



**NORTH MIAMI PLANNING COMMISSION AGENDA**

**Tuesday, May 5, 2015, 7:00PM**

**Council Chambers**

**776 NE 125<sup>th</sup> 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:** April 7, 2015

**III. COMMUNICATIONS:** Communications of Commissioners

- a. Updates on the EAR Based Amendments to the Comprehensive Plan by Mellgren Planning Group

**IV. CONTINUED PUBLIC HEARINGS:** None

**V. PUBLIC HEARINGS:**

PC 8-15: **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A TENTATIVE PLAT (AS FURTHER DESCRIBED IN THE ATTACHED "EXHIBIT 1") FOR THE PROPERTY GENERALLY LOCATED AT 2500 NE 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBERS: 06-2228-064-0010, 06-2228-064-0020, 06-2228-064-0030, 06-2228-064-0040, 06-2228-064-0050, 06-2228-064-0060, 06-2228-064-0070, 06-2228-064-0080, 06-2228-064-0090, 06-2228-064-0100, 06-2228-064-0110, 06-2228-064-0120, 06-2228-064-0130, 06-2228-064-0140, 06-2228-064-0150, AND 06-2228-064-0160, IN ACCORDANCE WITH ARTICLE 3, DIVISION 8, SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND CHAPTER 28, SECTION 28-7 (B) OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

- 1. Staff Report
- 2. Commission Action

PC 9-15: **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, UNDER DIVISION 9 ENTITLED "FENCES, WALLS, AND OTHER SIMILAR STRUCTURES", SPECIFICALLY AT SECTION 5-**

**901 ENTITLED “GENERAL STANDARDS FOR RESIDENTIAL AND NONRESIDENTIAL DISTRICTS”, AND SECTION 5-902 ENTITLED “MAXIMUM HEIGHT”, TO CLEARLY ESTABLISH APPROPRIATE REGULATIONS FOR THE CONSTRUCTION AND USE OF OPAQUE FENCES AND WALLS IN RESIDENTIAL DISTRICTS, AND TO FURTHER ORGANIZE AND STREAMLINE THE SPECIFIC SECTIONS FOR GREATER CLARITY AND CONSISTENCY 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.**

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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, UNDER DIVISION 9 ENTITLED "FENCES, WALLS, AND OTHER SIMILAR STRUCTURES", SPECIFICALLY AT SECTION 5-901 ENTITLED "GENERAL STANDARDS FOR RESIDENTIAL AND NONRESIDENTIAL DISTRICTS", AND SECTION 5-902 ENTITLED "MAXIMUM HEIGHT", TO CLEARLY ESTABLISH APPROPRIATE REGULATIONS FOR THE CONSTRUCTION AND USE OF OPAQUE FENCES AND WALLS IN RESIDENTIAL DISTRICTS, AND TO FURTHER TO ORGANIZE AND STREAMLINE THE SPECIFIC SECTIONS FOR GREATER CLARITY AND CONSISTENCY 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.**

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A Public Hearing on this Ordinances will be held by the Planning Commission on Tuesday, May 5<sup>th</sup>, 2015 at 7:00 p.m. and the City Council on May 19<sup>th</sup>, 2015 at 7:00pm (First Reading) and May 26<sup>th</sup>, 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. 125<sup>th</sup> 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.**



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### 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: April 7, 2015

III. COMMUNICATIONS: Communications of Commissioners

a. Updates on the EAR Based Amendments to the Comprehensive Plan by Mellgren Planning Group

IV. CONTINUED PUBLIC HEARINGS: None

V. PUBLIC HEARINGS:

PC 8-15: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A TENTATIVE PLAT (AS FURTHER DESCRIBED IN THE ATTACHED "EXHIBIT 1") FOR THE PROPERTY GENERALLY LOCATED AT 2500 NE 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBERS: 06-2228-064-0010, 06-2228-064-0030, 06-2228-064-0040, 06-2228-064-0050, 06-2228-064-0060, 06-2228-064-0070, 06-2228-064-0080, 06-2228-064-0090, 06-2228-064-0100, 06-2228-064-0110, 06-2228-064-0120, 06-2228-064-0130, 06-2228-064-0140, 06-2228-064-0150, AND 06-2228-064-0160, IN ACCORDANCE WITH ARTICLE 3, DIVISION 8, SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND CHAPTER 28, SECTION 28-7 (B) OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

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VI. COMMITTEE REPORTS: None

VII. OLD BUSINESS: None

VIII. NEW BUSINESS: None

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# Comprehensive Plan Workshop

The Community Planning and Development Department invites local residents, businesses and civic organizations to join us for an important public workshop with the Mayor and Council, as we embark on the update of the City's Comprehensive Plan.

**Wednesday, April 29, 2015 | 6:00 - 8:00 p.m.**

**North Miami City Hall - 2nd Floor  
776 NE 125 Street**

## What's on the agenda for this workshop?

- Overview of the State requirements for the Comprehensive Plan
- Review of the City's adopted Future Land Use Map with existing heights and densities depicted
- Discuss priorities in the Comprehensive Plan update
- Review time line for completion of updated Comprehensive Plan
- Review results of survey from Comprehensive Plan Workshop I
- Discuss Hot Topics such as: Climate Change, Florida East Coast (FEC) Railway Passenger Stop and Economic Development

## Who should attend?

Residents, business owners, civic leaders, property owners and individuals interested in the City's development plans

Refreshments will be provided.

You don't want to miss this important event!

For more information or questions, call City Planner, Nixon Lebrun in the Community Planning and Development Department at 305-895-9825.

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

The meeting was called to order at 7:04 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.	Vice Chair Charles Ernst	X		
2.	Emmanuel Jeanty	X		
3.	Daniel Calixte			X
4.	Peggy Boule	X		
5.	Jason James	X		
6.	William Prevatel	X		
7.	Kenny Each	X		
<i>Alternative Members:</i>				
8.	Michael McDearmaid			
9.	Mary C. Estime-Irvin			

**Staff was represented by:**

Nixon Lebrun, AICP, CFM, City Planner  
 Roland Galdos, Deputy City Attorney  
 Katrina Lunan-Gordon, Board Secretary  
 Dunia Sanzetenea, Information Technology

**I. Assembly and Organization – Amendments to the Agenda:**

- a. Staff Member, Nixon Lebrun, City Planner brought to the Commission’s attention that the “Planning Commission Orientation Presentation” had been removed from the agenda due to the upcoming mandatory Ethics Training scheduled for April 30, 2015. Memo regarding the training was sent to the members. Staff member, Roland Galdos, Deputy City Attorney and Vice Chair, Mr. Charles Ernst stressed the importance of attending the Ethics Training.
- b. The Planning Commission presented a plaque to the past Chair of the planning Commission, Mr. Kevin Seifred

## **II. Approval of Minutes:**

- a. A motion to approve the minutes of February 6, 2015 was made by Commissioner Kenny Each and seconded by Commissioner William Prevatel. The motion was passed unanimously 6-0;
- b. Given that the Commission did not have an elected Chair as a result of the newly appointed members, recommendation was made to the Commission that Mr. Charles Ernst would serve as acting Chair and Mr. William Prevatel as acting Vice Chair. A motion by Commissioner Jason James and seconded by Commissioner Kenny Each was then made to approve said recommendation. Motion was passed unanimously 6-0;
- c. Following a question from acting Chair Charles Ernst about the term of each of the Commission Members, the Deputy City Attorney explained the membership proceedings of the Planning Commission.
- d. Responding to a question from Commissioner William Prevatel regarding the mechanisms of removing members from the Commission, Mr. Galdos further clarified explained the term of any member is coterminous with that of the appointed City Council member.

## **III. Continued Public Hearings: None**

## **IV. 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

The item was introduced by the Vice Chair. Staff report was given by Mr. Lebrun, City Planner and the Public Hearing was opened. Upon mentioning the issue of commercial vehicles in residential districts within the City of North Miami, staff recommended the approval of the ordinance that addresses that particular text amendment within the Land Development Regulation. Staff stated that there are exceptions being made to certain vehicles exceeding certain weights, therefore a clear definition is critical. Mr. Lebrun, City Planner stated that he had researched the zoning regulations of other nearby cities to come up with a clear definition of commercial as well as the appropriate regulations. Mr. Roland Galdos, Deputy City Attorney stated that providing a clear definition of what a commercial vehicle is, consecutively makes it easier for Code Compliance to perform undisturbed, and allows permitting for mobile businesses. Staff agreed that the recommended ordinance ought to be amended in Article 5, Division 14, Section 5-1406 of the City's Land Development Regulations to establish appropriate regulations for the use and parking of commercial vehicles in residential district.

#### **Public Hearing:**

Homeowner, Jesus Ramon mentioned the construction within the city and how it has become very evident of the many unmarked trucks parked around the City of North Miami. The argument arisen is the security issue developed. Mr. Ramon mentioned his wife's coworker who was appropriated by one of the unmarked trucks, which was resolved downstream. The concern of safety led Mr. Ramon to recommend for these commercial vehicles to be marked by a placard or license validated by the City of North Miami. That is furthermore approved by the Police Department to emphasize another step of validation.

Homeowner, Annie Montgomery inquired about an established size of commercial trucks staying overnight. Ms. Montgomery was adamant about commercial trucks having company names for identification purposes. Furthermore, Ms. Montgomery recommended that commercial vehicles be prohibited because it will bring property values down, and there should be a limitation on the size of the vehicles for those residing on one's property.

Homeowner, Michael McDearmaid inquired about a tractor trailer neighboring his property that is allegedly owned not by the homeowner of the property. Mr. McDearmaid furthermore goes to recommend that there ought to be a limitation on size of commercial trucks.

#### **Commission Discussion:**

Commissioner William Prevatel voiced his concerns about the appearance and the quality of neighborhoods equipped with commercial vehicles. He stated that it will be a continuous "growing pain" the City of North Miami will endure as the population increases. However, Commissioner William Prevatel appealed to the extent of which the city is willing to go to penalize the citizens who own small and local businesses.

Commissioner Jason James questioned, why certain commercial vehicles are excluded from the definition that may prohibit them from parking within their residential estate. Staff members clarified that there is a criteria befitting in the regulations for the use and parking of commercial vehicles in residential districts.

Commissioner Emmanuel Jeanty suggested that the definition required more clarification to emphasize those vehicles that may not be applicable. Staff members clarified that due to their research and estimates one may validate and comb through what works best for the city of North Miami. Commissioner Emmanuel Jeanty also inquired about commercial vehicles being used in the past as an instrument for crime. Staff members mentioned that yes such activity has occurred but what is more concerning is having an unmarked vehicle in front of one's property that may not be scrutinized if Police was to be involved. Commissioner Emmanuel Jeanty also inquired about the cost of the fine. Mr. Roland Galdos, Deputy City Attorney mentioned that the fines are established under Code Compliance section of the code.

Vice Chair Charles Ernst questioned the conformity of trailer trucks in residential districts. Staff member affirmed that trailer trucks are allowed once permitted by the City of North Miami. However, Vice Chair Charles Ernst declared that the language, of ordinance, Section 5-1406 needs to be adjusted in order to distinguish specific commercial vehicles, permit required, exceptions and violations.

Commissioner Peggy Boule questioned the use of magnetic signs meeting a certain size, and letter H, number 2 of the suggested ordinance change referring to, "most preferred available location". Staff members informed Commission that the ordinance impacts residential districts of all types and such ordinance is enforced for the entire city.

Commissioner Kenny Each inquired about the property values that commercial vehicles are not bringing to residential properties. Commissioner Kenny Each furthermore proposed that the code be bolstered and to implement a decree for commercial vehicles adhering to property values. Commissioner Kenny Each suggested a blockade for the commercial vehicles in residential districts. City staff will mitigate and add additional language to conform with the existing language to integrate development standards to the dwelling of commercial vehicles in residential districts.

Commissioner Each made a motion to recommend adoption of the ordinance with conditions, Commissioner Peggy Boule seconded. Conditions as stated are to implement proper language to the proposed ordinance to amend Article 5, Division 14, Section 5-1406 of the City's Land Development Regulations to establish appropriate regulation for the use and parking of commercial vehicles in residential districts. Passed unanimously 6-0.

