



COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager

DATE: June 9, 2010

SUBJECT: **REPORT OF THE MAY 27, 2010 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the Land Use and Development Committee was held on May 27, 2010. Commissioners Góngora and Tobin were in attendance. Mayor Bower, members from the Administration and the public were also present. Please see the attached sign-in sheet. The meeting was called to order at 4:30 pm.

OLD BUSINESS:

- 1. DISCUSSION REGARDING THE FOLLOWING BOARD OF ADJUSTMENT RELATED ISSUES: 1) CONSIDERATION OF ALTERATION OF VARIANCE CRITERIA; AND 2) REVIEW OF TYPES OF APPLICATIONS WHICH MAY BE HEARD BY THE BOARD**

AFTER-ACTION:

The Committee discussed the issue of variances and hardship with Alex Annunziato, representative of the Board of Adjustment. The Committee recommended that the item be referred to the Planning Board with all staff recommendations except the modification of distance separation requirements, which should remain with the Board of Adjustment, and work on modifications to the distance separation ordinances.

MOTION: Gongora/Tobin (vote 2-0)

Prepare a draft ordinance as recommended by staff creating a practical difficulty standard for certain variances. Variances dealing with distance separations shall remain within the jurisdiction of the Board of Adjustment with modified review criteria.

- 2. SHORT TERM RENTAL OF APARTMENT UNITS OR TOWNHOMES**

AFTER-ACTION:

The Land Use and Development Committee discussed the issues of compliance with Building and Fire Codes, the applicable threshold date for legalization to be codified for this ordinance, and the timeframes for application, compliance and approval. The Committee heard from several property owners, as to their concerns with respect to the language in the ordinance specifying compliance with the Building and Fire Codes, and had presentations from the Building Official and the Fire Marshal. The Committee decided that while the references to the Building and Fire code were proper to include, they directed staff to clean up that section to eliminate

Agenda Item CGG
 Date 6-9-10

unnecessary language. The language regarding effects of the noise violations was added back with the provision that it would be clarified to apply to short term renters only. No recommendation as to the threshold date for legalization was decided upon.

MOTION: Tobin/Gongora (vote 2-0)

Administration to modify the ordinance for second reading as follows: Sections C.2 and C.3 should remain but the language should be simplified; Section D.7 should re-introduce the noise ordinance provision with a clarification that it is applicable when the noise violation is attributed to the short term renters.

NEW BUSINESS:

3. DISCUSSION ON THE ENFORCEMENT OF SHORT TERM RENTALS IN SINGLE FAMILY HOMES

MOTION: Tobin/Gongora (vote 2-0)

Direct the Administration to begin pro-active enforcement of the single family home ordinance on houses which have had violations (including noise violations) adjudicated; also seek all back liens on properties with adjudicated violations of commercial use of houses ordinance.

4. DISCUSSION REGARDING POTENTIAL SOURCES OF RELIEF FOR RESIDENTS LIVING IN CLOSE PROXIMITY TO COMMERCIAL OPERATIONS WITH LATE HOUR DELIVERIES AND SIMILAR HABITUAL SOURCES OF NOISE.

AFTER-ACTION:

Sonia Navarro spoke regarding the pizza delivery shop on Ocean Drive and the scooter rental facility behind her building on Collins Avenue. Saul Frances explained the City's parking enforcement efforts at the location on Ocean Drive.

MOTION: Tobin/Gongora (vote 2-0)

The Administration is to report back next month with a proposal for a municipal fine ordinance for loading activities on Ocean Drive

5. DISCUSSION ON THE POSSIBLE RE-ZONING OF 1600 LENOX AVENUE

MOTION: Tobin/Gongora (vote 2-0)

The Committee referred the matter to the Planning Board.

Attachment

JMG/JOB/RGL

C:\Documents and Settings\planlorr\Desktop\LUDC Meeting of May 27 2010.docx

LAND USE AND DEVELOPMENT COMMITTEE MEETING

May 27, 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	jjgomez@miamibeachfl.gov		
2.	Stanley Shapiro	@		
3.	Ana Clemente	AnaClemente@Southbeachgroup.com		
4.	Chris Rollins	Chris.Rollins@Southbeachgroup.com		
5.	Aaron Sugarman	aaronlife@netzero.net		
6.	JEFF DONNELLY	JEFFDONN@AOL.COM		
7.	Alexandra Deas	adeas@bitzin.com		
8.	David Smiley	dsmiley@herald.com		
9.	Wendy Kulleris	wkulleris@gmbha.com		
10.	Tim Nardi	TNardi@gmbha.com	✓	
11.	Andrew Gab	@		
12.	Alfredo J. Gonzalez	GonzalezAJ@Gtlaw.com	✓	305 579-0588
13.	Sonia Maccheri	@		
14.	SHERYL GOLD	shergoldcom@gmail.com	✓	305 672-6388
15.	Sonia Maccheri	soniamacheri@miamibeachfl.gov		305-673-7123
16.	Rhonda Montoya Hasan	fireatty@yahoo.com		673.7470
17.	Glady Salas	gladyssalas@miamibeachfl.gov		673-7610
18.	Richard Conrath	@miamibeachfl.gov		
19.	ALEX ANNUNZIATO	AC.ANNUNZIATO@GMAIL.COM		786 229 2767
20.	Gary Hill	@		

105

THIS PAGE INTENTIONALLY LEFT BLANK