

14. PB25-0745. Website Advertising for LDR Amendments

MIAMI BEACH

Land Use Boards

Planning Board

TO: Planning Board
FROM: Thomas Mooney, Director
DATE: April 8, 2025
TITLE: PB25-0745. WEBSITE ADVERTISING FOR LDR AMENDMENTS

PROPERTY

PB25-0745. Website Advertising for LDR Amendments

FILE NO.

PB25-0745

APPLICANT

City of Miami Beach

IN RE:

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 IV, ENTITLED "AMENDMENTS TO COMPREHENSIVE PLAN AND TO THE TEXT OF THE LAND DEVELOPMENT REGULATIONS," SECTION 2.4.2, ENTITLES "AMENDMENT TO THE TEXT OF LAND DEVELOPMENT REGULATIONS," BY MODIFYING THE PUBLISHED NOTICE REQUIREMENTS FOR AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

PRIOR ORDER NUMBER:

Applicable Area

Citywide

**NEW COMPREHENSIVE PLAN & CODE AMENDMENTS (Filed pursuant to Chapter 2,
Arti... 1**

**Is this a “Residents Right to Know” item,
pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond
Funds?**

No

MIAMI BEACH

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

Application Information			
FILE NUMBER PB25-0745		Is the property the primary residence & homestead of the applicant/property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if "Yes," provide office of the property appraiser summary report)	
Board of Adjustment <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision <input type="checkbox"/> Modification of existing Board Order		Design Review Board <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
Planning Board <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Lot Split <input checked="" type="checkbox"/> Amendment to the Land Development Regulations or Zoning Map <input type="checkbox"/> Amendment to the Comprehensive Plan or Future Land Use Map <input type="checkbox"/> Modification of existing Board Order		Historic Preservation Board <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic District/Site Designation <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
<input type="checkbox"/> Other:			
Property Information - Please attach Legal Description as "Exhibit A"			
ADDRESS OF PROPERTY N/A			
FOLIO NUMBER(S)			
Property Owner Information			
PROPERTY OWNER NAME N/A			
ADDRESS		CITY	STATE
BUSINESS PHONE		CELL PHONE	EMAIL ADDRESS
Applicant Information (if different than owner)			
APPLICANT NAME City of Miami Beach			
ADDRESS 1700 Convention Center Drive		CITY Miami Beach	STATE FL
BUSINESS PHONE 3056737550		CELL PHONE	EMAIL ADDRESS N/A
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST SEE AFFIDAVIT			

Project Information			
Is there an existing building(s) on the site?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If previous answer is "Yes", is the building architecturally significant per sec. 142-108?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Provide the total floor area of the new construction.			SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).			SQ. FT.
Party responsible for project design			
NAME		<input type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS	CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
Authorized Representative(s) Information (if applicable)			
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS	CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS	CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS	CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	

Please note the following information:

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Please read the following and acknowledge below:

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
 - (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☐ Owner of the subject property ☒ Authorized representative



SIGNATURE

David Martinez

PRINT NAME

3/20/25

DATE SIGNED

AFFIDAVIT

I, David Martinez, being duly sworn, depose and say that I am the Assistant City Manager of the City of Miami Beach and as such, have been authorized by the city, to file the following application for a Planning Board public hearing:

PB25-0745. Website Advertising for LDR Amendments. 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 IV, ENTITLED "AMENDMENTS TO COMPREHENSIVE PLAN AND TO THE TEXT OF THE LAND DEVELOPMENT REGULATIONS," SECTION 2.4.2, ENTITLES "AMENDMENT TO THE TEXT OF LAND DEVELOPMENT REGULATIONS," BY MODIFYING THE PUBLISHED NOTICE REQUIREMENTS FOR AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

This instrument is executed pursuant to the requirements of the Planning Department and attests to the accuracy of the above statement. Execution hereof does not constitute approval or disapproval of the application which it addresses.

