

C4 C REFERRAL TO THE PLANNING BOARD – LAND USE BOARD CONSENT
AGENDA PROCEDURES
Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Eric Carpenter, City Manager
DATE: May 21, 2025
TITLE: REFERRAL TO THE PLANNING BOARD – LAND USE BOARD CONSENT AGENDA PROCEDURES.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) refer the attached 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 Land Use and Sustainability Committee (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.

On April 15, 2025, the LUSC recommended that the proposed draft ordinance be referred to the Planning Board.

ANALYSIS

The LUSC is recommending that a consent agenda procedure be codified in the Land Development Regulations of the City Code (LDRs) for meetings of the City's land use boards (LUBs). The City's LUBs are the Board of Adjustment (BOA), Design Review Board (DRB), Historic Preservation Board (HPB), and Planning Board.

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

The attached draft ordinance amends Chapter 2 of the LDRs, as recommended by the LUSC, and establishes the following procedures and conditions for an application to be considered as a consent item:

1. Prior to the applicable LUB meeting, the applicant shall agree to all conditions set forth in the draft development order for the application.
2. All voting members of the applicable LUB present at the meeting must agree to forgo a presentation and/or questions on the application.
3. There is limited public comment on the proposal, after the chairperson of the applicable LUB opens the application and requests public comment.

If all these conditions are met for an application listed under a consent agenda, the board may

approve the project without any further discussion.

APPLICATION FEE WAIVER

The subject amendment is proposed on a comprehensive basis, and not on behalf of a private applicant or third party. Pursuant to section 2.4.1.c of the Land Development Regulations of the City Code, amendments to the City Code require the payment of the applicable fees in section 2.2.3.5, 2.2.3.6, and appendix A to the City Code. These fees may be waived by a five-sevenths (5/7ths) vote of the City Commission, based upon one or more of the following circumstances:

1. The City Commission determines that the proposed amendment is necessary due to a change in federal or state law, or to implement best practices in urban planning, or based on circumstances unique to the proposed amendment.
2. Upon the written recommendation of the City Manager acknowledging a documented financial hardship of a property owner(s) or developer(s).
3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

Should this proposal be referred to the Planning Board, the Administration recommends that the City Commission determine that the proposed amendment is necessary based on circumstances unique to the proposed amendment and waive the applicable fees.

FISCAL IMPACT STATEMENT

No Fiscal Impact

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 the following:

1. The City Commission refer the attached draft ordinance to the Planning Board.
2. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

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

Ref: PB - Land Use Board Consent Agenda Procedures. (Suarez) PL

Previous Action (For City Clerk Use Only)

Land Use Board Consent Agenda Procedures

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 I, ENTITLED “LAND USE BOARDS,” SECTION 2.2.4, ENTITLED “PUBLIC HEARING,” SECTION 2.1.1, ENTITLED “GENERALLY,” TO MODIFY THE MEETING AND AGENDA PROCEDURES FOR CITY LAND USE BOARDS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to amend the current meeting and agenda procedures for land use boards in the Land Development Regulations; and

WHEREAS, all of the City’s land use boards currently hold public hearings for relevant applications as part of the development review process; and

WHEREAS, depending on the length of a land use board agenda, public hearings can sometimes result in long meetings and the continuation of applications; and

WHEREAS, codifying procedures for the option of utilizing a consent agenda for the City’s land use boards would promote the general health, safety and welfare of the residents of the City; 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 II, entitled “General Development Application and Hearing Procedures,” is hereby amended as follows:

CHAPTER 2 - ADMINISTRATION AND REVIEW PROCEDURES

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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 each land use board. 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.

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 (10) days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2025.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

Sponsored By: Commissioners Alex Fernandez and David Suarez

First Reading: _____, 2025

Second Reading: _____, 2025

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

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