MIAMIBEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: October 19, 2016

SUBJECT: REPORT OF THE SEPTEMBER 21, 2016 LAND USE AND DEVELOPMENT COMMITTEE. **1.** DISCUSSION REGARDING AMENDING CHAPTER 142 TO PROHIBIT PACKAGE STORES IN THE CD-2 DISTRICT ADJOINING THE MXE DISTRICT, AND ESTABLISHING A MINIMUM DISTANCE SEPARATION FOR PACKAGE STORES. **2.** AMENDMENT TO SEC. 118-394 OF THE CITY CODE TO EXPAND AND BETTER DEFINE THE DISCONTINUANCE PROCEDURES FOR LEGAL NON-CONFORMING USES. **3.** DISCUSSION REGARDING INCENTIVIZING THE RETENTION, RAISING AND/OR RELOCATION OF HISTORIC/ARCHITECTURALLY SIGNIFICANT SINGLE FAMILY HOMES (SFH). **4.** UPDATE ON THE TRANSIT HUB ON THE 500 BLOCK OF ALTON ROAD. **5.** DISCUSSION REGARDING EXPLORING LIMITING PACKAGE STORE ALCOHOL SALES TO NO EARLIER THAN 10:00 A.M., AS RECOMMENDED BY THE MIAMI BEACH HOMELESS COMMITTEE. **6.** DISCUSSION REGARDING AN AMENDMENT TO THE WEST AVENUE OVERLAY TO REMOVE THE CURRENT ALLOWANCE FOR BED AND BREAKFAST AND SUITE HOTEL USES. **7.** CMB PREPARATIONS FOR LIKELY PASSAGE OF STATE MEDICAL MARIJUANA CONSTITUTIONAL AMENDMENT. **8.** DISCUSSION PERTAINING TO DEVELOPMENT REGULATIONS AND GUIDELINES FOR NEW CONSTRUCTION IN THE PALM VIEW HISTORIC DISTRICT TO ADDRESS RESILIENCY, SUSTAINABILITY AND ADAPTATION. **9.** PROPOSED MIAMI BEACH MARINA REDEVELOPMENT AND ASSOCIATED LEGISLATIVE CHANGES. **10.** DISCUSSION REGARDING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE TO ESTABLISH MORE AGGRESSIVE REQUIREMENTS FOR EMPLOYEE TRANSPORTATION PLANS. **11.** DISCUSSION REGARDING POTENTIAL ORDINANCE AMENDMENT ADDRESSING FURTHER RESTRICTIONS ON ILLEGAL STR'S IN SUITE- AND CONDO-HOTELS. **12.** DISCUSSION REGARDING RESCINDING THE NOISE ORDINANCE EXEMPTION FOR OCEAN FACING CAFES IN THE MXE DISTRICT. **13.** DISCUSSION REGARDING A PROHIBITION ON THE OPENING OF ANY NEW OPEN AIR ALCOHOL ENTERTAINMENT ESTABLISHMENTS AND PACKAGE STORES IN THE MXE DISTRICT OF OCEAN DRIVE. **14.** DISCUSSION REGARDING AN AMENDMENT TO CHAPTER 6, ENTITLED "ALCOHOLIC BEVERAGES," TO PRECLUDE ANY NEW ENTERTAINMENT ESTABLISHMENT IN THE CITY FROM OPERATING LATER THAN 2:00 A.M. **15.** AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT

REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE III, "AMENDMENT PROCEDURE," TO REQUIRE A 6/7TH VOTE OF THE CITY COMMISSION TO INCREASE THE MAXIMUM ZONED BUILDING HEIGHT IN ANY ZONING DISTRICT BY MORE THAN _____ FEET, EXCEPT FOR HEIGHT REGULATION EXCEPTIONS SET FORTH IN CITY CODE SECTION 142-1161, AND TO REQUIRE A 6/7TH VOTE OF THE CITY COMMISSION TO AMEND OR REPEAL THIS ORDINANCE; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE. **16.** DISCUSSION REGARDING A REZONING FOR THE 6800 BLOCK OF INDIAN CREEK DRIVE FROM RM-1 TO TC-3. **17.** DISCUSSION REGARDING AN ORDINANCE AMENDMENT TO CURB THE PROLIFERATION OF FORMULA RETAIL ESTABLISHMENTS. **18.** DISCUSSION ON AN AMENDMENT TO THE CITY CODE TO ADDRESS THE ALLOWANCE OF 'ENTERTAINMENT' IN NON-ALCOHOLIC BEVERAGE USES AND ESTABLISHMENTS. **19.** DISCUSSION ON AMENDMENTS TO THE CITY CODE TO ADDRESS THE FOLLOWING AS IT RELATES TO THE SALE OF ALCOHOLIC BEVERAGES: **A.** THE APPEARANCE OF PACKAGE STORES, INCLUDING GLASS STOREFRONT DISPLAYS, WHEN VIEWED FROM THE SIDEWALK; **B.** AN INCREASE IN THE MINIMUM DISTANCE SEPARATION FOR PACKAGE STORES CITY WIDE; **C.** ESTABLISHING REGULATIONS FOR AN ALLOWABLE PERCENTAGE OF BEER & WINE SALES IN DRUG STORES, RETAIL STORES, MARKETS, GAS STATIONS, CONVENIENCE STORES, AND SIMILAR VENUES.

ANALYSIS

A Land Use and Development Committee meeting was held on September 21, 2016. Land Use Committee Members in attendance were Commissioners Joy Malakoff, Michael Grieco, and John Elizabeth Aleman. Members from the Administration, including, Susanne Torriente, Eve Boutsis, Nick Kallergis, Michael Belush, Maria Ruiz, Chief Daniel Oats, Thomas Mooney, 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 3:08 PM.

1. Discussion Regarding Amending Chapter 142 to Prohibit Package Stores in the CD-2 District Adjoining the MXE District, and Establishing a Minimum Distance Separation for Package Stores.

(Continued from the July 20, 2016 LUDC Meeting
Sponsored by Commissioner Ricky Arriola
July 13, 2016 City Commission Meeting, Item C4 I)

AFTER-ACTION:
Thomas Mooney introduced the item.
It was stated that the establishment of minimum distance separation for package stores, as well as those stores in the CD-2 district, would be merged into item 19.

MOTION: MG/JA (3-0)

Recommend that the City Commission adopt the pending ordinance pertaining to the prohibition of package stores in the MXE district at Second Reading.

2. Amendment To Sec. 118-394 Of The City Code To Expand And Better Define The Discontinuance Procedures For Legal Non-Conforming Uses.

(Sponsored by Commissioner Michael Grieco
July 13, 2016 City Commission Meeting, Item R5 I)

AFTER-ACTION:
Thomas Mooney introduced the item.
Commissioner Malakoff requested that there be some clarifications to the Ordinance.
Members of the public addressed the committee.
Concerns were expressed with regard to Sec 118-394(a)1 of the draft ordinance; limiting any expansion to those uses rendered non-conforming as it pertains to hours was suggested as a possible option for further study.
Commissioner Grieco indicated that some additional modifications could be made to improve the ordinance but that it was an improvement from the existing non-conforming regulations.

MOTION: Continued to October 26, 2016 by Acclamation.

3 . Discussion Regarding Incentivizing The Retention, Raising And/Or Relocation Of Historic/Architecturally Significant Single Family Homes (SFH).

(Continued from the June 15, 2016 LUDC Meeting
Sponsored by Commissioner Michael Grieco
April 13, 2016 City Commission Meeting, Item C4 E)

MOTION: Continued to October 26, 2016 by Acclamation.

4. Update On The Transit Hub On The 500 Block Of Alton Road.

(Continued from the July 20, 2016 LUDC Meeting
Sponsored by Commissioner Ricky Arriola
April 13, 2016 City Commission Meeting, Item C4 Q)

MOTION: Continued to December 12, 2016 by Acclamation.

5. Discussion Regarding Exploring Limiting Package Store Alcohol Sales To No Earlier Than 10:00 a.m., As Recommended By The Miami Beach Homeless Committee.

(Continued from the July 20, 2016 LUDC Meeting
Sponsored by Commissioner Joy Malakoff
June 8, 2016 City Commission Meeting, Item C4 X)

AFTER-ACTION:

Valarie Navarrete addressed the committee
Maria Ruiz addressed the committee
Ian Robinson of the Police Department expressed support for the item.
Chief Daniel Oats expressed support of the item.
Nick Kallergis clarified that the ordinance applied citywide.
Commissioner Aleman expressed concerns with ordinance and how it would limit residents.

