C4 S REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND PLANNING BOARD – AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE (LDRS) TO MODIFY THE APPLICATION AND REVIEW PROCEDURES FOR ALL LAND USE BOARDS AND TO EXPAND THE TYPES OF DEVELOPMENT PROJECTS AND IMPROVEMENTS LOCATED OUTSIDE OF HISTORIC DISTRICTS AND SITES THAT CAN BE APPROVED AT STAFF LEVEL.
Applicable Area:

Committee Referrals - C4 S

MIAMIBEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner Joseph Magazine

DATE: February 5, 2026

TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND PLANNING BOARD – AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE (LDRS) TO MODIFY THE APPLICATION AND REVIEW PROCEDURES FOR ALL LAND USE BOARDS AND TO EXPAND THE TYPES OF DEVELOPMENT PROJECTS AND IMPROVEMENTS LOCATED OUTSIDE OF HISTORIC DISTRICTS AND SITES THAT CAN BE APPROVED AT STAFF LEVEL.

RECOMMENDATION

Please place the above item on the February 5, 2026 City Commission meeting agenda as a dual referral to the Land Use and Sustainability Committee ("LUSC") and Planning Board.

Attached is draft text for amendments to the LDRs to address the following objectives:

1. An expansion of projects and improvements on properties not located within local historic districts or historic sites that can be reviewed and approved by Planning Department staff.
2. Clarifications to the scope of authority applicable to all land use boards, specifying that all decisions by the applicable board must be specific to the role of that board.
3. Reducing the wait time and notice provisions for minor amendments to DRB orders, as well as clarification hearings.

I would like the LUSC to review the attached draft text and provide applicable feedback. Following review and a recommendation by LUSC, an Ordinance may be transmitted to the Planning Board.

BACKGROUND/HISTORY

ANALYSIS

FISCAL IMPACT STATEMENT

NA

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

CONCLUSION

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 Joseph Magazine

Sponsor(s)

Commissioner Joseph Magazine

Co-sponsor(s)

Condensed Title

Ref: LUSC/PB – LUB Application/Review Procedures, Expand Projects Reviewed Administratively. (JM)

Previous Action (For City Clerk Use Only)

LUB Application and Review Proceedings and Staff Level Design Review

Chapter 2

Article II – General Development Application and Hearing Procedures
* * *

2.2.4 PUBLIC HEARING
* * *

2.2.4.6 Board decision and p~~P~~ost d~~D~~ecision-making

a. *Decision of the Board.* The applicable land use board may approve, approve with conditions, deny or continue an application, in accordance with the following:

   1. A decision to approve an application or approve an application with conditions shall be limited to the proposed improvements set forth in the application, as well as the purpose, scope and role of the applicable land use board. as more specifically outlined in Chapter 2 of these Land Development Regulations. The board shall not impose any conditions that are outside the scope, applicability and purpose of the board, as more specifically outlined in Chapter 2 of these Land Development Regulations. The foregoing shall not preclude or prohit voluntary proffers of the project applicant..

   2. Within ~~14~~ 21 calendar days after a final decision on an application, the Director shall provide the applicant written notice of the decision and make a copy of the decision available to the public.

   3. *Application approval*. Approval of an application in accordance with these land development regulations authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application and approval. In the event that one development approval is a prerequisite to another development approval (e.g., variance approval prior to a site plan approval), development may not take place until all required approvals or permits are obtained. Approval of one development application does not guarantee approval of any subsequent development application. A development approval automatically revokes existing development approvals of the same type for the property, unless otherwise indicated in the development approval.

