

ORDINANCE NO. 1456

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 7, “DEFINITIONS” AND ARTICLE 5, DIVISION 19, ENTITLED “TEMPORARY USES” TO MODIFY GENERAL LIMITATIONS FOR TEMPORARY USES AND STRUCTURES AND ESTABLISH THE CRITERIA FOR SPECIFIC TEMPORARY USES AND STRUCTURES; 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 desires to rapidly facilitate the establishment of temporary uses and structures that are in response to needs directly arising from a declared disaster; 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 June 2, 2020, 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 5, entitled “Development Standards” and Article 7, entitled “Definitions”, as follows:

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

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ARTICLE 5: DEVELOPMENT STANDARDS

DIVISION 19. – TEMPORARY USES

Sec. 5-1901. - General.

The temporary uses set out in this division are permitted subject to the approval of the city manager or designee, and shall be subject to such conditions as may be imposed by the city manager or designee.

Sec. 5-1902. - Permitted temporary uses

- A. Contractors offices.
- B. Temporary recreational or entertainment related events or activities such as fairs, concerts, festivals.
- C. Block and neighborhood parties.
- D. Outdoor bazaars, special fund-raising sales and/or similar activities.
- E. Farmer's markets.
- F. Yard sales.

G. Temporary filming.

H. Tents for grand opening and special events.

I. Temporary parking for development purposes.

J. Temporary emergency housing structures.

K. Temporary medical facilities and clinics.

L. Other uses, as determined by the city manager or designee, that are in direct response to a need created by a declared disaster.

Sec. 5-1903. - Permit and Standards.

No temporary use shall be established on private or public property without obtaining a temporary use permit from the city manager or designee, establishing compliance with the following standards:

A. The temporary use will not create hazardous vehicular or pedestrian traffic conditions.

B. The design and installation of all practicable temporary traffic control devices including signage to minimize traffic congestion.

C. Adequate sanitary facilities, utility, drainage, refuse management, emergency services and access, and similar necessary facilities and services will be available to serve employees, patrons or participants.

D. Where a tent or similar structure is to be used, such structure shall:

1. Comply with the requirements of the fire marshal.

2. Provide the city with a certificate of insurance to cover the liability of the applicant or sponsor.

3. Demonstrate that the tent is flame resistant by providing a certificate of flame resistance or other assurance that the structure has been properly treated with flame retarder and has been maintained as such.

E. Signage, pursuant to 5-1501, related to the temporary use, including signs attached to vehicles associated with the use, shall not exceed twenty-four (24) square feet of sign face area and no more than one (1) sign face per street frontage shall be permitted. During the period of a declared disaster, additional allowances for banners and other removable signage may be considered.

No temporary use shall be permitted which allows the sale of Christmas trees or fireworks.

Section 5-1907. - Temporary medical facilities and clinics.

1. May be established upon a declaration of a disaster.

2. Shall meet the criteria established in Section 5-1903, and may be subject to other conditions to ensure compatibility with surrounding neighborhoods.

3. All temporary structures must be removed from the site no later than ten (10) days after the discontinuance of the use or within ten (10) days of the expiration of the disaster period, whichever occurs first.
4. Failure to remove the temporary structure shall authorize the city to remove it without further notice and at the expense of the permit holder or property owner.

Section 5-1908. - Other temporary uses.

1. Must be approved by the city manager or designee after demonstrating that such use will meet a specific need arising from the declared disaster.
2. Shall meet the criteria established in Section 5-1903, and may be subject to other conditions to ensure compatibility with surrounding neighborhoods.
3. Approval of the use terminates at the expiration of the disaster declaration.
4. Any approved temporary structures associated with the use must be removed from the site no later than ten (10) days after the discontinuance of the use or within ten (10) days of the expiration of the disaster period, whichever occurs first.
5. Failure to remove the temporary structure shall authorize the city to remove it without further notice and at the expense of the permit holder or property owner.

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ARTICLE 7: DEFINITIONS

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Temporary emergency housing structures mean recreational vehicles, travel trailers, park models (or similar approved sheltering units) or commercial/industrial tent structures and other similar structures used for temporary occupancy in response to declared disasters.

Temporary medical facilities and clinics mean portable structures used for mobile medical response, e.g., emergency or operating rooms, trauma centers, portable hospital surge capacity, outpatient clinics or drive-through testing stations, established in response to a declared disaster.

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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.

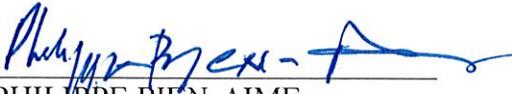
Section 6. Scrivener’s Errors. The City Attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy with the City Clerk.

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 23rd day of June, 2020.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 28th day of July, 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: CITY ADMINISTRATION

Moved by: Estimé-Irvin

Seconded by: Galvin

Vote:

Mayor Philippe Bien-Aime

X (Yes) _____ (No)

Vice Mayor Alix Desulme, Ed.D.

X (Yes) _____ (No)

Councilman Scott Galvin

X (Yes) _____ (No)

Councilwoman Carol Keys, Esq.

X (Yes) _____ (No)

Councilwoman Mary Estimé-Irvin

X (Yes) _____ (No)