall end on the second Tuesday in June of each odd-numbered year. The terms of three (3) members shall end on the second Tuesday in June of each even-numbered year. The terms of the alternates shall not be staggered.
- C. *Vacancies.* Appointments to fill any vacancies shall be made by the city council and shall be for the remainder of the unexpired term.
- D. *Removal.* Three (3) affirmative votes of the city council shall be required in order to remove a commission member, and no cause need be shown for removal. Any commission member who has two (2) unexcused absences or three (3) consecutive excused absences in one (1) year shall automatically forfeit membership.

Sec. 2-203. - Meetings; quorum; required vote.

- A. *Meetings.* The planning commission shall meet on the first Tuesday of each month. The meeting time may be set and amended as deemed necessary by the chairperson and the director of the community planning and development department. The meetings of the planning commission shall be open to the public.
- B. *Quorum; required vote.* The seven (7) members of the planning commission shall transact the business of the commission with four (4) members constituting a quorum. Four (4) affirmative votes shall be required for a positive recommendation of any proposed zoning or comprehensive plan change. A positive recommendation for any other matter coming before the commission shall require a majority vote of the members present. No member shall participate in deliberations or vote upon any item before the planning commission that would constitute a conflict of interest for that member, in compliance with F.S. ch. 112

Sec. 2-204. - Officers; staff.

- A. *Officers.* The planning commission shall elect from within the commission a chairperson, who shall be the presiding member; a vice-chairperson, who shall preside in the absence or disqualification of the chairperson. Terms of all officers shall be for one (1) year, with eligibility for reelection.

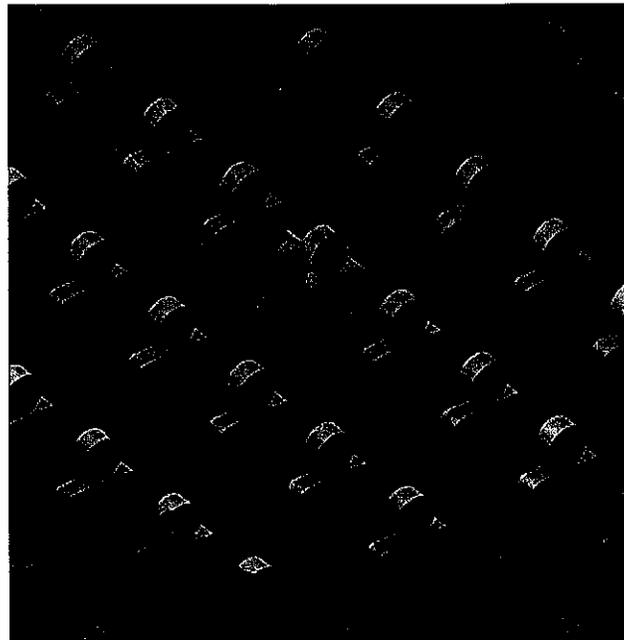
- B. *Staff.* The director of the community planning and development department or the director's designee shall be the secretary for the commission and shall provide support staff as may be necessary to assist the commission in the performance of its duties.

(Ord. No. 12-8, § 16.01(1) & 26.01)

Sec. 2-205. - Rules and records.

The planning commission may establish such rules of procedure as it may determine necessary to carry out its duties. Records of the proceedings shall be a public record maintained and filed with the secretary of the commission.

(Ord. No. 12-8, § 16.01(1) & 26.01)



ACCEPTING THE CALL
Testimonial by Scott Bartley Chair,
Santa Rosa, California, Planning Commission

The Commissioner — Spring 2007

Commissioner's Voice

It Sounded So Easy

Santa Rosa, California, Planning Commission

By Scott Bartley,

Chair, Santa Rosa, California, Planning Commission

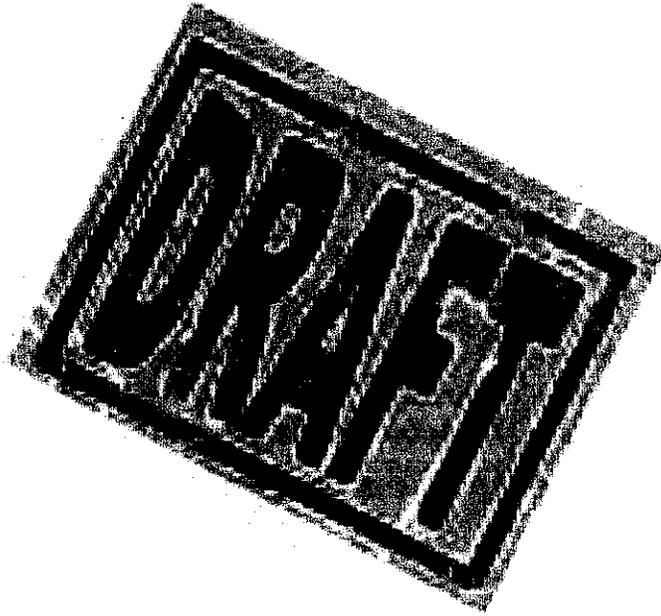
Ah, the challenges of chairing a planning commission. It sounded so easy when I said yes, and of course the reality is that it frequently is any thing but.

