

- (A) *Purpose.* The purpose and intent of the site plan review process is to encourage a more desirable and compatible character of land development within the City of North Miami Beach and to promote order, logic, imagination, innovation and variety in the design processes related thereto. Along with concurrency, it is the key step in the development review process.
- (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.
- (C) *Responsibility.* The Director shall be responsible for the overall coordination and administration of the site plan review process and shall transmit copies of submitted statements, plans and exhibits to the various other City departments or public agencies, as may be deemed appropriate, for their evaluation and comment.
- (D) *Preapplication Conference.* A preapplication conference with the Director shall be required prior to the preparation and submission of any preliminary site plan application. The purpose of this conference shall be for the Director and applicant to discuss overall municipal planning goals, objectives, policies, and Codes as related to the proposed project and to discuss general site plan review procedures.
- (E) *Preliminary Site Plan Application.* A preliminary site plan shall be submitted following the pre-application conference. The purpose of this phase shall be to review the basic site design characteristics of the proposed development. The following plans and exhibits shall be submitted in sixteen (16) collated sets to the Director for review; and approval or denial by the Planning and Zoning Board and City Commission:
 - (1) *Existing site characteristics map:*
 - (a) Certified property survey, showing the centerline height of the adjacent road relative to National Geodetic Vertical Datum of 1929 (NGVD) at all locations where a property line extension would cross said adjacent road;
 - (b) Existing natural features, including, but not limited to soils, topography, water areas, trees and other vegetation;
 - (c) Existing structures and uses;
 - (d) Existing utility lines.
 - (2) *Proposed site development plan:*
 - (a) Proposed structures and any existing structures which are to be retained, including, but not limited to their location, use, finished floor elevation of lowest floor relative to NGVD, height, size, dimensions and setbacks;
 - (b) Proposed trees, plants and other landscape features and any existing trees and vegetation to be retained, including but not limited to their location, height, size and type by common and botanical name plus an irrigation plan and landscaping plan for the median if applicable; conformity to Article XI shall be demonstrated;

- (c) Proposed off-street parking and loading areas, and overall vehicular and pedestrian circulation patterns; conformity to Article IX shall be demonstrated.

(3) *Tabular summary:*

- (a) Total gross project acreage and net buildable land area;
- (b) Total number of proposed residential units (if any), including their characteristics by number of bedrooms and total gross square footage, including a listing of the number of each size of residential unit proposed;
- (c) Proposed residential densities, including both net and gross acre calculations;
- (d) Proposed nonresidential floor area by type of use and total gross square footage;
- (e) Percentages of total gross project area proposed for pervious and impervious areas and building coverage;
- (f) Number, size and ratio of off-street parking and loading spaces, including ADA required parking spaces; see Article IX.

(F) *Final Site Plan Application.* Upon recommendation of approval or denial of the preliminary site plan by the Director, based upon his report and recommendation, the applicant shall have up to six (6) months to submit a final site plan for approval. If the applicant fails to submit said final site plan within said period, all preliminary approvals shall be void and the applicant shall be required to reinstate the site plan review process. The following refined or revised plans and exhibits shall be submitted in sixteen (16) complete collated sets to the Director for final plan review during the technical review of applications for development (TRAD); and sixteen (16) revised complete collated sets for final plan review by the Planning and Zoning Board and sixteen (16) additional revised complete collated sets for final plan review by the City Commission:

(1) *Existing site characteristics map:*

- (a) Certified property survey, showing the centerline height of the adjacent road relative to NGVD at all locations where a property line extension would cross said adjacent road;
- (b) Existing natural features, including, but not limited to soils, topography, water areas, trees and other vegetation;
- (c) Existing structures and uses;
- (d) Existing utility lines, including pipe sizes where applicable.

(2) *Site development plan:*

- (a) Proposed structures, including their location, use, size, dimensions, cross-sections through the site showing the existing and proposed buildings and setbacks, including the Finished Floor Elevation (FFE) relative to NGVD datum for the lowest floor, the building height to each store FFE for multi-story buildings, the building height to the top of the roof, and the building height to the top of all attachments above the roof;
- (b) Proposed off-street parking and loading areas, driveways, and sidewalks, including their location, size, shape, construction material, dimensions and setbacks;
- (c) Proposed fences, walls and signs, including their location, dimensions and setbacks;
- (d)

Garbage, trash and recycling enclosure and its screening;

- (e) Proposed utility lines, proposed location of all light poles for parking lots and all other site locations;
- (f) Revised tabular summary formatted to show rewired v. proposed where applicable:
 - 1. Total gross project acreage and net buildable land area;
 - 2. Property width and depth;
 - 3. Setbacks;
 - 4. Building height;
 - 5. Lot coverage;
 - 6. Total number of proposed residential units (if any), including their characteristics by number of bedrooms and total gross square footage, including a listing of the number of each size of residential unit proposed;
 - 7. Proposed residential densities, including both net and gross acre calculations;
 - 8. Proposed nonresidential floor area by type of use and total gross square footage;
 - 9. Percentages of total gross project area proposed for pervious and impervious surfaces and building coverage;
 - 10. Number, size and ratio of off-street parking and loading spaces, including ADA rewired parking spaces.

