



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: **REPORT OF THE JULY 22, 2013 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A Land Use and Development Committee meeting was held on July 22, 2013. Commission Members in attendance were Commissioners Michael Góngora and Jerry Libbin. Members from the Administration, including Joe Jimenez, Mark Taxis, Richard Lorber, Tom Mooney, Eric Carpenter & Gary Held, as well as members of public, were also in attendance. Please see the attached sign-in sheet.

The meeting was called to order at 3:48 pm.

- 1. **REDUCED PARKING RATES FOR HOTEL EMPLOYEES.**
 (DEFERRED FROM THE JUNE 12, 2013 LUDC MEETING
 ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON,
 OCTOBER 19, 2011 CITY COMMISSION MEETING, ITEM C4K)

ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD PER RESOLUTION NO. 2013-28147

AFTER-ACTION: DEFERRED.

- 2. **DISCUSSION OF THE MIAMI BEACH CURRENT CITY CODE CHAPTER 6-4 (3) RELATING TO ALCOHOLIC BEVERAGE SALES THAT REQUIRES A 300 FOOT DISTANCE BETWEEN LIQUOR STORES AND ASK THAT THE CITY LOOK INTO ADOPTING THE COUNTY REQUIREMENT OF 1500 FEET.**
 (DEFERRED FROM THE JUNE 12, 2013 LUDC MEETING
 ORIGINALLY REFERRED BY COMMISSIONER JORGE R. EXPOSITO
 OCTOBER 19, 2011 CITY COMMISSION MEETING, ITEM C4L)

ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD PER RESOLUTION NO. 2013-28147

AFTER-ACTION: DEFERRED.

- 3. **REVIEW OF MIAMI BEACH LAND USE BOARDS TO IMPROVE THE CITY OF MIAMI BEACH BUILDING AND PLANNING DEPARTMENT PROCESSES.**
 (DEFERRED FROM THE JUNE 12, 2013 LUDC MEETING)

Agenda Item C6C
Date 9-11-13

ORIGINALLY REQUESTED BY COMMISSIONER MICHAEL GONGORA
MARCH 21, 2012 CITY COMMISSION MEETING, ITEM C4M)

*ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147*

AFTER-ACTION: DEFERRED.

- 3 a) BOAT DOCKS AND MARINE STRUCTURES ORDINANCE.
(REQUESTED BY THE CITY COMMISSION
JULY 17, 2013 CITY COMMISSION MEETING ITEM, C4E)

AFTER-ACTION: DEFERRED.

4. DISCUSSION REGARDING THE POSSIBILITY OF RESTRICTING DESTINATION
RESTAURANTS IN THE SOUTH OF FIFTH NEIGHBORHOOD.
(REFERRED BY MAYOR MATTI HERRERA BOWER
MARCH 21, 2012, ITEM C4N)

*ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147*

VERBAL REPORT

AFTER-ACTION: DEFERRED.

5. DISCUSSION OF PARKING ISSUES RELATING TO 816 WEST 40TH STREET.
(REFERRED BY COMMISSIONER JONAH WOLFSON
APRIL 11, 2012 CITY COMMISSION, ITEM C4H)

*ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147*

VERBAL REPORT

AFTER-ACTION: DEFERRED.

6. DISCUSSION OF THE LEGALIZATION OF THE CURRENT USE OF 3767 CHASE
AVENUE.
(REFERRED BY COMMISSIONER JONAH WOLFSON
APRIL 11, 2012 CITY COMMISSION MEETING, ITEM C4I)

*ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147*

AFTER-ACTION: DEFERRED.

7. DISCUSSION REGARDING FOOD TRUCKS ON PRIVATE PROPERTY.
(RETURNING FROM THE JUNE 12, 2013 LUDC MEETING
ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON
SEPTEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4K)

*ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147*

AFTER-ACTION: DEFERRED.

8. DISCUSSION ON A CODE AMENDMENT REQUIRING THAT THE PLANNING BOARD HAS UP TO TWO (2) MEETINGS TO CONSIDER A PROPOSED AMENDMENT; OR IF NO RECOMMENDATION IS MADE AFTER TWO (2) MEETINGS, IT GOES TO COMMISSION WITHOUT PLANNING BOARD RECOMMENDATION.

