

MIAMIBEACH

City Commission Meeting SUPPLEMENTAL MATERIAL 2

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
September 11, 2013

Mayor Matti Herrera Bower
Vice-Mayor Edward L. Tobin
Commissioner Jorge R. Exposito
Commissioner Michael Góngora
Commissioner Jerry Libbin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales
City Attorney Jose Smith
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

SUPPLEMENTAL AGENDA

C7 - Resolutions

- C7K A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Proposal (RFP) No. 177-2013ME, For Pay-By-Phone Services; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, Parkmobile USA, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Pay By Phone Technologies, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing Negotiations With The Third-Ranked Proposers, Pango USA And Passport Parking (Tie); And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Parking/Procurement)

(Resolution)

C7 - Resolutions (Continued)

- C7P A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Implement A Mass Transit Circulator Loop In North Beach And To Work With Miami-Dade Transit To Implement A North-South Express Bus Service To Connect A North Beach Circulator To South Beach.

(Public Works)
(Resolution)

- C7U A Resolution Approving And Authorizing The Placement Of Twenty (20) Banners For The Miami Book Fair International, To Be Held November 22-24, 2013, In The City Of Miami, As Requested By The Applicant At The Following Locations: Fifth (5th) Street, Between Alton Road And Ocean Drive; Collins Avenue, From Fifth (5th) Street To Tenth (10th) Street; Washington Avenue, From Fifth (5th) Street To Lincoln Road; And MacArthur Causeway From Fountain Drive To Terminal Island; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings (Exhibit A); To Be Installed And Removed In Accordance With All Other Applicable City Requirements; Banners To Be Installed No Earlier Than October 24, 2013, And Removed By November 25, 2013.

(Tourism, Culture & Economic Development)
(Resolution)

R5 - Ordinances

- R5C Minimum Unit Sizes For Historic Hotels And RM-2 Tower Setbacks
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," By Amending Article II, "District Regulations," By Amending Division 3, "Residential Multifamily Districts," By Amending Section 142-155 To Modify The Requirements For Minimum Hotel Room Size For Historic Hotels Within The RM-1 District; By Amending Section 142-217 To Modify The Requirements For Minimum Hotel Room Size For Historic Hotels Within The RM-2 District; By Amending Section 142-218 To Modify The Tower Setback Requirements Within The RM-2 District; By Amending Section 142-246 To Modify The Requirements For Minimum Hotel Room Size For Historic Hotels Within The RM-3 District; Providing For Codification; Repealer, Severability And An Effective Date. **10:45 a.m. Second Reading Public Hearing**

(Requested by the Land Use & Development Committee)
(Legislative Tracking: Planning Department)
(First Reading July 17, 2013)
(Ordinance)

R5 - Ordinances (Continued)

R5H Palm View Hotel Uses

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity," To Limit Hotels As Hereinafter Provided In The Palm View Corridor To Those Existing As Of May 28, 2013; Defining The Palm View Corridor As All Properties Abutting The West Side Of Meridian Avenue Between 17th Street And Collins Canal; Defining The Rights Of Existing Hotels As Legal Conforming Uses; To Exclude Outdoor Entertainment Establishments And Outdoor Entertainment From Permitted Hotel Accessory Uses; To Add Hotels As A Prohibited Use Within The Boundaries Of The Palm View Corridor Of The RM-2 District; Acknowledging State Pre-Emption Of Short Term Rental Regulations; Providing Rules For Cessation And Resumption Of Hotel Uses; And Providing For Codification; Repealer, Severability And An Effective Date. **5:15 p.m. First Reading Public Hearing**

(Requested by the Land Use and Development Committee)

(Legislative Tracking: Planning Department)

(Ordinance)

R5I West Avenue Hotel Uses

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity"; And By Amending Subdivision V, "RM-3 Residential Multifamily, High Intensity," To Limit Hotels As Hereinafter Provided In The West Avenue Corridor To Those Existing As Of May 28, 2013; Defining The West Avenue Corridor As That Area Bordered By Collins Canal To The North, Alton Road To The East, Biscayne Bay To The West And 6th Street To The South; Defining The Rights Of Existing Hotels As Legal Conforming Uses; To Exclude Outdoor Entertainment Establishments And Outdoor Entertainment From Permitted Hotel Accessory Uses; To Add Hotels As A Prohibited Use Within The Boundaries Of The West Avenue Corridor Of The RM-2 And RM-3 Districts; Acknowledging State Preemption Of Short Term Rental Regulations; Providing Rules For Cessation And Resumption Of Hotel Uses; And Providing For Codification; Repealer, Severability And An Effective Date. **5:20 p.m. First Reading Public Hearing**

(Requested by the Land Use and Development Committee)

(Legislative Tracking: Planning Department)

(Ordinance)

R5J RM-3 Accessory Use Signage

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 138, "Signs," By Amending Article V, "Sign Regulations By District," By Amending Section 138-171, "General Provisions," To Modify The Requirements For Hotels And Apartment Buildings Within The RM-3 District, And By Amending Section 138-172, "Schedule Of Sign Regulations For Principal Use Signs," To Modify The Requirements For Hotels And Apartment Buildings Within The RM-3 District; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Requested by the Land Use and Development Committee)

(Legislative Tracking: Planning Department)

(Ordinance)

R5 - Ordinances (Continued)

- R5R An Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending Article V, Entitled "Citywide Recycling Program For Multifamily Residences And Commercial Establishments" By Amending Section 90-340, Entitled "Recycling Program And Separation Of Recyclable Materials From Solid Waste Stream Required For Multifamily Residences Of Nine (9) Dwelling Units Or More; Owner/Association Liability; Recycling Contractors' Assistance," To Apply To Multifamily Residences Of Two (2) Or More Dwelling Units; Providing For Repealer Severability, Codification, And An Effective Date. **First Reading**
(Sponsored by Commissioner Jerry Libbin)
(Legislative Tracking: Public Works)
(Ordinance)

R7 - Resolutions

- R7M Vacation Of Alleyway - 500 Alton Road
A Resolution Vacating An Alley Located In The 500 Block Of Alton Road, Containing Approximately 6,005 Square Feet, In Favor Of The Adjacent Property Owners, South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, And 1220 Sixth, LLC; Ratifying The Closure Of The Linear Alley Previously Approved By Resolution 2005-25869; Waiving By 5/7th Vote The Competitive Bidding Requirements As Required By Section 82-39 Of The City Code; Imposing Conditions For Such Vacation As Are Appropriate Under The Circumstances; And Authorizing The Mayor And City Clerk To Execute The Closure Documents, And To Accept The Grant Of Easement And Agreement For Storm Water And Transportation Improvements, Subject To Final Approval Of Such Documents By The City Manager And City Attorney. **12:00 p.m. Second Reading Public Hearing**
(Public Works)
(First Reading on July 17, 2013/Referred to FCWPC)
(Resolution & Grant of Easement/Agreement)
- R7P A Resolution Approving An Amendment To The Professional Services Agreement Entered Into On December 22, 2010 With Camp Dresser & McKee, Inc (CDM) For Additional Work On The Stormwater Master Plan In The Amount Of \$57,804.00 Relative To Neighborhood Concurrency Reviews, A Public Meeting, And Additional Model Runs Requested As A Result Of The Public Meeting And Authorizing And Directing The City Manager And The City Attorney's Office To Finalize The Amendment And Further Authorizing The Mayor And City Clerk To Execute The Final Amended Agreement.

(Public Works)
(Resolution)

R7 - Resolutions (Continued)

- R7Q A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Proposal (RFP) No. 095-2013ME, For The Comprehensive Professional Tennis Management And Operations Services At The City's Flamingo And North Shore Park Tennis Centers; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, Miami Beach Tennis Management, LLC; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Cliff Drysdale Management, Inc; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing Negotiations With The Third-Ranked Proposer, Jane Forman Sports; And Should The Administration Not Be Successful In Negotiating An Agreement With The Third-Ranked Proposer, Authorizing Negotiations With The Fourth-Ranked Proposer, Greensquare, Inc; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Parks & Recreation/Procurement)
(Resolution)

- R7T A Resolution Authorizing The Miami-Dade County Canvassing Board For The Countywide November 5, 2013 Special Election To Serve As Canvassing Board For The City Of Miami Beach's General And Special Elections To Be Held On November 5, 2013.

(City Attorney's Office)
(Substitute Memorandum)

- R7V A Resolution Approving An Expenditure Of Budgeted Funds In Reasonable And Necessary Amounts For The Public Purpose Of Informing And Educating The Voters Of The City Of Miami Beach Regarding The Ballot Questions On The City's November 5, 2013 Special Election Ballots In Order To Achieve A More Informed Electorate Vote.

(Communications/City Attorney's Office)
(Memorandum & Resolution)

Redevelopment Agency Items

- 1A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA) Accepting The Recommendation Of The City's Finance And Citywide Projects Committee Pertaining To The Early Termination Of An Existing Retail Lease Agreement Between The Miami Beach Redevelopment Agency ("Landlord") And Cadiac, Inc. D/B/A US Vintage ("Tenant"), Involving Suites D And E In The Anchor Shops, Located At 1560 Collins Avenue, Suite 3, Miami Beach, Florida ("Space"); And Approving And Authorizing The RDA To Enter Into A New Lease Agreement With US Vintage, Inc. (US Vintage) For An Initial Term Of Three (3) Years, Commencing On October 1, 2013 And Ending On September 30, 2016, With Two (2) Renewal Options Of Three (3) Years And Three (3) Years And 364 Days Respectively, At The RDA's Sole And Absolute Discretion, Subject To And Pursuant To The Terms And Conditions Set Forth In The Agreement.

(Tourism, Culture & Economic Development)
(Resolution)

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF FIRMS, PURSUANT TO REQUEST FOR PROPOSAL (RFP) NO. 177-2013ME, FOR PAY-BY-PHONE SERVICES; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED PROPOSER, PARKMOBILE USA, INC.; AND SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH THE TOP-RANKED PROPOSER, AUTHORIZING NEGOTIATIONS WITH THE SECOND-RANKED PROPOSER, PAY BY PHONE TECHNOLOGIES, INC.; AND SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH THE SECOND-RANKED PROPOSER, AUTHORIZING NEGOTIATIONS WITH THE THIRD-RANKED PROPOSERS, PANGO USA AND PASSPORT PARKING (TIE); AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

WHEREAS, on May 8, 2013, the Mayor and City Commission approved the issuance of Request for Proposal (RFP) 177-2013ME For Pay-By-Phone Services; and

WHEREAS, on May 9, 2013, RFP No. 0177-2013ME was issued with an opening date of July 17, 2013; and

WHEREAS, a pre-bid conference to provide information to prospective proposers was held on May 30, 2013; and

WHEREAS, thirty prospective proposers downloaded the solicitation from The Public Group, which resulted in the receipt of five (5) proposals; and

WHEREAS, on August 7, 2013, the City Manager via Letter to Commission (LTC) No. 270-2013, appointed an Evaluation Committee (the "Committee") for the purpose of evaluating the proposals received in accordance with the criteria established in the RFP; and

WHEREAS, the Committee convened on August 30, 2013 to evaluate the proposals received; and

WHEREAS, the Committee was provided with an overview of the project, information relative to the City's Code of Silence Ordinance and the Government Sunshine Law; Performance Evaluation Surveys; and presentations from each proposer; and

WHEREAS, the Committee was instructed to score and rank each proposer's qualifications and proposed scope of services and methodology pursuant to the evaluation criteria established in the RFP; and

WHEREAS, the Committee discussed its individual perceptions of the proposers' qualifications, experience, and competence, and further scored and ranked the proposers accordingly; and

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WHEREAS, an analysis of cost pursuant to the cost proposal information provided by each firm was presented by Rocio Alba, committee member and Parking Assistant Director; and

WHEREAS, additional points, over the aforementioned potential points for qualifications, scope of services, and methodology and approach were to be allocated, if applicable, and in accordance with the Local and Veterans Preference ordinances; and

WHEREAS, the following ranking based on the overall Committee scoring was presented to the Manager for his due diligence and recommendation: (1) Parkmobile USA, Inc.; (2) Pay By Phone Technologies, Inc.; (3) Pango USA and Passport Parking (tie); and (4) QuickPay; and

WHEREAS, after receiving the recommendation of the Committee and City staff, the City Manager exercised his due diligence and is recommending that the Mayor and the City Commission authorize the Administration to enter into negotiations with the top-ranked proposer, Parkmobile USA, Inc.; and should the Administration not be successful in negotiating an agreement with the top-ranked proposer, authorize negotiations with the second-ranked proposer, Pay By Phone Technologies, Inc.; and should the Administration not be successful in negotiating an agreement with the second-ranked proposer, authorize negotiations with the third-ranked proposers, Pango USA and Passport Parking (tie); and further authorize the Mayor and City Clerk to execute an agreement upon conclusion of successful negotiations by the Administration.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the City Manager pertaining to the ranking of proposals pursuant to request for proposal (RFP) No. 177-2013ME, for pay-by-phone services; and further authorize the Administration to enter into negotiations with the top-ranked proposer, Parkmobile USA Inc.; and should the Administration not be successful in negotiating an agreement with the top-ranked proposer, authorize negotiations with the second-ranked proposer, Pay By Phone Technologies, Inc.; and should the Administration not be successful in negotiating an agreement with the second-ranked proposer, authorize negotiations with the third-ranked proposers, Pango USA and Passport Parking (tie); and further authorize the Mayor and City Clerk to execute an agreement upon conclusion of successful negotiations by the Administration.

PASSED AND ADOPTED this _____ day of _____ 2013.

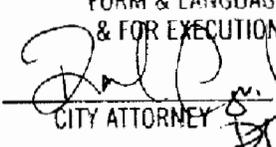
ATTEST:

Rafael Granado, City Clerk

Mattie Herrera Bower, Mayor

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



CITY ATTORNEY

9/5/13

DATE

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE TO IMPLEMENT A MASS TRANSIT CIRCULATOR LOOP IN NORTH BEACH AND TO WORK WITH MIAMI-DADE TRANSIT TO IMPLEMENT A NORTH-SOUTH EXPRESS BUS SERVICE TO CONNECT A NORTH BEACH CIRCULATOR TO SOUTH BEACH.

WHEREAS, the City of Miami Beach (City) wishes to enhance mobility in the North Beach community through the implementation of a mass transit circulator to be known as the North Beach Local; and

WHEREAS, Miami-Dade Transit (MDT) currently operates Routes 115 and 117 (Mid-North Beach Connection); and

WHEREAS, as part of its ongoing comprehensive bus service restructuring and cost savings initiative, MDT will eliminate Route 117 and modify Route 115 due to low ridership, large service span, and extended headways; and

WHEREAS, the Neighborhood/Community Affairs Committee recommended that the Administration work with MDT to implement a new North Beach circulator loop and a north-south express bus service to connect North Beach to South Beach; and

WHEREAS, both the City and Miami-Dade County wish to have the County continue to operate the circulator route service in North Beach; and

WHEREAS, the City wishes to partner with MDT to provide effective and efficient mass transit circulator service in the North Beach community; and

WHEREAS, the proposed North Beach Local would combine the transit resources of the County to provide a circulator which maximizes service to the community while eliminating service duplication.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Neighborhood/Community Affairs Committee to implement a mass transit circulator loop in North Beach and to work with Miami-Dade Transit to implement a North-South express bus service to connect a North Beach Circulator to South Beach.

PASSED and **ADOPTED** this _____ day of _____, 2013.

ATTEST:

CITY CLERK

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MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


CITY ATTORNEY

9/6/13
DATE

Agenda Item C7P
Date 9-1-13

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PLACEMENT OF TWENTY (20) BANNERS FOR THE MIAMI BOOK FAIR INTERNATIONAL, TO BE HELD NOVEMBER 22-24, 2013, IN THE CITY OF MIAMI, AS REQUESTED BY THE APPLICANT AT THE FOLLOWING LOCATIONS: FIFTH (5TH) STREET, BETWEEN ALTON ROAD AND OCEAN DRIVE; COLLINS AVENUE FROM FIFTH (5TH) STREET TO TENTH (10TH) STREET; WASHINGTON AVENUE FROM FIFTH (5TH) STREET TO LINCOLN ROAD; AND MACARTHUR CAUSEWAY FROM FOUNTAIN DRIVE TO TERMINAL ISLAND; SAID BANNERS TO BE AFFIXED TO LIGHT POLES IN THE PUBLIC RIGHT-OF-WAY, MEASURING 3 FEET X 7 FEET AND HAVING COPY AND DESIGN AS SHOWN ON THE ATTACHED DRAWINGS (EXHIBIT A); TO BE INSTALLED AND REMOVED IN ACCORDANCE WITH ALL OTHER APPLICABLE CITY REQUIREMENTS; BANNERS TO BE INSTALLED NO EARLIER THAN OCTOBER 24, 2013, AND REMOVED BY NOVEMBER 25, 2013.

WHEREAS, the Miami Book Fair International (Applicant) will be held November 22-24, 2013, in downtown Miami; and

WHEREAS, in order to publicize the event and draw attention of the media and the public at large, the Applicant has requested light pole banners, measuring 3 feet by 7 feet; and

WHEREAS, the Applicant has been through the required design review permit process in order to obtain approval for said banners; and

WHEREAS, the Applicant has requested approval and authorization for the placement of a total of twenty (20) banners; and

WHEREAS, City Code Section 82-411(d) requires that the Mayor and City Commission approve the installation of temporary banners for special events held outside of the City of Miami Beach.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and authorize the placement of twenty (20) banners for the Miami Book Fair International, to be held November 22-24, 2013, in the City of Miami, as requested by the Applicant at the following locations: Fifth (5th) Street, between Alton Road and Ocean Drive; Collins Avenue from Fifth (5th) Street to Tenth (10th) Street; Washington Avenue from Fifth (5th) Street to Lincoln Road; and MacArthur Causeway from Fountain Drive to Terminal Island; said banners to be affixed to light poles in the public right-of-way, measuring 3 feet x 7 feet and having copy and design as shown on the attached drawings (Exhibit A); to be installed and

removed in accordance with all other applicable City requirements; banners to be installed no earlier than October 24, 2013, and removed by November 25, 2013.

PASSED and **ADOPTED** this _____ day of _____, 2013.

ATTEST:

Rafael E. Granado,
City Clerk

Matti Herrera Bower,
Mayor

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

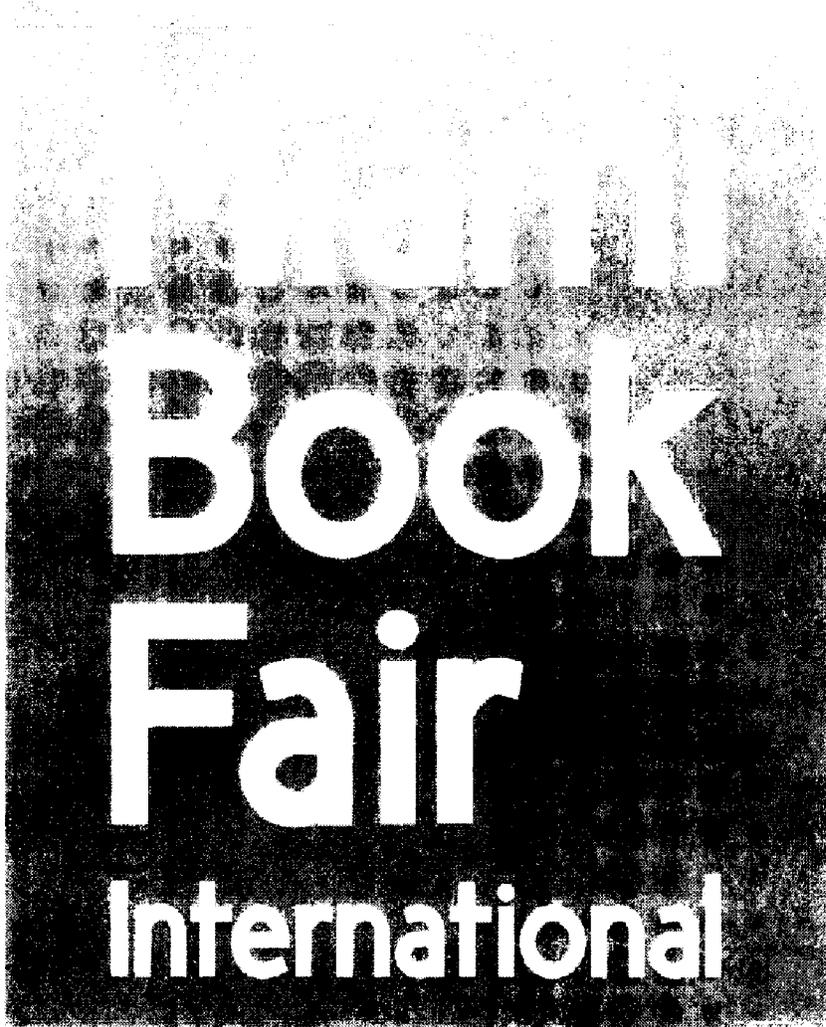


City Attorney 9/9/13
Date

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Exhibit A

Nov. 17-24



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7
v

**downtown
miami**



**Miami Dade
College**

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MINIMUM UNIT SIZES FOR HISTORIC HOTELS & RM-2 TOWER SETBACKS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, "DISTRICT REGULATIONS," BY AMENDING DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," BY AMENDING SECTION 142-155 TO MODIFY THE REQUIREMENTS FOR MINIMUM HOTEL ROOM SIZE FOR HISTORIC HOTELS WITHIN THE RM-1 DISTRICT; BY AMENDING SECTION 142-217 TO MODIFY THE REQUIREMENTS FOR MINIMUM HOTEL ROOM SIZE FOR HISTORIC HOTELS WITHIN THE RM-2 DISTRICT; BY AMENDING SECTION 142-218 TO MODIFY THE TOWER SETBACK REQUIREMENTS WITHIN THE RM-2 DISTRICT; BY AMENDING SECTION 142-246 TO MODIFY THE REQUIREMENTS FOR MINIMUM HOTEL ROOM SIZE FOR HISTORIC HOTELS WITHIN THE RM-3 DISTRICT; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach endeavors to recall and promote its unique social and architectural history, as well as further the dynamic character and attraction of hotels within historic districts; and

WHEREAS, the City of Miami Beach seeks to encourage and incentivize the retention, preservation and restoration of hotel structures located within historic districts; and

WHEREAS, the City of Miami Beach desires to amend existing minimum unit size requirements for existing hotels within historic districts; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. City Code Chapter 142, Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," is hereby amended as follows:

Sec. 142-155. - Development regulations and area requirements

* * *

(b)The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

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Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
5,600	50	<p>New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—400 Hotel unit: 15%: 300–335 85%: 335+</p> <p><u>For contributing hotel structures, located within a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained.</u></p>	<p>New construction—800 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—550</p>	<p>Historic district—40 Flamingo Park Local Historic District—35 (except as provided in section 142-1161 Otherwise—50</p>	<p>Historic district—4 Flamingo Park Local Historic District—3 (except as provided in section 142-1161 Otherwise—5</p>

SECTION 2. City Code Chapter 142, Article II, "District Regulations", Division 3, "Residential Multifamily Districts", Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", is hereby amended as follows:

Sec. 142-217. - Area requirements.

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories

7,000	50	<p>New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—400 Hotel unit: 15%: 300–335 85%: 335+</p> <p><u>For contributing hotel structures, located within a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained.</u></p>	<p>New construction—800 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—550 Hotel units—N/A</p>	<p>Historic district—50 (except as provided in section 142-1161 Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—75 Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—75 Otherwise—60 Lots fronting Biscayne Bay less than 45,000 sq. ft.—100 Lots fronting Biscayne Bay over 45,000 sq. ft.—140 Lots fronting Atlantic Ocean over 100,000 sq. ft.—140</p>	<p>Historic district—5 (except as provided in section 142-1161 Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—8 Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—8 Otherwise—6 Lots fronting Biscayne Bay less than 45,000 sq. ft.—11 Lots fronting Biscayne Bay over 45,000 sq. ft.—15 Lots fronting Atlantic Ocean over 100,000 sq. ft.—15</p>
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Sec. 142-218. - Setback requirements.

The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (b) below is applicable	20 feet	5 feet, or 5% of lot width, whichever is greater	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—5 feet Oceanfront lots—50 feet from bulkhead line

Subterranean	20 feet	5 feet, or 5% of lot width, whichever is greater. (0 feet if lot width is 50 feet or less)	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—0 feet Oceanfront lots—50 feet from bulkhead line
Pedestal	20 feet Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	Non-oceanfront lots—10% of lot depth Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line whichever is greater
Tower	20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	<u>Same as pedestal for structures with a total height of 60' or less.</u> The required pedestal setback plus 0.10 of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Sum of the side yards shall equal 16% of the lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	Non-oceanfront lots—15% of lot depth Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater

SECTION 3. City Code Chapter 142, Article II, "District Regulations", Division 3, "Residential Multifamily Districts", Subdivision v, "RM-3 Residential Multifamily High Intensity", is hereby amended as follows:

Sec. 142-246. - Development regulations and area requirements.

* * *

(b)The lot area, lot width, unit size and building height requirements for the RM-3 residential multifamily, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
7,000	50	New construction—550 Non-elderly and elderly low and moderate income housing: See section	New construction—800 Non-elderly and elderly low and moderate income	150 Oceanfront lots—200 Architectural dist.: New	16 Oceanfront lots—22 Architectural dist.: New

		<p>142-1183 Rehabilitated buildings—400 Hotel unit: 15%: 300–335 85%: 335+</p> <p><u>For contributing hotel structures, located within a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained.</u></p>	<p>housing: See section 142-1183 Rehabilitated buildings—550 Hotel units—N/A</p>	<p>construction—120; ground floor additions (whether attached or detached) to existing structures on oceanfront lots—50 (except as provided in section 142-1161</p>	<p>construction—13; ground floor additions (whether attached or detached) to existing structures on oceanfront lots—5 (except as provided in section 142-1161</p>
--	--	--	--	--	--

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

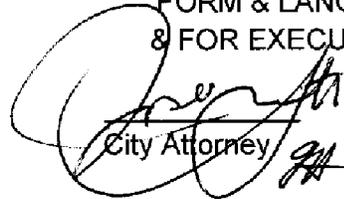
PASSED AND ADOPTED this _____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

9/9/13
Date

First Reading: July 17, 2013
Second Reading: September 11, 2013

Verified by: _____
Richard G. Lorber, AICP, LEED AP
Acting Planning Director

~~Strike Thru~~ denotes deleted language

Underscore denotes new language

Double Underscore denotes new language recommended by Historic Preservation Board

09/09/2013

T:\AGENDA\2013\September 11\Historic Hotel Unit Size& RM2 Setbacks - ORD 2nd Read.docx

PALM VIEW HOTEL USES
(As Transmitted by Planning Board on June 25, 2013)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS", SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY", TO LIMIT HOTELS AS HEREINAFTER PROVIDED IN THE PALM VIEW CORRIDOR TO THOSE EXISTING AS OF MAY 28, 2013; DEFINING THE PALM VIEW CORRIDOR AS ALL PROPERTIES ABUTTING THE WEST SIDE OF MERIDIAN AVENUE BETWEEN 17TH STREET AND COLLINS CANAL; DEFINING THE RIGHTS OF EXISTING HOTELS AS LEGAL CONFORMING USES; TO EXCLUDE OUTDOOR ENTERTAINMENT ESTABLISHMENTS AND OUTDOOR ENTERTAINMENT FROM PERMITTED HOTEL ACCESSORY USES; TO ADD HOTELS AS A PROHIBITED USE WITHIN THE BOUNDARIES OF THE PALM VIEW CORRIDOR OF THE RM-2 DISTRICT; ACKNOWLEDGING STATE PRE-EMPTION OF SHORT TERM RENTAL REGULATIONS; PROVIDING RULES FOR CESSATION AND RESUMPTION OF HOTEL USES; AND PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach endeavors to preserve and enhance the residential scale, character and livability of residential apartment and condominium buildings within the City's medium intensity multi-family districts located in the Palm View District; and

WHEREAS, hotel uses located in the Palm View District and zoned RM-2 include allowable accessory uses that present compatibility issues with existing residential structures; and

WHEREAS, the City of Miami Beach desires to amend existing requirements and procedures for certain types of prohibited uses for properties located in the Palm View District and zoned RM-2; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 142, Article 2, entitled "District Regulations", Division 3, entitled "Residential Multifamily Districts", Subdivision IV, entitled "RM-2 Residential Multifamily, Medium Intensity", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-212. - Main permitted uses.

The main permitted uses in the RM-2 residential multifamily, medium intensity district are single-family detached dwellings; townhomes; apartments; apartment-hotels; and hotels; except that in the Palm View corridor, defined as all properties abutting the west side of Meridian Avenue

Agenda Item RSB
Date 9-1-13

between 17th street and Collins Canal, apartment-hotel or hotel uses are only permitted if issued a building permit or occupational license prior to May 28, 2013, or are approved by the Design Review Board pursuant to a complete application filed and pending prior to May 28, 2013, in which event they shall be considered a "Legal Conforming Use." A property that has a "Legal Conforming Use" as used in this Subdivision prior to May 28, 2013, may retain all, and apply for new, expansions and modifications to, permitted, conditional and /or accessory uses permitted in the zoning category as of May 28, 2013, and apply for building permits to add, improve and/or expand existing structures, or construct new structures for permitted, conditional and/or accessory uses permitted in the zoning category, if FAR remains available.

Sec. 142-213. - Conditional uses.

Conditional uses in the RM-2 residential multifamily, medium intensity district are adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; commercial or noncommercial parking lots and garages; and accessory neighborhood impact establishment, as set forth in article V, division 6 of this chapter.

Sec. 142-214. - Accessory uses.

The accessory uses in the RM-2 residential multifamily, medium intensity district are as required in article IV, division 2 of this chapter and uses that serve alcoholic beverages as listed in article V, division 4 of this chapter, pertaining to alcoholic beverages. RM-2 properties within the Palm View corridor, may not have accessory outdoor entertainment establishments. Notwithstanding the foregoing, a property that had a Legal Conforming Use as of May 28, 2013 shall have the right to apply for and receive special event permits that contain entertainment uses.

Sec. 142-215. Prohibited Uses.

The prohibited uses in the RM-2 residential multifamily, medium intensity district are accessory outdoor entertainment establishment, accessory open air entertainment establishment, as set forth in article V, division 6 of this chapter; and accessory outdoor bar counter; and for properties located within the Palm View corridor, hotels and apartment-hotels, except to the extent preempted by Section 509.032(7), Florida Statutes, and unless they are a Legal Conforming Use. Properties that voluntarily cease to operate as a hotel for a consecutive three (3) year period, shall not be permitted to later resume such hotel operation. Without limitation, (a) involuntary hotel closures due to casualty and (b) cessation of hotel use of individual units of a condo-hotel shall not be deemed to be ceasing hotel operations pursuant to the preceding sentence.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed, with the exception of Chapter 142, Article III, Division 5 - West Avenue Bay Front Overlay.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

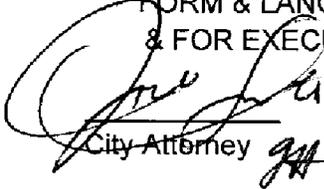
PASSED AND ADOPTED this _____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

9/9/13
Date

First Reading: September 11, 2013
Second Reading: October 16, 2013

Verified by: _____
Richard G. Lorber, AICP, LEED AP
Acting Planning Director

Underscore denotes new language
~~Strike-Thru~~ denotes deleted language
09/09/2013

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WEST AVENUE HOTEL USES
(As Transmitted by Planning Board on June 25, 2013)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS", SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY"; AND BY AMENDING SUBDIVISION V, "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY", TO LIMIT HOTELS AS HEREINAFTER PROVIDED IN THE WEST AVENUE CORRIDOR TO THOSE EXISTING AS OF MAY 28, 2013; DEFINING THE WEST AVENUE CORRIDOR AS THAT AREA BORDERED BY COLLINS CANAL TO THE NORTH, ALTON ROAD TO THE EAST, BISCAYNE BAY TO THE WEST AND 6TH STREET TO THE SOUTH; DEFINING THE RIGHTS OF EXISTING HOTELS AS LEGAL CONFORMING USES; TO EXCLUDE OUTDOOR ENTERTAINMENT ESTABLISHMENTS AND OUTDOOR ENTERTAINMENT FROM PERMITTED HOTEL ACCESSORY USES; TO ADD HOTELS AS A PROHIBITED USE WITHIN THE BOUNDARIES OF THE WEST AVENUE CORRIDOR OF THE RM-2 AND RM-3 DISTRICTS; ACKNOWLEDGING STATE PREEMPTION OF SHORT TERM RENTAL REGULATIONS; PROVIDING RULES FOR CESSATION AND RESUMPTION OF HOTEL USES; AND PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach endeavors to preserve and enhance the residential scale, character and livability of residential apartment and condominium buildings within the City's medium and high intensity multi-family districts; and

WHEREAS, hotel uses located in the West Avenue Corridor and zoned RM-2 & RM-3 include allowable accessory uses that present compatibility issues with existing residential structures; and

WHEREAS, the City of Miami Beach desires to amend existing requirements and procedures for certain types of prohibited uses located in the West Avenue Corridor and zoned RM-2 & RM-3; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 142, Article 2, entitled "District Regulations", Division 3, entitled "Residential Multifamily Districts", Subdivision IV, entitled "RM-2 Residential Multifamily, Medium Intensity", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-212. - Main permitted uses.

The main permitted uses in the RM-2 residential multifamily, medium intensity district are

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Date 9-18-13

single-family detached dwellings; townhomes; apartments; apartment-hotels; and hotels; except that in the "West Avenue Corridor", defined in this Subdivision as that area bordered by Collins Canal to the north, Alton Road to the east, Biscayne Bay to the West and 6th Street to the south, apartment-hotel or hotel uses are only permitted if issued a building permit or occupational license prior to May 28, 2013, or are approved by the Design Review Board pursuant to a complete application filed and pending prior to May 28, 2013, in which event they shall be considered a "Legal Conforming Use." A property that has a "Legal Conforming Use" as used in this Subdivision prior to May 28, 2013, may retain all, and apply for new, expansions and modifications to, permitted, conditional and /or accessory uses permitted in the zoning category as of May 28, 2013, and apply for building permits to add, improve and/or expand existing structures, or construct new structures for permitted, conditional and/or accessory uses permitted in the zoning category, if FAR remains available.

Sec. 142-213. - Conditional uses.

Conditional uses in the RM-2 residential multifamily, medium intensity district are adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; commercial or noncommercial parking lots and garages; and accessory neighborhood impact establishment, as set forth in article V, division 6 of this chapter.

Sec. 142-214. - Accessory uses.

The accessory uses in the RM-2 residential multifamily, medium intensity district are as required in article IV, division 2 of this chapter and uses that serve alcoholic beverages as listed in article V, division 4 of this chapter, pertaining to alcoholic beverages. RM-2 properties within the "West Avenue Corridor," may not have accessory outdoor entertainment establishments. Notwithstanding the foregoing, a property that had a Legal Conforming Use as of May 28, 2013 shall have the right to apply for and receive special event permits that contain entertainment uses.

Sec. 142-215. Prohibited Uses.

The prohibited uses in the RM-2 residential multifamily, medium intensity district are accessory outdoor entertainment establishment, accessory open air entertainment establishment, as set forth in article V, division 6 of this chapter; and accessory outdoor bar counter; and for properties located within the "West Avenue Corridor," hotels and apartment-hotels, except to the extent preempted by Section 509.032(7), Florida Statutes, and unless they are a Legal Conforming Use. Properties that voluntarily cease to operate as a hotel for a consecutive three (3) year period, shall not be permitted to later resume such hotel operation. Without limitation, (a) involuntary hotel closures due to casualty and (b) cessation of hotel use of individual units of a condo-hotel shall not be deemed to be ceasing hotel operations pursuant to the preceding sentence.

SECTION 2. That Chapter 142, Article 2, entitled "District Regulations", Division 3, entitled "Residential Multifamily Districts", Subdivision V, entitled "RM-3 Residential Multifamily, High Intensity", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-242. - Main permitted uses.

The main permitted uses in the RM-3 residential multifamily, high intensity district are single-family detached dwelling; townhomes; apartments; apartment-hotels; and hotels; except that in the "West Avenue Corridor," defined in this Subdivision as that area bordered by Collins Canal to the north, Alton Road to the east, Biscayne Bay to the West and 6th Street to the south, apartment-hotel or hotel uses are only permitted if issued a building permit or occupational license prior to May 28, 2013, or are approved by the Design Review Board pursuant to a complete application filed and pending prior to May 28, 2013, in which event they shall be considered a

"Legal Conforming Use." A property that has a "Legal Conforming Use" as used in this Subdivision prior to May 28, 2013, may retain all, and apply for new, expansions and modifications to, permitted, conditional and accessory uses permitted in the zoning category as of May 28, 2013, and apply for building permits to add, improve and/or expand existing structures, or construct new structures for permitted, conditional and/or accessory uses permitted in the zoning category, if FAR remains available.

Sec. 142-243. - Conditional uses.

The conditional uses in the RM-3 residential multifamily, high intensity district are adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; commercial or noncommercial parking lots and garages; accessory outdoor entertainment establishment; accessory neighborhood impact establishment; and accessory open air entertainment establishment as set forth in article V, division 6 of this chapter.

Sec. 142-244. - Accessory uses.

The accessory uses in the RM-3 residential multifamily, high intensity district are as follows:

- (1) Those uses permitted in article IV, division 2 of this chapter.
- (2) Uses that serve alcoholic beverages as listed in article V, division 4 of this chapter, pertaining to alcoholic beverages.
- (3) Accessory outdoor bar counters, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m.
- (4) Oceanfront hotels with at least 100 hotel units may operate and utilize an accessory outdoor bar counter, notwithstanding the above restriction on the hours of operation, provided the accessory outdoor bar counter is (i) located in the rear yard, and (ii) set back 20 percent of the lot width (50 feet minimum) from any property line adjacent to a property with an apartment unit thereon.
- (5) RM-3 properties within the "West Avenue Corridor," may not have accessory outdoor entertainment establishments. Notwithstanding the foregoing, a property that had a Legal Conforming Use as of May 28, 2013 shall have the right to apply for and receive special event permits that contain entertainment uses.

Sec. 142-245. Prohibited Uses.

The prohibited use in the RM-3 residential multifamily, high intensity district is accessory outdoor bar counter, except as provided in section 142-244; and for properties located within the "West Avenue Corridor," hotels and apartment-hotels, except to the extent preempted by Section 509.032(7), Florida Statutes, and unless a Legal Conforming Use, Properties that voluntarily cease to operate as a hotel for a consecutive three (3) year period shall not be permitted to later resume such hotel operation. Without limitation, (a) involuntary hotel closures due to casualty and (b) cessation of hotel use of individual units of a condo-hotel shall not be deemed to be ceasing hotel operations pursuant to the preceding sentence.

SECTION 3. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed, with the exception of Chapter 142, Article III, Division 5 - West Avenue Bay Front Overlay.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

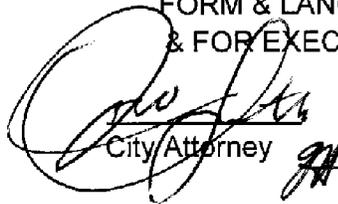
PASSED AND ADOPTED this _____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney *JA*

9/9/13
Date

First Reading: September 11, 2013
Second Reading: October 16, 2013

Verified by: _____
Richard G. Lorber, AICP, LEED AP
Acting Planning Director

Underscore denotes new language
~~Strike Thru~~ denotes deleted language
09/09/2013

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RM-3 ACCESSORY USE SIGNAGE

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 138, "SIGNS," BY AMENDING ARTICLE V, "SIGN REGULATIONS BY DISTRICT," BY AMENDING SECTION 138-171, "GENERAL PROVISIONS," TO MODIFY THE REQUIREMENTS FOR HOTELS AND APARTMENT BUILDINGS WITHIN THE RM-3 DISTRICT, AND BY AMENDING SECTION 138-172, "SCHEDULE OF SIGN REGULATIONS FOR PRINCIPAL USE SIGNS," TO MODIFY THE REQUIREMENTS FOR HOTELS AND APARTMENT BUILDINGS WITHIN THE RM-3 DISTRICT; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach endeavors to recall its unique social and architectural history, as well as further the dynamic character and attraction of hotels and apartment buildings through the use of signage; and

WHEREAS, apartments and hotel structures located within RM-3 districts include allowable accessory commercial uses that are accessed directly from the street and sidewalk; and

WHEREAS, the City of Miami Beach desires to amend existing requirements and procedures for main permitted and accessory signage in the RM-3 District; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 138, Article V, entitled "Sign Regulations by Districts", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 138-171. General provisions.

(e) Signs fronting on an alley are prohibited unless the alley abuts or is adjacent to any parking lot or garage, or where the alley provides a means of entrance to a business. The area of any permitted sign shall be the same as if the sign fronted on a street.

* * *

(h) ~~Oceanfront~~ or Bayfront buildings shall have no more than one sign facing the bay, limited to identifying the main permitted use. Such sign shall only consist of flush mounted, back-lit letters, with copy limited to the main permitted use. The area of such sign shall not exceed one percent of the wall area facing the bay with a maximum size of 50 square feet. The design and location of the sign shall be approved under by the design review process ~~board or certificate of~~

Agenda Item RSJ
Date 9-11-13

appropriateness process as applicable. In addition, one flat sign per 100 feet of lot width with copy limited to the advertisement of an accessory use is permitted. The maximum height of the sign shall not exceed 12 inches.

* * *

Section 138-172. Schedule of sign regulations for principal use signs

Zoning District	Number	Awning/ Marquee	Flat	Projecting	Detached (Monument)	Accessory Signs	Special Conditions
RM-1 RM-2 RM-3 R-PS 1 R-PS 2 R-PS 3 R-PS 4 RO TC-3	No more than one sign identifying the main permitted uses for each street frontage. Unless otherwise listed in <u>section 138-171</u> , all signs must front on a street; however, <u>multiple street front facing signs for the same licensed oceanfront hotel or apartment building within the RM-3 district may be permitted through the design review or certificate of appropriateness process as applicable if the aggregate sign area does not exceed the maximum size permitted under this subsection.</u>	Ten square feet; the height of the letters shall not exceed 12 inches. Not permitted in the RM-3 district. Not permitted in RO.	One per street frontage; <u>ten square feet for every 50 feet of linear frontage, or fraction thereof, up to maximum of 30 square feet.</u> Flat signs shall not be located above the ground floor, <u>except in hotels and apartment buildings within the RM-3 district.</u> Flat signs in hotels and apartment buildings within the RM-3 district shall be limited to the name of the building or the use that encompasses the largest amount of floor area in the building. Within the RM-3 district, one building identification sign for hotels and apartment buildings two stories or higher, located on the parapet facing a street, is permitted with an area not to exceed one percent of the wall area on	15 square feet Not permitted in the RM-3 district. Not permitted in RO.	15 square feet, however, if sign is set back 20 feet from front property line, area may be increased to a maximum of 30 square feet. Pole signs are not permitted. Existing pole signs may be repaired only as provided in <u>section 138-10.</u> Notwithstanding the above, a detached sign located on a perimeter wall shall be limited to five square feet and shall not have to comply with the setback requirements of <u>section 138-9.</u> The height and size of the monument structure shall be determined under the design review process except as provided herein. In the RO districts, sign area shall not exceed 10 square feet, and the monument structure shall not exceed five (5) feet in height.	One sign for <u>each licensed all accessory uses;</u> area of sign shall not exceed 75 percent of the main use sign, 20 square feet maximum. However, in the RM-3 district only detached accessory signs are permitted. For hotels and apartment buildings in the RM-3 district, one street front facing flat sign per every licensed accessory use facing or having direct access to a street or sidewalk, twenty square feet for every 50 feet of linear frontage, or fraction thereof, up to maximum of 30 square feet. However, <u>multiple street front facing signs for the same licensed accessory use of oceanfront hotel and apartment buildings within the RM-3 district may be permitted through the design review or certificate of appropriateness process as applicable if the</u>	1. Maximum size for schools is 30 square feet. 2. Signs shall not have copy indicating prices. 3. An exterior directory sign, attached to the building up to six square feet, listing the names of all licensed uses within the building is permitted; sign material and placement shall be subject to approval through the design review process.

			<u>which it is placed. Corner buildings may provide one combined sign instead of the two permitted signs. This sign shall be located on the corner of the building visible from both streets and shall have a maximum size of 40 square feet.</u>			<u>aggregate sign area does not exceed the maximum size permitted under this subsection.</u>	
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SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

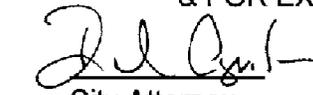
PASSED AND ADOPTED this _____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


for City Attorney *gll*

9/9/13
Date

First Reading: September 11, 2013
Second Reading: October 16, 2013

Verified by: _____
Richard G. Lorber, AICP, LEED AP
Acting Planning Director

Underscore denotes new language
~~Strike-Thru~~ denotes deleted language
09/09/2013

T:\AGENDA\2013\September 11\RM3 Accessory Signage - ORD 1st Read rev.docx

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 90 OF THE MIAMI BEACH CITY CODE, ENTITLED "SOLID WASTE," BY AMENDING ARTICLE V, ENTITLED "CITYWIDE RECYCLING PROGRAM FOR MULTIFAMILY RESIDENCES AND COMMERCIAL ESTABLISHMENTS," BY AMENDING SECTION 90-340, ENTITLED "RECYCLING PROGRAM AND SEPARATION OF RECYCLABLE MATERIALS FROM SOLID WASTE STREAM REQUIRED FOR MULTIFAMILY RESIDENCES OF NINE (9) DWELLING UNITS OR MORE; OWNER/ASSOCIATION LIABILITY; RECYCLING CONTRACTORS' ASSISTANCE," TO APPLY TO MULTIFAMILY RESIDENCES OF TWO (2) OR MORE DWELLING UNITS; PROVIDING FOR REPEALER SEVERABILITY, CONDIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the recycling of recyclable materials is in the best interest of the environment, City residents, and in maintaining the City's prominence as a world class resort destination; and

WHEREAS, by managing solid waste and conserving material resources through reduction, reuse, and recycling, the City will help minimize impacts to the quality and safety of the local environment, reduce costs of waste disposal, and decrease the carbon footprint associated with the production use, and disposal of materials; and

WHEREAS, pursuant to the adoption Ordinance No. 2012-3768 (the "Ordinance"), the City established a Citywide Recycling Program for multifamily residences with nine (9) dwelling units or more and commercial establishments that provides standards that are equivalent to or exceed the minimum recycling requirements of Miami-Dade County; and

WHEREAS, multifamily residences with eight (8) or less dwelling units are not currently required to provide a recycling program or to use a single stream recycling process under the Ordinance; and,

WHEREAS, at the July 19, 2013 City Commission meeting, it was requested that the Commission consider the Sustainability Committee's recommendation to include residences that are between two (2) and eight (8) units within the requirements of the Ordinance.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Article V, entitled "Citywide Recycling Program for Multifamily Residences and Commercial Establishments," of Chapter 90 of the Miami Beach City Code, entitled "Solid Waste," is hereby amended as follows:

CHAPTER 90

SOLID WASTE

* * *

ARTICLE V.

CITYWIDE RECYCLING PROGRAM FOR
MULTIFAMILY RESIDENCES AND COMMERCIAL ESTABLISHMENTS

* * *

Sec. 90-340. Recycling program and separation of recyclable materials from solid waste stream required for multifamily residences of ~~nine (9) dwelling units or more~~ two (2) or more dwelling units; owner/association liability; recycling contractors' assistance.

(a) As of January 1, 2013, every multi-family residence of ~~nine (9) dwelling units or more~~ two (2) or more dwelling units shall provide a recycling program pursuant to this section or a City approved modified recycling program pursuant to section 90-344. The property owner shall be liable for the failure to provide a recycling program or a modified recycling program approved by the City, provided, however that a condominium or cooperative apartment having a condominium association or a cooperative apartment association shall be liable, rather than the individual unit owner(s), for a violation of this subsection. Further, recycling contractors shall assist and provide written notice to the director of public works in identifying multifamily residences subject to this article which do not have a recycling program or, in the alternative, which have allowed a recycling program to lapse or expire.

(b) As of January 1, 2013, every multi-family residence of ~~nine (9) dwelling units or more~~ two (2) or more dwelling units shall be required to use a single stream recycling process to separate, from all other solid waste, the five (5) following recyclable materials:

- 1) Newspaper. Used or discarded newsprint, including any glossy inserts;
- 2) Glass. Glass jars, bottles, and containers of clear, green or amber (brown) color of any size or shape used to store and/or package food and beverage products for human or animal consumption, and/or used to package other products, which must be empty and rinsed clean of residue. This term excludes ceramics, window or automobile glass, mirrors, and lightbulbs;
- 3) Metal food and beverage containers. All ferrous and nonferrous (i.e., including, but not limited to, steel, tin-plated steel, aluminum and bimetal) food and beverage containers (i.e., including, but not limited to, cans, plates, and trays) of any size or shape used to store and/or package food and beverage products suitable for human or animal consumption, which must be empty and rinsed clean of residue;
- 4) Other metal containers. All other ferrous and non ferrous containers used to package household products including, but not limited to, paint cans and aerosol cans, which must be empty and rinsed clean of residue;
- 5) Plastics. All high density polyethylene (HDPE) and/or polyethylene terephthalate (PET) bottles, jugs, jars, cartons, tubs, and/or other containers, and lids, of any size or shape used to package food, beverages, and/or other household

products, or crankcase oil, which must be empty and rinsed clean of residue. This term excludes all plastic film, plastic bags, vinyl, rigid plastic (i.e., toys), and plastic foam materials; and

(c) Every multi-family residence of ~~nine (9) dwelling units or more~~ two (2) or more dwelling units shall be serviced by a recycling contractor licensed by the city and state.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the _____ day of _____, 2013.

PASSED and ADOPTED this _____ day of _____, 2013.

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

MAYOR MATTI HERRERA BOWER

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

(Sponsored by Commissioner Jerry Libbin)

Underline denotes additions and ~~Strike through~~ denotes deletions.


City Attorney DT
8/29/13
Date

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, VACATING AN ALLEY LOCATED IN THE 500 BLOCK OF ALTON ROAD, CONTAINING APPROXIMATELY 6,005 SQUARE FEET, IN FAVOR OF THE ADJACENT PROPERTY OWNERS, SOUTH BEACH HEIGHTS I, LLC, 500 ALTON ROAD VENTURES, LLC, AND 1220 SIXTH, LLC; RATIFYING THE CLOSURE OF THE LINEAR ALLEY PREVIOUSLY APPROVED BY RESOLUTION 2005-25869; WAIVING BY 5/7^{THS} VOTE THE COMPETITIVE BIDDING REQUIREMENTS AS REQUIRED BY SECTION 82-39 OF THE CITY CODE; IMPOSING CONDITIONS FOR SUCH VACATION AS ARE APPROPRIATE UNDER THE CIRCUMSTANCES; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CLOSURE DOCUMENTS, AND TO ACCEPT THE GRANT OF EASEMENT AND AGREEMENT FOR STORM WATER AND TRANSPORTATION IMPROVEMENTS, SUBJECT TO FINAL APPROVAL OF SUCH DOCUMENTS BY THE CITY MANAGER AND CITY ATTORNEY.

WHEREAS, South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, and 1220 Sixth, LLC (collectively the Applicant) own several lots of the Amended Plat of Aquarium Site Resubdivision, which comprise the 500 block of Alton Road; and

WHEREAS, the Applicant proposes to construct the "Waves" Project (Project), a mixed-use development over the entirety of the block; and

WHEREAS, the Applicant is requesting that the City vacate a 6,005-square foot, "L"-shaped alley (Alley) in the 500 block of Alton Road with the dimensions of 20 feet x 125 feet and 29.21 feet x 120 feet, running from West Avenue to 6th Street, so that this area can be incorporated into the Project; and

WHEREAS, the Applicant has previously requested that the City vacate a linear alley extending from 5th Street to 6th Street, which vacation was approved by the City Commission on April 20, 2005, by Resolution 2005-25869, and in an abundance of caution such prior vacation is ratified in this approval; and

WHEREAS, per City Code Section 82-37 a. (2), the City Commission shall have read the title of the Resolution approving the sale, lease or vacation of public property for a term of more than ten (10) years on two separate dates, with the Second Reading to be accompanied by a Public Hearing, which may be set by the City Manager and shall be advertised not less than seven (7) days prior to such hearing, in order to obtain citizen input into the proposed sale or lease; and

WHEREAS, a first reading by the City Commission was held on July 17, 2013, at which time the vacation was referred to the Finance and Citywide Projects Committee, and a Second Reading and Public Hearing is scheduled for the September 11, 2013 Commission meeting; and

WHEREAS, the Finance and Citywide Projects Committee heard and passed the item at its July 25, 2013 meeting; and

Agenda Item R7M
Date 9-11-13

WHEREAS, in return for vacating the alley, the developer has proffered extraordinary public benefits through certain infrastructure improvements including but not limited to an easement to the City over, across, under and through the Property for purposes of the installation, operation, maintenance and repair of transportation improvements, including but not limited to a footprint for the northern connection for a pedestrian overpass across 5th Street (including the installation of any subterranean infrastructure), and the design and installation of storm water improvements consisting of subterranean storage tanks providing storage for at least 287,980 gallons of public stormwater on the Property, which agreement between the Developer and the City to be set forth in a document entitled, Grant of Easement and Agreement for Storm Water and Transportation Improvements.

WHEREAS, the Administration, through its Public Works Department, hereby represents that the Developer has complied with the application requirements and submittals in accordance with the City's Guidelines for Vacation or Abandonment of Streets or Other Rights of Way, and pursuant to Section 82-36 through 82-40 of the City Code (Ordinance 92-2783); and

WHEREAS, pursuant to City Code Section 82-38, a Planning Department Analysis has been prepared, and is attached as an exhibit to the Commission memo, and the Planning Department has reviewed the seven criteria elements for vacating City Property and has found these to be satisfied; and

WHEREAS, additionally as permitted by City Code Section 82-39, the Administration would recommend that the Mayor and City Commission waive, by 5/7th vote, the competitive bidding requirement; finding that the public interest would be served by that waiver; and

WHEREAS, the Administration would recommend that the Mayor and City Commission approve the requested Alley vacation, in favor of the Applicant, subject to and contingent upon the Applicant's satisfaction of the following conditions:

1. The Applicant shall obtain no-objection letters and/or agreements from all utility companies franchised within the City for the vacation of the Alley and shall be solely responsible for any and all costs and work associated with relocation of any existing utilities.
2. The Applicant shall prepare and execute all documents to effectuate the vacation of the Alley, including quit claim deeds, subject to final review and approval of such documents by the City Manager and City Attorney. The Applicant shall be responsible for recording said documents effectuating the vacation of the Alley, as well as all costs associated with same.
3. The vacation is subject to execution and recording of the Grant of Easement and Agreement for Storm Water and Transportation Improvements, subject to final review and approval of such document by the City Manager and City Attorney.
4. The Applicant shall ensure proper and safe access of vehicles at all Project ingress/egress locations, such as vehicles that would normally have used the Alley to service the properties comprising the 500 Block of Alton Road.

NOW THEREFORE BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission, following a duly noticed public hearing to hear public comment on the application, hereby approve the closure of the alley located in the 500 block of Alton Road, containing approximately 6,005 square feet, in favor of the adjacent property owners, South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, and 1220 Sixth, LLC.; and ratify the prior closure of the linear alley from 5th Street to 6th Street previously approved by the City Commission on April 20, 2005, by resolution 2005-25869; waiving by 5/7^{ths} vote the competitive bidding requirements as required by section 82-39 of the City Code, finding such waiver to be in the best interest of the City; imposing such other conditions as are appropriate under the circumstances, and authorizing for execution by the Mayor and City Clerk such documents as are appropriate to record in the public records for the closure, and to accept the Grant of Easement and Agreement for Storm Water and Transportation Improvements, subject to the final approval of such documents by the City Manager and City Attorney.

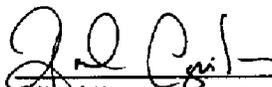
PASSED AND ADOPTED this 11th day of September, 2013.

ATTEST:

Rafael Granado, City Clerk

Matti Herrera Bower, Mayor

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION



City Attorney *JA*

9-9-13
Date

Draft 9-9-13

This Instrument Was Prepared By,
And After Recording, Return To:

Graham Penn, Esq.
Bercow Radell & Fernandez, P.A.
200 S. Biscayne Boulevard, Suite 850
Miami, FL 33131

GRANT OF EASEMENT AND AGREEMENT FOR STORM WATER AND TRANSPORTATION IMPROVEMENTS

This Grant of Easement and Agreement for Storm Water and Transportation Improvements (the "Easement" or the "Agreement") is made and entered into as of the _____ day of September, 2013, by 500 ALTON ROAD VENTURES, LLC, a Florida Limited Liability Company having an address at 2200 Biscayne Boulevard, Miami, Florida 33137 (hereinafter "Grantor") and the CITY OF MIAMI BEACH, a municipal corporation duly organized and existing under the laws of the State of Florida, having an address at 1700 Convention Center Drive, Miami Beach, Florida 33139 (the "City" or "Grantee").

RECITALS

A. Grantor is the owner of the real property that is legally described in **Exhibit "A,"** attached hereto and made a part hereof (the "Property"). Grantor has obtained approvals from the City to develop the Property and adjacent land with a mixed-use commercial and residential development (hereinafter "the 600 Alton Project" or "Project").

B. Grantor has sought the approval of the City for the closure of an alley located in the 500 block of Alton Road. The alley closure is necessary for the development of the 600 Alton Project. The Grantor had previously sought approval for closure of an alley located in the 500 block of Alton Road, which had been dedicated to the City through a quit claim deed recorded at Official Record Book 24721, Pages 1743 through 1761 of the Public Records of Miami-Dade County, Florida. The alley dedication had followed the City's closure of the majority of the block's original platted alley through City Commission Resolution 2005-25869. Because there is some doubt as to whether all of the conditions subsequent to Resolution 2005 were satisfied, ratification of the closure of that prior alley vacation is included in the approval of the current closure request.

C. The City has long sought a solution to providing a pedestrian connection across Fifth Street on the western edge of the City. The construction of such a connection would allow pedestrians to utilize the existing and planned public "baywalk" along Biscayne Bay and would otherwise improve pedestrian connectivity in this area of the City. The City has been hampered in these efforts by, among other things, a lack of available right of way in which to construct

portions of a pedestrian overpass on the north side of Fifth Street.

D. The City's recently completed Citywide Storm Water Management Master Plan study determined that the area in which the Property is located has an area-wide deficiency that could lead to worsening flooding conditions during extreme events. The City has determined that additional on-site storage of storm water on private property can assist in remedying the City's deficiency and therefore reduce the risk of flooding. On a per acre basis, the 600 Alton project would need to provide for 287,980 gallons of on-site storage to help reduce the area-wide deficiency.

E. In exchange for the City's closure of the above-referenced alleys, the Grantor has agreed to grant an easement to the City over, across, under and through the Property for purposes of the installation, operation, maintenance, and repair of pedestrian or other transportation related improvements, including but not limited to a pedestrian overpass (including the installation of any subterranean infrastructure).

F. The City shall bear any and all costs of construction, installation, operation, maintenance, and repairs, associated with the operation and use of any future improvements necessary for the proposed pedestrian overpass or other transportation related improvement upon the property

G. In exchange for the City's closure of the above-referenced alleys, Grantor has further agreed to design and install storm water improvements consisting of subterranean storage tanks providing storage for at least 287,980 gallons on the Property. These improvements shall be designed to accommodate storm water from the immediate vicinity and shall be employed during periods that the City's local storm water management system is overburdened. The Grantor reserves the right to utilize water stored in the subterranean tanks for irrigation purposes. Upon the construction of the storm water improvements, the Grantor shall thereafter be responsible for the continued management and maintenance of the storm water improvements. The Grantor has agreed to provide the City with an easement to inspect the facility to ensure proper maintenance. The transportation and storm water improvements shall collectively be referred to as the Easement Improvements.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Recitals. The above recitals are true and correct and by this reference are incorporated as if fully set forth herein.

2. Pedestrian Overpass or other Transportation Improvements.

2.1 Easement. Grantor hereby grants to the City, for the use and benefit of the public a non-exclusive easement over, across, under and through the western thirty-seven (37) feet of the Property ("Easement Area 1") for the purposes of the construction, installation, operation, use, maintenance, repair, and replacement of portions of a pedestrian overpass crossing Fifth Street or any other public transportation related purpose as determined necessary by the City for the area.

2.2 Construction of Pedestrian Overpass and Related Improvements. The City at its sole discretion may perform, or cause to be performed, at a time deemed appropriate at the sole judgment of the City, a pedestrian overpass or other public transportation improvements, and if pursued, shall be at its sole expense, in a good and workmanlike manner, and in full compliance with all rules, regulations, permitting requirements, codes, laws and ordinances of all governmental and quasi-governmental authorities having jurisdiction. Upon completion of any construction activity in Easement Area 1, the City shall immediately: (i) remove all construction debris and equipment; (ii) fill and compact all excavations; and (iii) grade and restore the surface of the Property to the same condition as existed prior to commencement of such work.

2.3 Maintenance. The City agrees to construct, install, maintain, and repair (as necessary) transportation improvements it constructs or causes to be constructed in Easement Area 1, so that same is at all times in good working order and condition and free of material defects, subject only to occasional interruption of service due to: routine or extraordinary maintenance, or repair thereof.

3. Storm Water Improvements.

3.1 Easement. Grantor hereby grants to the City, for the use and benefit of the public a non-exclusive easement over, across, under and through the portion of the Property not within Easement Area 1 (hereinafter "Easement Area 2"), for the purposes of the use, inspection, maintenance, repair, and replacement of subterranean storm water improvements designed to accommodate at least 287,980 gallons.

3.2 Design and Construction of Storm Water Improvements. The Grantor shall perform, or cause to be performed, the installation of subterranean storm water improvements designed to accommodate at least 287,980 gallons and any and all related improvements in Easement Area 2 at its sole expense, in a good and workmanlike manner, and in full compliance with all rules, regulations, permitting requirements, codes, laws and ordinances of all governmental and quasi-governmental authorities having jurisdiction. The design of the improvements shall consistent with that shown on the attached **Exhibit "B"** and shall be reviewed and approved by the Director of the City's Public Works Department and all other reviewing authorities of the City and other governmental agencies with jurisdiction. The storm water improvements shall be substantially complete prior to the issuance of a certificate of occupancy for any portion of the 600 Alton Project as approved through Planning Board Order No. 2094 that is located south of Sixth Street. A copy of the Planning Board Order for the Project is attached as **Exhibit "C."** The storm water improvements may, at the Grantor's discretion, be designed so that the system may also serve the stormwater needs of the 600 Alton project by expanding the storage capacity to accommodate 287,980 gallons of public stormwater plus such additional allocation as the Public Works Director in writing may approve. Any stored water may be used for irrigation of the Property and adjacent land.

3.2 Maintenance. Upon the completion of the storm water improvements to the satisfaction of the City, the Grantor shall thereafter maintain, and repair (as necessary) the storm water improvements, or necessary portions thereof, so

that same is at all times in good working order and condition and free of material defects, subject only to occasional interruption of service due to: routine or extraordinary maintenance, or repair thereof. In the event that the City elects to substantially modify or replace the installed improvements, the Grantor's maintenance obligation shall cease.

4. Effective Date and Term. The above Easements shall become effective upon the recordation of this Easement and Agreement in the Public Records of Miami-Dade County, shall run with the land, and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Grant of Easement and Agreement for Storm Water and Transportation Improvements is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless released in writing by the City. The Grantor's obligations to construct the storm water improvements shall terminate upon the acceptance of the improvements by the City.

5. Successors and Assigns. This Easement and Agreement shall bind, and the benefit thereof shall inure to, the successors and assigns of the Grantor and City.

6. Limitation. It is the intention of the parties hereto that the above Easements shall be limited to and utilized solely for the uses and purposes expressed herein. The surface of the Property under which subterranean storm water improvements are located shall at all times continue to be used by Grantor and its invitees as pedestrian walkways and landscaping, except as necessary during times of construction and installation of the storm water improvements and, thereafter, during maintenance, or repair activities, as provided in Section 3 hereof.

7. Indemnification.

A. Following formal acceptance of this instrument by the Miami Beach City Commission, and to the extent permitted by and subject to the limitations of Section 768.28, Florida Statutes, the City shall indemnify and hold harmless the Grantor from all and against all suits, claims, judgments, and all loss, damage, costs or charges including attorney's fees and court costs arising from City's or its agents' or employees' acts or omissions, in any way connected with the installation, location, repair, maintenance, use or replacement of any Easement Improvements. This indemnification shall survive any cancellation of this Easement.

B. The Grantor shall indemnify and hold harmless the Grantee from all and against all suits, claims, judgments, and all loss, damage, costs or charges including attorney's fees and court costs arising from Grantor's or its agents' or subcontractors' acts or omissions, in any way connected with the installation, location, repair, maintenance, use or replacement of any Easement Improvements. This indemnification shall survive any cancellation of this Easement.

C. Notwithstanding anything contained in Section 7 to the contrary, the City shall not be obligated or liable to Grantor, or any third parties, for any costs, liabilities, expenses, losses, claims or damages, with respect to third party claims resulting from the negligence, recklessness or willful misconduct of Grantor or its officials, employees, contractors, or agents.

8. Default.

A. Default by Grantor. In the event of a default by Grantor in the installation or

maintenance of the storm water improvements such that the public health, safety, or welfare is at risk, the City shall give written notice to Grantor, specifying the nature of such default. Grantor shall have a period of ten (10) days following receipt of said notice in which to remedy the default (or such longer time as may be necessary and reasonable, provided Grantor shall have commenced a cure within said 10-day period and is diligently and continuously prosecuting same to completion); failing which the City shall have the right to effect the required repairs so that the risks to the public's health, safety, or welfare have been resolved.

B. Default by the City. In the event of a default by the City in the construction, use, operation, maintenance, repair or replacement of the pedestrian overpass or other transportation improvements or the use, operation, of the storm water improvements in a manner that creates a risk to the public health, safety, or welfare or the Grantor's use and enjoyment of the Property and adjacent land, or in the event that the City violates any other term, covenant and/or condition of the Easement and Agreement, Grantor shall give written notice to the City, specifying the nature of such default. The City shall have a period of ten (10) days following receipt of said notice in which to remedy the default (or such longer time as may be necessary and reasonable, provided the City shall have commenced a cure within said 10-day period and is diligently and continuously prosecuting same to completion); failing which Grantor shall have the right, but not the obligation, to access the storm water improvements, for the limited purpose of effecting the required cure. All costs incident to curing a default by the City under this subsection (B) shall be the sole responsibility and obligation of and, accordingly, shall be borne by, the City.

9. Enforcement. In the event it becomes necessary for any party to defend or institute legal proceedings as a result of the material failure of either party to comply with the terms, covenants and conditions of this Easement and Agreement, the prevailing party in such litigation shall recover from the other party all costs and expenses incurred or expended in connection therewith, including, without limitation, reasonable attorneys' fees and costs, at all levels.

10. Venue; Jurisdiction. This Easement shall be governed and construed in all respects in accordance with the laws of the State of Florida, without regard to its conflict of laws provisions. Further, all parties hereto agree to avail themselves of and submit to the personal jurisdiction of the Courts of the State of Florida in Miami-Dade County. BY ENTERING INTO THIS EASEMENT AND AGREEMENT, GRANTOR AND THE CITY EXPRESSLY WAIVE ANY RIGHTS EITHER PARTY MAY HAVE TO A TRIAL BY JURY OF ANY CIVIL LITIGATION RELATED TO, OR ARISING OUT OF, THIS EASEMENT.

11. Interpretation. No provision of this Easement and Agreement will be interpreted in favor of, or against, any of the parties hereto by reason of the extent to which any such party or its counsel participated in the drafting thereof or by reason of the extent to which any such provision is inconsistent with any prior draft hereof or thereof.

12. Counterparts. This Easement and Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which, taken together, shall constitute a single document.

15. Notices. Any and all notices required or desired to be given hereunder shall be in writing and shall be deemed to have been duly given when delivered by hand, when received if sent by recognized overnight courier or three (3) business days after deposit in the United States mail, by registered or certified mail, return receipt requested, postage prepaid, and addressed to the

address set forth immediately beneath each party's signature below (or to such other address as either party shall hereafter specify to the other in writing). Any party may change the address for notice purposes by giving written notice thereof to the other parties, which shall be effective upon receipt by each of the other parties. For the present, the parties designate the following as the respective places for giving of notice, to wit:

FOR GRANTOR:

500 Alton Road Ventures, LLC
2200 Biscayne Boulevard
Miami, Florida 33137
Attn: Sharon Christenbury

With a copy to:

Graham Penn, Esq.
Bercow Radell & Fernandez, P.A.
200 S. Biscayne Boulevard, Suite 850
Miami, Florida 33131
Email: gpenn@brzoninglaw.com

FOR CITY:

City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139
Fax: (305) 673-7782

With a copy to:

City Attorney
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139
Fax: (305) 673-7002

Director of Public Works
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139
Fax: (305) 673-7028

14. Entire Easement. This Easement and Agreement constitutes the entire agreement between the parties hereto relating in any manner to the subject matter of this Easement and Agreement. No prior agreement or understanding pertaining to same shall be valid or of any force or effect, and the covenants and agreements herein contained cannot be altered, changed or

supplemented except in writing and signed by the parties hereto.

15. Severability. If any clause or provision of this Easement and Agreement is deemed illegal, invalid or unenforceable under present or future laws effective during the term hereof, then the validity of the remainder of this Easement and Agreement shall not be affected thereby and shall be legal, valid and enforceable.

16. No Waiver. The failure of Grantor or the City to insist in any one or more instances, upon strict performance of any covenant or agreement in this Easement and Agreement will not be construed as a waiver or relinquishment of the future enforcement of such covenant or agreement, but the same will continue and remain in full force and effect.

17. No Transfer of Fee Simple Title. This Easement and Agreement shall never be construed as a conveyance, in any manner whatsoever, of fee simple title to any portion of the Property, it being intended by the parties hereto that this Agreement conveys only easements for the uses and purposes set forth herein, and subject to the terms and conditions set forth herein.

18. No Public Grant. Nothing in this Easement and Agreement shall be deemed to be a gift or dedication of any area for public use, other than as specifically set forth herein. Except as specifically provided herein, all rights, easements, and interests herein created are private and do not constitute a grant for public use or benefit.

19. Third Parties. Nothing expressed or implied in this Agreement is intended, or shall be construed, to confer upon or give any person or entity, other than City and the Grantor, any rights or remedies under, or by reason of this Agreement.

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IN WITNESS WHEREOF, the parties hereto have duly executed this Grant of Easement as of the date and year first set forth above.

Signed, sealed and delivered
in the presence of:

GRANTOR:
500 ALTON ROAD VENTURES, LLC, a
Florida Limited Liability Company

Print Name _____

By: _____

Name: _____

Title: _____

Print Name _____

STATE OF FLORIDA)
)SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by _____, as _____ of 500 ALTON ROAD VENTURES, LLC, a Florida Limited Liability Company on behalf of such limited liability company, who is personally known to me or has produced a _____ driver's license as identification.

Print or Stamp Name:
Notary Public, State of Florida at Large
Commission No.:
My Commission Expires:

IN WITNESS WHEREOF, the parties hereto have duly executed this Grant of Easement as of the date and year first set forth above.

Signed, sealed and delivered
in the presence of:

GRANTEE:
CITY OF MIAMI BEACH, a Florida
municipal corporation

Attest:

City Clerk

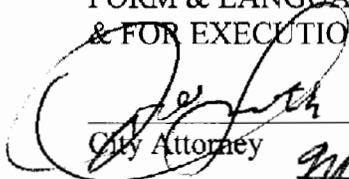
By: _____
Name: _____
Title: _____

STATE OF FLORIDA)
)SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2013, by _____, as _____ of the City of Miami Beach, a Florida municipal corporation on behalf of such municipal corporation, who is personally known to me or has produced a _____ driver's license as identification.

Print or Stamp Name:
Notary Public, State of Florida at Large
Commission No.:
My Commission Expires:

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

9/9/13
Date

COUSINS SURVEYORS & ASSOCIATES, INC.



3921 SW 47TH AVENUE, SUITE 1011
 DAVIE, FLORIDA 33314
 CERTIFICATE OF AUTHORIZATION : LB # 6448
 PHONE (954) 689-7766 FAX (954) 689-7799

PROJECT NUMBER : 6844-12

CLIENT :
 CRESCENT HEIGHTS

LAND DESCRIPTION AND SKETCH

LAND DESCRIPTION:

A PORTION OF LOTS 1, 17, 18 AND 19 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 00°22'51" EAST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 7.48 FEET TO THE POINT OF BEGINNING AND A POINT ON A TANGENT CURVE, CONCAVE TO THE NORTHWEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 65.5 FEET, A CENTRAL ANGLE OF 87°00'49" AND AN ARC DISTANCE OF 99.47 FEET;

THENCE SOUTH 86°38'28" WEST, A DISTANCE OF 112.67 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST (A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 19°33'06" WEST);

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 29.30 FEET, A CENTRAL ANGLE OF 46°06'19" AND AN ARC DISTANCE OF 23.58 FEET;

THENCE NORTH 24°20'35" WEST ALONG THE WESTERLY LINE OF SAID LOT 17, A DISTANCE OF 14.63 FEET;

THENCE NORTH 89°37'56" EAST, A DISTANCE OF 125.06 FEET;

THENCE NORTH 59°18'01" EAST, A DISTANCE OF 83.74 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE, LYING AND BEING IN THE CITY OF MIAMI BEACH, MIAMI/DADE COUNTY, FLORIDA; CONTAINING 5,415 SQUARE FEET MORE OR LESS.

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	07/30/13	----	AY	REC

LAND DESCRIPTION
 & SKETCH FOR
 EASEMENT

PROPERTY ADDRESS :
 500 BLOCK, MIAMI BEACH

SCALE: N/A

SHEET 1 OF 3

COUSINS SURVEYORS & ASSOCIATES, INC.



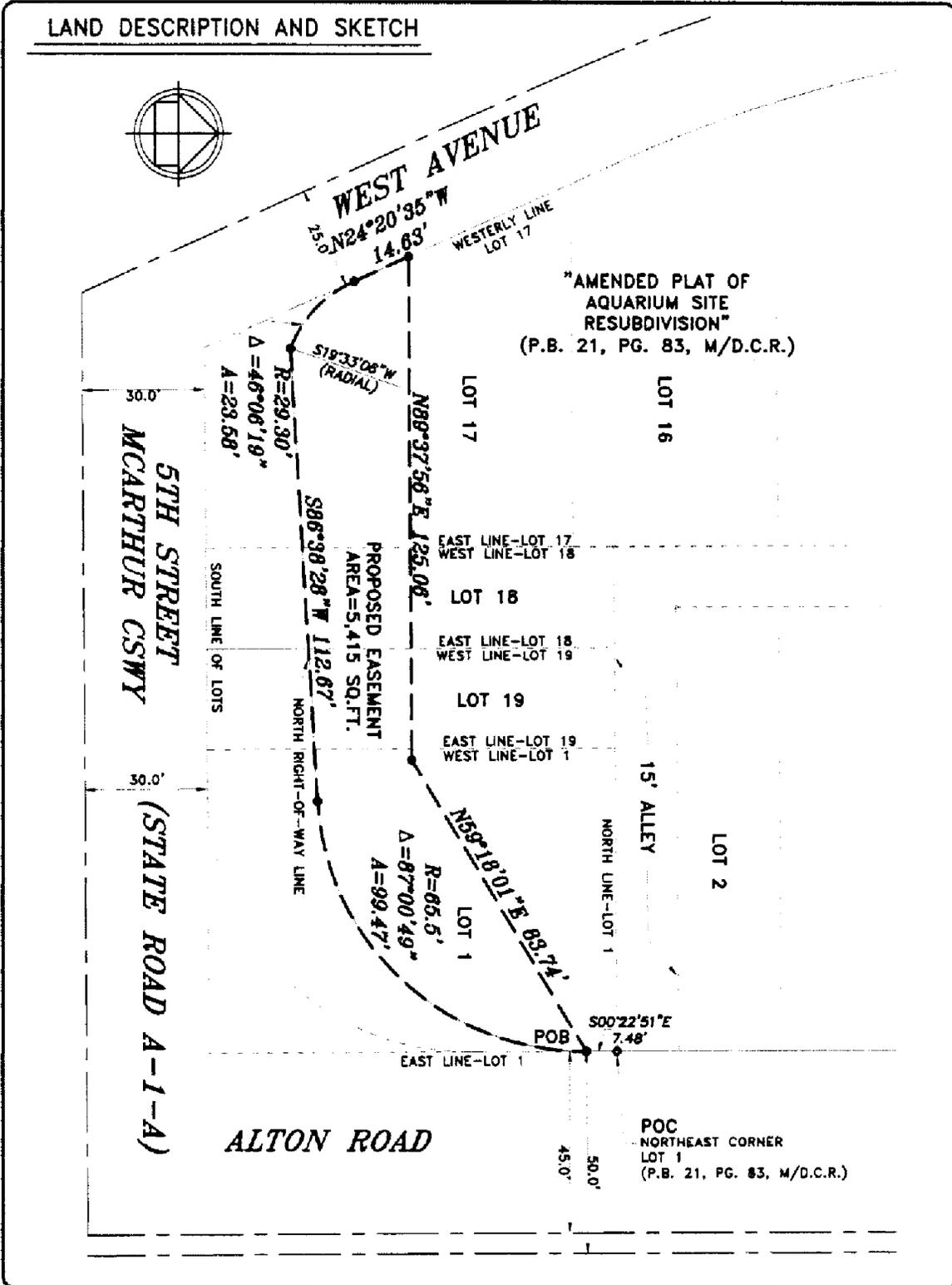
3921 SW 47TH AVENUE, SUITE 1011
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PROJECT NUMBER : 6844-12

CLIENT :

CRESCENT HEIGHTS

LAND DESCRIPTION AND SKETCH



REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	07/30/13	----	AV	REC

LAND DESCRIPTION & SKETCH FOR EASEMENT

PROPERTY ADDRESS :
 500 BLOCK, MIAMI BEACH

SCALE: 1" = 30'

SHEET 2 OF 3

COUSINS SURVEYORS & ASSOCIATES, INC.



3921 SW 47TH AVENUE, SUITE 1011
 DAVIE, FLORIDA 33314
 CERTIFICATE OF AUTHORIZATION : LB # 6448
 PHONE (954) 689-7766 FAX (954) 689-7799

PROJECT NUMBER : 6844-12

CLIENT :
 CRESCENT HEIGHTS

LAND DESCRIPTION AND SKETCH

LEGEND:

CKD CHECKED BY
 DWN DRAWN BY
 FB/PG FIELD BOOK AND PAGE
 POB POINT OF BEGINNING
 POC POINT OF COMMENCEMENT
 P.B. PLAT BOOK
 M/D.C.R. MIAMI/DADE COUNTY RECORDS
 SQ.FT. SQUARE FEET
 POB POINT OF BEGINNING
 R RADIUS
 A ARC DISTANCE
 Δ CENTRAL ANGLE

NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. DATA SHOWN HEREON DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. BEARINGS SHOWN HEREON ARE ASSUMED.

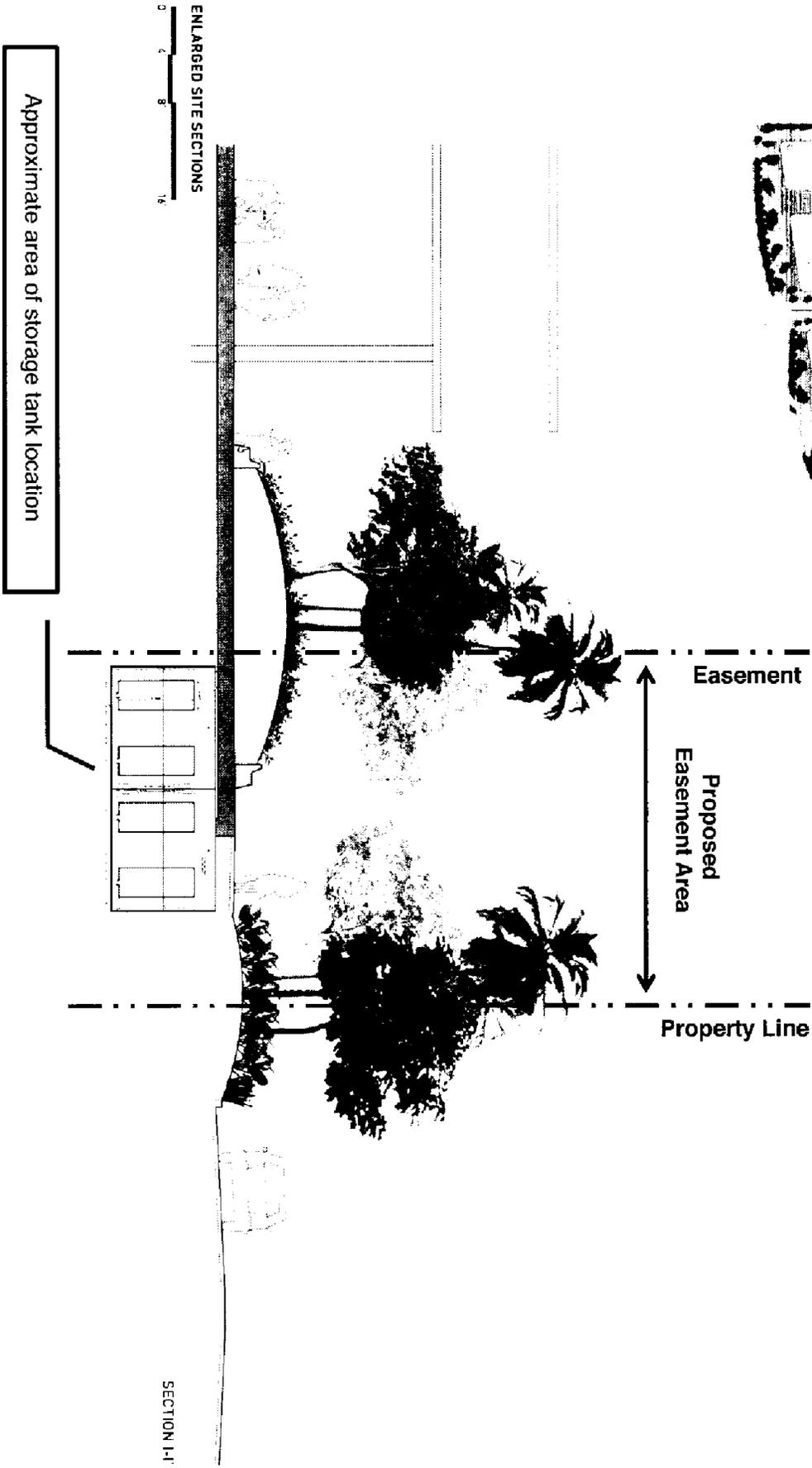
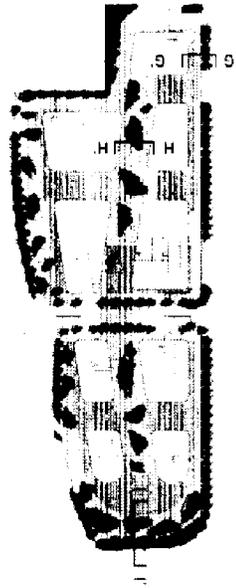
I HEREBY CERTIFY THAT THE ATTACHED "LAND DESCRIPTION AND SKETCH" IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION IN JULY, 2013. I FURTHER CERTIFY THAT THIS "LAND DESCRIPTION AND SKETCH" MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027, FLORIDA STATUTES. SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

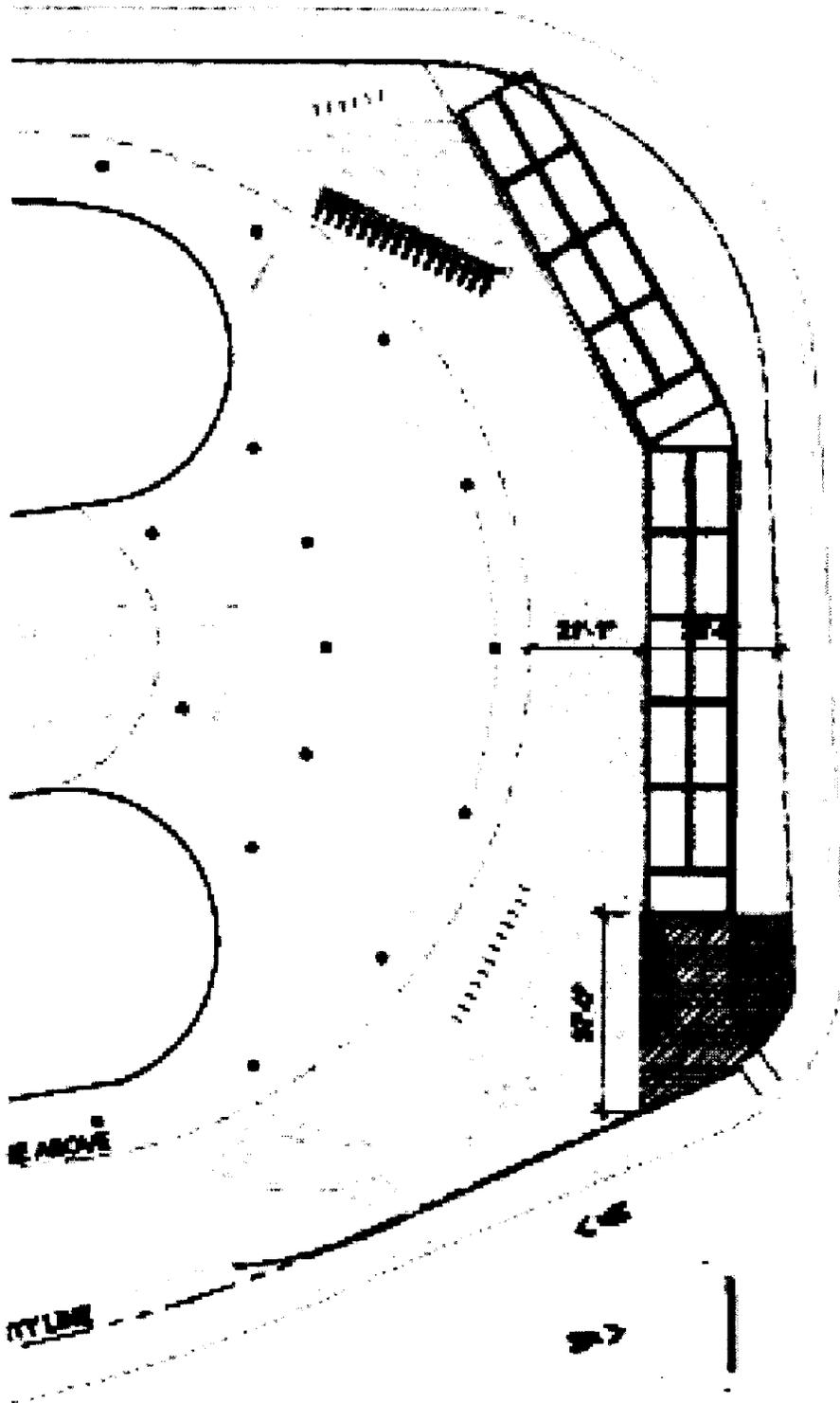
FOR THE FIRM, BY: Richard E. Cousins
 RICHARD E. COUSINS
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA REGISTRATION NO. 4188

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	07/30/13	----	AV	REC

LAND DESCRIPTION
 & SKETCH FOR
 EASEMENT

PROPERTY ADDRESS :
 500 BLOCK, MIAMI BEACH
 SCALE: N/A
 SHEET 3 OF 3





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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT ENTERED INTO ON DECEMBER 22, 2010 WITH CAMP DRESSER & MCKEE, INC (CDM) FOR ADDITIONAL WORK ON THE STORMWATER MASTER PLAN IN THE AMOUNT OF \$57,804.00 RELATIVE TO NEIGHBORHOOD CONCURRENCY REVIEWS, A PUBLIC MEETING, AND ADDITIONAL MODEL RUNS REQUESTED AS A RESULT OF THE PUBLIC MEETING AND AUTHORIZING AND DIRECTING THE CITY MANAGER AND THE CITY ATTORNEY'S OFFICE TO FINALIZE THE AMENDMENT AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FINAL AMENDED AGREEMENT.

WHEREAS, as a result of Request for Qualifications (RFQ) 03-09/10 regarding work on the City's Stormwater Master Plan and Resolution 2010-27334, the City Commission authorized the Administration to enter into negotiations with Camp Dresser & McKee, the top-ranked firm responding to the RFQ; and

WHEREAS, at its June 9, 2010 meeting, the City Commission, via Resolution No. 2010-27422, approved a professional services agreement (Agreement) with Camp Dresser & McKee (now CDM-Smith), to prepare a new Stormwater Management Master Plan (SWMMP) in the amount of \$1,091,435.00 and, at its November 14, 2012 meeting, the City Commission, via Resolution No. 2012-28068, adopted the SWMMP; and

WHEREAS, pursuant to the Agreement, CDM-Smith created a comprehensive, Citywide model of the stormwater infrastructure, identified those basins that are experiencing a reduced level of service, projected sea level rise in order to provide minimum stormwater design criteria, and developed order of magnitude cost estimates for the improvements within the base scope of services; and

WHEREAS, at the June 28, 2012 Finance and Citywide Projects Committee meeting, the Committee directed staff to have a public discussion on sea level rise and to return with the results, and this public discussion was not included in the base scope of services; and

WHEREAS, as a result of questioning at this public meeting, the consultant calculated the additional cost of the capital improvements for a 30-year time frame and presented an analysis of the costs differences between a 20-year planning horizon and a 30-year planning horizon; and

WHEREAS, outside the base scope of services, CDM-Smith used the citywide model to provide concurrency reviews of ten neighborhood improvement projects that prompted changes to the stormwater designs of the neighborhoods due to inter-basin flows and resulted in proposed improvements that will be more effective and more flexible to account for the uncertainty relative to the rate of sea level rise; and

WHEREAS, CDM-Smith and City staff negotiated compensation based upon the work performed (and not additional work required to further explain or justify analyses conducted under the base scope of services) for an additional cost of \$57,804.00 that would result in a total cost of \$1,149,239.00 for the SWMMP.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve an amendment to the professional services Agreement with CDM-Smith for additional work on the Stormwater Master Plan in the amount of \$57,804.00 relative to neighborhood concurrency reviews, a public meeting, and additional model runs requested as a result of the public meeting, and authorize and direct the City Manager and the City Attorney's Office to finalize the amendment to the Agreement and further authorize the Mayor and City Clerk to execute the final amended Agreement.

PASSED and ADOPTED this 11th day of September, 2013.

ATTEST:

Rafael Granado, City Clerk

Matti Herrera Bower, Mayor

T:\AGENDA\2013\September 11\Stormwater Management Master Plan - RESO FINAL.docx

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


CITY ATTORNEY DT DATE
A-6-13

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF FIRMS, PURSUANT TO REQUEST FOR PROPOSAL (RFP) NO. 095-2013ME, FOR THE COMPREHENSIVE PROFESSIONAL TENNIS MANAGEMENT AND OPERATIONS SERVICES AT THE CITY'S FLAMINGO AND NORTH SHORE PARK TENNIS CENTERS; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED PROPOSER, MIAMI BEACH TENNIS MANAGEMENT, LLC; AND SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH THE TOP-RANKED PROPOSER, AUTHORIZING NEGOTIATIONS WITH THE SECOND-RANKED PROPOSER, CLIFF DRYSDALE MANAGEMENT, INC; AND SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH THE SECOND-RANKED PROPOSER, AUTHORIZING NEGOTIATIONS WITH THE THIRD-RANKED PROPOSER, JANE FORMAN SPORTS; AND SHOULD THE ADMINISTRATION NOT BE SUCCESSFUL IN NEGOTIATING AN AGREEMENT WITH THE THIRD-RANKED PROPOSER, AUTHORIZING NEGOTIATIONS WITH THE FOURTH-RANKED PROPOSER, GREENSQUARE, INC; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

WHEREAS, on February 6, 2013, the Mayor and City Commission approved the issuance of Request for Proposal (RFP) 095-2013ME For the Comprehensive Professional Tennis Management and Operations Services at the City's Flamingo and North Shore Park Tennis Centers; and

WHEREAS, RFP 095-2013ME was issued on February 13, 2013, with an opening date of March 28, 2013; and

WHEREAS, a pre-proposal conference to provide information to the proposers submitting a response was held on February 25, 2013; and

WHEREAS, seven (7) prospective proposers downloaded the solicitation from The Public Group and additionally, the Procurement Division notified over 60 additional individuals and/or potential proposers via e-mail, which resulted in the receipt of proposals from the seven (7) firms; and

WHEREAS, on March 25, 2013, the City Manager via Letter to Commission (LTC) No. 094-2013, appointed an Evaluation Committee (the "Committee"); and

WHEREAS, the Committee convened on May 13, 2013 to consider proposals received and interview the proposing teams; and

WHEREAS, the Committee was provided with an overview of the project, information relative to the City's Cone of Silence Ordinance and the Government in the Sunshine Law; general information on the scope of services, Performance Evaluation Surveys, and additional

Agenda Item R7Q
Date 9-11-13

pertinent information from all responsive proposers; and engaged in a Question and Answer session after the presentation of each proposer; and

WHEREAS, the Committee was also presented with a comparative analysis, prepared by the City's Finance Department, of financial proposals submitted by each proposer which, as requested in the RFP, asked that proposers submit a monthly guaranteed minimum revenue to the City and a percentage of gross revenue, when the gross revenue is in excess of \$650,000, to be paid monthly thereafter; and

WHEREAS, the Committee was instructed to score and rank each proposal pursuant to the evaluation criteria established in the RFP; additional points, over the aforementioned potential points were to be allocated, if applicable and in accordance with the Local and Veterans Preference ordinances; and

WHEREAS, the Committee discussed its individual perceptions of the proposers' qualifications, experience, and competence, and further scored and ranked the proposers accordingly; and

WHEREAS, following the review of the rankings, a motion was presented by David Berger, seconded by Jonathan Groff, and unanimously approved by all Committee members, to recommend entering into negotiations with the top-ranked proposer, Miami Beach Tennis Management, LLC; and should the Administration not be successful in negotiating an agreement with the top-ranked proposer, authorizing negotiations with the second-ranked proposer, Cliff Drysdale Management, Inc; and should the Administration not be successful in negotiating an agreement with the second-ranked proposer, authorizing negotiations with the third-ranked proposer, Jane Forman Sports; and should the Administration not be successful in negotiating an agreement with the third-ranked proposer, authorizing negotiations with the fourth-ranked proposer, Greensquare, Inc; and

WHEREAS, after considering the review of the recommendation of City staff, the City Manager exercised his due diligence and is recommending that the Administration enter into negotiations with the top-ranked proposer, Miami Beach Tennis Management, LLC; and should the Administration not be successful in negotiating an agreement with the top-ranked proposer, authorizing negotiations with the second-ranked proposer, Cliff Drysdale Management, Inc; and should the Administration not be successful in negotiating an agreement with the second-ranked proposer, authorizing negotiations with the third-ranked proposer, Jane Forman Sports; and should the Administration not be successful in negotiating an agreement with the third-ranked proposer, authorizing negotiations with the fourth-ranked proposer, Greensquare, Inc.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the City Manager pertaining to the ranking of proposals pursuant to request for proposal (RFP) No. 195-2013ME, for the comprehensive professional tennis management and operations services at the City's Flamingo and North Shore Park tennis centers; authorize the Administration to enter into negotiations with the top-ranked proposer, Miami Beach Tennis Management, Llc; and should the Administration not be successful in negotiating an agreement with the top-ranked proposer, authorize negotiations with the second-ranked proposer, Cliff Drysdale Management, Inc; and should the Administration not be successful in negotiating an agreement with the second-ranked proposer, authorize negotiations with the third-ranked proposer, Jane Forman Sports; and should the administration not be successful in negotiating an agreement with the third-ranked proposer,

authorize negotiations with the fourth-ranked proposer, Greensquare, Inc; and further authorize the Mayor and City Clerk to execute an agreement upon conclusion of successful negotiations by the Administration.

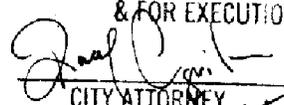
PASSED AND ADOPTED this _____ day of _____ 2013.

ATTEST:

Rafael Granado, City Clerk

Mattie Herrera Bower, Mayor

T:\AGENDA\2013\September 11\Procurement\RFP-095-2013ME - Tennis Management - Resolution.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

CITY ATTORNEY DT DATE 9/5/13

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MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower
Members of the City Commission
City Manager, Jimmy Morales

FROM: Jose Smith, City Attorney

DATE: September 11, 2013

SUBJECT: RESOLUTION AUTHORIZING THE MIAMI-DADE CANVASSING BOARD FOR THE COUNTYWIDE NOVEMBER 5, 2013 SPECIAL ELECTION TO SERVE AS THE CANVASSING BOARD FOR THE CITY OF MIAMI BEACH'S GENERAL AND SPECIAL ELECTIONS TO BE HELD ON NOVEMBER 5, 2013.

On November 5, 2013, Miami-Dade County will be conducting a countywide Special Election to present a bond referendum regarding the Public Health Trust. As the County's Special Election is on the same date as the City's General and Special Elections, Miami-Dade County is charged with full responsibility regarding the conduct of the subject Elections, and its canvassing board shall canvass the results of the County's Special Election, as well as the City's November 5, 2013, General and Special Elections. In view of the County's duties with regard to the canvassing of all elections on November 5, 2013, the attached Resolution provides that the Miami-Dade County Canvassing Board shall serve as the City's Canvassing Board for the City's November 5, 2013 General and Special Elections.

With regard to a potential Run-Off Election on November 19, 2013, as the County will not have an election on that date, the City must appoint its own canvassing board for purposes of a Run-Off Election, if needed. An item appointing the City's canvassing board for such purpose will be on the October 16, 2013 Commission agenda.

DT/lr

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Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving an expenditure of budgeted funds in reasonable and necessary amounts for the public purpose of informing and educating the voters of the City of Miami Beach regarding the ballot questions on the City's November 5, 2013 Special Election in order to achieve a more informed electorate vote.

Key Intended Outcome Supported:

Increase community satisfaction with City government.

Supporting Data (Surveys, Environmental Scan, etc.): Miami Beach Customer Survey indicates 75% of residents rated Miami Beach city government as Good or Excellent in meeting their expectations.

Item Summary/Recommendation:

The voters of the City of Miami Beach will be presented with seven (7) City ballot questions on its November 5, 2013 Special Election. The subject of the City ballots questions are:

1. Prohibition of Discrimination by City of Miami Beach in Employment Practices and Benefits Offered
2. Improvement of Public Educational Facilities Available to Miami Beach Citizenry
3. City Assistance to Condominium and Co-op Owners
4. Citywide Referendum Required to Repeal or Reduce Protections in City Code Chapter 62 ("Human Relations")
5. Amending Charter Section 1.03(b) Re: Voter Approval of Certain City-Owned Property
6. "Convention Center Project": Lease of City Properties to South Beach Arts Culture Entertainment ("Tishman")
7. Advisory, Non-binding Straw Ballot Question – Medicinal Marijuana Resolution

The City Administration believes that educating the voters on these matters is in the public interest and serves a public purpose. In an effort to explain, and educate the voters on each of these questions, the Administration will be preparing public education information through various methods, which may include video presentation on the City's cable channel, a voter's guide and other means. No additional funding is required to educate the public as the Administration will use funds budgeted and appropriated in FY 12/13 for MB magazine and MBTV for video production, printing, graphics, translation services, layout, mailing, and other miscellaneous costs as needed to disseminate the information. However, the Administration is requesting authorization to spend these previously appropriated funds for this public purpose.

These expenditures will further serve the public purpose given the City's reasonable expectation that these efforts at explaining the ballot questions and educating the voters will result in a more informed electorate vote, benefiting the public good.

Advisory Board Recommendation:

N/A

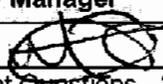
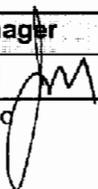
Financial Information:

Source of Funds:	Amount	Account
OBPI	1	
	Total	

Financial Impact Summary: No additional funding is required to educate the public, as the Administration will use funds budgeted and appropriated in FY 12/13 for MB magazine and MBTV.

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
NR 	MT 	JLM 

T:\AGENDA\2013\September 11\Voters Education Ballot Questions - 2013 SUMMARY MEMO.doc



MIAMI BEACH

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

COMMISSION MEMORANDUM

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

FROM: Jimmy L. Morales, City Manager

DATE: September 11, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AN EXPENDITURE OF BUDGETED FUNDS IN REASONABLE AND NECESSARY AMOUNTS FOR THE PUBLIC PURPOSE OF INFORMING AND EDUCATING THE VOTERS OF THE CITY OF MIAMI BEACH REGARDING THE BALLOT QUESTIONS ON THE CITY'S NOVEMBER 5, 2013 SPECIAL ELECTION BALLOTS IN ORDER TO ACHIEVE A MORE INFORMED ELECTORATE VOTE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

KEY INTENDED OUTCOME SUPPORTED

Increase community satisfaction with City government.

ANALYSIS

The voters of the City of Miami Beach will be presented with seven (7) City ballot questions on its November 5, 2013 Special Election. The subject of the City ballot questions are:

1. Amending the City Charter to prohibit discrimination by the City of Miami Beach in employment practices and benefits offered.
2. Amending the City Charter to set forth City's policy to cooperate with the Miami-Dade County Public Schools, to strive to improve the quality and quantity of public educational facilities available to the citizenry of the City of Miami Beach.
3. Amending the City Charter to acknowledge the purpose and duties of the City's administration as assisting condominium and co-op owners with permitting process; facilitating resolution of condominium-related issues with outside agencies; and acting as a liaison between condominium or co-op owners, management firms and the City.
4. Amending the City Charter to require a Citywide referendum to repeal or reduce protections in City Code Chapter 62 ("Human Relations") that inures to the benefit of a member of the classification categories of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, marital status, familial status, and age as defined in City Code Section 62-31.

5. Amending Charter Section 1.03(b) to require 60% voter approval before the City's sale or lease exceeding ten years, exchange or conveyance of the "Convention Center Campus" property (all City-owned property within Civic and Convention Center District except Convention Center and Carl Fisher Clubhouse).
6. Question seeking voter consent to enter into 99-year leases with South Beach Arts Culture Entertainment ("Tishman") requiring payment to the City of fair market rent on the following City properties: Convention Center Parking Lots; Convention Center Drive; Portions of Convention Center, Convention Center's air rights and parking spaces; and the 17th Street Garage ground floor ("Garage"). For Tishman's development thereon of: an 800 room hotel; 20,000 square feet retail/restaurants north of 17th Street; and 70,000 square feet retail/restaurants in the Garage.
7. Advisory, non-binding straw ballot question asking if the City Commission should adopt a resolution urging the Federal Government and the Florida Legislature to decriminalize and authorize the medicinal use of marijuana?

The City Administration believes that educating the voters on these matters is in the public interest and serves a public purpose. In an effort to explain, and educate the voters on each of these questions, the Administration will be preparing public education information through various methods, which may include video presentation on the City's cable channel, a voter's guide and other means. No additional funding is required to educate the public as the Administration will use funds budgeted and appropriated in FY 12/13 for MB magazine and MBTV for video production, printing, graphics, translation services, layout, mailing, and other miscellaneous costs as needed to disseminate the information. However, the Administration is requesting authorization to spend these previously appropriated funds for this public purpose.

These expenditures will further serve the public purpose given the City's reasonable expectation that these efforts at explaining the ballot questions and educating the voters will result in a more informed electorate vote, benefiting the public good.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the Resolution.

JLM/MT/NR



T:\AGENDA\2013\September 11\Voters Education Ballot Questions - 2013Memo.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AN EXPENDITURE OF BUDGETED FUNDS IN REASONABLE AND NECESSARY AMOUNTS FOR THE PUBLIC PURPOSE OF INFORMING AND EDUCATING THE VOTERS OF THE CITY OF MIAMI BEACH REGARDING THE BALLOT QUESTIONS ON THE CITY'S NOVEMBER 5, 2013 SPECIAL ELECTION BALLOTS IN ORDER TO ACHIEVE A MORE INFORMED ELECTORATE VOTE.

WHEREAS, the voters of the City of Miami Beach will be presented with seven City ballot questions on its November 5, 2013 Special Election ballot; and

WHEREAS, the subject matters of the subject City ballot questions relate to amending the City Charter on issues concerning the Citizen's Bill of Rights to prohibit discrimination by the City in employment practices and benefits offered, the improvement of public educational facilities available to the Miami Beach citizenry, and City assistance to condominium and co-op owners; creating City Charter Section 1.07 to require a Citywide referendum to repeal or reduce protections in City Code Chapter 62 ("Human Relations"); amending Charter Section 1.03(b) regarding voter approval of certain City-owned property; and non-Charter ballot questions regarding the lease of City properties to South Beach Arts Culture Entertainment ("Tishman") with regard to the Convention Center Project; and an advisory, non-binding straw ballot question regarding a medicinal marijuana resolution -- all of which issues affect and involve the interests of the City of Miami Beach and its citizens; and

WHEREAS, the Miami Beach City Commission believes that educating the voters on these matters is in the public interest and serves a public purpose; and

WHEREAS, in an effort to explain, and educate the voters on each of these questions through various methods which may include video presentation on the City's cable channel, a voter's guide, and other means, the Administration is requesting approval to spend reasonable and necessary budgeted amounts for video production, printing, graphics, translation services, layout, mailing, advertising, and other miscellaneous costs as needed; and

WHEREAS, these expenditures will further serve the public purpose given the City's reasonable expectation that these efforts at explaining the ballot questions and educating the voters thereon will result in a more informed electorate vote, benefiting the public good.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission herein state the public purpose of explaining to and educating the City's voters on the seven City ballot questions which will appear on its November 5, 2013 Special Election ballots, and thus approve the expenditure of budgeted funds in reasonable and necessary amounts in furtherance of the aforementioned public policy which is intended to benefit the public good and serve a public purpose.

PASSED and ADOPTED this _____ day of September, 2013.

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

MATTI HERRERA BOWER
MAYOR
APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney
9/5/13
Date

RESOLUTION NO. _____

A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY (RDA) ACCEPTING THE RECOMMENDATION OF THE CITY'S FINANCE AND CITYWIDE PROJECTS COMMITTEE PERTAINING TO THE EARLY TERMINATION OF AN EXISTING RETAIL LEASE AGREEMENT BETWEEN THE MIAMI BEACH REDEVELOPMENT AGENCY ("LANDLORD") AND CADIAC, INC. D/B/A US VINTAGE ("TENANT"), INVOLVING SUITES D AND E IN THE ANCHOR SHOPS, LOCATED AT 1560 COLLINS AVENUE, SUITE 3, MIAMI BEACH, FLORIDA ("SPACE"); AND APPROVING AND AUTHORIZING THE RDA TO ENTER INTO A NEW LEASE AGREEMENT WITH US VINTAGE, INC. (US VINTAGE) FOR AN INITIAL TERM OF THREE (3) YEARS, COMMENCING ON OCTOBER 1, 2013 AND ENDING ON SEPTEMBER 30, 2016, WITH TWO (2) RENEWAL OPTIONS OF THREE (3) YEARS AND THREE (3) YEARS AND 364 DAYS RESPECTIVELY, AT THE RDA'S SOLE AND ABSOLUTE DISCRETION, SUBJECT TO AND PURSUANT TO THE TERMS AND CONDITIONS SET FORTH IN THE AGREEMENT.

WHEREAS, Tenant, Cadiac, Inc., d/b/a US Vintage, currently has a lease with the Miami Beach Redevelopment Agency (RDA), for a term of fifteen years (Lease), for the use of Suites D and E in the Anchor Shops, with a physical address of 1560 Collins Avenue, Suites 3-4, Miami Beach, Florida 33139, which space has approximately 4,236 square feet of retail space (Space); and

WHEREAS, Tenant's current Lease expires on May 30, 2013; however, Tenant is desirous of making improvements to the Space and therefore requires a new lease with Tenant's managing entity, US Vintage, Inc. (New Tenant), for an extended term; and

WHEREAS, on June 25, 2013, Staff presented the Tenant's request for an early termination of its Lease and the proposal for a new Retail Lease to the Finance and Citywide Projects Committee, which recommended in favor of Tenant's request, directing Staff to finalize a proposed termination agreement for the existing Lease, as well as a proposed New Retail Lease, for approval by the RDA Board;

NOW, THEREFORE, BE IT DULY RESOLVED BY THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY, That the Chairperson and Members of the Miami Beach Redevelopment Agency hereby authorize the Chairperson and Secretary to execute a Termination Agreement of the existing Retail Lease Agreement between the Miami Beach Redevelopment Agency (Landlord) and Cadiac, Inc. d/b/a US Vintage (Tenant), involving Suites D and E in the Anchor Shops, having a physical address of 1560 Collins Avenue, Suite 3-4, Miami Beach, Florida 33139 (Space); and authorizing the Chairperson and Secretary to execute a Retail Lease agreement with US Vintage, Inc. (US Vintage) for an initial term of three (3) years, commencing October 1, 2013 and ending on September 30, 2016, with two (2) additional renewal options of three (3) years and three (3) years and 364 days, respectively, at the RDA's sole and absolute discretion, subject and pursuant to the terms and conditions set forth in the Agreement.

PASSED and ADOPTED this 11th day of September, 2013.

ATTEST:

Rafael E. Granado, SECRETARY

Matti Herrera Bower, CHAIRPERSON

JLM\KGB\MS\GNT

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

9/6/13

Date