

Notice Requirements for Land Use Boards

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 "MIAMI BEACH RESILIENCY CODE," CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE II, ENTITLED "GENERAL DEVELOPMENT APPLICATION AND HEARING PROCEDURES," SECTION 2.2.4, ENTITLED "PUBLIC HEARING," SECTION 2.2.4.1, ENTITLED PUBLIC NOTIFICATION," BY MODIFYING THE PUBLISHED NOTICE REQUIREMENTS FOR THE CITY'S LAND USE BOARDS; 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 land use board approvals; and

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

WHEREAS, minimum notice requirements for the City's land use boards promote 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, this Ordinance amends the Land Development Regulations, also known as the Miami Beach Resiliency Code, to require the City to publish notices of land use board applications 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 or postings on the property; 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 of the Miami Beach Resiliency Code, entitled “Administration and Review Procedures,” Article II, entitled “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 PUBLIC HEARING

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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 in a newspaper of general circulation 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 to of the application. 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 ~~of the Planning Director in writing to be notified~~ 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 ~~be have~~ have a minimum dimension of 11 inches by 17 inches, and ~~shall be~~ 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.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect sixty (60) days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2025.

Steven Meiner, Mayor

ATTEST:


Rafael E. Granado, City Clerk

First Reading: November 20, 2024

Second Reading: January __, 2025

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *NL*

11/14/2024

Date