(REFERRED BY COMMISSIONER JONAH WOLFSON
OCTOBER 24, 2012 CITY COMMISSION MEETING, ITEM C4N)

*ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147*

AFTER-ACTION: DEFERRED.

9. DISCUSSION REGARDING PUBLIC SAFETY ISSUES IN ABANDONED HOMES ON MIAMI BEACH (I.E. BEEHIVE).

(REFERRED BY COMMISSIONER EDWARD L. TOBIN
OCTOBER 24, 2012 CITY COMMISSION MEETING, ITEM R90)

*ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147*

VERBAL REPORT

AFTER-ACTION: DEFERRED.

10. ZONING AND PLANNING INITIATIVES FOR NORTH BEACH INCLUDING ORDINANCE AMENDMENTS FOR PARKING REQUIREMENTS AND DEVELOPMENT REGULATIONS.

(RETURNING FROM THE APRIL 23, 2013 LUDC MEETING
ORIGINALLY REFERRED BY COMMISSIONER JERRY LIBBIN,
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4I #1)

AFTER-ACTION: DEFERRED.

11. DISCUSSION PERTAINING TO "SMARTER MATERIALS FOR NEXT GENERATION INFRASTRUCTURE," SUCH AS ELIMINATING THE DISPOSAL OF TIRES IN GLOBAL LANDFILLS AND INCINERATORS.

(DEFERRED FROM THE JUNE 12, 2013 LUDC MEETING
ORIGINALLY REFERRED BY COMMISSIONER MICHAEL GONGORA
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4M)

*ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147*

AFTER-ACTION: DEFERRED.

12. DISCUSSION REGARDING THE CONDITION OF THE STONES IN THE 1100 BLOCK OF LINCOLN ROAD.

(DEFERRED FROM THE JUNE 12, 2013 LUDC MEETING
ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON)

DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM R9E)

***ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147***

AFTER-ACTION: DEFERRED.

- 13. AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS TO REGULATE RELIGIOUS INSTITUTIONS IN MULTI-FAMILY RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DISTRICTS IN THE SAME MANNER AS OTHER ASSEMBLY USES WITH SIMILAR OCCUPANCY.**

**(REFERRED BY CITY COMMISSION
FEBRUARY 6, 2013 CITY COMMISSION MEETING, ITEM C4C)**

***ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147***

AFTER-ACTION: Gary Held provided an overview of the item. Specifically he points out the Federal Laws providing religious institutions with certain protections, and explained RLUIPA, the Federal act addressing religious institutions and zoning. He proposes to conform the City's land development regulations to equate

MOTION: Refer to Planning Board Libbin/Gongora (2-0)

- 14. DISCUSSION REGARDING AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS TO REGULATE TEMPORARY BUSINESS SIGNS ON PUBLIC PROPERTY.**

**(REFERRED BY CITY COMMISSION
MARCH 13, 2013 CITY COMMISSION MEETING, ITEM C4D)**

***ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147***

AFTER-ACTION: Richard Lorber provided an overview of the item. He provided a comparison to FDOT program for temporary signs.

MOTION: Refer to City Commission with a favorable recommendation. Libbin/Gongora (2-0).

- 15. DISCUSSION REGARDING AN AMENDMENT TO EXPAND THE PERMITTED USES OF RM-2 ZONE PROPERTIES AND TO INCLUDE THE FOLLOWING PROPOSED LANGUAGE: 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.; AND OFFICES THAT ARE INCIDENTAL TO AND CUSTOMARY WITH A HOTEL IN THE RM-3 DISTRICT FRONTING COLLINS AVENUE LOCATED NO MORE THAN 1,200 FEET FROM THE PROPERTY, MEASURED BY FOLLOWING A STRAIGHT LINE FROM THE LOT ON WHICH THE OFFICE IS LOCATED TO THE LOT ON WHICH THE HOTEL IS LOCATED, PROVIDED THAT THE LOT ON WHICH THE OFFICE IS LOCATED SHALL BE GOVERNED BY A RESTRICTIVE COVENANT, APPROVED AS TO FORM BY THE CITY ATTORNEY'S OFFICE AND RECORDED IN THE PUBLIC RECORDS OF THE COUNTY AS A COVENANT RUNNING WITH THE LAND, STIPULATING THAT THE**

OFFICE USE SHALL BE INCIDENTAL TO AND CUSTOMARY IN CONNECTION WITH THE HOTEL AND MAY ONLY REMAIN SO LONG AS THE HOTEL USE CONTINUES.

