

exceeding two years. In granting the initial extension of time, or considering an appeal from the planning director's decision regarding an extension of time (as provided below), the board shall consider, among other things, whether the applicant has complied with all of the applicable requirements of these land development regulations, and any conditions imposed by the planning board, if any, during its period of operation, as well as any landscaping on the property that may not be in compliance with the requirements listed below. The notice of public hearing requirements shall be as set forth in chapter 118, article IV.

~~After the initial extension of time, and prior to expiration, the applicant may request from the planning director not more than five extensions of time for periods not to exceed one year each. In considering a request for an extension of time, the director shall consider the same criteria considered by the planning board as specified above.~~ After the initial extension of time, and prior to expiration, the applicant may request from the planning director not more than five extensions of time for periods not to exceed one year each. In considering a request for an extension of time, the director shall consider the same criteria considered by the planning board as specified above. Except that in the MXE district, for approved temporary parking lots existing as of September 28, 2004, that face Collins Avenue, or in the CD-2 district, for approved temporary parking lots existing as of September 28, 2004, that face Alton Road between 5<sup>th</sup> Street and Lincoln Road, an applicant may request from the planning board, a further extension of time for a period not to exceed two years. After this two-year extension, no more than three one-year extensions may be requested from the planning director. The review by the planning board shall consider the extent to which the existing or proposed landscaping on the property satisfies the landscaping review criteria. If existing or proposed landscaping is below the specified criteria, the planning board may determine whether such landscaping is sufficient based upon the characteristics of the property.

The decision of the director with respect to an extension of time may be appealed by the applicant to the planning board. The appeal shall be in writing and shall be submitted to the planning director on or before the 20th day after the date of the decision of the planning director. Review of the decision of the planning board shall be to a court of competent jurisdiction by petition for writ of certiorari.

## **SECTION 2. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

## **SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 4. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2009.**

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading:  
Second Reading:

Verified by: \_\_\_\_\_  
Jorge G. Gomez, AICP  
Planning Director

Underscore denotes new language