As an architect I pride myself on being analytical and well structured when dealing with a problem. Often this serves me well but at other times it can make a problem worse than it was to begin with. No one wants to end up with their foot firmly planted in their mouth, but it does happen. I am speaking from experience here. It seems that every time I stand firm and resolute on an issue which I am convinced that my opinion is THE RIGHT ONE, I find myself eventually trying to extricate my foot from my mouth.

The lesson there, which I still have to remind myself of when I feel my feet plant, is stop talking and start listening — really listening. Years ago, while chairing a design review board meeting, I, in my stridency, made a member of the public so angry with both me and the process that she stood up and decided to get involved herself. That woman is now my vice chair and a truly superb planning commissioner. Working with her has meant that I need to drop my guard, listen, and learn. While I have good knowledge of issues of the built environment, she has great knowledge of the human aspects of our general plan. She has educated me and helped me grow in my position, and I believe I have helped her understand the constraints the built environment can sometimes present in implementing our plan.

What makes our current commission successful is that we all listen. We listen to each other, to the public, and to staff. It does not always lead to consensus (acknowledging that many items on your commission agenda eventually has a winner and a loser), but it does help with respect. The greatest compliment I can receive is when the person on the losing end of an issue comes to me afterwards and says: "While I don't agree with your decision, I do respect the fact that you listened."

As a commissioner your duty is to listen to all the facts and opinions revolving around an issue without letting personalities or ego get in the way. People fundamentally want to be heard. Even if you end up not agreeing with them, the act of truly listening goes a long way towards consensus.



DRAFT OF A TYPICAL AGENDA



**NORTH MIAMI PLANNING COMMISSION
AGENDA
TUESDAY, MARCH 6, 2007
7:00 P.M.
COUNCIL CHAMBERS**

I. ASSEMBLY AND ORGANIZATION:

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call of Board Members
- D. Amendments to the Agenda

II. APPROVAL OF MINUTES: February 6, 2007

III. CONTINUED PUBLIC HEARINGS:

PC 03-07: A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A FINAL PLAT FOR PROPERTY LOCATED GENERALLY ON THE NORTH SIDE OF N.E. 135TH STREET WEST OF THEORETICAL N.E. 25TH AVENUE; PROVIDING FOR EFFECTIVE DATE AND ALL OTHER PURPOSE.

1. Staff Report
2. Commission Action

IV. PUBLIC HEARINGS:

PC 06-07: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE APPROVAL OF AN AMENDED SITE PLAN, AMENDED CONDITIONAL USE PERMIT AND AMENDED PRECISE PLAN FOR PHASE I-A OF A CERTAIN DEVELOPMENT KNOWN AS BISLAYNE LANDING; PROVIDING FOR A CONFLICT CLAUSE; PROVIDING A REPEAL CLAUSE, PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

1. Staff Report
2. Commission action

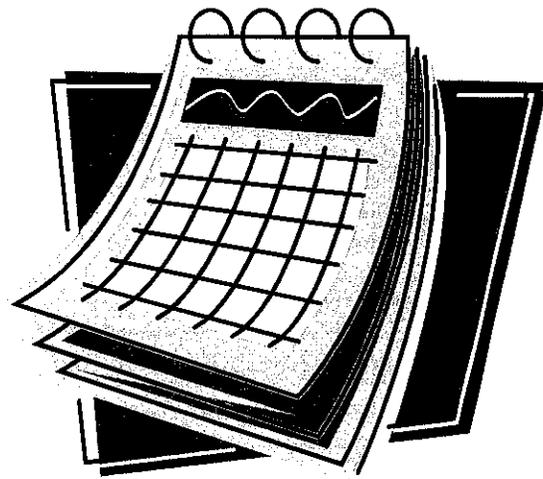
PC 07-07: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA AUTHORIZING THE APPROVAL OF AN AMENDMENT TO A PREVIOUSLY AMENDED CONDITIONAL USE PERMIT AND A PRECISE PLAN FOR THE PROPERTY SITUATED AT THE NW CORNER OF NE 137TH STREET AND NE 5TH AVENUE (ALSO KNOWN AS RUCK'S PARK), IN ACCORDANCE WITH SECTION 29-12 OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

