



## COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager

DATE: July 14, 2010

SUBJECT: **REPORT OF THE JUNE 21, 2010 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the Land Use and Development Committee was held on June 21, 2010. Commissioners Gongora, Wolfson and Tobin 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 - CONSULTANT REVIEW FEE ORDINANCE ADDITIONAL MODIFICATIONS**

##### AFTER-ACTION:

Richard Lorber presented the item, and detailed the requirements of the Consultant Review Fee Ordinance. The proposed modifications include 1) All expert reports, including those submitted as part of a progress report hearing, shall be in writing; 2) Expert reports shall be submitted to the planning department at least 10-days before the land use board meets to consider that case; and, 3) Authors of technical reports shall appear at hearings at which their technical reports are considered in order to answer questions from the members of the land use board, the city staff, or the public. Morris Sunshine spoke in favor of the proposal. The Board discussed the matter, and staff indicated related initiatives were underway to extend the noticing period from 15 days to 30 days, and posting additional material online.

##### MOTION: Tobin/Wolfson (vote 3-0)

Refer the proposed ordinance to the Planning Board, adding language clarifying that this includes Board requested reports. Bring forward ordinance extending notice period for board hearings from 15 days to 30 days at next Land Use and Development Committee meeting.

#### **2. OUTDOOR ENTERTAINMENT IN SIDEWALK CAFÉ AREAS ON OCEAN DRIVE. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY OF MIAMI BEACH CODE, BY AMENDING CHAPTER 82, PUBLIC PROPERTY, ARTICLE IV, USES IN PUBLIC RIGHTS-OF-WAY, DIVISION 5, SIDEWALK CAFES, SUBDIVISION II, PERMIT, SECTION 82-385, BY PROVIDING MINIMUM STANDARDS, CRITERIA, AND CONDITIONS FOR ENTERTAINMENT IN SIDEWALK CAFÉ PERMIT AREAS ON OCEAN DRIVE BETWEEN 8TH AND**

**13TH STREETS, AND BY AMENDING CHAPTER 142, ZONING DISTRICTS AND REGULATIONS, ARTICLE V, SPECIALIZED USE REGULATIONS, DIVISION 6, ENTERTAINMENT ESTABLISHMENTS, SECTION 142-1361, DEFINITIONS, TO AMEND THE DEFINITION OF OUTDOOR ENTERTAINMENT TO INCLUDE SUCH SIDEWALK CAFÉ AREAS ON OCEAN DRIVE, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**AFTER-ACTION:**

Richard Lorber presented the item, explaining the points included in the proposed ordinance permitting limited entertainment in sidewalk café permit areas, and the Planning Board's recommendation against adoption of the ordinance. Members of the public including David Wallack, Morris Sunshine, and attorney for the neighboring Tides Hotel, Amy Huber, spoke. The Committee discussed the merits of the ordinance with the City Attorney.

**MOTION:** Góngora/Wolfson (vote 3-0)

Defer the matter to the July 26, 2010 Land Use and Development Committee meeting. Commissioner Góngora will meet with City Attorney's Office to develop an ordinance that can withstand judicial review.

Attachment

JMG/JSG/RGL

T:\AGENDA\2010\JULY 14\CONSENT\LUDC MEETING OF JUNE 21, 2010.DOCX

LAND USE AND DEVELOPMENT COMMITTEE MEETING

June 21, 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 @miami-beach.fl.gt		
2. SIDNEY GOLDMAN	@		
3. Jo Manning	drmwk @juno.com		
4. Amy Huber	ahuber @shubinbass.com		
5. ANGIE HARGOT	ANGIE @THELEADMIAMI-BEACH.COM	✓	786-444-9045
6. Lee Molloy	Lee @TheLeadMiamiBeach.com	✓	
7. Ivan Cano	Ivancanojr @yahoo.com		
8. Michael Corcoran	@		
9. Jonah Wolfson	@		
10. Ed Tobin	@		
11. Richard Huber	@		
12.	@		
13.	@		
14.	@		
15.	@		
16.	@		
17.	@		
18.	@		
19.	@		
20.	@		

103

**THIS PAGE INTENTIONALLY LEFT BLANK**