




COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager 

DATE: December 14, 2011

SUBJECT: **REPORT OF THE OCTOBER 26, 2011 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A Land Use and Development Committee meeting was held on October 26, 2011. Members in attendance were Commissioners Wolfson, Góngora and Libbin (alternate). 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 4:22 pm.

1. DISCUSSION REGARDING TEMPORARY STOREFRONT SIGNS.

AFTER-ACTION: Richard Lorber introduced the item and explained that the ordinance as proposed would not permit commercial window covers, but would permit noncommercial supergraphics to be incorporated into storefront windows along with real estate and/or construction signs.

MOTION: Góngora/Wolfson (2-0) Forward to Planning Board two versions of the proposed ordinance, one as prepared and presented, requiring Planning Department staff review of proposed storefront window wraps, and a second version which would allow such storefront window wraps without City review.

2. DISCUSSION OF NOTICING REQUIREMENTS FOR CONTINUANCES BY ANY OF THE LAND USE BOARDS.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATIVE AND REVIEW PROCEDURES," ARTICLE II, "BOARDS," DIVISION 5, "BOARD OF ADJUSTMENT," SECTION 118-134, "NOTIFICATION OF HEARINGS;" ARTICLE IV, "CONDITIONAL USE PROCEDURE," SECTION 118-193 "APPLICATIONS FOR CONDITIONAL USES"; ARTICLE VI, "DESIGN REVIEW PROCEDURES;" ARTICLE X, "HISTORIC PRESERVATION;" AND ARTICLE XI "NEIGHBORHOOD CONSERVATION DISTRICTS (NCD) ;" TO CLARIFY THAT CONTINUANCES SHALL BE NOTICED BY MAIL AFTER THE FIRST CONTINUANCE GRANTED BY A LAND USE BOARD; PROVIDING FOR REPEALER; CODIFICATION; SEVERABILITY AND AN EFFECTIVE DATE.

AFTER-ACTION: DEFERRED

Agenda Item CGD
Date 12-14-11

3. SHORT-TERM RENTAL ORDINANCE ENFORCEMENT.

AFTER-ACTION: Robert Santos-Alborna introduced the item, and recapped the recent experience of the Code Compliance Division with the various enforcement actions taken to the Special Masters. Eric Harari complained about the City's Code Compliance efforts, and asked why more progress cannot be made shutting down illegal short term rentals. Andrew Gale elaborated on those comments, and enquired why the City cannot get the Special Master to enforce the ordinance. Commissioner Wolfson discussed the Special Master further. Commissioner Góngora explained how Special Masters are appointed and suggested that they be educated regarding special issues within the City. Judy Robertson and Adam Shedroff spoke.

MOTION: Góngora/Wolfson (2-0) Direct City Attorney's Office to prepare a meeting with the Special Masters, the Committee also requested that further information on short term rental enforcement be provided through written reports.

4. DISCUSSION OF JURISDICTION OF LAND USE BOARDS OVER APPEALS.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE BY AMENDING CHAPTER 118, "ADMINISTRATIVE AND REVIEW PROCEDURES," ARTICLE II, "BOARDS," DIVISION 2, "PLANNING BOARD," SECTION 118-51, "POWERS AND DUTIES," DIVISION 3, "DESIGN REVIEW BOARD," SECTION 118-71, "POWERS AND DUTIES," DIVISION 4, "HISTORIC PRESERVATION BOARD," SECTION 118-102, "POWERS AND DUTIES," DIVISION 5, "BOARD OF ADJUSTMENT," SECTION 118-136, "POWERS AND DUTIES," TO CLARIFY AND AMEND THE POWERS AND JURISDICTIONS OF THESE LAND USE BOARDS WHEN APPEALS ARE FILED FROM ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION MADE BY THE PLANNING DIRECTOR OR HIS DESIGNEE, INCLUDING ADMINISTRATIVE DETERMINATIONS, PROVIDING FOR REPEALER; CODIFICATION; SEVERABILITY AND AN EFFECTIVE DATE.

