

22. CONSIDER AMENDMENTS TO NOTICE REQUIREMENTS IN THE LAND DEVELOPMENT REGULATIONS TO FACILITATE RESCHEDULING OF LAND USE BOARD MEETINGS IN THE EVENT THAT A MEETING IS CANCELED DUE TO A LACK QUORUM; AND DISCUSS AMENDMENTS TO LAND USE BOARD MEMBER ATTENDANCE REQUIREMENTS.

Applicable Area:

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: June 10, 2025

TITLE: CONSIDER AMENDMENTS TO NOTICE REQUIREMENTS IN THE LAND DEVELOPMENT REGULATIONS TO FACILITATE RESCHEDULING OF LAND USE BOARD MEETINGS IN THE EVENT THAT A MEETING IS CANCELED DUE TO A LACK QUORUM; AND DISCUSS AMENDMENTS TO LAND USE BOARD MEMBER ATTENDANCE REQUIREMENTS.

### **RECOMMENDATION**

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the proposed amendments to the Land Development Regulations of the City Code (LDRs) pertaining to cancelled Land Use Board (LUB) meetings and that the Mayor and City Commission (City Commission) refer an ordinance to the Planning Board.

The Administration does not recommend reducing the allowable absences for LUB members, as unforeseen circumstances can arise that would affect a member's ability to attend a meeting.

### **BACKGROUND/HISTORY**

On February 3, 2025, at the request of Commissioner David Suarez, the City Commission referred a discussion item pertaining to cancelled LUB meetings and member attendance requirements (C4 AW) to the LUSC.

### **ANALYSIS**

As noted in the attached referral memorandum, the item sponsor has requested that the LUSC discuss and consider the following:

1. Possible amendments to the LDRs to amend the notice requirements for land use board meetings that are canceled and rescheduled, to allow the City to reschedule a board meeting to an earlier date, and minimize inconvenience to applicants, neighbors, and other members of the public.
2. Amending the attendance requirements for land use board members. Currently, if a land use board member fails to attend three of the board's regularly scheduled meetings in a calendar year, the member is automatically removed from the board. The sponsor has made an initial proposal to reduce the maximum number of absences to two per year, to promote board member attendance and ensure applicants have an opportunity to present to a full board.
3. Discuss and consider how to expedite the appointment of a replacement member in the event an existing board member resigns or is automatically removed due to absences. For example, the appointment of a replacement board member could be assigned a time-certain on an upcoming City Commission agenda.

The following are draft text amendments to the applicable sections of the LDRs, specific to the request of the sponsor:

## Cancelled or Rescheduled Meetings

### *2.2.4.1 Public Notification*

*Hearings before a land use board on an application for development approval shall be noticed to the public in accordance with the following provisions, unless otherwise more specifically provided for in these land development regulations, and the applicant shall pay a fee for such notices pursuant to section 2.2.3.5.*

- a. Advertisement. At least 30 days prior to the public hearing date, a description of the request, and the date, start time of the meeting and location of the hearing shall be noticed on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes.*
- b. Mail notice. At least 30 days prior to the public hearing date, a description of the request, and the date, start time of the meeting, and location of the hearing shall be given by mail to the owners of record of land lying within 375 feet of the property that is the subject of the application. Additionally, for applications involving a property that contains at least one residential unit, a courtesy notice shall be mailed at least 30 days prior to the public hearing date to existing tenants, as of the date that the mail notice is issued, of residential units on the property that is the subject of the application. This courtesy notice shall include a description of the request, the date, start time, and location of the meeting, as well as a link to the housing impact statement associated with the application. The applicant shall provide a separate set of mailing labels for this courtesy notice, as well as evidence to the planning director that reasonable efforts were used to identify all existing tenants of the residential units. For purposes of this paragraph, courtesy notice shall only be required for tenancies of at least six months and one day. The courtesy notice shall be for informational purposes only and the validity of the subject application or of any approval thereof shall not be affected by any failure to identify all tenants of residential units on the property. Applicants shall submit all information and certifications necessary to meet this requirement, as determined by the planning department. Additionally, courtesy notice shall also be given to any Florida nonprofit community organization which has requested, in writing, that the Planning Director provide notice of board hearings.*
- c. Posting. At least 30 days prior to the public hearing date, a description of the request, and the date, time, and place of such hearing shall be posted on the property. Such posting shall have a minimum dimension of 11 inches by 17 inches and shall be located in a visible location at the front of the property and shall not be posted on a fence or wall that would be obstructed by the operation of a gate.*
- d. Discussion items.*
  - 1. At least 10 days before a land use board holds a discussion that is specific to a single property, a courtesy mail or email notice shall be sent to the owner(s) of record of such property, and the item title for such discussion shall be posted on the city's online agenda system. Additionally, reasonable best efforts shall be used to provide courtesy mail or email notice to any resident or tenant of the property, if applicable.*
  - 2. At least 10 days before a land use board holds a discussion regarding a matter that impacts or could impact more than one property, the title such discussion shall be posted on the city's online agenda system.*
  - 3. Notwithstanding subsections (d)(1) or (d)(2) which shall not apply to historic designation proceedings, within 10 days following an action by the historic preservation board to discuss or initiate the historic designation of a single property or a district containing less than 10 properties, a mail or email courtesy notice shall be sent to the owner(s) of record of such properties. Additionally, reasonable best efforts shall be used to provide courtesy mail or email notice to any resident or tenant of the property, if applicable.*
- e. Cancelled or rescheduled meetings. For land use board meetings that are cancelled or rescheduled after the agenda items have been noticed in accordance with Section 2.2.4.1.a-c, all items on the agenda of the cancelled or rescheduled meeting shall automatically be placed on the agenda of the next land use board meeting. At least 5*