   4. *Timeframes to obtain a building permit*. The applicant shall have up to 18 months, or such lesser time as may be specified by the board, from the date of the land use board meeting at which a development application approval was issued to obtain a full building permit or a phased building permit, a certificate of occupancy, a certificate of use or a certificate of completion, whichever occurs first. The foregoing 18-month time period, or such lesser time as may be specified by the board, includes the time period during which an appeal of the decision of the board may be filed. If the applicant fails to obtain a full building permit or a phased building permit, a certificate of occupancy, a certificate of use or a certificate of completion, whichever occurs first, within 18 months, or such lesser time as may be specified by the board, of the board meeting date at which the development approval was granted or construction does not commence and proceed in accordance with said permit and the requirements of the applicable Florida Building Code, the development approval shall be deemed null and void. Extensions for good cause, not to exceed a total of one year for all extensions, may be granted by the land use board which approved the original

development approval, at its sole discretion, provided the applicant submits a request in writing to the planning director no later than 90 calendar days after the expiration of the original approval, setting forth good cause for such an extension. At the discretion of the planning director, an applicant may have up to 30 days (not to extend beyond 30 months from the date of original approval) to complete the building permit review process and obtain a full building permit, provided that within the time provided by the board to obtain a full building permit a valid full building permit application and plans have been filed with the building department, a building permit process number has been issued and the planning department has reviewed the plans and provided initial comments.

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ARTICLE V – Rezonings and Development Approvals

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2.5.3.3 Administrative design review

a. The planning director shall have the authority to approve, approve with conditions, or deny an application on behalf of the board, for the following:
    1. Ground level additions to existing structures, whether attached or detached, not to exceed ~~30~~ 50 feet in height~~, which are not substantially visible from the public right-of-way, any waterfront or public park~~. For those lots which are greater than 10,000 square feet, the floor area of the proposed addition may not exceed ~~ten~~ 30 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed ~~10,000~~ 30,000 square feet.
    2. Roof-top additions, not to exceed 35 feet above the existing roof.
    3. Stairwell and elevator bulkheads, not to exceed 25 feet above the roof.
    4. Replacement of windows, doors, storefront frames and windows; this may include modifications to the size of window and door openings.
    5. ~~, or the~~ The approval of awnings, canopies, porte-cocheres, security booths and structures, exterior lighting, exterior security gates, exterior surface colors, storm shutters and signs.
    6. Railing replacement consistent with the architectural style of the building and applicable railing replacement design guidelines.
    7. Façade and building alterations, renovations and restorations which are minor in nature; this may include modifications to the size of window and door openings.
    8. Modifications to storefronts or façade alterations in commercial zoning districts that support indoor/outdoor uses, which are compatible with the architecture of the building, except for vehicular drive-through facilities. Such modifications may include the installation of operable window and entry systems such as pass-through windows, take-out counters, sliding or folding panel doors, french doors, or partially-transparent overhead-door systems. Applications submitted pursuant to this subsection (4) shall comply with the following regulations:
        A. The property shall not be located within ~~300~~ 500 feet of any residential zoning district, measured following a straight line from the proposed operable storefront of the commercial establishment to the nearest point of the property designated as RS, RM, RMPS, RPS, RO or TH on the city's zoning district map; and
        B. The extent of demolition and alterations to the façade of the building shall not permanently alter the character of the building's architecture by removing original architectural features that cannot be easily replaced, or by compromising the integrity of the architectural design.

Should the proposed storefront modification not comply with any of the above regulations, the proposed modifications to storefronts or facade alterations shall require design review board review and approval.

