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City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 22, 2013

SUBJECT: **DISCUSSION REGARDING A CODE AMENDMENT REQUIRING THAT THE PLANNING BOARD HAS UP TO TWO (2) MEETINGS TO CONSIDER A PROPOSED AMENDMENT; OR IF NO RECOMMENDATION IS MADE AFTER TWO (2) MEETINGS, IT GOES TO COMMISSION WITHOUT PLANNING BOARD RECOMMENDATION.**

HISTORY/BACKGROUND

On October 24th, 2012, at the request of Commissioner Wolfson, the City Commission referred a discussion item regarding a proposed code amendment requiring that the Planning Board has up to two (2) meetings to consider a proposed amendment. The proposed amendment further requires that if no recommendation is made by the Planning Board on an amendment after two (2) meetings, the amendment would go to the City Commission without a Planning Board recommendation.

ANALYSIS

Section 118-163 of the City Code specifies that before the City Commission takes any action on a proposed to the Land Development Regulations, the Planning Board shall first review the request and provide the Commission with a recommendation as to whether the proposed amendment should be approved or denied. Under this section of the Code, the Planning Board is required to hold a public hearing within 60 days of "receiving an application". This section of the Code further states that the Planning Director will submit a report of the Planning Boards recommendation to the City Commission within 30 days from the "close of the public hearing" on the amendment.

The referral from the City Commission recommends that a time limit of 2 meetings be imposed on the Planning Board to finalize a recommendation on a proposed amendment. This could be problematic, as in the past, some proposed amendments have taken more time than others at the Planning Board. Sometimes the Board loses quorum before getting to a particular amendment. Other times there is significant public participation at the meeting, and the Board may request further study of the matter, even to the point of requesting special outreach such as a workshop meeting. It is the experience of staff that such delays in formal action by the Board are not intentional, and are typically in the best interest of the particular policy matter.

CONCLUSION

The Administration recommends that further policy direction on this issue be provided.

JLM/JMJ/RGL/TRM

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OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathy Brooks, Interim-City Manager

FROM: Jonah Wolfson, Commissioner

DATE: October 23rd, 2012

SUBJECT: **Agenda Item**

Please place on the October 24th, 2012, Commission Meeting Agenda a referral to the Land Use and Development Committee for the discussion of Code Amendment requiring that the Planning Board has up to two (2) meetings to consider a proposed amendment. If no recommendation is made after two (2) meetings, it goes to Commission anyway without Planning Board recommendation.

If you have any questions, please contact Leonor Hernandez at extension 6437.

JW/lh