

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: November 25, 2024

TITLE: CONSIDER AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS TO REQUIRE A 6/7TH VOTE OF THE CITY COMMISSION PRIOR TO THE ADOPTION OF ANY INCREASE IN A PROPERTY'S ZONED HEIGHT.

### **RECOMMENDATION**

The Administration does not recommend in favor of this proposal and, therefore, recommends that the Land Use and Sustainability Committee (LUSC) discuss and conclude the item.

### **BACKGROUND/HISTORY**

On October 30, 2024, at the request of Commissioner Kristen Rosen Gonzalez, the Mayor and City Commission (City Commission) referred the item (C4 F) to the LUSC.

### **ANALYSIS**

As noted in the attached referral memorandum, the item sponsor has requested that the LUSC discuss an amendment to the City's Land Development Regulations (LDRs) to require a 6/7th vote of the City Commission prior to the adoption of any ordinance or measure that would result in an increase to the zoned height of a property.

Currently, the LDRs require an affirmative vote of 5/7ths of all members of the City Commission to enact any amendment to the LDRs. The sponsors proposal would increase the approval threshold for LDR amendments related to an increase in maximum building height to an affirmative vote of 6/7ths of all members of the City Commission. In January of 2024, the City Commission adopted an LDR amendment requiring an affirmative vote of 6/7ths of all members of the City Commission to enact any amendment to the LDRs that increase floor area ratio (FAR).

Generally, a 6/7ths threshold for approval is limited to significant matters of policy, such as the transfer or sale of public property. Although the proposal herein for a 6/7th vote of the City Commission is limited solely to increases in maximum building height, the Administration would urge caution regarding such a change, as it could have unintended consequences.

Not all increases in building height are necessarily controversial or significantly impactful, and a 6/7ths threshold could make well intended amendments to modify building height more challenging. Additionally, the current requirement of an affirmative vote of 5/7ths of all members of the City Commission to enact any amendment to the LDRs is already a significant threshold.

On balance, the Administration does not recommend in favor of this proposal. Should the LUSC recommend a modification to the LDRs to establish a 6/7ths voting requirement for future increases in maximum building height, a separate referral by the City Commission to the Planning Board would be required.

### **FISCAL IMPACT STATEMENT**

Not Applicable

**Does this Ordinance require a Business Impact Estimate?**  
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .

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

**FINANCIAL INFORMATION**

Not Applicable

**CONCLUSION**

The Administration does not recommend in favor of this proposal and, therefore, recommends that the Land Use and Sustainability Committee (LUSC) discuss and conclude the item.

**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 Kristen Rosen Gonzalez

**Co-sponsor(s)**

**Condensed Title**

Consider Amending The City’s Land Development Regulations To Require A 6/7th Vote Of The City Commission Prior To The Adoption Of Any Increase In A Property’s Zoned Height.