

CITY OF SOUTH MIAMI
Planning Board
Regular Meeting Agenda
Tuesday, January 9, 2024
Virtual Meeting via Zoom
Communications Media Technology
Broadcast from City Commission Chambers
6130 Sunset Drive
7:00 P.M.

The City of South Miami Code of Ordinances, Section 8A-5, requires that all lobbyists, as defined in that section, who represent a principal must register with the City Clerk before engaging in any lobbying activities and, in most cases, pay an annual fee of \$500.00 and an additional \$100 for each additional issue. A "Principal is anyone who seeks to affect the action, decision or recommendation of the City Manager, City Personnel or City Board (including committees and other similar groups) on a matter that will foreseeably be heard or reviewed by the City Commission, or who seeks to affect the action, decision or recommendation of the City Manager or City Personnel on a matter that will foreseeably be heard or reviewed by a City Board. This applies to all persons who are retained with, and most who are retained without, compensation to influence any action, decision, recommendation as set forth above. There are some exceptions and exemptions. However, note that, notwithstanding the exemption for quasi-judicial hearings, the Miami-Dade Commission on Ethics has ruled that a representative of a principal, including the principal's attorney, at a quasi-judicial hearing in South Miami, is required to register as a lobbyist.

As provided in Section 20-6.1(B)(2)(d)(i) of the City's Land Development Code, the City will be holding its Planning Board Meeting VIRTUALLY through communications media technology (CMT). Members of the Planning Board, City staff, City consultant and the applicant, applicant's attorney and witnesses may participate in person at City Hall through video conferencing broadcast from City Hall or may do so remotely through the Zoom platform used by the City Clerk for live remote participation. Members of the public may join the meeting via Zoom at (<https://zoom.us/j/3056636338>), or, if space is available, attend through the Zoom platform provided in the Commission Chamber, and participate.

In addition, a dedicated phone line will be available so that any individual who does not wish (or is unable) to use Zoom, may listen to and participate in the meeting by dialing **+1-786-635-1003 Meeting ID: 3056636338**. The public may view the meeting live on the City's website: (<https://www.southmiamifl.gov/102/Agendas-Minutes>) ("Granicus") as well as **Channel 667** on Atlantic Broadband or by AT&T U-Verse. If you desire to participate on Zoom in the Commission Chambers, register with the City Clerk in order to get priority seating, if it is available. In order to participate you must follow the procedure found in the notice of the meeting that is posted at City Hall & also at <http://www.southmiamifl.gov/580/Public-Meetings-Notices>.

- I. **Call to Order and the Pledge of Allegiance to the Flag**
- II. **Roll Call**
- III. **Administrative Matters: None at this Time**

IV. Public Hearing Items:

1. PB-24-001

Applicant: The City of South Miami

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTIONS 1-2, "RULES OF CONSTRUCTION; DEFINITIONS," 2-2.1, "RULES OF PROCEDURE OF CITY COMMISSION," 2-31, "SAME—PUBLICATION OF NOTICE TO HEAR OBJECTIONS," 2-37, "SAME-SUBJECT TO ACTION BY COUNCIL," 2-80, "DESIGN-BUILD CONTRACTS," 9-5, "ELECTION DATE AND NOTIFICATION; OFFICIAL BALLOT," 14-5, "DECLARATION OF A STATE OF EMERGENCY," AND 15-35.1 "ABANDONED VEHICLES" OF THE CITY CODE OF ORDINANCES, AND SECTIONS 20-2.3, "DEFINITIONS," 20-4.2, "LAND SUBDIVISION REGULATIONS," 20-5.5, "APPLICATIONS REQUIRING PUBLIC HEARINGS," AND 20-11.4, "DEMOLITION OF DESIGNATED SITES; DEMOLITION BY NEGLECT; CERTIFICATES OF APPROPRIATENESS AND UNDUE ECONOMIC HARDSHIP," OF THE LAND DEVELOPMENT CODE, AND ANY OTHER SECTIONS OF THE CITY CODE OF ORDINANCES OR LAND DEVELOPMENT CODE AS NECESSARY, TO ALLOW THE USE OF THE PUBLICLY ACCESSIBLE WEBSITE DESIGNATED BY MIAMI-DADE COUNTY FOR PUBLICATION OF LEGALLY REQUIRED ADVERTISEMENTS AND PUBLIC NOTICES IN ACCORDANCE WITH CHAPTER 50, FLORIDA STATUTES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

2. PB-24-002

Applicant: The City of South Miami

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE IV "OTHER REGULATIONS," SECTION 20-4.5 "LANDSCAPING AND TREE PROTECTION REQUIREMENTS FOR ALL ZONING DISTRICTS," OF THE LAND DEVELOPMENT CODE, TO MODIFY REQUIREMENTS FOR NEW CONSTRUCTION, ADDITIONS, AND OTHER STRUCTURES ON SINGLE-FAMILY AND DUPLEX LOTS; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

3. PB-24-003

Applicant: The City of South Miami

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE V "PROCEDURES AND APPLICATIONS", SECTION 20-5.15 "CERTIFICATE OF USE" OF THE LAND DEVELOPMENT CODE, TO PROVIDE ADDITIONAL REGULATIONS FOR CERTIFICATES OF USE; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

4. PB-24-004

Applicant: The City of South Miami

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE IV "OTHER REGULATIONS," SECTION 20-4.2(D) OF THE LAND DEVELOPMENT CODE, TO ALLOW THE ISSUANCE OF A BUILDING PERMIT

**PRIOR TO FINAL PLAT IN CERTAIN CIRCUMSTANCES; PROVIDING FOR CORRECTIONS;
SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.**

V. Public Comments/New Business

VI. Approval of the Minutes:

A. November 14, 2023 – To be Distributed

VII. Future Meeting Dates: Tuesday, February 13, 2024

VIII. Adjournment

Warning regarding *ex parte* communication: “*Ex parte* communication” is a written or verbal communication, between an elected or appointed public official and an applicant, his or her representatives, a citizen or any other person concerning the subject of a pending quasi-judicial hearing but which communication takes place outside of the hearing and before final action on the matter.

Pursuant to Ordinance §2-2.1, City Code, the South Miami City Commission has adopted procedures to require the following with respect to *ex parte* communications:

1. The elected or appointed public official shall disclose in writing the subject of the communication and the identity of the person, group, or entity with whom the communication took place, as soon as practicable after the communication takes place, with the city clerk and made a part of the record at the hearing before final action on the matter.
2. A local public official may read a written communication from any person. Any written communication that relates to quasi-judicial action pending before a local public official, shall not be presumed prejudicial to the action, provided such written communication is disclosed and made a part of the record before final action on the matter.
3. A local public official may conduct investigations, make site visits and receive expert opinions regarding quasi-judicial action pending or impending before him or her provided that such activities and the existence of such investigations, site visits or expert opinions is made a part of the record before final action is taken on the matter.
4. Disclosure made pursuant to paragraphs 1, 2 and 3 above must be made before or during the public meeting at which a vote is taken on such matters so that persons who have opinions contrary to those expressed in the *ex parte* communication are given a reasonable opportunity to refute or respond to the communication.