

Notice Requirements for Discussion Items

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 "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 2 OF THE RESILIENCY CODE, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE II, ENTITLED "GENERAL DEVELOPMENT APPLICATION AND HEARING PROCEDURES," SECTION 2.2.4, ENTITLED "PUBLIC HEARING," BY AMENDING SUBSECTION 2.2.4.1, ENTITLED "PUBLIC NOTIFICATION," TO ESTABLISH A NOTICE PROCEDURE FOR CERTAIN DISCUSSION ITEMS THAT ARE SCHEDULED BY LAND USE BOARDS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Property Rights Element of the City's 2040 Comprehensive Plan provides that the City will respect judicially acknowledged and constitutionally protected private property rights; and

WHEREAS, it is the policy of the City Commission to promote transparency and strengthen public notice requirements; and

WHEREAS, occasionally, the City's land use boards (Board of Adjustment, Design Review Board, Historic Preservation Board, and Planning Board) hold discussions pertaining to individual or multiple properties, even when no specific land development application is pending; and

WHEREAS, currently, there is no specific notice requirement for such discussions; 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, "Administration and Review Procedures," Article II, "General Development Application and Hearing Procedures" is hereby amended as follows:

CHAPTER 2
ADMINISTRATION AND REVIEW PROCEDURES

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ARTICLE II. – GENERAL DEVELOPMENT APPLICATION AND HEARING PROCEDURES

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SECTION 2.2.4 PUBLIC HEARING

2.2.4.1 Public Notification

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d. Discussion items.

- i. 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.
- ii. 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 for such discussion shall be posted on the city's online agenda system.
- iii. Notwithstanding subsections (d)(i) or (d)(ii) 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.

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 be and the same 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 ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2023.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

First Reading: July 26, 2023
Second Reading: September 13, 2023

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney NK Date 7-14-23

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