

City Commission-sponsored Comprehensive Plan and LDR Amendments

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE III, ENTITLED "AMENDMENT PROCEDURE," AT SECTION 118-162 THEREOF, ENTITLED "PETITION FOR CHANGES AND AMENDMENTS," TO AMEND THE APPLICATION REQUIREMENTS AND FEES ASSOCIATED WITH AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS AND COMPREHENSIVE PLAN; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, City Code Section 118-162 establishes application requirements for amendments to the Land Development Regulations and Comprehensive Plan; and

WHEREAS, the Mayor and City Commission now desire to amend Section 118-162, in order to (i) amend the application requirements for amendments to the Land Development Regulations and Comprehensive Plan, (ii) clarify that private applicants shall be required to pay all applicable Planning Department fees and costs, and (iii) authorize the City Commission to waive, by five-sevenths (5/7ths) vote, the fees and costs associated with such applications under certain specified conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 118 of the City Code of the City of Miami Beach entitled, "Administration and Review Procedures," Article III, entitled "Amendment Procedure," is hereby amended as follows:

**CHAPTER 118
ADMINISTRATION AND REVIEW PROCEDURES**

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ARTICLE III. AMENDMENT PROCEDURE

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Sec. 118-162. - Petition for changes and amendments.

(a) An application for a to amend the land development regulations ~~amendment which would change the actual list of permitted, conditional or prohibited uses in a zoning category or the actual zoning map designation of a parcel or parcels of land or the future land use map of the comprehensive plan~~ may be submitted to the planning and zoning director by the city manager, city attorney, or upon an adopted motion of the city commission, planning board,

board of adjustment, or historic preservation board (with regard to the designation of historic districts, or sites, or matters that directly pertain to historic preservation); or by an owner(s) or developer(s) of a majority of lot frontage in the area the property which is the subject of the proposed change (hereinafter, a private applicant), ~~provided that the area shall contain not less than 400 feet of lot frontage on one public street or a parcel of not less than 80,000 square feet.~~ Matters submitted by the city manager or city attorney shall first be referred to the planning board by the city commission.

~~(b) A request to amend these land development regulations or comprehensive plan which does not change the actual list of permitted, conditional or prohibited uses in a zoning category or change the actual zoning map designation of a parcel or parcels of land may be submitted by those eligible to submit an application pursuant to subsection of this section or by any person who owns property that is affected by the zoning regulations he wishes to amend.~~

~~(c) (b)~~ Any applicant or his representative shall file an application with the planning department design and historic preservation division in accordance with a form approved by the city attorney, and shall supply all information pertinent to the proposed amendment as requested by the planning department design and historic preservation division.

~~(d)~~ (c) Fees.

(1) Any applicant requesting a public hearing on any application pursuant to this section, shall pay, upon submission, the applicable fees in section 118-7 and Appendix A to this Code. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

(2) If an application is filed by, or on behalf of, a private applicant, the applicant shall be required to pay all applicable planning department fees and costs associated with the application. An application shall not be heard by the planning board or city commission unless and until the application is complete and all applicable fees and costs have been paid.

(3) The fees and costs associated with an application filed pursuant to this section may be waived by a five-sevenths (5/7ths) vote of the city commission, based upon one or more of the following circumstances:

(i) The city manager determines, in writing, that the proposed amendment is necessary due to a change in federal or state law, and/or to implement best practices in urban planning;

(ii) Upon written recommendation of the city manager acknowledging a documented financial hardship of a property owner(s) or developer(s); and/or

(iii) 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.

(e) (d) Upon receipt of a completed application, the planning and zoning director shall transmit the application, along with his the planning director's analysis and recommendations, regarding the proposed amendment, to the planning board for review.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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 on June 1, 2019.

PASSED and ADOPTED this ____ day of _____, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

First Reading: April 10, 2019

Second Reading: May 8, 2019

(Sponsored by Commissioner John Elizabeth Alemán)

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

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael 4-29-19

City Attorney Date
NK