~~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~~

— — —  
The next meeting was scheduled for May 5, 2015.

**V. COMMITTEE REPORTS:**

- a. Staff mentioned that there will be a second Comprehensive Plan Workshop in the month of April. Staff also encouraged the Commission members to attend that workshop and voice their opinions regarding any land use policies they wanted added or removed from the Comprehensive Plan.
- b. Commissioner Each added that it would have been best to engage the Planning Commission from the beginning stage of the Comprehensive Plan Evaluation Appraisal process.
- c. Commission Each made a motion to have a Planning Workshop with the consultants of Mellgren Planning Group at the next Planning Commission's meeting in May 5, 2015 to initiate discussion of items addressed to the Comprehensive Plan. The motion was seconded by Commissioner Jason James and passed unanimously 6-0.

**VI. OLD BUSINESS:** None

**VII. NEW BUSINESS:** None

The meeting was adjourned at 8:56pm.

**VIII. ADJOURNMENT**

Respectfully submitted:

Attest:

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Charles Ernst, Vice Chair  
Planning Commission

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

Prepared by:

---

Katrina Lunan-Gordon, Board Secretary  
Community Planning & Development

Date: May 5, 2015

To: Honorable Planning Commission Members

From: Nixon Lebrun, AICP, CFM, City Planner

Re: Tentative Plat Approval – Parkview Villas @ 2500 N.E. 135<sup>th</sup> Street

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A TENTATIVE PLAT (AS FURTHER DESCRIBED IN THE ATTACHED “EXHIBIT 1”) FOR THE PARKVIEW VILLAS PROPERTY GENERALLY LOCATED AT 2500 NE 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBERS: 06-2228-064-0010, 06-2228-064-0020, 06-2228-064-0030, 06-2228-064-0040, 06-2228-064-0050, 06-2228-064-0060, 06-2228-064-0070, 06-2228-064-0080, 06-2228-064-0090, 06-2228-064-0100, 06-2228-064-0110, 06-2228-064-0120, 06-2228-064-0130, 06-2228-064-0140, 06-2228-064-0150, AND 06-2228-064-0160, IN ACCORDANCE WITH ARTICLE 3, DIVISION 8, SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND CHAPTER 28, SECTION 28-7 (B) OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

### **STAFF RECOMMENDATION**

That the Planning Commission recommends approval of the proposed resolution approving with conditions the tentative plat, entitled “Parkview Villas Replat,” request, to allow the resubdivision of the property generally located at 2500 N.E. 135<sup>th</sup> Street into eighteen (18) individual taxing parcels, and forward said resolution to the City Council for final consideration.

### **BACKGROUND INFORMATION**

The subject property consists of 15 platted lots, amounting to a total of 55,386 sq. ft. According to the City Clerk’s records, on April 9, 2013, the City Council passed and adopted Resolution R-2013-38, approving a conditional use application to transfer 27 bonus units from the secondary pool of 1000 floating residential units of the Neighborhood Redevelopment Overlay (NRO) District to construct a proposed 48-units multi-family garden apartment building on the subject property. However, the property has since changed ownership and that approval has also expired since the project was not built within a year of the adoption of that resolution. The new owner, FFS 135, LLC., was recently granted a side setback variance approval by the Board of Adjustment (BOA) to improve the subject property with a residential development, consisting of 18 townhouses, grouped in three (3) block of six (6) units. Each unit will have three (3) stories and will include a kitchen, a dining room, a half-bathroom and an enclosed garage on the ground floor; three (3) bedrooms, two (2) bathrooms and an office on the second floor; and a terrace and

spa on the third floor. As per the submitted letter of intent and plans (attached), the proposed residential complex will be developed around an appealing, modern-styled architecture. The purpose of this tentative plat request, the second of a series of entitlement endeavors, is to establish 18 individual taxing parcels for the proposed development (three more lots than what the property currently features), as well as new easements that reflect prior plats of the property.

**NEIGHBORHOOD LAND USE CHARACTERISTICS**

Property	Future Land Use	Existing Zoning	Existing Use/Subdivision
Site	Medium Density Residential	R-5, Multi-Family Residential	Vacant
North	Wetlands	PU, Public Use	State Preserve
South	High Density Residential	R-6, Multi-Family Residential	Apartments
East	Medium Density Residential	R-5, Multi-Family Residential	Townhouse Development
West	Medium Density Residential	R-5, Multi-Family Residential	Apartments

The subject property is a vacant parcel located on the north side of N.E. 135<sup>th</sup> Street and is zoned R-5, Multi-Family Residential District. The properties along the same block on N.E. 135<sup>th</sup> Street feature the same zoning classification and have been developed with a townhouse development on the east and an apartment building on the west. The properties lying south of the property across from N.E. 135<sup>th</sup> Street are zoned R-6, Multi-Family Residential District and include various apartment buildings. A state preserve is located immediately north of the property. The geographical location of the subject property is highlighted in the following aerial picture.



## RECOMMENDATION

As previously stated, the purpose of this tentative plat request is only to establish eighteen (18) individual taxing parcels for the proposed development. The replat of this property will not require any changes to the Comprehensive Plan in that it does not change the Medium Density Residential Land Use Plan map designation of the parcel, nor does it alter the uses or intensities of development authorized by the Future Land Use Element (FLUE) in that land use designation. Besides the side setback variances, which the BOA has already approved, the requested replat will not require an amendment to either the text of the LDRs or the adopted Zoning Map.

*Outside Agencies:* Pursuant to the Growth Management Legislation enacted under Chapters 163 and 1013, Florida Statutes, which require that all residential development applications be reviewed for compliance with Public School Concurrency, the applicant also submitted an application to the City, which was subsequently transmitted to Miami-Dade County Public Schools for a Concurrency Determination Statement. The proposed tentative plat survey was sent to Florida Power and Light Company, AT&T, Miami TCI Cablevision, and People's Gas System, Inc., for their review and comments. At the time of this writing, no objections or substantive comments were received from any of the utility companies.

*City Staff Comments:* This tentative plat application was taken to a Development Review Committee (DRC) meeting to gather input from other City Departments, particularly Public Works Department to anticipate the impacts on Water and Sewer services. Comments, which were provided by those Departments, have subsequently been satisfactorily addressed by the applicant.

In addition to City Staff's comments, the Community Planning & Development Department solicited peer review comments from the City's contracting surveying company, Craven Thompson & Associates, which found this plat to be in compliance with Article 3, Division 8, Section 3-802 of the City's LDRs, with Chapter 28 of the Miami-Dade County Code of Ordinances, as well as Chapter 177, Florida Statutes (2014).

In light of these findings, staff is of the opinion that the application is both consistent with the goals, objectives and policies of the City's Comprehensive Plan and in keeping with the purpose and intent of the City's LDRs. Consequently, staff requests that the Planning Commission recommends approval of the attached resolution approving the requested tentative plat, and subsequently forward said resolution to the City Council for final consideration, subject to the following conditions:

1. *Approving resolution.* After Council approval and upon the filing of a request for County review, a signed copy of the approving resolution shall be delivered to the Platting and Traffic Review Division of the Miami-Dade's Department of Regulatory and Economic Resources, along with copies of the survey.

2. *Expiration of tentative plat.* This tentative plat shall expire and be of no further force and effect if a completed application for a final plat is not filed as set forth in Article 3, Division 8, Section 3-803 of the LDRs within one hundred eighty (180) days of approval by the County Platting and Traffic Review Division. Should this tentative plat not be extended and be expired, a new tentative plat application shall be resubmitted for further review by City Staff and the Planning Commission pursuant to the requirements of Article 3, Division 8, Section 3-802 of the LDRs.

NL/ tws

Attachments:

1. Proposed Resolution
2. Exhibit 1 – “Parkview Villas Replat” T-Plat Survey
3. Tentative Plat Review – Caren Thompson and Associates, Inc.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A TENTATIVE PLAT (AS FURTHER DESCRIBED IN THE ATTACHED “EXHIBIT 1”) FOR THE PROPERTY GENERALLY LOCATED AT 2500 NE 135TH STREET, WITH MIAMI-DADE COUNTY FOLIO NUMBERS: 06-2228-064-0010, 06-2228-064-0020, 06-2228-064-0030, 06-2228-064-0040, 06-2228-064-0050, 06-2228-064-0060, 06-2228-064-0070, 06-2228-064-0080, 06-2228-064-0090, 06-2228-064-0100, 06-2228-064-0110, 06-2228-064-0120, 06-2228-064-0130, 06-2228-064-0140, 06-2228-064-0150, AND 06-2228-064-0160, IN ACCORDANCE WITH ARTICLE 3, DIVISION 8, SECTION 3-802 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND CHAPTER 28, SECTION 28-7 (B) OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, FFS 135, LLC (“Applicant”) is the owner of contiguous parcels of vacant land with an approximate aggregate size of 1.27 acres, generally located at 2500 N.E. 135<sup>th</sup> Street, as specifically identified by the following Miami-Dade County property folio numbers: 06-2228-064-0010, 06-2228-064-0020, 06-2228-064-0030, 06-2228-064-0040, 06-2228-064-0050, 06-2228-064-0060, 06-2228-064-0070, 06-2228-064-0080, 06-2228-064-0090, 06-2228-064-0100, 06-2228-064-0110, 06-2228-064-0120, 06-2228-064-0130, 06-2228-064-0140, 06-2228-064-0150, and 06-2228-064-0160 (collectively referred to herein as “Subject Property”); and

**WHEREAS**, the Applicant has proposed to improve the Subject Property with a residential development consisting of eighteen (18) townhouses, revealing modern-styled architecture (“Residential Development”), to be developed well within the parameters prescribed by applicable City of North Miami (“City”) Codes of Ordinances, Land Development Regulations (“LDRs”); and

**WHEREAS**, on January 8, 2015, the Applicant was granted a Variance by the North Miami Board of Adjustment (“Board of Adjustment”) to allow a side setback of twelve (12) feet

instead of the minimum thirty (30) feet side setback required for townhouse developments, pursuant to Article 3, Section 3-606, LDRS; and

**WHEREAS**, as a condition of granting the Variance, the Board of Adjustment required, among other things, an application for tentative plat and a subsequent application for final plat to be submitted by the Applicant to obtain the approval of the City, prior to seeking review and approval from the Miami-Dade County Land Development Division; and

**WHEREAS**, in accordance with the Board of Adjustment, the Applicant filed an application for tentative plat approval with the Community Planning and Development Department (“Application”) in order to revise the existing recorded plat and to clearly delineate the Subject Property for the Residential Development; and

**WHEREAS**, with the approval of the Application, the Subject Property will be platted in accordance with Chapter 28 of the Miami-Dade County Code of Ordinances, and with Article 3, Division 8, Section 3-802, LDRs, for the re-subdivision of the Subject Property; and

**WHEREAS**, on May 5, 2015, the City Planning Commission reviewed the Application and found that it conforms to the requirements of LDR’s and the City’s Comprehensive Plan, and thereby recommended approval of the Application to the Mayor and City Council; and

**WHEREAS**, the Mayor and City Council have determined that the proposed tentative plat furthers the best interest of the City, will not adversely affect the public health, safety, and welfare, and thereby approve the Application as recommended by the City Planning Commission.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Approval of Tentative Plat.** The Mayor and City Council of the City of North Miami, Florida, hereby approve a tentative plat (as further described in the attached “Exhibit 1”) for the property generally located at 2500 NE 135th Street, with Miami-Dade County folio

numbers: 06-2228-064-0010, 06-2228-064-0020, 06-2228-064-0030, 06-2228-064-0040, 06-2228-064-0050, 06-2228-064-0060, 06-2228-064-0070, 06-2228-064-0080, 06-2228-064-0090, 06-2228-064-0100, 06-2228-064-0110, 06-2228-064-0120, 06-2228-064-0130, 06-2228-064-0140, 06-2228-064-0150, and 06-2228-064-0160, in accordance with Article 3, Division 8, Section 3-802 of the City of North Miami Code of Ordinances, Land Development Regulations, and Chapter 28, Section 28-7 (B) of the Miami-Dade County Code of Ordinances.

