MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Members of the Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: October 26, 2016

SUBJECT: **LAND USE AND DEVELOPMENT COMMITTEE MEETING OF OCTOBER 26, 2016**

A meeting of the Land Use and Development Committee has been scheduled for October 26, 2016 at 2:00 p.m. in the City Commission Chambers.

ACTION ITEMS

1. **Amendment To Sec. 118-394 Of The City Code To Expand And Better Define The Discontinuance Procedures For Legal Non-Conforming Uses.**
   (Continued from the September 21, 2016 LUDC meeting
   Sponsored by Commissioner Michael Grieco
   July 13, 2016 City Commission Meeting, Item R5 I)

2. **Proposed Revision To Sec 130-132 Of The Off-Street Parking Regulations Pertaining To The Removal Of Required Off-Street Parking Spaces And The Payment Of A Parking Impact Fee.**
   (Sponsored by City Commission
   September 27, 2016 City Commission Meeting Item R5 A)

DISCUSSION ITEMS

3. **Discussion Regarding Incentivizing The Retention, Raising And/Or Relocation Of Historic/Architecturally Significant Single Family Homes (SFH).**
   (Continued from the September 21, 2016 LUDC Meeting
   Sponsored by Commissioner Michael Grieco
   April 13, 2016 City Commission Meeting, Item C4 E)

4. **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 September 21, 2016 LUDC Meeting
   Sponsored by Commissioner Joy Malakoff
   July 13, 2016 City Commission Meeting, Item C4 L)

5. **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 6/7ths 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.**

   (Continued from the September 21, 2016 LUDC meeting
   Sponsored by Commissioner Kristen Rosen Gonzalez
   September 14, 2016 City Commissioner Meeting, Item C4 E)

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

   (Continued from the September 21, 2016 LUDC meeting
   Sponsored by Commissioner Ricky Arriola
   September 14, 2016 City Commission Meeting, Item C4 M)
   UNDER SEPARATE COVER

VERBAL REPORTS

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

   (Continued from the September 21, 2016 LUDC Meeting
   Sponsored by Commissioner Michael Grieco
   February 10, 2016 City Commission Meeting, Item R9F)

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

   (Continued from the September 21, 2016 LUDC Meeting
   Sponsored by City Commission
   June 8, 2016 City Commission Meeting, Item R7 X)

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

   (Continued from the September 21, 2016 LUDC meeting
   Sponsored by Commissioner Joy Malakoff
   July 20, 2016 City Commission Meeting, Item C4 A)

10. **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.**

    (Continued from the September 21, 2016 LUDC meeting
    Sponsored by Commissioner Joy Malakoff
    July 20, 2016 City Commission Meeting, Item C4 B)

11. Discussion On An Amendment To The City Code To Address The Allowance Of 'Entertainment' In Non-Alcoholic Beverage Uses And Establishments.
(Continued from the September 21, 2016 LUDC meeting
Sponsored by the City Commission
September 14, 2016 City Commission Meeting, Item R5 R)

12. Discussion Regarding The Developmental Regulations For The Gilbert Fein Neighborhood Conservation District.
(Sponsored by Commissioner John Elizabeth Aleman
October 19, 2016 City Commission Meeting, Item C4 E)

13. Discussion Regarding Proposed Development Of The Block Of Land Bounded By Collins Avenue On The East, 87th Street On The South, Harding Avenue On The West, And 87th Terrace On The North, And Associated Legislative Changes.
(Sponsored by Commissioner Joy Malakoff
Co-Sponsored by Commissioner Ricky Arriola
October 19, 2016 City Commission Meeting, Item C4 M)

14. Discussion Regarding the Creation of North Beach Conservation Districts.
(Sponsored by City Commission
October 19, 2016 City Commission Meeting, Item R7 F)

2016 Meeting Schedule

Wednesday November 16, 2016

Monday December 12, 2016

ITEM ONE

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: October 26, 2016

SUBJECT: **Discussion Regarding A Proposed Zoning Ordinance Amendment To Amend Sec. 118-394 Of The City Code To Expand And Better Define The Discontinuance Procedures For Legal Non-Conforming Uses.**

HISTORY

On July 13, 2016, at the request of Commissioner Michael Grieco, the City Commission referred this request to the Land Use and Development Committee (Item R5I).

On July 20, 2016, the Land Use and Development Committee discussed the item and continued the discussion until September 21, 2016 by acclamation. On September 21, 2016 the item was continued to a date certain of October 26, 2016. The Committee also directed the Administration to better define limits on any expansion of non-conforming uses, as well as study the feasibility of limiting any expansion to those uses rendered non-conforming as it pertains to hours of operation.

ANALYSIS

When the City Code is amended in a way that prohibits a use or restricts the use in a zoning district, those existing uses in the district that are not conforming to the new regulations that are pre-existing become legal non-conforming uses. Legal non-conforming uses are allowed to continue their operation as long as the use remains active and does not cease operations for a time period set forth in the City Code Section 118-394. The current language in the City Code regarding the discontinuance of a non-conforming uses is stated below:

> *Sec. 118-394. - Discontinuance of nonconforming uses.*
>
> *No building, structure, equipment, fixtures or land, or portion thereof, used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of six months, or for 18 months during any three-year period whether or not the equipment or fixtures are removed, shall again be used, except in conformity with the regulations of the district in which such building or land is located.*

With the recent amendments to the City Code, such as prohibited uses near residential zoning districts and the operating hours of alcoholic beverage establishments, many questions have been raised about what happens to those businesses that are already in operation. Some of those questions that have been asked are:

1. Is six months a reasonable amount of time for a property owner to find another tenant and prepare the building or space for the new tenant?

2. What is the meaning or interpretation of the "remains idle or unused" portion of the code section? Should that language be changed?

3. What evidence, such as the expiration of the business tax receipt (BTR) and the suspension of payments of resort taxes can be used to prove idleness?

4. Does a building permits issued for the repair/renovation of a building or interior space extend the time frame (toll the time limit or in layman's terms "stop the clock?")

5. What role does litigation play (e.g. a tenant in dispute with a property owner vacates a legal non-conforming space, while still paying rent, to use as leverage)?

Currently, in order to establish the idle status of a non-conforming use, staff researches the BTR and building permit history. If the BTR has not been expired for more than six (6) months, or a building permit has been issued within the six months that tolls the time until the building permit was finalized, then the non-conforming use would be allowed to continue.

Planning staff does not have any objections to increasing the time frame for legal non-conforming uses to twelve (12) months. A year is a more reasonable amount of time to find a tenant, contract with design professionals, apply for building permits and obtain a building permit. The increase in the amount of time might help in the case of tenant disputes as well.

As a point of clarification, the reason staff uses the application for a renovation or repair of a property to toll the time limit, although that provision is not explicitly written into the current ordinance, stems from the case of *City of Miami Beach v. State ex rel. Parkway Co.,* 174 So. 443 (Fla. 1937). In that case, the Florida Supreme Court held that a use was not discontinued for the purpose of the Miami Beach ordinance if the use had been shut down for the purpose of renovations or repairs.

UPDATE

Pursuant to the direction of the Land Use Committee on September 21, 2016, staff has revised the attached draft ordinance to better define the protocol for retaining legal non-conforming uses and guidelines for determining idleness.

As it pertains to limiting hours of operation (e.g. 2:00 am closing time for alcoholic beverage establishments), the Administration and the City Attorney's Office have identified another potential option for addressing existing venues that may become legal-nonconforming. Rather than delegating venues that have an existing 5:00 am license as 'legal non-conforming' within a defined area, a fixed number of 5:00 am licenses would be permitted as of right within the defined area.

For example, in the area south of Fifth Street, there are approximately 20 existing venues that have 5:00 am licenses. If a 2:00 am closing time is established for the area south of Fifth Street, under the same legislation, a fixed number of 5:00 am establishments (20) would be permitted as of right. If one of these existing 5:00 am establishments were to close, that 5:00 am license could be used by another operator for a conforming venue either at the same location, or at another location that would permit such venue. The transfer ability would only be applicable to conforming uses (e.g. restaurants) on conforming sites (e.g. properties zoned CPS-2) and would not apply to already legal non-conforming entertainment establishments (Story Nightclub) or legal non-conforming NIE's (restaurants with an occupant content in excess of 300 persons).

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the matter and provide appropriate policy direction. If there is consensus on the revised, draft ordinance, it is further recommended that the legislation be moved to the full City Commission, for referral to the Planning Board.