MOTION: MG/JM (2-1)
Recommend in favor of the Ordinance and that it be sent to the City Commission for First Reading.

6 . Discussion Regarding An Amendment To The West Avenue Overlay To Remove The Current Allowance For Bed And Breakfast And Suite Hotel Uses.

(Continued from the July 20, 2016 LUDC Meeting
Sponsored by Commissioner Joy Malakoff
July 13, 2016 City Commission Meeting, Item C4 L)

MOTION: Continued to October 26, 2016 by Acclamation.

7 . CMB Preparations for Likely Passage of State Medical Marijuana Constitutional Amendment.

(Continued from the June 15, 2016 LUDC Meeting
Sponsored by Commissioner Michael Grieco
February 10, 2016 City Commission Meeting, Item R9F)

MOTION: Continued to October 26, 2016 by Acclamation.

8 . Discussion Pertaining to Development Regulations And Guidelines for New Construction In the Palm View Historic District To Address Resiliency, Sustainability and Adaptation.

(Continued from the June 15, 2016 LUDC Meeting
Sponsored by Commissioner Joy Malakoff
March 9, 2016 City Commission Meeting, Item C4 K)

MOTION: Continued to November 16, 2016 by Acclamation.

9 . Proposed Miami Beach Marina Redevelopment and Associated Legislative Changes.

(Continued from the June 15, 2016 LUDC Meeting
Sponsored by Commissioner John Elizabeth Aleman
May 11, 2016 City Commission Meeting, Item R9 J)

MOTION: Continued to December 12, 2016 by Acclamation.

10. Discussion Regarding The Recommendation Of The Neighborhood/Community Affairs Committee To Establish More Aggressive Requirements For Employee Transportation Plans.

(Continued from the July 20, 2016 LUDC Meeting
Sponsored by City Commission
June 8, 2016 City Commission Meeting, Item R7 X)

MOTION: Continued to October 26, 2016 by Acclamation.

11. Discussion Regarding Potential Ordinance Amendment Addressing Further Restrictions On Illegal STR's In Suite- And Condo-Hotels.

(Continued from the July 20, 2016 LUDC Meeting
Sponsored by Commissioner Michael Grieco
July 13, 2016 City Commission Meeting, Item C4 K)

AFTER-ACTION:
Thomas Mooney introduced the item.
Commissioner Grieco described that he wanted to ensure that buildings that prohibit short-term rentals in their condo documents are covered by the prohibition ordinance.
Aleksandr Boksner described that the ordinance that is currently moving forward should cover this issue.
Members of the public addressed the committee.

MOTION: No further action.

12. Discussion Regarding Rescinding the Noise Ordinance Exemption for Ocean Facing Cafes in the MXE District.

(Sponsored by Commissioner Joy Malakoff
July 20, 2016 City Commission Meeting, Item C4 A)

MOTION: Continued to October 26, 2016 by Acclamation.

13. Discussion Regarding A Prohibition On The Opening Of Any New Open Air Alcohol Entertainment Establishments And Package Stores In The MXE District Of Ocean Drive.

(Sponsored by Commissioner Joy Malakoff
July 20, 2016 City Commission Meeting, Item C4 B)

MOTION: Continued to October 26, 2016 by Acclamation.

14. Discussion Regarding an Amendment To Chapter 6, Entitled "Alcoholic

Beverages," To Preclude Any New Entertainment Establishment In The City From Operating Later Than 2:00 a.m.

(Sponsored by Commissioner Ricky Arriola
July 20, 2016 City Commission Meeting, Item C4 D)

AFTER-ACTION: The item was withdrawn by the sponsor.

15. An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article III, "Amendment Procedure," To Require A 6/7 Ths Vote Of The City Commission To Increase The Maximum Zoned Building Height In Any Zoning District By More Than _____ Feet, Except For Height Regulation Exceptions Set Forth In City Code Section 142-1161, And To Require A 6/7ths Vote Of The City Commission To Amend Or Repeal This Ordinance; Providing For Repealer; Severability; Codification; And An Effective Date.

(Sponsored by Commissioner Kristen Rosen Gonzalez
September 14, 2016 City Commissioner Meeting, Item C4 E)

AFTER-ACTION: The administration was directed to prepare a summary of the item.

MOTION: Continued to October 26, 2016 by Acclamation.

16. Discussion Regarding A Rezoning For The 6800 Block Of Indian Creek Drive From RM-1 To TC-3.

(Sponsored by Commissioner Ricky Arriola
September 14, 2016 City Commission Meeting, Item C4 L)

AFTER-ACTION:
Thomas Mooney introduced the item.

MOTION: JA/MG (3-0)
Recommend in favor of the proposed comprehensive plan amendment and LDR amendment, including required map amendments, at the Planning Board.

17. Discussion Regarding An Ordinance Amendment To Curb The Proliferation Of Formula Retail Establishments.

(Sponsored by Commissioner Ricky Arriola
September 14, 2016 City Commission Meeting, Item C4 M)

MOTION: Continued to October 26, 2016 by Acclamation.

18. Discussion On An Amendment To The City Code To Address The Allowance Of 'Entertainment' In Non-Alcoholic Beverage Uses And Establishments.

(Sponsored by the City Commission
September 14, 2016 City Commission Meeting, Item R5R)

MOTION: Continued to October 26, 2016 by Acclamation.

19. Discussion On Amendments To The City Code To Address The Following As It Relates To The Sale Of Alcoholic Beverages:

a . The Appearance Of Package Stores, Including Glass Storefront Displays, When Viewed From The Sidewalk;

b . An Increase In The Minimum Distance Separation For Package Stores City Wide;

c . Establishing Regulations For An Allowable Percentage Of Beer & Wine Sales In Drug Stores, Retail Stores, Markets, Gas Stations, Convenience Stores, And Similar Venues.

(Sponsored by the City Commission
September 14, 2016 City Commission Meeting, Item R5R)

AFTER-ACTION:
Commissioner Malakoff indicated that package stores should include better designs in the facades, such as art instead of stacked liquor or beer.
Commissioner Grieco described the need to increase the distance separation requirements for package stores city wide, and the need for additional information on existing venues and locations.
Commissioner Malakoff expressed concern that there may be a state preemption on the subject of regulation the percentage of beer and wine sales for off-site consumption in different venues. Eve Boutsis confirmed that the state did preempt any limitations.

For item a, staff is directed to prepare draft design standards and potential code changes for existing liquor venues.
For item b, staff is directed to prepare a City wide map showing the locations of existing package stores, as well as the corresponding BTR's. A draft ordinance including a distance separation of 1500 feet shall also be provided.
For item c, no further action will be taken, due to pre-emption issues.

MOTION: Motion that sub-items a. and b. be continued to November 16, 2016, to address the direction provided above, by Acclamation.

The meeting adjourned at 4:33 p.m.

Legislative Tracking
Planning

ATTACHMENTS:

Description

- Sign In Sheet for September 21, 2016 LUDC

LAND USE AND DEVELOPMENT COMMITTEE MEETING
September 21, 2016
City Commission Chambers

Attendance Sheet

NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1. Rory Greenberg	(305) 951-1136	Yes	RoryG13 @ me.com
2. Daniel Cirelo	305 496 9535	yes	dgc223 @ gmail.com
3. Matis Cohn	646-715 7795	Yes	MC @ Kahunah.net
4. Wesley Hevia	305 772 7267	Yes	Wesley.Hevia @ AKERMAN.com
5. Timothy Wilvoy	305-970-7147	Yes	TW 7800 @ aol.com
6. Los Pantin	305-2152162	yes	LP @ P3miami.com
7. Nelson Foxx	305 785 4455	Yes	NelsonFoxx @ Gmail.com
8. Alex Tachmes	3052594052	✓	atachmes @ Shutts.com
9. Valerie Navarro	786-546-2422	✓	@
10. Monika Entin	305-542-3445		@
11. Jeff Berrow	305-374-5300		@
12. Camila Osorio	954 687 3196	✓	camila @ orco-k.com
13. Michael Llorente	305 673-2585	✓	michael.llorente @ lsnpartners.com
14 James Rauh	305 5104177	✓	james.rauh @ gmlaw.com
15. Myles Chefetz	305 219-2909	✓	mylesprime112 @ gmail.com
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