1. Staff Report
2. Commission Action

- V. **COMMITTEE REPORTS:** None
- VI. **OLD BUSINESS:** None
- VII. **NEW BUSINESS:** None
- VIII. **COMMUNICATIONS:** None
- IX. **ADJOURNMENT**

Any person wishing to appeal the recommendations of the Planning Commission will need a verbatim record of the meetings proceedings, which record includes the testimony and evidence upon which the appeal is to be based (Chapter 286.0105 F.S.)

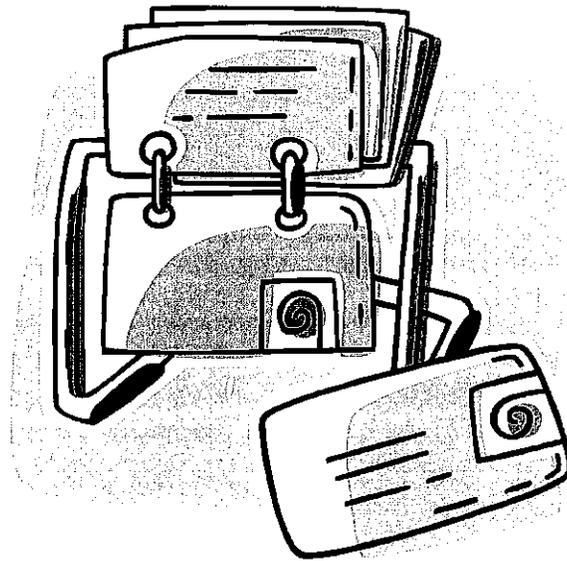
In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the Community Planning & Development Department no later than four (4) days prior to the proceeding. Telephone (305) 893-6511, Ext. 12252, for assistance. If hearing impaired, telephone our TDD line at (305) 893-7936 for assistance.



PLANNING COMMISSION
CALENDAR

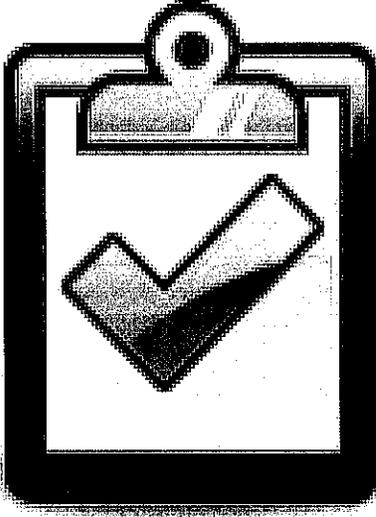
PLANNING COMMISSION MEETING DATES
July 2014 – July 2015

Meeting Date (1st Tuesday of the month)
July 1, 2014
August 5, 2014
September 2, 2014
October 7, 2014
November 4, 2014
December 2, 2014
January 6, 2015
February 3, 2015
March 3, 2015
April 7, 2015
May 5, 2015
June 2, 2015
July 7, 2015



PLANNING COMMISSION
DIRECTORY

COMING SOON



PACKET CHECKLIST
(What you should expect)

Your monthly commission packet should include:

- Agenda
- Minutes from the previous meeting
- Staff reports & back up documents for any item on the agenda
- Action memo
- Planning magazines from APA

If there is any item missing in your packet please call Katrina Lunan-Gordon, Community Planning & Development Technician @ 305.893.6511 ext. 12139.

The following documents are available at the City's website:

- Comprehensive Plan

http://www.northmiamifl.gov/departments/cpd/files/GOPs122107_CLEAN_from_Dawn.pdf

http://www.northmiamifl.gov/departments/cpd/files/15_Data_Inventory_Analysis_122107.pdf