JLM/SMT/TRM/TUI

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DISCONTINUANCE OF NONCONFORMING USES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES", ARTICLE IX., "NONCONFORMANCES," TO ADD SECTION 118-390 "PURPOSE/APPLICABILITY," AND AMEND SECTION 118-394, "DISCONTINUANCE OF NONCONFORMING USES" TO DEFINE THE PROCESS ~~PROTOCOL~~ FOR RETAINING LEGAL NON-CONFORMING USES AND ESTABLISH ~~SET FORTH~~ GUIDELINES FOR DETERMINING WHETHER THERE HAS BEEN AN INTENTIONAL AND VOLUNTARY ABANDONMENT OF A NONCONFORMING USE; ~~AND~~ PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, over time, amendments to the City Code have made certain uses prohibited in zoning districts throughout the City; and

WHEREAS, due to amendments to the City Code, there are existing uses that have become legal non-conforming; and

WHEREAS, the City Code allows existing legal non-conforming uses to remain and change ownership and tenancy as long as the use remains active and does not become idle for a period of time set forth in the City Code; and

WHEREAS, the City Code lacks adequate specificity regarding the requirements for determining if a use has remained active or become idle; and

WHEREAS, the Mayor and the City Commission desire to standardize the time frame set forth in the City Code for legal non-conforming uses to obtain permits to repair or renovate their premises; and

WHEREAS, the amendments set forth below are necessary to accomplish ~~all of~~ the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 118, "Administration and Review Procedures," Article IX, "Nonconformances," is hereby amended as follows:

CHAPTER 118.

ADMINISTRATION AND REVIEW PROCEDURES

* * *

ARTICLE IX. NONCONFORMANCES

118-390 Purpose/Applicability.

1. Nothing contained in this article shall be deemed or construed to prohibit the continuation of a legally established non-conforming use, structure, or occupancy, as those terms are defined in Sections 114.1. The intent of this Section is to encourage nonconformities to ultimately be brought into compliance with current regulations. This section shall govern in the event of conflicts with other regulations of this code pertaining to legally established nonconforming uses, structures, and occupancies.

2. The term "nonconformity" shall refer to a use, building, or lot that does not comply with the regulations of this article. Only legally established nonconformities shall have rights under this section.

3. For purposes of this section, the term "expansion" shall mean an ~~**improvement**~~, addition, enlargement, extension, or modification to a structure that **results in an increase in** the square footage of the structure, **an increase in the occupant content or an increase in the number of seats.**

4. For the purposes of this section, "legally established" shall apply to the following circumstances:

a. A lot that does not meet the lot frontage, lot width, lot depth, and/or lot area requirements of the current zoning district, provided that such lot met the regulations in effect at the time of platting.

b. A site or improvement that is rendered nonconforming through the lawful use of eminent domain, an order of a court of competent jurisdiction, or the voluntary dedication of property.

c. An existing use which conformed to the code at the time it was established.

~~d. A building and/or site improvement that was permitted in accordance with regulations in effect at the time of permitting **or that was approved pursuant to a public hearing.**~~

e. A building and/or site improvement that had received final site plan approval through a public hearing pursuant to this chapter or through administrative site plan review and had a valid building permit.

f. There shall be no variance of the nonconforming use(s) section of this Article IX.

* * *

Sec. 118-394. Discontinuance of nonconforming uses.

~~No building, structure, equipment, fixtures or land, or portion thereof, used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of six months, or for 18 months during any three-year period whether or not the equipment or fixtures are removed, shall again be used, except in conformity with the regulations of the district in which such building or land is located.~~

(1) A nonconforming use may not be enlarged, extended, intensified, or changed, except for a change to a use permitted in the district in which the property is located.

(2) If there is an intentional and voluntary abandonment of a nonconforming use for a period of more than 365 consecutive days, or if a nonconforming use is changed to a conforming use, said use shall lose its nonconforming status. Thereafter, subsequent occupancy and use of the land, building, and/or structure shall conform to the regulations of the districts in which the property is located and any structural alterations necessary to **make** the structure or building **conform** to the regulations of the district in which the property is located shall be required. An intentional and voluntary abandonment of use includes, but is not limited to, vacancy of the building or structure in which the nonconforming use was conducted, or discontinuance of the activities consistent with or required for the operation of such nonconforming use.

(3) The Planning Director or designee shall evaluate the evidence of an intentional and voluntary abandonment of a nonconforming use and determine the status of the nonconforming use. **In order for a nonconforming use to retain a nonconforming status**, the evidence, collectively, shall at a minimum demonstrate **at least one of** the following:

1. Continual operation of the use;

2. Continual maintenance of the structure and property;

3. Continual possession of any necessary and valid state and local permits, licenses, or active/pending application(s) for approval related to prolonging the existence of the use.

Evidence of an intentional and voluntary abandonment of a nonconforming use may include, but shall not be limited to:~~, **public records, utility records, property records, personal records, or and other general research and documentation as follows:**~~

1. Public records, including those available through applicable City of Miami Beach, Miami-Dade County, and State of Florida agencies;

2. Utility records, including water/sewer accounts, solid waste accounts, and electrical service accounts;

3. Property records, including executed lease or sales contracts. ~~**and real estate listings for property sale/lease/rent**~~;

~~**4. Personal records, including photographs and notarized statements of direct personal observations;**~~

5. ~~**Other general research and documentation, photographs, aerials and other maps available through a geographic information system**~~.

* * *

SECTION 2. REPEALER.
All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 3. CODIFICATION.
It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.
If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.
This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2017.

_____
Philip Levine
Mayor

ATTEST:

_____
Rafael E. Granado
City Clerk

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

First Reading: _____, 2017
Second Reading: _____, 2017

(Sponsored by Commissioner Michael Grieco)
Underline denotes new language
~~Strikethrough~~ denotes removed language

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ITEM TWO

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: October 26, 2016

SUBJECT: **Proposed Revision To Sec 130-132 Of The Off-Street Parking Regulations Pertaining To The Removal Of Required Off-Street Parking Spaces And The Payment Of A Parking Impact Fee.**

HISTORY

On September 27, 2016, the City Commission adopted a comprehensive amendment to Chapter 130 of the Land Development Regulations of the City Code, pertaining to Off-Street Parking Requirements (Item R5A). As part of the discussion on the Ordinance, the City Commission referred the following proposed revision to Sec. 130-132, pertaining to the removal of off-street parking spaces, to the Land Use and Development Committee:

> *No fee in lieu of providing parking or the replacement of parking spaces pursuant to section 130-36 shall be required to remove such spaces, unless the number of parking spaces being removed is greater than the net reduction of required parking spaces.*

BACKGROUND

The following is a detailed timeline of the legislation adopted by the City Commission on September 27, 2016:

September 10, 2014:

The City Commission updated the "Fee in Lieu of Parking" from $35,000 to $40,000 per parking space, in order to reflect changes in property values and consumer price indexes as required by Section 130-132 (d) of the City Code. In conjunction with this modification, the City Commission referred a discussion item to the Land Use and Development Committee pertaining to the current off-street parking requirements in Chapter 130 of the City Code.

December 10, 2014:

The item was continued to a date certain of January 21, 2015.

January 21, 2015:

The Land Use and Development Committee discussed the item and continued it to a date certain of February 18, 2015. The item was moved to May 27, 2015, due to the length of the agendas.

May 27, 2015:
The Land Use and Development Committee discussed the item and directed the Administration to prepare a draft Ordinance to be presented at the July 29, 2015 LUDC meeting, in accordance with recommendations listed in the administration memo.

On July 29, 2015:
The Land Use and Development Committee continued the item to the September 9, 2015 meeting.

September 9, 2015:
The Land Use and Development Committee continued the item to the November 18, 2015 meeting. The November 18, 2015 Land Use and Development Committee meeting was cancelled, as was the December 2, 2015 meeting.

January 20, 2016:
The item was continued to February 17, 2016.

February 17, 2016:
The item was continued to a date certain of April 20, 2016.

April 20, 2016:
The Land Use Committee discussed the proposal and recommended that the City Commission refer the proposed ordinance to the Planning Board for consideration and recommendation. At this meeting, the Land Use Committee considered the following amendment, which was proposed by representatives of the Shore Club property, regarding the removal of parking spaces for historic buildings:

> *Notwithstanding the foregoing, an owner shall be permitted to remove parking spaces required for a building in the architectural district or a local historic district constructed after October 1, 1993, if a change in said building results in a net reduction of required parking spaces. No fee in lieu of providing parking or the replacement of parking spaces pursuant to section 130-36 shall be required to remove such spaces, unless the number of parking spaces being removed is greater than the net reduction of required parking spaces.*

This amendment was proposed on the floor, and was discussed as part of the public hearing. It was not part of the draft ordinance, nor was it noted within the Land Use Committee memo. The LUDC, by a separate motion (3-0), recommended that this amendment regarding the removal of parking spaces for historic buildings be included in the ordinance. The administration had no objection to this proposed amendment.

May 11, 2016:
The City Commission referred the subject ordinance (Item C4G) to the Planning Board for consideration and recommendation. The following is the revised language placed in Sec. 130-132(c) of the referral ordinance, at the direction of the Land Use Committee:

> Notwithstanding the foregoing, an owner shall be permitted to remove parking spaces required for a building in the architectural district or a local historic district constructed after October 1, 1993, if a change in said building results in a net

reduction of required parking spaces. No fee in lieu of providing parking or the replacement of parking spaces pursuant to section 130-36 shall be required to remove such spaces, unless the number of parking spaces being removed is greater than the net reduction of required parking spaces.

