




## COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager 

DATE: October 19, 2011

SUBJECT: **REPORT OF THE SEPTEMBER 21, 2011 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A Land Use and Development Committee meeting was held on September 21, 2011. Members in attendance were Commissioners Wolfson, Exposito, and Góngora. 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.

### 1. SHORT-TERM RENTAL ORDINANCE ENFORCEMENT

**AFTER-ACTION:** Item CONTINUED, after discussion of Building and Fire Code issues. Staff was directed to coordinate a meeting with interested parties and Building and Fire officials to try to solve their outstanding issues.

### 2. DISCUSSION ON INCLUDING A CLAUSE FOR EXCEPTIONS IN THE SHORT TERM RENTALS ORDINANCE.

**AFTER-ACTION:** The Committee discussed the issue related to the inclusion of exceptions in the Short Term Rental Ordinance. The recently enacted Flamingo Park Short-Term Rental Ordinance contains provisions and regulations governing those properties to be legalized for short term rental. One property would have met all the criteria of the ordinance, but for the fact that the State of Florida mistakenly issued them a license for non-transient apartments, even though they had applied previously for transient apartments. Since the deadlines of the ordinance cannot be waived by City staff; any exemption would require additional legislation to reference such a case.

**MOTION:** Góngora/Exposito (3-0) Refer the ordinance to the Planning Board with language developed by Gary Held that extends the deadline period for compliance.

### 3. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14 "BUILDING REGULATIONS" OF THE CITY OF MIAMI BEACH CODE OF ORDINANCES, BY ADDING SECTION 14-72 TO BE TITLED "CONSTRUCTION PARKING PLAN", ESTABLISHING THE REQUIREMENTS FOR CONSTRUCTION PARKING PLANS; AMENDING APPENDIX A BY CREATING A CONSTRUCTION PARKING PLAN REVIEW FEE; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**AFTER-ACTION:** Jorge Gomez explained the matter regarding construction workers parking in swale areas in single family neighborhoods. The ordinance would require a parking plan for projects exceeding the 50% threshold. A \$5,000 bond

Agenda Item C6B  
Date 10-19-11

would be required if swale parking was envisioned.

**MOTION:** Góngora/Expósito (3-0). Refer the ordinance to the Planning Board for its review and comments even though it is not part of the land development regulations, inclusive of amended language of a bond or alternative instrument.

**4. DISCUSSION ON THE PARKING REQUIREMENT AND HOW WE CAN INCENTIVIZE FOR HOTEL DEVELOPMENT.**

**AFTER-ACTION:** The Committee discussed the issue, and requested that staff continue to research urban hotel parking requirements and work with the hotel industry to develop industry standards and bring back to the Committee next month.

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

**AFTER-ACTION:** DEFERRED

**6. DISCUSS AMENDING THE HEIGHT REGULATION EXCEPTIONS OF THE LAND DEVELOPMENT REGULATIONS TO PERMIT SMALL ROOFTOP WIND TURBINES, UP TO 10 FEET ABOVE THE MAIN ROOFLINE.**

**AFTER-ACTION:** Richard Lorber explained that wind turbines are not included in the permissible heights of accessory structures on rooftops of single family homes. Since the Code does not specifically address wind turbines, they have been categorized as "mechanical equipment" and limited to five feet above the main roofline.

**MOTION:** Góngora/Expósito (3-0) Refer to the Planning Board to consider legalization of wind turbines on rooftops in single-family homes and consider appropriate review, impact on noise and on neighborhood and consider appropriate number.

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

**AFTER-ACTION:** DEFERRED

Attachment

JMG//RGL/ML

LAND USE AND DEVELOPMENT COMMITTEE MEETING

September 21, 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. Jorge Gomez	x 7010		Jgomez @miamibeachfl.gov
2. Andrew Gale	305 673 1234		@
3. Yarden for Eric HARARI	305 333 5200		@
4. <del>JABALL</del>			@
5. ROBERT SANTOS-ALBORNA	x 6684		robertsantos-alborna@miamibeachfl.gov
6. SIMON FERRO	305-913-6687		SFERRO @ GJB-LAW.com
7. Andrea Mosta	786-874-0424		andreaaco@gmail.com
8. Alex Bernal	305.915.5889		bernalex@me.com
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