

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: **PB25-0788. Notice Requirements for Rescheduled Land Use Board Meetings**

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 David Suarez, the City Commission referred a discussion item pertaining to cancelled LUB meetings and member attendance requirements (C4 AW) to the Land Use and Sustainability Committee (LUSC). 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.

On July 23, 2025, at the request of Commissioner David Suarez, the City Commission referred the ordinance to the Planning Board (C4 B).

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 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

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

Not Applicable

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

Not Applicable

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 clarify the notice requirements for Land Use Board meetings makes the passage of the proposed change necessary.

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

Not Applicable

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

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

Not Applicable

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

Not Applicable

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

Not Applicable

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.**

Not Applicable

- (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

The proposed ordinance amends Chapter 2 of the LDRs, specific to cancelled or rescheduled land use board meetings. The ordinance creates a section for land use board meetings that are cancelled or rescheduled after the agenda items have been noticed. In these instances, all items on the agenda of the cancelled or rescheduled meeting would automatically be placed on the agenda of the next land use board meeting. Additionally, a minimum 5-day courtesy notice for the agenda items that were cancelled or rescheduled would be provided on a publicly accessible website hosted by Miami-Dade County.

Staff supportive of the proposed ordinance, as it provides greater clarity regarding the notice requirements for cancelled or rescheduled meetings.

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.

Notice Requirements for Rescheduled LUB Meetings

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 2 OF THE MIAMI BEACH RESILIENCY CODE, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE II, ENTITLED "GENERAL DEVELOPMENT APPLICATION AND HEARING PROCEDURES," BY AMENDING SECTION 2.2.4, ENTITLED "PUBLIC HEARING," TO MODIFY THE PUBLIC NOTICE REQUIREMENTS FOR LAND USE BOARD APPLICATIONS; 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, under the requirements of the Land Development Regulations of the City Code, there are minimum public notice requirements for all land use boards; and

WHEREAS, the Mayor and City Commission desire to clarify the public notice requirements for land use board applications that may be rescheduled or continued; 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 2, "Administration and Review Procedures", Article II "General Development Application and Hearing Procedures", is hereby amended as follows:

CHAPTER 2 - ADMINISTRATION AND REVIEW PROCEDURES

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ARTICLE II – General Development Application and Hearing Procedures

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2.2.4 DEVELOPMENT APPLICATION SUBMISSION AND REVIEW

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2.2.4.1 Public Notification

Hearings before a land use board on an application for development approval shall be noticed to the public in accordance with the following provisions, unless otherwise more specifically provided for in these land development regulations, and the applicant shall pay a fee for such notices pursuant to section 2.2.3.5.

- a. Advertisement. At least 30 days prior to the public hearing date, a description of the request, and the date, start time of the meeting and location of the hearing shall be noticed

on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes.

- b. Mail notice. At least 30 days prior to the public hearing date, a description of the request, and the date, start time of the meeting, and location of the hearing shall be given by mail to the owners of record of land lying within 375 feet of the property that is the subject of the application. Additionally, for applications involving a property that contains at least one residential unit, a courtesy notice shall be mailed at least 30 days prior to the public hearing date to existing tenants, as of the date that the mail notice is issued, of residential units on the property that is the subject of the application. This courtesy notice shall include a description of the request, the date, start time, and location of the meeting, as well as a link to the housing impact statement associated with the application. The applicant shall provide a separate set of mailing labels for this courtesy notice, as well as evidence to the planning director that reasonable efforts were used to identify all existing tenants of the residential units. For purposes of this paragraph, courtesy notice shall only be required for tenancies of at least six months and one day. The courtesy notice shall be for informational purposes only and the validity of the subject application or of any approval thereof shall not be affected by any failure to identify all tenants of residential units on the property. Applicants shall submit all information and certifications necessary to meet this requirement, as determined by the planning department. Additionally, courtesy notice shall also be given to any Florida nonprofit community organization which has requested, in writing, that the Planning Director provide notice of board hearings.
- c. Posting. At least 30 days prior to the public hearing date, a description of the request, and the date, time, and place of such hearing shall be posted on the property. Such posting shall have a minimum dimension of 11 inches by 17 inches and shall be located in a visible location at the front of the property and shall not be posted on a fence or wall that would be obstructed by the operation of a gate.
- d. Discussion items.
 1. At least 10 days before a land use board holds a discussion that is specific to a single property, a courtesy mail or email notice shall be sent to the owner(s) of record of such property, and the item title for such discussion shall be posted on the city's online agenda system. Additionally, reasonable best efforts shall be used to provide courtesy mail or email notice to any resident or tenant of the property, if applicable.
 2. At least 10 days before a land use board holds a discussion regarding a matter that impacts or could impact more than one property, the title such discussion shall be posted on the city's online agenda system.
 3. Notwithstanding subsections (d)(1) or (d)(2) which shall not apply to historic designation proceedings, within 10 days following an action by the historic preservation board to discuss or initiate the historic designation of a single property or a district containing less than 10 properties, a mail or email courtesy notice shall be sent to the owner(s) of record of such properties. Additionally, reasonable best efforts shall be used to provide courtesy mail or email notice to any resident or tenant of the property, if applicable.
- e. Cancelled or rescheduled meetings. For land use board meetings that are cancelled or rescheduled after the agenda items have been noticed in accordance with Section 2.2.4.1.a-c, all items on the agenda of the cancelled or rescheduled meeting shall automatically be placed on the agenda of the next land use board meeting. At least 5 days prior to the public hearing, a courtesy notice for the agenda items that were cancelled or rescheduled shall be provided on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes.