days prior to the public hearing, a courtesy notice for the agenda items that were cancelled or rescheduled shall be provided on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes.

## Land Use Board Attendance

### 2.1.1.7 Removal

*Removal of a land use board member shall be mandatory when that member:*

- a. Fails to attend ~~three~~ two of the regularly scheduled meetings per calendar year; or*
- b. Abstains from voting due to a conflict of interest on four different applications within a calendar year. However, abstentions by a Historic Preservation Board member for reason of conflict for matters relating to amendment of the historic properties database shall not be counted for this purpose.*

*For purposes of this section, an absence from a meeting shall be defined as missing 50 percent of the scheduled matters unless the member attended 70 percent of the duration of time of that meeting's agenda. A member who is removed shall not be reappointed to membership on the board for at least one year from the date of removal. Any absences or abstentions due to conflict of interest prior to the effective date of these land development regulations shall not apply for purposes of removal from board membership.*

The Administration is supportive of the text amendments noted above, as they pertain to the notice requirements for cancelled or rescheduled meetings. However, the Administration does not recommend reducing the allowable absences for LUB members, as unforeseen circumstances can arise that would affect a member's ability to attend a meeting. If there is consensus on the proposed text amendments, a separate referral by the City Commission to the Planning Board would be required.

## **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-notices/>

## **FINANCIAL INFORMATION**

Not Applicable

## **CONCLUSION**

The Administration recommends that the LUSC endorse the proposed amendments to the LDRs pertaining to cancelled LUB meetings and that the City Commission refer an 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**

Consider Amendments To Notice Requirements In The Land Development Regulations To Facilitate Rescheduling Of Land Use Board Meetings In The Event That A Meeting Is Canceled Due To A Lack Quorum; And Discuss Amendments To Land Use Board Member Attendance Requirements.

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner David Suarez

DATE: February 3, 2025

TITLE: REFERRAL TO LAND USE AND SUSTAINABILITY COMMITTEE – CONSIDER AMENDMENTS TO NOTICE REQUIREMENTS IN THE LAND DEVELOPMENT REGULATIONS TO FACILITATE RESCHEDULING OF LAND USE BOARD MEETINGS IN THE EVENT THAT A MEETING IS CANCELED DUE TO A LACK OF QUORUM; AND DISCUSS AMENDMENTS TO LAND USE BOARD MEMBER ATTENDANCE REQUIREMENTS.

### **RECOMMENDATION**

N/A

### **BACKGROUND/HISTORY**

N/A

### **ANALYSIS**

Please place the above item on the February 3, 2025 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee ("LUSC").

Currently, if a land use board meeting is canceled due to a lack of quorum, the City is required to publish a new 30-day notice. This causes significant delay and expense to property owners with pending applications.

I would like the LUSC to consider possible amendments to the Land Development Regulations to amend the notice requirements for land use board meetings that are canceled and rescheduled, to allow the City to reschedule a board meeting to an earlier date, and minimize inconvenience to applicants, neighbors, and other members of the public.

I would also like the LUSC to review and consider amending the attendance requirements for land use board members. Currently, if a land use board member fails to attend three of the board's regularly scheduled meetings in a calendar year, the member is automatically removed from the board. I would initially propose reducing the maximum number of absences to two per year, to promote board member attendance and ensure applicants have an opportunity to present to a full board. As part of this discussion, I would like the LUSC to consider how to expedite the appointment of a replacement member in the event an existing board member resigns or is automatically removed due to absences. For example, the appointment of a replacement board member could be assigned a time-certain on an upcoming City Commission agenda.

These amendments are intended to make our land use board process friendlier and more efficient for our residents, property owners, and interested members of the public.

### **FISCAL IMPACT STATEMENT**

N/A

**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**

N/A

**CONCLUSION**

N/A

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item,  
pursuant to City Code Section 2-17?**

No

**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): N/A

**Department**

Office of Commissioner David Suarez

**Sponsor(s)**

Commissioner David Suarez

**Co-sponsor(s)**

**Condensed Title**

Ref: LUSC - Land Use Board Notice and Attendance Requirements. (Suarez)

**Previous Action (For City Clerk Use Only)**