**Section 2.**     **Effective Date.** This Resolution shall be effective upon adoption.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, 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, ESQ.  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

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

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

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Vice Mayor Carol Keys, Esq.

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Councilman Scott Galvin

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Councilman Philippe Bien-Aime

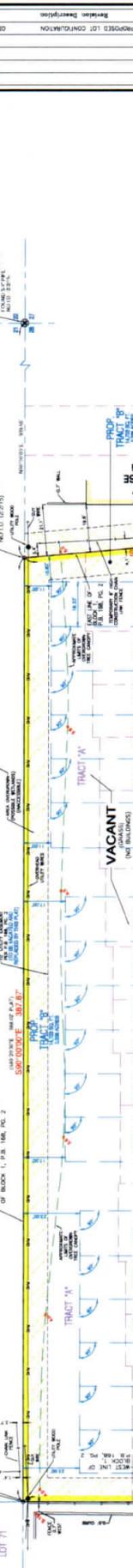
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Councilwoman Marie Erlande Steril, MSW

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

**FORTIN, LEAVY, SKILES, INC.**  
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
 180 N. WINDYMEAD DRIVE, MIAMI BEACH, FLORIDA 33139  
 PHONE 305-435-4493 / FAX 305-431-7152 / EMAIL [info@fortinleavy.com](mailto:info@fortinleavy.com)

NO.	DATE	REVISIONS / REVISIONS
1	1/15/21	REVISED PROPOSED LOT CONFIGURATION
2	01/15/21	PRELIMINARY PLAT



**DEVELOPMENT INFORMATION**

OWNER: VLS, LLC  
 PROJECT: PARKVIEW VILLAS REPLAT  
 ADDRESS: 135th St, Miami Beach, FL 33131

**PROPOSED DEVELOPMENT INFORMATION:**

Tract "A" - 10 lots  
 Tract "B" - 10 lots  
 Tract "C" - 10 lots  
 Tract "D" - 10 lots  
 Tract "E" - 10 lots  
 Tract "F" - 10 lots  
 Tract "G" - 10 lots  
 Tract "H" - 10 lots  
 Tract "I" - 10 lots  
 Tract "J" - 10 lots  
 Tract "K" - 10 lots  
 Tract "L" - 10 lots  
 Tract "M" - 10 lots  
 Tract "N" - 10 lots  
 Tract "O" - 10 lots  
 Tract "P" - 10 lots  
 Tract "Q" - 10 lots  
 Tract "R" - 10 lots  
 Tract "S" - 10 lots  
 Tract "T" - 10 lots  
 Tract "U" - 10 lots  
 Tract "V" - 10 lots  
 Tract "W" - 10 lots  
 Tract "X" - 10 lots  
 Tract "Y" - 10 lots  
 Tract "Z" - 10 lots

**LEGAL DESCRIPTION**

Lot 1 through 15, inclusive, Block 1, together with Tract "X", of PARKVIEW VILLAS, according to the Plat thereof as recorded in Plat Book 168, Page 2, of the Public Records of Miami-Dade County, Florida.

**SURVEYOR'S CERTIFICATION**

I, the undersigned, being duly qualified and sworn, do hereby certify that the boundaries and acreage shown on this plat were determined by a survey made by me or under my supervision and that the same are correct according to the best of my knowledge and belief.

Witness my hand and seal this 15th day of January, 2021.

\_\_\_\_\_  
 Thomas C. Fortin, Inc. (LLC)  
 Surveyor and Mapper, License No. 132853



**SURVEYOR'S NOTES:**

- The site is in Section 28, Township 52 South, Range 42 East, City of North Miami, Miami-Dade County, Florida.
- All measurements are recorded in the Public Records of Miami-Dade County, Florida, unless otherwise noted.
- Lot lines herein were NOT measured for intersections, easements and/or right-of-way of any kind.
- Boundary lines were measured by a total station of 2009/15, for the lot line of Block 1 and Block 2, and by a total station of 2015/15, for the lot line of Block 3, Block 4, Block 5, Block 6, Block 7, Block 8, Block 9, Block 10, Block 11, Block 12, Block 13, Block 14, Block 15, Block 16, Block 17, Block 18, Block 19, Block 20, Block 21, Block 22, Block 23, Block 24, Block 25, Block 26, Block 27, Block 28, Block 29, Block 30, Block 31, Block 32, Block 33, Block 34, Block 35, Block 36, Block 37, Block 38, Block 39, Block 40, Block 41, Block 42, Block 43, Block 44, Block 45, Block 46, Block 47, Block 48, Block 49, Block 50, Block 51, Block 52, Block 53, Block 54, Block 55, Block 56, Block 57, Block 58, Block 59, Block 60, Block 61, Block 62, Block 63, Block 64, Block 65, Block 66, Block 67, Block 68, Block 69, Block 70, Block 71, Block 72, Block 73, Block 74, Block 75, Block 76, Block 77, Block 78, Block 79, Block 80, Block 81, Block 82, Block 83, Block 84, Block 85, Block 86, Block 87, Block 88, Block 89, Block 90, Block 91, Block 92, Block 93, Block 94, Block 95, Block 96, Block 97, Block 98, Block 99, Block 100.
- Lot lines herein were measured with a total station of 2009/15, for the lot line of Block 1 and Block 2, and by a total station of 2015/15, for the lot line of Block 3, Block 4, Block 5, Block 6, Block 7, Block 8, Block 9, Block 10, Block 11, Block 12, Block 13, Block 14, Block 15, Block 16, Block 17, Block 18, Block 19, Block 20, Block 21, Block 22, Block 23, Block 24, Block 25, Block 26, Block 27, Block 28, Block 29, Block 30, Block 31, Block 32, Block 33, Block 34, Block 35, Block 36, Block 37, Block 38, Block 39, Block 40, Block 41, Block 42, Block 43, Block 44, Block 45, Block 46, Block 47, Block 48, Block 49, Block 50, Block 51, Block 52, Block 53, Block 54, Block 55, Block 56, Block 57, Block 58, Block 59, Block 60, Block 61, Block 62, Block 63, Block 64, Block 65, Block 66, Block 67, Block 68, Block 69, Block 70, Block 71, Block 72, Block 73, Block 74, Block 75, Block 76, Block 77, Block 78, Block 79, Block 80, Block 81, Block 82, Block 83, Block 84, Block 85, Block 86, Block 87, Block 88, Block 89, Block 90, Block 91, Block 92, Block 93, Block 94, Block 95, Block 96, Block 97, Block 98, Block 99, Block 100.
- Compass bearings herein are true bearings as measured by electronic measurement, unless otherwise noted.
- Lot lines herein contain 53,138 square feet, or 1,273 acres, more or less.
- All horizontal corner measurements are within a precision of 1:10,000.
- Real property not located unless otherwise shown.
- Underground improvements and/or underground encroachments not shown unless otherwise indicated.
- The approximate location of all utility pipes herein was determined from as-built plans and/or on-site locations and should be verified before construction.
- Information herein is based on information furnished by client and the same as to accuracy are made at risk.

**CONTACT PERSON INFORMATION**

**DEVELOPMENT**  
 Thomas C. Fortin, Inc. (LLC)  
 Telephone Number: (305) 435-4493  
 Fax Number: (305) 431-7152  
 E-mail: [info@fortinleavy.com](mailto:info@fortinleavy.com)

**KNOW WHAT'S BELOW**  
**ALWAYS CALL 811**  
**BEFORE YOU DIG**

811  
 Call before you dig  
 www.call811.com

**LEGEND**

- 1. PROPOSED LOT
- 2. EXISTING LOT
- 3. 10' BUFFER ZONE
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**“PARKVIEW VILLAS REPLAT”**  
**CITY OF NORTH MIAMI**  
**TENTATIVE PLAT REVIEW**  
**FIRST REVIEW – April 13, 2015**

The following checklist has been taken from the City of North Miami’s instructions to applicant as to requirements for Tentative Plat submittal.

**The applicant’s surveyor should be advised to review and comply with the plat procedures of the Miami-Dade County codes listed below:**

**Miami-Dade County Code:**

**Sections 28-4.1 and 28-7.**

- (B) *Tentative plat.* The tentative plat shall show on a map all of the facts and data required by the various departments to determine whether the proposed layout of the land in the subdivision is satisfactory from the standpoint of public interest. **The following information shall be part of the Tentative Submitted to the City:**
  - I. The “Boundary and Topographic Survey” must be current (not older than six (6) months) and comply with the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code; pursuant to Section 472.027, Florida Statutes; along with the following additional requirements:
    - II. **Sheet Size:** Depending on the property size and the scale, either 18” x 24” or a 24” x 36” sheet size is acceptable. Prints must be folded to fit a 10” by 13” manila envelope.  
**Comment: Complies.**
    - III. **Title:** Project must be identified as a “Tentative Plat”. Show Section, Township and Range under the Tentative Plat title.  
**Comment: Complies.**
    - IV. **Main Sketch:** The boundary and topographic survey must match the legal as it appears in the recorded Warrantee Deed(s). The parcel encompassed by the legal description, shown on the plat, shall be clearly identified with a heavy line, and shall

show dimensions, bearings or interior angles with ties to a fractional section corner or any other well-established corner.

**Comment: Complies.**

- V. Proposed subdivision name and identifying title and the name of the city, if any, in which the subdivision is located, and the Section, Township and Range.

**Comment: Complies.**

- VI. Location of property lines, existing easements, buildings, watercourses, elevations, permits and other essential features.

**Comment: Complies.**

- VII. The names of all subdivisions immediately adjacent.

**Comment: Complies.**

- VIII. The location of any existing sewers and water mains, or any underground or overhead utilities, culverts, and drains on the property to be subdivided.

**Comment: Complies.**

- IX. Location, names and present widths of existing and proposed streets, highways, parks and other open public spaces and similar facts regarding property immediately adjacent.

**Comment: Complies.**

- X. The width and location of any street or other public ways or places shown upon the official map or the master plan, within the area to be subdivided, and the width and locations of all streets or other public ways proposed by the developer.

**Comment: Complies.**

- XI. Date of field survey, north point and graphic scale.

**Comment: Indicate date of field survey.**

- XII. **Legal description** and plan of proposed layout made and certified by a Florida-licensed land surveyor. The Tentative Plat must show the Parent Tract legal description and the legal description of each parcel being created. Each parcel and corresponding legal description must be labeled using letter designation, ex: Parcel "A". Cut out parcel(s) legal description(s) must exclude Right-of-Way dedication(s), if required.

**Comment: This item requires that the parcels being created be designated using letters. I do not see a problem using numbers as submitted, but confirm**

**with City as to being acceptable. Re-label Tract "B" to Tract "A". Re-number Blocks 2, 3 and 4 to Blocks 1, 2 and 3.**

- XIII. The proposed lot lines with approximate dimensions and in the case of odd or irregularly shaped lots, suggested location of building setback lines.

**Comment: Complies.**

- XIV. Where the Tentative Plat submitted covers only part of the subdivider's entire holding, a master Tentative Plat of the prospective future street system of the unsubdivided part will be required, and the street system of the unsubmitted part will be considered in the light of adjustments and connection with the street system of the plat submitted.

**Comment: Not Applicable.**

- XV. A plat application signed by the owner and notarized on the form prescribed by the plat division of the appropriate authority.

**Comment: City to review application.**

- XVI. The numbering of all lots, blocks and the lettering of all tracts shall be shown on the Tentative Plat. All lots or tracts shall be numbered or lettered progressively. All blocks shall be progressively numbered except that blocks in numbered additions bearing the same name shall be numbered consecutively throughout the several additions.

