



City of North Miami Beach, Florida

Community Development Department

17050 NE 19TH AVENUE, 1ST FLOOR
NORTH MIAMI BEACH, FLORIDA 33162
PLANNING & ZONING DIVISION: (305) 354-4456

PLANNING & ZONING BOARD

Site Plan Expiration Text Amendment

Meeting: 10/12/21

File No: 21-11

Application Name: Site Plan Expiration Text Amendment

Request:

Provide a recommendation to the City Commission to amend Chapter XXIV Chapter XXIV, "Zoning And Land Development," Article XV "Other Development Review Procedures," Section 24-172, "Site Plan Review," Subsection (I), "Expiration" to establish the requirement that site plan approval expires twelve months from the date of approval unless a master building permit is issued and amending Chapter XXIV, "Zoning and Land Development," Appendix A "Land Development Fee Schedule," Subsection (E)(3) "Miscellaneous Requests," to update the extension fees.

Background:

The purpose and intent of the site plan review is to evaluate development applications for compliance with the Code of Ordinances Zoning and Land Development (ZLDC), to encourage more desirable and compatible character of land development within the City of North Miami Beach and to promote order, logic, imagination, innovation and variety in the design processes related thereto.

Ordinance (Ord.) Section 24-172 lists the criteria for site plan applications. Site plan approval is provided by the City Commission with recommendation from the Planning & Zoning Board.

Ord. Section 24-172 (I) currently states "The master building permit from the City must be applied for within one (1) year of site plan approval. All extension requests may be extended administratively for good cause for one six (6) month period by the City Manager or designee upon the payment of the appropriate fee, otherwise reapplication is necessary. Such extension must be administratively documented and filed with the appropriate department. This period may be extended by the Mayor and City Commission for good cause."

The purpose of the expiration is to provide a time limit for the site plan approval, requiring the applicant to apply for a building permit. The following is a list of amendments to the expiration section of the code over the years:

- 12/16/2008 - Ordinance No. #2008-22

(I) *Expiration*

A The master building permit from the City must be obtained within six (6) months of site plan approval. All extension requests may be extended administratively for good cause for one six (6) month period by the City Manager or designee upon the payment of the appropriate fee, otherwise reapplication is necessary. Such extension must be administratively documented and filed with the appropriate department. This period may be extended by the Mayor and City Council for good cause.

- 08/07/2012 – Ordinance No. #2012-11

(I) *Expiration.* The master building permit from the City must be obtained applied for within ~~six (6) months~~ one (1) year of site plan approval. All extension requests may be extended administratively for good cause for one six (6) month period by the City Manager or designee upon the payment of the appropriate fee, otherwise reapplication is necessary. Such extension must be administratively documented and filed with the appropriate department. This period may be extended by the Mayor and City Council for good cause. (Ord. No. 2008-22 § 3, 12/16/08)

- November 19, 2019 – Ordinance No. #2019-06 (Current)

(I) *Expiration.* The master building permit from the City must be applied for within one (1) year of site plan approval. All extension requests may be extended administratively for good cause for one six (6) month period by the City Manager or designee upon the payment of the appropriate fee, otherwise reapplication is necessary. Such extension must be administratively documented and filed with the appropriate department. This period may be extended by the Mayor and City ~~Council~~ Commission for good cause.

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Review Dates:
Planning & Zoning Board:
October 12, 2021
City Commission (TBD)

Attachments
1. Draft Ordinance
2. Previous ordinances
3. Florida Statute



Pursuant to Ord. Section 24-179 (A)(5), **The Planning & Zoning Board** shall review and make advisory recommendations to the City Commission on all changes to the Zoning and Land Development Code.

Staff Analysis:

Amendments to Ord. Section 24-172 (I), have become less restrictive over the years. Specifically, the Expiration code section went from requiring a Master Building to be obtained within 6-months of site plan approval in 2008 (Ord. No. #2008-22), to requiring a Master building permit to be applied for within 1-year of site plan approval in 2019 (Ord. No. #2019-06). Since then, numerous site plan applications have received approval, but many have yet to build or apply for a permit. Some applicants have requested executive order and administrative extensions to extend the expiration date for the site plan approval beyond the 12-months initially provided which further delays the possibility for construction. Projects that aren't built can cause blight, lower tax revenue, and prevent density and intensity from being used on other parcels.

Compliance with Comprehensive Plan Elements

The proposed text amendment furthers the following goals, objectives and policies of the North Miami Beach Comprehensive Plan listed below:

Goal 1 *Encourage redevelopment and development to enhance the economic base of the City, improve the aesthetic quality of the commercial corridors and existing neighborhoods, and provide a range of housing and employment opportunities to accommodate, serve and employ the projected population, while protecting established single family neighborhoods.*

Policy 1.2.4 *The City shall periodically analyze public and private deficiencies and prepare a redevelopment analysis and timeline for potential redevelopment areas*

Policy 1.6.3 *The City shall facilitate and encourage development of the City's designated Mixed-Use Districts. The City shall explore incentives for maximum land utilization, including proportions of mixed-use, which may include the following, and shall amend the land development regulations as necessary to implement these incentives*

Policy 1.7.1 *The City Manager shall monitor all private development applications and City capital improvement plans to assure protection of the historically significant sites and buildings enumerated in this Element.*

- If approved, the text amendment would require applicants to obtain a master building permit within 12-months of site plan approval to construct projects which would spur development, grow the economy, improve public infrastructure, enhance aesthetics, and increase housing options. The proposed fee amendments would allow for a more accurate assessment of cost for time expended by City staff and the City Attorney's Office for reviewing requests for extensions, which include researching the land development code, state law and case law, drafting documents and participating in meetings and other communications.

Optional Board Motions for Action Items:

1. Move to continue with direction.
2. **Move approval** of Text Amendment (File#21-11), to amend Chapter XXIV Chapter XXIV, "Zoning And Land Development," Article XV "Other Development Review Procedures," Section 24-172, "Site Plan Review," Subsection (I), "Expiration" and Chapter XXIV, "Zoning and Land Development," Appendix A "Land Development Fee Schedule," Subsection (E)(3) "Miscellaneous Requests," by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Zoning and Land Development Regulations.
3. **Move denial** of Text Amendment (File#21-11), to amend Chapter XXIV Chapter XXIV, "Zoning And Land Development," Article XV "Other Development Review Procedures," Section 24-172, "Site Plan Review," Subsection (I), "Expiration" and Chapter XXIV, "Zoning and Land Development," Appendix A "Land Development Fee Schedule," Subsection (E)(3) "Miscellaneous Requests," by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Zoning and Land Development Regulations.