

MIAMI BEACH

City Commission Meeting

ADDENDUM MATERIAL 1

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
October 16, 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 Morales
City Attorney Jose Smith
City Clerk Rafael E. Granado

Visit us at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

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.

ADDENDUM AGENDA

C4 - Commission Committee Assignments

- C4H Referral To The Neighborhood/Community Affairs Committee To Discuss A Maintenance Plan Along The 41st Street Business Corridor And Possibly Appointing A Dedicated Liaison To The Corridor (Like Lincoln Road).
(Requested by Vice-Mayor Edward L. Tobin)

C7 - Resolutions

- C7JJ A Resolution Authorizing The City Manager To Award A Contract For Landscaping Of The Lincoln Road Mall Pursuant To Invitation To Bid (ITB) 2014-011LR.
(Parks & Recreation/Procurement)

C7 - Resolutions

C7KK A Resolution Supporting The Efforts Of The Florida United States Congressional Delegation To Delay The Effective Date Of The 2012 Biggert-Waters Flood Insurance Reform Act To Prevent Significant Increases In Flood Insurance Rates Until The Federal Emergency Management Agency Completes Its Affordability Study And The Study Is Considered By The United States Congress.

(Requested by Commissioner Michael Góngora)

C7LL A Resolution Expressing Support For The November 8, 2013 Miami-Dade County Military Affairs Board "Golden Veterans Parade - 50th Anniversary Commemoration" Commemorating The 50th Anniversary Of The Vietnam War And Directing The City Clerk To Transmit A Copy Of This Resolution To All Miami-Dade County Municipal Clerks And To The Miami-Dade County Military Affairs Board.

(Requested by Commissioner Jorge R. Exposito)

C7MM A Resolution Setting A Public Hearing To Adopt The First Amendment To The Capital Budget For Fiscal Year (FY) 2013/14.

(Budget & Performance Improvement)

R5 - Ordinances

R5U An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article II, Entitled "District Regulations," By Amending Division 2, Entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Section 142-109, Entitled "Commercial Use Of Single-Family Homes Prohibited," By Amending The Definitions Therein, And By Adding New Subsection (c)(1)d, Which Prohibits Advertising Of Unlawful Occupancy And Use; By Amending Subsection (c)(2), Which Removes The Limitations On Enforcement; By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 2, Entitled "Accessory Uses"; By Amending Section 142-905, Entitled "Permitted Accessory Uses In Single-Family Districts," By Adding New Subsection (b)(5)a Which Prohibits The Advertisement For The Lease Of Single Family Homes For Less Than Six Months And One Day, By Adding New Subsection (b)(5)b, Which Provides The Enforcement For A Violation Of Section (b)(5); By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 3, Entitled "Supplementary Use Regulations," By Amending Section 142-1111, Entitled "Short-Term Rental Of Apartment Units Or Townhomes," By Amending Section (A) To Prohibit The Advertisement Of Short Term Rental Of Apartments Units Or Townhomes; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Requested by Neighborhood/Community Affairs Committee)

(Legislative Tracking: Code Compliance)

R7 - Resolutions

- R7H A Resolution Consenting To The Appointment Of Richard G. Lorber As The Director Of The Planning Department For The City Of Miami Beach.
(Human Resources)

R9 - New Business and Commission Requests

- R9T Discussion Regarding City's Design For New Median On South Pointe Drive.
(Requested by Vice-Mayor Edward L. Tobin)
- R9U Discussion Regarding Flooding At Royal Palm Avenue And 46th Street, Miami Beach.
(Requested by Vice-Mayor Edward L. Tobin)
- R9V Discussion Regarding Noise Issues From 6301 Collins Avenue.
(Requested by Commissioner Michael Góngora)

THIS PAGE INTENTIONALLY LEFT BLANK



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Ed Tobin, Commissioner

DATE: October 8th, 2013

SUBJECT: Agenda item for October 16th, 2013 City Commission Meeting

Please place on the October 16th City Commission Meeting a referral to Neighborhoods/Community Affairs Committee to discuss a maintenance plan along the 41st street business corridor and the possibility of appointing a dedicated liason to the corridor (like Lincoln Road).

If you have any questions please contact, Dessiree Kane at Extension 6274

ET/dk

THIS PAGE INTENTIONALLY LEFT BLANK

Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR LANDSCAPING OF THE LINCOLN ROAD MALL PURSUANT TO INVITATION TO BID (ITB) 2014-011-LR.

Key Intended Outcome Supported:

Maximize Miami Beach as a destination brand.

Supporting Data (Surveys, Environmental Scan, etc.):

Item Summary/Recommendation:

Each year, during the events surrounding Art Basel – Miami Beach, the Lincoln Road Mall area experiences a peak of visitors as a result of this internationally known event. The Art Basel – Miami Beach events propel Miami Beach's image as a world-class international destination. Many of the visitors during this period visit Lincoln Road Mall, one of the City's most visited venues.

It is important that Lincoln Road Mall (the "Mall") mirror the world-class image of the City and Art Basel – Miami Beach. To this end, the Administration has been working closely with the Lincoln Road Property Owner's Association (the "Association"). One of the issues the Administration and the Association have recently discussed is the quality and condition of the materials utilized in the landscaped areas of the Mall. Neither party feels that the current condition of the Mall's landscaped areas present a world-class image. As a result, the Association is preparing, at no cost to the City, a landscape design that will enhance the quality and condition of landscaped areas of the Mall. For its part, the City has agreed to fund the replacement of the landscape materials of the design presented by the Association.

In order to do so the City will release, ITB 2014-011-LR to seek competitive proposals for the required materials. However, since there is no City Commission meeting scheduled for November and the Art Basel – Miami Beach events begin prior the City Commission's December meeting, it is requested that the Mayor and City Commission authorize the City Manager to award a contract for landscaping of the Lincoln Road Mall pursuant to Invitation To Bid (ITB) 2014-011-LR. The ITB will be awarded to the lowest, responsive, responsible bidder complying with all terms and conditions, including delivery and installation schedules, of the ITB. At the December meeting of the City Commission, the Administration will present the results of the ITB process and award by the City Manager to the City Commission for ratification.

This funding has been previously appropriated as part of the capital budget, and no additional funding is needed.

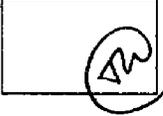
CONCLUSION

It is recommended that the Mayor and City Commission approve the resolution authorizing the City Manager to award a contract for the landscaping of Lincoln Road Mall pursuant to ITB 2014-011-LR.

Advisory Board Recommendation:

N/A

Financial Information:

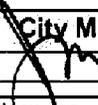
Source of Funds:		Amount	Account
	1	\$150,000	365-6988-000350
		\$146,000	365-2766-069357
OBPI	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Alex Denis, Procurement Director at 7490; John Rebar, Parks and Recreation Director at 6643

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AD  JR	MT  KGB 	JM 

T:\AGENDA\2013\October 16\Procurement\Lincoln Road Landscaping ITB 2014-011-LR SUMMARY.docx.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: October 16, 2013

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR LANDSCAPING OF THE LINCOLN ROAD MALL PURSUANT TO INVITATION TO BID (ITB) 2014-011-LR.

ADMINISTRATION RECOMMENDATION

Authorize the City Manager to award contract.

KEY INTENDED OUTCOME SUPPORTED

Maximize Miami Beach as a destination brand.

FUNDING

Account Code: 365-6988-000350 - \$150,000
365-2766-069357 - \$146,000

This funding has been previously appropriated as part of the capital budget, and no additional funding is needed.

BACKGROUND

Each year, during the events surrounding Art Basel – Miami Beach, the Lincoln Road Mall area experiences a peak of visitors as a result of this internationally known event. The Art Basel – Miami Beach events propel Miami Beach’s image as a world-class international destination. Many of the visitors during this period visit Lincoln Road Mall, one of the City’s most visited venues.

It is important that Lincoln Road Mall (the “Mall”) mirror the world-class image of the City and Art Basel – Miami Beach. To this end, the Administration has been working closely with the Lincoln Road Property Owner’s Association (the “Association”). One of the issues the Administration and the Association have recently discussed is the quality and condition of the materials utilized in the landscaped areas of the Mall. Neither party feels that the current condition of the Mall’s landscaped areas present a world-class image. As a result, the Association is preparing, at no cost to the City, a landscape design that will enhance the quality and condition of landscaped areas of the Mall. For its part, the City has agreed to fund the replacement of the landscape materials of the design presented by the Association.