- Land Development Regulations

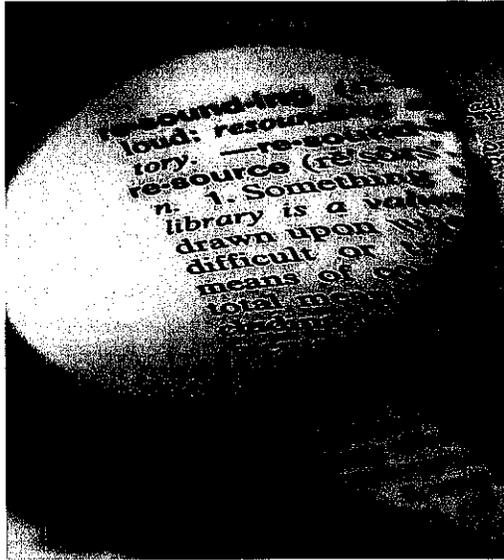
<http://library.municode.com/index.aspx?clientId=11358>

- Future Land Use Map

<http://www.northmiamifl.gov/departments/cpd/files/FLUM.pdf>

- Zoning Map

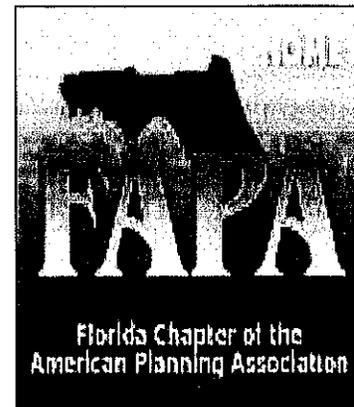
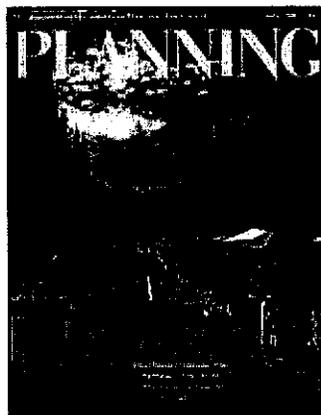
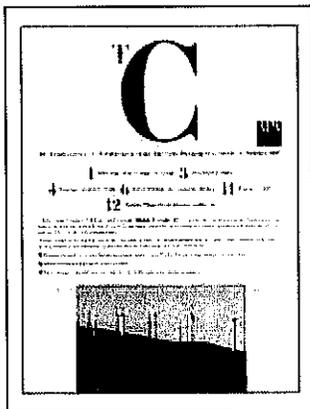
http://www.northmiamifl.gov/departments/cpd/files/NM_Zoning_Map.pdf



RESOURCES FOR PLANNING COMMISSIONERS

Resources for Planning Commissioners

- Review APA Quarterly Journal – **The Commissioner**
- Review APA Planning Magazine – **PLANNING**
- Florida APA Monthly Newsletter – **Florida Planning**
- Log on to American Planning Association (APA) website – www.planning.org
- Search online catalogs, definitions and view current planning topics of interest at : www.planetizen.com



Date: April 7, 2015

To: The Planning Commission

From: Nixon Lebrun, AICP, CFM, City Planner, Community Planning & Development

Re: Amendment to Article 5, Division 14, Section 5-1406 – “Parking and Storage”, and Article 7 Section 7-101 – “Definitions”

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS”, BY AMENDING ARTICLE 5, DIVISION 14 ENTITLED “PARKING AND LOADING”, SPECIFICALLY AT SECTION 5-1406 ENTITLED “PROHIBITED PARKING AND/OR STORAGE”, AND AMENDING ARTICLE 7, AT SECTION 7-101 ENTITLED “DEFINITIONS”, TO CLEARLY ESTABLISH APPROPRIATE REGULATIONS FOR THE USE AND PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS, AIMED AT PROTECTING RESIDENTS AND PROPERTIES WITHIN RESIDENTIAL NEIGHBORHOODS, CONSISTENT WITH THE INTENT OF THE NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

RECOMMENDATION

That the Planning Commission recommend approval of the proposed ordinance to amend Chapter 29 of the North Miami Code of Ordinances entitled “Land Development Regulations” (LDRs) by amending the texts of Article 5, Division 14 (“Parking and Loading”), specifically at Section 5-1406 (“Prohibited Parking and/or Storage”), and amending Article 7, specifically at Section 7-101 (“Definitions”), to include appropriate regulations for the parking and storage of commercial vehicles in residential districts and to provide a comprehensive definition of commercial vehicles, and forward to City Council for final consideration.

BACKGROUND

The proposed request is sponsored by Councilman Scott Galvin and involves a text amendment to Sections 5-1406 and Section 7-101 of the LDRs, to include appropriate regulations for the parking and storage of commercial vehicles in residential neighborhoods and to provide for a comprehensive definition of said commercial vehicles. Historically, the City’s LDRs have always prohibited the parking of commercial vehicles in residentially zoned districts.

