



MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: October 7, 2008

SUBJECT: **REPORT OF THE LAND USE AND DEVELOPMENT COMMITTEE MEETING OF SEPTEMBER 22, 2008**

A meeting of the Land Use and Development Committee was held on Monday, September 22, 2008 at 4:00 pm in Commission Chambers. Mayor Matti Herrera Bower, Commissioners Wolfson, Gross, Steinberg, Weithorn, Libbin and Tobin were in attendance. Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet. The meeting was called to order at 4:08 pm.

1. Short Term/Seasonal Rentals

- A. Discussion Regarding The Proposed Ordinance Amendment To The Land Development Regulations Concerning Short Term/Seasonal Rentals In Single Family Districts.

AFTER-ACTION: Vote (3-0) The Committee discussed the Planning Board's recommended version of the proposed ordinance, which would permit seasonal rentals of single-family homes for a minimum of three (3) months, three (3) times per year, and requiring licensing. The Committee requested that an alternative ordinance be prepared, which would permit rentals of single-family homes for a minimum of one (1) month, three (3) times per year, and also that the required licensing process be streamlined and available as a web based application. The Administration was instructed to not pursue any violations regarding short term rentals unless they were the result of a complaint received by the City. The Committee requested that the proposed ordinance be brought back to the full Commission at its November 2008 meeting.

- B. Discussion Regarding Consideration Of An Ordinance Amendment Of The Land Development Regulations Amending Or Adding New Regulations Concerning Short Term Rentals In Zoning Districts That Do Not Permit Hotels Or Transient Occupancies

AFTER-ACTION: Vote (3 -0) The Committee discussed the issue of short-term rentals in zoning districts which do not permit hotel use, and the history of violations given for unlicensed short term rentals of apartments in these districts. The Committee requested that the matter be sent to the Planning Board for review, with a recommendation to permit minimum one (1) week rentals, with proper licensing.

Agenda Item C6E
Date 10-7-08

The Administration was instructed to not pursue any violations regarding short term rentals unless they were the result of a complaint received by the City.

2. Discussion Regarding The Noise Ordinance In Regards To Building Owner Responsibilities And Violation Schedule

AFTER-ACTION: Vote (3-0) Ms. Hilda Fernandez introduced the item. She explained that there had been concerns raised regarding the impact of tenant violations on building owners, specifically when violations to multiple units were being counted in the aggregate in issuing violations to the building owner. In response, staff has met with Legal and concluded that the administrative guidelines can be interpreted, with regards to violations by tenants of apartment units, to allow for violations to "track" for each unit, and not in the aggregate. In this manner, the building owner will have the opportunity to address issues with a unit tenant that has been issued a noise violation. Staff has developed language to address this concern, as well as language to address how staff should address cases where a violation has been issued to a unit tenant that is currently under eviction, or a violation issued to a tenant that result in the owner subsequently beginning eviction proceedings.

Mayor Bower asked about providing a different schedule to assign the fines to provide apartment building owners with additional notice before receiving a violation for a unit tenants. Staff advised that such a model was developed and would be recommended as part of the amendment to the Noise Ordinance Administrative Guidelines.

3. Discussion Regarding 39th Street Street-End

AFTER-ACTION: ITEM NOT REACHED

4. Discussion Regarding Mechanical and Robotic Parking Systems

AFTER-ACTION: Vote (3-0) The Committee discussed the recent field visit by Mayor Bower to examine mechanical parking lifts in Sunny Isles Beach, and reviewed additional proposed ordinance language submitted by Mr. Larkin, which addresses noise, safety and reliability of mechanical lifts. The Committee requested that the ordinance be amended to include this language, and brought back to the full Commission at its October 7, 2008 meeting.

5. Discussion Of The Ways To Improve The City's Current Board And Committee System

AFTER-ACTION: VOTE (3 – 0) The Committee accepted the draft ordinance prepared by the Administration and referred it to the Planning Board for their review and recommendation. The Committee also discussed and accepted the proposed amendment distributed by Messer's Del Vecchio, Farkas, Stolar, Sunshine, requiring persons appointed to the development review boards to have an application on file with the City Clerk at least 10 days prior to the date of appointment. The Committee modified this provision by inserting a waiver provision of this requirement by a five-seventh (5/7) cote of the City Commission. Provided such waiver shall only be instituted one time per board, per meeting.

6. Discussion Pertaining to Ocean Terrace Market – Request for approval to issue a request for proposals (RFP) for the management and operation of an outdoor market on Ocean Terrace

AFTER-ACTION: ITEM NOT REACHED

ITEMS OPEN AND CONTINUED TO THE OCTOBER 20, 2008 MEETING

- Discussion Regarding The Mayor's Cando Committee's Proposal For Collins Park Requiring For All Spaces In City Projects Or Public/Private Joint Venture Projects In The Cando District Portion Of The Structure To Include Art Galleries, Artists' Lofts and Live/Work Spaces
- Discussion Regarding The Mayor's Cando Committee's Request For Support Of The Artistic Character Of The Cando District Requiring Participation In A Program Which Requires On-Street Construction Screening To Display Temporary Works Of Art Created By Local Artists.
- Discussion Of An Ordinance Regarding Green Building Requirements And Procedures And LEED Certification


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