

**ARTICLE 2. DECISIONMAKING AND ADMINISTRATIVE BODIES**

**Division 1. City Council.**

**Section 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:

<b>POWERS AND DUTIES</b>	<b>APPLICABLE STANDARDS/PROCEDURES</b>
Appeals (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

**Division 2. Planning Commission.**

**Section 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.

**Section 2-202. Membership; Terms; Vacancies; Removal.**

**A. Membership.**

1. The Planning Commission shall be composed of seven (7) members and two (2) alternates. The members shall be appointed by a majority of the City Council.
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 members shall end on the second Tuesday in June of each odd numbered year. The terms of three members shall end on the second Tuesday in June of each even numbered year. The terms of the alternates shall not be staggered.

**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 in one year shall automatically forfeit membership.

**Section 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 Chapter 112, Florida Statutes.

**Section 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.

**Section 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.

**Division 3. Board of Adjustment.**

**Section 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.
- B. To hear and decide special exceptions to the City's LDRs.
- C. To hear and decide variances to the City's LDRs.
- D. To authorize, except as provided in Section 3-606, variances from the LDRs or flood damages prevention ordinance.

**Section 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.
- 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 members shall end on the second Tuesday in June of each odd numbered year. The terms of three members shall end on the second Tuesday in June of each even numbered year. The terms of the alternates shall not be staggered.

**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 year shall automatically forfeit membership.

**Section 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 who shall then notify one 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.

**Section 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 of their number to act as chairperson and one 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, 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.

**Section 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.

**Division 4. Business Development Board.**

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

The Business Development Board shall have the following powers and duties:

- A. To direct disbursement of funds appropriated by the City Council for the Board's use in the performance of its powers and duties.
- B. To request special services from the City's planning staff through the City Manager's office.
- C. To advise the City Council on all matters pertaining to the business areas and to carry out responsibilities associated with the board's functions, as approved by the City Council.
- D. Advise the City Council on matters related to changes occurring in business areas, including the effect of such factors as metropolitan growth, traffic congestion, lack of adequate parking and other access facilities, structural deterioration and dilapidation of buildings.
- E. Recommend to the City Council for its consideration and approval (re)development actions such as removal, repair, renovation, reconstruction and remodeling and improvement of existing structures, addition to or relocation of structures and facilities, and other related matters.
- F. Carry on all additional projects and undertakings related to the business areas as the City Council may assign to the Board.
- G. Stimulate economic development of the area by identifying business attraction and retention strategies such as marketing campaigns, recruitment efforts and business incentives.

**Section 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. The City Council may also appoint up to seven (7) alternates to serve as participating but *ex officio*, non-voting members of the Board. The alternates shall be able to vote in place of an absent regular member for whom they are designated an alternate, so long as such alternate has regularly attended the meetings of the Board as certified by the chairperson in the minutes of the Board. Alternates must be residents of the City.
- 2. Except as to alternate members, the composition of the Board shall be:

- a. Not less than two (2) but no more than three (3) business owners or commercial property owners from each of the City's four main areas of retail concentration, which are: the downtown/NE 125<sup>th</sup> Street, Biscayne Boulevard, West Dixie Highway and NW 7<sup>th</sup> Avenue (US 441).
  - 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 member shall be the President of the Greater NW 7<sup>th</sup> 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.

**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.

**Section 2-403. Meetings; Quorum; Required vote.**

**A. Meetings.** The Business Development Board 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.** Five (5) of the thirteen (13) regularly appointed members 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.

**Section 2-404. Officers; Staff.**

**A. Officers.** The Board 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 Community Planning and Development shall designate staff for the Board.

**Section 2-405. Rules and Records.**

The Business Development Board 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 Board's fiscal year shall coincide with that of the City. All funds of the board 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.

**Division 5. Administrative Decision-makers and Staff.**

**Section 2-501. City Manager.** The City Manager shall be the chief administrative officer of the City of North Miami, with ultimate authority over the 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.

**Section 2-502. City Attorney.** The City Attorney serves as the final authority with regard to legal issues involving interpretation and implementation of the LDRs.

**Section 2-503. 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. The Planning Division is also responsible for maintaining and updating the Comprehensive Plan .

**Section 2-504. Building and Zoning Department.** The Building and Zoning Department provides supervision of construction activities, acceptance of building permit and zoning applications, issuance of all building and trade permits, verification of compliance with the Florida Building Code and the LDRs. The Building and 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.

**Section 2-505. 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.

**Division 6. Development Review Committee.**

**Section 2-601. Powers and Duties.** The Development Review Committee reviews and makes recommendations or decisions on applications for the following:

- A. site 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.

**Section 2-602. Membership.** The Development Review Committee members shall be staff from various city departments including: the Community Planning and Development Department, Building and 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. 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.

**Section 2-603. Responsibilities; Meetings.**

- A. Responsibilities.** The Development Review Committee shall adopt rules and regulations for the conduct of its business. The Director of Building and Zoning shall serve as the secretary to the Development Review Committee. The 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.