**Comment: See XII above.**



Date: May 5, 2015

To: Honorable Planning Commission Members

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

Re: Amendment to Article 5, Division 9, Section 5-901 – “General Standards for Residential and Non-Residential Districts” and Section 5-902 – “Maximum Height”

**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, UNDER DIVISION 9 ENTITLED “FENCES, WALLS, AND OTHER SIMILAR STRUCTURES”, SPECIFICALLY AT SECTION 5-901 ENTITLED “GENERAL STANDARDS FOR RESIDENTIAL AND NONRESIDENTIAL DISTRICTS”, AND SECTION 5-902 ENTITLED “MAXIMUM HEIGHT”, TO CLEARLY ESTABLISH APPROPRIATE REGULATIONS FOR THE CONSTRUCTION AND USE OF OPAQUE FENCES AND WALLS IN RESIDENTIAL DISTRICTS, AND TO FURTHER ORGANIZE AND STREAMLINE THE SPECIFIC SECTIONS FOR GREATER CLARITY AND CONSISTENCY 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 adoption 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 9 (“Fences, Walls and Other Similar Structures”), specifically at Section 5-901 (“General Standards for Residential and Non-Residential Districts”) and Section 5-902 (“Maximum Height”) to establish appropriate regulations for the construction and use of opaque fences in residential districts, and to further streamline and organize the specific sections of the entire division to provide for greater clarity and consistency, and forward said ordinance to City Council for final consideration.

## **BACKGROUND**

Sponsored by Councilman Scott Galvin, the proposed request involves a text amendment to Article 5, Division 9, Sections 5-901 and 5-902 of the LDRs, to establish consistent minimum requirements for the construction and use of opaque fences in residential districts. Another purpose and intent of this text amendment is to further streamline and organize the specific

sections of the entire division to provide for greater clarity and consistency. Section 5-901(C) currently prohibits completely opaque fences or walls in the required front yard setback of all residential districts. This provision, which is consistent with that of several nearby communities, has the logical effect of improving the aesthetic quality of residential neighborhoods, as well as public safety and the welfare of persons using city sidewalks and streets through the maintenance of adequate visibility into and from private property and within public rights-of-way. However, this no-opacity provision becomes problematic, if not burdensome, when viewed through the lens of Section 5-902(C)(1), which reads, “For the purposes of fences and walls, all corner lots in single-family residential districts shall have two (2) front yards.”

Recently, a number of complaints have reached the City Administration relating to the total prohibition of opaque fences or walls in the required front-yard setback of residential properties, especially from owners of corner lot properties, who are taking issue to the total lack of privacy they have in their back yard. As such, the proposed text amendment seeks primarily to repeal the provision of Section 5-902(C)(1), thereby eliminating the two front yard-rule for corner lot properties, when dealing with fences. The proposed amendment/deletion will not make the remaining phrases, clauses, sentences, paragraphs and sections of Article 5, Division 9 of the LDRs any less stringent. In fact, this Division will continue to further its fundamental objectives in that (1) it still provides for the aesthetic quality of the City’s residential neighborhoods by encouraging creative and attractive fence designs; and (2) it still promotes public safety and the welfare of persons using city sidewalks and streets through the maintenance of adequate visibility. Furthermore, the proposed text amendment will make the minimum requirements set forth in this Division more consistent and more responsive to the privacy needs of City residents, by allowing them to provide for adequate screening/opaque fences on their lots or part thereof, especially along the street side of corner lot properties. Lastly, the proposed amendment affords staff the opportunity to streamline and better organize particular Sections of Division 9, so as to achieve greater clarity, while reducing redundant language.

### **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 establishes appropriate regulations for the construction and use of opaque fences in residential districts, and to further streamline and organize the specific sections of the entire division to provide for greater clarity and consistency. It will promote the aesthetic beauty of the City’s residential neighborhoods, public safety and the welfare of persons, bikers and motorists using the City’s sidewalks*

*and streets, as well as the need for privacy for residents occupying corner lot properties. 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 construction and use of opaque fences 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. It will not have any negative impact on the response time for emergency services. Furthermore, the additional privacy that the opaque fencing offers to these residents may well lead to a reduction in criminal activities, as the defensible space theory by Oscar Newman suggests that the more private a space is, the more control and influence a resident has over it.*

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

*The proposed text amendment establishes consistent minimum requirements for the construction and use of opaque fences in residential districts, and to further streamline and organize the specific sections of the entire division to provide for greater clarity and consistency. 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 and promote privacy.*

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

*As stated above, the proposed text amendment establishes more consistent regulations for the construction and use of opaque fences in residential districts. This amendment clearly furthers the orderly development of the City as it promotes the aesthetic beauty of the City's residential neighborhoods, public safety and the welfare of persons, bikers and motorists using the City's sidewalks and streets. Additionally, the amendment carefully addresses the need for privacy expressed by residents occupying corner lot properties, while preventing the creation of nuisances. Finally, the proposed amendment seeks to further streamline and organize the specific sections of Division 9 in order to provide for greater clarity and consistency, in furtherance of the City's Comprehensive Plan.*

CONCLUSION

Based on the foregoing, staff believes that the proposed text amendment is consistent with the zoning guidelines in the City's LDRs and conforms to the future land use goals, objectives and policies identified in the City's adopted Comprehensive Plan. Therefore staff **requests that the Planning Commission recommend adoption 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 9 ("Fences, Walls and Other Similar Structures"), specifically at Section 5-901 ("General Standards for Residential and Non-Residential Districts") and Section 5-902 ("Maximum Height") to establish appropriate regulations for the construction and use of opaque fences in residential districts, and to further streamline and organize the specific sections of the entire division to provide for greater clarity and consistency, and forward said ordinance to City Council for final consideration.**

NL/tws

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, UNDER DIVISION 9 ENTITLED “FENCES, WALLS, AND OTHER SIMILAR STRUCTURES”, SPECIFICALLY AT SECTION 5-901 ENTITLED “GENERAL STANDARDS FOR RESIDENTIAL AND NONRESIDENTIAL DISTRICTS”, AND SECTION 5-902 ENTITLED “MAXIMUM HEIGHT”, TO CLEARLY ESTABLISH APPROPRIATE REGULATIONS FOR THE CONSTRUCTION AND USE OF OPAQUE FENCES AND WALLS IN RESIDENTIAL DISTRICTS, AND TO FURTHER TO ORGANIZE AND STREAMLINE THE SPECIFIC SECTIONS FOR GREATER CLARITY AND CONSISTENCY 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 and nonresidential uses, as reflected in the various residential zoning districts within the City, consistent with the intent of the City Comprehensive Plan (“Comprehensive Plan”); and

**WHEREAS**, a number of complaints have reached the City administration relating to the total prohibition of opaque fences or walls from the required front-yard setback of residential properties; and

**WHEREAS**, a review of Division 9, LDRs, revealed the additional necessity of organizing and streamlining particular Sections regulating the construction and use of fences and

walls within residential and nonresidential zoning districts so as to achieve greater clarity, while reducing redundant language; and

**WHEREAS**, City administration is desirous of amending Sections 5-901 and 5-902, LDRs, to best regulate the construction, maintenance and use of fences and walls, particularly as it relates to opaque fences and walls on residential properties; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on May 5, 2015, found the proposed amendment to be consistent with the Comprehensive Plan, and in furtherance of the orderly development of the City; and

**WHEREAS**, the Planning Commission recommended approval of the proposed amendment to the Mayor and City Council; and

**WHEREAS**, the Mayor and City Council find the proposed amendment consistent with the intent of the Comprehensive Plan; that it strengthens the protection of the public health, safety and welfare; and therefore, 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, under Division 9 entitled "Fences, Walls, and Other Similar Structures", specifically at Section 5-901 entitled "General Standards for Residential and Nonresidential Districts", and Section 5-902 entitled "Maximum Height", to clearly establish appropriate regulations for the construction and use of opaque fences and walls in residential districts, and to further to organize and streamline the specific Sections for greater clarity and consistency 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 9. FENCES, WALLS, AND OTHER SIMILAR STRUCTURES

**Sec. 5-901. -- General standards for residential and nonresidential districts.**

A. Requirements for nonresidential districts.

~~1. Screening adjacent to residential property. A six-foot high masonry wall shall be required on all nonresidential property that has a side or rear lot line abutting or separated by a public right-of-way from residentially zoned property. The wall shall be subject to the vision clearance requirements set forth in section 5-904.~~

~~2. Outdoor storage. All permitted outdoor commercial or industrial storage shall be visually screened from public view by a six-foot high opaque fence or wall. In no case shall the items stored project above the fence or wall.~~

B. No fence or wall may be erected, constructed, installed or maintained with barbed wire, spikes and/or spears, broken glass, electrical elements, exposed sharp projections, or other hazardous materials, except as provided in section 5-903.

C. In residential districts, completely opaque fences or walls shall be prohibited in the required front yard setback.

D. All fences and walls shall comply with the Florida Building Code.

E. No fence or wall may be constructed of materials which will be hazardous to the health, safety or welfare of persons or animals.

F. All masonry walls shall be constructed and maintained with a finish of stucco and paint on all external portions and all such inside portions as are observable from rights-of-way or from abutting property.

G. All fences and walls in nonresidential districts shall be harmonious in color, type and material with adjacent architecture and lots. The director of building and zoning may approve the installation of a fence with the "wrong side" (post side) facing the adjacent or affected properties if the applicant obtains notarized approval letters from all adjacent or affected property owners.

~~H. Wood and chain link fences in commercial districts: All fence posts shall face the property upon which the fence is erected. All chain link fences shall be installed with the knuckled side up and shall be plastic coated. All straps, for chain link fences, shall be consistent in color with the color of the principal structure and be maintained in good condition and not weathered, cracked or faded.~~

~~I. All temporary construction fences used at construction or development sites, may, at the discretion of the director of building and zoning department, be exempt from the height, opacity and landscaping provisions of this section of LDRs, provided that they do not obstruct the vision of motor vehicle operations, in accordance with the sight triangle in section 5-904 or create other hazards to public safety.~~

~~J. Maintenance: All fences, walls and hedges shall be maintained in a safe, nonhazardous condition and in good appearance. Walls and fences, unless of natural materials or galvanized, shall be properly painted.~~

~~K. No fence or wall may be constructed within an identified and duly recorded easement unless the property owner has:~~

- ~~1. Obtained a written, notarized release from all public agencies or utility entities having rights to the easement; or~~
- ~~2. Obtained a written, notarized release from all private interests/parties having rights to the easement; and~~
- ~~3. Submitted a notarized letter to the city's attention and acknowledging that should access or improvements to infrastructure be necessary on the property, the property owner will assume all responsibilities for costs incurred to obtain access to the easement area (which may include removal of the fence or wall) and the property owner shall be responsible for the full restoration of the area — all at property owner's sole cost. Such letter shall hold harmless the city, its officials and agents, as well as all other officials or agents of governmental agencies and public utilities, or any private party interest having a right of access to such easement.~~

~~L. No fence or wall in any zoning district may be used to store or hang items such as but not limited to: laundry, towels, sheets, rags, clothing or similar items. Fences and walls shall be solely for the demarcation and separation of properties for privacy and use purposes.~~

**Sec. 5-901. Construction, maintenance and use.**

~~A. No fence or wall may be erected, constructed, installed or maintained with barbed wire, spikes and/or spears, broken glass, electrical elements, exposed sharp projections, or other hazardous materials, except as provided in section 5-903.~~

~~B. All fences and walls shall be constructed in compliance with the Florida Building Code.~~

C. No fence or wall may be constructed of materials which will be hazardous to the health, safety or welfare of persons or animals.

D. All masonry walls shall be constructed and maintained with a finish of stucco and paint on all external portions and all such inside portions as are observable from rights-of-way or from abutting property.

E. No fence, wall or other similar structure may be constructed within an identified and duly recorded easement unless the property owner has:

1. Obtained a written, notarized release from all public agencies or utility entities having rights to the easement; or

2. Obtained a written, notarized release from all private interests and parties having rights to the easement; and

3. Submitted a notarized letter to the city's attention and acknowledging that should access or improvements to infrastructure be necessary on the property, the property owner will assume all responsibilities for costs incurred to obtain access to the easement area (which may include removal of the fence, wall or other similar structures) and the property owner shall be responsible for the full restoration of the area — all at property owner's sole cost. Such letter shall hold harmless the city, its officials and agents, as well as all other officials or agents of governmental agencies and public utilities, or any private party interest having a right of access to such easement.

