

ARTICLE 2. - DECISION-MAKING AND ADMINISTRATIVE BODIES

DIVISION 1. - CITY COUNCIL

Sec. 2-101. - Powers and duties.

The city is governed by a city council consisting of five (5) elected members, including a mayor, as more particularly set forth in the City Charter. In addition to any authority granted the city council by state law, city charter or other regulations of the city, the city council shall have the power and duty to act as the final decision maker in these LDRs with respect to certain types of applications and appeals.

In accordance with the standards and procedures of article 3, Development Review, the city council is the final decision maker for:

POWERS AND DUTIES	APPLICABLE STANDARDS/PROCEDURES
Appeals as the Zoning Appeals Board (from decisions by the Board of Adjustment)	Article 3, Division 7
Comprehensive Plan Text and Map Amendments	Article 3, Division 11
Conditional Uses/Planned Development	Article 3, Division 4
Development Agreements	Article 3, Division 13
Platting/Subdivision	Article 3, Division 8
Protection of Landowner's Rights: Vested Rights Determinations	Article 3, Division 12
Text of LDRs and Map Amendments	Article 3, Division 10

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

DIVISION 2. - PLANNING COMMISSION

Sec. 2-201. - Powers and duties.

The planning commission shall have the following powers and duties:

- A. Prepare and recommend to the city council a comprehensive master plan for the public welfare, economic, and physical development of all areas within the city.
- B. Prepare and recommend to the city council land use regulations for implementation of the comprehensive plan.
- C. Continually plan for the progress and growth of the city with respect to capital projects and local improvements, as these terms are defined in sections 58 and 111 of the City Charter; assist the city manager and the director of community planning and development department in preparing the capital improvements portion of the annual budget, as contemplated in section 46 of the Charter; and from time to time, recommend to the city council such legislation as may be deemed appropriate to carry out such plans as the commission may decide.
- D. Continually plan for the progress and growth of the city with respect to properly regulating the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures, and land and water for trade, industry, residence or other purposes, and from time to time recommend to the city council such legislation as may be deemed appropriate to carry out such plans.
- E. Review and study potential and existing areas of distress and decay and recommend action with respect to urban renewal or rehabilitation; institute a program of education covering ways and means to avoid the decay of a neighborhood, and study and recommend zoning changes to effect the improvement of a neighborhood.
- F. Conduct public hearings in connection with the study of future plans and include the results of such public hearings in its recommendations to the city council on proposed plans.
- G. Conduct public hearings regarding proposed planned development and conditional uses and make recommendations thereon to the city council.
- H. Whenever any amendment, supplement, change or repeal of existing zoning districts or classification of the official zoning map is proposed, the planning commission shall conduct a public hearing and make recommendations to the city council, as provided by article 3.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 2-202. - Membership; terms; vacancies; removal.

A. Membership.

- 1. The planning commission shall be composed of seven (7) members and two (2) alternates. Each member of the city council shall nominate one (1) member of the planning commission, which nomination shall be subject to approval of the majority of the city council. Two (2) members of the planning commission and the two (2) alternates shall be appointed by a majority of the city council. The city council may at

any time remove a member from office and appoint a qualified person to serve out the unexpired term of any member so removed.

2. Each member ~~shall be a resident of the city and~~ shall not hold any other elected public office or city employment within the City during the term of such appointment. Members shall be chosen from persons with experience in the areas of planning, law -, environmental science, the development industry, real estate development, engineering, architecture and other related local industries, except that the city council may appoint residents who do not satisfy these criteria if no person is available after reasonable search to appoint one person who does.

~~Any member who ceases to reside within the city limits during the term of office shall be deemed to have resigned as of the date of moving from the city.~~ No member or alternate shall serve if that person is obligated to the city for any recorded lien, fine, judgment or if there is a code enforcement violation against the member which has remained unresolved for sixty (60) days or more, without an appeal being taken by the member.

- B. Terms. The term of those board members appointed by the individual city council members shall be coterminous with the appointing elected official's term of office. The term of those board members appointed by the city council as a whole shall be coterminous with the mayor's term of office. Upon adoption of amendments reconfiguring the board membership the city council may remove and reappoint members in accord with the new membership requirements.
- C. Vacancies. Appointments to fill any vacancies shall be made by the city council and shall be for the remainder of the unexpired term.
- D. Removal. Three (3) affirmative votes of the city council shall be required in order to remove a commission member, and no cause need be shown for removal. Any commission member who has two (2) unexcused absences or three (3) consecutive excused absences in one (1) year shall automatically forfeit membership, except that the City Council may accept military service or an extended illness as excused absences.