In order to do so the City will release, ITB 2014-011-LR to seek competitive proposals for the required materials. However, since there is no City Commission meeting scheduled for November and the Art Basel – Miami Beach events begin prior the City Commission’s

December meeting, it is requested that the Mayor and City Commission authorize the City Manager to award a contract for landscaping of the Lincoln Road Mall pursuant to Invitation To Bid (ITB) 2014-011-LR. The ITB will be awarded to the lowest, responsive, responsible bidder complying with all terms and conditions, including delivery and installation schedules, of the ITB. At the December meeting of the City Commission, the Administration will present the results of the ITB process and award by the City Manager to the City Commission for ratification.

CONCLUSION

It is recommended that the Mayor and City Commission approve the resolution authorizing the City Manager to award a contract for the landscaping of Lincoln Road Mall pursuant to ITB 2014-011-LR.



JM/MT/KB/JR/AD

T:\AGENDA\2013\October 16\Procurement\Lincoln Road Landscaping ITB 2014-011-LR.docx

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR LANDSCAPING OF THE LINCOLN ROAD MALL PURSUANT TO INVITATION TO BID (ITB) 2014-011-LR.

WHEREAS, each year, during the events surrounding Art Basel – Miami Beach, the Lincoln Road Mall area experiences an increase in the number of visitors as a result of this internationally known event, which propels Miami Beach’s image as a world-class international destination; and

WHEREAS, it is important that Lincoln Road Mall (the “Mall”) mirror the world-class image of the City and Art Basel – Miami Beach; and

WHEREAS, the Administration has been working closely with the Lincoln Road Property Owner’s Association (the “Association”) on ways to improve the Lincoln Road Mall, including the quality and condition of the materials utilized in the landscaped areas of the Mall; and

WHEREAS, the Association is preparing, at no cost to the City, a landscape design that will enhance the quality and condition of landscaped areas of the Mall; and, the City has agreed to fund the replacement of the landscape materials of the design presented by the Association; and

WHEREAS, the City is preparing to issue Invitation to Bid (ITB) 2014-011-LR to seek competitive proposals for the required landscape materials and installation services; and

WHEREAS, the City Commission does not meet in November in time to approve the award of the contract pursuant to the ITB in time for the landscaping project to be completed prior to the commencement of Art Basel – Miami Beach events.

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 authorize the City Manager to award a contract for landscaping of the Lincoln Road Mall pursuant to Invitation To Bid (ITB) 2014-011-LR to the lowest, responsive, responsible bidder complying with all terms and conditions, including delivery and installation schedules, of the ITB and, at the December meeting of the City Commission, present the results of the ITB process and award by the City Manager to the City Commission for ratification.

PASSED AND ADOPTED THIS _____ DAY OF _____ 2013.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature]

for City Attorney
[Signature] 10-10-13
Date



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: CITY ATTORNEY JOSE SMITH

DATE: OCTOBER 16, 2013

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA SUPPORTING THE EFFORTS OF THE FLORIDA UNITED STATES CONGRESSIONAL DELEGATION TO DELAY THE EFFECTIVE DATE OF THE 2012 BIGGERT-WATERS FLOOD INSURANCE REFORM ACT TO PREVENT SIGNIFICANT INCREASES IN FLOOD INSURANCE RATES UNTIL THE FEDERAL EMERGENCY MANAGEMENT AGENCY COMPLETES ITS AFFORDABILITY STUDY AND THE STUDY IS CONSIDERED BY THE UNITED STATES CONGRESS.

Pursuant to the request of Commissioner Michael Gongora, the attached Resolution is submitted for consideration by the Mayor and City Commission.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA SUPPORTING THE EFFORTS OF THE FLORIDA UNITED STATES CONGRESSIONAL DELEGATION TO DELAY THE EFFECTIVE DATE OF THE 2012 BIGGERT-WATERS FLOOD INSURANCE REFORM ACT TO PREVENT SIGNIFICANT INCREASES IN FLOOD INSURANCE RATES UNTIL THE FEDERAL EMERGENCY MANAGEMENT AGENCY COMPLETES ITS AFFORDABILITY STUDY AND THE STUDY IS CONSIDERED BY THE UNITED STATES CONGRESS.

WHEREAS on October 1, 2013, the 2012 Biggert-Waters Flood Insurance Reform Act ("Act") became effective and the Act will significantly increase subsidized flood insurance rates on older properties in flood zones in Florida; and

WHEREAS, 13% of the 2 million homeowners who carry flood insurance in Florida will be affected by rate increases when they renew their insurance coverage, sell their homes, or when they experience significant loses, in which events the full cost of insurance could be as much as 3,000 % more than current rates; and

WHEREAS, in Miami-Dade County, 47,663 homeowners benefit from subsidized flood insurance rates, and more than 22,000 of these homeowners are located in Miami Beach; and

WHEREAS, the new rates were designed to bring the flood insurance program back into solvency after Hurricane Katrina struck New Orleans in 2005 by phasing out subsidies in high-risk zones and updating flood zone maps across the United States over the next five years; however, these rate changes will have devastating effects in Florida and are already having a chilling effect on real estate sales in Florida's slowly recovering real estate market; and

WHEREAS, legislation is pending in Congress to delay the effect of the Act and to require that the rate hikes be halted until the Federal Emergency Management Agency (FEMA) completes a study of rate increase impacts on homeowners; and

WHEREAS, the Florida U.S. Congressional delegation supports federal legislation to delay the effective date of the Act until its impacts can be studied and addressed.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission of the City of Miami Beach hereby support the efforts of the Florida U.S. Congressional delegation to delay the effective date of the 2012 Biggert-Waters Flood Insurance Reform Act to prevent significant increases in flood insurance rates until the Federal Emergency Management Agency completes its affordability study and such study is considered by the United States Congress.

PASSED and ADOPTED this 16th day of October, 2013.

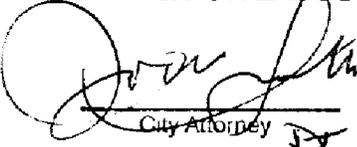
ATTEST:

RAFAEL E. GRANADO, CITY CLERK

F:\ATTO\TURNRESOS\Against Increase in Flood Insurance Rates.docx

MATTI HERRERA BOWER, MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

10/16/13
Date



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: CITY ATTORNEY JOSE SMITH

DATE: OCTOBER 16, 2013

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA EXPRESSING SUPPORT FOR THE NOVEMBER 8, 2013 MIAMI-DADE COUNTY MILITARY AFFAIRS BOARD "GOLDEN VETERANS PARADE-50TH ANNIVERSARY COMMEMORATION" COMMEMORATING THE 50TH ANNIVERSARY OF THE VIETNAM WAR AND DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO ALL MIAMI-DADE COUNTY MUNICIPAL CLERK'S AND TO THE MIAMI-DADE COUNTY MILITARY AFFAIRS BOARD.

Pursuant to the request of Commissioner Jorge Exposito, the attached Resolution is submitted for consideration by the Mayor and City Commission.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA EXPRESSING SUPPORT FOR THE NOVEMBER 8, 2013 MIAMI-DADE COUNTY MILITARY AFFAIRS BOARD "GOLDEN VETERANS PARADE - 50TH ANNIVERSARY COMMEMORATION" COMMEMORATING THE 50TH ANNIVERSARY OF THE VIETNAM WAR AND DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO ALL MIAMI-DADE COUNTY MUNICIPAL CLERKS AND TO THE MIAMI-DADE COUNTY MILITARY AFFAIRS BOARD.

WHEREAS, beginning on Memorial Day 2012, the Federal Government initiated a partnership with local governments, private organizations, and communities across America to participate in the Commemoration of the 50th Anniversary of the Vietnam War; and

WHEREAS, the Commemoration of the 50th Anniversary of the Vietnam War is a 13-year program to honor and thank the generation of proud Americans who served our country during one of the most challenging missions ever faced by our nation; and

WHEREAS, the Commemoration of the 50th Anniversary of the Vietnam War is a tribute to the valor of more than 3 million servicemen and women who selflessly left their families to serve our country bravely; and

WHEREAS, on November 8, 2013, the Miami-Dade County Military Affairs Board is sponsoring a "Golden Veterans Parade - 50th Anniversary Commemoration" down Flagler Street to Bayfront Park to commemorate the 50th Anniversary of the Vietnam War and to officially welcome and remember our Vietnam Veterans, as well as Bay of Pigs Veterans; and

WHEREAS, the Mayor and City Commission deem it in the best interest of the City of Miami Beach to support the November 8, 2013 "Golden Veterans Parade – 50th Anniversary Commemoration" sponsored by the Miami-Dade County Military Affairs Board.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission support the November 8, 2013 "Golden Veterans Parade – 50th Anniversary Commemoration" sponsored by the Miami-Dade County Military Affairs Board, and the City Clerk is hereby directed to transmit a copy of this Resolution to all Miami-Dade County Municipal Clerks and to the Miami-Dade Military Affairs Board.

