

ORDINANCE NO. 2021-12

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH BY AMENDING 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 EIGHTEEN 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"; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of North Miami Beach seek to protect public safety and preserve the quality of life within the City; and

WHEREAS, the Mayor and City Commission seek to encourage desirable and compatible development within the City in accordance with the goals, objectives and policies of the North Miami Beach Comprehensive Plan, Code of Ordinances and Zoning and Land Development Code (ZLDC); and

WHEREAS, redevelopment and development will increase taxable revenue, create jobs, further aesthetics, and improve adjacent public infrastructure; and

WHEREAS, numerous site plan applications throughout the years have received approval but have yet to be built which can cause blight, lower tax revenue and other negative effects in the City; and

WHEREAS, to encourage approved site plans to be built within an appropriate time, a master building permit shall be required within 18-months of the date of site plan approval, otherwise the approval will expire; and

WHEREAS, this ordinance intends to discourage development applications that lack an urgency to build from reserving density and intensity from the basket-of-rights in Mixed-Use zoning districts; and

WHEREAS, to adequately reimburse the City for the time expended by City staff and the City Attorney's Office in reviewing requests for extensions, which includes researching the land development code, state law and case law, and drafting documents and opinions, a more appropriate application fee should be charged for such services; and

WHEREAS, pursuant to Florida Statutes section 163.3174(4)(c), the Planning and Zoning Board for the City of North Miami Beach, sitting as the Local Planning Agency, reviewed the proposed text amendment at a public hearing on October 12, 2021, and voted 6 to 0 recommending

approval of the proposed text amendments, finding the request thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Zoning and Land Development Code; and

WHEREAS, the Mayor and City Commission of the City of North Miami Beach find that it is in the best interests of its citizens to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Commission of the City of North Miami Beach, Florida:

Section 1. That the recitals and finding contained in the forgoing “whereas” clauses are adopted by reference and incorporated as if fully set forth in this section.

Section 2. That Chapter XXIV, entitled “Zoning and Land Development,” Article XV, entitled “Other Development Review Procedures,” Section 24-172 entitled “Site Plan Review,” subsection (I), entitled “Expiration,” shall be amended as follow (*deletions and additions are identified using a strike-through and underline format, respectively*):

Sec. 24-172 - Site Plan Review.

(A)- (H) (These subsections shall remain in full force and effect as adopted.)

- (I) Expiration. The master building permit from the City must be applied for within one (1) year of site plan approval. An approved site plan shall remain valid for a period of 18 months from the date of approval with a master building permit issuance required. If a master building permit is not issued within an 18-month time period, the site plan approval, including any development right entitlements and any subsequent phasing, shall be considered null and void. If a site plan expires, a new submittal shall be required with board approvals. Minor site plan modifications which do not require board approvals would still be required to adhere to the original site plan approval expiration date. Major site plan modifications which require board approvals will receive a new 18-month period starting from the date of the modified final site plan approval. Site plan applications received prior to the effective date of this ordinance shall adhere to the previous expiration regulations. Additionally, if at any time a building permit lapses, the site plan, including all phases thereof, shall be considered null and void. All extension requests may be extended administratively for good cause for up to two six (6) month periods 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 once the application and appropriate fees are paid, only when the applicant is not eligible for any more administrative extensions for the project.

(J)- (K) (These subsections shall remain in full force and effect as adopted.)

Section 3. That Appendix A, entitled the Land Development Fee Schedule” shall be amended as follow (*deletions and additions are identified using a strike-through and underline format, respectively*):

Appendix A. – Land Development Fee Schedule

(A)- (E)(2) (These subsections including the introduction shall remain in full force and effect as adopted.)

(E)(3) Miscellaneous Requests. All zoning, site plan and/or variance extension requests:

(3) All zoning, site plan and/or variance extension requests:

(a) ~~Applicant~~ Administrative Site Plan expiration extension request\$1,250 (two six (6) month period limit, per subsection (e), plus cost recovery for legal review)

1. ~~All additional extension requests, per each extension~~ Executive Order Extension request.....\$2,500 per year (or fraction thereof), plus cost recovery for legal review.

(b) ~~All extension fees are nonwaivable and nonrefundable.~~ Non-Administrative Site Plan expiration extension requests \$2,500 per year (per subsection (f), plus cost recovery for legal review)

(c) ~~All extension requests may be extended administratively for good cause for six (6) month intervals by the City Manager or designee upon the payment of the appropriate fee. Such extension must be administratively documented and filed with the appropriate department.~~ Variance extensions not included in subsection (a): \$250.00, per each extension, plus cost recovery if needed.

(d) ~~All extension fees are nonwaivable and nonrefundable.~~

(e) ~~All extension requests may be extended administratively for good cause for up to two six (6) month periods 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.~~

(f) ~~This period may be extended by the Mayor and City Commission for good cause once the application and appropriate fees are paid, only when the applicant is not eligible for any more administrative extensions for the project.~~

(E)(4)- (J) (These subsections shall remain in full force and effect as adopted.)

Section 4. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. If any clause, section, other part or application of this Ordinance is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Ordinance.

Section 6. It is the intention of the City Commission of the City of North Miami Beach 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 Beach, Florida. The Sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word "Ordinance" may be changed to "Section," "Article," or other word as the codified may deem appropriate.

Section 7. Effective Date. This Ordinance shall become effective ten (10) days after adoption on second reading.

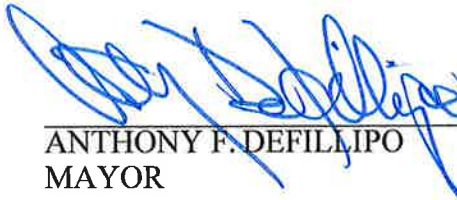
APPROVED on this first reading this 16th day of November, 2021. APPROVED

AND ADOPTED on second reading this 14th day of DECEMBER, 2021.

ATTEST:



ANDRISE BERNARD, CMC
CITY CLERK



ANTHONY F. DEFILLIPO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION



HANS OTTINOT
INTERIM CITY ATTORNEY

Sponsored by: Mayor and City Commission