

R9 AB DISCUSS A 6/7TH VOTE THRESHOLD FOR LDR AMENDMENTS INCREASING
ALLOWABLE BUILDING HEIGHT.
Applicable Area:



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Eric Carpenter, City Manager
DATE: February 3, 2025
TITLE: DISCUSS A 6/7TH VOTE THRESHOLD FOR LDR AMENDMENTS INCREASING ALLOWABLE BUILDING HEIGHT.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) discuss and conclude the item with no further action.

BACKGROUND/HISTORY

On October 30, 2024, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred a discussion item (C4 F), pertaining to the establishment of a 6/7 voting threshold for future ordinance amendments that increase allowable building height, to the Land Use and Sustainability Committee (LUSC). On November 25, 2024, the LUSC discussed and continued the item to a future date for further consideration.

The LUSC also recommended that the City Commission discuss a potential option to establish a 6/7 vote threshold for new construction projects and retaining a 5/7 threshold for height increases on properties located within local historic districts. Additionally, any new legislation proposed by the City Commission should be referred to the LUSC for a recommendation.

ANALYSIS

Currently, the Land Development Regulations of the City Code (LDRs) require an affirmative vote of 5/7ths of all members of the City Commission to enact any amendment to the LDRs. 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).

On November 25, 2024, the LUSC discussed a proposal to 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. Specifically, the LUSC recommended that the City Commission discuss the following potential options:

1. Limiting the 6/7 vote threshold for increased building height to new construction projects.
2. Retaining a 5/7 vote threshold for height increases on properties located within local historic districts.

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 for new construction, the Administration would urge caution regarding such a change, as it could have unintended consequences.

Not all increases in building height associated with new construction 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 that a 6/7ths voting threshold be established for future increases in maximum building height, even if limited solely to new construction projects.

FISCAL IMPACT STATEMENT

Not Applicable

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 that the City Commission discuss and conclude the item with no further action.

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

Discuss 6/7th Vote Threshold, LDR Amendments Increasing Allowable Bldg Height. (Rosen Gonzalez) PL

Previous Action (For City Clerk Use Only)