(Ord. No. 1278, § 1(exh. 1), 4-28-09; Ord. No. 1288, § 1, 11-10-09; Ord. No. 1370, § 1, 4-22-14)

Sec. 2-203. - Meetings; quorum; required vote.

- A. Meetings. The planning commission shall meet on the first Tuesday of each month. The meeting time may be set and amended as deemed necessary by the chairperson and the director of the community planning and development department. The meetings of the planning commission shall be open to the public.
- B. Quorum; required vote. The seven (7) members of the planning commission shall transact the business of the commission with four (4) members constituting a quorum. Four (4) affirmative votes shall be required for a positive recommendation of any proposed zoning or comprehensive plan change. A positive recommendation for any other matter coming before the commission shall require a majority vote of the members present. No member shall participate in deliberations or vote upon any item before the planning commission that would constitute a conflict of interest for that member, in compliance with F.S. ch. 112.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 2-204. - Officers; staff.

- A. Officers. The planning commission shall elect from within the commission a chairperson, who shall be the presiding member; a vice-chairperson, who shall preside in the absence or disqualification of the chairperson. Terms of all officers shall be for one (1) year, with eligibility for reelection.
- B. Staff. The director of the community planning and development department or the director's designee shall be the secretary for the commission and shall provide support staff as may be necessary to assist the commission in the performance of its duties.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 2-205. - Rules and records.

The planning commission may establish such rules of procedure as it may determine necessary to carry out its duties. Records of the proceedings shall be a public record maintained and filed with the secretary of the commission.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

DIVISION 3. - BOARD OF ADJUSTMENT

Sec. 2-301. - Powers and duties.

The board of adjustment shall have the following powers and duties:

- ~~A.~~ To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the director of the building and zoning department in the interpretation of and enforcement of any of the city's LDRs.
- BA.** To hear and decide special exceptions to the city's LDRs.
- CB.** To hear and decide variances to the city's LDRs.
- DC.** To authorize, except as provided in section 3-606, variances from the LDRs or flood damages prevention article.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 2-302. - Membership; terms; vacancies; removal.

- A. Membership.

1. The board of adjustment shall be composed of seven (7) members and two (2) alternates. Each member of the city council shall nominate one (1) member of the board of adjustment, which nomination shall be subject to approval of the majority of the city council. Two (2) members of the board of adjustment and the two (2) alternates shall be appointed by a majority of the city council. The city council may at any time remove a member from office and appoint a qualified person to serve out the unexpired term of any member so removed.
2. Each member ~~shall be a resident of the city and~~ shall not hold any other elected public office or city employment within the city during the term of such appointment. Members shall be chosen from persons with experience in the areas of planning, law, environmental science, the development industry, real estate development, engineering, architecture and other related local industries, except that the city council may appoint residents who do not satisfy these criteria if no person is available after reasonable search to appoint one person who does. Any member who ceases to reside within the city limits during the term of office shall be deemed to have resigned as of the date of moving from the city.

No member or alternate shall serve if that person is obligated to the city for any recorded lien, fine, judgment or if there is a code enforcement violation which has remained unresolved for sixty (60) days or more, without an appeal being taken by the violator.

  - B. Terms. The term of those board members appointed by the individual city council members shall be coterminous with the appointing elected official's term of office. The term of those board members appointed by the city council as a whole shall be coterminous with the mayor's term of office. Upon adoption of amendments reconfiguring the board membership the city council may remove and reappoint members in accord with the new membership requirements.
  - C. Vacancies. Appointments to fill any vacancy on the board shall be made by the city council and shall be for the remainder of the unexpired term.
  - D. Removal. Three (3) affirmative votes of the city council shall be required in order to remove a board member, and no cause need be shown for removal. Any board member who has two (2) unexcused absences in one (1) year shall automatically forfeit membership ~~;~~ the City Council may accept military service or extended illness as excused absences.

(Ord. No. 1278, § 1(exh. 1), 4-28-09; Ord. No. 1370, § 1, 4-22-14)

Sec. 2-303. - Meetings; quorum; required vote.

- A. Meetings. The board of adjustment shall meet on the third Wednesday evening of each month in the city hall. The meeting dates may be amended as deemed necessary by the board.
- B. Quorum; required vote. Four (4) members shall constitute a quorum for the transaction of business. The seven (7) regular members of the board of adjustment shall transact the business of the board and the affirmative vote of a majority of the board present shall be necessary for the adoption of any motion. In the event any regular member anticipates an

absence from a meeting the member shall notify the director of ~~building and zoning~~ **building and zoning planning and community development** who shall then notify one (1) of the alternate members so that there shall be sitting seven (7) members as often as is practicable. No more than seven (7) members shall sit at any meeting. No member shall participate in deliberations or vote upon any item before the board that would constitute a conflict of interest for that member.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 2-304. - Officers; staff.