The following text was in the referral memo:

> *The Land Use Committee also recommended that Section 130-132(c) be modified to allow for the removal of parking spaces required for a building in the architectural district or a local historic district constructed after October 1, 1993, if a change in said building results in a net reduction of required parking spaces. The revised language has been included in the attached draft ordinance.*

June 28, 2016:
The Planning Board (by a 5-0 vote) transmitted the proposed ordinance amendment to the City Commission with a favorable recommendation.

July 13, 2016:
The subject ordinance was approved at First Reading. During the discussion at First Reading, the Commission requested that the Administration provide a current summary of underutilized parking facilities in the City.

September 14, 2016:
The City Commission considered the proposed ordinance at Second Reading, including the requested list of currently operating underutilized parking lots and structures in the City. The Commission continued action on the ordinance to a date certain of September 27, 2016, in order to have time to review suggested amendments to Sec 130-36 pertaining to off-site parking facilities, which were proposed on the floor. These amendments would expand the distance for providing off-site parking facilities, and for changes in use, a 'lease' has been introduced as a connection option, in addition to unity of title and covenant in lieu of unity of title.

September 27, 2016:
The City Commission adopted the ordinance with the following modifications:

Sec. 130-36
Only properties located south of Fifth Street could provide parking within 1500 feet of the property.

Sec. 130-132(c)
The following sentence was stricken and referred to the Land Use Committee for further discussion:

> *No fee in lieu of providing parking or the replacement of parking spaces pursuant to section 130-36 shall be required to remove such spaces, unless the number of parking spaces being removed is greater than the net reduction of required parking spaces.*

ANALYSIS

Under Sec. 130-35 of the City Code, no existing required parking space may be eliminated for any use, except as provided for within subsection 130-132(c). Under Sec. 130-132(c), an existing required parking space may be removed or eliminated for any building that existed prior to October 1, 1993, if such building is located within the architectural district, is a contributing building within a local historic district, or is an individually designated historic building. A fee in lieu of providing parking is required if replacement parking space is not provided on site.

Pursuant to the revised off-street parking ordinance adopted on September 27, 2016, required parking spaces for a building in the architectural district or a local historic district constructed after October 1, 1993, may now also be removed, if a change in said building results in a net reduction of required parking spaces. This amendment did not reduce the number of required spaces, but allows existing, required spaces, to be removed, if the new use has a lesser parking requirement.

The following sentence was stricken from the amended ordinance on September 27, 2016:

> *No fee in lieu of providing parking or the replacement of parking spaces pursuant to section 130-36 shall be required to remove such spaces, unless the number of parking spaces being removed is greater than the net reduction of required parking spaces.*

The aforementioned sentence provides that replacement parking or an impact fee for the removal of the spaces is not required, if the spaces proposed for removal are greater than the net reduction of required parking for the existing use. This revision provides an incentive for a reduction in the density of a project, and would also reduce collateral congestion by reducing the number of vehicles that could park at the site.

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the matter further and provide appropriate policy direction. If there is consensus on the subject amendment, it is further recommended that it be transmitted to the City Commission with a favorable recommendation, for consideration and approval.

JLM/SMT/TRM

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ITEM THREE

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: October 26, 2016

SUBJECT: **A DISCUSSION REGARDING INCENTIVIZING THE RETENTION, RAISING AND/OR RELOCATION OF HISTORIC / ARCHITECTURALLY SIGNIFICANT SINGLE-FAMILY HOMES (SFH).**

BACKGROUND

On April 13, 2016, at the request of Commissioner Michael Grieco, the City Commission referred this item to the Land Use and Development Committee (item C4E). April 20, 2016, the Land Use and Development Committee discussed the item and continued it to June 15, 2016. The Land Use Committee directed staff to research additional incentives that would encourage single-family homeowners to renovate and elevate existing homes.

On June 15, 2016, the Land Use Committee discussed draft incentives prepared by staff. The item was continued to a date certain of September 21, 2016. On September 21, 2016, the item was continued to a date certain of October 26, 2016.

ANALYSIS

On February 14, 2014, the City Commission adopted Ordinance No. 2014-3836, which amended the standards and review requirements for new construction, additions and modifications to properties that contain an architecturally significant single-family home not located within a designated historic district. The ordinance created more substantial and tangible incentives for the substantial retention and renovation of architecturally significant single-family homes.

At the direction of the Land Use Committee, staff revisited the current single family retention incentives approved in 2014 and researched similar land use incentives adopted by other coastal communities. These included communities in Florida, Louisiana, Texas, Mississippi, Pennsylvania, Maryland and Alabama. Staff found that, for the most part, a number of coastal communities offer financial assistance, design guidelines, and greater heights as a way to incentivize the retention of historic single-family home, specifically as it would require the raising of the home to reduce risks associated with floods. Some of these communities were recently affected by a natural disaster and were able to offer additional assistance to home owners through FEMA grants and other federal grant programs. Most of the single-family neighborhoods with incentives were also historically designated single-family home neighborhoods that are also eligible for additional grants and financial assistance for renovation of designated

structures. Unfortunately, the FEMA funding model is still for the most part post disaster recovery; not pre-disaster planning.

The City's current single family incentive ordinance does not require the renovated homes to be raised to meet FEMA Mandated Minimum Flood Elevation Requirements unless the renovation exceeds the value as identified by the Florida Building Code. The recent development pattern within the City's single-family home districts and residential neighborhoods has consisted of a mix of appropriately scaled new homes and the restoration and retention of existing 'Architecturally Significant' homes. This blending of new and old allows for the history and character of the City's single neighborhoods to foster by maintaining the modest scale of buildings, while still allowing for new appropriate development.

From our experience in the Planning Department, the following are the most common issues that impact the decision, or desire, for owners of properties that contain older single family homes to retain, renovate and build additions to existing 'architecturally significant' homes rather than demolish the structure and build new:

- Sea Level Rise concerns
- FEMA Mandated Minimum Flood Elevation Requirements
- Flood Insurance
- The Structural Conditions of Some Older Homes

Many of the City's pre-1966 architecturally significant homes were built below what the FEMA flood maps would identify as the corresponding BFE. In 1968, Congress created the National Flood Insurance Program (NFIP) to help provide a means for property owners to financially protect themselves. If there are changes to this program in the future, the retention of a home built below flood elevation may affect the ability to obtain flood insurance.

At the direction of the Land Use Committee, staff put together a list of potential additional incentives for the retention and elevation of architecturally significant single family homes. The following is a summary of the current Code regulations and revised additional potential incentives for consideration:

Lot Coverage

Current Incentives:

2-Story Home

- Maximum 40% Lot Coverage at staff level review when an 'Architecturally Significant' home is proposed to be retained. Currently the maximum lot coverage is 30% if an 'Architecturally Significant' home is demolished; the DRB does not have the authority to increase the lot coverage beyond 30%.

1-Story Home

- No current incentives; maximum 50% of the lot area.

Potential Additional Incentives:

2-Story Home

- *Courtyards enclosed on three sides will **not** count towards lot coverage calculation.*

1-Story Home

- *Courtyards enclosed on three sides will **not** count towards lot coverage calculation, as currently required under Sec 142-105 of the City Code. This would allow for more enclosed floor area, when large, internal courtyards are proposed.*

Unit Size:

Current Incentives:

- Maximum unit size of 60% at Staff Level when an Architecturally Significant home is retained. Currently, the maximum unit size is 50% if an Architecturally Significant home is demolished; the DRB would not have the authority to increase the unit size beyond 50%.

Potential Additional Incentives:

- *Exterior terraces and balconies will **not** count towards unit size, as currently required under Sec 142-105 of the City Code. This would allow for more larger terraces and balconies*

Height

Current Incentives (2 Stories Maximum):

- When an architecturally significant home is retained, the following applies at Staff Level:
  - Ground level additions (not roof-top additions), zoned RS-4 with a minimum lot width of 60 feet, or zoned RS-3, may be increased up to 26 feet for a flat roof structure and 29 feet for a sloped roof structure for up to 10% of the property's lot coverage; currently the max height is 24 feet for flat roof structures and 27 feet for sloped roof structures in RS-3 & RS-4 at Staff Level.
  - Properties zoned RS-1 and RS-2 may be increased up to 30 feet for a flat roofed structure and 33 feet for a sloped roof structure for up to 10 % of the property's lot coverage; currently the max height is 28 feet for flat roof structures and 31 feet for sloped roof structures in RS-1 & RS-2 at Staff Level.

