



MIAMI BEACH

MEMORANDUM

TO: Land Use and Development Committee

FROM: Jorge M. Gonzalez, City Manager

A handwritten signature in black ink, appearing to read "Jorge M. Gonzalez".

DATE: April 25, 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.

COMMISSION COMMITTEES ACTION

At the March 27, 2012 Neighborhoods / Community Affairs Committee (NCAC) meeting, the Committee moved to recommend the charter amendment dealing with the City's Historic Preservation process to the full City Commission for its consideration and vote on whether to place it on the August ballot.

The motion also included that the charter amendment dealing with heights return to Committee for further discussion in April. At the March 28, 2012 Land Use and Development Committee (LUDC) meeting, the Committee also moved to recommend the

charter amendment dealing with Historic Preservation to the full City Commission and return to Committee in April; with further discussion on the charter amendment dealing with heights.

Both Committees requested that the charter amendment dealing with heights be presented as a series of alternatives for consideration by the LUDC and NCAC and if possible, conduct it as a joint meeting of both Committees.

ANALYSIS

As stated above, the proposed charter amendment dealing with the city's Historic Preservation processes was accepted and moved to the full Commission for its consideration. The second proposed charter amendment dealing with increased heights was requested to be presented as a series of options. One option (as originally presented) affects height amendments City wide but excludes City owned property. Further discussion was requested that only affected proposed height amendments in historic Districts but includes City owned property and the last version requested by the Committees was for a City wide amendment, but without the exclusion for City owned property.

CHARTER AMENDMENT REQUIRING VOTER APPROVAL BEFORE AMENDING THE LAND DEVELOPMENT REGULATIONS BY INCREASING REQUIRED BUILDING HEIGHTS.

Alternative 1

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 MAXIMUM BUILDING HEIGHTS SHALL FIRST BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION?

Alternative 2

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, WHICH ALLOWS INCREASED MAXIMUM BUILDING HEIGHTS IN LOCAL HISTORIC DISTRICTS SHALL FIRST BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION?

Alternative 3

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, WHICH ALLOWS INCREASED MAXIMUM BUILDING HEIGHTS SHALL FIRST BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION?

CONCLUSION

The Administration seeks policy direction from the Committees on the proposed alternative charter amendments.

JMG/JGG

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2012\April\Charter Amendments memo LUDC Meeting 04-25-12.docx