

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

DATE: May 5, 2026

TO: Chairperson and Members
Planning Board

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: PB26-0832, **Website Advertising for LDR Amendments and GU Waivers.**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE I, ENTITLED "LAND USE BOARDS," SECTION 2.1.2, ENTITLED "PLANNING BOARD," BY MODIFYING THE PUBLISHED NOTICE REQUIREMENTS FOR PLANNING BOARD REVIEW OF SALE, EXCHANGE, CONVEYANCE OR LEASE OF CITY OWNED PROPERTY AND MATTERS WHERE THE PLANNING BOARD MAKES RECOMMENDATIONS TO THE CITY COMMISSION; BY AMENDING ARTICLE V, ENTITLED "REZONINGS AND DEVELOPMENT APPROVAL," SECTION 2.5.1, ENTITLED "CHANGE TO ZONING DISTRICT BOUNDARIES (REZONING)," BY MODIFYING THE PUBLISHED NOTICE REQUIREMENTS FOR THE PLANNING BOARD REVIEW OF A CHANGE IN ZONING DISTRICT BOUNDARIES; BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICT REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," SECTION 7.2.16 ENTITLED "GU GOVERNMENT USE DISTRICT," TO MODIFY SECTION 7.2.16.3, ENTITLED, "DEVELOPMENT REGULATIONS (GU)," BY MODIFYING THE PUBLISHED NOTICE REQUIREMENTS FOR THE WAIVER OF DEVELOPMENT REGULATIONS BY THE CITY COMMISSION; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

BACKGROUND

On March 18, 2026, at the request of Commissioner David Suarez, the City Commission referred a proposal pertaining to the online publication of required notice for GU Waivers and the Planning Board review of Land Development Regulation (LDR) amendments (C4 E).

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.

Consistent

The proposed amendment does not modify district boundaries.

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

Consistent

The proposed Ordinance does not affect the overall scale of development.

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

Consistent

The proposed amendment does not increase loads on public facilities or infrastructures.

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 proposed change is necessary as fewer people read physical newspapers and the circulation of newspapers has drastically decreased over time, the creation of alternative noticing requirements to reflect these changes.

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

Consistent

The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

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

Section 50.0311, Florida Statutes, permits the use of publicly accessible websites, hosted by counties, as an alternative to publishing legal notices in newspapers. On May 15, 2024, the City Commission adopted Ordinance No. 2024-4618, allowing the City to publish legal advertisements and notices on a Miami-Dade County-hosted website instead of in newspapers, with exceptions as specified by the City and County Charters or Codes.

On November 5, 2024, the City's electorate approved Referendum 5, amending City Charter Section 2.05 to authorize online publication of notices for proposed ordinances in accordance with Section 50.0311, Florida Statutes. The amendment was recommended by the Ad Hoc Advisory Charter Review and Revision Board (CRB).

Consistent with the voter-approved Charter amendment, the attached draft ordinance amends Chapters 2 and 7 of the Land Development Regulations (LDRs) of the City Code. This change replaces the current requirement for newspaper publication of Planning Board review of LDR amendments and other applicable actions, and City Commission review of GU waivers with an online notice on a Miami-Dade County-hosted website, in accordance with the provisions of Section 50.0311, Florida Statutes.

The City Commission adopted similar ordinances in 2025, authorizing the same website notice requirements for land use boards applications for development approvals and the City Commission review of amendments to the Land Development Regulations.

STAFF 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.

