

12. DISCUSS AMENDING NOTICE REQUIREMENTS IN THE LAND DEVELOPMENT REGULATIONS (LDRS) TO PERMIT THE CITY TO USE A PUBLICLY ACCESSIBLE WEBSITE HOSTED BY MIAMI-DADE COUNTY AS AN ALTERNATIVE MEANS OF PUBLISHING NOTICES AND ADVERTISEMENTS FOR LAND USE BOARD APPLICATIONS, WHICH ARE CURRENTLY REQUIRED TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION

Applicable Area:

Notice Requirements for Land Use Boards

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 II, ENTITLED “GENERAL DEVELOPMENT APPLICATION AND HEARING PROCEDURES,” SECTION 2.2.4, ENTITLED “PUBLIC HEARING,” SECTION 2.2.4.1, ENTITLED PUBLIC NOTIFICATION,” BY MODIFYING THE PUBLISHED NOTICE REQUIREMENTS FOR THE CITY’S LAND USE BOARDS; 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 land use board approvals; and

WHEREAS, public notice is an important component of the development review process; and

WHEREAS, minimum notice requirements for the City’s land use boards 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, 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**

* * *

ARTICLE II – GENERAL DEVELOPMENT APPLICATION AND HEARING PROCEDURES

* * *

2.2.4 PUBLIC HEARING

* * *

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 in a newspaper of general circulation 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 subject to the application. 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 of the Planning Director in writing to be notified 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 be a minimum dimension of 11 inches by 17 inches, and 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.

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 _____, 2024.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading: October 30, 2024
Second Reading: January __, 2025

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

M:\\$CMB\CCUPDATES\Land Use and Sustainability Committee\2024\9 Sept 2024\Notice Requirements for LUB - DRAFT ORD
September 4 2024 LUSC.docx



COMMISSION MEMORANDUM

TO:	Honorable Mayor and Members of the City Commission
FROM:	Commissioner David Suarez
DATE:	June 26, 2024
TITLE:	REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND THE PLANNING BOARD TO DISCUSS AMENDING NOTICE REQUIREMENTS IN THE LAND DEVELOPMENT REGULATIONS (LDRS) TO PERMIT THE CITY TO USE A PUBLICLY ACCESSIBLE WEBSITE HOSTED BY MIAMI-DADE COUNTY AS AN ALTERNATIVE MEANS OF PUBLISHING NOTICES AND ADVERTISEMENTS FOR LAND USE BOARD APPLICATIONS, WHICH ARE CURRENTLY REQUIRED TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION.

RECOMMENDATION

N/A

BACKGROUND/HISTORY

Section 50.0311, Florida Statutes, authorizes the use of publicly accessible websites hosted by counties as an alternative means of publishing notices and advertisements otherwise required to be published in newspapers of general circulation.

On May 15, 2024, the City Commission adopted Ordinance No. 2024-4618 to provide that, wherever the City Code requires a legal advertisement or publication in a newspaper of general circulation, the City may instead use a publicly accessible website hosted by Miami-Dade County as an alternative means of publishing notices and advertisements, except where the newspaper notice is otherwise required under the City Charter, County Charter or County Code.

Consistent with Ordinance No. 2024-4618, I would like the LUSC to discuss amending the Land Development Regulations ("LDRs") to permit the City to publish online notices on a website hosted by Miami-Dade County instead of publishing notices and advertisements which, under the LDRs, are required to be published in a newspaper. This includes public hearing notices required pursuant to Section 2.2.4.1 of the LDRs for applications before the City's four land use boards (Board of Adjustment, Design Review Board, Historic Preservation Board and Planning Board).

As a separate matter, the Ad Hoc Advisory Charter Review and Revision Board ("CRB") has recommended an amendment to City Charter Section 2.05 which would permit notices of proposed Ordinances to be published online, pursuant to Section 50.0311, Florida Statutes. If the City Commission adopts the proposed ballot measure, and the measure is approved by the voters on November 5, 2024, then notices of Ordinances amending the LDRs and Comprehensive Plan can likewise be published on a publicly accessible website hosted by Miami-Dade County.

ANALYSIS

N/A

FISCAL IMPACT STATEMENT

N/A

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-notice/>

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):

Department

Office of Commissioner David Suarez

Sponsor(s)

Commissioner David Suarez

Co-sponsor(s)