F. All temporary construction fences used at construction or development sites, may, at the discretion of the community planning and development manager, be exempt from the height, opacity and landscaping provisions of this section of LDRs, provided that they do not obstruct the vision of motor vehicle operations, in accordance with the sight triangle in section 5-904 or create other hazards to public safety.

G. Maintenance: All fences, walls and hedges shall be maintained in a safe, nonhazardous condition and in good appearance. Walls and fences, unless of natural materials or galvanized, shall be properly painted.

H. No fence or wall in any zoning district may be used to store or hang items such as, but not limited to: laundry, towels, sheets, rags, clothing or similar items. Fences and walls shall be solely for the demarcation and separation of properties for privacy and use purposes.

**Sec. 5-902. — Maximum height.**

A. *Measurement.* All height measurements for determination of compliance with this section shall be made from the finished grade of the lot. No fence or wall may be placed on any portion of an earthen mound or berm unless the height of the fence or wall is cumulatively not higher than the allowable height in the zoning district from the finished grade of the lot.

~~B. Residential districts, side and rear yard.~~ In all residential districts, no fence or wall shall exceed six (6) feet in height within the required side and rear yards.

~~C. Residential districts, front yard.~~

~~1. In all single-family residential districts, no fence or wall shall exceed five (5) feet in height within the required front yard; provided however, that decorative arches for gates and driveway gates may extend twelve (12) inches above the approved fence and post exteriors are permitted six (6) inches above the approved fence. For the purposes of fences and walls, all corner lots in single-family residential districts shall have two (2) front yards.~~

~~2. No chain link except in back yard.~~

~~3. Any fence must be of a decorative design.~~

~~4. In all multifamily residential districts (excluding townhouse developments) no fence or wall shall exceed six (6) feet in height within the required front yard.~~

~~D. Nonresidential districts.~~

~~1. In all commercial districts, no fence or wall shall exceed six (6) feet in height.~~

~~2. In industrial districts:~~

~~a. No fence, wall or hedge shall exceed eight (8) feet in height.~~

~~b. All salvage, junk and storage (vehicle, RV, boat trailers and items of this nature) operations shall be visually screened from the public view by an eight-foot high fence or wall which shall be of masonry construction and shall be without openings, except entrance and exit. Such gates shall be of an opaque material providing screening of interior properties' content from public view.~~

**Sec. 5-902. General standards for nonresidential and residential districts.**

A. Fences or walls in nonresidential districts shall be subject to the following minimum requirements:

1. Screening adjacent to residential property. A six (6) feet high masonry wall shall be required on all nonresidential property that has a side or rear lot line abutting or separated by a public right-of-way from residentially zoned property. The wall shall be subject to the vision clearance requirements set forth in section 5-904.

2. Outdoor storage. All permitted outdoor commercial or industrial storage shall be visually screened from public view by an opaque fence or wall six (6) feet in height. In no case shall the items stored project above the fence or wall.

3. All fences and walls in nonresidential districts shall be harmonious in color, type and material with adjacent architecture and lots. The community planning and development manager may approve the installation of a fence with the "wrong side" (post side) facing the adjacent or affected properties if the applicant obtains notarized approval letters from all adjacent or affected property owners.

4. Wood and chain link fences in commercial districts. All fence posts shall face the property upon which the fence is erected. All chain link fences shall be installed with the knuckled side up and shall be plastic coated. All straps, for chain link fences, shall be consistent in color with the color of the principal structure and be maintained in good condition and not weathered, cracked or faded.

B. Nonresidential districts maximum height:

1. In all commercial districts (except for industrial), no fence or wall shall exceed six (6) feet in height.

2. In all industrial districts:

a. No fence, wall or hedge shall exceed eight (8) feet in height.

b. All salvage, junk and storage (vehicle, RV, boat trailers and items of this nature) operations shall be visually screened from the public view by an eight-foot high fence or wall which shall be of masonry construction and shall be without openings, except entrance and exit. Such gates shall be of an opaque material providing screening of interior properties' content from public view.

C. Fences or walls in residential districts shall be subject to the following minimum requirements:

1. Opaque fences or walls. Completely opaque fences or walls exceeding three (3) feet in height shall be prohibited in the required front yard setback. Opaque fences or walls shall be allowed in the required back yard, side yard, or side street setback not exceeding six (6) feet in height and subject to the vision clearance requirements set forth in section 5-904.

2. Side yard and rear yard setbacks. No fence or wall shall exceed six (6) feet in height within the required side and rear yards setbacks.

3. Front yard setbacks. In all single-family residential districts, no fence or wall shall exceed five (5) feet in height within the required front yard; provided however, that decorative arches for gates and driveway gates may extend twelve (12) inches above the approved fence and post exteriors are permitted six (6) inches above the approved fence.

4. No chain link except in back yard.

5. Any fence must be of a decorative design.

6. In all multifamily residential districts (excluding townhouse developments) no fence or wall shall exceed six (6) feet in height within the required front yard.

D. *Measurement.* All height measurements for determination of compliance with this section shall be made from the finished grade of the lot. No fence or wall may be placed on any portion of an earthen mound or berm unless the height of the fence or wall is cumulatively not higher than the allowable height in the zoning district from the finished grade of the lot.

\* \* \* \* \*

**Section 2.** **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent 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 \_\_\_\_\_ 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: COUNCILMAN 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~~.



**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, UNDER DIVISION 9 ENTITLED "FENCES, WALLS, AND OTHER SIMILAR STRUCTURES", SPECIFICALLY AT SECTION 5-901 ENTITLED "GENERAL STANDARDS FOR RESIDENTIAL AND NONRESIDENTIAL DISTRICTS", AND SECTION 5-902 ENTITLED "MAXIMUM HEIGHT", TO CLEARLY ESTABLISH APPROPRIATE REGULATIONS FOR THE CONSTRUCTION AND USE OF OPAQUE FENCES AND WALLS IN RESIDENTIAL DISTRICTS, AND TO FURTHER TO ORGANIZE AND STREAMLINE THE SPECIFIC SECTIONS FOR GREATER CLARITY AND CONSISTENCY 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 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 4, UNDER DIVISION 3 ENTITLED "NON-RESIDENTIAL DISTRICTS," SPECIFICALLY AT SECTION 4-302 ENTITLED "USES PERMITTED", TO ESTABLISH "RETAIL SHOWROOM, AUTOMOBILE" AS A SPECIAL EXCEPTION USE IN THE C-2BW DISTRICT, TO FOSTER ECONOMIC GROWTH IN THE CITY, AND AMENDING ARTICLE 7, AT SECTION 7-101 ENTITLED "DEFINITIONS", TO PROVIDE FOR A DEFINITION OF "RETAIL SHOWROOM, AUTOMOBILE," AS WELL AS ESTABLISHING CLEAR REGULATIONS FOR SAID USE, CONSISTENT WITH THE INTENT OF THE CITY'S 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, May 5<sup>th</sup>, 2015 at 7:00 p.m.** and the City Council on **May 19<sup>th</sup>, 2015 at 7:00pm (First Reading) and May 26<sup>th</sup>, 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. 125<sup>th</sup> 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.**

Date: May 5, 2015

To: Honorable Planning Commission Members

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

Re: Amendment to Article 4, Division 3 (“Non-Residential Districts”), Section 4-302 (“Uses Permitted”), and to 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 4, UNDER DIVISION 3 ENTITLED “NON-RESIDENTIAL DISTRICTS,” SPECIFICALLY AT SECTION 4-302 ENTITLED “USES PERMITTED”, TO ESTABLISH “RETAIL SHOWROOM, AUTOMOBILES” AS A SPECIAL EXCEPTION USE IN THE C-2BW DISTRICT, TO FOSTER ECONOMIC GROWTH IN THE CITY, AND AMENDING ARTICLE 7, AT SECTION 7-101 ENTITLED “DEFINITIONS”, TO PROVIDE FOR A DEFINITION OF “RETAIL SHOWROOM, AUTOMOBILE,” AS WELL AS ESTABLISHING CLEAR REGULATIONS FOR SAID USE, CONSISTENT WITH THE INTENT OF THE CITY’S 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 adoption of the proposed ordinance to amend Chapter 29 of the North Miami Code of Ordinances entitled “Land Development Regulations” (LDRs) by amending (1) Article 4, Division 3 (“Non-Residential Districts”), specifically at Section 4-302 (“Uses Permitted”) to establish “Retail Showroom, Automobiles” as a Special Exception Use in the C-2BW district; and (2) Article 7, specifically at Section 7-101 (“Definitions”), to provide for a definition of “Retail Showroom, Automobiles,” and forward said ordinance to City Council for final consideration.

## **BACKGROUND**

The applicant, BRAC Holdings, Inc, is under contract to acquire the building formally known as the Wells Fargo Bank located at 12550 Biscayne Boulevard to purchase the ground floor and portion of the enclosed garage of said building to establish a new flagship automobile showroom for Volvo of North Miami. According to the City’s adopted Zoning map, the subject property is zoned C-2BW, Commercial District. Currently, car boutiques, which entail the sale of principally new automobiles involving the outdoor display of a maximum of twenty (20) automobiles, of which no more than thirty (30) percent shall be pre-owned under the category of *Retail, Sales*

*and Services*, are permitted in the C-2BW district under *Retail, Sales and Services*. Furthermore, *Vehicles Sales/Displays*, which refers to “a business or commercial activity involving the display and/or sale of principally new automobiles, small trucks and vans and other small vehicular or transport mechanisms and including vehicle service,” are not allowed in that district.

As per the applicant’s letter of intent, Volvo USA has approved this North Miami location to serve as a flagship concept for the re-launch for the Volvo Brand for Florida. The retail automobile showroom contemplated for the site is to be operated entirely indoor, occupying the existing ground floor and enclosed parking garage of the former Wells Fargo Bank building and will have no outdoor display of vehicles. As proposed, the retail automotive showroom does not meet the definition of either a car boutique use categorized under *Retail, Sales and Services* or a *Vehicles Sales/Displays* use. It simply does not exist as a use category under the LDRs, as it is a rather new use, one that involves the sales or lease of new vehicles completely indoor, and which has been successfully experimented in dense urban centers such as New York City where land prices are high and even in new urbanist communities such as Coral Gables to promote integration of commercial uses and reduce sprawling development patterns. The purpose of this text amendment application is therefore two-fold. First, the request seeks to expand the Uses Permitted chart of Article 4, Division 3, Section 4-302 of the LDRs to add *Retail Showroom, Automobiles* as a new special exception use in the C-2BW district. Second, the request attempts to provide a clear definition of the proposed new use, which is to be added to the glossary of terms found in Article 7, Section 7-101 of the LDRs and which shall read as follows:

*Retail Showroom, Automobiles means a use, the principal use or purpose of which shall be the marketing and display of new automobiles, whether by sale, lease, or other commercial or financial means to the consumer from within an enclosed building and attendant parking structures; said use, which shall be operated on a site of at least one (1) acre, may include, among other secondary supporting uses, an inventory of vehicles for sale or lease, and on-site facilities for the minor vehicle service of automobiles previously sold, or leased by the retail automobile showroom, provided that the sale of automobiles previously sold, or leased by the retail automobile showroom shall be subordinate to the principal use, and that 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.*

## **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 include Retail Showroom, Automobiles as a special exception use in the C-2BW commercial district is in keeping with the spirit and intent of the City's Comprehensive Plan which encourages "the creation of land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry". If approved, the proposed amendment would optimize the use of the subject location, which could serve as a catalyst for future growth and redevelopment along the west side of the Biscayne Boulevard corridor, thereby opening up additional business options for property owners within the C-2BW district. Staff also believes that the proposed amendment will lead to an increase in property values and thereby the City's tax base, which could further promote the public health, safety and welfare of the City's 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 subject property is designated Commercial/Office on the City's adopted Future Land Use Map (FLUM). In accordance with Policy 1.13.3 of Objective 1.13 of the Future Land Use Element (FLUE) of the City's Comprehensive Plan, this land use category is intended primarily to provide land area for business, office, retail, service and other commercial enterprises. As such, the proposed retail automobile showroom use will be consistent with the underlying Commercial/Office Land Use designation of the subject property.*