- A. Officers. During the first meeting of the board of adjustment in June of each year, the members shall elect one (1) of their number to act as chairperson and one (1) member to serve as vice-chairperson, who shall preside in the absence or disqualification of the chairperson. Terms of all officers shall be for one (1) year, with eligibility for reelection.
- B. Staff. The director of the ~~building and zoning department~~ **community planning and development department**, or the director's designee, shall be the secretary for the board and shall provide support staff as may be necessary to assist the board in the performance of its duties.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 2-305. - Rules and records.

The board of adjustment may establish such rules of procedure as it may determine necessary to carry out its duties. All meetings shall be conducted in accordance with Florida law and written records of the proceedings shall be a public record maintained and filed with the ~~ex officio~~ secretary.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

**DIVISION 4. - DOWNTOWN ACTION PLAN ADVISORY COMMITTEE**

**Sec. 2-401. Powers and Duties.**

The purpose of the members of the Downtown Action Plan Advisory Committee (DAPAC) is to assist in the implementation of the recommendations of the adopted Master Plan. The DAPAC will also assist in the creation of the conceptual plan and community meetings envisioned for the downtown. Members are to regularly attend DAPAC meetings and contribute constructively out of the experience and knowledge that they possess; understand and articulate the DAPAC's purpose, responsibilities and work plan; communicate and coordinate with the member's constituent group to represent the group's perspective on key issues and convey information from the DAPAC back to the stakeholders; act as an ambassador for the Action Plan with peers, neighbors and colleagues to further build momentum, participation and constructive feedback on the process and the Master Plan and the future revitalization of the Downtown area; review

and provide comments/recommendations on project materials and draft plans; and participate actively in and help market the project's community outreach efforts.

**Sec. 2-402.** Membership; terms; vacancies; removal.

**A. Membership.**

1. The DAPAC ~~Downtown Action Plan Advisory Committee~~ shall be composed of fifteen (15) members appointed by the majority of the city council.

2. The composition of the committee shall be:

The DAPAC will consist of City and Community Redevelopment Agency (CRA) staff, as well as several key community stakeholders, with representation from the City's local Arts/Cultural, Education, Film industry and business community. Examples include, but are not limited to a representative from MOCA, downtown business owners/tenants, chamber of commerce representatives, Business Development Board Representative, University partners, and other stakeholders.

**B. Terms.** Appointments to the DAPAC ~~Downtown Action Plan Advisory Committee~~ shall be for two-year terms. When a committee member's term expires, the member shall continue to be an active member until such time that the City Council reappoints or makes a new appointment.

**C. Vacancies.** Appointments to fill any vacancies shall be made by the City Council and shall be for the remainder of the unexpired term.

**D. Removal.** Members can be removed from office for good cause by three-fifths (3/5) vote of the city council. An example of good cause will be failing to attend three (3) consecutive meetings without a committee-approved excuse, or a finding of the majority of the committee, as expressed upon the minutes of the committee, that participation and attendance by such member is not satisfactory and a replacement is needed.

(Ord. No. 1278, § 1(exh. 1), 4-28-09; Ord. No. 1286, § 1, 10-27-09)

**Sec. 2-403.** Meetings; quorum; required vote.

**A. Meetings.** The DAPAC ~~Downtown Action Plan Advisory Committee~~ shall hold a regularly scheduled meeting once a month at a specific time in a specific place and provide in its bylaws for holding special meetings.

**B. Quorum; required vote.** Two-thirds (2/3) majority of the current membership shall constitute a quorum for the transaction of business. An affirmative vote of a majority of the members present shall be necessary to approve a motion.

Sec. 2-404. Officers; staff.

- A. Officers. The committee shall select one of its members as its chairperson and another as vice-chairperson. Terms of all officers shall be for one (1) year, with eligibility for reelection.
- B. Staff. The director of cCommunity pPlanning and dDevelopment shall designate staff for the committee. The staff member will be responsible for taking minutes at the monthly meetings and distributing minutes to the committee.

Sec. 2-405. Rules and records.

The DAPAC ~~Downtown Action Plan Advisory Committee~~ may establish such rules of procedure as it may determine necessary to carry out its duties. All meetings shall be conducted in accordance with Florida law and written records of the proceedings shall be a public record maintained and filed with the Community Planning and Development department.

