



City of North Miami Beach, Florida

Community Development Department

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 NORTH MIAMI BEACH, FLORIDA 33162
 PLANNING & ZONING DIVISION: (305) 354-4456

CITY COMMISSION

Text Amendment

Meeting: February 21, 2023

File No: 22-30

Application Name: Administrative Site Plan Processes Ord.

Request:

For the Planning & Zoning Board (PZB) to provide a recommendation to the City Commission to amend Chapter XXIV “Zoning and Land Development Code (ZLDC),” Article XV “Other Development Review Procedures” Section 24-172 “Site Plan Review” to remove subsection (K) “Limited Administrative Authority for Site Plan Amendments” and create Section 24-172.1 entitled “Administrative Site Plan Processes” to expand the administrative authority of staff to approve minor modifications to site plans which were approved by the Mayor and City Commission, and to administratively review and approve public entity and city-owned public property site plan applications.

Background:

On November 20, 1990, the City of North Miami Beach Mayor and City Council (now known as the “City Commission”) approved Ordinance 90-27, the major rewrite of the Zoning and Land Development Code (ZLDC), which implemented the North Miami Beach adopted Comprehensive Plan (Ord. 88-6). The current verbiage contained in “Limited administrative Authority for Site Plan Review,” can be traced back to Ordinance 90-27, Section 24-176 (B) “Limited Administrative Authority.”

On November 19, 2019, the City of North Miami Beach Mayor and City Commission (the “City Commission”) approved Ordinance No. 2019-06 amending Article II Section 24-22, Article V Sections 24-44.2, Article XV Sections 24-172, 24-176, 24-176.1, 24-177, 24-179, and 24-180. Specifically, one of the amendments removed subsection (B) entitled “Limited Administrative Authority” from Section 24-176 “Variances” and moved the language to Section 24-172 “Site Plan Review” creating a new subsection (K) entitled “Limited Administrative Authority for Site Plan Amendments.”

ZLDC Section 24-172 (K) “Limited Administrative Authority for Site Plan Amendments” currently states *“The City Manager and/or the Community Development Director and/or their designees shall not substantially alter, amend, or dilute the legislative intent and/or approved plans or site plans as passed by Ordinance or Resolution by the Mayor and City Commission.”*

At times, subsequent to the approval of plans or site plans by the Mayor and Commission, insubstantial changes are made and approved by the City Manager and/or the Community Development Director and/or their designees.

Any insubstantial or minor changes to plans or site plans are within the discretion of the City Manager. However, under no circumstances, may any plans, site plans, building, structure, or project be administratively altered greater than five (5%) percent, but in no event greater than five hundred (500) square feet.

Any de minimis amendments to the plans or site plans which cannot be resolved administratively shall be returned to the Mayor and City Commission for a formal review. Failure of the City Manager and/or the Community Development Director and/or their designees to observe and comply with this section may constitute misfeasance in office and may result in removal of office.”

Pursuant to Ord. Section 24-179 (A)(5), **The Planning & Zoning Board** shall review and make advisory recommendations to the City Commission on all changes to the Zoning and Land Development Code.

Staff Analysis:

Pursuant to ZLDC Section 24-172 (B), Applicability, *“A site plan approval is required for all new development, excepting only single-family and two-family dwelling units; it is also required for any significant shift in the type of land use that involves major interior alteration, a change in required parking or other similar impact determined to be significant by the Director. The Florida Building Code shall serve as a basis for determining what is a significant shift in land use category.”*

Currently, section 24-172 (K), allows for plans, site plans, buildings, structures, or projects which have been granted site plan

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approval by Commission to be amended administratively no greater than five (5%) percent, or (500) square feet. Staff has implemented this code section when processing site plan modifications. Site plan modification applications under 5% and no greater than 500 square feet (Minor) have been processed administratively, and site plan modifications that exceeded 5% and/or 500 square feet (Major) were taken back to the Planning & Zoning Board and City Commission for approval. To note, the code does not specify how the 5% or 500 square feet is calculated (i.e., interior, exterior, design, change of use, etc.)

Furthermore, the code currently does not differentiate private site plan applications from public site plan applications. Public entities such as Florida Power and Light (FPL), Miami-Dade County Public Schools, and Public Health Trusts (i.e. Jackson North) have Florida Statute legislation that waives or exempts some or all local government regulations and approvals. Furthermore, the code does not specify how to process city-initiated site plan applications. Records indicate some city projects have received site plan approval and some have no record.

Staff is proposing an amendment of Section 24-172 “Site Plan Review” to remove subsection (K) “Limited Administrative Authority for Site Plan Amendments” and create Section 24-176.1 entitled “Administrative Site Plan Processes” to increase the administrative threshold for the review and approval of minor site plan modifications, and to establish a process for the administrative review and approve public entity and city-owned public property site plan applications. The proposed legislation will allow for minor internal or external modifications to floor plans, architectural elevations, landscape plans, or site plans with no increase in density, which is deemed insubstantial and does not change the intent of the City Commission approval conditions in the resolution. The legislation will also allow for new and modification site plan applications provided by public entities such as utility providers, federal agencies, government entities, etc., and City projects to be reviewed and approved administratively. Administrative site plan applications will not be allowed to create or increase non-conformities or include variances. Any variance requests will be processed separately in accordance with ZLDC section 24-176. All administrative site plan applications will be subject to TRAD review and City Commission presentation if requested by the City Commission.

The proposed text amendment increases the administrative authority to review and approve minor site plan modifications and publicly initiated site plan applications. The amendment will expedite the review process so development is permitted and built quicker which will improve the aesthetics and economics of the city.

Compliance with Comprehensive Plan Elements

The proposed text amendment furthers the following goals, objectives, and policies of the North Miami Beach Comprehensive Plan listed below:

Goal 1 *Encourage redevelopment and development to enhance the economic base of the City, improve the aesthetic quality of the commercial corridors and existing neighborhoods, and provide a range of housing and employment opportunities to accommodate, serve and employ the projected population, while protecting established single family neighborhoods.*

Policy 1.1.2 *Continue using the established Technical Review Board (TRB) process for reviewing development applications in order to minimize delay and assure quality control.*

Policy 1.2.16 *The City shall continue to identify areas of slum and blight in the community, rank these areas in order of priority, and develop a schedule which will ensure all such areas are studied and solutions are identified.*

Optional Board Motions for Action Items:

1. Move to continue with direction.
2. **Move approval** of Text Amendment (File# 22-30), to amend Chapter XXIV “Zoning and Land Development Code (ZLDC),” Article XV “Other Development Review Procedures” Section 24-172 “Site Plan Review” to remove subsection (K) “Limited Administrative Authority for Site Plan Amendments” and create Section 24-172.1 entitled “Administrative Site Plan Processes,” by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Zoning and Land Development Regulations.
3. **Move denial** of Text Amendment (File# 22-30), to amend Chapter XXIV “Zoning and Land Development Code (ZLDC),” Article XV “Other Development Review Procedures” Section 24-172 “Site Plan Review” to remove subsection (K) “Limited Administrative Authority for Site Plan Amendments” and create Section 24-172.1 entitled “Administrative Site Plan

Processes,” by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Zoning and Land Development Regulations.