**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 1.1.1 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 LDRs provides maximum density and intensity standards for proposed developments in all non-residential zoning districts. For instance, developments permitted in the C-2BW district are subject to the following standards: maximum lot coverage of 80% with a maximum height of 55 ft. As such, all future retail automobile showrooms permitted by the proposed text amendment will have to comply with the maximum densities and intensities permitted in the City's Comprehensive Plan and Section 4-303 of the LDRs.*

- 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;**

*On behalf of the applicant, David Plummer & Associates conducted a traffic assessment in order to determine the vehicle trips generated by the existing bank use compared to the proposed retail automobile showroom use. The study reveals that the latter use will generate 72 less trips during the morning peak hour and 152 less trips during the afternoon peak hour, for a total of 224 less Peak Hour trips and an overall daily total of 811 less vehicle trips than the existing bank use. More specifically, the proposed retail automobile showroom will generate 13 new AM Peak Hour trips and 18 new PM Peak Hour trips. Using the findings of this traffic study conducted for the subject site, it is safe to assume that the low levels of AM and PM Peak Hour trips that any retail automobile showroom use will generate, will have a de minimis impact on the Biscayne Boulevard corridor and adjacent City roadways. Should it be determined at DRC review that any proposed such use may potentially cause adverse impacts on the City's current or future infrastructure, the developer would be required to mitigate these impacts that exceed the established level of service for a given public facility.*

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

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

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

*The proposed amendment will establish retail automobile as a special exception use in the C-2BW district of the City, subject to the limitations as may be deemed necessary by the BOA and as further imposed during DRC site plan approval to mitigate any unintended impacts. As such, this amendment will not only further the orderly development of the City's C-2BW commercial district, but also provide an additional boost to the economic engine of this district and the City as a whole, as commercial real estate continues to experience mixed performance despite the declining vacancy rates.*

CONCLUSION

Based on the foregoing, staff believes that the proposed text amendment is consistent with the zoning guidelines in the City's LDRs and conforms to the future land use goals, objectives and policies identified in the City's adopted Comprehensive Plan. Therefore, staff requests that the Planning Commission recommend adoption of the attached ordinance amending Chapter 29 of the North Miami Code of Ordinances entitled "Land Development Regulations" (LDRs) by amending (1) Article 4, Division 3 ("Non-Residential Districts"), specifically at Section 4-302 ("Uses Permitted") to establish "Retail Showroom, Automobiles" as a Special Exception Use in the C-2BW district; and (2) Article 7, specifically at Section 7-101 ("Definitions"), to provide for a definition of "Retail Showroom, Automobiles," and forward said ordinance to City Council for final consideration. While staff supports the text amendment as requested, staff further proposes that, in order to ensure orderly growth and quality of design, to facilitate economic growth and job creation, to enhance city public realms, and to protect the safety and welfare of residents, all *Retail Showroom, Automobiles* uses in the C-2BW zoning district shall be reviewed for compliance with the development standards listed below, which shall be supplemental to other review standards set forth in the LDRs. These development standards, which the applicant has agreed to satisfy, are as follows:

- 1) Special Exception Use Approval: *The use shall be established through a special exception use approved by the Board of Adjustment (BOA) at a public hearing and shall be subject to all the limitations as may be deemed necessary to protect the public health, safety and welfare of the residents;*
- 2) Development Review Committee Site Plan Approval: *That, upon the approval of the special exception use, a site plan shall be submitted to the Development Review Committee (DRC) for final concurrency determination and to further promote orderly growth and aesthetic quality in the C-2BW zoning district;*
- 3) Transparency: *Street-facing facades fronting Biscayne Boulevard shall have transparent glazing that provides views into display and sales areas. Transparent windows or doors shall be provided for at least 75 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. No wall may run in a continuous horizontal plane for more than 25 feet without an opening;*
- 4) Outdoor Storage Prohibited: *No outdoor storage of vehicles, whether for display or awaiting repair and maintenance, shall be permitted in connection with the retail automobile showroom;*
- 5) Abandoned Vehicles Prohibited: *No abandoned vehicles shall be stored on the premises;*
- 6) Vehicular Test Drives Restricted: *Vehicular test drives shall be restricted to Biscayne Boulevard and shall not be conducted on residential local traffic streets (50' right-of-way or less);*

- 7) Advertisement Prohibited: Attention attracting devices, such as blinking or flashing lights, streamer lights, pennants, banners, streamers and all fluttering, spinning advertising devices (either mobile or stationary) shall be prohibited, except as permitted under point of sale sign regulations;
- 8) Parking Location: All vehicle storage and the bulk of the required parking shall be located in the rear of the building, save for any required customer parking, which shall be located as close to the front entrance as permitted by the site restrictions;
- 9) Screening of Parking Required: Parking shall be opaque and concealed within garages, which shall be screened from abutting properties, as allowable by the LDRs;
- 10) Business Hours: Hours of operation shall be between 6:00 AM to 9:00 PM;
- 11) Loading and Unloading Restricted: All loading and unloading shall occur either on the subject site, on the public right-of-way adjacent to the subject site, excluding Biscayne Boulevard, or on a loading zone within 250 feet of the subject site in the event loading and unloading cannot be accommodated on site due to site constraints or on the adjacent streets, subject to DRC approval;
- 12) Parking Standards: Parking shall be provided in accordance with the requirements set forth in Article V, Division 14 of the LDRs for automotive uses; and
- 13) Declaration of restrictive Covenants: Said conditions shall be binding through a declaration of use or restrictive covenants, which will be recorded with the Miami-Dade County Clerk of Court.

NL/tws

- Attachments:
1. Proposed Ordinance
  2. Newspaper Advertisement
  3. Submittal Application
    - a. Letter of Intent
    - b. Project Narrative
    - c. Trip Generation Analysis

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 4, DIVISION 3, ENTITLED “NON-RESIDENTIAL DISTRICTS,” SPECIFICALLY AT SECTION 4-302 ENTITLED “USES PERMITTED”, TO ESTABLISH “RETAIL SHOWROOM, AUTOMOBILE” AS A SPECIAL EXCEPTION USE IN THE C-2BW ZONING DISTRICT, TO FOSTER ECONOMIC GROWTH, AND AMENDING ARTICLE 7, AT SECTION 7-101 ENTITLED “DEFINITIONS”, TO PROVIDE FOR A DEFINITION OF “RETAIL SHOWROOM, AUTOMOBILE,” AS WELL AS ESTABLISHING CLEAR REGULATIONS FOR SAID USE, 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 commercial use of neighborhoods, as reflected in the various nonresidential zoning districts within the City, consistent with the intent of the City Comprehensive Plan (“Comprehensive Plan”); and

**WHEREAS**, Policy 9.4.6 of the Comprehensive Plan, further requires that the City “create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry”; and

**WHEREAS**, Article 7 of the LDRs entitled “Definitions,” currently includes a definition for the term ‘Retail, Sales, and Services’ which allows for “a use, the principle use or purpose of which is the sale of primarily new goods, products, materials, or services directly to the consumer, including the sale of principally new automobiles involving the outdoor display of a maximum of twenty (20) automobiles of which no more than thirty (30) percent shall be pre-owned”, the latter being an ‘auto boutique’ type of use and not including a service component, as is proposed here; and

**WHEREAS**, BRAC Holdings, Inc. (“Applicant”), who owns and operates a Volvo brand auto dealership (“Dealership”) in the City of Miami Gardens, Florida, desires to relocate the Dealership to the City, at a property zoned C2BW and situated at 12550 Biscayne Boulevard (“Subject Property”), in order to establish Volvo’s first indoor retail automobile showroom use, with a service component that is not currently established as a use category in the LDRs; and

**WHEREAS**, the Applicant proposes to amend Section 4-302 and Section 7-101 of the LDRs in order to establish a new special exception use and definition called “*Retail Showroom Automobile*”, dedicated solely to the indoor display of new automobiles for sale/lease, with the ability to service and repair said vehicles onsite; and

**WHEREAS**, whereas City administration believes the proposed request is beneficial to facilitate the relocation of a flagship commercial brand to the City and in so doing, will encourage business investment, create new employment and further increase the City’s tax base; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on May 5, 2015, found the proposed amendments to Section 4-302 and Section 7-101 of the LDRs are consistent with the Comprehensive Plan and promote the orderly commercial development of the City; and

**WHEREAS**, the Planning Commission recommended approval of the proposed amendments to the Mayor and City Council, pursuant to Section 3-1004 of the LDRs; and

WHEREAS, the Mayor and City Council find the proposed amendments are consistent with the intent of the Comprehensive Plan, furthers 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 4, Division 3, entitled “Non-residential Districts,” specifically at Section 4-302 entitled “Uses Permitted”, to establish “Retail Showroom, Automobile” as a special exception use in the C-2BW Zoning District, to foster economic growth, and amending Article 7, at Section 7-101 entitled “Definitions”, to provide for a definition of “Retail Showroom, Automobile,” as well as establishing clear regulations for said use 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 4. - ZONING DISTRICTS

\* \* \* \* \*

DIVISION 3. NONRESIDENTIAL DISTRICTS

\* \* \* \* \*

**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 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

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

\* \* \* \* \*

**ARTICLE 7. DEFINITIONS.**

**Sec. 7-101. Definitions.**

\* \* \* \* \*

*Restaurant, fast-food* means a restaurant facility with the following characteristics: standardized limited menu; fast food preparation; orientation to take-out or eat-in service; utilization of disposable eating utensils and packaging; no waiter or waitress service at the tables.

*Restaurant, open-air* means a use characterized by outdoor table service of food and beverages prepared for service in an adjacent or attached main structure for consumption on the premises. This definition does not include an accessory outdoor bar counter, which is considered to be a separate accessory use to an outdoor cafe or a hotel pool deck.

*Retail, sales, and service* mean a use, the principle use or purpose of which is the sale of primarily new goods, products, materials, or services directly to the consumer from within an enclosed building, including grocery stores, bakeries, hardware stores, antique and collectible stores, dry cleaning drop-off and pick-up station, dry cleaning establishments, pet shops, personal services, indoor recreation, personal instruction, art galleries, and including the sale of alcoholic beverages for off-premises consumption provided that the sale of alcoholic beverages is subordinate to the principal use and the display of alcoholic beverages occupies less than twenty-five (25) percent of the floor area of the use, sale of principally new automobiles involving the outdoor display of a maximum of twenty (20) automobiles of which no more than thirty (30) percent shall be pre-owned, not including street vendors, farmer's markets, consignment shops, automobile services stations, thrift stores, self-service laundries, the on-premise consumption of alcoholic beverages or problematic uses.

*Retail Showroom, Automobile* means a use, the principal use or purpose of which shall be the marketing and display of new automobiles, whether by sale, lease, or other commercial or

financial means to the consumer from within an enclosed building and attendant parking structures; said use, which shall be operated on a site of at least one (1) acre, may include, among other secondary supporting uses, an inventory of vehicles for sale or lease, and on-site facilities for minor servicing of vehicles previously sold, or leased by the retail automobile showroom, provided that the sale of pre-owned/preleased automobiles by the retail automobile showroom shall be subordinate to the principal use, and that no more than forty-nine (49) percent of the total stock should be pre-owned/preleased. Furthermore, 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.

*Ride matching* means the process of identifying interested drivers and interested riders with other drivers and riders of similar interests, employment origins and destinations for purposes of sharing rides by car pooling, van pooling or other.

*Ride sharing* means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of the driver. The term shall include ride-sharing arrangements known as car pools, vanpools, and bus pools.

*Right-of-way* means that portion of land, duly defined, either public or private, designed for the express purpose of transporting persons or vehicles, utilities and transmission lines or canals.

\* \* \* \* \*

**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: CITY ADMINISTRATION

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~~.



