

# 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 10, 2016

SUBJECT: **LAND USE AND DEVELOPMENT COMMITTEE MEETING OF JANUARY 20, 2016**

A Land Use and Development Committee meeting was held on January 20, 2016. Land Use Committee Members in attendance were Commissioners Joy Malakoff, Michael Grieco, and John Elizabeth Aleman. Commissioners Kristen Rosen Gonzalez and Micky Steinberg also attended. Members from the Administration, including, Susanne Torriente, Thomas Mooney, Eve Boutsis, Michael Belush, Eric Carpenter, Enrique Nunez, Ricardo Guzman, and Rogelio Madan as well as members of public, were also in attendance. Please see the attached sign-in sheet.

The meeting was called to order at 3:05 PM.

**1. Annual Evaluation of Parking Impact Fee Structure.**

(Returning from the July 29, 2015 LUDC Meeting  
Sponsored By City Commission  
September 17, 2014 Item R7E)  
Verbal Report

**MOTION:** Continued to February 17, 2016 by acclamation.

**2. Discussion On The Collins Canal Project.**

(Returning From the July 29, 2015 LUDC Meeting  
Sponsored By City Commission  
September 10, 2014 City Commission Meeting, Item R9G)  
Verbal Report

**AFTER-ACTION:**

Eric Carpenter introduced the item.  
Item discussed.

**MOTION:** Item concluded and no further action required by acclamation.

**3. Sidewalk Café Ocean Drive Umbrellas**

**An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach,**

**Florida, Amending Chapter 82, Entitled "Public Property," Article Iv, Entitled "Uses In Public Rights-Of-Way," Division 5, Entitled "Sidewalk Cafes," Subdivision 2, Entitled "Permit," By Creating Section 82-389, Entitled "Additional Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cafes On Ocean Drive Between 5th Street And 15th Street" To Provide Minimum Standards For Umbrellas And Awnings, Require Regular Maintenance Of Umbrellas, And Provide Prohibitions; And Providing For Repealer, Severability, Codification, And An Effective Date.**

(Continued from the October 9, 2015 LUDC Meeting  
Sponsored By City Commission  
May 20, 2015 City Commission Meeting, Item R5B)

**MOTION:** Continued to February 3, 2016 and consolidated with Ocean Drive Task Force Discussion Item by acclamation.

**4. a) Discussion Regarding Grade Elevations for New Construction.**

(Returning from the June 17, 2015 LUDC Meeting  
Sponsored By City Commission  
June 10, 2015 City Commission Meeting, Item C4E)

**4. b) Amendments To The City Code, Including The Land Development Regulations, To Improve The City's Resiliency To Sea Level Rise, Flooding And Natural Hazards.**

(Sponsored by Commissioner Joy Malakoff  
October 14, 2015 City Commission Meeting, Item C4D)

**AFTER-ACTION:**

Marcia Tobin from AECOM introduced the item.

The following recommendations were made as part of AECOM's presentation:

- That the base flood elevation be set at eight feet across the City.
- Define the minimum City of Miami Beach freeboard as one foot, and provide an allowance up to three feet.
- That the height of sea walls be increased on public property to 5.7 feet
- That the height of sea walls on private minimum 4 feet with an allowance up to 5.7 feet
- Increase minimum residential lot grade to 5 feet

Michael Belush recommended that a minimum yard elevation be established.

Members of the public addressed the committee.

**MOTION:** JA/MG (3-0)

Recommend that the City Commission refer an ordinance to the Planning Board.

**5. Proposed Revisions To Chapter 126 Of The Land Development Regulations Of The City Code, Pertaining To Landscaping And Minimum Standards For The Landscaping Of Private Properties And Adding A Requirement For A Tree Survey Prior To The Issuance Of A Demolition Permit.**

(Returning From the September 9, 2015 LUDC Meeting  
Sponsored By Commissioner Joy Malakoff  
June 10, 2015 City Commission Meeting, Item C4I)

**AFTER-ACTION:**

Commissioner Malakoff described why there is a need for a revised landscape ordinance. Enrique Nunez introduced the item.

Eve Boutsis stated that there was a need to ensure that there was no overlap between chapter 46 and the proposed ordinance and that fines for non-compliance be further developed.

Commissioner Malakoff described the need to include Landscape Plans in CIP and Public Works projects.

Susanne Torriente described coordination efforts between Planning, Environmental, Public Works, and CIP.

Commissioner Malakoff detailed the need for the City taking over the maintenance of canopy in the public rights of way.

Commissioner Grieco detailed why the City stopped maintaining certain street trees near private property.

