



# MIAMIBEACH

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: December 10, 2008

SUBJECT: **REPORT OF THE NOVEMBER 17, 2008 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the Land Use and Development Committee was held on Monday, November 17, 2008 at 4:00 pm in the City Manager's Large Conference Room. The following were in attendance: Mayor Matti Herrera Bower, Commissioners Jonah Wolfson, Saul Gross, Ed Tobin, 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 4:16 P.M.

### NEW BUSINESS

**1) DISCUSSION OF THE PERFORMANCE ARTISTS'S PRESENTATION ON THE RIGHT-OF-WAY ADJACENT TO THE PALACE FOOD BAR, LOCATED AT 1200 OCEAN DRIVE.**

Michael Larkin, representing the Palace Food and Bar, explained the nature of the proposed changes to the regulations that would allow performers from outdoor entertainment establishments to interact with patrons on the adjacent sidewalk.

Staff from the City Attorney's Office explained some of the legal concerns associated with the request.

**After-Action:** The Committee instructed the Administration to request that the Special Master postpone any further action relative to the violation dealing with the performers on the sidewalk. Furthermore, the Committee asked the attorney for the proponent of the ordinance, the City's Legal Department and Administrative staff to continue to work on preparing a draft ordinance that addresses the issues raised and to bring it back for further discussion.

**2) DISCUSSION REGARDING A PROPOSED AMENDMENT TO THE REGULATIONS DEALING WITH ACCESORY USE RESTAURANTS IN HOTELS LOCATED IN THE R-PS 1, 2, 3 & 4 DISTRICTS. (SOUTH OF FIFTH STREET)**

The Committee discussed the recently adopted ordinance restricting the size of hotel accessory restaurants located in the Residential districts South of Fifth Street.

**After-Action:** The Committee is requesting the following changes be incorporated into the regulations dealing with hotel accessory restaurants in the subject area: Eliminate the Conditional Use process. Limit the size of restaurants to 1.25 seats per hotel unit and the maximum occupancy to 1.5 persons per unit. For hotels of 20 units

or more, but less than 32 units, the restaurant may have a maximum of 40 seats. The number of units shall be those that result after any renovation. The proposed ordinance is referred to the Planning Board for their review and recommendation.

  
JMG/JGG/cg

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