PASSED and ADOPTED this 16th day of October, 2013.

ATTEST:

MATTI HERRERA BOWER, MAYOR

RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

F:\ATTO\TURNRESOS\In Support of Golden Veterans Parade.docx



City Attorney

10/11/13

Date

Condensed Title:

A Resolution Setting a Public Hearing to Adopt the First Amendment to the Capital Budget for Fiscal Year (FY) 2013/14.

Key Intended Outcome Supported:

Ensure Well Designed Quality Capital Projects -- Increase Community Satisfaction with City Services

Supporting Data: Based on the 2012 Community Survey, storm drainage was identified as an area for improvement, although improved from prior years; arts and culture was one of the services identified that the city should strive not to reduce; and traffic flow, conditions of roads, and availability of public parking, were all identified as key drivers of overall satisfaction levels. Further, the following have been prioritized as key intended outcomes for the City's Strategic Plan: Increase satisfaction with family recreational activities, Improve Convention Center facility, Enhance mobility throughout the city, Improve parking availability, Ensure value and timely delivery of quality capital projects, Maintain City's infrastructure, Improve Storm drainage system, Improve processes through Information Technology. The FY 2013/14 Capital Budget and the Capital Improvement Plan for FY 2013/14 through 2017/18 includes funding for capital projects to address each of these priorities.

Item Summary/Recommendation:

The Capital Improvement Plan (CIP) is a plan for projects that require significant capital investment and is intended to serve as an official statement of public policy regarding long-range physical development in the City of Miami Beach, establishing priorities for the upcoming five year period, FY 2013/14 – 2017/18.

The FY 2013/14 Capital Budget includes project budgets for both current and new capital projects necessary to improve, enhance and maintain public facilities and infrastructure to meet the service demands of residents and visitors to the City of Miami Beach. The Capital Budget for FY 2013/14 appropriates funding for projects that will require commitment of funds during the upcoming fiscal year, including construction contracts and architect/engineer contracts to be awarded during the upcoming year and capital equipment acquisitions. The Capital Budget for Fiscal Year 2013/14 was approved on September 30, 2013, with the adoption of Resolution No. 2013-28354.

The Par 3 Golf Course project requires a budget amendment for an additional \$597,000 to accommodate higher than anticipated costs associated with an increase from the original scope. If any other necessary budget amendments are identified, they will also be added to the public hearing item. The Administration requests that the Mayor and City Commission set a public hearing to be held on December 11, 2013, to adopt the First Amendment to the Capital Budget for Fiscal Year (FY) 2013/14.

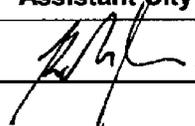
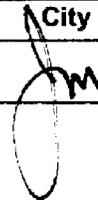
Financial Information:

Source of Funds	Amount	Account
		

City Clerk's Office Legislative Tracking:

John Woodruff, OBPI Director

Sign-Offs:

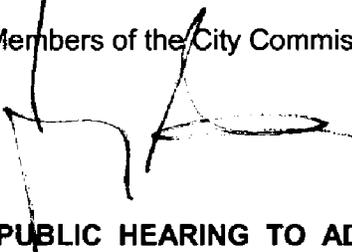
Department Director	Assistant City Manager	City Manager
		





COMMISSION MEMORANDUM

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

FROM: Jimmy L. Morales, City Manager 

DATE: October 16, 2013

SUBJECT: **A RESOLUTION SETTING A PUBLIC HEARING TO ADOPT THE FIRST AMENDMENT TO THE CAPITAL BUDGET FOR FISCAL YEAR (FY) 2013/14.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution and Set the Public Hearing for December 11, 2013.

KEY INTENDED OUTCOME SUPPORTED

Ensure Well Designed Quality Capital Projects -- Increase Community Satisfaction with City Services

ANALYSIS

The Capital Improvement Plan (CIP) is a plan for projects that require significant capital investment and is intended to serve as an official statement of public policy regarding long-range physical development in the City of Miami Beach, establishing priorities for the upcoming five year period, FY 2013/14 – 2017/18.

The FY 2013/14 Capital Budget includes project budgets for both current and new capital projects necessary to improve, enhance and maintain public facilities and infrastructure to meet the service demands of residents and visitors to the City of Miami Beach. The Capital Budget for FY 2013/14 appropriates funding for projects that will require commitment of funds during the upcoming fiscal year, including construction contracts and architect/engineer contracts to be awarded during the upcoming year and capital equipment acquisitions. The Capital Budget for Fiscal Year 2013/14 was approved on September 30, 2013 with the adoption of Resolution No. 2013-28354.

The Par 3 Golf Course project requires a budget amendment for an additional \$597,000 to accommodate higher than anticipated costs associated with an increase from the original scope including: an increase in the size of the Splash Pad and Tot Lot areas; a connection of the existing storm drainage connection located on Prairie Avenue and the Par 3 property to allow for emergency overflow to the Par 3 lake system; and the addition of the starter shack building which was originally identified as an alternate; and market conditions have been steadily escalating. If any other necessary budget amendments are identified, they will also be added to the public hearing item.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, set a public hearing to be held on December 11, 2013, to adopt the First Amendment to the Capital Budget for Fiscal Year (FY) 2013/14. The key intended outcome supported is to ensure well-designed quality capital projects and increase community satisfaction with City services.


JLM/KGB/JW

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING TO ADOPT THE FIRST AMENDMENT TO THE CAPITAL BUDGET FOR FISCAL YEAR (FY) 2013/14

WHEREAS, the FY 2013/14 – 2017/18 Capital Improvement Plan (CIP) for the City of Miami Beach is a five year plan for public improvements and capital expenditures by the City, this document is an official statement of public policy regarding long - range physical development in the City of Miami Beach; and

WHEREAS, the first year of the FY 2013/14 – 2017/18 CIP represents the Capital Budget appropriation for FY 2013/14; and

WHEREAS, the Capital Budget for FY 2013/14 was approved on September 30, 2013, with the adoption of Resolution No. 2013-28354; and

WHEREAS, the Par 3 Golf Course project requires a budget amendment to address higher than anticipated costs associated with an increase from the original scope; and

WHEREAS, the Administration requests that the Mayor and City Commission set a public hearing to be held on December 11, 2013, to adopt the first amendment to the Capital Budget for Fiscal Year (FY) 2013/14; and

WHEREAS, the key intended outcome supported is to ensure well-designed quality capital projects.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH that the Mayor and City Commission hereby set a public hearing on December 11, 2013, to adopt the First Amendment to the Capital Budget for Fiscal Year (FY) 2013/14.

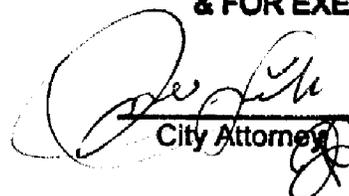
PASSED and ADOPTED this 16th day of October, 2013.

ATTEST:

MAYOR MATTI HERRERA BOWER

RAPHAEL E. GRANADO, CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

10/11/13

Date

Condensed Title:

An Ordinance amending Chapter 142 of the Miami Beach city Code entitled "Land Development Regulations"; amending Section 142-109, entitled "Commercial Use of Single-Family Homes Prohibited"; by amending the definitions therein and by adding a new subsection; amending Article IV entitled "Supplementary District Regulations"; amending Section 142-905 entitled "Permitted Accessory Uses in Single-family Districts", by adding new sub-section(b)(5)a, prohibiting the advertisement for the lease of a single family home for less than six months and one day; amending Section 142-1111, entitled "Short-Term Rental of apartment Units or Townhomes" by amending Section (A) to prohibiting the advertisement of short term rental of apartment units or townhomes".

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character; Increase Resident Satisfaction With Level of Code Enforcement; and Ensure Compliance with Code Within Reasonable Time Frame.

Supporting Data (Surveys, Environmental Scan, etc.): Since 11-2012, there have been more than 300 complaints for Short-Term Use (STR) throughout the City, resulting in 267 cases / investigations. Of these, 158 were issued Notices of Violations (NOVs) and were upheld and adjudicated guilty at Special Master Hearings.