**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, UNDER DIVISION 9 ENTITLED "FENCES, WALLS, AND OTHER SIMILAR STRUCTURES", SPECIFICALLY AT SECTION 5-901 ENTITLED "GENERAL STANDARDS FOR RESIDENTIAL AND NONRESIDENTIAL DISTRICTS", AND SECTION 5-902 ENTITLED "MAXIMUM HEIGHT", TO CLEARLY ESTABLISH APPROPRIATE REGULATIONS FOR THE CONSTRUCTION AND USE OF OPAQUE FENCES AND WALLS IN RESIDENTIAL DISTRICTS, AND TO FURTHER TO ORGANIZE AND STREAMLINE THE SPECIFIC SECTIONS FOR GREATER CLARITY AND CONSISTENCY 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 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 4, UNDER DIVISION 3 ENTITLED "NON-RESIDENTIAL DISTRICTS," SPECIFICALLY AT SECTION 4-302 ENTITLED "USES PERMITTED", TO ESTABLISH "RETAIL SHOWROOM, AUTOMOBILE" AS A SPECIAL EXCEPTION USE IN THE C-2BW DISTRICT, TO FOSTER ECONOMIC GROWTH IN THE CITY, AND AMENDING ARTICLE 7, AT SECTION 7-101 ENTITLED "DEFINITIONS", TO PROVIDE FOR A DEFINITION OF "RETAIL SHOWROOM, AUTOMOBILE," AS WELL AS ESTABLISHING CLEAR REGULATIONS FOR SAID USE, CONSISTENT WITH THE INTENT OF THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; 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, May 5<sup>th</sup>, 2015 at 7:00 p.m.** and the City Council on **May 19<sup>th</sup>, 2015 at 7:00pm (First Reading) and May 26<sup>th</sup>, 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. 125<sup>th</sup> 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.**

# DEVELOPMENT REVIEW APPLICATION

Application #: \_\_\_\_\_  
 Project Name: \_\_\_\_\_

RECEIVED

APR 16 2015

BY: \_\_\_\_\_ *[Signature]*

**INSTRUCTIONS:** Please print or type all information. The application must be filled out accurately and completely. Answer all questions. Do not leave an item blank. If an item does not apply, write N/A (Not Applicable).

**DEVELOPMENT REQUEST - Check one type ONLY (Use separate applications if applicable)**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Abandonment/Vacation of Right-of-Way or Easement<br><input type="checkbox"/> Annexation<br><input checked="" type="checkbox"/> Amendment to Text of LDR<br><input type="checkbox"/> Comprehensive Plan Determination Letter<br><input type="checkbox"/> Comprehensive Plan Text Amendment<br><input type="checkbox"/> Conditional Use Permit<br><input type="checkbox"/> Conditional Use Permit Amendment<br><input type="checkbox"/> Conditional Use Permit Master Plan Development/ Non Residential | <input type="checkbox"/> Conditional Use Permit Master Plan Development / Residential<br><input type="checkbox"/> Development Agreement<br><input type="checkbox"/> Development of Regional Impact - Review<br><input type="checkbox"/> Development of Regional Impact - Notice of Proposed Change (NOPC)<br><input type="checkbox"/> Land Use Plan Amendment - Map<br><input type="checkbox"/> Land Use Plan Amendment - Comprehensive Plan Text Amendment<br><input type="checkbox"/> Rezoning/ Zoning Map Amendment | <input type="checkbox"/> Plat- Tentative Plat<br><input type="checkbox"/> Plat - Final Plat<br><input type="checkbox"/> Plat - Waiver of Plat<br><input type="checkbox"/> School Concurrency Review<br><input type="checkbox"/> Traffic Impact Analysis Review<br><input type="checkbox"/> Transfer of NRO Units<br><input type="checkbox"/> Finding of Consistency for Non-conformity<br>Other _____ |
|--|--|---|

**DEVELOPMENT/PROJECT NAME:**

**DEVELOPMENT/PROJECT ADDRESS OR LOCATION:**

*NORTH MIAMI Volvo 12550 BISCAYNE Blvd. N.M. FL*  
 Legal Description (attach separate sheet if necessary):

**All Tax ID Folio Numbers:**

*06-2229-054-0010*

**Project Narrative (Brief description)(Please attach Letter of Intent as a separate sheet)**

Residential Use(s)/Unit Type(s): <i>N/A</i> Number of Residential Units: <i>N/A</i> Non-Residential Use(s) (Type & sq. ft.): Current Use(s) of Property: <i>OFFICE/RETAIL Building</i> Proposed Use(s) of Property: <i>OFFICE/RETAIL/SERVICE Building</i> Is the property platted? <i>YES</i> OR Book & Page: Plat Name: Is the property an existing legal lot of record? If No, please explain.	Site Area (sq. ft. & acres): <i>81,700 sq. ft.</i> Existing Zoning Designation(s): <i>C-2BW</i> Proposed Zoning Designation(s): <i>C-2BW</i> Existing Land Use Designation(s): <i>Prof Service/Office Condo/Commercial</i> Proposed Land Use Designation(s): <i>Prof Service/Office Condo/Commercial</i> Will the plat be affected by this application? If yes, please explain. <i>NO</i> Is the property the subject of Code Enforcement Action? If yes, Code Enforcement Case No.: <i>NO</i>
---	---

**RECEIVED**  
 APR 16 2015  
 W

**PROPERTY OWNER / APPLICANT / AGENT INFORMATION**

Property Owner (s) NRD INVESTMENTS LLC  
 Address 1111 PARK CENTRE Blvd. STE 450  
 Phone 305-625-0949 Fax 305-625-0948 E-mail TERRY@NRINVESTMENTS.COM  
 Applicant BRAC Holdings INC  
 Address 815 NW 57th AVE MIAMI FL 33126  
 Phone 305-786-2163 Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Agent Fernando Arellano Geddes  
 Address 19275 NW 2nd Ave. Miami FL 33180.  
 Phone 786-216-3595 Fax \_\_\_\_\_ E-mail farellano@volvonorthmiami.net

**CONTACT PERSON**

Identify one person to serve as the contact for the City during the application process. This will be the person notified by the City regarding comments and meetings (if needed).  
 Name Fernando Arellano Geddes  
 Address 19275 NW 2nd Ave. Miami FL 33169.  
 Phone 786-216-3595 Fax \_\_\_\_\_ E-mail farellano@volvonorthmiami.net

**CERTIFICATION**

I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. In filing the application I am acting with the knowledge and consent of those persons who are owners of the subject property or are parties to this application. I understand that all materials required by the City of North Miami must be submitted prior to having this application processed and that additional fee or materials may be required as a result of processing of this application.

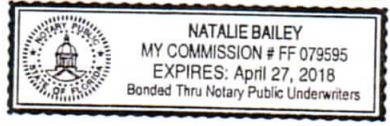
Owners Signature [Signature] Date 4/16/15

**OWNER'S SWORN-TO-CONSENT PERMITTING AGENT TO FILE FOR A HEARING**  
 I, Mrs SHOSHANI, being the first duly sworn, depose and say that I am the owner of the property describe herein and which is the subject matter of the proposed hearing, do hereby authorize BRAC Holdings INC to file this application for a public hearing.

Signature [Signature] Date 4/16/15

**NOTARIZATION**

STATE OF FLORIDA/COUNTY OF \_\_\_\_\_  
 The foregoing instrument was acknowledged before me this 14 day of April, 2015, by Mrs Shoshani  
 (Signature of Notary Public – State of Florida) (Print, Type or Stamp Commissioned Name of Notary Public)



Personally Known  OR Produced Identification \_\_\_\_\_ Type of Identification Produced \_\_\_\_\_





# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 4/15/2015

Property Information	
Folio:	06-2229-112-0010
Property Address:	12550 BISCAYNE BLVD 100
Owner	NRD INVESTMENTS LLC
Mailing Address	1111 PARK CENTRE BLVD STE 450 MIAMI GARDENS , FL 33169
Primary Zone	6201 COMMERCIAL
Primary Land Use	1918 PROFESSIONAL SERVICE BLDG : CONDOMINIUM - COMMERCIAL
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	Sq.Ft
Living Area	2,306 Sq.Ft
Adjusted Area	2,306 Sq.Ft
Lot Size	0 Sq.Ft
Year Built	1972



Assessment Information			
Year	2014	2013	2012
Land Value	\$0	\$0	\$0
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$477,342	\$477,342	\$460,370
Assessed Value	\$477,342	\$477,342	\$460,370

Benefits Information				
Benefit	Type	2014	2013	2012
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

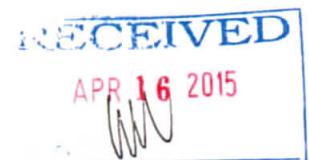
Short Legal Description
12550 BISCAYNE CONDO UNIT 100 UNDIV 2.9086% INT IN COMMON ELEMENTS OFF REC 25977-1190

Taxable Value Information			
	2014	2013	2012
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$477,342	\$477,342	\$460,370
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$477,342	\$477,342	\$460,370
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$477,342	\$477,342	\$460,370
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$477,342	\$477,342	\$460,370

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description

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:





# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 4/15/2015

Property Information	
Folio:	06-2229-054-0010
Property Address:	12550 BISCAYNE BLVD
Owner	NRD INVESTMENTS LLC
Mailing Address	1111 PARK CENTRE BLVD 450 MIAMI, FL 33169
Primary Zone	6201 COMMERCIAL
Primary Land Use	2865 PARKING LOT/MOBILE HOME PARK : PARKING LOT
Beds / Baths / Half	0 / 0 / 0
Floors	1
Living Units	0
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	81,700 Sq.Ft
Lot Size	51,556 Sq.Ft
Year Built	1972



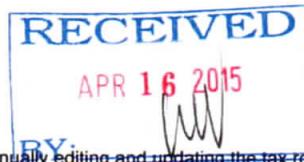
Assessment Information			
Year	2014	2013	2012
Land Value	\$134,046	\$103,112	\$103,112
Building Value	\$268,223	\$272,619	\$309,995
XF Value	\$0	\$0	\$0
Market Value	\$402,269	\$375,731	\$413,107
Assessed Value	\$402,269	\$375,731	\$413,107

Benefits Information				
Benefit	Type	2014	2013	2012
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description
29 52 42 1.66 AC M/L
HARRIETTE E SUB PB 56-6
TR A & ALLEY ADJ ON E & TR B OF
HARRIETTE E & MAC SMITH AMD PL
PB 58-72 LESS PORT DESC IN CONDO

Taxable Value Information			
	2014	2013	2012
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$402,269	\$375,731	\$413,107
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$402,269	\$375,731	\$413,107
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$402,269	\$375,731	\$413,107
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$402,269	\$375,731	\$413,107

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
11/01/2006	\$12,500,000	25113-4715	Qual by verifiable & documented evidence
09/01/2005	\$8,700,000	23895-1863	Qual on DOS, but significant phy change since time of transfer
05/01/1995	\$3,500,000	16783-3394	2008 and prior year sales; Qual by exam of deed
06/01/1992	\$1,600,000	15547-0266	2008 and prior year sales; Qual by exam of deed



**LETTER OF INTENT**

To: City of North Miami Planning Department  
Members of North Miami Planning Commission  
Mayor and Council Members of North Miami

Appear and present at the May 5<sup>th</sup> Planning meeting  
Request for a minor texts amendment to the LDR  
Under the zoning of C-2BW

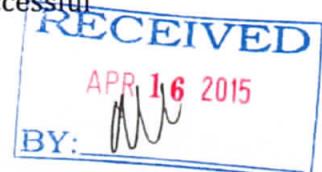
BRAC Holding LLC/ North Miami Volvo is requesting the removal of the restriction as written in the code for this zoning area of **no service permitted** to vehicles and to allow service to vehicles within an ***ENCLOSED BUILDING OR PARKING STRUCTURE WITH A DISTANCE SEPARATION OF NO LESS THAN 1500 FEET BETWEEN OTHER SUCH BUILDINGS OR PARKING STRUCTURES.***

It is the intent of North Miami Volvo, to **relocate** from Miami Gardens and open a state of the art, boutique retail showroom, with customer service needs within the existing ground floor and enclosed parking garage of the building formally known as the Wells Fargo Bank building, located at 12550 Biscayne Blvd.