Potential Additional Incentives:

- *Partial 3-story addition not to exceed 1/2 of the property's lot coverage:*
  - *Max Height of 36'-0" for flat roof structures and 40'-0" for sloped roof structures (measured from BFE + Freeboard to the mid-point) in RS-1 & RS-2 zoning districts through staff level review.*
  - *Max Height of 34'-0" for flat roof structures and 38'-0" for sloped roof structures (measured from BFE + Freeboard to the mid-point) in RS-3 zoning district through staff level review.*
  - *Max Height of 32'-0" for flat roof structures and 36'-0" for sloped roof structures (measured from BFE + Freeboard to the mid-point) in RS-4 zoning district through staff level review.*

  These increases in height will afford more interior space and design flexibility for the home owner.

Accessory Structures

Current Code:

There are currently no incentives associated with accessory structures, regardless of whether an architecturally significant home is retained; proposed accessory structures must comply with the Current Code as follows:

- Accessory structures are only permitted in the required rear yard and cannot occupy more than 25% of the rear yard.
- Height is limited to 12 feet for a one-story structure and 20 for a two-story structure measured from adjusted grade.
- The structure cannot exceed 10 percent of the main house or 1,500 sq.ft.
- Second floor is limited to 50% of the enclosed space below.
- Setbacks:
    - <u>One-Story structure</u>
      i. Interior side or rear yard: 7'-6"
      ii. Street side yard: 15'
      iii Rear yard (waterfront): Half the required yard—whichever is greater.
    - <u>Two-Story structure</u>
      i. Interior side yard: 10' or required side yard—whichever is greater.
      ii. Street side yard: 15'
      iii Rear yard: 15' or half the required yard—whichever is greater.

<u>Potential Additional Incentives:</u>
When an architecturally significant home is retained, the following will apply to existing and proposed accessory structures:

- *The 50% limitation of the second floor may be waived through staff level review.*

Fees

- *A separate 'Demolition Fee' for pre-1966 homes determined to be architecturally significant may be created. The funds generated would go toward a grant program for homeowners to elevate 'Architecturally Significant' homes.*

SUMMARY

These possible incentives are intended to address the neighborhood context issues noted. While expansive, staff wanted to provide as wide a range as possible for the Land Use Committee to discuss. In addition to these, and other potential incentives, the creation of additional Design Guidelines would also be necessary to address the transitional space and the massing of additions to existing homes.

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the matter further and provide appropriate policy direction.

JLM/SMT/TRM

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ITEM FOUR

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: October 26, 2016

SUBJECT: **A DISCUSSION REGARDING AN AMENDMENT TO THE WEST AVENUE OVERLAY TO REMOVE THE CURRENT ALLOWANCE FOR BED AND BREAKFAST AND SUITE HOTEL USES.**

BACKGROUND

On July 13, 2016, at the request of Commissioner Joy Malakoff, the City Commission referred this item to the Land Use and Development Committee (item C4L). On July 20, 2016, the Land Use and Development Committee discussed the item and continued it to a date certain of September 21, 2016. On September 21, 2016, the item was continued to a date certain of October 26, 2016.

In 2002 the West Avenue Overlay was created, and includes properties lying within the RM-1, RM-2 and RM-3 zoning districts; this overlay also includes the boundaries of the Gilbert Fein Neighborhood Conservation District (NCD). At the time the overlay was established, hotels were a permitted use in the RM-2 and RM-3 districts within the overlay, but were not permitted in the RM-1 district. In order to incentivize the retention and adaptive re-use of the lower scale structures in the RM-1 district, the overlay allows for Suite Hotels and Bed and Breakfast Inns for existing structures. Additionally, stand-alone offices were allowed within existing structures in the overlay.

In 2013, the City Code was amended to prohibit hotels in the RM-2 and RM-3 areas of West Avenue. However, Sec 142-845 of the City Code was not amended, and Suite Hotels remained as an allowable use in existing buildings in all districts within the West Avenue Overlay.

ANALYSIS

The following is the current ordinance text regarding Suite Hotels and Bed & Breakfast Inns within the West Avenue Overlay:

Sec. 142-845. - Suites Hotel and Bed and Breakfast Inn Overlay Area.

(a) The Suites Hotel and Bed and Breakfast Inn Overlay Area is designed to accommodate the adaptive reuse of existing single-family and multi-family residential structures as of (the effective date of this ordinance) to allow for lodging and guest amenities as main permitted uses.

(1) Suites hotels and bed breakfast inns in the Overlay Area shall not be permitted to have dance halls, entertainment establishments, neighborhood

impact establishments, outdoor entertainment establishments or open air entertainment establishments.

(2) The building identification sign for a suites hotel or bed and breakfast inn shall be the same as allowed for an apartment building in the underlying zoning district in which it is located.

(3) The building(s) shall have central air conditioning or flush-mounted wall units; however no air conditioning equipment may face a street or the Bay.

(4) The maximum amount of time that any person other than the owner may stay in a suites hotel or bed and breakfast inn during a one-year period shall not exceed six months.

(b) Suites hotels are permitted in existing multi-family structures and in single-family structures, including those that have been combined with adjacent multi-family or single-family structures through unity of title, subject to the following conditions:

(1) Suites hotels may have full cooking facilities in units with a minimum of 400 square feet.

(2) The building shall be maintained and operated as a hotel, with a registration desk and a lobby.

(3) Should the facility convert from a suites hotel to a multifamily/single-family residential building, the minimum average unit size and all other zoning requirements for the underlying district shall be met.

(4) Suites hotels located in the subject district may have accessory uses based upon the below criteria:

a. A dining room operated solely for registered hotel guests and their visitors, located inside the building, with no exterior signs, entrances or exits except as required by the South Florida Building Code.

b. Other accessory uses customarily associated with the operation of an apartment building, as referenced in subsection 142-902(2), for the use of registered hotel guests and their visitors only.

(c) Bed and breakfast inns are permitted only in existing single-family structures as of (the effective date of this section) and shall be subject to the following conditions:

(1) The owner/operator of the bed and breakfast inn shall permanently reside in the structure.

(2) The structure shall have originally been constructed as a single-family residence. The structure may have original auxiliary structures such as a detached garage or servant's residence that may or may not be used as part of the inn.

(3) The structure shall maintain main public rooms (living room/dining room) for use of the guests.

(4) Original auxiliary structures, such as detached garages and servants' residences, may be converted to guestrooms or other appropriate use. New bedrooms constructed shall have a minimum size of 200 square feet and shall have a private bathroom.

(5) There shall be no cooking facilities/equipment in guestrooms. One small refrigerator with maximum capacity of five cubic feet shall be permitted in each guestroom. All cooking equipment, which may exist, shall be removed from the structure with the exception of the single main kitchen of the house.

(6) The bed and breakfast inn may serve meals to registered guests and their visitors only. Permitted meals may be served in common rooms,

guestrooms or on outside terraces (see subsection 142-1401(9)). The meal service is not considered an accessory use and is not entitled to an outside sign.

(7) Permitted meals may be served in areas outside of the building under the following conditions:

a. The area shall be landscaped and reviewed under the design review process. Landscape design shall effectively buffer the outdoor area used for meals from adjacent properties and the street.

b. All meals served outdoors shall be prepared for service from inside facilities. Except for the use of a barbecue, all outdoor preparation, cooking as well as outdoor refrigeration and storage of food and beverages shall be prohibited.

Recently, residents within the West Avenue Overlay area expressed concerns with the conversions of existing apartments to Suite Hotels, particularly in light of the prohibition on hotels adopted in 2013. Residents within the overlay have requested that the City Commission consider modifying Sec 142-845 of the City Code to prohibit Suite Hotels and Bed & Breakfast Inns.

Concerns have also been expressed with regard to 'hostels' in the West Avenue area. Currently, the City Code does not have a definition for 'hostel' and they are treated as a hotel. However, since hotels do not have a maximum occupancy, a request was made to create a definition for 'hostel' so that they can be better regulated. The following is a draft definition for 'Hostel':

Hostel means a building occupied or intended to be occupied by transient residents, where ingress or egress may or may not be through a common lobby or office that is supervised by a person in charge at all times, and with a resident occupancy exceeding the following occupancy per individual unit:

(a) Studio Unit: occupancy of 2 people
(b) 1 Bedroom Unit: occupancy of 4 people (including a sofa bed in the living room)
(c) 2 Bedroom Unit: occupancy of 6 people (including a sofa bed in the living room)

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the matter further and provide appropriate policy direction.

JLM/SMT/TRM

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ITEM FIVE

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: October 26, 2016

SUBJECT: **Discussion: Proposed Zoning Ordinance Amendment To Require A 6/7ths Vote Of The City Commission To Increase The Maximum Zoned Building Heights**

HISTORY

On September 14, 2016, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred this request to the Land Use and Development Committee (Item C4E). On September 21, 2016, the item was continued to October 26, 2016.