Issue:

Shall the Mayor and Commission amend Chapter 142 of the Miami Beach city Code entitled "Land Development Regulations"; Section 142-109, entitled "Commercial Use of Single-Family Homes Prohibited"; to make it a violation for advertisement of unauthorized transient use / short-term rentals?

Item Summary/Recommendation:

Illegal short-term rentals and unauthorized transient use in residentially zoned areas has been an ongoing challenge for the City. The concern has been that the increasing number of illegal and unauthorized short-termed rentals is oftentimes accompanied by other code violations, i.e. commercial use, noise violations, sanitation, and property maintenance issues, all of which adversely impact the quality of life of our City's neighborhoods. On November 2012, Code established a Short-Term Rental Team (STR) composed of Code Compliance Officers (CCOs) from each of the major Districts (South, Middle, North zone boundaries, and the Afternoon and Evening Shifts). The focus of the STR was to address the increasing number of unauthorized and illegal short-term rentals within residentially zoned areas. Since then, Code's STR team has opened 267 cases/investigations of illegal short-term use, of which 158 (59%) have not only been issued Notice of Violations, but more importantly, have been upheld and adjudicated guilty at Special Master Hearings. It is also important to denote that of the 158 adjudicated cases, 28 (18%) have been adjudicated as repeat violators. One of the challenges faced by Code staff has been the level of proof required by the Special Master, where the advertisement of the illegal short-term rental may only be used as part of the body of evidence to adjudicate illegal short-term rentals. The NCAC discussed this matter at their May 20, 2013 meeting. The Committee discussed how this amendment would allow the City to more effectively address illegal short-term rentals by making it illegal to advertise and/or announce on the internet or print media for the rental of a property in a residentially zoned area where it is prohibited by the City's Zoning Code. The administration recommends a fine schedule as follows: \$100 for the first offense, \$250 for a second offense, and \$500 for third and subsequent offenses. This violation runs parallel and may be issued in conjunction with the actual violation for short-term rental / transient use.

The Administration recommends that the Mayor and Commission approve the ordinance on second reading / public hearing.

Advisory Board Recommendation:

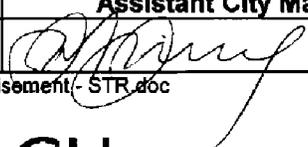
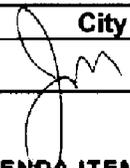
Neighborhoods/Community Affairs Committee (NCAC) May 20, 2013.

Financial Information:

Source of Funds:	Amount	Account
OBPI	1	
	Total	

Financial Impact Summary: The proposed amendment is expected to have a minimal fiscal impact. There will be additional code cases, some which will appeal, resulting in additional cases going before the Special Master.

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2013\October\Prohibition on Advertisement(- STR).doc



AGENDA ITEM RSU
DATE 10-16-13



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: October 16, 2013

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," OF CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS," BY AMENDING DIVISION 2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY AMENDING SECTION 142-109, ENTITLED "COMMERCIAL USE OF SINGLE-FAMILY HOMES PROHIBITED," BY AMENDING THE DEFINITIONS THEREIN, AND BY ADDING NEW SUBSECTION (c)(1)d, WHICH PROHIBITS ADVERTISING OF UNLAWFUL OCCUPANCY AND USE; BY AMENDING SUBSECTION (c)(2), WHICH REMOVES THE LIMITATIONS ON ENFORCEMENT; BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," BY AMENDING DIVISION 2, ENTITLED "ACCESSORY USES"; BY AMENDING SECTION 142-905, ENTITLED "PERMITTED ACCESSORY USES IN SINGLE-FAMILY DISTRICTS," BY ADDING NEW SUBSECTION (b)(5)a WHICH PROHIBITS THE ADVERTISEMENT FOR THE LEASE OF SINGLE FAMILY HOMES FOR LESS THAN SIX MONTHS AND ONE DAY, BY ADDING NEW SUBSECTION (b)(5)b, WHICH PROVIDES THE ENFORCEMENT FOR A VIOLATION OF SECTION (b)(5); BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," BY AMENDING DIVISION 3, ENTITLED "SUPPLEMENTARY USE REGULATIONS," BY AMENDING SECTION 142-1111, ENTITLED "SHORT-TERM RENTAL OF APARTMENT UNITS OR TOWNHOMES," BY AMENDING SECTION (A) TO PROHIBIT THE ADVERTISEMENT OF SHORT TERM RENTAL OF APARTMENTS UNITS OR TOWNHOMES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance.

KEY INTENDED OUTCOME SUPPORTED

1. Increase satisfaction with neighborhood character.
2. Increase resident satisfaction with level of code enforcement.
3. Ensure compliance with code within reasonable time frame.

INTRODUCTION

The request to refer the discussion regarding the amendment of City Code as it pertains to prohibiting the advertisement of unlawful occupancy and use of illegal short-term rentals was made on May 20, 2013 Neighborhood and Community Affairs Committee (NCAC). The item was discussed, and committee members provided direction to staff, to include referral to the full Commission for adoption.

BACKGROUND

Illegal short-term rentals and unauthorized transient use in residentially zoned areas has been an ongoing challenge for the City, its residents, and the Code Compliance Division (Code). The concern has been that the increasing number of illegal and unauthorized short-termed rentals is oftentimes accompanied by other code violations, i.e. commercial use, noise violations, sanitation, and property maintenance issues, all of which adversely impact the quality of life of our City's neighborhoods.

On November 2012, Code established a Short-Term Rental Team (STR) composed of Code Compliance Officers (CCOs) from each of the major Districts (South, Middle, North zone boundaries, and the Afternoon and Evening Shifts). The focus of the STR was to address the increasing number of unauthorized and illegal short-term rentals within residentially zoned areas.

Since then, Code's STR team has opened 267 cases/investigations of illegal short-term use, of which 158 (59%) have not only been issued Notice of Violations, but more importantly, have been upheld and adjudicated guilty at Special Master Hearings. It is also important to denote that of the 158 adjudicated cases, 28 (18%) have been adjudicated as repeat violators.

One of the challenges faced by Code staff has been the level of proof required by the Special Master; where the advertisement of the illegal short-term rental may only be used as part of the body of evidence to adjudicate illegal short-term rentals.

COMMITTEE DISCUSSION

The NCAC discussed this matter at their May 20, 2013 meeting. The Committee discussed how this amendment would allow the City to more effectively address illegal short-term rentals by making it illegal to advertise and/or announce on the internet or print media for the rental of a property in a residentially zoned area where it is prohibited by the City's Zoning Code. This provides another tool by which Code can further identify and present evidence so as to reduce the number of transient use violations.

A motion was made by Commissioner Tobin and unanimously approved by the Committee, who directed the administration to prepare support documentation and place the item on the City Commission agenda for discussion.

ANALYSIS

The issues and impact regarding illegal short-term rentals have been discussed multiple times, not only at NCAC, but also at the Land Use and Development Committee (LUDC). Part of the concern is that along with the increasing number of unauthorized and illegal short-term rentals, there are many other code violations which adversely impact the quality of life of our neighborhoods. The development of an STR Team by Code was only one of many steps taken

by Administration. For example, Code and Planning Department staff also met with a number of community leaders from various neighborhoods (including the Flamingo Historic District Association), to develop other methods to educate the public.

These efforts have included aggressive outreach and educational campaigns regarding the regulations and processes governing short-term rentals for multi-family units. Multiple articles regarding short-term rental restrictions have been highlighted in the City's MB Magazine, and information on the City's website to inform and educate businesses, residents and potential visitors regarding short-term rental restrictions. In addition, programs and public service announcements (PSAs) were developed and aired through the City's Channel 77.

The administration recommends a fine schedule as follows: \$100 for the first offense, \$250 for a second offense, and \$500 for third and subsequent offenses. This violation runs parallel and may be issued in conjunction with the actual violation for short-term rental / transient use.

CONCLUSION

The Administration recommends adopting the ordinance approving the recommendation of the NCAC to amend Chapter 142 of the City Code, prohibiting the advertisement of an unauthorized short-term rental / transient use. The administration recommends that this violation follows the fine schedule referenced above.

