



COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager

DATE: September 15, 2010

SUBJECT: **REPORT OF THE JULY 26, 2010 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the Land Use and Development Committee was held on July 26, 2010. Commissioners Gongora, Wolfson and Weithorn 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. REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE – DISCUSSION REGARDING A PROPOSED ORDINANCE TO REQUIRE CONSTRUCTION STAGING PLANS.**

AFTER-ACTION:

Building Director Alex Rey introduced the issue and discussed a similar ordinance from the City of Coral Gables. Commissioner Weithorn expressed the desire to have the ordinance modified to include a radius of 100 to 200 feet from the site. Commissioner Góngora requested timeframes added to the ordinance, and further definition of complete renovation.

MOTION: Weithorn/Wolfson (vote 3-0)

Move forward to the Commission with the proposed ordinance with a 200 foot radius.

- 2. DISCUSSION ON THE BLIGHTED CONDITION OF THE 300 BLOCK OF OCEAN DRIVE.**

AFTER-ACTION: Richard Lorber introduced the item. Commissioner Weithorn asked if the ordinance could be applied to single-family homes in blighted conditions. William Cary explained that this ordinance could apply citywide to all properties that fall under the major projects category, including single-family homes. Daniel Veitia spoke. Commissioner Góngora discussed the matter. Staff indicated that they needed to finalize the bond amounts, and the item would be brought back to the Land Use Committee in the near future after it has been refined.

- 3. PROPOSAL FOR A MUNICIPAL FINE ORDINANCE FOR LOADING ACTIVITIES ON OCEAN DRIVE.**

AFTER-ACTION: Chuck Adams of the Parking Department introduced the item and discussed deliveries. Shaun Hauver from the Loews Hotel also spoke about the

Agenda Item CGD
Date 9-15-10

matter. Commissioner Weithorn recommended that the hours be set to allow deliveries between 7 a.m. and 6 p.m.

MOTION: Weithorn/Wolfson (vote 3-0)

Move forward to the Commission with the proposed ordinance with hours to be set permitting deliveries between 7 a.m. and 6 p.m.

4a.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", BY CREATING A NEW DIVISION 20, "TC NORTH BEACH TOWN CENTER DISTRICTS", CREATING NEW ZONING DISTRICTS TC-1, TOWN CENTER CORE; TC-2, TOWN CENTER MIXED USE; AND TC-3, TOWN CENTER RESIDENTIAL OFFICE; PROVIDING FOR PURPOSE AND INTENT, DEFINITIONS, MAIN PERMITTED, CONDITIONAL, ACCESSORY AND PROHIBITED USES, DEVELOPMENT REGULATIONS, DESIGN REVIEW STANDARDS, AND PARKING REGULATIONS; AMENDING CHAPTER 130, "OFF-STREET PARKING", ARTICLE II, "DISTRICTS; REQUIREMENTS", SECTION 130-31, "PARKING DISTRICTS ESTABLISHED", AMENDING THE BOUNDARIES OF PARKING DISTRICT 4; AMENDING ARTICLE III, SECTION 130-68, "COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES", ADOPTING NEW REGULATIONS IN TC-3 AND GU FOR COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES; AMENDING CHAPTER 138, "SIGNS", ARTICLE V, "SIGN REGULATIONS BY DISTRICTS", SECTION 138-172, "SCHEDULE OF SIGN REGULATIONS FOR PRINCIPAL USE SIGNS"; CREATING A NEW SECTION 138-174, "NORTH BEACH TOWN CENTER SIGNAGE"; AMENDING CHAPTER 142, DIVISION 4, "ALCOHOLIC BEVERAGES", SECTIONS 142-1301 AND 142-1302 TO INCLUDE TC DISTRICTS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

