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", ARTICLE 2, ENTITLED "DECISION-MAKING AND ADMINISTRATIVE BODIES", DIVISIONS 2 THROUGH 4, SPECIFICALLY AT SECTIONS 2-202, 2-302, AND 2-402, BY AMENDING TERMS OF OFFICE TO ALLOW FOR THE TERMS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT AND BUSINESS DEVELOPMENT BOARD MEMBERS TO BE COTERMINOUS WITH THE TERM OF THE APPOINTING COUNCILMEMBER; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, Chapter 29 of the Code of Ordinances ("Code") of the City of North Miami ("City"), establishes the Board of Adjustment, Planning Commission and Business Development Board of the City with specified term dates for board and commission members; and

WHEREAS, the City desires to place all terms of office for members of boards and commissions on the same schedule to provide for consistency and simplification of the election process; and

WHEREAS, the Code currently provides for appointed members to serve a fixed term, even after the term of the appointing councilmember has expired; and

WHEREAS, it is recommended that the terms of appointed board and commission members be coterminous with that of the appointing elected official to streamline the term schedule and to allow newly elected city council members to make appointments to the boards and commissions.

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

Section 1. Amendment to City of North Miami Code. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the City of North Miami Code of Ordinances, entitled "Land Development Regulations", Article 2, entitled "Decision-Making and Administrative Bodies", Divisions 2 through 4, specifically at sections 2-

202, 2-302 and 2-402, by amending all sections related to terms of office to allow for the terms of board and commission members to be coterminous with the term of the appointing councilmember, as follows:

CHAPTER 29. LAND DEVELOPMENT REGULATIONS

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ARTICLE 2. DECISION-MAKING AND ADMINISTRATIVE BODIES

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DIVISION 2. PLANNING COMMISSION

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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 ~~The members~~ 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. 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.* ~~Members of the planning commission shall serve for staggered terms of two (2) years, unless sooner removed by the city council. The terms of four (4) members shall end on the second Tuesday in June of each odd-numbered year. The terms of three (3) members shall end on the second Tuesday in June of each even-numbered year. The terms of the alternates shall not be staggered.~~ 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.

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.

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DIVISION 3. BOARD OF ADJUSTMENT

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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 ~~all of whom shall be appointed by the city council~~. 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. 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.* ~~Members of the board of adjustment shall serve for staggered terms of two (2) years, unless sooner removed by the city council. The terms of four (4) members shall end on the second Tuesday in June of each odd-numbered year. The terms of three (3) members shall end on the second Tuesday in June of each even-numbered year. The terms of the alternates shall not be staggered.~~ 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.

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.

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DIVISION 4. BUSINESS DEVELOPMENT BOARD

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

A. *Membership.*

1. The Business Development Board shall be composed of thirteen (13) members ~~appointed by the majority of the city council~~. Each member of the city council shall nominate two (2) members of the business development board, which nomination shall be subject to approval of the majority of the city council. Three (3) members of the business development board shall be appointed by a majority of the city council.

2. The composition of the board shall be:

   a. Not more than two (2) business owners or commercial property owners from each of the city's four (4) main areas of retail concentration, which are: the downtown/NE 125th Street, Biscayne Boulevard, West Dixie Highway and NW 7th Avenue (US441).

   b. One (1) member shall be the President of the North Miami Chamber of Commerce or a designee of the President.

   c. One (1) member shall be the President of the West Dixie Highway Business Association or a designee of the President.

   d. One (1) member shall be the President of the Greater NW 7th Avenue Improvement Association or a designee of the President.

3. In order to help defray their expenses resulting from serving on the board, the members shall receive such compensation as is, from time to time, determined by the city council.

B. *Terms.* ~~Appointments to the business development board shall be for two-year terms. When a board 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.~~ 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.

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 board-approved excuse, or a finding of the majority of the board, as expressed upon the minutes of the board, that participation and attendance by such member is not satisfactory and a replacement is needed.~~

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Section 2. **Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. **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 4. **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 5. **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 8 day of April, 2014.

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 _____, 2014.

_____
LUCIE M. TONDREAU
MAYOR

ATTEST:

_____
MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

_____
REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: MAYOR LUCIE M. TONDREAU

Moved by: _____

Seconded by: _____

Vote:

Mayor Lucie M. Tondreau	_____ (Yes)	_____ (No)
Vice Mayor Philippe Bien-Aime	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Carol Keys, Esq.	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)

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