JLM/JMJ/HC/RSA

T:\AGENDA\2013\October\CODE\Advertisement of Illegal Short-Term Rentals.doc

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," OF CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS," BY AMENDING DIVISION 2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY AMENDING SECTION 142-109, ENTITLED "COMMERCIAL USE OF SINGLE-FAMILY HOMES PROHIBITED," BY AMENDING THE DEFINITIONS THEREIN, AND BY ADDING NEW SUBSECTION (c)(1)d, WHICH PROHIBITS ADVERTISING OF UNLAWFUL OCCUPANCY AND USE; BY AMENDING SUBSECTION (c)(2), WHICH REMOVES THE LIMITATIONS ON ENFORCEMENT; BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," BY AMENDING DIVISION 2, ENTITLED "ACCESSORY USES"; BY AMENDING SECTION 142-905, ENTITLED "PERMITTED ACCESSORY USES IN SINGLE-FAMILY DISTRICTS," BY ADDING NEW SUBSECTION (b)(5)a WHICH PROHIBITS THE ADVERTISEMENT FOR THE LEASE OF SINGLE FAMILY HOMES FOR LESS THAN SIX MONTHS AND ONE DAY, BY ADDING NEW SUBSECTION (b)(5)b, WHICH PROVIDES THE ENFORCEMENT FOR A VIOLATION OF SECTION (b)(5); BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," BY AMENDING DIVISION 3, ENTITLED "SUPPLEMENTARY USE REGULATIONS," BY AMENDING SECTION 142-1111, ENTITLED "SHORT-TERM RENTAL OF APARTMENT UNITS OR TOWNHOMES," BY AMENDING SECTION (A) TO PROHIBIT THE ADVERTISEMENT OF SHORT TERM RENTAL OF APARTMENTS UNITS OR TOWNHOMES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations ("LDRs") restrict single-family residential properties to residential and compatible uses; and

WHEREAS, the City's "LDRs" restrict certain residential properties to residential and compatible accessory uses, and commercial uses on such properties are prohibited, except that the LDRs allow film and print permits, garage sales and home based businesses at such properties; and

WHEREAS, the rental of single-family residential properties in districts zoned RS-1, RS-2, RS-3 and RS-4 ("Single Family Residential Homes") for periods of less than six months and one day ("Seasonal Rentals") is prohibited; and

WHEREAS, the Code Compliance Division has reported numerous instances of residential properties being advertised as party houses, and where the house is used for a commercial enterprise for parties instead of as a single family residential use; and

WHEREAS, single family residences used on a transient basis, or other form of commercial gathering, creates excessive numbers of guests, vehicles and noise, causing inappropriate adverse impacts on the surrounding residences and residential neighborhood; and

WHEREAS, the City has a substantial interest in maintaining the aesthetics, character and tranquility of its residential neighborhoods, as well as in regulating traffic flow; this ordinance directly advances these interests; and this ordinance is narrowly tailored to serve those interests; and

WHEREAS, the advertisement of commercial events and transient occupancy of single family homes are more appropriately held in the zoning districts that are designed for such numbers of persons, with the impacts resulting therefrom more appropriately mitigated; and

WHEREAS, while residents are entitled to enjoy the use of their single family homes consistent with the applicable regulations in the single family residential districts, in order to ensure and protect the enjoyment, character and value of the single family residential neighborhoods and homes, the provisions herein are hereby adopted; and

WHEREAS, the City Commission finds that such regulations are consistent with and further the public health, safety and welfare of the City; and

WHEREAS, these amendments regarding provisions herein regarding commercial use of single-family homes prohibited, permitted accessory users in single-family districts and short term rental of apartment units or townhomes are hereby adopted to accomplish the above objectives.

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

SECTION 1.

That Subpart B of Chapter 142, Article II, Division 2 of the Miami Beach City Code is hereby amended as follows:

Subpart B

LAND DEVELOPMENT REGULATIONS

* * *

Chapter 142

ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II. DISTRICT REGULATIONS

* * *

DIVISION 2. RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS

* * *

Sec. 142-109. Commercial use of single-family homes prohibited.

- (a) Intent and purpose: The land development regulations restrict residential properties to residential and compatible accessory uses. Commercial uses on residential properties are prohibited, with limited exceptions. While residents are entitled to enjoy the use of their property consistent with the applicable regulations, in order to ensure and protect the enjoyment, character and value of residential neighborhoods and buildings, the provisions herein are established.
- (b) Definitions:
- (1) "Use of residential property" or "use of the property" in this section shall mean occupancy of residential property for the purpose of holding commercial parties, events, assemblies or gatherings on the premises.
- (2) "Advertising" or "advertisement" shall mean any form of communication for marketing or used to encourage, persuade, or manipulate viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the transient occupancy upon the premises, as may be viewed through various traditional media, including but not limited to, newspaper, magazines, television commercial, radio advertisement, outdoor advertising, direct mail, blogs, websites or text messages.
- (c) Regulations: Determination of commercial use.
- (1) Accessory use of residential property shall be deemed commercial and not permitted, except as otherwise provided for in the Code, if:
- a. Compensation to owner. The owner, lessee or resident receives payment or other consideration, e.q., goods, property or services, in excess of \$100 per party or event for the commercial use of the property, including payment by any means, direct or indirect, including security deposits; or
 - b. Goods, property or services offered or sold. Goods, property or services are offered for sale or sold on or at the property, during use of the property; however, this subsection shall not apply, if:
 1. All of the goods, property or services offered are donated to or for charitable, religious or political organizations or candidates for public office, that have received 501(c)(3) or other tax exempt status under the U.S. Internal Revenue Code, as amended, or in accordance with applicable election laws; or
 2. All of the proceeds from sales are directly payable and paid to charitable, religious or political organizations or candidates for public office, that have received 501(c)(3) or

- other tax exempt status under the U.S. Internal Revenue Code, as amended, or in accordance with applicable election laws. An organization or candidate may reimburse donors for goods or property donated; or
3. The sale is of the property itself or personal property of the owner or resident (excluding property owned by a business), and if publicly advertised, comply with subsection (3) below.
 4. Notwithstanding the restrictions in subsections (1)b.1.—3., limited commercial use of the property by the owner or resident for the sale of goods, property or services shall be allowed under the following criteria. The event:
 - i. Is by private invitation only, not publicly advertised;
 - ii. Creates no adverse impacts to the neighborhood;
 - iii. The activity and its impacts are contained on the property;
 - iv. Parking is limited to that available on-site, plus 11 vehicles legally self-parked near the property, with no busing or valet service; and
 - v. Frequency is no greater than one event per month; or
- c. Admittance fees. Use of the property by attendees requires an admittance or membership fee or a donation, excluding donations directly payable and paid by attendees to charitable, religious or political organizations or candidates for public office, that have received 501(c)(3) or other tax exempt status under the U.S. Internal Revenue Code, as amended, or in accordance with applicable election laws; or
- d. Any advertising that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the transient occupancy or use of the residential premises.
- (2) Signs or advertising. Signs or other forms of advertising in connection with goods, property or services offered in connection with commercial use of the property, including the actual goods, property (except real property and structures thereon) or services, shall not be visible from the public right-of-way. This section shall not be construed to prohibit the display of real estate for sale or lease signs for the property. ~~Advertising that promotes activities that violate this section shall be deemed a violation of the section, with such violations determined per event and not per advertisement.~~
 - (3) Real estate open houses. The following events are permitted: Open houses (open to the public) organized for the purpose of promoting the sale or lease of the residence where the open house is located, to potential buyers or renters, or events organized by the listing agent limited to licensed real estate brokers and/or agents, subject to the following:
 - a. No sale or display of goods, property or services by sponsoring businesses unrelated to the property; and
 - b. No charging admittance fees.
 - c. Events described in this subsection must end by 8:00 p.m.

