



MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: May 16, 2007

SUBJECT: **REPORT OF THE LAND USE AND DEVELOPMENT COMMITTEE MEETING OF APRIL 9, 2007.**

A meeting of the Land Use and Development Committee was held on Monday, April 9, 2007 at 4:00 P.M. in the City Manager's Large Conference Room. The following were in attendance: Commissioners Matti Herrera Bower, Saul Gross, and Jerry Libbin. Members of the City Administration and the public were also in attendance, see sign-in sheet attached. The meeting was called to order at 4:15 P.M.

REQUEST FOR CONTINUANCE

1. DISCUSSION ON ORDINANCE AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," OF THE CITY CODE, BY AMENDING DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY ADDING NEW SECTION 142-109 ENTITLED "COMMERCIAL USE OF SINGLE FAMILY HOMES PROHIBITED"; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

After-Action: Item deferred for further study.

OLD BUSINESS

1. DISCUSSION REGARDING TEMPORARY BUSINESS SIGNS -AN ORDINANCE AMENDING CHAPTER 138, ARTICLE IV OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SECTION 138-132, "BUSINESS SIGNS" TO ALLOW FOR CERTAIN TEMPORARY SIGNS IN THE HOSPITAL DISTRICT; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

AFTER ACTION: The Committee instructed the Administration to work with the applicant on a re-draft the ordinance. The Committee stated that the main purpose of the sign should be to deliver a not-for-profit message. A commercial message should be prohibited or severely limited. Once ordinance is re-drafted, it should be brought back to the LUDC for further discussion.

2. RECONSTRUCTION OF DEMOLISHED CONTRIBUTING PROPERTIES AND SAFEGUARDS FOR DRB AND HPB PROJECTS - AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE IX, "NONCONFORMANCES," BY AMENDING SECTION 118-395 TO CLARIFY AND UPDATE CERTAIN PROCEDURES AND

REQUIREMENTS FOR THE RETENTION OF A NONCONFORMING STRUCTURE, BY AMENDING ARTICLE X, "HISTORIC PRESERVATION", DIVISION 3, "ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION", BY AMENDING SECTION 118-561 TO CREATE A CONDITIONS AND SAFEGUARDS SECTION FOR CERTIFICATES OF APPROPRIATENESS, BY AMENDING ARTICLE VI, "DESIGN REVIEW PROCEDURES", BY CREATING SECTION 118-264 TO ADDRESS CONDITIONS AND SAFEGUARDS FOR DESIGN REVIEW APPROVAL; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

After Action: Approved and referred to the Planning Board with the following changes:

- a) The requirement to retain at least 75% of the front and street side facades, in order to retain any non-conforming zoning rights, shall only be applicable to buildings over 3 stories in height.
- b) The proposed language pertaining to retained portions of a structure being exclusive of the removal of columns and beams associated with restoration was removed.
- c) The proposed language pertaining to Charter Section 1.03(c) was removed.

3. DISCUSSION REGARDING PLANNING BOARD ORDINANCES ON NIGHTCLUB REGULATIONS.

After-Action: Ordinances approved as presented, the Administration is instructed to set the public hearings for full Commission considerations

Demolition Evaluation Clarification:

4. DISCUSSION ON ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE X, "HISTORIC PRESERVATION," DIVISION 3, "ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION," BY AMENDING SECTION 118-562 TO CLARIFY AND UPDATE CERTAIN PROCEDURES AND REQUIREMENTS PERTAINING TO THE ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION, AND BY AMENDING SECTION 118-564 TO MODIFY THE EVALUATION CRITERIA FOR A CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

After-Action: Approved and referred to the Planning Board with the following changes:

- a) The requirement for a 'Financial Feasibility' study as part of the application process was removed.
- b) The Demolition Evaluation Criteria was amended so that a 'Financial Feasibility' study is no longer considered mandatory criteria.

Designation Time Frames:

5. **DISCUSSION ON ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE X, "HISTORIC PRESERVATION," DIVISION 3, "ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION," BY AMENDING SECTION 118-591 TO MODIFY THE PROCEDURES FOR PRELIMINARY EVALUATIONS: PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

After-Action: The Committee expressed a concern that this process can be prolonged in such a way that it may cause uncertainty on the part of property owners. The LUDC requested that staff come back with a list of all pending designation areas and estimated time of completion of evaluation reports.

JMG/TH/JGG/cg

LAND USE & DEVELOPMENT COMMITTEE

April 9, 2007 @ 4:00 pm

City Manager's Large Conference Room

Attendance Sheet

NAME	E-MAIL ADDRESS	CONTACT NUMBERS	FAX NUMBER
1. Jorge Gomez	jgomez@miamibeachfl.gov	7550	7559
2. Mickey Marrero	mmarrero@brzoninglaw.com	(305)377-6238	(305)377-6222
3. AMY PERRY	aperry@msmc.com	305-674-2520	
4. STEVEN SONENREICH	sds@msmc.com	305-674-2223	
5. Jeffrey Berrow	jberrow@brzoninglaw.com	305-374-5300	
6. Bill FARKAS	Bill@MPPC.org	305-672-2014	
7. JOSE SMITH	JOSESMITH@MIAMI BEACH FL	305-673-7470	
8. MERCY LAMAZARES	mlamazares@miamibeachfl.gov	305-673-7500	
9. THOMAS MOONEY	tmooney@miamibeachfl.gov	x6191	
10. Richard Lorber	rlorber@miamibeachfl.gov	x6131	7559
11. Michael Larkin	mlarkin@brzoninglaw.com	(305)377-6231	
12. DIANA FONTANA	dianafontana@miamibeachfl.org	x6828	
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