9. Modifications to storefronts or facade alterations utilizing an exterior component within the storefront or facade, which are compatible with the architecture of the building (including, without limitation, the installation of walk-up teller systems and similar 24/7 ATM-style pickup openings, dry-cleaning drop-off and pick-up kiosks, and similar self service facilities; but excluding vehicular drive-through facilities). Any new openings shall be architecturally compatible with the building and minimally sized to facilitate the transfer of goods and services.
10. Minor demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements.
11. Minor demolition and alterations to rear and secondary facades to accommodate utilities, refuse disposal and storage.
12. Minor work associated with the public interiors of buildings and those interior portions of commercial structures which front a street or sidewalk.
13. Minor work involving public improvements upon public rights-of-way and easements.
14. Minor work which is associated with rehabilitations and additions to existing buildings, or the construction, repair, or rehabilitation of new or existing walls, at-grade parking lots, fences.
15. Applications related to exterior balcony, terrace, porch and stairway rails on existing buildings, which have become nonconforming as it pertains to applicable Florida State Codes, and which have been issued a violation by an agency or city department responsible for the enforcement of Florida Statutes associated with life safety codes. Modifications required to address compliance with applicable state life safety codes shall be consistent with the original design character of the existing rails, and may include the introduction of secondary materials such as fabric mesh, solid panels and glass panels.
16. New construction of eligible educational facilities pursuant to section 7.1.13 that do not exceed 25,000 square feet of floor area and do not exceed 50'-0" in height.

b. The director's decision shall be based upon the criteria in subsection 2.5.3.1. The applicant may appeal a decision of the planning director pursuant to the procedural requirements of Article IX “Administrative Appeals”.

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2.5.3.5 Design Review Board

a. The design review board shall consider applications pursuant to the procedures of article II and those provided in this subsection. The board may require such changes in the plans and specifications, and conditions, as in its judgment may be requisite and appropriate to the maintenance of a high standard of architecture, as established by the standards contained in these land development regulations and as specified in the city's comprehensive plan and other specific plans adopted by the city of pertaining to the areas identified in subsection 2.5.3.2(b).

b. The applicant may withdraw its application pursuant to subsection 2.2.4.4 or defer or continue its application pursuant to subsection 2.2.4.5. In the event there is a lack of a quorum, all pending or remaining matters shall be continued to the next available meeting of the board.

c. A phased development permit shall apply to multiple building/structure development only and shall include all plans for each phase of the project as submitted, required and approved by the design review board. The applicant shall request the board approve a phased development at the public hearing and the board shall specify a reasonable time limit within which the phases shall begin or be completed or both. The board shall require a progress report from the applicant at the completion of each phase. A phased development permit shall not be a demolition, electrical, foundation, mechanical or plumbing permit or any other partial permit.

d. In granting design review approval, the design review board may prescribe appropriate conditions, in accordance with section 2.2.4.6, ~~and safeguards either~~ as part of a written order ~~or on approved plans~~. Violation of such conditions ~~and safeguards~~, when made a part of the terms under which the design review approval is granted, shall be deemed a violation of these land development regulations.

e. After the approval of an application by the board, changes to exterior surface finishes and materials that do not result in changes to the massing, size or layout of the building may be considered as an amendment to the order. Such amendment shall not be subject to the standard notice requirements, but at least 5 days prior to the board meeting, a courtesy notice for the item shall be provided on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes.

f. Upon approval of an application by the board, ~~plans shall be submitted to the planning director in the format required by the planning director. Two sets of plans shall be returned to~~ the applicant ~~who~~ may then submit an application for a building permit. The plans submitted for building permit shall be fully consistent with the plans approved by the design review board. ~~The remaining approved plans shall be part of the board's official record and shall be maintained on file with the planning department~~.

g. Should a question arise as to compliance with the conditions as outlined by the design review board, a clarification hearing before the design review board may be called at the request of the planning director, or by the applicant. The clarification hearing shall not be subject to the standard notice requirements, but at least 5 days prior to the board meeting, a courtesy notice for the item shall be provided on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes. The clarification hearing shall not be for the purpose of amending the order, and shall be limited solely to administrative guidance regarding the conditions in the order.

h. The Director shall be authorized to review and approve minor modifications to exterior surface finishes and design elements associated with the approved plans, provided such modifications do not affect the massing, size or layout of the building, to address unforeseen conditions and circumstances associated with the lot, surrounding lots, existing buildings or construction and permitting, including compliance with the applicable provisions of the building code, fire prevention code and the public works manual.