Eric Carpenter described the existing requirements for maintenance of trees in public rights of way.

Commissioner Aleman requested additional information regarding the procedures for tree removal permits.

Enrique Nunez described the proposed regulations for tree removal permits.

Eve Boutsis requested that the committee consider that the removal or not planting of required shrubs require payment into trust fund, remove allowances for variances, and remove the ability to appeal.

**MOTION:** MG/JA (3-0)

Continued to February 17, 2016 and that the recommendations discussed by the Committee be incorporated into a revised draft of the proposed ordinance.

**6. Discussion Pertaining To Main Use Parking Structure Height Limits On Terminal Island.**

(Returning From the September 9, 2015 LUDC Meeting  
Sponsored By City Commission  
July 8, 2015 City Commission Meeting, Item C4D)  
Verbal Report

**AFTER-ACTION:**

Michael Larkin described the proposal.

Commissioner Grieco expressed concerns over the additional height and the need for the City to cover the cost of a floor for the City's vehicle maintenance facility.

Commissioner Malakoff expressed concerns over additional traffic on the MacArthur Causeway.

Members of the public addressed the committee.

Concerns were expressed over the need for parking at the City's vehicle maintenance yard and for the Coast Guard.

Eve Boutsis indicated that if the City wished to proceed with the request that it would have to be referred to the Finance Committee.

**MOTION:** MG/JA (3-0)

Continue to March 30, 2016

**7. Discussion Regarding The Vacation Of A Portion Of The Alley Between Alton Road And West Avenue, Just South Of 17th Street – As Part Of A Proposed Mixed Use Project That Will Include Residential, Retail And Structured Parking, Including Public Parking.**

(Returning from the September 9, 2015 LUDC Meeting  
Sponsored By Commissioner Joy Malakoff  
September 2, 2015 City Commission Meeting, Item C4I)  
Verbal Report

**AFTER-ACTION:**

Commissioner Grieco requested that the name of the discussion be modified to a discussion on "Air Rights" over the alley.

Mickey Marrero described the proposal and that the developer would be able to assist the City in replacing the water and sewer systems.

Commissioner Malakoff requested that there be public parking available.

**MOTION:** MG/JA (3-0)

Continue to March 30, 2016 and recommend that the City Commission refer the item to the Finance Committee

**8. An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 138 Of The Miami Beach City Code, Entitled "Signs," Article IV Entitled "Temporary Signs," At Section 138-140 Entitled "Vacant Storefront Covers And Signs" To Mandate That All Vacant Storefront Windows And Doors Be Wrapped In Non-Commercial Paper Designs; Providing For Enforcement And Penalties; And Providing For Repealer, Codification, Severability, And An Effective Date.**

(Sponsored By Commissioner Michael Grieco  
October 14, 2015 City Commission Meeting, Item C4B)

**AFTER-ACTION:**

Commissioner Grieco introduced the item.

Thomas Mooney indicated that the item was referred to the Planning Board and was scheduled to be heard at the January 26, 2016 meeting. Mr. Mooney also indicated that any recommended changes would be presented to the Planning Board on the floor.

Commissioner Malakoff expressed concerns over the proposed fines.

Commissioner Aleman requested that language regarding no trespassing as suggested by the homeless trust be incorporated into the City wraps.

Members of the public addressed the committee.

Commissioner Grieco recommended that the ordinance be amended to allow for a 15-day warning.

Thomas Mooney described the following amendments to the proposed ordinance that would be recommended to the Planning Board:

- That a 15-day warning be issued prior to issuing a violation.
- The first violation will be issued after 30 days of non-compliance.
- "No trespassing" language be incorporated into City wraps as suggested by the homeless trust.

**MOTION:** JA/MG (3-0)

Recommend that the ordinance be approved as amended

**9. Discussion On Expanding The Role Of The Board Of Adjustment To Include The Review Of New Single Family Homes, With Two Additional Members Being Appointed By The Commission In The Categories Of Architect And Landscape Architect.**

(Sponsored By Commissioner Joy Malakoff  
October 14, 2015 City Commission Meeting, Item C4F)  
Verbal Report

**AFTER-ACTION:**

Thomas Mooney introduced the item.

Commissioner Grieco expressed concerns with transferring powers for neighborhood impact establishments from the Planning Board to the Board of Adjustments.

Members of the public addressed the committee.

**MOTION:** Item concluded and no further action required by acclamation.

**10. Land Use Amendment Regarding The Selling Of Alcoholic Beverages At The Following Locations: North Shore Bandshell, Shane Rowing Center, And Botanical Garden.**

(Sponsored By Commissioner Michael Grieco  
October 14, 2015 City Commission Meeting, Item C4G)

**AFTER-ACTION:**

Commissioner Malakoff introduced the item.

