



MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 12, 2014

SUBJECT: **REPORT OF THE JANUARY 22, 2014 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A Land Use and Development Committee meeting was held on January 22, 2014. Land Use Committee Members in attendance were Commissioners Joy Malakoff and Michael Grieco. Other Commission Members in attendance were Micky Steinberg. Members from the Administration, including, Jimmy Morales, Thomas Mooney, Michael Belush, Jose Smith and 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 3:15 pm.

1. DISCUSSION OF THE CITY'S DRAFT TREE ORDINANCE PREPARED BY THE PARKS AND RECREATION DEPARTMENT'S GREEN SPACE MANAGEMENT DIVISION.

**(CONTINUED FROM THE OCTOBER 23, 2013 LUDC MEETING
ORIGINALLY REQUESTED BY CITY COMMISSION
NOVEMBER 14, 2012 CITY COMMISSION MEETING, ITEM C4A)**

**ITEM TO BE AUTOMATICALLY WITHDRAWN BY JANUARY, 2014 IF NOT HEARD PER
RESOLUTION NO. 2013-28147***

AFTER-ACTION

Mark Williams provided a revised draft of the Ordinance and an overview. Members of the public spoke on the matter.

MOTION: Refer to Neighborhoods and Community Affairs Committee for input and discussion.

Grieco / Malakoff (2-0)

2. PARKING DISTRICT NO. 5 – SUNSET HARBOUR

**(CONTINUED FROM THE OCTOBER 23, 2013 LUDC MEETING
ORIGINALLY REQUESTED BY CITY COMMISSION
NOVEMBER 14, 2012 CITY COMMISSION MEETING, ITEM R5A)**

**ITEM TO BE AUTOMATICALLY WITHDRAWN BY JANUARY, 2014 IF NOT HEARD PER
RESOLUTION NO. 2013-28147***

AFTER-ACTION

Thomas Mooney provided an overview of the item.

MOTION: Schedule a progress report before the LUDC in 6 months regarding the sunset provision in the Ordinance.

Grieco / Malakoff (2-0)

3. DISCUSSION REGARDING THE CODE SECTION GOVERNING UNITIES OF TITLE AND COVENANTS IN LIEU OF UNITY OF TITLE.

**(REQUESTED BY COMMISSIONER EDWARD L. TOBIN
JUNE 5, 2013 CITY COMMISSION MEETING, ITEM C4N)**

**ITEM TO BE AUTOMATICALLY WITHDRAWN BY JANUARY, 2014 IF NOT HEARD PER
RESOLUTION NO. 2013-28147***

AFTER-ACTION:

Thomas Mooney provided an overview of the item. Gary Held recommended continuing the item to the February LUDC meeting in order to properly address the definition of a 'Unified Development Site'.

MOTION: Continue to February 19, 2014 LUDC.

Grieco / Malakoff (2-0)

4. a) BOAT DOCKS AND MARINE STRUCTURES ORDINANCE.

**(CONTINUED FROM THE OCTOBER 23, 2013 LUDC MEETING
ORIGINALLY REQUESTED BY CITY COMMISSION
JULY 17, 2013 CITY COMMISSION MEETING, ITEM C4E)**

AFTER-ACTION

Thomas Mooney provided an overview of the item.

MOTION: Send to Full Commission with recommendation for approval.

Grieco / Malakoff (2-0)

4. b) DISCUSSION REGARDING DECKS, DOCKS & SEAWALL OVER CITY LAND, AND THE NEED TO ISSUE A REVOCABLE PERMIT.

**(REQUESTED BY CITY COMMISSION
OCTOBER 16, 2013 CITY COMMISSION MEETING, ITEM C4A)**

AFTER-ACTION

Thomas Mooney and Gary Held provided an overview of the item.

Eric Carpenter, Public Works Director, addressed the issue of a revocable permit and new seawalls constructed seaward of private property.

Gary Held indicated that an Ordinance was needed to exempt seawalls from revocable permit process.

Members of the public spoke on the matter.

MOTION: Send an Ordinance to the Full Commission with recommendation for approval.

Grieco / Malakoff (2-0)

5. DISCUSSION REGARDING INCORPORATING THE STORMWATER MANAGEMENT MASTER PLAN INTO THE LAND DEVELOPMENT REGULATIONS.

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

AFTER-ACTION:

Eric Carpenter provided an overview of the item and requested LUDC support for the measure.

Gary Held discussed the manner in which the storm water plan would be incorporated into the LDR's.

Eric Carpenter recommended that it be incorporated by reference.

Comm. Grieco raised a question regarding the method of incorporation.

Eric Carpenter suggested that in the event of conflicts with other sections of the LDRs, the storm water master plan would prevail.

Members of the public spoke.

MOTION: Recommend that the Commission refer an Ordinance to the Planning Board.
Grieco / Malakoff (2-0)

6. DISCUSSION REGARDING PROPOSED AMENDMENT TO CHAPTER 6, ALCOHOLIC BEVERAGES, TO CORRECT SCRIVENER'S ERRORS REGARDING ON-PREMISES AND OFF-PREMISES CONSUMPTION.