- (d) Enforcement:
- (1) Violations of this section shall be subject to the following fines. The special master may not waive or reduce fines set by this section.
 - a. If the violation is the first violation\$ 2,500.00
 - b. If the violation is the second violation within the preceding 18 months7,500.00
 - c. If the violation is the third violation within the preceding 18 months12,500.00
 - d. If the violation is the fourth or greater violation within the preceding 18 months20,000.00

Fines for repeat violations shall increase regardless of location.
 - (2) In addition to or in lieu of the foregoing, the city may close down the commercial use of the property and/or seek an injunction against activities or uses prohibited under this section.
 - (3) Any city police officer or code compliance officer may issue notices for violations of this section, with alternative enforcement as provided in section 1-14 and chapter 30 of this Code. Violations shall be issued to the homeowner, and/or to any realtor, real estate agent, real estate broker, event planner, promoter, caterer, or any other individual or entity that facilitates or organizes the prohibited activities. In the event the record owner of the property is not present when the violation occurred, a copy of the violation shall be provided to such owner.
 - (4) Charitable, religious or political organizations or candidates for public office shall receive one courtesy notice in lieu of the first notice of violation only, after which fines will accrue starting with the first violation as prescribed. No courtesy notice in lieu of first notice of violation shall be available if a courtesy notice in lieu of first notice of violation has already been granted in the preceding 18-month period, regardless of location.
 - (5) The city recognizes peoples' rights of assembly, free expression, religious freedom, and other rights provided by the state and federal constitutions. It is the intent of the city commission that no decision under this section shall constitute an illegal violation of such rights, and this section shall not be construed as such a violation.
 - (6) The city manager or designee may adopt administrative rules and procedures to assist in the uniform enforcement of this section.
- (e) No variances shall be granted from this section. This section does not authorize commercial activities in residential neighborhoods that are otherwise prohibited or regulated by applicable law, unless expressly provided for herein.

SECTION 2.

That Subpart B of Chapter 142, Article IV, Division 2 of the Miami Beach City Code is hereby amended as follows:

Subpart B

LAND DEVELOPMENT REGULATIONS

* * *

Chapter 142

ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

* * *

DIVISION 2. ACCESSORY USES

* * *

Sec. 142-905. Permitted accessory uses in single-family districts.

- (a) Generally. Permitted accessory uses in single-family districts are those uses which are customarily associated with single-family houses such as but not limited to decks, swimming pools, spas, ornamental features, tennis courts. However, in no instance shall landing or storage areas for a helicopter, or other aircraft, be permitted as an accessory use. The planning and zoning director may allow other accessory uses if the director finds after consultation with the chairman of the planning board that they will not adversely affect neighboring properties, based upon the criteria listed in section 142-901. Appeal of the director's decision is to the board of adjustment pursuant to chapter 118, article VIII.
- (b) Permitted accessory uses. The following are permitted accessory uses in single-family districts:
 - (1) Day care facilities for the care of children are permitted if the following mandatory criteria are met:
 - a. A family day care facility shall be allowed to provide care for one of the following groups of children:
 - 1. A family day care home may care for a maximum of five preschool children from more than one unrelated family and a maximum of five elementary school siblings of the preschool children in care after school hours. The maximum number of five preschool children includes preschool children in the home and preschool children received for day care who are not related to the resident caregiver. The total number of children in the home may not exceed ten under this subsection.
 - 2. When the home is licensed and provisions are made for substitute care, a family day care home may care for a maximum of five preschool children from more than one unrelated family, a maximum of three elementary school siblings of the preschool children in care after school hours, and a maximum of two elementary school children unrelated to the preschool children in care after school hours. The maximum number of five preschool children includes preschool children in the home and preschool children received for day care who are not related to the

- resident caregiver. The total number of children in the home may not exceed ten under this subsection.
3. When the home is licensed and provisions are made for substitute care, a family day care home may care for a maximum number of seven elementary school children from more than one unrelated family in care after school hours. Preschool children shall not be in care in the home. The total number of elementary school children in the home may not exceed seven under this subsection.
 - b. Signs on the property advertising the day care facility are prohibited.
 - c. The family day care facility complies with all applicable requirements and regulations of the state department of children and family services and the city's police, fire and building services departments. All of the South Florida Building Code, city property maintenance standards and fire prevention and safety code violations shall be corrected prior to the issuance of a city occupational license.
 - d. Play area shall only be located in the rear yard and equipment shall be limited to three pieces of equipment.
 - e. Day care is prohibited on Sundays.
 - f. The building shall maintain the external appearance of a single-family home.
 - g. Site plan shall be approved by the planning and zoning director. The plan shall include landscaping and a permitted wall or fencing enclosing the rear yard.
 - h. Family day care facilities shall not be located within 400 feet of another such facility; except that this restriction shall not apply to state-licensed family day care homes as defined in F.S. § 402.302(5).
 - (2) The planning and zoning director may approve a second set of cooking facilities if the residence contains at least 3,600 square feet of floor area and the arrangement of such facilities or conditions at the property shall not result in the creation of an apartment unit. No more than one electric meter shall be placed on the property and that portion of the residence having the second set of cooking facilities shall not be rented. Appeal of the director's decision shall be to the board of adjustment.
 - (3) Guest/servants quarters.
 - (4) Home based business office, as provided in section 142-1411.
 - (5) Leases of single-family homes to a family (as defined in section 114-1) for not less than six months and one day, including extensions for lesser periods of leases permitted under this subsection to original leaseholders.
 - a. The advertisement, as defined in Section 142-109(b), of single-family homes for a period of less than six months and one day shall not be permitted for single-family districts, and must be a violation of Section 142-905(b)(5).
 - b. Enforcement.
 - (1) Violations of subsection 142-905(5)a shall be subject to the following fines. The special master may not waive or reduce fines set by this section.
 - a. If the violation is the first violation: \$1,500.00.

- b. If the violation is the second violation within the preceding 12 months: \$3,000.00.
 - c. If the violation is the third violation within the preceding 12 months: \$5,000.00.
 - d. If the violation is the fourth violation within the preceding 12 months: \$7,500.00.
 - e. If the violation is the fifth or greater violation within the preceding 12 months: suspension or revocation of the certificate of use must be imposed, in addition to the monetary fine of \$7,500.00.
Fines for repeat violations by the same offender shall increase regardless of locations.
- (2) In addition to or in lieu of the foregoing, the city may seek an injunction by a court of competent jurisdiction to enforce compliance with or to prohibit the violation of this section.
- (3) Any code compliance officer may issue notices for violations of this section, or subsection 142-905(5)a. Violations shall be issued to the owner, manager, real estate broker or agent, or authorized agent, or any other individual or entity that participates in or facilitates the violation of subsection 142-905(5) or subsection 142-905(5)a. In the event the record owner of the property is not present when the violation occurred or notice of violation issued, a copy of the violation shall be served by certified mail on the owner at its mailing address in the property appraiser's records.

SECTION 3.

That Subpart B of Chapter 142, Article IV, Division 3 of the Miami Beach City Code is hereby amended as follows:

Subpart B

LAND DEVELOPMENT REGULATIONS

* * *

Chapter 142

ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

* * *

DIVISION 3. SUPPLEMENTARY USE REGULATIONS

Sec. 142-1111. Short-term rental of apartment units or townhomes.

- (a) [Limitations.] The rental or advertisement, as defined in Section 142-109(b), of apartment or townhome residential properties in districts zoned RM-1, RM-PRD, RM-PRD-2, RPS-1 and RPS-2, CD-1, RO, RO-3 or TH for periods of less than six months and one day, unless expressly provided for in these land development regulations (such as for a portion of the RM-1 district, and for apartment hotels in the RPS-1 and RPS-2 districts) are not a permitted use in such districts unless conducted in accordance with this section.
- (b) Previously existing short-term rentals in specified districts. For a period of six months after the effective date of the ordinance enacting this section (June 19, 2010), owners of certain properties located in the following districts shall be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units for these properties under the requirements and provisions set forth below. Other neighborhoods may be added to this provision in the future by action of the city commission.
Districts: Properties within the RM-1 and TH zoning districts in the Flamingo Park and Espanola Way Historic Districts.
Eligibility: Those properties that can demonstrate a current and consistent history of short-term renting, and that such short-term rentals are the primary source of income derived from that unit or building, as defined by the requirements listed below.
- (1) For apartment buildings of four or more units, or for four or more apartment units in one or more buildings under the same resort tax account.
In order to demonstrate current, consistent and predominant short-term renting, the property must comply with all of the following:
- a. Have been registered with the city for the payment of resort tax and made resort tax payments as of March 10, 2010; and
 - b. Have had City of Miami Beach Resort Tax taxable room revenue equal to at least 50 percent of total room revenue over the last two-year period covered by such payments; and
 - c. Have been registered, with the State of Florida as a transient apartment or resort condominium pursuant to Chapter 509, Florida Statutes, as of March 10, 2010.
- For properties containing more than one apartment building, eligibility may apply to an individual building satisfying a. through c. above.
- (2) For apartment and townhouse buildings of three or less units, or for three or less apartment units in one or more buildings under the same state license:
In order to demonstrate current, consistent and predominant short-term renting, the property must:
- a. Have been registered with the State of Florida as a resort dwelling or resort condominium pursuant to Chapter 509, Florida Statutes, as of March 10, 2010.
- (c) Time periods to apply for short-term rental approvals.
- (1) Owners demonstrating compliance with subsections (b)(1) or (2) above, shall apply for a certificate of use permitting short-term rental as detailed

