



**COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission  
FROM: Eric Carpenter, City Manager  
DATE: February 26, 2025  
TITLE: REFERRAL TO THE PLANNING BOARD – WEBSITE ADVERTISING FOR LDR AMENDMENTS.

**RECOMMENDATION**

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

**BACKGROUND/HISTORY**

On November 20, 2024, at the request of Commissioner David Suarez, the City Commission referred a proposal pertaining to website advertising for land use amendments (C4 V) to the Land Use and Sustainability Committee (LUSC). On January 16, 2025, the LUSC recommended that the City Commission refer the attached draft ordinance to the Planning Board.

**ANALYSIS**

Section 50.0311, Florida Statutes, authorizes the use of publicly accessible websites hosted by counties as an alternative means of publishing notices and advertisements otherwise required to be published in newspapers of general circulation. On May 15, 2024, the City Commission adopted Ordinance No. 2024-4618 to provide that, wherever the City Code requires a legal advertisement or publication in a newspaper of general circulation, the City may instead use a publicly accessible website hosted by Miami-Dade County as an alternative means of publishing notices and advertisements, except where the newspaper notice is otherwise required under the City Charter, County Charter or County Code.

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. This amendment was recommended by the Ad Hoc Advisory Charter Review and Revision Board ("CRB").

As recommended by the LUSC, and consistent with the Charter amendment approved by the voters, the attached draft ordinance amends Chapter 2 of the Land Development Regulations of the City Code (LDR's). The proposed ordinance replaces the current requirement for a published notice in a newspaper of general circulation for amendments to the LDR's, with an on-line notice, published on a website. This will allow for the required published notice for future LDR amendments to be published on a publicly accessible website hosted by Miami-Dade County consistent with the requirements of section 50.0311, Florida Statutes.

**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 - Website Advertising for LDR Amendments. (Suarez) PL

**Previous Action (For City Clerk Use Only)**