(REQUESTED BY COMMISSIONER DEEDE WEITHORN
MARCH 13, 2013 CITY COMMISSION MEETING, ITEM C4J)

AFTER-ACTION:

Steve Wernick addressed the Committee regarding the item and its impact on the Saxony West / Atlantic Hotel project.

Comm. Libbin indicated that he was ok with the proposal.

MOTION: Refer to Planning Board. Libbin/Gongora (2-0)

16. DISCUSSION ON AN ORDINANCE REQUIRING AN OUTSIDE FIRM OR THE CITY BEING THE ENTITY THAT MAELS NOTICES IN LAND USE SITUATIONS.

(REFERRED BY COMMISSIONER JONAH WOLFSON
MARCH 13, 2013 CITY COMMISSION MEETING, ITEM C4N)

*ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147*

AFTER-ACTION: DEFERRED.

17. DISCUSSION REGARDING CHAPTER 30, ENTITLED "CODE ENFORCEMENT," ARTICLE I, ENTITLED "IN GENERAL," ARTICLE II, ENTITLED "SPECIAL MASTERS," AND ARTICLE III, ENTITLED "ENFORCEMENT PROCEDURE," OF THE CODE OF THE CITY OF MIAMI, FLORIDA.

(REFERRED BY COMMISSIONER JONAH WOLFSON
MARCH 13, 2013 CITY COMMISSION MEETING, ITEM C4R)

*ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147*

VERBAL REPORT

AFTER-ACTION: DEFERRED.

18. DISCUSSION ON CHAPTER 46, ENTITLED "ENVIRONMENT," ARTICLE IV, ENTITLED "NOISE," OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA.

(REFERRED BY COMMISSIONER JONAH WOLFSON
MARCH 13, 2013 CITY COMMISSION MEETING, ITEM C4S)

*ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147*

VERBAL REPORT

AFTER-ACTION: DEFERRED.

19. DISCUSSION ON AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS WHICH WOULD ADDRESS AND CLARIFY THE ELIGIBILITY FOR CONTRIBUTING BUILDINGS IN HISTORIC DISTRICTS TO BE CONVERTED TO BED & BREAKFAST INNS WITHIN THE CITY OF MIAMI BEACH.

(REFERRED BY COMMISSIONER MICHAEL GONGORA

MARCH 13, 2013 CITY COMMISSION MEETING, ITEM C4T)

***ITEM TO BE AUTOMATICALLY WITHDRAWN BY SEPTEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147***

AFTER-ACTION: Richard Lorber introduced the item, explaining the Bed & Breakfast regulations, and how a recent amendment opened up a loophole in the eligibility that needs now to be corrected.

MOTION: Libbin / Gongora (2-0). Forward to Planning Board for review.

20. ACCESSORY SETBACK ENCROACHMENTS

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS", BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS", BY AMENDING SECTION 142-1132 TO MODIFY THE SETBACKS FOR ALLOWABLE ENCROACHMENTS INCLUDING DRIVEWAYS, CARPORTS AND MECHANICAL EQUIPMENT; BY AMENDING SECTION 142-1133 TO MODIFY THE SETBACK REQUIREMENTS FOR SWIMMING POOLS AND THE REQUIREMENTS FOR THE CONSTRUCTION OF SWIMMING POOLS ON CORNER AND THRU LOTS WITHIN SINGLE FAMILY DISTRICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

**(DEFERRED FROM THE JUNE 12, 2013 LUDC MEETING
ORIGINALLY REQUESTED BY CITY COMMISSION
MAY 8, 2013 CITY COMMISSION MEETING, ITEM R5H)**

AFTER-ACTION: DEFERRED.

21. A RESOLUTION TO AMEND THE CITY'S HUMAN RIGHTS ORDINANCE TO REQUIRE THE POSTING OF NOTICES IN EVERY PLACE OF HOUSING AND HOUSING ACCOMMODATION AND CITY OF MIAMI BEACH DEPARTMENT AND FACILITY THAT IS SUBJECT TO THE HUMAN RIGHTS ORDINANCE.