BACKGROUND

In 2006, the electorate of the City of Miami Beach approved an amendment to the Related Special Acts, which limited the authority of the Board of Adjustment to grant height variances in excess of three (3') feet and prohibited a variance from a property's allowable number of stories (floors). Since 2006, the following height increases have been approved through legislative action by the City Commission:

1. Ord. No. 2016-4028, Approved September 14, 2016: North Beach Town Center - Increase allowable Tower Height from 7 Stories / 75' to 12 Stories / 125' for properties within the TC-1 Zoning District.

2. Ord. No. 2016-4021, Approved June 8, 2016: Ocean Terrace Overlay - Increase allowable Tower Height from 75' to 235 for eligible properties within the Ocean Terrace Overlay from 73rd Street to 75 Street.

3. Ord. No. 2016-3992, Approved January 27, 2016: CD-2 Alton Road - Increase the maximum height by 10 FT from 50 FT to 60 FT for mixed-use buildings that include structured parking for properties located on the west side of Alton Road from 6th Street to Collins Canal. This ordinance did not increase the number of allowable stories, but provided an additional 10 feet of height, primarily to accommodate more flexibility in the distribution of allowable FAR and to create higher ceiling spaces for first level portions of the building.

4. Ord. No. 2015-3974, Approved October 14, 2015: Washington Avenue Zoning Incentives Amendment. Part of this comprehensive amendment increased the height limit from 50 ' to 55' overall and to 75' for lots over 200' in width, or over

100' in width on the east side of Washington Avenue within 250' of a cultural institution.

5. Ord. No. 2015-3919, Approved January 14, 2015: CCC District - Increase the maximum height by 200 FT from 100 FT / 11 stories to 300 FT / 30 stories, specifically for hotel uses. This ordinance created more flexibility for a future convention center hotel.
   11/18/2014 – PB File 2224

6. Ord. No. 2014-3900, Approved October 22, 2014: RM-2 Parking Garages - Increase the maximum height by 25 FT from 50 FT to 75 FT / 8 stories for main use parking garages located on non-oceanfront lots within the Collins Waterfront Local Historic District. This ordinance allows for the creation of additional off-street parking spaces in an area of the City that lacks adequate off-street parking facilities and where there are very limited options for such facilities.

7. Ord. No. 2014-3857, Approved April 30, 2014: RM-2 North Shore Park – Increase the maximum height by 60 FT / 6 stories from 140 FT / 15 stories to 200 FT /21 stories for lots fronting the Atlantic Ocean and within 250 feet of North Shore Open Space Park Boundary. The increase in height approved under this ordinance is consistent with the maximum height requirements on similar ocean front lots in the City.

8. Ord. No. 2014-3839, Approved February 12, 2014: RM-2 Talmudic University on 41st Street - Increase the maximum height by 25 FT from 60 FT to 85 FT for the area fronting the west side of Alton Road between 41st Street and W. 34th Street. The increase in height approved under this ordinance was for a main-use residential structure and to allow for mass and volume flexibility within a larger site.

9. Ord. No. 2012-3753, Approved February 8, 2012: RPS-4 Ocean Beach Historic District - Limits height in the Ocean Beach Historic District to 35 FT for the first 60 FT of lot depth, 75 FT thereafter, subject to a line-of-sight analysis. Also gives the HPB the ability to allow an increase in the overall height, not to exceed 6 stories, 60 FT for the first 60 FT of lot depth and 11 stories, 100 FT thereafter, if the structure satisfied certain conditions.

10. Ord. No. 2007-3588, Approved December 12, 2007: RM-3 Oceanfront Local Historic District - Allows the height of attached or detached additions in the RM-3 district and in a local historic district to exceed the height restriction of 5 stories and 50 FT, if it meets certain criteria and allows the HPB to allow for more height.

11. Ord. No. 2007-3589, Approved December 12, 2007: RM-3 Oceanfront Architectural District - Allows the height of attached additions in the RM-3 district and in the architectural district to exceed the height restrictions of 5 stories and 50 feet, but shall not exceed the height of the roof line of the structure attached if it meets certain criteria.

JLM/SMT/TRM
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ITEM SIX

UNDER SEPARATE COVER

ITEM SEVEN

VERBAL REPORT

Cardillo, Lilia

From: Granado, Rafael
Sent: Wednesday, January 20, 2016 8:25 PM
To: Cardillo, Lilia
Subject: Fwd: February agenda
Attachments: image001.jpg; ATT00001.htm; Dania Beach, FL Code of Ordinances.pdf; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

> **From:** "Grieco, Michael" <MichaelGrieco@miamibeachfl.gov>
> **Date:** January 20, 2016 at 8:22:28 PM EST
> **To:** "Granado, Rafael" <RafaelGranado@miamibeachfl.gov>
> **Subject: February agenda**
>
> Please place on agenda:
>
> Discussion item and referral to Land Use Committee Regarding CMB Preparations for Likely Passage of State Medical Marijuana Constitutional Amendment
>
> Please include this email and the attached Dania Beach Ordinance with the item

Agenda Item R9F
Date 2-10-16

LUDC # 28

Sec. 19-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant. An individual or business entity desiring to operate a medical marijuana retail center within the city limits.

Business operating name. The legal or fictitious name under which a medical marijuana retail center conducts its business with the public.

Employee. A person authorized to act on behalf of the medical marijuana retail center, whether that person is an employee or a contractor, and regardless of whether that person receives compensation.

Identification tag. A tamperproof card issued by the city to the persons involved with a medical marijuana retail center as evidence that they have passed the background checks and other requirements of this chapter and are authorized to be present on the premises.

Marijuana. Any strain of marijuana or cannabis, in any form, that is authorized by state law to be dispensed or sold in the State of Florida. Also referred to as "medical marijuana."

Medical marijuana permit. A permit issued by the city pursuant to this chapter authorizing a business to sell marijuana in the city. Also referred to as "permit."

Medical marijuana retail center. A retail establishment, licensed by the Florida Department of Health as a "medical marijuana treatment facility," "medical marijuana treatment center," "dispensing organization," "dispensing organization facility" or similar use, that sells and dispenses medical marijuana, but does not engage in any other activity related to preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of marijuana or marijuana product, and does not allow on-site consumption of marijuana. A medical marijuana treatment center shall not be construed to be a medical marijuana retail center.

Medical marijuana treatment center. Any facility licensed by the Florida Department of Health to acquire, cultivate, possess, process (including but not limited to development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transport, sell, distribute, dispense, store, or administer marijuana, products containing marijuana, related supplies, or educational materials, as authorized by state law. A medical marijuana treatment center may include retail sales or dispensing of marijuana. A facility which provides only retail sales or dispensing of marijuana shall not be classified as a medical marijuana treatment center under this chapter. Also may be referred to as a "medical marijuana treatment facility" or "dispensing organization" or other similar term recognized by state law.

Owner. Any person, including any individual or other legal entity, with a direct or indirect ownership interest of five (5) percent or more in the applicant, which interest includes the possession of stock, equity in capital, or any interest in the profits of the applicant.

Premises. The building, within which a medical marijuana retail center is permitted to operate by the city, including the property on which the building is located, all parking areas on the property or that are utilized by the medical marijuana retail center and sidewalks and alleys within one hundred (100) feet of the property on which the medical marijuana retail center is located.

Qualified registered patient/qualified patient. A resident of the State of Florida who has been added to the state's compassionate use registry by a physician licensed under F.S. Ch. 458 or Ch. 459, to receive medical marijuana from a dispensing organization or medical marijuana treatment center or similar use as defined in Florida Statutes.

(Ord. No. 2014-015, § 3, 10-28-14)

Sec. 19-2. - Medical marijuana permit and identification tag required.

(1) It shall be unlawful for any business or person to operate a medical marijuana retail center, or to otherwise offer for sale or in any way participate in the conduct of any activities upon the premises within the city without first obtaining a medical marijuana permit.

(2) Each person employed in the conduct of such activity shall be screened and approved pursuant to this chapter and required to obtain an identification tag before the medical marijuana retail center opens for business or, for persons who become involved with the center after it is open, before having any involvement in center's activities.

(3) No medical marijuana permit or identification tag shall be transferable; each person must obtain a medical marijuana permit or identification tag directly from the city.

(Ord. No. 2014-015, § 3, 10-28-14)

Sec. 19-3. - Applications for permit; investigation and issuance; term.

(1) Applications for a medical marijuana permit shall be made by the applicant in person to the city clerk during regular business hours upon such forms and with such accompanying information as may be established by the city. Such application shall be sworn to or affirmed. Every application shall contain at least the following:

   (a) The business operating name and all applicant and owner information. If the applicant or owner is:

      1. An individual, his or her legal name, aliases, home address and business address, date of birth, copy of driver's license or a state or federally issued identification card;

      2. A partnership, the full and complete name of the partners, dates of birth, copy of driver's license or state or federally issued identification card of all partners, and all aliases used by all of the partners, whether the partnership is general or limited, a statement as to whether or not the partnership is authorized to do business in the State of Florida and, if in existence, a copy of the partnership agreement (if the general partner is a corporation, then the applicant shall submit the required information for corporate applicant in addition to the information concerning the partnership);

      3. A corporation, the exact and complete corporate name, the date of its incorporation, evidence that the corporation is in good standing, the legal names and dates of birth, driver's license numbers or state or federally issued identification card numbers of all officers, and directors, and all aliases used, the capacity of all officers, and directors, and, if applicable, the name of the registered corporate agent, and the address of the registered office for service of process, and a statement as to whether or not each corporation is authorized to do business in the State of Florida;.