This multi-million dollar project will enhance this corridor of Biscayne Blvd. and will not have any negative effect on the community. This exciting project will have hundreds of traffic trips **LESS** than the former Bank had daily, or if another bank was to go into this location.

There are other businesses in this area that have been and currently providing services to vehicles for decades with no adverse effect.

This concept of a retail showroom and service within a lobby and enclosed parking structure is new to **North Miami**, but has existed for many years in other states and South Florida cities. **Coral Gables** is home to a much larger and successful



showroom known as **The Collection**. The **City of Coral Gables** has recognizes and promoted how well this concept has worked in the most expensive commercial corridor of their city. The **City of North Miami Beach** recently adopted new regulation requiring all future vehicle sales and service be done within a multi-use building.

This is the future of the urban sales of new vehicles, small boutiques within new or existing buildings. Land cost and how people purchase their vehicles, (internet, remotely) now dictate a much smaller footprint for a showroom. The days of a five-acre, large track sales centers are quickly becoming outdated.

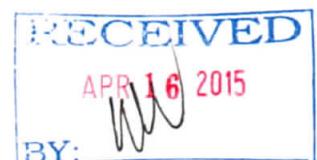
**Volvo USA** has approved this North Miami location to serve as a flagship concept of the re-launch of the **Volvo Brand** for Florida.

This amendment will not affect any city services, impact the roadways or traffic patterns, or disrupt the community in any way. The positive affect of allowing this amendment, is for the convenience of our residence to purchase a vehicle close to home and have minor schedule services done while they wait.

The surrounding businesses and residence will also benefit from the investment and impact of this multi-millions dollar project and jobs.

In closing the request is to change three simple words, from **no service permitted** to **Service permitted**

We look forward to making our presentation to your governing bodies.



TO: City of North Miami Planning Dept.  
Members of North Miami Planning Commission  
Mayor and Council Members of North Miami

**Project Narrative:**

BRAC Holdings/ North Miami Volvo, plan on opening a State of the Art, boutique showroom for Volvo Automobiles sales and customers service needs within the existing ground floor and enclosed parking garage of the former Wells Fargo Bank building, located at 12550 Biscayne Blvd.

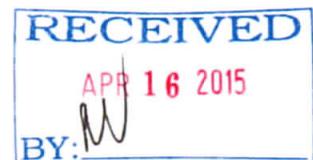
This North Miami location for Volvo (currently in Miami Gardens) was chosen to serve as a flagship concept showroom for the re launch of the Volvo brand automobiles in Florida. This showroom, after major renovations, to the ground floor and exterior façade of the building and parking garage will be a beautiful enhancement to this corridor of Biscayne Blvd.

All aspect of this retail showroom and the interior parking of the Volvo's is a **permitted use under the zoning codes of North Miami.**

The only current restriction in this zoning designation that will negatively affect this multi-million dollar project is that of schedule service of the customer's vehicles.

This will be addressed under the **Letter of Intent.**

We look forward to sharing with you, the exciting aspects of this modern concept and future approach of the automobile showrooms.



April 21, 2015

Mr. Fernando Geddes  
Volvo of North Miami  
19275 NW 2nd Avenue  
Miami, FL 33169

**RE: Volvo of North Miami Traffic Engineering Services - #15150**

Dear Mr. Geddes,

Volvo of North Miami is seeking to lease the ground floor (7,000 SF) of an existing office building located 12550 Biscayne Boulevard in North Miami, Florida. The site was previously occupied by a drive-in bank.

A trip generation analysis was conducted to determine the vehicle trips generated by the bank compared to the proposed automobile dealership. The trip generation analysis was based on rates and/or equations from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9<sup>th</sup> Edition, and obtained using the TripGen 2013 software. This manual provides trip generation data by specific land uses that have been collected throughout the United States and Canada. The trip generation calculations were performed for a typical weekday, as well as the AM and PM peak hours of the adjacent street. Exhibit 1 provides the trip generation summary. Trip generation worksheets are included in Attachment A.

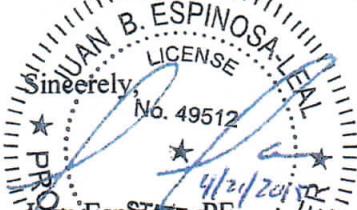
**Exhibit 1  
Project Trip Generation Summary**

ITE Land Use Designation <sup>1</sup>	Size/Units	Average Weekday Two-way Volume	Weekday AM Peak Hour Vehicle Trips			Weekday PM Peak Hour Vehicle Trips		
			In	Out	Total	In	Out	Total
Proposed Car Dealership Land Use 841	7,000 SF	226	10	3	13	7	11	18
Existing Drive-In Bank Land Use 912	7,000 SF	-1,037	-48	-37	-85	-85	-85	-170
<b>Net New Trips</b>		<b>-811</b>	<b>-38</b>	<b>-34</b>	<b>-72</b>	<b>-78</b>	<b>-74</b>	<b>-152</b>
<b>Percent Decrease</b>		<b>78%</b>			<b>85%</b>			<b>89%</b>

<sup>1</sup> Based on ITE Trip Generation manual, Ninth Edition.

The results of the trip generation analysis show that the proposed automobile dealership will generate 811 less vehicle trips than the existing bank on a daily basis. The results also show that during the morning peak hour the automobile dealership will generate 72 less trips and during the afternoon peak hour 152 less trips than the bank.

Based on the trip generation analysis, it can be concluded that the proposed Volvo of North Miami dealership will have a significantly lower impact to the adjacent roadway network than a drive-in bank. We stand ready to provide any support needed for this project. Should you have any questions or comments, please call me at (305) 447-0900.

Sincerely,  
  
 Juan B. Espinosa, PE  
 Vice President, Transportation  
 PROFESSIONAL ENGINEER  
 License No. 49512  
 Date: 4/21/2015

w:\15115150\volvo of north miami trip generation comparison letter\_april 2015.docx



Detailed Average Rate Trip Calculations  
For 7 Th.Sq.Ft. GFA of Drive-in Bank(912) - [R]

Project: Volvo of North Miami  
Phase:

Open Date:  
Analysis Date:

Description: Existing Use

---

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	148.15	97.36	1.00	1037
7-9 AM Peak Hour Enter	6.89	0.00	1.00	48
7-9 AM Peak Hour Exit	5.19	0.00	1.00	37
7-9 AM Peak Hour Total	12.08	6.88	1.00	85
4-6 PM Peak Hour Enter	12.15	0.00	1.00	85
4-6 PM Peak Hour Exit	12.15	0.00	1.00	85
4-6 PM Peak Hour Total	24.30	16.24	1.00	170
AM Pk Hr, Generator, Enter	9.31	0.00	1.00	65
AM Pk Hr, Generator, Exit	8.26	0.00	1.00	58
AM Pk Hr, Generator, Total	17.57	10.68	1.00	123
PM Pk Hr, Generator, Enter	13.61	0.00	1.00	95
PM Pk Hr, Generator, Exit	13.08	0.00	1.00	92
PM Pk Hr, Generator, Total	26.69	14.58	1.00	187
Saturday 2-Way Volume	86.32	36.65	1.00	604
Saturday Peak Hour Enter	13.42	0.00	1.00	94
Saturday Peak Hour Exit	12.89	0.00	1.00	90
Saturday Peak Hour Total	26.31	15.79	1.00	184
Sunday 2-Way Volume	31.90	15.45	1.00	223
Sunday Peak Hour Enter	0.00	0.00	1.00	0
Sunday Peak Hour Exit	0.00	0.00	1.00	0
Sunday Peak Hour Total	4.78	2.17	1.00	33

---

Note: A zero indicates no data available.

Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC

Trip Generation Data  
 For 7 Th.Sq.Ft. GFA of Automobile Sales(841) - [R]

Project: Volvo of North Miami  
 Phase:

Open Date:  
 Analysis Date:

Description: Proposed Use

---

	Avg. Rate	Min. Rate	Max. Rate	Std. Dev.	No. Stud.	% Enter	% Exit
Avg. Weekday 2-Way Trip	32.30	15.64	79.66	15.70	15	0.50	0.50
7-9 AM Pk. Hr. - Total	1.92	0.59	6.17	1.72	26	0.75	0.25
4-6 PM Pk. Hr. - Total	2.62	0.94	5.81	1.90	41	0.40	0.60
AM Pk. Hr. of Generator - Total	2.22	0.59	6.00	1.76	27	0.55	0.45
PM Pk. Hr. of Generator - Total	2.80	0.89	5.41	1.91	25	0.47	0.53
Saturday 2-Way Trips	29.74	15.47	52.24	16.58	4	0.50	0.50
Saturday Pk. Hr. - Total	4.02	1.41	5.64	2.58	4	0.50	0.50
Sunday 2-Way Trips	13.62	7.82	21.73	7.16	4	0.50	0.50
Sunday Pk. Hr. - Total	0.00	0.00	0.00	0.00	0	0.00	0.00

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Note: A zero indicates no data available.  
 Source: Institute of Transportation Engineers  
 Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC

Detailed Average Rate Trip Calculations  
For 7 Th.Sq.Ft. GFA of Automobile Sales(841) - [R]

Project: Volvo of North Miami  
Phase:

Open Date:  
Analysis Date:

Description: Proposed Use

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	32.30	15.70	1.00	226
7-9 AM Peak Hour Enter	1.44	0.00	1.00	10
7-9 AM Peak Hour Exit	0.48	0.00	1.00	3
7-9 AM Peak Hour Total	1.92	1.72	1.00	13
4-6 PM Peak Hour Enter	1.05	0.00	1.00	7
4-6 PM Peak Hour Exit	1.57	0.00	1.00	11
4-6 PM Peak Hour Total	2.62	1.90	1.00	18
AM Pk Hr, Generator, Enter	1.22	0.00	1.00	9
AM Pk Hr, Generator, Exit	1.00	0.00	1.00	7
AM Pk Hr, Generator, Total	2.22	1.76	1.00	16
PM Pk Hr, Generator, Enter	1.32	0.00	1.00	9
PM Pk Hr, Generator, Exit	1.48	0.00	1.00	11
PM Pk Hr, Generator, Total	2.80	1.91	1.00	20
Saturday 2-Way Volume	29.74	16.58	1.00	208
Saturday Peak Hour Enter	2.01	0.00	1.00	14
Saturday Peak Hour Exit	2.01	0.00	1.00	14
Saturday Peak Hour Total	4.02	2.58	1.00	28
Sunday 2-Way Volume	13.62	7.16	1.00	95
Sunday Peak Hour Enter	0.00	0.00	1.00	0
Sunday Peak Hour Exit	0.00	0.00	1.00	0
Sunday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC

# **ATTACHMENT A**

## **Trip Generation Worksheets**

Trip Generation Data  
For 7 Th.Sq.Ft. GFA of Drive-in Bank(912) - [R]

Project: Volvo of North Miami  
Phase:

Open Date:  
Analysis Date:

Description: Existing Use

---

	Avg. Rate	Min. Rate	Max. Rate	Std. Dev.	No. Stud.	% Enter	% Exit
Avg. Weekday 2-Way Trip	148.15	68.23	407.21	97.36	7	0.50	0.50
7-9 AM Pk. Hr. - Total	12.08	3.71	29.40	6.88	31	0.57	0.43
4-6 PM Pk. Hr. - Total	24.30	3.09	109.68	16.24	102	0.50	0.50
AM Pk. Hr. of Generator - Total	17.57	4.33	46.89	10.68	39	0.53	0.47
PM Pk. Hr. of Generator - Total	26.69	7.14	68.50	14.58	47	0.51	0.49
Saturday 2-Way Trips	86.32	42.44	171.27	36.65	5	0.50	0.50
Saturday Pk. Hr. - Total	26.31	7.17	107.00	15.79	41	0.51	0.49
Sunday 2-Way Trips	31.90	23.40	69.10	15.45	5	0.50	0.50
Sunday Pk. Hr. - Total	4.78	3.68	7.40	2.17	5	0.00	0.00

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Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC