

Neighborhood/Community Affairs Committee Meeting  
May 22, 2012

**FOLLOW-UP DISCUSSION AND REQUEST FOR DIRECTION CONCERNING THE  
CONTINUATION OR TERMINATION OF THE DOG OFF-LEASH PILOT PROGRAM  
APPROVED BY THE CITY COMMISSION IN SOUTH POINTE PARK.**

*Originally referred at January 28, 2009 Commission item C41 by City Manager Jorge M. Gonzalez; returned to December 8, 2011 from February 3, 2011 NCAC meeting.*

Kevin Smith, Parks and Recreation Department Director

**ITEM #4**



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMITTEE MEMORANDUM

TO: Neighborhood/Community Affairs Committee Members

FROM: *Jorge M. Gonzalez*  
Jorge M. Gonzalez, City Manager

DATE: May 22, 2012

SUBJECT: **Follow-up Discussion And Request For Direction Concerning The Continuation Or Termination Of The Dog Off-Leash Pilot Program Approved By The City Commission In South Pointe Park.**

### INTRODUCTION

At the January 28, 2009, Commission meeting, the Administration requested the matter of dogs off-leash in City parks and other public properties in general, be referred to the Neighborhood/Community Affairs Committee for discussion. This initial Neighborhood/Community Affairs discussion was held on February 17, 2009. Since that time, numerous discussions have occurred at Committee and City Commission. To date there have been six (6) discussions related to dogs-off leash in South Pointe Park at the Neighborhood/Community Affairs Committee, one (1) at the Land Use & Development Committee (in conjunction with the Par 3 dog off-leash discussion) and six (6) Commission actions related to the matter (other than referrals and approval of committee minutes).

As you know, there are currently a total of five fenced dog parks within the City's parks. These include Belle Isle, Flamingo, North Shore Open Space Park, Pinetree, and Washington Avenue (two sites). These dog parks are heavily utilized and appreciated by our residents and their dogs. The increased number of the City's dog parks is a direct result of a number of discussions that were held in the community and more specifically at past Neighborhoods/Community Affairs Committee meetings. South Pointe Park has the only designated off-leash area.

### BACKGROUND

One of the initial discussion issues focused on the development of a dog park within South Pointe Park, an enclosed area similar to the dog parks in Flamingo, Washington Avenue, Pinetree, or Belle Isle. The conclusion of the discussion was to build-out a larger dog park on Washington Avenue, diagonal from the then-existing dog park on Collins Avenue and 2<sup>nd</sup> street. It was also recommended that the City look at whatever amendments would be needed to permit a pilot, off-leash area in a designated section of South Pointe Park, with limited hours of use. The designation of an off-leash area was not only prohibited by City Code, but it was also prohibited by County Code at the time.

On September 9, 2009, the City Commission approved on second reading, an Ordinance amending Chapter 10 of the Miami Beach Code entitled "Animals" to allow the City Commission to designate specific off-leash areas for dogs in public parks, specifically for South Pointe Park. The September 9th action established morning off-leash hours (park opening (sunrise) to 9:00 A.M.) only in a specific, unenclosed area of South Pointe Park located in the triangular area where the public art in public places project was identified to be sited (south and west of the Washington Avenue entry plaza). The item was amended to clarify that an off-leash program at South Pointe Park would be for a trial period of six months, commencing only if/when Miami-Dade County amended Section 5-20 of their Code pertaining to animals. At the time of the City Ordinance approval, County Code prohibited dogs off leash except in authorized park areas.

City staff worked with the City Attorney's office, and the County's Animal Services Division and County Attorney's office, to draft amendment language to County Code that would allow municipalities to designate off-leash areas, if they wished. The County Commission adopted the ordinance amendment at their May 4, 2010 Miami-Dade Board of County Commissioners meeting.

On June 1, 2010, the Administration began the unfenced dog off-leash program in South Pointe Park as planned. The City (Code Compliance and Security Alliance LLC) monitored the pilot program for violations for the six months as directed and developed a summary for the period of June – November 2010. The results found a total of 290 incidents ranging from dogs observed off-leash outside of the permitted area, to dogs observed within the approved area outside of approved hours. The greatest observed non-compliance occurred within the approved location in the afternoon hours, outside of the approved times (Sunrise-9:00 A.M. daily).

At the February 3, 2011, Neighborhood/Community Affairs Committee meeting, the Committee held a discussion concerning the South Pointe Park dogs off-leash pilot program and recommended extending the trial period, as well as adding two (2) additional hours in the evening on Monday through Friday only (hours to be determined), as well as to consider adding a hedge to surround the off-leash area once it returns to its permanent area.

In light of the pending expiration of the in South Pointe Park Dogs Off-Leash Pilot Program, a discussion item on the program was placed on the December 8, 2011, NCAC Meeting for purposes of obtaining direction on: 1) whether the program should be extended/made permanent; and, if so, 2) what the location of the site should be. On the latter, the Administration explained that it was concluded at the time of the Committee discussion earlier this year that we would return to Committee after the installation of the public art, and if the off-leash program was approved to continue, to discuss whether the off-leash area should move back to the original site, or remain at the current location (portion of west lawn).

The Committee discussed both issues. In terms of the continuation of the program, there was general agreement to extend the program; however, Commissioner Libbin expressed concern with extending the program if it did not include a hedge of some sort surrounding the "off-leash" area. In terms of location, there was general agreement, including from community members present, to keep the current location (portion of west lawn), rather than move the off-leash area back to where the public art piece has now been installed.

Following a discussion and community input, the NCAC members recommended the Administration be directed to:

- Extend the South Pointe Dog Off-leash Pilot Program for a six (6) month in its current location (approximately 18,000sf in the west lawn, south and east of the Washington Avenue entry plaza, bordered to the south by the cutwalk, and a pathway on the east and north sides), with an additional one (1) hour of off-leash time in both the morning and the afternoon. This extension required an amendment to the current city code (via amendment to the ordinance); and
- Prepare a site plan of the South Pointe Off-leash area in its present location and secure a cost estimate for the installation of a hedge, of the appropriate species and height, to enclose the "off-leash" area; submit the request to the Design Review Board; and identify funding to implement this hedge, should it be approved by the Design Review Board.

The Committee further directed staff to return to the Neighborhoods/Community Affairs Committee *"in five (5) months (if need be) to extend the existing program again, if the final version and plan is not completed."*

The recommendations were approved by all Committee members present at the meeting.

## **ANALYSIS**

The Administration prepared and presented an agenda item at the December 14, 2011, Commission meeting to amend Chapter 10 of the Miami Beach City Code entitled "Animals" to extend the pilot off-leash pilot program for dogs in South Pointe Park until July 15, 2012; modify the off-leash hours in the designated area in the morning from sunrise to 10:00 A.M. daily and between 4:00 P.M. and 7:00 P.M.

Monday through Friday; and relocate the off-leash area to the west lawn, south and east of the Washington Avenue entry plaza. This was approved by the City Commission on first reading and subsequently, following a public hearing, on second reading on January 11, 2012.

As directed by the City Commission, on February 2, 2012 the Administration prepared and submitted the required application to the Design Review Board for design review of a small, low growing native hedge to define the boundaries of the off-leash area delineated by the City Commission within South Pointe Park. On March 13, 2012, the Design Review Board entered an Order denying the request of the City Administration for a proposed hedge for the off-leash dog area within South Pointe Park and on March 21, 2012, the City Commission directed the City Manager to appeal the DRB order. At the April 11, 2012, Commission meeting, a resolution setting the public hearing, pursuant to Section 118-262 of the City Code, to review the Design Review Board order denying the request for the proposed hedge was approved and at the May 9, 2012 City Commission meeting the required public hearing to consider the appeal of the Design Review Board Order was held. Following the public hearing and discussion by the City Commission, a motion was made by Vice-Mayor Libbin to continue the consideration of reversing the DRB Appeal to the June 6, 2012 Commission meeting. This motion was approved 6-1.

Pursuant to the direction of the Neighborhoods/Community Affairs Committee at the December 8, 2011, meeting, this item is being brought back to Committee for further discussion and direction as to whether or not the pilot program should be extended.

#### **INCIDENTS – LAST 18 MONTHS**

At the May 9<sup>th</sup> Commission meeting, a request was made for a complete report from the Administration to see if there have been any problems over the past 18 months. Please note that according to the Police Department (and private security), Fire Department, Code Enforcement Division, and Parks & Recreation staffs there are no documented instances of patrons being bitten or attacked by dogs that are off-leash. However, staff assigned to the park do regularly express concern that they are verbally abused by park patrons when they are asked to put their dogs on a leash when they are out of the designated off-leash area or are not compliant with the established times for the dogs to be off-leash.

Additionally, compliance monitoring reports maintained by Code Compliance and Security Alliance indicate that for the period of June, 2010 to May, 2012, there have been a total of 676 documented instances of dogs off-leash in violation of the City's established times and location. It should also be noted that that Code Compliance Division staff has maintained a Repeat Offenders Dog Violations citywide summary for the period of April 1, 2011 and April 18, 2012 – with a minimum of 2 notices. There are six individuals on this list receiving a total of twenty-two (22) violations in South Pointe Park, with two (2) of the six (6) each being issued six (6) violations in South Pointe Park. Citywide there are a total of 208 violations issued for dog related violations, to a total of forty-five (45) individuals in this same period.

#### **CONCLUSION**

As stipulated by the Miami Beach City Code, the current South Pointe Park Dog Off-Leash Pilot Program is scheduled to terminate on July 15, 2012. Any modification to extend the pilot program would require two (2) Commission actions, therefore, the Administration is requesting that the NCAC discuss the future of the South Pointe Dog Off-Leash Pilot Program and provide direction as to how you wish to proceed.

JMG/HMF/KS

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