AFTER-ACTION: DEFERRED

5. DISCUSSION OF PROCEDURES FOR OBTAINING INFORMAL OPINIONS AND FORMAL ADMINISTRATIVE DETERMINATIONS FROM THE PLANNING DIRECTOR.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE BY AMENDING CHAPTER 118, "ADMINISTRATIVE AND REVIEW PROCEDURES," BY CREATING A NEW ARTICLE XII, "ADMINISTRATIVE DETERMINATIONS," SECTIONS 118-801, "INFORMAL OPINIONS," 118-802, "FORMAL ADMINISTRATIVE DETERMINATIONS," AND 118-803, "EFFECT OF OPINIONS AND DETERMINATIONS," TO CLARIFY AND AMEND THE PROCEDURES FOR OBTAINING INFORMAL OPINIONS AND FORMAL ADMINISTRATIVE DETERMINATIONS

**FROM THE PLANNING DIRECTOR, PROVIDING FOR REPEALER;
CODIFICATION; SEVERABILITY AND AN EFFECTIVE DATE.**

AFTER-ACTION: DEFERRED

6. DISCUSSION ON THE DE-INTENSIFICATION OF THE I-1 LIGHT INDUSTRIAL DISTRICT.

AFTER-ACTION: DEFERRED

7. DISCUSSION ON THE DEVELOPMENT NORTH OF LINCOLN ROAD.

AFTER-ACTION: Commissioner Góngora introduced the discussion about the area north of Lincoln Road. Concerns about the future of the Lincoln Road area mean that the City should plan for this area. City Manager Jorge Gonzalez elaborated upon the idea that many retailers are beginning to examine frontages onto Lincoln Lane, and that the City also owns several pieces of property used as parking lots in this zone. Retailers may want to focus more in future on the north Lincoln Lane area, and possibly have Lincoln Lane north as a pedestrian way. Commissioner Libbin suggested that the Commission should explore this concept. Commissioner Góngora agreed that the Commission should move forward with this. Robert Wennett, Frank DelVecchio, Adam Shedroff and Michael Comras spoke on the subject.

MOTION: Gongora/Libbin (3-0) Move item to the full Commission for discussion, and for staff to be sure to advertise the item well.

8. DISCUSSION REGARDING CONTROLLED, LIMITED, AND ATTENTIVE OFF-LEASH HOURS AT PINE TREE PARK.

AFTER-ACTION: Hilda Fernandez introduced the item and discussed the recent experience with dogs and dog owners at Pine Tree Park. Commissioner Libbin discussed the situation at South Point Park as comparison. Members of the public spoke, including Trish Bush, Howard Packer, Diane Camber, June Mooney, Elaine Nordey, Garret Grabarnick, Randy Johnson, Hank Bush, Cesar deFuentes, Henry Lowenstein, and several others. Commissioner Wolfson expressed dissatisfaction with stepped up Code Compliance. Commissioner Libbin discussed bringing the matter to the full Commission, and indicated his preference to keep the existing rules regarding leashes. Commissioner Góngora suggested a widely publicized public workshop on the subject, and requested the Administration to provide more information on the potential for expanding the enclosed bark-park area.

MOTION: Direct the Administration to set up a public workshop, and bring more information on options to expand the enclosed bark park area and/or locate a designated off-leash area during certain areas, and direct Code Compliance to abate full enforcement of the regulations by only issuing warnings, not code violations.

9. DISCUSSION ON ARTIFICIAL GRASS AT HOTELS AND HOMES AND THE PLANNING DEPARTMENT PROCEDURE FOR APPROVING SAME.

AFTER-ACTION: Commissioner Wolfson introduced the item and explained the Dune Overlay District. Commissioner Góngora expressed the feeling that artificial grass should not be widely used, but had no objections to the matter being referred to the Planning Board and then brought back to the Committee. Commissioner Wolfson expressed his preference to permit artificial grass with no restrictions, but decided that both versions of the proposal should be sent to the Planning Board.

MOTION: Góngora/Wolfson (2-0) Send both versions of the proposed ordinance permitting artificial grass in the Dune Overlay District (one permitting unlimited use, and one setting a maximum of 50% of the required landscape area and requiring setbacks from side property lines) to Planning Board and then bring back to LUDC.

Attachment

JMG//RGL/ML

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

October 26, 2011 @ 4:00 pm

City Manager's Large Conference Room

Attendance Sheet

NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1. Charles Urstadt	305-498-0077	yes	Charlie @ Urstadt.com
2. Jack Johnson	305-606-0290		jjsobo @ gmail.com
3. Adam Shedroff	305 786-267-7720	yes	AMS33139 @ YAHOO.COM
4. Eric HARARI	786-543-4831	YES	ERIC HARARI @ GMAIL.COM
5. Andrew Gall	305 673 1231	yes	aggie @ columbiamanagement.us
6. C. Isaac CAMBER	305-674-1438	YES	ccamber @ bellsouth.net
7. Diane Camber	305-674-1438	yes	dcamber @ bellsouth.net
8. SIDNEY GOLDIN			@
9. HOWARD PACKER	305-803-9049		HPACKER33140 @ YAHOO.COM
10. Michael Beach	305 458 4211	yes	mike @ rjdiving.com
11. Helene Mouty	305 992 1695	yes	hmouty @ yahoo.com
12. JUNE MOONEY	786-488-7510	YES	junebug50 @ bellsouth.net
13. Elaine NORDE	305-755-2733	yes	Enorde@ yahoo.com
14. Sandra Ramos	305-776-2399	yes	RAMOSROJA @ yahoo.com
15. Bill FARKAS	305-801-7881	yes	BILLFARKAS @ BELLSOUTH.COM
16. Diana Vilbon	786-879-4518		@
17. Adolfo Lengyel	786 216 4788	yes	Lengyela @ GMAIL.COM
18. Ana Lengyel	786 499 1299	yes	Lengyelam @ GMAIL.COM
19. Carolina Velit	786 227 0587	yes	carovelit @ yahoo.com
20. ERIC JOHNSON	917 434 2311		ERISBOL @ AOL.COM

147

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City Manager's Large Conference Room

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NAME	CONTACT NUMBER	I WISH TO RECEIVE THE LINK TO THE ELECTRONIC AGENDA	E-MAIL ADDRESS
21. Rebecca Wakefield	6157		@
22. Wendy de Dios	786-2106962	yes	w-dedios @ yahoo.com
23. CARMELO ROMERO	305-864-5884	yes	CLRomero1 @ yahoo.com
24. MARIA FERRELL	308-861-6382	Yes.	@
25. Antonio Corces	305-861-9167	YES	Antcorce @ aol.com
26. Rubi Rodriguez	786 453-2211	\	@
27. Nina Yarns		Yes	NINAPY @ gmail.com
28. Yvonne Steele	305.5323666	YES	N/PamBeach/ons @ Yahoo.com
29. Jennifer Nieves	305 799 7515		@
30. BARBARA BONDRA	215 906 1081		BM BONDRA @ EARTHLINK. US
31. Robert Arnove	305 915 5810		@
32. Aaron Tayer			@
33. Garrett Grabnick			@
34. PELICAN FINN		Yes	PelicanPRODIGAL @ gmail.com
35. Magros delgado	917-209-5484	yes	MAD424 @ hotmail.com
36. Cesar de Fuentes	786-709-3752	yes	cesarmiami @ aol.com
37. Jill Baker	305-538-5265		@
38. TRISH BOSH	305-336-1771	YES	PLB324 @ yahoo.com
39. Henry Bush	305-377-0617		hb-bush @ yahoo.com
40.			@

148