**(REQUESTED BY CITY COMMISSION
SEPTEMBER 11, 2013 CITY COMMISSION MEETING ITEM C4K)**

AFTER-ACTION:

Gary Held provided an overview.

Members of the public spoke.

MOTION: Send the Ordinance to the Full Commission with recommendation for approval.
Grieco / Malakoff (2-0)

7. DISCUSSION FOR CONSIDERATION OF ESTABLISHING ACCEPTABLE ACCESSORY USES PERMITTING RESTAURANTS IN CONTRIBUTING HISTORIC STRUCTURES WITHIN THE RM-2 CULTURAL ARTS NEIGHBORHOOD OVERLAY DISTRICT.

**(SPONSORED BY COMMISSIONER JOY MALAKOFF,
ORIGINALLY REQUESTED BY COMMISSIONER JORGE R. EXPOSITO
OCTOBER 16, 2013 CITY COMMISSION MEETING, ITEM C4G)**

AFTER-ACTION

No discussion

MOTION: Continue the item to February 19, 2014.
Grieco / Malakoff (2-0)

8. DISCUSSION REGARDING A COMPREHENSIVE ORDINANCE AMENDMENT, MODIFYING THE SINGLE FAMILY DEVELOPMENT REGULATIONS TO ADDRESS THE ISSUE OF 'OVERSIZED' HOMES.

**(REQUESTED BY CITY COMMISSION
JANUARY 15, 2014 CITY COMMISSION MEETING, ITEM R5E)**

AFTER-ACTION

Thomas Mooney provides an overview.

Members of the public spoke, including 2 separate power point presentations.

MOTION: Send an Ordinance to the Full Commission for 2nd Reading with recommendation for approval and with the following recommendations:

- **Removing the 40% distinction for RS-1/RS-2 lots, and to allow an across the board maximum 50% unit size for all sites, regardless of zoning classification.**
- **Retaining the maximum height limit of 24 feet (27 feet for sloped roofs) for properties zoned RS-3, but allow the DRB/HPB to waive these lower height limits for RS-3 zoned properties, and allow up to 28 feet (31 feet for sloped roofs).**
- **Clarifying the lot aggregation section to permit a new home to be located in the middle of a site consisting of 3 lots, provided the sum of the side yard setbacks of the main structure are equivalent to the width of the smallest of the 3 aggregated lots. Additionally, the overall unit size and lot coverage of the main home would be based upon the combined size of the largest 2 lots.**
- **Modifying the 70% 2nd floor volume rule to only be mandatory in those instances where the overall lot coverage for a proposed home is 25% or greater. Additionally, this 70% requirement for 2nd story volume can still be waived at the discretion of the DRB/HPB, which provides an appropriate safety valve exists for unique conditions and circumstances.**
- **That a ten (10') foot setback also be required from the rear wall of non-waterfront lots, unless waived by the DRB/HPB. The DRB/HPB would only have the authority to waive the rear setback on non-waterfront lots.**
- **That the applicability date be moved to September 24, 2013, which is the date that the Planning Board transmitted the Ordinance to the Commission, but only apply to those properties that either obtained a Full Building Permit or approval from a Land Use Board by September 24, 2013.**

Grieco / Malakoff (2-0)

Meeting Adjourned at 5:18 PM

Attachment

JLM/ TRM

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

January 22, 2014

City Commission Chambers

Attendance Sheet

NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1. Daniel Cuzaldo ✓	305 4969535	✓	lge223@gmail.com
2. Alfredo J Gonzalez ✓	305 579-0588	✓	GonzalezAJ @ Gtlaw.com
3. Patrick Maloy ✓	786-247-1998	✓	PMaloy @ Flapartners.com
4. Rachel Pollock Singerman ✓	786-877-3977		@
5. Jumper Jumper ✓	305 720 2106	✓	@
6. Ahmad Khamsi ✓	305 505 9455	✓	@
7. Peter Luria ✓	305 321-3201	✓	peterpl @ bellouth.net
8. HAVA RYWLIN ✓	305-531-5487		@
9. HARVEY BURSHIN ✓	305-535-2448	✓	SONIAMIBE @ AOL.COM
10. FRANK DEL VECCHIO	305-672-2486	✓	fdelvecchio @ atlantcbb.net
11. MARIAN " ✓	"	"	mdelvecchio @ atlantcbb.net
12. Jo Manning ✓	305 538 3270	✓	jomanning1940@gmail.com
13. Michael Lehn	(305) 377-423		@
14. Audrey Lehn	215 450-0782	✓	lehn.audrey@gmail.com
15. John Chibberd ✓	305-982-5691	✓	john.chibberd @ akerman.com
16. JAMES MARX ✓	305 577 0276	✓	James @ marxfrankel.com
17. JILL EBER ✓	305 915 2556		@
18. Terry Brienstock ✓	305 903 4000	✓	tbrienstock @ tbrienstock.com
19. Nancy Liebman			@
20. Julie Isaacson			@

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Holly Wallack

Luis Bosch -

LAND USE AND DEVELOPMENT COMMITTEE MEETING

January 22, 2014

City Commission Chambers

Attendance Sheet

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