

ORDINANCE NO. 1438

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 4, DIVISION 2 ENTITLED "ZONING DISTRICTS", SPECIFICALLY AT SECTION 4-203, ENTITLED "MINIMUM STANDARDS OF DEVELOPMENT" TO INCLUDE ADDITIONAL SETBACK, RESTRICTING USES, INCREASING BUFFERING, AND LIMITING BUILDING ORIENTATION AND HEIGHT REQUIREMENTS FOR CERTAIN M-1 ZONED PARCELS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND FOR AN EFFECTIVE DATE.

WHEREAS, the current Land Development Regulations ("LDR"s), Chapter 29 of the City Code of Ordinances, was updated 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 of LDR text changes within the jurisdictional boundary of the City; and

WHEREAS, in order to ensure adequate safeguards to preserve single family neighborhoods, at a public meeting held on July 11, 2017, Councilman Scott Galvin requested that the LDRs be amended to provide for adequate buffering standards in light of the M-1 zoning classification of adjacent R-2 zoned properties located south of NE 124th Avenue, between NE 12th Place and NE 13th Avenue; and

WHEREAS, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the City LDRs, at duly noticed public meeting held on September 13, 2018, the 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 Amendments by passage of this ordinance; and

WHEREAS, on February 26, 2019, the item was considered by the Mayor and Council but failed to obtain a majority vote; and

WHEREAS, On March 12, 2019, Councilman Desulme, who cast a dissenting vote at the February 26, 2019 City Council meeting, requested the proposed item be brought back to the City Council for reconsideration; 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 reviewed evidence that the amendment is in the best interest of City residents and in accordance with state law; and

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, Division 2 entitled “Zoning Districts”, specifically at Section 4-203, entitled “Minimum standards of development”, as follows:

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

* * * * *

ARTICLE 4. – ZONING DISTRICTS

* * * * *

DIVISION 2. - ZONING DISTRICTS.

* * * * *

Sec. 4-203. - Minimum standards of development.

* * * * *

B. Non-residential Districts

* * * * *

2. Special rear yard setback, use, buffering, building orientation and height restrictions.
 - a. Biscayne Boulevard, east side, from NE 123rd Street to NE 131st Street: maximum height forty-five (45) feet with a fifty-foot minimum setback.
 - b. Biscayne Boulevard, east side, from NE 131st Street to NE 134th Street (at canal): maximum height forty-five (45) feet with a twenty-five-foot minimum rear setback.
 - c. NE 123rd Street, south side, from 19th Avenue to Bayshore Drive: maximum height thirty-five (35) feet with a twenty-five-foot minimum setback.
 - d. For those properties zoned M-1 and generally bounded by NE 124th Street, NE 122nd Street, NE 12th Place and NE 13th Avenue:
 - 1) Use: Industrial uses that include fabrication, manufacturing, assembly or processing of materials that are in refined form shall be located in enclosed structures designed to prevent the escape of smoke, gas, odor, dust, noise, vibration of earth, soot or lighting and shall not include dry cleaning plants.
 - 2) Buffering: In addition to required landscape buffering, for uses other than industrial, an eight (8) foot steel fence or CBS/masonry wall shall be installed along NE 12th Place. If the use is industrial, an eight (8) foot CBS/masonry wall shall be installed along NE 12th Place.
 - 3) Height: Maximum building height is forty-five (45) feet.
 - 4) Setback: Minimum rear yard setback shall be fifteen (15) feet.
 - 5) Building Orientation: There will be no signage and commercial or industrial businesses fronting on NE 12th Place.

* * * * *

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.

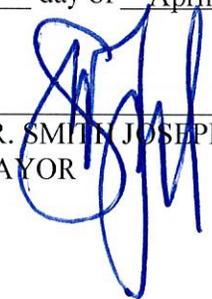
Section 6. Scrivener's Errors. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

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 immediately upon adoption on second reading.

PASSED AND ADOPTED by a 4-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 9th day of April, 2019.

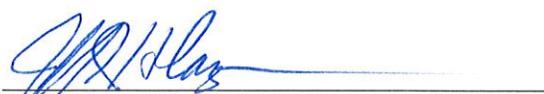
PASSED AND ADOPTED by a 4-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 23rd day of April, 2019.



DR. SMITH JOSEPH
MAYOR

ATTEST: 

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: COUNCILMAN DESULME

Moved by: Desulme

Seconded by: Bien-Aime

Vote:

Mayor Smith Joseph, D.O., Pharm. D.
Vice Mayor Philippe Bien-Aime
Councilman Scott Galvin
Councilwoman Carol Keys, Esq.
Councilman Alix Desulme, PhD.

<u>X</u>	(Yes)	<u> </u>	(No)
<u>X</u>	(Yes)	<u> </u>	(No)
<u>X</u>	(Yes)	<u> </u>	(No)
<u> </u>	(Yes)	<u> </u>	(No) Absent
<u>X</u>	(Yes)	<u> </u>	(No)