Additionally, Section 29-22 - Home Industry, clearly prohibited the parking of commercial vehicles in connection with home businesses in residential districts, stating:

d. Use limitations. In addition to any additional restrictions which may be applicable to the residential districts where the home occupation is being conducted, no home occupation shall be permitted unless it complies with the following provisions:

1) No materials of any sort such as equipment, tools, stock, work product, or commercial vehicles related to the home occupation shall be kept, used, displayed or be visible at any time outside of the dwelling unit where the home occupation is being conducted.

However, in 2009, when Chapter 29 of the LDRs was updated, the aforesupulated provision was inadvertently omitted. Recently, a number of complaints have reached the City administration relating to the use and parking of commercial vehicles, within residential neighborhoods at various hours. Based on the information provided by residents, the increased use of parking of commercial vehicles in residential neighborhoods deteriorates the appearance of the community, clutters the residential street and parking areas at all times of day, and serves as an instrument of criminal or illegal activity. As such, the proposed text amendment seeks to provide staff with the proper regulatory arm to protect and preserve residential neighborhoods from the deleterious effect presented by the unregulated parking of commercial vehicles on residential areas.

The definition proposed by this text amendment for commercial vehicles includes any vehicle whether motor-driven or towed including, but not limited to, trucks, trailers, semi-trailers, tractors and motor homes, utilized, built, or equipped in connection with the operation of a commerce, trade, industry or business, and not utilized as a dwelling. Excluded from this definition are: passenger automobiles/ vans, vehicles used by governmental agencies for official business, and other vehicles, which are or may be required to be similarly identified by city, state or federal law. In order to further protect the integrity and stability of residential neighborhoods, the proposed text amendment also seeks to establish an overnight parking permitting process, which will further regulate the type and size of commercial vehicles that are allowed to be parked in residential properties, as well as the least intrusive parking location on said properties.

ANALYSIS

Article 3, Section 3-1004 of the City's Land Development Regulations (LDRs) requires that all text amendments to the LDRs must meet the following minimum criteria.

1. Promotes the public health, safety and welfare;

The proposed text amendment to establish appropriate regulations for the use and parking of commercial vehicles in residential districts aims at protecting and preserving the integrity of residential neighborhoods. It will promote peace and good order, safe vehicular traffic patterns, while, at the same time, improving the aesthetic beauty of the community and preserving the value of the properties therein. As such, this text amendment is consistent with the purpose and intent of the LDRs and will promote the public health, safety and welfare of the residents.

- 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 establishes guidelines for the parking and storage of commercial vehicles in residential districts. It does not allow uses, which are otherwise prohibited in the Comprehensive Land Use Plan.

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

The proposed text amendment neither changes the residential land use map designations of the effected properties nor modifies the uses or intensities of the developments authorized in the affected FLUE designations.

- 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 text amendment will not cause a decline in the level of service for public services in the affected districts. In fact, it may lead to an improvement in response time for emergency services, as well as a reduction in criminal activities, as a result of less vehicles cluttering the residential roads.

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

The proposed text amendment would establish appropriate regulations for the use and parking of commercial vehicles in residential districts, and provide for a comprehensive definition of said commercial vehicles. It is consistent with the goals, policies and objectives of the City's Comprehensive Plan, specifically Policy 1.7.7, which calls for the adoption of standards in the LDRs, which enhance neighborhood preservation.

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

As stated above, the proposed text amendment regulates the use and parking of commercial vehicles in residential districts, and therefore, promotes peace and good order, safe vehicular traffic patterns, while, at the same time, improving the aesthetic beauty of the community and preserving the value of the properties therein. The amendment also includes a provision, which would require a commercial vehicle parking permit, renewable annually, to be approved by and obtained from the City's Community Planning and Development Department to further regulate the size and type of commercial vehicles that are parked overnight on residential properties, as well as the location where these vehicles are parked on residential properties. As such, the proposed text amendment furthers the orderly development of the City.