ASSISTANT CITY MANAGER'S SIGNATURE

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE) SS

Sworn to and subscribed before me this 21st day of March, 2025. The foregoing instrument was acknowledged before me by David Martinez, who is personally known to me and who did/did not take an oath.

My commission expires:

NOTARY PUBLIC
STATE OF FLORIDA
(Type, print or stamp name)



NAIMA DE PINEDO
Notary Public
State of Florida
Comm# HH284392
Expires 9/26/2026

MIAMIBEACH

PLANNING DEPARTMENT


Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: April 8, 2025

FROM: Thomas R. Mooney, AICP
Planning Director

DS For TRM


SUBJECT: **PB25-0745. Website Advertising for LDR Amendments**

RECOMMENDATION

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

HISTORY/BACKGROUND

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 ordinance to the Planning Board.

On February 26, 2025, at the request of Commissioner David Suarez, the City Commission referred the proposed ordinance to the Planning Board (C4 E).

REVIEW CRITERIA

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not applicable

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Not applicable – The proposed Ordinance does not affect the overall scale of development.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Not applicable

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not applicable

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – As fewer people read physical newspapers and the circulation of newspapers has drastically decreased over time, the creation of alternative noticing requirements to reflect these changes is necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Not applicable

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Not applicable

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Not applicable

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Not applicable

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Not applicable

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not applicable

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Not Applicable

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Not Applicable

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

Not Applicable

ANALYSIS

Section 50.0311, Florida Statutes, permits the use of publicly accessible websites, hosted by counties, as an alternative to publishing legal notices in newspapers. On May 15, 2024, the City Commission adopted Ordinance No. 2024-4618, allowing the City to publish legal advertisements and notices on a Miami-Dade County-hosted website instead of in newspapers, with exceptions as specified by the City and County Charters or Codes.

On November 5, 2024, the City's electorate approved Referendum 5, amending City Charter Section 2.05 to authorize online publication of notices for proposed ordinances in accordance with Section 50.0311, Florida Statutes. The amendment was recommended by the Ad Hoc Advisory Charter Review and Revision Board (CRB).

Consistent with the voter-approved Charter amendment, the attached draft ordinance amends Chapter 2 of the Land Development Regulations (LDRs) in the City Code. This change replaces the current requirement for newspaper publication of amendments to the LDRs with an online notice on a Miami-Dade County-hosted website, in accordance with the provisions of Section 50.0311, Florida Statutes.

The City Commission adopted a similar ordinance on February 3, 2025, authorizing the same web site notice requirements for land use boards applications for development approval.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Ordinance to the City Commission with a favorable recommendation.

Website Advertising for LDR Amendments

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 IV, ENTITLED “AMENDMENTS TO COMPREHENSIVE PLAN AND TO THE TEXT OF THE LAND DEVELOPMENT REGULATIONS,” SECTION 2.4.2, ENTITLES “AMENDMENT TO THE TEXT OF LAND DEVELOPMENT REGULATIONS,” BY MODIFYING THE PUBLISHED NOTICE REQUIREMENTS FOR AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE; 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 amendments to the land development regulations of the city code (LDR’s); and

WHEREAS, public notice is an important component of the LDR amendment process; and

WHEREAS, minimum notice requirements for amendments to the LDR’s promotes 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, 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; and

WHEREAS, this Ordinance amends the LDR’s to require the City to publish notices of amendments to the LDR’s 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; 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 IV, entitled, “Amendments To Comprehensive Plan And To The Text Of The Land Development Regulations,” is hereby amended as follows:

**CHAPTER 2
ADMINISTRATION AND REVIEW PROCEDURES**

* * *

**ARTICLE IV – AMENDMENTS TO COMPREHENSIVE PLAN AND TO THE TEXT OF THE
LAND DEVELOPMENT REGULATIONS**

* * *

2.4.2 Amendment to the text of land development regulations

* * *

d. Action by city commission; notice and hearings.

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. The notice shall include the title of the ordinance, as well as the date, time and meeting place

~~for the public hearing, 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.

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: _____, 2025

Second Reading: _____, 2025

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

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