

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Eric Carpenter, City Manager
DATE: May 21, 2025
TITLE: REFERRAL TO THE PLANNING BOARD – LAND USE BOARD CONSENT AGENDA PROCEDURES.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) refer the attached draft ordinance to the Planning Board.

BACKGROUND/HISTORY

On October 30, 2024, at the request of Commissioner David Suarez, the City Commission referred the item (C4 A) to the Land Use and Sustainability Committee (LUSC). On December 17, 2024, the LUSC discussed and continued the item to a future meeting with direction to the Administration to prepare draft text for a potential amendment to the LDRs.

On April 15, 2025, the LUSC recommended that the proposed draft ordinance be referred to the Planning Board.

ANALYSIS

The LUSC is recommending that a consent agenda procedure be codified in the Land Development Regulations of the City Code (LDRs) for meetings of the City's land use boards (LUBs). The City's LUBs are the Board of Adjustment (BOA), Design Review Board (DRB), Historic Preservation Board (HPB), and Planning Board.

The Planning Department has implemented a consent agenda for land use board meetings in the past, with some limited success. In this regard, all applications before an LUB are public hearings and typically involve a presentation by the applicant. For an LUB application to be considered as a consent item, specific conditions must be met.

The attached draft ordinance amends Chapter 2 of the LDRs, as recommended by the LUSC, and establishes the following procedures and conditions for an application to be considered as a consent item:

1. Prior to the applicable LUB meeting, the applicant shall agree to all conditions set forth in the draft development order for the application.
2. All voting members of the applicable LUB present at the meeting must agree to forgo a presentation and/or questions on the application.
3. There is limited public comment on the proposal, after the chairperson of the applicable LUB opens the application and requests public comment.

If all these conditions are met for an application listed under a consent agenda, the board may

approve the project without any further discussion.

APPLICATION FEE WAIVER

The subject amendment is proposed on a comprehensive basis, and not on behalf of a private applicant or third party. Pursuant to section 2.4.1.c of the Land Development Regulations of the City Code, amendments to the City Code require the payment of the applicable fees in section 2.2.3.5, 2.2.3.6, and appendix A to the City Code. These fees may be waived by a five-sevenths (5/7ths) vote of the City Commission, based upon one or more of the following circumstances:

1. The City Commission determines that the proposed amendment is necessary due to a change in federal or state law, or to implement best practices in urban planning, or based on circumstances unique to the proposed amendment.
2. Upon the written recommendation of the City Manager acknowledging a documented financial hardship of a property owner(s) or developer(s).
3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

Should this proposal be referred to the Planning Board, the Administration recommends that the City Commission determine that the proposed amendment is necessary based on circumstances unique to the proposed amendment and waive the applicable fees.

FISCAL IMPACT STATEMENT

No Fiscal Impact

Does this Ordinance require a Business Impact Estimate?

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends the following:

1. The City Commission refer the attached draft ordinance to the Planning Board.
2. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Planning

Sponsor(s)

Commissioner David Suarez

Co-sponsor(s)

Condensed Title

Ref: PB - Land Use Board Consent Agenda Procedures. (Suarez) PL

Previous Action (For City Clerk Use Only)