CONCLUSION

Based on our analysis, staff is of the opinion that the proposed text amendment is consistent with the zoning guidelines in the City's LDRs and conforms with the future land use goals, objectives and policies identified in the City's adopted Comprehensive Plan. Therefore staff **requests that the Planning Commission recommend approval of the attached ordinance amending Chapter 29 of the North Miami Code of Ordinances entitled "Land Development Regulations" (LDRs) by amending the texts of Article 5, Division 14 ("Parking and Loading"), specifically at Section 5-1406 ("Prohibited Parking and/or Storage"), and amending Article 7, specifically at Section 7-101 ("Definitions"), to include appropriate regulations for the parking and storage of commercial vehicles in residential districts and to include a comprehensive definition of commercial vehicles, and forward to City Council for final consideration.**

TWS/nl

- Attachments: 1. Proposed Ordinance
2. Newspaper Advertisement

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 5, DIVISION 14 ENTITLED "PARKING AND LOADING", SPECIFICALLY AT SECTION 5-1406 ENTITLED "PROHIBITED PARKING AND/OR STORAGE", AND AMENDING ARTICLE 7, AT SECTION 7-101 ENTITLED "DEFINITIONS", TO CLEARLY ESTABLISH APPROPRIATE REGULATIONS FOR THE USE AND PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS, AIMED AT PROTECTING RESIDENTS AND PROPERTIES WITHIN RESIDENTIAL NEIGHBORHOODS, CONSISTENT WITH THE INTENT OF THE NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

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

WHEREAS, applicable provisions of the LDRs are calculated to protect and regulate residential use of neighborhoods, as reflected in the various residential zoning districts within the City, consistent with the intent of the City Comprehensive Plan ("Comprehensive Plan"); and

WHEREAS, the LDRs generally emphasize the dwelling to be the principal use of residential property, in furtherance of promoting peace and good order, safe vehicular traffic patterns, improving the aesthetic beauty of the community and hence, preserving the value of the properties therein; and

WHEREAS, a number of complaints have reached the City administration relating to the use and parking of commercial vehicles, within residential neighborhoods at various hours of the day; and

WHEREAS, the increased and unfettered use and parking of commercial vehicles in residential neighborhoods, does much more than deteriorate the appearance of a community, it increases the commercial intensity of the neighborhood, clutters residential streets and parking areas, and at times, serve as instruments of criminal or illegal activity; and

WHEREAS, the LDRs do not expressly prohibit the use or parking of commercial vehicles in residential neighborhoods, particularly when commercial vehicles are stationary for long periods of time, as alleged in complaints by residents; and

WHEREAS, City administration is desirous of amending Sections 5-1406 and Section 7-101 of the LDRs, to protect and preserve residential neighborhoods from the deleterious effect presented by the unregulated use of commercial vehicles on residential areas; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on April 7, 2015, found the proposed amendment consistent with the Comprehensive Plan, does not permit uses the Comprehensive Plan would prohibit in residential areas, and the proposed amendment furthers the orderly development of the City; and

WHEREAS, the Mayor and City find the proposed amendment is consistent with the intent of the Comprehensive Plan, and further protects the public health, safety and welfare, and thereby, accept the Planning Commission's recommendation of approval.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Amendments to Chapter 29 Code of Ordinances. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the North Miami Code of Ordinances entitled "Land Development Regulations", by amending Article 5, Division 14 entitled "Parking and Loading", specifically at Section 5-1406 entitled "Prohibited Parking and/or Storage", and amending Article 7, at Section 7-101 entitled "Definitions", to clearly establish appropriate regulations for the use and parking of commercial vehicles in residential

districts, aimed at protecting residents and properties within residential neighborhoods, consistent with the intent of the North Miami Comprehensive Plan, as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES
CHAPTER 29. LAND DEVELOPMENT REGULATIONS

* * * * *

ARTICLE 5. DEVELOPMENT STANDARDS

* * * * *

Division 14. Parking and Loading.

* * * * *

Sec. 5-1406. Prohibited parking and/or storage of Commercial or Recreational Vehicles.

A. No commercial, recreational vehicle, truck, van, or bus shall be occupied or used for human habitation including, but not limited to, sleeping, eating or resting, in any area of the city.

B. No commercial, recreational vehicle, truck, van or bus or unmounted boat which is in a state of externally visible disrepair or partial construction shall be stored or parked upon any single-family or multiple-family zoned properties, or upon commercially zoned properties, except as may be permitted under junk or derelict property, article II of chapter 10 of the city's code.

C. No commercial, recreational vehicle or bus except as otherwise provided herein, shall be stored or parked upon a street or public right-of-way, nor upon any property designated or used for a park or public land.

D. No truck in excess of one (1) ton load capacity shall be stored or parked in any residential area of the city unless said truck is actively engaged in the loading or unloading of materials.

E. No bus shall be stored or parked in any residential area of the city, except that a bus used by a school or church lawfully established in a residential area may be stored or parked on the premises of said school or church property.