(3) *Landscape plan:*

- (a) Proposed trees, plants, grass and other vegetative landscape features, including their location, height, size and type by common and botanical name, location of plant materials and light poles shall be coordinated to prevent diminished illumination from light fixtures due to the installation or future growth of plant materials;
- (b) Proposed berms, watercourses and other topographic landscape features, including their location, height, size and shape.

(4) *Architectural plan(s):*

- (a) Proposed floor plans and elevations, including their size, shape, dimension, texture and exterior color, roof plans, sections through the building(s), typical dwelling unit floor plans;
- (b) Proposed elevations of fences, light poles, site furnishings, walls and signs, including their size, shape, dimension, texture, construction material, color and message content.

(5) *Site lighting plan:*

- (a) A site lighting plan shall be provided as part of the application process. This plan shall show the photometrics of the site's lighting, for vehicular use areas, outside building areas, signs and streets. The plan shall be prepared by and signed and sealed by a registered professional engineer. The plan shall incorporate all existing and proposed sources of artificial light used on the site, including that from adjoining parcels. The site lighting plan shall be prepared at the same scale as the site plan in the application package. The site lighting plan must be certified for compliance with the Codes of the City.

(G) *Review Standards.* The following standards shall be utilized by all applicable individuals and departments involved in the review and evaluation of required plans and exhibits:

- (1) *Natural environment:* All proposed development shall be designed in such a manner as to preserve, perpetuate and improve the existing natural character of the site. Existing trees and other landscape features shall, to the maximum extent possible, be preserved in their natural state and additional landscape features shall be provided to enhance architectural features, to relate structural design to the site, and to conceal unattractive areas and uses. Special attention shall be devoted to natural vegetation along waterfronts. See also Articles VII, XI and XII where applicable.
- (2) *Open space:* Adequate open space shall be provided which meets the particular needs and demands of the proposed development and all specific zoning requirements. The type and distribution of all open space shall be determined by the character, intensity and anticipated residential or user composition of the proposed development.
 - (a) Passive open spaces (those areas not planned for intensive activity) shall be arranged as to enhance internal spatial relationships between proposed structures, to provide buffers between the project and adjacent less intensive uses, to facilitate pedestrian movements within the development, and to improve the overall visual quality of the site.
 - (b) Active open spaces (those areas containing activities such as playgrounds, tennis courts, swimming pools and other active recreational facilities) shall be located so as to permit easy access for all residents or users within a development. Private recreational facilities within specific projects shall, wherever possible, complement rather than duplicate nearby public recreational facilities.
- (3) *Circulation and parking:* All circulation systems and parking facilities shall be designed and located in such a manner as to comply with the following:
 - (a) A clearly defined vehicular circulation system shall be provided which allows free movement within the proposed development while discouraging excessive speeds. Said system shall be separated insofar as practicable from pedestrian circulation systems. Pavement widths and access points to peripheral streets shall be provided which adequately serve the proposed development and which are compatible and functional with circulation systems outside the development.
 - (b) Whenever possible in proposed residential developments, living units should be located on residential streets or courts which are designed to discourage nonlocal through traffic.
 - (c) Off-street parking areas shall be located and designed in such a manner so as to not create any incompatible visual relationships.
 - (d) Safe and efficient access to all areas of the proposed development shall be provided for emergency and service vehicles.
- (4) *Community services and utilities:* All proposed developments shall be designed and located in such a manner as to insure the adequate provision, use and compatibility of necessary community services and utilities.
 - (a) An adequate waste water collection system, including all necessary extensions and connections, shall be provided in accordance with City standards for location and design. Where necessitated by the size of the development, the public sanitary sewer connection is required; see Section 24-133. On-site

wastewater systems must be provided in accordance with County standards and regulations.

