

**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 16, ENTITLED "STANDARDS FOR SPECIFIC USES", SPECIFICALLY AT SECTION 5-1608 A.1., ENTITLED "ROOM ADDITIONS TO RESIDENTIAL STRUCTURES AND CONVERSION OF GARAGES OR CARPORTS TO LIVING SPACE" TO REMOVE THE MAXIMUM 250 SQUARE FEET FLOOR AREA LIMITATION FOR HOME ADDITIONS PERMITTED WITH FLAT ROOFS, SO LONG AS SAID ADDITIONS ARE NOT VISIBLE FROM A STREET FRONTAGE; 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, City Code of Ordinances ("LDRs"); and

WHEREAS, applicable provisions of the LDRs are designed to protect and regulate residential and commercial uses, as reflected in the various residential and commercial zoning districts within the City, and are consistently used to implement the intent of the City Comprehensive Plan ("Comprehensive Plan"); and

WHEREAS, the LDRs also emphasize dwellings to be the principle use of residential properties, in furtherance of promoting peace and good order, safe vehicular traffic patterns, improving the aesthetic beauty of the community and hence, preserving the value of all the residential properties within the City; and

WHEREAS, a number of requests and concerns were submitted to City administration relating to Section 5-1608 A.1., LDRs, which currently requires that all new additions shall have the same roof line (level, peak, etc.) as the existing residential structure, provided however, that

flats roofs may only be permitted on additions “*which do not exceed two hundred fifty (250) square feet to the rear of the property, if not visible from a street frontage*”; and

**WHEREAS**, the current limitation of two hundred fifty (250) square feet is deemed too restrictive against homeowners desiring to improve their properties; and

**WHEREAS**, the existing limitation serves only to hamper residential renovation and thereby stagnating neighborhood property values; and

**WHEREAS**, a just and equitable solution lies in the proposed text amendment which strikes the two hundred fifty (250) square feet limitation on floor area, as long as said additions are located in the rear of existing residential structures and are not visible from any public right-of-way; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on March 1, 2016, recommended approval to the Mayor and City Council, pursuant to the standards for approval under Section 3-1004, LDRs; and

**WHEREAS**, the Mayor and City Council find the proposed text amendment, as approved by the Planning Commission, is in the best interest of the City since it: 1) promotes the public health, safety and welfare; 2) does not permit uses the comprehensive land use plan prohibits in the area affected by the zoning map change or text amendment; 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; 3) 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; 4) does not directly conflict with any goal, objective or policy of the comprehensive land use plan; and 5) the proposed amendment furthers the orderly development of the City.

**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, 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 5, Division 16, entitled “Standards for Specific Uses”, specifically at Section 5-1608 A.1., entitled

“Room Additions to Residential Structures and Conversion of Garages or Carports to Living Space” to remove the maximum 250 square feet floor area limitation for home additions permitted with flat roofs, so long as said additions are not visible from a street frontage, as follows:

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

\* \* \* \* \*

ARTICLE 5. DEVELOPMENT STANDARDS

\* \* \* \* \*

DIVISION 16. STANDARDS FOR SPECIFIC USES

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**Sec. 5-1608. - Room additions to residential structures and conversions of garages or carports to living space.**

- A. Room additions to residential structures, or conversions of garages and carports attached to residential structures on the same parcel of property for the purpose of creating living space are permitted as follows:
1. The newly created living space shall be directly accessible through an interior doorway or doorways, to the existing residence and must be completely integrated within the existing residence so that it is a logical extension of the residence. New additions shall have the same roof line (level, peak, etc.) as the existing structure so as to harmoniously blend; provided however, that flat roofs may be permitted on additions ~~which do not exceed two hundred fifty (250) square feet~~ to the rear of the property, if not visible from a street frontage consistent with the minimum bedroom size and housing standards under Article II, Section 17-26, Miami-Dade County Ordinances.
  2. Exterior doorways from the newly created living space shall not exit into the outdoor area lying to the front of the residential structure, unless the doorway is intended to and does replace an existing front entrance. Such exterior doorways shall not exit into the area adjacent to a secondary drive or parking area for the residential structure.
  3. No cooking facilities, kitchen counter and sink combinations, kitchen cabinets, or electrical or plumbing connections for such facilities shall be permitted within the newly created living space unless the approved building plans for such space demonstrate clearly that such facilities are to be used as an expansion or replacement of an already lawfully existing kitchen.
- B. Conversion of detached garages or other accessory structures for the purpose of creating living space shall be permitted only if the newly created living space qualifies as an allowable dwelling unit within the applicable zoning district, and all municipal code requirements for its use as a dwelling unit are satisfied.

C. Any required offstreet parking that is deleted or rendered unusable by a conversion or addition pursuant to the provisions of this section shall be replaced in a manner consistent with the provisions of article 5, division 14.

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**Section 2.** **Repeal.** All ordinances or parts of ordinances in conflict herewith are repealed.

**Section 3.** **Conflicts.** In the event that the provisions of this Ordinance are in conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail.

**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 by a court of competent jurisdiction, 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.** It is the intention of the City Council of the City of North Miami and it is hereby ordained that 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 re-lettered to accomplish such intentions; 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 a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 12th day of April, 2016.

**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 10th day of May, 2016.

  
\_\_\_\_\_  
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 SCOTT GALVIN

Moved by: Galvin

Sponsored by: Bien-Aime

**Vote:**

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

  X   (Yes)        (No)  
       (Yes)   Absent   (No)  
  X   (Yes)        (No)  
       (Yes)   Absent   (No)  
  X   (Yes)        (No)

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