4b.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CITY CODE, BY CHANGING THE ZONING DISTRICT CLASSIFICATIONS FOR THE NORTH BEACH TOWN CENTER FROM CD-3, "COMMERCIAL, HIGH INTENSITY" TO TC-1, "TOWN CENTER CORE"; FROM CD-2, "COMMERCIAL, MEDIUM INTENSITY" TO TC-2, "TOWN CENTER MIXED USE"; AND FROM RM-1, "RESIDENTIAL MULTIFAMILY, LOW INTENSITY" TO TC-3, "TOWN CENTER RESIDENTIAL OFFICE" AND TC-3(C) "TOWN CENTER CONDITIONAL NEIGHBORHOOD COMMERCIAL"; AND AMENDING THE AFFECTED PORTION OF THE CITY'S OFFICIAL ZONING DISTRICT MAP TO CORRESPOND WITH THESE CHANGES; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

4c.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING PART II: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF MIAMI BEACH COMPREHENSIVE PLAN, POLICY 1.2 OF OBJECTIVE 1: LAND DEVELOPMENT REGULATIONS OF THE

FUTURE LAND USE ELEMENT, BY ADDING NEW CATEGORIES "TOWN CENTER CORE" (TC-1); "TOWN CENTER MIXED USE" (TC-2); AND "TOWN CENTER RESIDENTIAL OFFICE" (TC-3); AND ACCOMPANYING STANDARDS FOR LAND DEVELOPMENT REGULATIONS AND DIRECTING TRANSMITTAL OF THIS ORDINANCE AND ALL APPLICABLE DOCUMENTS TO AFFECTED AGENCIES; PROVIDING FOR REPEALER; SEVERABILITY; INCLUSION IN THE COMPREHENSIVE PLAN AND AN EFFECTIVE DATE.

4d.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN FOR THE NORTH BEACH TOWN CENTER FROM CD-3, "COMMERCIAL, HIGH INTENSITY" TO TC-1, "TOWN CENTER CORE"; FROM CD-2, "COMMERCIAL, MEDIUM INTENSITY" TO TC-2, "TOWN CENTER MIXED USE"; AND FROM RM-1, "RESIDENTIAL MULTIFAMILY, LOW INTENSITY" TO TC-3, "TOWN CENTER RESIDENTIAL OFFICE"; DIRECTING TRANSMITTAL OF THIS ORDINANCE AND ALL APPLICABLE DOCUMENTS TO AFFECTED AGENCIES; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

AFTER-ACTION: Richard Lorber introduced the matter, followed by Daniel Veitia, who spoke in favor from the standpoint of the North Beach Business Community. Staff explained that a small change was made to the setbacks in the ordinance to reflect the latest discussions regarding the RFLI for the North Beach Parking Garage.

MOTION: Weithorn/Wolfson (vote 3-0)
The Committee referred the matter to the Planning Board.

5. DISCUSSION AND REVIEW OF THE CURRENT CMB ORDINANCE REGARDING SIGNAGE SIZE AND NEON SIGNAGE IN REGARDS TO LINCOLN ROAD AND WASHINGTON AVENUE SIGNAGE DISTRICT.

AFTER-ACTION: Shawn Hauver of the VCA discussed the matter with the Committee. Richard Lorber and William Cary of the Planning Department explained the genesis of the existing ordinance and what ways could be found to improve the ordinance.

MOTION: Wolfson/Weithorn (vote 3-0)
The Committee referred the matter to the Planning Board.

6. DISCUSSION REGARDING THE PLACEMENT OF WATER SUB-METERS.

AFTER-ACTION: Commissioner Wolfson opened the discussion and asked Mr. Michael Lefkowitz to explain the matter he brought to the Commission's attention. He spoke about the history of this issue and asked the City to permit these meters. Mike Alvarez of the Public Works Department discussed the City's concerns.

MOTION: Wolfson/Gongora (vote2-0) Mike Alvarez to meet with Mr. Lefkowitz, and the item to come back to the LUDC in September.

7. DISCUSSION ON CELL PHONE PROHIBITION.

AFTER-ACTION: Mr. Stanley Shapiro spoke about this matter. Staff informed the Committee that the issue is being included in a Countywide ordinance being supported by the Miami-Dade League of Cities.