- (b) An efficient solid waste collection system including the provision of an adequate number of local receptacles in locations which afford maximum use and collection convenience, shall be provided in accordance with all applicable City standards.
 - (c) A well-designed internal system for fire protection, including the provision of properly located fire hydrants, adequate water pressure, and an efficient access arrangement for emergency fire vehicles, shall be provided to insure the safety of all persons within the project.
- (5) *Building and structures:* All buildings and structures proposed to be located within a development shall be oriented and designed in such a manner as to enhance, rather than detract, from the overall quality of the environment. The following guidelines shall be followed in the review and evaluation of all buildings and structures:
- (a) Proposed buildings and structures should be related harmoniously to the terrain, other buildings, and the surrounding neighborhood, and should not create through their location, scale, style, color or texture incompatible physical or visual relationships.
 - (b) Maximum privacy should be incorporated into the design of any individual residential units and related outdoor patio and living areas.
 - (c) Building location and other site features shall be reviewed in the context of any proposed road widenings, particularly the Biscayne Boulevard frontage.
 - (d) Proposed buildings located in Special Flood Hazard Areas as identified on flood insurance rate maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA) shall have the lowest floor elevated no lower than the level of the base flood elevation.
 - (e) Proposed buildings and site shall be compliant with the Americans with Disabilities Act (ADA) and Miami-Dade County Code of Ordinances.
 - (f) Proposed buildings shall be compliant with the Fair Housing Act as required.
- (6) *Signs:* Shall be reviewed in the context of Article XIII.
- (7) *Crime Prevention Through Environmental Design:* All proposed development shall be designed to discourage and reduce the possibility of nuisance and criminal activity. Towards that goal, all applications for site plan approval shall be reviewed by the Police Department to assess areas or elements which may encourage crime and to insure opportunities for police surveillance. The Police Department shall analyze and make recommendations regarding all factors that affect crime prevention including, but not limited to, the following: Location, traffic, visibility, windows and doors, security lighting, parking lot lighting, use of digital security cameras, especially in parking areas and other common areas, including ingress and egress areas, and address numbers. In making recommendations, the Police Department shall apply generally accepted standards of environmental design calculated to promote crime prevention.
- (8) *Landscaping:* All locations of plant materials shall be coordinated with the location of other elements of the site plan, particularly lighting fixtures and light poles. Landscaping and lighting shall not be placed in such a way as to cause the diminishment of illumination due to the placement of the lighting poles and plant materials or the future growth of the plant materials.

- (9) *Lighting*: Placement of the lighting fixtures shall be coordinated with the placement of landscape materials, as noted above.
- (H) *Final Site Plan Approval*. All applications for final site plan approval shall be submitted and reviewed in the following manner:
- (1) *Department*: The applicant shall submit his application site plan to the Department of Community Development at least three (3) weeks prior to the technical review of applications for development (TRAD) at which the application is to be reviewed.
 - (2) *Technical Review of Applications for Development (TRAD)*: City staff from various departments related to land development shall, under the direction of the City Planner discuss and make recommendations to the applicant regarding matters related to infrastructure, capacities, overall design and layout, zoning, comprehensive planning, engineering, landscaping and other relevant matters based upon the review standards in paragraph (G) above. The applicant shall change the plans for the application to the degree necessary to accommodate the comments from TRAD. Those topics discussed during TRAD shall form the basis of the staff report that will accompany the application to the Planning and Zoning Board and the City Commission.
 - (3) *Planning and Zoning Board*: After a public hearing, the Planning and Zoning Board shall vote to recommend approval or denial of the application to City Commission, based upon the review standards in paragraph (G) above.
 - (4) *City Commission*: The City Commission may, by majority vote, either approve or overrule the recommendation of the Planning and Zoning Board, based upon the review standards in paragraph (G) above.
 - (5) *Reserved*.
- (I) *Expiration*. An approved site plan shall remain valid for a period of eighteen (18) months from the date of approval with a master building permit issuance required. If a master building permit is not issued within an eighteen (18) month time period, the site plan approval, including any development right entitlements and any subsequent phasing, shall be considered null and void. If a site plan expires, a new submittal shall be required with board approvals. Minor site plan modifications which do not require board approvals would still be required to adhere to the original site plan approval expiration date. Major site plan modifications which require board approvals will receive a new eighteen (18) month period starting from the date of the modified final site plan approval. Site plan applications received prior to the effective date of this ordinance shall adhere to the previous expiration regulations. Additionally, if at any time a building permit lapses, the site plan, including all phases thereof, shall be considered null and void. All extension requests may be extended administratively for good cause for up to two (2), six (6) month periods by the City Manager or designee upon the payment of the appropriate fee, otherwise reapplication is necessary. Such extension must be administratively documented and filed with the appropriate department. This period may be extended by the Mayor and City Commission for good cause once the application and appropriate fees are paid, only when the applicant is not eligible for any more administrative extensions for the project.

(J)

Variance. No approval shall be given for a site plan containing features in conflict with this Code or any other current City ordinance. Any such conflict must be resolved through proper variance procedures, and no building permit shall be issued unless all necessary variances are so obtained.

(K) *Limited Administrative Authority for Site Plan Amendments.* 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.

(Ord. No. 91-22, § 2, 8/6/91; Ord. No. 2008-22 §§ 2, 3, 12/16/08; Ord. No. 2012-11, § 2, 8-7-12; Ord. No. 2019-06, § 2, 11-19-19; Ord. No. 2021-12, § 2, 12-14-21)