The committee's fiscal year shall coincide with that of the city. All funds of the committee shall be received, held, secured, audited and accounted for like other public funds by the appropriate fiscal officers of the City. The funds shall be used for the purposes authorized.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

DIVISION 5. Zoning Appeals Board

Sec. 2-501 Authority.

The city council is hereby established as the zoning appeals board for the city, according to the procedures in Article 3, Division 7, Section 702, et seq.

Sec. 2-502 Duties and responsibilities.

The functions and powers shall include the:

- (1) Keeping the general public informed and advised as to the physical development of the city;
- (2) Hearing and deciding appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the administrative official, development review committee and any board that may be authorized in this chapter to make decisions or determinations, in the administration and enforcement of this chapter; except that where jurisdiction of an administrative official is established by other authority, appeals may be subject to the rules of the other authority, for example, decisions by the building official under the Florida Building Code are subject to review by the Miami-Dade County Board of Rules and Appeals;
- (3) Reversing or affirming, in whole or in part, or modifying any order, requirement, decision, or determination of the administrative official, development review committee or boards that may be authorized in this chapter to make decisions or



determinations in the administration and enforcement of this chapter, where such appeal is made in writing to the administration official within 30 days of such action, unless otherwise provided for in this chapter.

Sec. 2-503 Public hearings.

—Appeals shall be subject to the quasi-judicial standards established in Sec. 3-303 and scheduled and noticed in accordance with the applicable regulations of Sec. 3-302.

DIVISION 56. - ADMINISTRATIVE DECISION-MAKERS AND STAFF

Sec. 2-~~501~~601. - City manager.

The city manager shall be the chief administrative officer of the City of North Miami, with ultimate authority over the interpretation, enforcement and implementation of the LDRs. The city manager has the authority to delegate his authority to city staff as necessary for the effective administration of the LDRs, and by virtue of the adoption of these LDRs so designates the director of community planning and development for these LDRs for all purposes.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 2-~~502~~602. - City attorney.

The city attorney serves as the final authority with regard to legal issues involving interpretation, enforcement and implementation of the LDRs.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 2-~~503~~603. - Community planning and development department.

The community planning and development department was created to facilitate the development of the community. The planning division of the community planning and development department is responsible for current and long range planning, zoning, and sustainability. The planning division is also responsible for maintaining and updating the comprehensive plan.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 2-~~504~~604. - Building and services zoning department.

The building and services zoning department provides supervision of construction activities, acceptance of building permit and zoning improvement permit applications, issuance of all building and trade permits, verification of compliance with the Florida Building Code and the LDRs. The building and services zoning department is charged with enhancing the quality of life within the City of North Miami through the interpretation, implementation and administration of these LDRs.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 2-~~505605~~. - Building official.

The building official is responsible for the implementation of the various building codes adopted by the city, included as chapter 5 of the Code of Ordinances of the City of North Miami. The building official issues building permits and certificates of occupancy and completion upon a determination by the city of compliance of such applications with the city's regulations and these LDRs.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

DIVISION ~~67~~. - DEVELOPMENT REVIEW COMMITTEE

Sec. 2-~~604701~~. - Powers and duties.

The development review committee reviews and makes recommendations or decisions on applications for the following:

- A. Site plans (~~conceptual and precise plans~~);
- B. New construction or renovation;
- C. Campus master plans;
- D. Building relocation;
- E. Conditional uses, including planned development;
- F. Vacation of right-of-way or easement, road closure or traffic calming devices;
- G. Tentative plat, replat and waiver of plat applications; ~~and~~
- H. Other applications as deemed necessary by the cCity mManager.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 2-~~602702~~. - Membership.

The development review committee members shall be staff from various city departments including: the community planning and development department, building ~~and services zoning~~, public works, parks and recreation, police and members of other departments as deemed appropriate by the city manager or the director of ~~building and zoning~~ community planning and development. In addition, the director of the museum of contemporary art, the curator or other appropriate person to be designated by the director, shall be a member of the committee in the event an application for development approval is submitted which involves granting a bonus for providing public art in accordance with the provisions of section 4-405D8.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 2-~~603703~~. - Responsibilities; meetings.

- A. Responsibilities. The development review committee shall adopt rules and regulations for the conduct of its business. The zoning administrator ~~director of building and zoning~~ shall serve as the chair ~~of secretary to~~ the development review committee. The zoning administrator ~~director of building and zoning~~ shall coordinate all applications before the development review committee. The basis for all findings shall be available to the city council and the public.
- B. Meetings. The development review committee shall meet on the second and fourth Thursdays of each month, as needed, to process applications within the time required by these LDRs, and without undue delay. Special meetings may be called by the director of building and zoning ~~zoning administrator~~.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)