

ORDINANCE NO. 1452

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, ENTITLED “TYPES OF USES”, ARTICLE 5, DIVISION 17, ENTITLED “STORAGE FACILITIES”, SPECIFICALLY AT SECTION 5-1702, ENTITLED, “SELF-STORAGE FACILITIES”, AND DIVISION 22, ENTITLED “DISTANCE LIMITATION FOR CERTAIN USES”, SPECIFICALLY AT SECTIONS 5-2201 AND 5-2202, AND A NEW SECTION 5-2205, ENTITLED “LOCATION AND DISTANCE RESTRICTION FOR SELF-STORAGE FACILITIES”, TO ESTABLISH LOCATIONAL STANDARDS; 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 City seeks to ensure that a sufficient supply of prime, commercially zoned property remains available to support the goals and policies of the Future Land Use and Economic Elements of the 2036 Comprehensive Plan; and

WHEREAS, the City desires to facilitate the distribution of self-storage facilities to prevent over concentration in a particular area in order to support the concepts established in the

City’s Downtown and Major Corridors Master Plan of a mix of uses, place making and community vibrancy by establishing a “distance from” (radius) regulation and a minimum lot size; 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 December 3, 2019, 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 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 5, entitled “Development Standards”, as follows:

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

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ARTICLE 4: ZONING DISTRICTS

DIVISION 2. - ZONING DISTRICTS.

Sec. 4-202. Types of Uses.

Zoning Districts	R-1	R-2	R-4	R-5	R-6	C-1	C-2BE	C-2BW	C-3	M-1	PU	RO	BZ	AOD
Self-Storage Facility						P ^{2,3&4}	P ^{*4}			P [*]				

*Administrative site plan shall be required

¹ 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.

² Vehicle Sales Major use requires minimum lot area of 30 or more acres.

³ Prohibited in the Chinatown Cultural Arts Innovation District

⁴ Prohibited in C-1 zoned areas that abuts within 500 feet of a single family residential district, or on NE 6th Avenue, NW 119th Street, or 135th Street, or within the PCD; and on major C-1 commercial corridors such as Dixie Highway, NW 7th Avenue and NW 119th Street; and is further subject to criteria established in section 5-1702 and 5-2205.

ARTICLE 5: DEVELOPMENT STANDARDS

DIVISION 17. - STORAGE FACILITIES

Sec. 5-1702. - Self-storage facilities.

G. Additional criteria applicable to self-storage facilities.

Except as otherwise provided in these LDRs:

1. No self-storage facilities shall be located within five hundred (500) feet of a single-family district.
2. Minimum lot size required – 1 acre (43,560 square feet).

I. Self-storage facilities are prohibited on prime lands, which are defined as properties located within the Planned Corridor Development Overlay District or fronting along Biscayne Boulevard, NE 123rd/125th Street, NE 6th Avenue, NW 119th Street, or 135th Street.

DIVISION 22. - DISTANCE LIMITATIONS FOR CERTAIN USES

Sec. 5-2201. - Purpose, legislative intent.

The purpose of this division is to regulate the location of hair salons, barber shops, consignment shops, convenience stores, tax preparation businesses, self-storage facilities and other businesses that present concerns of the effect of their location on the aesthetic and economic viability of certain neighborhoods, so as to prevent the saturation and proliferation of such uses within a specific and limited commercial area, in order to obtain a more balanced use of limited commercial zoning area within the central core of the city. This section is designed to eliminate or lessen such adverse effects by preventing or lessening the concentration of such businesses by maintaining minimum distances between such businesses and between certain other uses, and allowing hair salons, barber shops, tax preparation businesses, self-storage facilities and other specified businesses to be located in appropriate areas only. The sole purpose of the legislative body of the city in enacting this section is the desire to preserve and protect the quality of life, public health, safety, and general welfare of the citizens of the city.

Sec. 5-2202. - Definitions.

Self-storage facilities mean fully enclosed spaces used for warehousing which contain individual storage units with floor area no greater than four hundred (400) square feet and an interior height not to exceed twelve (12) feet. No wholesale or retail sales are permitted.

Sec. 5-2205 – Location and distance restriction for self-storage facilities.

No self-storage facilities shall be located within five hundred (500) feet of a single family district or another self-storage use.

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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 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 25th day of February, 2020.

PASSED AND ADOPTED by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 28th day of April, 2020.


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: COUNCILWOMAN ESTIME-IRVIN

Moved by: Estimé-Irvin

Seconded by: Desulme

Vote:

Mayor Philippe Bien-Aime	<u>X</u>	(Yes)	_____	(No)
Vice Mayor Alix Desulme, Ed.D.	<u>X</u>	(Yes)	_____	(No)
Councilman Scott Galvin	<u>X</u>	(Yes)	_____	(No)
Councilwoman Carol Keys, Esq.	_____	(Yes)	<u>X</u>	(No)
Councilwoman Mary Estimé-Irvin	<u>X</u>	(Yes)	_____	(No)

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