

ORDINANCE NO: 1382

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 3, DIVISION 4, ENTITLED "CONDITIONAL USES", AT SECTION 3-409, ENTITLED "APPEALS" AND SECTION 3-410, ENTITLED "CHANGES TO CONDITIONAL USE APPROVALS", TO FURTHER CLARIFY CONDITIONAL USE REQUIREMENTS FOR MASTER PLANNED DEVELOPMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, on April 28, 2009, the Mayor and City Council of the City of North Miami ("City"), passed and adopted the City's Land Development Regulations codified under Chapter 29, City Code of Ordinances ("LDRs"); and

WHEREAS, the City is desirous of amending Sections 3-409 and 3-410 of the LDRs to allow for a more expeditious development review process for developments requiring conditional use permits; and

WHEREAS, Policy 9.4.6 of the City's Comprehensive Plan ("Comprehensive Plan") requires that the City "create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry"; and

WHEREAS, the proposed amendment is consistent with the Comprehensive Plan and promotes the public health, safety and welfare of the City; and

WHEREAS, the proposed amendment furthers the orderly development of the City, encourages future economic growth and does not directly conflict with any goal, objective or policy of the Comprehensive Plan; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on December 2, 2014, reviewed the proposed amendment and found it in harmony with the goals, objectives and policies of the Comprehensive Plan, and recommended approval to the Mayor and City Council; and

WHEREAS, the Mayor and City Council, find that the proposed amendment to the Land Development Regulations is consistent with the Comprehensive Plan, and is in the best interest of the City.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Amendment to Chapter 29 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 3, Division 4, entitled “Conditional Uses”, at Section 3-409, entitled “Appeals” and Section 3-410, entitled “Changes to Conditional Use Approvals”, to read as follows:

CHAPTER 29. LAND DEVELOPMENT REGULATIONS

ARTICLE 3. DEVELOPMENT REVIEW

DIVISION 4. CONDITIONAL USES

Sec. 3-409. - Appeals.

An appeal from a decision of the city council regarding a conditional use may be taken ~~in accordance with the provisions of section 3-704~~ by filing a petition for writ of certiorari with the appellate division of the circuit court in accordance with the Florida Rules of Appellate Procedure within thirty (30) days of rendering of the decision.

Section 3-410. Changes to conditional use approvals.

A. *Minor revisions.* The ~~direector~~ manager of community planning and development is authorized to allow minor revisions to an approved conditional use permit after receipt of comments from the development review committee. A minor revision is one which:

1. Does not affect the conditional use criteria applicable to the conditional use.
2. Does not alter the location of any major road or walkway by more than ~~five (5)~~ ten (10) feet.
3. Does not change the use.
4. Does not change a condition of approval.
5. Does not increase the density or intensity of the development.
6. Does not result in a reduction of setback or previously required landscaping.

7. Does not result in a substantial change to the location of a structure within a previously approved use by the development review committee or by a previously issued and approved conditional use permit.
8. Does not add property to the parcel proposed for development.
9. Does not increase the height of the buildings.
10. Does not include any modifications not reflected in a previously approved conditional use permit.

B. *Substantial revisions.* Any proposed change that does not meet the above criteria is not minor and must be reviewed in accordance with the procedures for an original approval, including new application materials and payment of fees.

C. *Applicability.* Notwithstanding any provision to the contrary in this Section 3-410, a previously approved and issued conditional use permit, as may be amended from time to time, shall clearly define within its terms what constitutes a minor or substantial revision under Subsections A and B.

D. *Appeal.* An appeal from any decision of the manager of community planning and development or the development review committee, shall be taken by an aggrieved party to the board of adjustment as provided for in section 3-702 of these LDRs.

Section 1. Conflicts. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 2. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance which shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 3. 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 re-lettered to accomplish such intentions and the word “ordinance” may be changed to “section”, “article” or any other appropriate word as may be required.

Section 4. Effective Date. This Ordinance shall become effective immediately upon 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 9th day of December, 2014.

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 27th day of January, 2015.



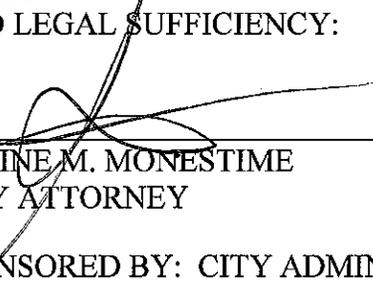
DR. SMITH JOSEPH
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Keys

Vote:

Mayor Smith Joseph, DO	<u> x </u>	(Yes)	<u> </u>	(No)
Vice Mayor Carol Keys, Esq.	<u> x </u>	(Yes)	<u> </u>	(No)
Councilperson Scott Galvin	<u> x </u>	(Yes)	<u> </u>	(No)
Councilperson Philippe Bien-Aime	<u> x </u>	(Yes)	<u> </u>	(No)
Councilperson Marie Erlande Steril	<u> x </u>	(Yes)	<u> </u>	(No)

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