4. The addresses required by this section shall be physical locations, and not post office boxes. The name, home address, and business address of the applicant and the name and an address of all owner(s), if any, other than the applicant. The addresses required by this section shall be physical locations, and not post office boxes.

(b) A complete copy of the business' application to the State of Florida and all related exhibits, appendices, and back up materials for approval and licensure as a medical marijuana treatment center.

(c) A statement as to whether the applicant or any owner or employee has previously received a medical marijuana permit or identification tag from the city.

(d) A statement as to whether the applicant or any owner holds other permits or licenses under this Code and, if so, the names and locations of such other permitted or licensed establishments.

(e) A statement as to whether the applicant or any owner has been a partner in a partnership or an officer or director of a corporation whose permit or license issued under this Code has previously been suspended or revoked, including the name and location of the establishment for which the permit or license was suspended or revoked, as well as the date of the suspension or revocation.

(f) A statement as to whether or not the applicant or any owner has lost any privilege or had any permit or license to do business revoked by any local, state or federal government and, if so, the nature of such privilege, permit or license and the reason for such revocation.

(g) A statement as to whether or not the applicant or any owner has lost any privilege or had any permit or license to do business suspended by any local, state or federal government and, if so, the nature of such privilege, permit or license and the reason for such suspension.

(h) A statement as to whether or not the applicant or any owner or employee has been found guilty of or has pleaded guilty or nolo contendere to a felony relating to any business in this state or in any other state or federal court, regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(i) A statement as to whether or not the applicant or any owner or employee has been found guilty of, or have pleaded guilty or nolo contendere to, a felony relating to a battery or a physical violence on any person in this state or in any other state or federal court, regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(j) A statement as to whether or not the applicant or any owner has filed a petition to have their respective debts discharged by a bankruptcy court having jurisdiction of such cases.

(k) Written documentation that the applicant, every owner, and each employee has successfully completed level 2 background screening within the year.

(l) A passport photograph of the applicant, every owner, and each employee.

(m) A notarized, signed, and sworn statement that the information within the application is truthful, independently verifiable, and complete and that the photocopies of the attached driver's licenses or state or federally issued identification cards are true and correct copies of the originals.

(2) *Rejection of application.* In the event the city determines that the applicant has not satisfied the application requirements for a proposed medical marijuana retail center, the applicant shall be notified of such fact; and the application shall be denied.

(3) *Fees.* In addition to demonstrating compliance with this article, the applicant shall pay a nonrefundable application fee in an amount established by resolution of the city commission for each applicant, each owner, and each employee to cover its administrative costs and expenses incurred in reviewing and

administering the permit and identification tag program, irrespective of the issuance or denial of the application. Each applicant shall also pay an annual nonrefundable, nonproratable permit fee in an amount established by resolution of the city commission before receiving a medical marijuana permit.

(4) *Application review.*

(a) *Investigation.* The city shall refer the application to the chief of police, who shall review the application and documentation provided, and conduct a background screening of the applicant, each owner and employee. Upon receipt of the appropriate documentation, the chief of police shall forward the information and application to the city manager, together with any recommendations and other relevant information from the files regarding the applicant.

(b) *City manager determination.* Upon receipt of such material from the chief of police, the city manager shall, within thirty (30) days, either:

1. Notify the applicant that the permit has been denied and the reason for such denial; or
2. Issue a permit, with or without conditions.

(c) *Duration.* Permits shall be issued for a one-year period for a term commencing October 1 or the date of issuance, and ending the following September 30.

(d) *Denial.* The city shall deny an applicant's application for a medical marijuana permit if:

1. The applicable permit or licensing fees have not been paid in full;
2. The application violates or fails to meet the provisions of this Code, any building, fire or zoning code, statute, ordinance, or regulation;
3. The application contains material false information, or information material to the decision was omitted; failure to list an individual required to be listed, and whose listing would result in a denial, is presumed to be material false information for purposes of denial of the application; the certification that the applicant owns, possesses, operates and exercises control over the proposed or existing medical marijuana retail center is a material representation for purposes of this section;
4. The applicant or any owner has a permit or license under this Code, or has had a permit or license under this Code, which has been suspended or revoked;
5. The granting of the application would violate a statute or ordinance, or an order from a court of law that prohibits effectively the applicant from obtaining a medical marijuana permit;
6. The applicant, an employee, or any owner has been convicted of fraud or felony by any state or federal court within the past five (5) years or less than five (5) years has elapsed since the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense; or
7. The applicant, an employee, or any owner has obtained any governmental permit by fraud or deceit.

(e) *Background checks, photograph and identification tag.* In connection with the issuance of a medical marijuana permit by the city, the chief of police shall, upon verification of successful level 2 background screening, cause an identification tag to be issued to each approved applicant for a permit as well as for each owner and each employee. on the face of each identification tag, there shall be placed the following:

1. A photograph of the applicant/owner/employee;
2. The permit number;
3. The permit holder's name and address;

4. The name and address of the medical marijuana retail center that the applicant/owner/employee represents or is employed by; and
5. The expiration date of the permit.

(f) *Reapplication.* If a person applies for a medical marijuana permit at a particular location within a period of one (1) year from the date of denial of a previous application for a medical marijuana permit at the location, and there has not been an intervening change in the circumstances material to the decision regarding the former reason(s) for denial, the application shall not be accepted for consideration.

(g) *Renewal.* Medical marijuana permits shall be entitled to renewal annually subject to the provisions of this chapter. Before the October 1 expiration date, the annual medical marijuana permit may be renewed by presenting the permit for the previous year, and:

1. Paying the appropriate permit fee;
2. Updating the information supplied with the latest application or certifying that the information supplied previously remains unchanged; and
3. Providing proof of continued compliance with all state and city licenses, operational and zoning requirements.

(h) *Permit transferability.*

1. The medical marijuana permit is specific to the applicant and the location and shall not be transferred.
2. An attempted transfer of a medical marijuana permit either directly or indirectly in violation of this section is hereby declared void, and in that event the medical marijuana permit shall be deemed abandoned, and the medical marijuana permit shall be forfeited.

(i) *Violation of regulations.* In the event of a Code violation, violation of the conditions of the medical marijuana permit or special exception approval, or other violation of the laws applicable to the medical marijuana retail center, the city shall issue a warning notice and the applicant shall, no later than twenty (20) business days after receipt of the notice, provide a copy of a corrective action plan and timeframes and completion date to address the identified issues to the city.

(j) *Illegal transfer.* If a medical marijuana permit is transferred contrary to this chapter, the city shall suspend the medical marijuana permit and notify the permittee of the suspension. The suspension shall remain in effect until all of the requirements of this chapter have been satisfied and a new medical marijuana permit has been issued by the city.

(k) *Grounds for revocation.* Any medical marijuana permit issued under this article shall be revoked if any one or more of the following occurs:

1. The applicant provides false or misleading information to the city;
2. Anyone on the premises knowingly dispenses, delivers, or otherwise transfers any marijuana or marijuana product to an individual or entity not authorized by state law to receive such substance or product;
3. The applicant, an owner or a manager is convicted of a felony offense;
4. Any applicant, owner, manager or employee is convicted of any drug-related crime under Florida Statutes;
5. The applicant fails to correct any City Code violation or to otherwise provide an action plan to remedy the violation acceptable to the city manager within twenty (20) days of citation;
6.

The applicant fails to correct any state law violation or address any warning in accordance with any corrective action plan required by the state within the timeframes and completion date the applicant provided to the city;

7. The applicant's state license or approval authorizing the dispensing of medical marijuana expires or is revoked; or
8. Any special exception approval granted by the city for the use of a medical marijuana retail center at a particular location expires or is revoked.

(l) *Revocation.* In the event the city determines there are grounds for revocation as provided in this chapter, the city shall notify the permittee of the intent to revoke the medical marijuana permit and the grounds upon which such revocation is proposed. The permittee shall have ten business days in which to provide evidence of compliance with this chapter. If the permittee fails to show compliance with this chapter within ten (10) business days, the city shall schedule a hearing before the special magistrate. If the special magistrate determines that a permitted medical marijuana retail center is not in compliance with this chapter the city shall revoke the medical marijuana permit and shall notify the permittee of the revocation. nothing in this section shall take away other enforcement powers of the special magistrate or any other agency provided by the Code or statute.

