



# MIAMI BEACH

## MEMORANDUM

TO: Land Use and Development Committee

FROM: Jorge M. Gonzalez, City Manager

*JMG for JMG*

DATE: March 28, 2012

SUBJECT: **Discussion Regarding A Possible Charter Amendment Restricting The Manner In Which Changes To Current Land Use Regulations Can Be Made.**

### BACKGROUND

A discussion regarding a possible charter amendment restricting the manner in which changes to current Land Use Regulations can be made was referred to a joint meeting of the Neighborhoods/Community Affairs and Land Use Committees by the City Commission on June 1, 2011, at the request of Mayor Bower.

The Joint Committee met on July 7, 2011 and considered two specific charter amendments requiring voter approval before allowing increased building heights or enacting less stringent standards for historic preservation. After discussing the issues, the Joint Committee passed a motion, by acclamation, moving the item to the full Commission without a recommendation.

On July 13, 2011, the City Commission discussed the ballot questions relating to the two charter amendments and voted to defer the matter to the June 2012 Commission Meeting. Furthermore, Mayor Bower requested that the Land Use and Development Committee and the Neighborhood/Community Affairs Committee discuss the proposed charter amendments no later than May 2012 in order for the item to be ready for presentation at the June 2012 Commission meeting.

At the December 14, 2011 City Commission meeting, Mayor Bower referred to the Land Use and Development Committee and Neighborhoods/Community Affairs Committee the two proposed charter amendments that would strengthen the existing protections for Historic Preservation in Miami Beach. At the same meeting, Commissioner Wolfson also referred to the Land Use and Development Committee a proposal to put the Historic Preservation Board enabling language in the charter to protect the composition and existence of our city's preservation mechanism.

### ANALYSIS

The first proposed charter amendment; drafted in consultation with the City Attorney's Office addresses both the requests made by Mayor Bower and Commissioner Wolfson to protect the city's Historic Preservation processes. The second proposed charter amendment, prepared after the original referral on June 1, was refined by the Mayor's Office in consultation with the City Attorney's Office to focus on the issue of increases to the height regulations.

## 1. Historic Preservation Regulations

### **CHARTER AMENDMENT REQUIRING VOTER APPROVAL BEFORE ENACTING LESS STRINGENT STANDARDS FOR HISTORIC PRESERVATION.**

SHALL THE CHARTER BE AMENDED TO REQUIRE THAT, AFTER NOVEMBER 7, 2012, AND BEFORE BECOMING EFFECTIVE, ANY CHANGE TO CHAPTER 118, ARTICLE II, DIVISION 4 OF THE CITY CODE (ENTITLED, "HISTORIC PRESERVATION BOARD"), OR TO CHAPTER 118, ARTICLE X, OF THE CODE ("HISTORIC PRESERVATION"), WHICH EITHER REDUCES THE POWERS AND DUTIES OF THE BOARD, OR CREATES LESS STRINGENT HISTORIC PRESERVATION STANDARDS OR REGULATIONS, FIRST BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION?

## 2. Height Restrictions

### **CHARTER AMENDMENT REQUIRING VOTER APPROVAL BEFORE ALLOWING INCREASED BUILDING HEIGHTS, EXCEPT FOR CITY PROPERTY.**

SHALL THE CHARTER BE AMENDED SO THAT, AFTER NOVEMBER 7, 2012, AND BEFORE BECOMING EFFECTIVE, ANY CHANGE TO THE LAND DEVELOPMENT REGULATIONS IN THE CITY CODE, EXCEPT FOR CITY-OWNED PROPERTY IN THE GOVERNMENT USE AND CIVIC AND CONVENTION CENTER ZONING DISTRICTS, WHICH ALLOWS INCREASED BUILDING HEIGHTS SHALL FIRST BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION?

## **CONCLUSION**

The Administration seeks policy direction from the Committee on the proposed charter amendments. Please note that the Commission's direction was to bring these questions back to the full Commission no later than the June meeting. Furthermore, the deadline for placing ballot questions on the November 6, 2012, general election is July 24, 2012.

JMG/JGG

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**ACTION: Request authorized.** Gus Lopez to issue RFP. Kevin Smith to handle.