Website Advertising for LDR Amendments and GU Waivers

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE I, ENTITLED "LAND USE BOARDS," SECTION 2.1.2, ENTITLED "PLANNING BOARD," BY MODIFYING THE PUBLISHED NOTICE REQUIREMENTS FOR PLANNING BOARD REVIEW OF SALE, EXCHANGE, CONVEYANCE OR LEASE OF CITY OWNED PROPERTY AND MATTERS WHERE THE PLANNING BOARD MAKES RECOMMENDATIONS TO THE CITY COMMISSION; BY AMENDING ARTICLE V, ENTITLED "REZONINGS AND DEVELOPMENT APPROVAL," SECTION 2.5.1, ENTITLED "CHANGE TO ZONING DISTRICT BOUNDARIES (REZONING)," BY MODIFYING THE PUBLISHED NOTICE REQUIREMENTS FOR THE PLANNING BOARD REVIEW OF A CHANGE IN ZONING DISTRICT BOUNDARIES; BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICT REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," SECTION 7.2.16 ENTITLED "GU GOVERNMENT USE DISTRICT," TO MODIFY SECTION 7.2.16.3, ENTITLED, "DEVELOPMENT REGULATIONS (GU)," BY MODIFYING THE PUBLISHED NOTICE REQUIREMENTS FOR THE WAIVER OF DEVELOPMENT REGULATIONS BY THE CITY COMMISSION; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to amend the current requirements in the City Code pertaining to notice requirements for the Planning Board review of LDR amendments and other applicable actions, and City Commission review of GU waivers; and

WHEREAS, public notice is an important component of the public process; and

WHEREAS, minimum notice requirements promotes the general health, safety and welfare of the residents of the City; and

WHEREAS, Section 50.0311, Florida Statutes, authorizes the City to use a publicly accessible website hosted by Miami-Dade County as an alternative means of publishing notices and advertisements otherwise required to be published in a newspaper of general circulation; and

WHEREAS, on May 15, 2024, the Mayor and City Commission adopted Ordinance No. 2024-4618, amending the City Code to authorize the City to publish notices and advertisements on a publicly accessible website hosted by Miami-Dade County, except as otherwise provided by applicable law; and

WHEREAS, on November 5, 2024, 76.31% of the City's electorate voted in favor of Referendum 5, which amended City Charter Section 2.05 to permit notices of proposed Ordinances to be published online, pursuant to Section 50.0311, Florida Statutes; and

WHEREAS, this Ordinance amends the LDRs to require the City to publish notices of the Planning Board review of LDR amendments and other applicable actions, and City Commission

review of GU waivers on a publicly accessible website, in lieu of the newspaper, consistent with Section 50.0311, Florida Statutes, and Ordinance No. 2024-4618; and

WHEREAS, this Ordinance does not modify existing requirements for mail notice; 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, entitled “Administration and Review Procedures,” Article I thereof, entitled, “Land Use Boards,” is hereby amended as follows:

CHAPTER 2 ADMINISTRATION AND REVIEW PROCEDURES

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ARTICLE I – LAND USE BOARDS

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Section 2.1.2 Planning Board

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2.1.2.3 Procedures

In addition to all procedures otherwise authorized or required by these land development regulations, the following shall apply to the Planning Board.

- a. The board is authorized to call public hearings and to create committees and subcommittees when deemed appropriate or convenient for the performance of its duties.
- b. All requests shall be submitted to the city attorney for a determination whether the request is properly such, and does not constitute a variance of these land development regulations. The jurisdiction of the planning board shall not attach unless and until the board has before it a written certificate of the city attorney that the subject matter of the request is properly before the board. The separate written recommendations of the planning director shall be before the board prior to its consideration of any matter before it.
- c. Where required by city charter section 1.03(d) to ~~act on~~ review a proposed sale, exchange, conveyance or lease of ten years or longer of city-owned property; a vacation, sale, lease, or other transfer of a City-owned, or of any City interest (including, without limitation, air rights) in any street, street-end, sidewalk, alley, or any other right-of-way; or a management or concession agreement with a private party or operator having a term of ten (10) years or longer for the management, operation, and/or use of City property (including, without limitation, the City’s public beachfront), or of a City facility, notice of the Planning Board hearing on the matter shall be given ~~by publication in a newspaper of general circulation at least ten days prior to the hearing on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes.~~

- d. In matters in which the Planning Board must approve or recommend an action to the city commission, and notice for a hearing at which such action is to be taken is not otherwise set forth in these land development regulations, notice of the Planning Board hearing on the matter shall be given ~~by publication in a newspaper of general circulation~~ at least ten days prior to the hearing on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes.