(m) *Effect of revocation.*

1. If a medical marijuana permit is revoked, the permittee shall not be allowed to obtain another medical marijuana permit for a period of two (2) years, and no medical marijuana permit shall be issued during that time period to another applicant for the location and premises upon which the medical marijuana retail center was situated.
2. The revocation shall take effect fifteen (15) days, including Saturdays, Sundays, and holidays, after the date the city mails the notice of revocation to the permittee or on the date the permittee surrenders his or her medical marijuana permit to the city, whichever occurs first.

(Ord. No. 2014-015, § 3, 10-28-14)

Sec. 19-4. - General requirements.

Each medical marijuana retail center shall observe the following general requirements:

(1) Conform to all applicable building statutes, codes, ordinances, and regulations, whether federal, state, or local;

(2) Conform to all applicable fire statutes, codes, ordinances, and regulations, whether federal, state, or local;

(3) Conform to all applicable health statutes, codes, ordinances, and regulations, whether federal, state, or local;

(4) Conform to all applicable zoning regulations and land use laws, whether state or local, including but not limited to the City Land Development Code;

(5) Keep the original of the medical marijuana permit posted in a conspicuous place at the premises at all times, which medical marijuana permit shall be available for inspection upon request at all times by the public.

(Ord. No. 2014-015, § 3, 10-28-14)

Sec. 19-5. - Medical marijuana permit operation requirements.

Any business operating under a medical marijuana permit shall comply with the following operational guidelines.

(1) *Hours of operation.*

a. Operation is permitted only between the hours of [8:00 a.m. and 5:00 p.m. Monday through Saturday].

b. No operation is permitted on Sundays or state or federal holidays.

(2) *On-site consumption of marijuana.* No medical marijuana retail center shall allow any marijuana to be smoked, ingested or otherwise consumed on the premises. The medical marijuana retail center shall take all necessary and immediate steps to ensure compliance with this paragraph. No person shall smoke, ingest or otherwise consume marijuana on the premises.

(3) *Alcohol prohibited.* No medical marijuana retail center shall allow the sale, service, or consumption of any type of alcoholic beverages on the premises including in the surrounding rights-of-way. The medical marijuana retail center shall take all necessary and immediate steps to ensure compliance with this paragraph. No person shall consume an alcoholic beverage on the premises, including the surrounding rights-of-way.

(4) *Outdoor activity.* There shall be no outdoor displays, sales, promotions, or activities of any kind permitted on the premises, including the surrounding rights-of-way. All activities and business shall be conducted within the confines of the permanent building containing the medical marijuana retail center.

(5) *On-site storage.* There shall be no on-site storage of any form of marijuana or marijuana product, except as reasonably necessary for the conduct of the medical marijuana retail center's on-site business.

(6) *Live plant materials.* No living marijuana plants are permitted on the site of a medical marijuana retail center.

(7) *Maintenance of premises.* A medical marijuana retail center shall actively remove litter at least twice each day of operation on the premises, from the premises, the area in front of the premises, from any parking lot used by its patrons, and, if necessary, from public sidewalks or rights-of-way within one hundred (100) feet of the outer edge of the premises used by its patrons.

(8) *Garbage.* Refuse or waste products incident to the distribution of marijuana shall be destroyed on-site at least once every twenty-four (24) hours.

(9) *Delivery.* All deliveries to the medical marijuana retail center shall be made during regular operating hours while on-site security personnel are present.

(10) *Security.* With the application, the applicant shall submit a security plan demonstrating compliance with F.S. § 381.986, and all other applicable statutes and State administrative rules.

a. In addition to proving compliance with all state requirements, the security plan shall, at a minimum, provide the following:

1. Fully operational lighting and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft, both in the premises and in the surrounding rights-of-way, including:

a. A silent security alarm that notifies the police department or a private security agency that a crime is taking place;

b. A vault, drop safe or cash management device that provides minimum access to the cash receipts; and

c. A security camera system capable of recording and retrieving an image which shall be operational at all times during and after business hours. The security cameras shall be located:

(i) At every ingress and egress to the dispensary, including doors and windows;

(ii) On the interior where any monetary transaction shall occur; and

(iii) At the ingress and egress to any area where medical marijuana is stored;

2. Traffic management and loitering controls;

3. Cash and inventory controls for all stages of operation on the premises, and during transitions and delivery.

4. On-site armed security personnel during business hours.

b. The chief of police shall review the applicant's operational and security plan using Crime Prevention Through Environmental Design (CPTED) principles. The chief may impose site and operational revisions as are deemed reasonably necessary for the health, safety and general welfare of the applicant, owner(s), employees, customers, adjacent property owners and residents, which may include items such as methods and security of display and storage of marijuana and cash, limitations on window and glass door signage, illumination standards, revisions to landscaping, and any other requirement designed to enhance the safety and security of the premises.

(c) Any instance of breaking and entering at a medical marijuana retail center, regardless of whether marijuana or marijuana-based products are stolen, shall constitute a violation of this chapter if the security alarm fails to activate simultaneous with the breaking and entering.

(11) *Odor and air quality.* A complete air filtration and odor elimination filter and scrubber system shall be provided ensuring the use will not cause or result in dissemination of dust, smoke, or odors beyond the confines of the building, or in the case of a tenant in a multi-tenant building, beyond the confines of the occupied space. A double door system shall be provided at all entrances to mitigate odor intrusion into the air outside the medical marijuana retail center.

(12) *Delivery vehicle identification.* For security purposes, no vehicle used in the operation of or for the business purposes of a medical marijuana retail center shall be marked in such a manner as to permit identification with the medical marijuana retail center.

(13) *Signage.* Notwithstanding other provisions of the Code, signage for a medical marijuana retail center shall be limited as follows:

a. Graphics, logos and symbols shall be prohibited;

b. Neon shall be prohibited;

c. Signs shall not be internally illuminated;

d. Signs may be externally illuminated consistent with the requirements of section 505-30, only during hours of operation;

e. A medical marijuana retail center shall post, at each entrance to the medical marijuana retail center the following language:

ONLY INDIVIDUALS WITH LEGALLY RECOGNIZED MARIJUANA OR CANNABIS QUALIFYING PATIENT OR CAREGIVER IDENTIFICATION CARDS OR A QUALIFYING PATIENT'S LEGAL GUARDIAN MAY OBTAIN MARIJUANA FROM A MEDICAL MARIJUANA RETAIL CENTER.

The required text shall be in letters one-half inch in height.

(14) *On-site community relations contact.* The medical marijuana retail center shall provide the city manager, and all property owners and tenants located within one hundred (100) feet of the entrance to its premises, with the name, phone number, and e-mail or facsimile number of an on-site community relations staff person to whom they can provide notice during business hours and after business hours to report operating problems. The medical marijuana retail center shall make every good faith effort to encourage neighbors to call this person to try to solve operating problems, if any, before any calls or complaints are made to the police department or other city officials.

(15) *Employment restrictions.* It shall be unlawful for any medical marijuana retail center to employ any person who:

a. Is not at least twenty-one (21) years of age; and

b. Has not passed a level 2 background screening.

(16) *Persons allowed to enter the premises.*

a. *Underage entry.* It shall be unlawful for any medical marijuana retail center to allow any person who is not at least eighteen (18) years of age on the premises during hours of operation, unless that person is authorized by state law to purchase medical marijuana, whether as a qualified patient with a valid identification card or primary caregiver or legal guardian of a qualified patient with a valid identification card.

b. *Entry by persons authorized by state law.* It shall be unlawful for any medical marijuana retail center to allow any person on the premises during the hours of operation if that person is not authorized by state law to be there. Authorized persons, such as owners, managers, employees and qualified registered patients, their legal guardians, qualified registered caregivers must wear an identification tag, and authorized inspectors and authorized visitors must wear a visitor identifying badge and be escorted and monitored at all times by a person who wears his or her identification tag.

(17) *Product visibility.* No marijuana or product of any kind may be visible from any window or exterior glass door.

(18) *Sole business.* No business other than the dispensing of medical marijuana shall be permitted to be conducted from the premises.

(19) *Loitering.*

a. A medical marijuana retail centers shall provide adequate indoor seating for its customers, clients, patients and business invitees.

b. Customers, clients, patients or business invitees shall not be directed, encouraged or allowed to stand, sit (including in a parked car for any period of time longer than reasonably required for a person's passenger to conduct their official business and depart), or gather or loiter outside of the building where the center is operating, including in any parking areas, sidewalks, rights-of-way, or neighboring properties.

c. Pedestrian queuing or loitering at any time, including prior to business hours, outside of the center's building is prohibited.

(20) *Compliance with state regulations and licensure requirements.* A medical marijuana retail center must comply with all federal and state laws, licensing and regulatory requirements.

a. A medical marijuana retail center shall notify the city within five (5) business days of receipt of any notice of violation or warning from the state or of any changes to its state licensing approvals.

b.

