

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: September 9, 2025

FROM: Thomas R. Mooney, AICP
Planning Director

 For TRM

SUBJECT: **PB25-0787. Good Standing Requirements for Zoning Incentives**

RECOMMENDATION

Transmit the proposed ordinance amendment to the Mayor and City Commission (City Commission) with a favorable recommendation.

HISTORY

On February 3, 2025, at the request of Commissioner Alex Fernandez, the City Commission referred a discussion item pertaining to requirements for applicants seeking zoning incentives to be in good standing with the city (C4 Y) to the Land Use and Sustainability Committee (LUSC). On April 15, 2025, the LUSC discussed and continued the item to the June 10, 2025, LUSC meeting, with direction to staff to further develop the proposed draft amendments in accordance with the following:

1. Create a definition for 'habitual offender'.
2. Establish a minimum waiting period after all fines and violations have been resolved and before a transmittal hearing can occur before the Planning Board.
3. Create options for a potential City Commission waiver of all or part of the waiting period, subject the payment of a fine or the voluntary proffer of a public benefit.

On June 10, 2025, the LUSC discussed the proposal and recommended that the City Commission refer an amendment to the Land Development Regulations of the City Code (LDRs) to the Planning Board, in accordance with the recommendations in the LUSC memo, and including the requirement for any waiver to be approved a 5/7 vote.

On July 23, 2025, at the request of Commissioner Alex Fernandez, the City Commission referred the ordinance to the Planning Board (C4 C).

REVIEW CRITERIA

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed LDR amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not Applicable – The proposed amendment does not create or modify districts.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent - The proposed ordinance amendment is not out of scale with the needs of the neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Not Applicable – The proposed amendment has no impact on facilities and infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not Applicable

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The desire to help maintain properties free of city violations makes the passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed ordinance amendment will not have any adverse influence on living conditions.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Not Applicable – The proposed change will have no impact on traffic.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Not Applicable – The proposed change has no impact on reducing light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change will not adversely affect property values in the adjacent areas, and can only aid in maintaining property values.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposed change will not be a deterrent to the improvement or development of properties in the City.

- 12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not Applicable

- 13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not Applicable

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Not Applicable

- (3) **Whether the proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.**

Not Applicable

ANALYSIS

Background

Attached is a proposed amendment to Chapters 1 and 2 of the LDRs. The following is a general summary of the amendments:

Chapter 1 - General Definitions

The following definition for ‘habitual offender’ has been created:

Habitual offender is an individual or entity with a record of three (3) or more adjudicated violations within the preceding 3 years of the City’s land development regulations, the City Code (including, without limitation, Chapter 58), the Florida Building Code, and/or the Florida Life Safety Code.

Chapter 2 - Administration and Review Procedures

For private applications to amend the LDRs or Comprehensive Plan, the property owner shall certify the following, prior to consideration of the amendment by the Planning Board:

- 1. There shall be no open zoning, City Code (including, without limitation, Chapter 58), building, or life safety violations on the subject property, and all outstanding zoning, City

Code (including, without limitation, Chapter 58), building, and life safety violations must be resolved.

2. There shall be no outstanding fines, fees, or other open bills due to the City.

Staff is supportive of the attached ordinance, as it applies to all applications uniformly and would be an added incentive to correct outstanding violations and past due fines in an expedient manner. These requirements could also be included as a condition of eligibility as part of future zoning incentive legislation, including legislation presently before the City Commission, LUSC, or Planning Board.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance to the City Commission with a favorable recommendation.

Good Standing Requirements for Zoning Amendments

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 1 OF THE MIAMI BEACH RESILIENCY CODE, ENTITLED "GENERAL PROVISIONS," ARTICLE II, ENTITLED "DEFINITIONS," SECTION 1.2.1, ENTITLED "GENERAL DEFINITIONS," BY ADDING A DEFINITION FOR "HABITUAL OFFENDER;" BY AMENDING CHAPTER 2 OF THE MIAMI BEACH RESILIENCY CODE, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE IV, ENTITLED "AMENDMENTS TO COMPREHENSIVE PLAN AND TO THE TEXT OF THE LAND DEVELOPMENT REGULATIONS," BY AMENDING SECTION 2.4.1, ENTITLED "GENERALLY," TO ESTABLISH PROCEDURES TO ADDRESS OUTSTANDING VIOLATIONS, FINES, FEES, OR OTHER OPEN BILLS, FOR APPLICATIONS TO AMEND THE LAND DEVELOPMENT REGULATIONS OR THE COMPREHENSIVE PLAN; AND PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the Land Development Regulations of the City Code ("LDRs") includes procedures for amending the LDRs and the Comprehensive Plan; and

WHEREAS, the Mayor and City Commission desire to establish requirements for applications proposing to amend the LDRs and Comprehensive Plan to include provisions that address outstanding violations, fines and other open bills; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 1 of the Miami Beach Resiliency Code, entitled "General Provisions," Article II, entitled "Definitions," is hereby amended as follows:

**CHAPTER 1
GENERAL PROVISIONS**

* * *

ARTICLE II – DEFINITIONS

* * *

1.2.1 GENERAL DEFINITIONS

* * *

Habitual offender is an individual or entity with a record of three (3) or more adjudicated violations within the preceding 3 years of the City’s land development regulations, the City Code (including, without limitation, Chapter 58), the Florida Building Code, and/or the Florida Life Safety Code.

SECTION 2. Chapter 2, “Administration and Review Procedures”, Article II “General Development Application and Hearing Procedures”, is hereby amended as follows:

CHAPTER 2 - ADMINISTRATION AND REVIEW PROCEDURES

* * *

ARTICLE IV – Amendments to Comprehensive Plan and to the Text of the Land Development Regulations

* * *

2.4.1 GENERALLY

- a. A request to amend the comprehensive plan or to amend the text of these land development regulations may be submitted to the planning director by the city manager; city attorney; or upon an adopted motion of the city commission, planning board, board of adjustment, or historic preservation board (with regard to the designation of historic districts or sites, or matters that directly pertain to historic preservation); or by an owner(s) or developer(s) of the property which is the subject of the proposed change (hereinafter, a private applicant). Matters submitted by the city manager or city attorney shall first be referred to the planning board by the city commission for action on the referral.
- b. For amendments requested by the owner of a specific private property, unified development site or other development, the property owner shall certify the following, prior to consideration of the amendment by the Planning Board:
 - 1. There shall be no open zoning, City Code (including, without limitation, Chapter 58), building, or life safety violations on the subject property, and all outstanding zoning, City Code (including, without limitation, Chapter 58), building, and life safety violations must be resolved.
 - 2. There shall be no outstanding fines, fees, liens or other open bills due to the City.
- c. An owner applicant or his representative shall file an application pursuant to sections 2.2.3.1 and 2.2.3.2 of this chapter. The city shall not be required to file an application.

SECTION 3. REPEALER.

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

SECTION 4. CODIFICATION.

It is the intention of the City Commission, 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 as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. SEVERABILITY.