SECTION 2. Chapter 2, entitled “Administration and Review Procedures,” Article V thereof, entitled “Rezoning and Development Approvals,” is hereby amended as follows:

CHAPTER 2 ADMINISTRATION AND REVIEW PROCEDURES

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ARTICLE V – Rezoning and Development Approvals

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Section 2.5.1 Change to zoning district boundaries (rezoning)

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4. Review by city commission.

A. Notice.

- I. When a request to change the actual zoning map designation of a parcel or parcels of land is initiated by an applicant other than the city, the following procedures shall apply. A proposed ordinance may be read by title or in full on at least two separate days and shall, at least ten days prior to adoption, be noticed once ~~in a newspaper of general circulation in the city~~ on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes. The notice of proposed enactment shall state the date, time and place of the meeting; the title or titles of proposed ordinances; and the place or places within the city where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Immediately following the public hearing at the second reading, the city commission may adopt the ordinance.
- II. In all cases in which the rezoning is initiated by the city and involves less than ten contiguous acres, the city commission shall direct the clerk of the city to notify by mail each real property owner whose land the city will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. Provided further, notice shall be given by mail to the owners of record of land lying within 375 feet of the land, which is to be changes by the proposed rezoning. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of such notice shall be kept available for public

inspection during the regular business hours of the office of the city clerk. The city commission shall hold a public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance.

III. In all cases in which the proposed rezoning is initiated by the city and changes the zoning designation of a parcel or parcels of land involving ten acres or more, the city commission shall provide for public notice and hearings as follows:

1. The city commission shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5:00 p.m. on a weekday, unless the city commission, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least seven days after the day that the first advertisement is published. The second public hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing.
2. The required notice shall be published on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes. The notice shall include the title of the ordinance, as well as the date, time and meeting place for the public hearing. The notice advertisements shall be no less than two columns wide by ten inches long ~~in a standard size or tabloid size newspaper~~, and the headline in the advertisement notice shall be in a type no smaller than 18 point. ~~The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the city and of general interest and readership in the city, not one of limited subject matter, pursuant chapter 50, Florida Statutes. Whenever possible, the advertisement shall appear in a newspaper that is published at least five days a week unless the only newspaper in the city is published less than five days a week.~~ The advertisement notice shall be in substantially the following form:

NOTICE OF (TYPE OF) CHANGE

The City of Miami Beach proposes to adopt the following ordinance: (title of ordinance)

A public hearing on the ordinance will be held on (date and time) at (meeting place).

The advertisement shall contain a geographical location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area.

In lieu of or in addition to publishing the ~~advertisement~~ notice set forth above in this subsection (c)(III)(1), the city may mail a notice to each person owning real property within 375 feet of the area covered by the proposed amendment and to persons owning real property within the area that is the subject of the proposed rezoning. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place and location of both public hearings on the proposed ordinance.

* * *

SECTION 3. Chapter 7 of the Miami Beach Resiliency Code, entitled “Zoning Districts and Regulations,” Article II, entitled, “District Regulations,” Section 7.2.16 entitled, “GU Government Use District,” is hereby amended as follows:

CHAPTER 7 ZONING DISTRICTS AND REGULATIONS

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ARTICLE II – DISTRICT REGULATIONS

* * *

Section 7.2.16 GU Government Use District

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7.2.16.2 Uses (GU)

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e. Supplemental Private or joint government/private uses regulations (GU)

Private or joint government/private uses in the GU government use district, including air rights, shall be reviewed by the planning board prior to approval by the city commission. See section 7.2.16.3.e~~h~~ for public notice requirements.

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7.2.16.3 Development Regulations (GU)

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h. When a public hearing is required to waive development regulations before the city commission, the public notice shall be published on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes ~~advertised in a newspaper of general paid circulation in the city~~ at least 15 days prior to the hearing. Fifteen days prior to the public hearing date, both a description of the request and the time and place of such hearing shall be posted on the property, and notice shall also be given by mail to the owners of land lying within 375 feet of the property. A five-sevenths vote of the city commission is required to approve a waiver or use that is considered under this regulation.

SECTION 4. 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 5. CODIFICATION.

