

R5 U 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, ENTITLED "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.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: April 23, 2025 10:45 a.m. First Reading Public Hearing

TITLE: 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, ENTITLED "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.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) approve the subject ordinance at First Reading and schedule a Second Reading public hearing for May 21, 2025.

BACKGROUND/HISTORY

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).

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 website notice requirements for land use boards applications for development approval.

PLANNING BOARD REVIEW

On April 8, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (7-0). Separately, the Planning Board also recommended that the City website include a link to notices on the Miami-Dade County website.

SUMMARY

The Administration is supportive of the proposal as changing the publication of notices for amendments to the LDRs to a website managed by the county will be much more cost effective, as well as provide needed flexibility in the timing for such publications. To allow the website advertising for amendments to the LDRs to commence as soon as possible, it is recommended that the City Commission waive the annual zoning cycle restriction for the subject amendment, pursuant to Section 2.3.2 of the LDRs, and schedule a Second Reading public hearing for May 21, 2025.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

Does this Ordinance require a Business Impact Estimate? Yes
(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 the following:

1. The City Commission approve the subject ordinance at First Reading.
2. Pursuant to Section 2.3.2 of the LDRs, the City Commission waive the annual zoning cycle restriction for the subject amendment and schedule a Second Reading public hearing for May 21, 2025.

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

10:45 a.m. 1st Rdg PH, Website Advertising for LDR Amendments. (Suarez) PL

Previous Action (For City Clerk Use Only)

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, ENTITLED "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 (LDRs); and

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

WHEREAS, by providing transparency in government and providing opportunities for public input, minimum notice requirements for amendments to the LDRs 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, 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 LDRs to require the City to publish notices of amendments to the LDRs 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. The notice 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 notice 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 notice 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 notice~~ set forth above in this in 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.

3. When a request to amend the text of these land development regulations does not change the actual list of permitted, conditional or prohibited uses in a zoning category, or when a request to change the actual zoning map designation of a parcel or parcels of land is initiated by an applicant other than the city, the following procedures shall apply in addition to the applicable procedures in subsections (1) and (2) of this section:
 - i. A proposed ordinance may be read by title or in full on at least two separate days and shall, at least ten days prior to adoption, be noticed once on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes ~~in a newspaper of general circulation in the city~~. The notice of proposed enactment shall state the date, time and place of the meeting; the title or titles of proposed ordinances; and the place or places within the city where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
 - ii. Immediately following the public hearing at the second reading, the city commission may adopt the 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 ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2025.

Steven Meiner, Mayor

ATTEST:

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

Rafael E. Granado, City Clerk

City Attorney NK

4/15/2025

Date

(Sponsored by Commissioner David Suarez)

First Reading: April; 23, 2025
Second Reading: May 21, 2025

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