ORDINANCE NO. _____

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 2 ENTITLED "GENERAL DEVELOPMENT REVIEW PROCEDURES", SPECIFICALLY AT SECTION 3-212 F ENTITLED "CERTIFICATE OF USE FEE", TO ALLOW FOR THE PRORATION OF THE FEE WHEN A NEW CERTIFICATE OF USE IS OBTAINED BETWEEN THE DATES OF APRIL 1ST AND SEPTEMBER 30TH OF EACH YEAR; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, on October 27, 2009, the Mayor and City Council of the City of North Miami, Florida ("City"), unanimously passed and adopted Ordinance No. 1284, establishing the Certificate of Use ("CU") Ordinance at Section 3-212 of the Land Development Regulations, City Code of Ordinances ("Ordinance"); and

WHEREAS, a primary purpose of the Ordinance is to ensure that the use of property throughout the City, is compatible with the zoning district wherein the property is located and to make property owners more accountable to City, county, and Florida building codes and zoning regulations; and

WHEREAS, on November 8, 2011, the Mayor and City Council unanimously passed and adopted Ordinance No. 1323, delineating the requirements of a CU, including the application process, renewal process, administration, nonrenewal and revocation; and

WHEREAS, in accordance with Ordinance No. 1323, CUs are renewed annually and remain valid for one (1) year commencing October 1st through September 30th, unless otherwise revoked for cause; and

WHEREAS, the annual fee for a CU, as may be prescribed from time to time by resolution of the Mayor and City Council, is currently One Hundred Dollars ($100.00), irrespective of the month the CU is obtained during the year; and

WHEREAS, a person may find it unreasonable or unfair, having to pay the full annual amount of One Hundred Dollars ($100.00) for an effective period of just a few months or even weeks, before having to renew the CU at the annual rate; and

WHEREAS, unlike Section 11-24 of the City's Business Tax Receipt ("BTR") Ordinance, the CU Ordinance does not provide for the proration of the annual fee, in the event a new CU is obtained six (6) months or less from its annual renewal date; and

WHEREAS, the City administration respectfully recommend the adoption of the proposed amendment to the Ordinance to provide the same proration rate to the CU fee, as is available for the BTR; and

WHEREAS, in order to foster a fair and equitable approach in the way the City conducts public business, and to qualify the utilization of prorating rates in a manner consistent with the BTR Ordinance, the Mayor and City Council find that the proposed amendment to the Ordinance 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. The Mayor and City Council of the City of North Miami, Florida, hereby amend Article 3, Division 2 entitled "General Development Review Procedures", specifically at Section 3-212 F entitled "Certificate of Use Fee", to allow for the proration of the fee when a new Certificate of Use is obtained between the dates of April 1st and September 30th of each year, as follows:

CHAPTER 29. LAND DEVELOPMENT REGULATIONS

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ARTICLE 3. DEVELOPMENT REVIEW

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DIVISION 2. GENERAL DEVELOPMENT REVIEW PROCEDURES

Section 3-212. Certificate of Use.

F. Certificate of Use Fee.

1. The Department of Building and Zoning shall charge a Certificate of Use Application fee in the amount prescribed from time to time by resolution of the city council. The fee is to be paid by all applicants prior to the issuance of the Certificate of Use.

2. The Certificate of Use fee may be adjusted annually by an amount equal to the rate of increase in the Consumer Price Index (CPI) or from time to time by resolution of city council.

3. Unless otherwise provided, for each Certificate of Use obtained between October first and March thirty-first, the full fee amount shall be paid, and for Certificate of Use obtained from April first to September thirtieth, one-half (1/2) of the full fee amount for one (1) year shall be paid.

G. Administration.

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Section 2. **Repeal.** All ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. **Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. **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, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 6. **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 10 day of April, 2012.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2012.

_____
ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

_____
MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

_____
REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: COUNCILMAN SCOTT GALVIN

Moved by: _____

Seconded by: _____

Vote:

Mayor Andre D. Pierre, Esq.	_____ (Yes)	_____ (No)
Vice Mayor Jean R. Marcellus	_____ (Yes)	_____ (No)
Councilperson Michael R. Blynn, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)

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