



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: January 28, 2009

SUBJECT: **REPORT OF THE DECEMBER 15, 2008 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the Land Use and Development Committee was held on December 15, 2008. Mayor Matti Herrera Bower and Commissioners Wolfson, Gross and Libbin 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 4:15 pm.

OLD BUSINESS

1. DISCUSSION OF A PROPOSED ORDINANCE REGARDING ADA LIFTS AND ELEVATORS

An Ordinance Amending Chapter 14 Of The City Code, Entitled "Building Regulations," By Amending Article II, Entitled "Construction Standards," By Amending Division 1, Entitled "Generally," By Amending Section 14-403, Entitled "Penalty For Violation Of Article," To Provide For The Enforcement Of Non-Functioning ADA Lifts And Single Elevators By Citation; And Amending Section 14-444, Entitled "Schedule Of Violation Fines," By Adding A Citation And Fine Schedule For The Enforcement Of Non-Functioning ADA Lifts And Single Elevators In Multi-Story Buildings; Providing For Codification, Repealed, Severability, And An Effective Date.

AFTER-ACTION: Motion to defer the item to the Land Use & Development Committee meeting of January 12, 2009 (3-0).

Alex Rey, Building Department Director, provided an overview of the issue and outlined the proposed ordinance, which included a proposed fine schedule. Rhonda Montoya-Hassan, First Assistant City Attorney provided an update of the current lawsuits and discussed the recent efforts being made by State Agencies to address the issues with elevator certifications. Mr. Frank Del Vecchio raised questions on the effectiveness of the proposed ordinance.

2. DISCUSSION REGARDING THE PERFORMANCE ARTISTS' PRESENTATIONS AT THE PALACE FOOD BAR

AFTER-ACTION: Motion to refer the item to the Planning Board for further discussion (2-1).

Gary Held, First Assistant City Attorney provided the committee with an overview of the outstanding issues.

Agenda Item C6B
Date 1-28-09

The Committee reviewed and discussed the proposed ordinance, making the following modifications:

The proposed ordinance would allow outdoor entertainment only on Ocean Drive between 8th and 13th Street subject to Conditional Use approval by the Planning Board and subject to the following criteria:

1. Only one sidewalk café per block shall be permitted to have live entertainment;
 2. No amplification shall be allowed in the sidewalk area;
 3. The performers must be employees or independent contractors of the permittee;
 4. Showtimes shall be periodic, not continuous, Thursday through Sunday evenings only;
 5. The permittee shall be responsible for maintaining crowd control to allow a clear sidewalk path, such that passersby are not required to enter into the street to pass by the establishment; and
 6. The performers may not solicit but may accept tips.
 7. No variances shall be granted from the requirements of this subsection.
3. PRELIMINARY DISCUSSION REGARDING THE POTENTIAL REDEVELOPMENT OF THE FORMER SOUTH SHORE HOSPITAL ASSEMBLAGE. (PROPERTIES LOCATED BETWEEN 6TH STREET AND 8TH STREET ON BOTH, THE EAST AND WEST SIDE OF ALTON ROAD.) THE OWNER IS SEEKING INPUT FROM THE COMMITTEE IN ORDER TO REFINE THE PROPOSAL FOR A FULL PRESENTATION AT THE JANUARY MEETING

AFTER-ACTION: Item to be brought back to the Committee for further discussion.

Mr. Russell Galbut introduced the concept of the development of the site. Jonathan Cardello from ADD Inc., presented various alternatives on the potential retail development.

ITEMS FOR WITHDRAWAL

4. DISCUSSION REGARDING HOW TO BEST UTILIZE FLAMINGO PARK, INCLUDING THE POSSIBILITY OF MINOR LEAGUE BASEBALL

AFTER-ACTION: No action required (item for withdrawal placed on the agenda for informational purposes only).

JMG/TH/JGG

LAND USE AND DEVELOPMENT COMMITTEE MEETING

December 15, 2008 @ 4:00 pm

City Manager's Large Conference Room

Attendance Sheet

NAME	E-MAIL ADDRESS	CONTACT NUMBERS
1. Tania Valdemoro	tvaldemoro @ miamiherald.com	305-376-4564
2. Jorge Gomez	Jgomez @ miamiherald.com	7550
3. XXXXXXXXXX	REACOUT @ CRESCENTHEIGHTS.COM	305-573-4127
4. Justin Cardello	JCARDELLO @ ADDINC.COM	305-482-8700
5. Tom Gross	@	
6. " Wolfson	@	
7. " Libbin	@	
8. " Weithorn	@	
9. Mayor Bower	@	
10. James Devereaux	@	
11. Keith Melin	@	
12. Ch. Kelly	@	
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