F. No wrecker shall be maintained, parked or stored in residential district of the city upon any private or public property or right-of-way within said districts or upon any street abutting said districts. Nothing in this paragraph shall prohibit the temporary parking of a wrecker while actively engaged in the process of removing or towing a vehicle.

G. Commercial Vehicles.

1. Every commercial vehicle operated on the streets of the city shall at all times display, plainly marked in letters and numerals not less than three (3) inches in height, the name and telephone number of the owner or business thereof. Any contractor required to be

licensed by the State or Miami-Dade County shall also comply with Section 10-4(b), Miami-Dade County Code of Ordinances. If a vehicle is rented, the information required by this paragraph but applicable to the lessee or user, not the owner, must be affixed to the vehicle.

2. No commercial vehicle shall be maintained, parked or stored in residential districts within the city on either public or private property including, but not limited to a front or side yard, setback area, public right-of-way, swale or parkway.

H. Permit Required.

1. Commercial and recreational vehicles parked or stored in a residential district may be permitted with a valid overnight parking permit from the city which shall be obtained for up to two vehicles or vessels parked in residentially zoned properties, subject to the following:

a. The vehicle is owned by the occupant of the residential property;

b. The vehicle is unoccupied while parked or stored on the residential property;

c. The vehicle is maintained in a neat and operable condition, provided that major repairs including but not limited to repairs of the internal engine, rear end, transmission, exhaust system, body and chassis shall not be performed while parked or stored on the residential property;

d. The vehicle is currently registered, licensed or permitted by the appropriate governing authority; and

e. Parking permits shall remain valid providing the permit is renewed before October 1 of each subsequent year commencing 2015. Permits applied for or renewed after August 1 of each year shall be valid until September 30 the following year.

2. Permitted vehicles shall be parked or stored on private residential property in the most preferred available location. In order of preference, the available locations are:

a. Garage, carport, rear yard or side yard behind the front building line.

b. Rear-yard setback.

c. Side-yard setback behind the front building line. For multifamily uses of four dwelling units or more, available location shall include a parking space in a parking lot used in common by the occupants of the multifamily structures.

d. These requirements shall not supersede more stringent restrictions contained in any deed, restrictive covenant, conditional use requirement, condominium document or similar private instrument.

I. Exceptions.

1. Commercial vehicles providing a service, including the delivery, loading or unloading of goods and merchandise, or otherwise engaged in work in a residential district may park along a public right-of-way or on residential property for the duration of the service or work, not to exceed 12 hours in any 24-hour period.

J. Violations.

1. Any violation of this section is subject to a civil ticket or citation pursuant to Chapter 21, North Miami Code of Ordinances, with each incident constituting a separate offense.

* * * * *

ARTICLE 7. DEFINITIONS.

Sec. 7-101. Definitions.

Commercial uses mean any activity where there is an exchange of goods or services for monetary gain. Such activities include, but are not limited to, retail sales, offices, eating and drinking establishments, theaters and similar uses.

Commercial vehicle means any vehicle whether motor-driven or towed including, but not limited to, trucks, trailers, semi-trailers, tractors and motor homes, utilized, built, or equipped in connection with the operation of a commerce, trade, industry or business, and not utilized as a dwelling. The following vehicles shall be excluded from this definition: passenger automobiles, including vans, vehicles used by governmental agencies for official business, and other vehicles which are or may be required to be similarly identified by city, state or federal law.

Commercial watercraft means any vessel used or operated for commercial purposes on the navigable waters of the city, that is either carrying passengers, freight, towing, or for any other use, for which compensation is received, either directly or indirectly, or where provided as an accommodation, advantage or privilege, at any public or private place, or public accommodation, resort or amusement.

* * * * *

Section 2. Repeal. All ordinances or parts of ordinances in conflict or inconsistent are hereby repealed.

Section 3. **Conflicts.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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 _____, 2015.

PASSED AND ADOPTED by _____ vote of the Mayor and City Council on second reading this _____ day of _____, 2015.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: COUNCILPERSON GALVIN

Moved by: _____

Seconded by: _____

Vote:

Mayor Dr. Smith Joseph, D.O., Pharm. D.	_____ (Yes)	_____ (No)
Vice Mayor Carol Keys, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Philippe Bien-Aime	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril, MSW	_____ (Yes)	_____ (No)

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

NORTH MIAMI PLANNING COMMISSION AGENDA

Tuesday, April 7, 2015, 7:00PM
 Council Chambers
 776 NE 125th Street, North Miami, FL 33161

**I. ASSEMBLY AND ORGANIZATION:**

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call of Board Members
- D. Amendments to the Agenda

