

**ORDINANCE NO. 1485**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR A TEXT AMENDMENT TO CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES BY AMENDING ARTICLE 4, DIVISION 2, ENTITLED “ZONING DISTRICTS”, SPECIFICALLY AT SECTION 4-202 MODIFYING TYPES OF USES ALLOWED IN THE C-2BW ZONING DISTRICT; AND AMENDING ARTICLE 7, ENTITLED “DEFINITIONS”, SPECIFICALLY AT SECTION 7-101; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS, CODIFICATION AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the current Land Development Regulations (“LDRs”), Chapter 29 of the City Code of Ordinances, was adopted in July 2017 through Ordinance No. 1417 to establish zoning districts and regulations that implement the adopted 2007 Future Land Use Map (“FLUM”) designations; and

**WHEREAS**, Article 3, Division 10, Sections 3-1003 through 3-1007 of the LDRs outlines the procedures for text amendments and zoning map changes to the LDRs initiated by either the City or one (1) or more owners of record for parcel(s) located within the jurisdictional boundary of the City; and

**WHEREAS**, Article 3, Division 3, Section 3-302 of the LDRs establishes a uniform notice and procedure in order to ensure due process and maintain citizen access to the local government decision-making forum relating to the approval LDR text changes within the jurisdictional boundary of the City; and

**WHEREAS**, the Applicant, Grupo TFJ Properties, LLC, through their Agent, William W. Riley, Jr., Esq., of The Riley Firm, LLP, has applied for a text amendment to the LDRs to: a) establish “Vehicles Sales/Displays, Minor – New” as a use in the C-2BW zoning district to better reflect the operational activities of the existing Alfa Romeo-Fiat showroom located at 13110 Biscayne Boulevard, b) clarify the definition of vehicle sales/display minor, and c) for properties fronting Biscayne Boulevard, impose a new distance separation requirement between vehicle sales facilities that do not currently exist; and

**WHEREAS**, “Retail sales and service” (under which the Subject Property was originally approved) is defined in the LDRs as, “...the sale of primarily new goods, products, materials, or services directly to the consumer from within an enclosed building...”, and includes a broad range

of uses, e.g., grocery stores, bakeries, personal instruction, and art galleries; however, the definition also includes outdoor vehicle sales/display of up to 20 vehicles; and

**WHEREAS**, to assure there is not a proliferation of outdoor vehicle sales/and display facilities in the commercial districts throughout the City, and to preserve the integrity of what constitutes retail/sales use, it is necessary to amend the definition to exclude outdoor vehicle sales/display as an example of a retail use; and

**WHEREAS**, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the City LDRs, at a duly noticed public meeting held on October 5, 2021, Planning Commission reviewed the proposed Amendment to the LDRs, the recommendation of City staff, testimony provided at the public hearing (if any), and issued a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed Amendment by passage of this ordinance; and

**WHEREAS**, pursuant to Article 3, Section 3-1007 of the LDRs, the Mayor and City Council have jurisdiction to adopt the proposed LDR text amendment, and after two (2) duly noticed public meetings (first reading and second reading), have determined that the amendments are in the best interest of City residents and in accordance with state law.

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

**Section 1. Recitals.** The recitals to the preamble herein are incorporated by reference.

**Section 2. Amendment to Chapter 29, North Miami 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, entitled "Zoning Districts", and Article 7, entitled "Definitions" as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES

CHAPTER 29. LAND DEVELOPMENT REGULATIONS

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ARTICLE 4: ZONING DISTRICTS

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## DIVISION 2. – ZONING DISTRICTS

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### Sec. 4-202. – Types of uses.

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Zoning Districts	R-1	R-2	R-4	R-5	R-6	C-1	C-2	BE	C-2	BWC-3	M-1	PURO	BZ	AOD
<b>Vehicle-Related Commercial Type Uses</b>														
Auto Service Station						SE					SE****			
Car Wash, Mechanical						SE <sup>3</sup>					P			
Parking Garage/Lot						P					P	P	P	
Retail Showroom, Automobile								SE <sup>1</sup>						
Tow Truck Yard												P*		
Vehicle—Parts, New						P <sup>3</sup>	P					P		
Vehicle—Parts, Used												P****		
Vehicle Rental						P*						P****		
Vehicle Sales/Displays—Used												SE*****		
Vehicle Sales/Displays, Major—New (See note #2)						SE <sup>3</sup>					SE			
Vehicle Sales/Displays, Minor—New						SE <sup>3</sup>			SE <sup>6</sup>		SE			
Vehicle Service, Major						P <sup>3</sup>					P*			
Vehicle Service, Minor						P <sup>3</sup>					P*			

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\*Administrative site plan shall be required.

