

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: February 20, 2025

TITLE: DISCUSS THE IMPLEMENTATION OF A CONSENT AGENDA FOR LAND USE BOARD MEETINGS

RECOMMENDATION

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the proposed amendment to the Land Development Regulations of the City Code (LDRs) and recommend that the Mayor and City Commission (City Commission) refer a 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 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.

ANALYSIS

As noted in the attached referral memorandum, the item sponsor has requested that the LUSC discuss a consent agenda for meetings of the City's land use boards (LUBs), which are the Board of Adjustment (BOA), Design Review Board (DRB), Historic Preservation Board (HPB), and Planning Board. The purpose of implementing a consent agenda would be to promote efficiency and minimize delays in the development approval process.

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

1. The applicant must agree to all the conditions set forth in the draft development order for the proposal.
2. There is no public comment on the proposal.
3. All members of the applicable LUB must agree to forgo a presentation and/or questions on the proposal.

If all these conditions are met for an application listed under a consent agenda, the applicable LUB may approve the project without any further discussion. Planning Department staff utilizes consent agendas for land use boards, in accordance with the above, as applicable, and appropriate.

UPDATE

The following is draft text for a potential amendment to the LDRs, as requested by the LUSC:

Chapter 2 - ADMINISTRATION AND REVIEW PROCEDURES

ARTICLE I – LAND USE BOARDS

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2.1.1 GENERALLY

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2.1.1.6 Meetings and agendas

a. Procedures. Unless appointed by the city commission, each land use board shall by majority vote select a chairperson and vice chairperson. Meetings of each land use board shall be held within a reasonable time upon receipt of an application, or at such other times as the board may determine, or upon call of the chairperson or the planning director. Each land use board shall follow Robert's Rules of Order, subject to the limitations of the city's Charter and ordinances and shall keep minutes of its proceedings showing its action on each question considered. All meetings shall be open to the public. Members of the public at the meeting shall have the right to address the land use board and to present evidence.

b. Consent agendas. The planning director may establish a consent agenda. For an application to be considered as a consent item, the following shall be required:

1. Prior to the meeting, the applicant shall agree to all conditions set forth in the draft development order for the application.

2. All voting members of the board present at the meeting shall agree to forgo a presentation and/or questions on the application.

3. There is limited public comment on the proposal, after the chairperson opens the application and requests public comment.

If all of these conditions are met for an application listed under a consent agenda, the board may approve the project without any further discussion.

The proposed draft text reflects current practice, and if there is consensus on amending the LDRs, a draft ordinance, in accordance with the above noted text, can be prepared for referral to the Planning Board by the City Commission.

FISCAL IMPACT STATEMENT

No Fiscal Impact

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 recommends that the LUSC endorse the proposed amendment to the LDRs and recommend that the City Commission refer a draft ordinance to the Planning Board.

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

Discuss the Implementation of a Consent Agenda for Land Use Board Meetings