

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE II, ENTITLED "CITY COMMISSION," BY AMENDING SECTION 2-17, ENTITLED "RESIDENTS' RIGHT TO KNOW," TO AMEND THE LIST OF ISSUES DEFINED AS "MATTERS THAT IMPACT RESIDENTS' QUALITY OF LIFE" WHICH REQUIRE TARGETED NEIGHBORHOOD NOTICE; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Section 2-17 of the City Code, entitled "Residents' Right to Know," establishes certain supplemental notice requirements for items before the City Commission, Commission Committees, and land use boards which are defined as "matters that impact residents' quality of life"; and

WHEREAS, in order to promote transparency in City government and provide additional notice to City residents and neighborhood associations, the City Commission desires to amend the Residents' Right to Know to require targeted electronic notice for agenda items that pertain to the planned closure of a City street, bridge, or park.

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

SECTION 1. That Section 2-17 of Chapter 2 of the Miami Beach City Code is hereby amended to state as follows:

CHAPTER 2
ADMINISTRATION

* * *

Article II. CITY COMMISSION

* * *

Sec. 2-17. Residents' right to know.

- (a) *Legislative intent.* It shall be the policy of the city to provide targeted neighborhood notice, timely opportunities for input, and procedural fairness in hearings for any proposed policy, ordinance, project, or other matter that impacts residents' quality of life.
- (b) *Impacts to residents' quality of life.* Matters that impact residents' quality of life shall include the following:
 - (1) Any position that has been formally adopted by resolution of a registered neighborhood association and transmitted to the city through its city manager.

(2) Any application for development review before the city's land use boards, or any proposed zoning legislation before the city commission, that includes the potential for lot aggregation, or that includes the potential for material increase in:

- a. Traffic over current levels;
- b. Required parking;
- c. Building height;
- d. Base elevation;
- e. Intensity of uses;
- f. Density; or
- g. Floor area ratio.

(3) Development proposals that require approval by the city commission which propose:

- a. Changes of use or commercialization in a public park, public beach, or other public property or public easement; or
- b. The design and implementation of a streetscape, transit, pedestrian, parking, or area improvement project (other than routine repairs and maintenance); and

(4) Any material change to any of the matters listed in subsections (b)(1) through (b)(3) above.

For purposes of this section, a "material increase" shall be defined as any increase in building height or base elevation over three feet, any increase in density, or any increase in floor area ratio. Additionally, a "material increase" shall be defined as any increase in traffic over current levels, required parking, or intensity of uses that the planning director considers to be substantial.

(5) Agenda items before the city commission or city commission committees that pertain to the planned closure of a City street, bridge, or park.

(c) *Targeted neighborhood notice.* The city commission shall adopt a process by resolution (as may be amended from time to time) for registering neighborhood associations and shall provide targeted electronic notices on matters that impact residents' quality of life, as defined above and, in addition to targeted electronic notice, the city shall post such notices on the city's website. Targeted neighborhood notices at each step in the public process, excluding emergency matters requiring immediate action, shall be in addition to any other public notices required by law. Registered neighborhood associations shall have the opportunity to register for specifically categorized notices based on whether a particular action affects North Beach, Mid-Beach, or South Beach. Notices shall be written in plain English, and both the title and summary shall objectively describe the proposed action.

For purposes of this section, the term "neighborhood association" shall be defined as an organization of residential homeowners and tenants created to address quality of life issues in a defined neighborhood or community.

Notwithstanding the above, an individual resident of Miami Beach may also register to receive targeted neighborhood notices. In order to be eligible for registration, an individual

shall have been a resident of the city for a minimum of six months, and must provide the city with a reasonable form of identification exhibiting proof of residency (to be defined in the resolution described above) upon registering.

Registered neighborhood associations (and individuals who choose to register) must renew their registrations on an annual basis.

- (d) *Timely opportunities for input.* Once a matter that impacts residents' quality of life (as defined above) is referred to a city commission committee or land use board, or once a matter is placed on an agenda for approval by the city commission, the city shall use reasonable good faith efforts to ensure that registered neighborhood associations (and individuals who choose to register) have an opportunity to participate in city processes that shape any matter that impacts residents' quality of life (as defined in subsection (b) above).
- (e) *Procedural fairness in quasi-judicial hearings.* The city shall ensure that representatives of registered neighborhood associations (and individuals who choose to register) shall have the opportunity at quasi-judicial hearings before the city's land use boards, or the city commission, to present or rebut evidence relevant to matters that impact residents' quality of life. Registered neighborhood associations (and individuals who choose to register) do not need to retain legal counsel to exercise these procedural rights. Notices of filing, and a copy of each quasi-judicial application, shall promptly be made available on the city's website within three days of filing, and amendments thereto or supplemental information shall be filed and promptly made available on the city's website in advance of the date of the scheduled hearing.
- (f) *Amendment or repealer.* Any amendment to this section (including the repealer of any provision herein) shall require the affirmative vote of five-sevenths of the city commission.
- (g) *Periodic review and annual report.* The city manager, or the city manager's designee, shall, annually during the city commission's review and approval of the city's annual operating budget, present a written report to the city commission tracking and identifying the operational implementation and fiscal impact of this section. The report shall include statistics relating to the number of registered neighborhood associations and individuals registered under the ordinance and any amendments thereto: issues pertaining to impacts to residents' quality of life that have resulted in the issuance of targeted notices; the number of registered neighborhood associations and individuals registered under the ordinance that open each targeted notice and whether any links therein are viewed; and any violations and/or complaints received by the city administration with regard to the implementation of the procedures set forth in the section.
- (h) *Administration of this section.* This section shall be administered by the office of the city manager.

Secs. 2-15—2-20. Reserved.

SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney NK

2-14-24
Date

Underline denotes new language
~~Strikethrough~~ denotes removed language

(Sponsored by Commissioner Alex J. Fernandez)