- in subsection 142-1111(d) within a time period of six months from the effective date of this section (June 19, 2010), or be deemed ineligible to proceed through the process specified herein for legalization of short-term rentals.
- (2) Within three months of the effective date of the ordinance enacting this section (June 19, 2010), eligible owners shall apply to obtain all necessary approvals to comply with the Florida Building Code, Florida Fire Prevention Code and with all other applicable life safety standards.
 - (3) Compliance with the applicable requirements of the Florida Building Code and Florida Fire Prevention Code, shall be demonstrated by October 1, 2011, or rights to engage in short-term rental under this section shall be subject to restrictions and/or limitations as directed by the building official and/or fire marshal. This subsection shall not prevent these officials from undertaking enforcement action prior to such date.
 - (4) Applications under this ordinance may be accepted until 60 days after adoption of this subsection (adopted on April 11, 2012; 60 days expire June 11, 2012), upon determination to the planning director that a government licensing error prevented timely filing of the application.
- (d) Regulations. For those properties eligible as per (b) above, unless otherwise expressly provided for in these land development regulations, short-term rental of apartment and townhome residential units shall be permitted, provided that the following mandatory requirements are followed:
- (1) Approvals required: applications. Owners, lessees, or any person with interest in the property seeking to engage in short-term rental, must obtain a certificate of use permitting short-term rental under this section. The application for approval to engage in short-term rentals shall be on a form provided for that purpose, and contain the contact information for the person identified in subsection (3) below, identify the minimum lease term for which short-term rental approval is being requested, and such other items of required information as the planning director may determine. The application shall be accompanied by the letter or documents described in subsection (9) below, if applicable.
The application for a certificate of use permitting short-term rentals shall be accompanied by an application fee of \$600.00.
 - (2) Time period. All short-term rentals under this section must be pursuant to a binding written agreement, license or lease. Each such document shall contain, at a minimum: the beginning and ending dates of the lease term; and each lessee's contact information, as applicable. No unit may be rented more frequently than once every seven days.
 - (3) Contact person. All rentals must be supervised by the owner, manager, or a local and licensed real estate broker or agent or other authorized agent licensed by the city, who must be available for contact on a 24-hour basis, seven days a week, and who must live on site or have a principal office or principal residence located within the Flamingo Park or Espanola Way historic districts. Each agreement, license, or lease, of scanned copy thereof, must be kept available throughout its lease term and for a period of one year thereafter, so that each such document and the information therein, is available to enforcement personnel. The name and phone number of a 24-hour contact shall be permanently posted on the exterior of the premises or structure or other accessible location, in a manner subject to the review and approval of the city manager or designee.

- (4) Entire unit. Only entire apartment units and townhomes, as defined in section 114-1, legally created pursuant to applicable law, may be rented under this section, not individual rooms or separate portions of apartment units or townhomes.
 - (5) Rules and procedures. The city manager or designee may adopt administrative rules and procedures, including, but not limited to, application and permit fees, to assist in the uniform enforcement of this section.
 - (6) Signs. No signs advertising the property for short-term rental are permitted on the exterior of the property or in the abutting right-of-way, or visible from the abutting public right-of-way.
 - (7) Effect of violations on licensure. Approvals shall be issued for a one-year period, but shall not be issued or renewed if violations on three or more separate days at the unit, or at another unit in the building owned by the same owner or managed by the same person or entity, of this section, issued to the short-term rental licensee were adjudicated either by failure to appeal from a notice of violation or a special master's determination of a violation, within the 12 months preceding the date of filing of the application.
 - (8) Resort taxes. Owners are subject to resort taxes for rentals under this section, as required by city law.
 - (9) Association rules. Where a condominium or other property owners association has been created that includes the rental property, a letter from the association dated not more than 60 days before the filing of the application, stating the minimum rental period and the maximum number of rentals per year, as set forth under the association's governing documents, and confirming that short-term rentals as proposed by the owner's application under subsection (1) above are not prohibited by the association's governing documents, shall be submitted to the city as part of the application. If the applicant, after best efforts, is unable to obtain such a letter from the association, he or she may submit the latest version of the association's documents to the city attorney's office for confirmation of the above.
 - (10) Variances. No variances may be granted from the requirements of this section.
- (e) Enforcement.
- (1) Violations of section 142-1111(b) shall be subject to the following fines. The special master may not waive or reduce fines set by this section.
 - a. If the violation is the first violation: \$500.00.
 - b. If the violation is the second violation within the preceding 12 months: \$1,500.00.
 - c. If the violation is the third violation within the preceding 12 months: \$5,000.00.
 - d. If the violation is the fourth violation within the preceding 12 months: \$7,500.00.
 - e. If the violation is the fifth or greater violation within the preceding 12 months: suspension or revocation of the certificate of use allowing short-term rental.
 Fines for repeat violations by the same offender shall increase regardless of locations.

- (2) In addition to or in lieu of the foregoing, the city may seek an injunction by a court of competent jurisdiction to enforce compliance with or to prohibit the violation of this section.
- (3) Any code compliance officer may issue notices for violations of this section, with enforcement of subsection 142-1111(a) and alternative enforcement of subsection 142-1111(b) as provided in chapter 30 of this Code. Violations shall be issued to the owner, manager, real estate broker or agent, or authorized agent, or any other individual or entity that participates in or facilitates the violation of this section. In the event the record owner of the property is not present when the violation occurred or notice of violation issued, a copy of the violation shall be served by certified mail on the owner at its mailing address in the property appraiser's records and a courtesy notice to the contact person identified in subsection (d)(3) above.

SECTION 4. REPEALER.

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

SECTION 5. 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 6. 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 7. EFFECTIVE DATE.

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

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

ATTEST:

MATTI HERRERA BOWER
MAYOR

RAFAEL E. GRANADO, CITY CLERK

Underline denotes additions and ~~strike through~~ denotes deletions

Condensed Title:

Consenting to the appointment of Richard G. Lorber as the Director of the Planning Department for the City of Miami Beach.

Key Intended Outcome Supported:

- Improve Building Development Related Processes
- Maintain strong development management policies
- Protect historic building stock

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

The Planning Department prepares, administers, updates, and maintains Neighborhood, Citywide and Comprehensive plans, the Land Development Regulations of the City Code, as well as technical data for the City pursuant to Florida Statutes. The Planning Department consists of four sections: Planning, Zoning, Neighborhood Planning and Urban Design & Historic Preservation.

For the past four years, Richard Lorber has been acting as the Planning Director for the City of Miami Beach. He has served as Planning & Zoning Manager for the Miami Beach Planning Department, and as Planning Director for the City of South Miami. Before moving his career to Miami-Dade County, Mr. Lorber worked as a planner for the Broward County Planning Council and Transportation Planning Division. Mr. Lorber is a graduate of the Florida Atlantic University Department of Urban and Regional Planning, receiving his MURP degree in 1997. He has taught planning for several semesters as an adjunct professor at FAU. His course focused on economic revitalization and urban infill, with a focus on built-out urban communities like Miami Beach. Richard is a member of the American Institute of Certified Planners (AICP), and has served on the Board of the Florida Chapter of the American Planning Association. In addition to his planning degree, he has a Master's degree in Economics from Florida International University, and did his undergraduate work at New England College in New Hampshire.

During his tenure as the City's Acting Planning Director, Mr. Lorber has demonstrated excellent leadership skills and an unwavering commitment to the comprehensive urban planning vision for Miami Beach with the goal to preserve the integrity of the City's unique design heritage, enhance the quality and diversity of the urban experience, inclusive of its residential neighborhoods, business districts, and resort, recreation and entertainment areas. As such, I recommend Mr. Lorber for your approval as Director.