Eve Boutsis indicated that an alternative to approving the proposed ordinance amendment, the City Commission could approve a waiver of the alcoholic beverage regulations.

Members of the public addressed the committee.

Commissioner Aleman suggested that the North Shore Oceanfront Center be included in the proposed ordinance.

**MOTION:** MG/JA (3-0)

Recommend that the City Commission consider four waivers regarding alcoholic beverage regulations for the North Shore Bandshell, Shane Rowing Center, Botanical Garden, and North Shore Oceanfront Center.

**11. Discussion Regarding A Proposed Zoning Ordinance Amendment To Allow A 'Hall For Hire' As A Conditional Use Within Existing Religious Institutions Located Within The Museum Local Historic District And In The RM-2 Zoning District.**

(Sponsored by Commissioner Joy Malakoff  
December 9, 2015 City Commission Meeting, Item C4A)

**MOTION:** Continued to February 17, 2016 by acclamation.

**12. Discussion Regarding Amending Section 118-5 Unity of Title; Covenant in Lieu thereof.**

(Sponsored by Commissioner Michael Grieco)

December 9, 2015 City Commission Meeting, Item C4C)

**AFTER-ACTION:**

Thomas Mooney introduced the item and suggested that any multifamily districts be excluded from the proposed ordinance.

**MOTION:** JA/MG (3-0)

Recommend that the City Commission refer the proposed ordinance to the Planning Board with the modification that sites involving multifamily zoning be excluded from the modification.

- 13. An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending The Land Development Regulations (LDR's) Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 6, "CD-3 Commercial, High Intensity District," To Create Section 142.340, "CD.3 District, Washington Avenue Between 16th Street And 17th Street Development Regulations And Area Requirements," To Modify The Development Regulations For Properties Fronting Washington Avenue To Include The CD-3, Commercial-High Intensity District Properties Fronting 16th And 17<sup>th</sup> Street And Authorizing For New Hotel Construction Or Conversion To Hotel Use, With The Minimum Hotel Room Unit Size Of 175 Square Feet, And Provide Some Additional Design Regulations Relating To The Hotel Use; Providing For Codification; Repealer; Severability; And An Effective Date.**

(Sponsored by Commissioner Michael Grieco  
December 9, 2015 City Commission Meeting, Item C4H)

**MOTION:** The item was withdrawn by the sponsor.

- 14. Discussion Regarding The City of Miami Beach's Building Permit Application Process.**

(Sponsored by Commissioner Ricky Arriola  
January 13, 2016 City Commission Meeting, Item C4E)  
Verbal Report

**AFTER-ACTION:**

Members of the public addressed the committee.

Thomas Mooney described the notice requirements for projects submitted for consideration by a land use board.

Commissioner Grieco requested that staff research opportunities for improving notification procedures so that notice is provided to residents when an application to a land use board is submitted.

**MOTION:** Continued to February 17, 2016 by acclamation.

- 15. Ordinance Amending Height and Setbacks for Mixed-Use Development in the Sunset Harbour Neighborhood.**

(Sponsored by Commissioner Joy Malakoff  
January 13, 2016 City Commission Meeting, Item C4F)  
Verbal Report

**MOTION:** Continued to February 17, 2016 by acclamation.

**16. Discussion Regarding The Impact Of A Partial Modification Of Ordinance 2014-3876 As It Relates To A FAR Interpretation.**

(Sponsored by Commissioner Joy Malakoff  
January 13, 2016 City Commission Meeting, Item C4I)  
Verbal Report

**MOTION:** Continued to March 30, 2016 by acclamation.

The meeting adjourned at 5:20 p.m.

  
JLM/SMT/TRM/MAB/RAM

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LAND USE AND DEVELOPMENT COMMITTEE MEETING  
 January 20, 2016  
 City Commission Chambers

Attendance Sheet

	NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1.	Tom Robertson	305 377 6226		@
2.	Marice Valderrama	305 532 8316		@
3.	Hidalgo Haldelle	" " 11		@
4.	JASON BIRD	970-214-1495	✓	jason.bird @ aecom.com
5.	MARCAI TOBIN	415-810-5793		@
6.	JEAN KULICK	305 582 4844	✓	jeank193 @ aol.com
7.	JEFF BARNER	305 775 4623	✓	@ the Graham
8.	VIM WILCOX	703-998-2620	✓	@ CompHy.com
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12.	Michael Gindy			@
13.	GARY SNIDER			@
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