- C2I Request For Approval To Award Contracts To The Lowest And Best Bidders For Groups 1 Through 8, Pursuant To Invitation To Bid (ITB) No. 25-10/11, For The Purchase And Delivery Of Uniforms And Accessories For Various City Departments: Group 1) Global Trading, Inc.; Group 2) All Uniforms Wear; Group 3) Unicommerce; Group 4) All Uniforms Wear; Group 5) Global Trading; Group 6) Swago; Group 7) Global Trading, Inc; And Group 8) Embroidery- Silkscreening; Global Trading, Inc.; All Uniforms Wear; Unicommerce And Swago In The Total Estimated Annual Amount Of \$462,157; And Further Reject All Bids Received For Group 9) For The Purchase Of Shoes Since All Bidders Failed To Meet The Specifications.

(Procurement)

**ACTION: Request authorized.** Fred Beckmann, Drew Terpak, Kevin Smith, Stephen Scott, Fire Chief Eric Yuhr, Assistant Police Chief Ray Martinez and Saul Frances to handle.

#### **C4 - Commission Committee Assignments**

- C4A Referral To The Land Use And Development Committee - Discussion Regarding Not Charging Double Permit Fees For People Who Come Forward And Request Permits For Work Done Without A Permit.

(Requested by Commissioner Jonah Wolfson)

**ACTION: Referred.** Richard Lorber to place on the committee agenda. Stephen Scott to handle.

- C4B Referral To The Finance And Citywide Projects Committee - Discuss Sanitizer Dispensers At City Facilities To Lessen Illness And Increase Productivity.

(Requested by Commissioner Jonah Wolfson)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. Fred Beckmann to handle.

- \*C4C Referral To The Land Use And Development Committee And Neighborhoods/Community Affairs Committee - Two Proposals For Charter Amendments That Would Strengthen The Existing Protections For Historic Preservation In Miami Beach.

(Requested by Mayor Matti Herrera Bower)

**ACTION: Referred.** Richard Lorber and Randi MacBride to place on the committees agendas. Jorge Gomez to handle.

- \*C4D Referral To The Land Use And Development Committee On A Proposal To Put The Historic Preservation Board Enabling Language In Charter So As To Protect The Composition And Existence Of Our City's Preservation Mechanism.

(Requested by Commissioner Jonah Wolfson)

**ACTION: Referred.** Richard Lorber to place on the committee agenda and to handle.

11:49:07 a.m.

**SUPPLEMENTAL MATERIALS (ONE) Resolutions**

**SUPPLEMENTAL MATERIAL (TWO): Missing Last Page from Resolution No. 2**

R7G Resolutions Calling For A Special Election

1. A Resolution Calling For A November 1, 2011 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether Miami Beach City Charter Section 1.03 Should Be Amended To Require That, After November 2, 2011, Any Change To The City's Land Development Regulations, Before Becoming Effective, Which Allows An Increase To Maximum Building Heights Shall First Be Approved By A Majority Of Voters In A Citywide Election, Except For City-Owned Property, Variances And Height Regulation Exceptions In City Code Section 142-1161, As Same May Be Amended?

**ACTION: Item deferred.**

11:49:07 a.m.

2. A Resolution Calling For A November 1, 2011 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether The Miami Beach City Charter Should Be Amended To Require That, After November 2, 2011, And Before Becoming Effective, Any Change To Chapter 118, Article II, Division 4 Of The City Code (Entitled, "Historic Preservation Board"), Or To Chapter 118, Article X, Of The Code ("Historic Preservation"), Which Either Reduces The Powers And Duties Of The Board, Or Creates Less Stringent Historic Preservation Standards Or Regulations, First Be Approved By A Majority Of Voters In A Citywide Election?

(City Attorney's Office)

**ACTION: Item deferred to the June 2012 Commission Meeting.** Motion made by Vice-Mayor Tobin; seconded by Commissioner Weithorn; Voice vote: 7-0. R. Parcher to handle.

Mayor Bower requested a joint meeting of the Land Use and Development Committee and the Neighborhood/Community Affairs Committee no later than May 2012 in order for the item to be ready for presentation at the June 2012 meeting. **Richard Lorber and Randi MacBride to coordinate a meeting.**

Mayor Bower reminded the City Manager to schedule a Planning Workshop. **Jorge Gomez to handle.**

**Lilia Cardillo to place an item on the June 2012 Commission Agenda as a reminder.**