If a medical marijuana retail center receives a notice of violation or warning from the state, it shall, no later than twenty (20) business days after receipt of the notice, provide a copy of the corrective action plan and timeframes and completion date to address the identified issues to the city.

(21) *Prohibited activities.* A medical marijuana retail center shall not engage in any activity other than those activities specifically defined herein as an authorized part of the use. The preparation, wholesale storage, cultivation, or processing of any form of marijuana or marijuana product, and on-site consumption of any marijuana or marijuana product is specifically prohibited at a medical marijuana retail center. On-site storage of any form of marijuana or marijuana product is prohibited, except to the extent reasonably necessary for the conduct of the on-site retail business.

(Ord. No. 2014-015, § 3, 10-28-14)

ITEM EIGHT

VERBAL REPORT

Jose Gonzalez, Transportation Director, introduced the item. Many ideas were generated out of the Transportation Workshop. Last month some of those initiatives and ideas were discussed at Neighborhood/Community Affairs Committee (NCAC) and one of those initiatives was establishing transportation plans for special events, with the goal of reducing the number of cars traveling into the City during special events from the causeway. One of the proposals is to provide parking in remote locations outside the City limits and then provide public transportation to and from those parking locations to the event. They are recommending identifying a suitable event as a model and transmitting the results via LTC.

Vice-Mayor Steinberg stated that this was a no brainer and she moved the item.

3:30:34 p.m.

R7X A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Establish More Aggressive Requirements For Developers To Provide Employee Transportation Plans And To Refer This Matter To The Land Use And Development Committee For Further Discussion And Input.

(Transportation)

ACTION: **Resolution 2016-29459 adopted.** Item referred to LUDC. Motion made by Commissioner Malakoff; seconded by Commissioner Steinberg. Voice-vote: 7-0. **Thomas Mooney to place on the Committee Agenda. Jose Gonzalez to handle.**

REFERRAL:
Land Use and Development Committee for further discussion and input.

Commissioner Grieco stated that this is the next progression from the parking plans already required of the developers. When there is a new project that exceeds over $250,000, before building plans are approved, a builder or developer needs to submit a parking plan for the workers, and this is the next step, which is developing an actual transportation plan. They should have a high threshold as to the requirements that they need to meet.

Jose Gonzalez, Transportation Director, clarified that this item pertains more to development, and not necessarily to construction workers (See Item R7Y), but more so for employees to take transit, to commute and carpool, etc. It is geared more to those types of initiatives that they would like to establish by Ordinance.

3:33:23 p.m.

R7Y A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Expand The City's Current Construction Parking Plan Requirements To Include Construction Transportation Plan Requirements.

(Transportation)

ACTION: **Resolution 2016-29460 adopted.** Motion made by Commissioner Grieco; seconded by Commissioner Alemán. Voice-vote: 7-0. **Jose Gonzalez to handle.**

Commissioner Malakoff stated that this is for construction projects over $250,000. She asked if this is for single-family homes as well.

Jose Gonzalez, Transportation Director, recommended establishing requirements by Ordinance and answered that all single family homes will also have a construction parking plan.

ITEM NINE

VERBAL REPORT

LUDC # 41

MIAMIBEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Joy Malakoff
DATE: July 20, 2016

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE REGARDING RESCINDING THE NOISE ORDINANCE EXEMPTION FOR OCEAN FACING CAFES IN THE MXE DISTRICT.

RECOMMENDATION

Please place the above referral on the Consent Agenda for the Commission Meeting of July 20, 2016.

If you have any questions, please contact me at extension 6622.

Legislative Tracking

Commissioner Joy Malakoff

Sponsor

Commissioner Joy Malakoff & Co-Sponsored by Commissioner Ricky Arriola

ITEM TEN

VERBAL REPORT

MIAMIBEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Joy Malakoff
DATE: July 20, 2016

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE A PROHIBITION ON THE OPENING OF ANY NEW OPEN AIR ALCOHOL ENTERTAINMENT ESTABLISHMENTS AND PACKAGE STORES IN THE MXE DISTRICT OF OCEAN DRIVE.

RECOMMENDATION

Please place the above referral on the Consent Agenda for the Commission Meeting of July 20, 2016.

If you have any questions, please contact me at extension 6622.

Legislative Tracking

Commissioner Joy Malakoff and co-sponsored by Commissioners Michael Grieco & Ricky Arriola

ITEM ELEVEN

VERBAL REPORT

LUDC # 45

4:45:23 p.m.

R5 Q AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS, AND COMMITTEES," BY AMENDING DIVISION 15, ENTITLED "MIAMI BEACH SISTER CITIES PROGRAM" AND DIVISION 16, ENTITLED "MIAMI BEACH YOUTH COMMISSION" TO REMOVE "MIAMI BEACH" FROM THE NAME OF THE SISTER CITIES PROGRAM AND THE YOUTH COMMISSION; AND, FURTHER AMENDING CHAPTER 62, ENTITLED "HUMAN RELATIONS," BY AMENDING ARTICLE II, ENTITLED "DISCRIMINATION," BY AMENDING DIVISION I, ENTITLED "GENERALLY', BY AMENDING SECTION 62-34 THEREOF, ENTITLED "CITY OF MIAMI BEACH HUMAN RIGHTS COMMITTEE ESTABLISHED," TO REMOVE "CITY OF MIAMI BEACH" FROM THE NAME OF THE COMMITTEE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

3:05 p.m. Second Reading Public Hearing Office of the City Attorney
First Reading July 13, 2016 - R5Q Commissioner John Elizabeth Alemán

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance 2016-4032 adopted.** Motion made by Commissioner Alemán; seconded by Commissioner Arriola; Ballot-vote: 5-0; Absent: Mayor Levine and Commissioner Malakoff. **Office of the City Attorney to handle.**

Debora Turner introduced the item. The Ordinance removes the name of Miami Beach from the committee names, to be consistent with the names of all other committees.

Handouts or Reference Materials:
1. Ad published in The Miami Herald No. 1193B

4:46:50 p.m.

R5 R MXE PACKAGE STORE PROHIBITION:
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 114 OF THE CITY CODE, ENTITLED "GENERAL PROVISIONS," SECTION 114-1, "DEFINITIONS," TO DEFINE PACKAGE STORES; AND AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 13, "MXE - MIXED USE ENTERTAINMENT DISTRICT," BY AMENDING SECTION 142-544 THEREOF, ENTITLED "PROHIBITED USES," TO PROHIBIT PACKAGE STORES, PACKAGE SALES OF ALCOHOLIC BEVERAGES, AND ENTERTAINMENT USES IN PACKAGE STORES IN THE MXE DISTRICT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

3:15 p.m. First Reading Public Hearing Planning
Commissioner Ricky Arriola and
Co-sponsored by Commissioner Joy Malakoff

ACTION: Title of the Ordinance read into the record. First Reading, Public Hearing held. **Ordinance approved on first reading.** Motion made by Commissioner Arriola; seconded by Commissioner Steinberg to adopt on first reading with a referral to Land Use and Development Committee; Ballot-vote: 5-0; Absent: Mayor Levine and Commissioner Malakoff. Second reading, Public reading is scheduled for **October 19,**

ITEM TWELVE

VERBAL REPORT

MIAMIBEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner John Elizabeth Aleman
DATE: October 19, 2016

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE TO CONSIDER THE DEVELOPMENTAL REGULATIONS FOR THE GILBERT FEIN NEIGHBORHOOD CONSERVATION DISTRICT.

ANALYSIS

Please place on the October 19, 2016 City Commission Consent Agenda a referral to the Land Use and Development Committee to discuss and consider the current development regulations for the Gilbert Fein Neighborhood Conservation District. Residents in this neighborhood have identified potential amendments to the regulations.

If you have any questions please do not hesitate to call our office at ext. 6437.

Legislative Tracking
Commissioner John Elizabeth Aleman

ITEM THIRTEEN

VERBAL REPORT

LUDC # 49

MIAMIBEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Joy Malakoff
DATE: October 19, 2016

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE AND TO THE PLANNING BOARD - DISCUSSION REGARDING PROPOSED DEVELOPMENT OF THE BLOCK OF LAND BOUNDED BY COLLINS AVENUE ON THE EAST, 87TH STREET ON THE SOUTH, HARDING AVENUE ON THE WEST, AND 87TH TERRACE ON THE NORTH, AND ASSOCIATED LEGISLATIVE CHANGES.

ANALYSIS

Please place the following on the October 19, 2016 Commission Agenda:

Referral to the Land Use and Development Committee and to the Planning Board a discussion regarding proposed development of the block of land bounded by Collins Avenue on the east, 87th Street on the south, Harding Avenue on the west, and 87th Terrace on the north, and associated legislative changes.

Legislative Tracking

Commissioner Joy Malakoff

Sponsor

Co-sponsored by Commissioner Ricky Arriola

ITEM FOURTEEN

VERBAL REPORT

LUDC # 51