II. APPROVAL OF MINUTES: February 3, 2015**III. COMMUNICATIONS:** Communications of Commissioners**IV. CONTINUED PUBLIC HEARINGS:** None**V. PUBLIC HEARINGS:**

PC 6-15: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 5, DIVISION 14 ENTITLED "PARKING AND LOADING", SPECIFICALLY AT SECTION 5-1406 ENTITLED "PROHIBITED PARKING AND/OR STORAGE", AND AMENDING ARTICLE 7, AT SECTION 7-101 ENTITLED "DEFINITIONS", TO CLEARLY ESTABLISH APPROPRIATE REGULATIONS FOR THE USE AND PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS, AIMED AT PROTECTING RESIDENTS AND PROPERTIES WITHIN RESIDENTIAL NEIGHBORHOODS, CONSISTENT WITH THE INTENT OF THE NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

- 1. Staff Report
- 2. Commission Action

PC 7-15: AN ORDINANCE OF THE VICE MAYOR ACTING AS MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "TREE PRESERVATION AND PROTECTION", TO UPDATE, ORGANIZE, AND CLARIFY SPECIFIC SECTIONS OF THE CHAPTER SO AS TO AFFORD THE CITY'S EXISTING AND FUTURE TREE CANOPY WITH A LEVEL OF PROTECTION REQUIRED FOR CONTINUED SUSTAINABILITY AND GROWTH; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

- 1. Staff Report
- 2. Commission Action

VI. COMMITTEE REPORTS: None**VII. OLD BUSINESS:** None**VIII. NEW BUSINESS:** None**IX. ADJOURNMENT**

Interested parties may appear at the meeting and be heard with respect to the matter. Any person wishing to appeal the recommendations of the Planning Commission will need a verbatim record of the meetings 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 Community Planning & Development Department no later than four (4) days prior to the proceeding. Telephone (305) 893-6511, Ext. 12159, for assistance. If hearing impaired, telephone our TDD line at (305) 893-7936 for assistance.

NOTICE OF PROPOSED ORDINANCE
 CITY OF NORTH MIAMI, FLORIDA



NOTICE IS HEREBY GIVEN that the City of North Miami, Florida proposes to adopt the following ordinance:

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 5, DIVISION 14 ENTITLED "PARKING AND LOADING", SPECIFICALLY AT SECTION 5-1406 ENTITLED "PROHIBITED PARKING AND/OR STORAGE", AND AMENDING ARTICLE 7, AT SECTION 7-101 ENTITLED "DEFINITIONS", TO CLEARLY ESTABLISH APPROPRIATE REGULATIONS FOR THE USE AND PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS, AIMED AT PROTECTING RESIDENTS AND PROPERTIES WITHIN RESIDENTIAL NEIGHBORHOODS, CONSISTENT WITH THE INTENT OF THE NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

AND

AN ORDINANCE OF THE VICE MAYOR ACTING AS MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "TREE PRESERVATION AND PROTECTION", TO UPDATE, ORGANIZE, AND CLARIFY SPECIFIC SECTIONS OF THE CHAPTER SO AS TO AFFORD THE CITY'S EXISTING AND FUTURE TREE CANOPY WITH A LEVEL OF PROTECTION REQUIRED FOR CONTINUED SUSTAINABILITY AND GROWTH; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

A Public Hearing on this Ordinance will be held by the Planning Commission on **Tuesday, April 7th, 2015 at 7:00 p.m.** and the City Council on **April 14th, 2015 at 7:00pm (First Reading) and April 28th, 2015 (Second Reading and Adoption Hearing)**, in the Council Chambers of North Miami City Hall, Second Floor, 776 NE 125 Street, North Miami, Florida 33161.

Members of the public are invited to attend the Public Hearings and provide oral or written comments on the matter. A copy of the application and report containing the Community Planning and Development Department's recommendation will be available for public review from Monday to Friday between the hours of 8:15 a.m. and 5:00 p.m. in the City Clerk's Office, City Hall. Written comments may be submitted to: City of North Miami, 776 N.E. 125th Street, North Miami, Florida 33161, Attn: Community Planning and Development Department. For questions, please call (305) 893-6511, Ext. 12182.

ANY PERSON WISHING TO APPEAL THE DECISION OF THE CITY COUNCIL 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 (SECTION 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 OFFICE OF THE CITY CLERK NO LATER THAN FOUR (4) DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 893-6511, EXT. 2147, FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE OUR TDD LINE AT (305) 893-7936 FOR ASSISTANCE.