8. A REQUEST FOR A POSSIBLE AMENDMENT TO THE CITY'S LAND DEVELOPMENT REGULATIONS AMENDING THE CPS-2 DISTRICT AT THE PROPERTY BOUNDED BY ALTON, 5TH STREET, LENNOX AND 6TH STREET AND TO AMEND BY REMOVING THE PROHIBITION OF CAR WASHING TO ALLOW FOR LOW IMPACT CAR WASHING AND AUTO DETAILING WITHIN A PARKING STRUCTURE.

AFTER-ACTION:

Richard Lorber, Acting Planning Director, introduced the item, and explained the City's current zoning regulations with respect to Car Wash services. It was explained that the zoning for 5th Street contained an outright prohibition on car wash services which carried forward from the days of the redevelopment area, and that a slight modification to the Land Development Regulations could enable car wash services to be located within parking structures, completely enclosed and not visible from the street.

MOTION: Weithorn/Gongora (vote 2-0)

The Committee referred the matter to the Planning Board.

9. DISCUSSION OF A RELIGIOUS OVERLAY DISTRICT ON 40TH STREET (CHASE AVE TO PINETREE DRIVE); AND REFERRAL TO THE PLANNING BOARD FOR A CONSIDERATION AS AN AMENDMENT TO THE CITY CODE.

AFTER-ACTION:

Attorney Michael Larkin introduced the item, and discussed the need for the creation of an overlay district on 40th Street to accommodate the existing religious institutions on that street. There are at least two major religious institutions on that street, as well as a number of unlicensed but longstanding religious institutions located there. Former North Bay Village Commissioner Tvi Bogomilsky spoke of the need for these types of institutions in the 41st Street area. First Assistant City Attorney Gary Held spoke about the latest Federal legislation in the area of freedom of worship (RLUIPA) and advised that the City should try to accommodate this request as much as possible.

MOTION: Wolfson/Weithorn (vote 3-0)

The Committee referred the matter to the Planning Board.

Attachment

JMG/JGG/RGL

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

July 26, 2010 @ 4:00 pm

City Manager's Large Conference Room

Attendance Sheet

NAME	E-MAIL ADDRESS	I WISH TO RECEIVE THE LINK TO THE ELECTRONIC AGENDA	CONTACT NUMBERS
1. Jorge Gomez	jgomez@miamibeachfl.gov		
2. Richard Lorber	rlorber@miamibeachfl.gov		
3. Joyce Meyers	jmeyers@miamibeachfl.gov		
4. Stanley K Shapiro	stanleykshapiro@hotmail.com		
5. Shawn Hawker	SHAWKER@loewsHOTELS.COM		
6. Daniel Veitling	daniel@nortbeachnews.com		
7. Carmen Colazabal	colazabal@miamibeachfl.gov		
8. Alex Rey	AlexRey@		
9. Robert Robinson	erimarc@earthlink.net		
10. MICHAEL LEFKOWITZ	MICHAEL@PCSSTATES.COM	✓	786 220 9250
11. Tzvi Bogomilsky	SBOGOMILSKY@earthlink.net		305-401-7901
12. Chuck Adams	CADAMS@MIAMI BEACH FL. GOV CMB PARKING		305-673-7000 x 6868
13. ROBERT JENKINS	ROBERTJENKINS@MIAMI BEACH FL. GOV		305-673-7000 - 2315
14. Yvette Bravo	Yvette Bravo@miamibeachfl.gov		305-673-6274
15. Steven Schylander	schylanders@bellsouth.net		786 316 2380
16. Zalman Ridd	Zalman Ridd@gmail.com		
17. Samuel Bogomilsky	SPB1800@YAHOO.COM		305-467-3084
18. JOHN HEFFERNAN	" " @miamibeachfl.gov		x 7030
19. Rebecca Wakefield	@		X 6157
20. RAMIRO INGUANZO	@ MIAMI BEACH FL. GOV		X. 6697

97

LAND USE AND DEVELOPMENT COMMITTEE MEETING
 July 26, 2010 @ 4:00 pm
 City Manager's Large Conference Room

Attendance Sheet

NAME	E-MAIL ADDRESS	I WISH TO RECEIVE THE LINK TO THE ELECTRONIC AGENDA	CONTACT NUMBERS
21. <i>Galea</i>	@		<i>x65-32</i>
22.	@		
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26.	@		
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86