**(REFERRED BY MAYOR MATTI HERRERA BOWER
APRIL 17, 2013 CITY COMMISSION MEETING, ITEM C4E)**

AFTER-ACTION: Rob Rosenwald and City Clerk Rafael Granado introduced the Miami Beach Human Rights ordinance. This will require posting in workplaces of the applicable announcements. The location of the posters is specified to be where the client who uses the particular service will see it. The Committee asked several questions regarding the proposal. Comm. Gongora asked for clarification on the violations section of the Ordinance. Comm. Libbin asked a question about the posting and notification of the regulations. Staff responded by indicating that notice must be posted in most businesses. Comm. Libbin raised a concern regarding the total number of signs that will be required.

Alan Fishman, Chair of Human Rights Committee, addressed the land Use Committee regarding the item. He provided information on the website, as well as the multi-language notices.

Comm. Libbin raised a concern regarding the ability to enforce the requirement for signage City wide.

MOTION: Gongora / Libbin (2-0). Recommend in favor of Resolution at Full Commission.

22. REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE - DISCUSSION REGARDING INCORPORATING THE STORMWATER MANAGEMENT MASTER PLAN INTO THE LAND DEVELOPMENT REGULATIONS.

**(REFERRED BY CITY COMMISSION
JULY 17, 2013 CITY COMMISSION MEETING, ITEM C40)**

AFTER-ACTION: Eric Carpenter introduced the item, explaining the Stormwater Management Master Plan, and its recommendations for applying requirements to new development. This proposal would include these recommendations in the Land Development Regulations. Commissioner Libbin expressed concern about the current Stormwater Master Plan, and explained that he needed more information on these issues. Comm. Gongora asked about the timing. Eric Carpenter explained that it would be important to apply these standards to the Convention Center project, and then to future private projects. Joe Jimenez suggested that the matter move forward, with a provision to allow the plan to be amended.

MOTION: Deferred to the October LUDC

23. CONSIDERATION OF A PROPOSED BALLOT QUESTION TO PERMIT LIMITED TRANSFER OF FAR WITHIN A SPECIFIC ZONE, PURSUANT TO CRITERIA THAT SHALL BE ESTABLISHED IN UPCOMING ORDINANCES REGARDING ALTON ROAD.

**(REQUESTED BY COMMISSIONER DEEDE WEITHORN
JULY 17, 2013 CITY COMMISSION MEETING, ITEM C4R)
VERBAL REPORT**

AFTER-ACTION: DEFERRED.

**24. DISCUSSION ON ITEMS AUTOMATICALLY BEING WITHDRAWN IF NOT HEARD WITHIN SIX MONTHS FROM REFERRAL DATE PER RESOLUTION NO. 2013-28147.
VERBAL REPORT**

AFTER-ACTION: DEFERRED.

Attachment *RL*
JLM/JM/J/RGL
RL

t:\agenda\2013\september 11\udc meeting of july 22 2013 afteraction.docx

LAND USE AND DEVELOPMENT COMMITTEE MEETING
 July 22, 2013 @ 3:00 pm
 City Manager's Large Conference Room

Attendance Sheet

NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1. Michael W. Lark	(305) 374-5300	Yes	m.lark @ bpzoning.com
2. Rob Rosenthal	305-673-1470	Yes	robertrosenthal @ miamibeachfl.gov
3. RAFAEL GRANADA	7411	Yes	r.granada @ miamibeachfl.gov
4. SOUL FRANKS	305 673-7000 x483	NO	SOULFRANKS @ "
5. PATRICK CAMPBELL	305 460-9900 x350	YES	PCAMPBELL @ REKTED GROUP.COM
6. XXXXXXXXXX	XXXXXXXXXX@miamibeachfl.gov		@
7. Robert Santos	6684	CODE	rsantos@borina @ miamibeachfl.gov
8. GEORGE CURSTIA	305 216-6018	Yes	GEORGE @ CURSTIA CONSTRUCTION.GOV
9. Joseph Furst	305 968-0877	Yes	joe.furst @ gmail.com
10. KATHIE BROOKS	305-673-7010	Yes	kbrooks @ miamibeachfl.gov
11.			@
12.			@
13.			@
14.			@
15.			@
16.			@
17.			@
18.			@
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