\*\*Subject to Article 5, Division 9.

\*\*\*Prohibited in the arts, culture and design overlay district (AOD) subject to section 4- 403E.

\*\*\*\*Retail and personal service uses larger than one (1) acre in size are prohibited in the industrial district, in an effort to minimize depletion of the industrial land supply. Retail sales and service uses one (1) acre or less in size should front on major east-west corridors including NE 146th Street and NE 151 Street.

<sup>1</sup>Retail showroom, automobile use requires min. lot area of one (1) acre. No more than 15% of the gross building area assigned to the retail automobile showroom business shall be devoted to minor vehicle service.

<sup>2</sup>Vehicle Sales Major use requires a minimum lot area of 30 or more acres.

<sup>3</sup> Prohibited in the Chinatown Cultural Arts Innovation District.

<sup>4</sup> Prohibited in C-1 zoned areas within 500 feet of a single-family residential district, and is further subject to criteria established in section 5-1702 and 5-2205.

<sup>5</sup> Prohibited on 119th Street, or on NE 6th Avenue, NW 119th Street, or 135th Street, or within the PCD.

<sup>6</sup> May be permitted through the special exception process, provided that the subject property borders Biscayne Boulevard, and is separated by a minimum of 3,000 linear feet from another vehicle's sales establishment.

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## ARTICLE 7: DEFINITIONS

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*Retail, sales, and service* means 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.

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***Vehicle sales/displays minor – new*** means 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 may include vehicle service. The sale of previously owned vehicles shall only be permitted as subordinate to the principal use. A maximum of sixty-five (65) vehicles may be displayed outdoors.

***Vehicle sales/displays, major*** means a business or commercial activity involving the display and/or sale or rental of boat and marine vessels, recreational vehicles, heavy equipment, mobile homes, and other vehicular or transport mechanisms and including vehicle service.

***Vehicle sales/displays, used*** means a business or commercial activity involving the display, rental and/or sale of used automobiles, small trucks and vans on a single parcel of land, not including an out parcel, independent of any other uses on the same parcel of land and specifically not including vehicle service or car washing.

***Vehicle service, major*** means vehicle and boat repairs conducted entirely inside a building which include engine repairs where the cylinder head, pan or exhaust manifold is removed; steam cleaning of engines; undercoating; vehicle spray painting; auto glass repair and replacement; repair and replacement of transmission, differential, transaxles, shaft and universal joints, wheel and steering linkages and assemblies; rebuilding and upholstering the interior of vehicles; customizing, restoration or rebuilding of vehicles; chassis, frame, body, fender and bumper molding, straightening, replacement and finishing; and repairs involving extensive welding, racing of engines or lengthy or overnight idling of engines.

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**Section 3. Repeal.** All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 4. Conflicts.** All Ordinances or parts of ordinances in conflict herewith the provisions of this Ordinance are repealed.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, phrase, clause or word of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, phrases, clause or words of this Ordinance, but they shall remain in

effect, it being the legislative intent that this Ordinance shall notwithstanding the invalidity of any part.

**Section 6. Scrivener's Errors.** The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

**Section 7. Codification.** The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or any other appropriate word.

**Section 8. Effective Date.** This Ordinance shall become effective ten (10) days after adoption on second reading.

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 14th day of June, 2022.

**PASSED AND ADOPTED** by a 3-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 30th day of June, 2022.



PHILIPPE BIEN-AIME  
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Estimé-Irvin

**Vote:**

Mayor Philippe Bien-Aime

       (Yes)        (No) Absent

Vice Mayor Alix Desulme, Ed.D.

X (Yes)        (No)

Councilman Scott Galvin

X (Yes)        (No)

Councilwoman Kassandra Timothe, MPA

       (Yes)        (No) Absent

Councilwoman Mary Estimé-Irvin

X (Yes)        (No)