Pursuant to the requirements of Article IV, Section 4.02 of the City Charter, it is recommended that the Mayor and the City Commission adopt the attached resolution consenting and confirming Richard G. Lorber as the Director of the Planning Department for the City of Miami Beach.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

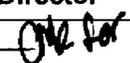
OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Sylvia Crespo-Tabak, Human Resources

Sign-Offs:

Department Director	Assistant City Manager	City Manager
SCT 	KGB 	JLM 

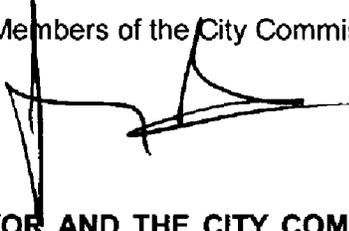


MIAMI BEACH

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: October 16, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CONSENTING TO THE APPOINTMENT OF RICHARD G. LORBER AS THE DIRECTOR OF THE PLANNING DEPARTMENT FOR THE CITY OF MIAMI BEACH.**

ADMINISTRATION RECOMMENDATION

Pursuant to the requirements of Article IV, Section 4.02 of the City Charter, it is recommended that the Mayor and the City Commission adopt the attached resolution consenting and confirming Richard G. Lorber as the Director of the Planning Department for the City of Miami Beach.

ANALYSIS

The Planning Department prepares, administers, updates, and maintains Neighborhood, Citywide and Comprehensive plans, the Land Development Regulations of the City Code, as well as technical data for the City pursuant to Florida Statutes. The Planning Department consists of four sections: Planning, Zoning, Neighborhood Planning and Urban Design & Historic Preservation. The mission of the Planning Department is to develop, refine, and effectuate a comprehensive urban planning vision for Miami Beach with the goal to preserve the integrity of the City's unique design heritage, enhance the quality and diversity of the urban experience, inclusive of its residential neighborhoods, business districts, and resort, recreation and entertainment areas.

For the past four years, Richard Lorber has been acting as the Planning Director for the City of Miami Beach. He has served as Planning & Zoning Manager for the Miami Beach Planning Department, and as Planning Director for the City of South Miami. Before moving his career to Miami-Dade County, Mr. Lorber worked as a planner for the Broward County Planning Council and Transportation Planning Division.

Mr. Lorber is a graduate of the Florida Atlantic University Department of Urban and Regional Planning, receiving his MURP degree in 1997. He has taught planning for several semesters as an adjunct professor at FAU. His course focused on economic revitalization and urban infill, with a focus on built-out urban communities like Miami Beach.

Mr. Lorber is a member of the American Institute of Certified Planners (AICP), and has served on the Board of the Florida Chapter of the American Planning Association. In addition to his planning degree, he has a Master's degree in Economics from Florida International University, and did his undergraduate work at New England College in New Hampshire.

CONCLUSION

During his tenure as the City's Acting Planning Director, Mr. Lorber has demonstrated excellent leadership skills and an unwavering commitment to the comprehensive urban planning vision for Miami Beach with the goal to preserve the integrity of the City's unique design heritage, enhance the quality and diversity of the urban experience, inclusive of its residential neighborhoods, business districts, and resort, recreation and entertainment areas. As such, I recommend Mr. Lorber for your approval as Director.

Pursuant to the requirements of Article IV, Section 4.02, of the City Charter, it is recommended that the Mayor and City Commission adopt the resolution consenting and confirming Richard G. Lorber as the Director of the Planning Department.

 
JLM/KGB/SC-T/CMG

f:\huma\labo\laborrel\sy\vial\commission agenda drafts\planning\lorber planning director memo.docx

RESOLUTION TO BE SUBMITTED



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Ed Tobin, Commissioner

DATE: October 8th, 2013

SUBJECT: Agenda item for October 16th, 2013 City Commission Meeting

Please place on the October 16th City Commission Meeting a discussion regarding City's design for new median on South Pointe Drive.

Attached please find email outlining specific concerns.

If you have any questions please contact, Dessiree Kane at Extension 6274

ET/dk

1/3

We are committed to providing excellent public services and ensuring that we live, work, and play in our vibrant, tropical, historic community.

Agenda Item R9T
Date 10-16-13

Kane, Dessiree

From: Ronald Starkman [rpstarkman@gmail.com]
Sent: Tuesday, October 08, 2013 9:16 AM
To: Tobin, Ed
Subject: Re: SOFNA Requests 10/16 Agenda Item on South Pointe Dr. Median

Thank you for your support Ed!

On Sat, Oct 5, 2013 at 10:23 PM, Tobin, Ed <EdTobin@miamibeachfl.gov> wrote:
Please place this on the next Commission Agenda for discussion.
Thank you
ET

Sent from my iPad

Begin forwarded message:

From: Ronald Starkman <rpstarkman@gmail.com<mailto:rpstarkman@gmail.com>>
Date: October 5, 2013, 6:24:22 PM EDT
To: <matti@miamibeachfl.gov<mailto:matti@miamibeachfl.gov>>, <jrexp@gmail.com<mailto:jrexp@gmail.com>>, <jerry@miamibeachfl.gov<mailto:jerry@miamibeachfl.gov>>, <michael@michaelgongora.com<mailto:michael@michaelgongora.com>>, <ed@miamibeachfl.gov<mailto:ed@miamibeachfl.gov>>, <deede@miamibeachfl.gov<mailto:deede@miamibeachfl.gov>>, <jonah@miamibeachfl.gov<mailto:jonah@miamibeachfl.gov>>
Cc: Diaz Victor <victor@diazpartners.com<mailto:victor@diazpartners.com>>, steve mandy <steve@mandymd.com<mailto:steve@mandymd.com>>, Gerald Posner <gerald@posner.com<mailto:gerald@posner.com>>, Perlmutter Michael <muranomike@aol.com<mailto:muranomike@aol.com>>, Michael Grieco <michael@griecolaw.com<mailto:michael@griecolaw.com>>, <gabrielleredfern@miamibeachfl.gov<mailto:gabrielleredfern@miamibeachfl.gov>>, "Martinez, David - CIP" <DavidMartinez@miamibeachfl.gov<mailto:DavidMartinez@miamibeachfl.gov>>, <ericcarpenter@miamibeachfl.gov<mailto:ericcarpenter@miamibeachfl.gov>>, "Bernstein, Lynn" <LynnBernstein@miamibeachfl.gov<mailto:LynnBernstein@miamibeachfl.gov>>, Saul Gross <saul@stream-line.com<mailto:saul@stream-line.com>>
Subject: SOFNA Requests 10/16 Agenda Item on South Pointe Dr. Median

Dear Commissioners:

We are very concerned about the City's design for the new median on South Pointe Drive. Could one of you please put this as a discussion item on the next Commission Meeting agenda (time certain if possible) so that a representative from our neighborhood association can express our concerns and make some suggestions on how to resolve them? Based on our discussions with CIP, the problem has arisen because the Greenway Master Plan calls for dedicated bike lanes on South Pointe Drive. This results in a significant narrowing of the median and the inability to replace the tall coconut palms that were there previously. Given this section of South Pointe Drive has four lanes with very little traffic, we believe a "sharrow" makes much more sense and this would allow for the wider median to be restored. We request the commission to vote to amend the Master Plan

accordingly. Below is the full text of a board resolution on this issue that was passed unanimously at the SOFNA general meeting on September 26:

[<https://mail.google.com/mail/u/0/images/cleardot.gif>]

SOFNA Motion regarding South Pointe Drive

After consulting the community at a public meeting, the South of Fifth Neighborhood Association strongly requests that the City immediately desist from its current effort to re-configure South Pointe Drive and to instead implement a shared bike lane along South Pointe Drive. The current roadway reconfiguration has appreciably degraded one of our neighborhood's main thoroughfares and as a result has engendered considerable community dissatisfaction, coupled with many requests urging SOFNA to ask the city for a thorough reevaluation.

By eliminating the previously wide landscaped median in order to introduce two bike lanes - given that bike lanes are available only a block away in South Pointe Park - seems both unnecessary and destructive. We urge your full support as you provided in the good redesign decisions you helped to implement in the case of the Alton Road reconstruction project.

Sincerely,

Ronald Starkman
Director -- South of Fifth Neighborhood Association

THIS PAGE INTENTIONALLY LEFT BLANK



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Ed Tobin, Commissioner

DATE: October 10th, 2013

SUBJECT: Agenda item for October 16th, 2013 City Commission Meeting

Please place on the October 16th City Commission Meeting a discussion regarding flooding at Royal Palm Avenue and 46th Street, Miami Beach.

If you have any questions please contact, Dessiree Kane at Extension 6274

ET/dk

THIS PAGE INTENTIONALLY LEFT BLANK



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Michael Góngora, Commissioner

DATE: October 10, 2013

SUBJECT: Discussion Item for October 16 Commission Meeting

Please place on the agenda a discussion item regarding the noise issues from 6301 Collins Ave. If you have any questions please feel free to contact my aide Diana Fontani at ext 6087.

MG/df

THIS PAGE INTENTIONALLY LEFT BLANK