

ORDINANCE NO. 1481

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS” BY AMENDING ARTICLE 2, “DECISION-MAKING AND ADMINISTRATIVE BODIES”, AT DIVISION 4; ENTITLED “DOWNTOWN ACTION PLAN ADVISORY COMMITTEE”, SPECIFICALLY AT SECTION 2-402 “MEMBERSHIP; TERMS, VACANCY, REMOVAL” TO CLARIFY THE PROCESS FOR COMMITTEE APPOINTMENTS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Downtown Action Plan Advisory Committee (“DAPAC”) was created to “assist in the implementation of the adopted major corridor and downtown master plan as well as the accompanying concept and action plans” as indicated in Section 2-401 of the City of North Miami Land Development Regulations; and

WHEREAS, Chapter 29, Article 2, Division 4, Section 2-402, of the City of North Miami Code of Ordinances, currently provides for the appointment of up to fifteen (15) members to DAPAC by the City Council at-large for two (2) year terms; and

WHEREAS, to provide clarity in the process for appointments to DAPAC, the Mayor and Council desire to adopt changes to Article 2, Division 4, Section 2-402 of the City’s Land Development Regulations; and

WHEREAS, the proposed ordinance provides for each member of the Mayor and City Council to make up to three (3) appointments to DAPAC for terms that run concurrently with the term of the appointing councilmember; and

WHEREAS, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the City LDRs, the Planning Commission has reviewed the proposed Amendment to the LDRs and issued a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed Amendment by the passage of this ordinance; and

WHEREAS, pursuant to Article 3, Section 3-1007 of the LDRs, the Mayor and City Council have jurisdiction to adopt the proposed LDR text amendment, and after two (2) duly

noticed public meetings (first reading and second reading), has determined that the amendments are in the best interest of City residents.

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

Section 1. Recitals. The recitals to the preamble herein are incorporated by reference.

Section 2. Amendment to Chapter 29, North Miami 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 2, entitled “Decision-making and Administrative Bodies”, Division 4. “Downtown Action Plan Advisory Committee” as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES
CHAPTER 29. LAND DEVELOPMENT REGULATIONS

* * * * *

ARTICLE 2. – DECISION-MAKING AND ADMINISTRATIVE BODIES

* * * * *

DIVISION 4. – DOWNTOWN ACTION PLAN ADVISORY COMMITTEE

* * * * *

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

A. Membership.

1. The DAPAC shall be composed of a minimum of eleven (11) and a maximum of fifteen (15) members ~~appointed by a majority of the city council.~~ Each member of the city council shall nominate up to three (3) members of the DAPAC, which nomination shall be subject to approval of the majority of the city council.

2. The composition of the committee.

The DAPAC will consist of 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 shall be for two-year terms. The terms of all members shall commence upon appointment, and shall coincide with the term of the mayor or city council member making the appointment.~~ 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.

* * * * *

Section 3. **Repeal.** All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. **Conflicts.** All Ordinances or parts of ordinances in conflict herewith the provisions of this Ordinance are repealed.

Section 5. **Severability.** The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, phrase, clause or word of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, phrases, clause or words of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall notwithstanding the invalidity of any part.

Section 6. **Scrivener's Errors.** The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

Section 7. **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 relettered to accomplish such intentions, and the word "Ordinance" shall be changed to "Section" or any other appropriate word.


Section 8. 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 22nd day of March, 2022.

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 12th day of April, 2022.


PHILIPPE BIEN-AIME
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Timothe

Seconded by: Estimé-Irvin

Vote:

Mayor Philippe Bien-Aime
Vice Mayor Alix Desulme, Ed.D.
Councilman Scott Galvin
Councilwoman Kassandra Timothe, MPA
Councilwoman Mary Estimé-Irvin

<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)