

ORDINANCE NO. 1483

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR A TEXT AMENDMENT TO CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES BY AMENDING ARTICLE 2, DIVISION 2, ENTITLED “PLANNING COMMISSION”, AND DIVISION 3, ENTITLED “BOARD OF ADJUSTMENT”, TO FURTHER CLARIFY MEMBERSHIP TERMS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the current Land Development Regulations (“LDRs”), Chapter 29 of the City Code of Ordinances, was adopted in July 2017 through Ordinance No. 1417 to establish zoning districts and regulations that implement the adopted 2007 Future Land Use Map (“FLUM”) designations; and

**WHEREAS**, Article 3, Division 10, Sections 3-1003 through 3-1007 of the LDRs outlines the procedures for text amendments and zoning map changes to the LDRs initiated by either the City or one (1) or more owners of record for parcel(s) located within the jurisdictional boundary of the City; and

**WHEREAS**, Article 3, Division 3, Section 3-302 of the LDRs establishes a uniform notice and procedure in order to ensure due process and maintain citizen access to the local government decision-making forum relating to the approval LDR text changes within the jurisdictional boundary of the City; and

**WHEREAS**, currently, the LDRs do not recognize the delay between the election of City Council members, and their board appointments/reappointments, resulting in a lack of quorum and inability of the Board of Adjustment and the Planning Commission to hold meetings; and

**WHEREAS**, due to the cancellation of meetings for lack of quorum, applications for development approval, variances, and special exceptions may languish until new appointments are made and regular meetings may recommence; and

**WHEREAS**, this amendment to the LDRs codifies the City’s long-term practice of allowing existing board members to remain active during this transitional phase until such time as the City Council reappoints them or makes a new appointment, but establishes a maximum of up to ninety (90) days’ time limit to complete the appointment of the new members.

**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" as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES

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.

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B. Terms. 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. Upon adoption of amendments reconfiguring the board membership the city council may remove and reappoint members in accord with the new membership requirements. Notwithstanding the foregoing, when a commission member's term expires, the member shall continue to be an active member for up to ninety (90) days to allow city council sufficient time to reappoint or make 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. 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 three (3) consecutive absences in one (1) year shall forfeit membership at the discretion of

the city council, except that the city council may accept military service or an extended illness as excused absences.

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### DIVISION 3. - BOARD OF ADJUSTMENT

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#### **Sec. 2-302. - Membership; terms; vacancies; removal.**

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B. Terms. 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. Upon adoption of amendments reconfiguring the board membership the city council may remove and reappoint members in accord with the new membership requirements. Notwithstanding the foregoing, when a board member's term expires, the member shall continue to be an active member for up to ninety (90) days to allow city council sufficient time to reappoint or make a new appointment.

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 three (3) absences in one (1) year shall forfeit membership at the discretion of the city council; the city council may accept military service or extended illness as excused absences.

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**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 that the word "Ordinance" shall be changed to "Section" or any other appropriate word.

**Section 8. Effective Date.** This Ordinance shall become effective ten (10) days after adoption on second reading.

**PASSED AND ADOPTED** by a 3-2 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 10th day of May, 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 14th day of June, 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: Estimé-Irvin

Seconded by: Timothe

**Vote:**

Mayor Philippe Bien-Aime

  X   (Yes)        (No)

Vice Mayor Alix Desulme, Ed.D.

  X   (Yes)        (No)

Councilman Scott Galvin

  X   (Yes)        (No)

Councilwoman Kassandra Timothe, MPA

  X   (Yes)        (No)

Councilwoman Mary Estimé-Irvin

  X   (Yes)        (No)