

PRIORITY ITEMS 4

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: January 16, 2025

TITLE: DISCUSS AMENDING THE NOTICE REQUIREMENTS FOR AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS (LDRS) AND COMPREHENSIVE PLAN, TO PERMIT THE CITY TO USE A PUBLICLY ACCESSIBLE WEBSITE HOSTED BY MIAMI-DADE COUNTY AS AN ALTERNATIVE MEANS OF PUBLISHING NOTICES AND ADVERTISEMENTS WHICH ARE CURRENTLY REQUIRED TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION.

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 November 20, 2024, at the request of Commissioner David Suarez, the City Commission referred the item (C4 V) to the LUSC.

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 voters 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 noted in the attached referral memorandum, the item sponsor has requested that the LUSC discuss and consider a companion amendment to the Land Development Regulations of the City Code (LDRs) to permit the city to publish notices for ordinances amending the LDRs and Comprehensive Plan on a publicly accessible website, as an alternative means of publishing notices that are currently required to be published in a newspaper. This LDR amendment would be consistent with the Charter amendment approved by the voters.

The following is draft text for an amendment to section 2.4.2 of the LDRs, replacing the current

requirement for a published notice in a newspaper of general circulation with an on-line notice, published on a website hosted by Miami-Dade County:

2.4.2 Amendment to the text of land development regulations

* * *

d. Action by city commission; notice and hearings.

1. Voting requirement.

A. An affirmative vote of five-sevenths of all members of the city commission shall be necessary in order to enact any amendment to these land development regulations.

I. Notwithstanding the foregoing, an affirmative vote of six-sevenths of all members of the city commission shall be required in order to enact any amendment to these land development regulations that increases the floor area ratio (FAR) of any property or any zoning district in the City, including any amendment that modifies the definition of "floor area" or the exceptions to the definition of "floor area" as set forth in chapter 1 of these land development regulations in such a manner as to result in an increase to the FAR of a property or zoning district. Any amendment to this paragraph that reduces the six-sevenths voting requirement shall require an affirmative six-sevenths vote of all members of the city commission.

1. In all cases in which the proposed amendment changes the actual list of permitted, conditional or prohibited uses in a zoning category or changes the actual zoning map designation for a parcel or parcels of land and, in either case, the proposed amendment involves less than ten contiguous acres, the city commission shall direct the clerk of the city to notify by mail each real property owner whose land the city will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. Provided further, notice shall be given by mail to the owners of record of land lying within 375 feet of the land, which is to be changes by the proposed permitted, conditional or prohibited use change. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of such notice shall be kept available for public inspection during the regular business hours of the office of the city clerk. The city commission shall hold a public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance.

2. In all cases in which the proposed amendment changes the actual list of permitted, conditional or prohibited uses within a zoning category regardless of the acreage of the area affected, or changes the actual zoning map designation of a parcel or parcels of land involving ten contiguous acres or more, the city commission shall provide for public notice and hearings as follows:

i. The city commission shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5:00 p.m. on a weekday, unless the city commission, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least seven days after the day that the first advertisement is published. The second public hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing.

ii. The required notice shall be published on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes. ~~advertisements shall be no less than two columns wide by ten inches long in a standard size or tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall~~

~~be placed in a newspaper of general paid circulation in the city and of general interest and readership in the city, not one of limited subject matter, pursuant chapter 50, Florida Statutes. Whenever possible, the advertisement shall appear in a newspaper that is published at least five days a week unless the only newspaper in the city is published less than five days a week. The advertisement shall be in substantially the following form:~~

~~NOTICE OF (TYPE OF) CHANGE~~

~~The City of Miami Beach proposes to adopt the following ordinance: (title of ordinance)~~

~~A public hearing on the ordinance will be held on (date and time) at (meeting place).~~

~~In lieu of or in addition to publishing the advertisement set forth above in this subsection (2)(ii), the city may mail a notice to each person owning real property within 375 feet of the area covered by the proposed amendment and to persons owning real property within the area that is the subject of the proposed amendment. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place and location of both public hearings on the proposed ordinance.~~

If there is consensus on the proposed text amendment, an ordinance can be drafted and sent to the City Commission for referral to the Planning Board.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

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 Amending The Notice Requirements For Amendments To The Land Development Regulations (LDRs) And Comprehensive Plan, To Permit The City To Use A Publicly Accessible Website Hosted By Miami-Dade County As An Alternative Means Of Publishing Notices And Advertisements Which Are Currently Required To Be Published In A Newspaper Of General Circulation.