

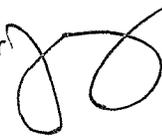


MIAMI BEACH

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

COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager 

DATE: April 22, 2009

SUBJECT: **REPORT OF THE APRIL 6, 2009 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the Land Use and Development Committee was held on April 6, 2009. Mayor Matti Herrera Bower and Commissioners Wolfson (Chair), Gross, Diaz and Tobin, were in attendance. Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet. The meeting was called to order at 4:15 pm.

OLD BUSINESS

1. DISCUSSION REGARDING A PROPOSED ORDINANCE EXPANDING THE USE OF THE PARKING IMPACT FEES MONIES TO HAVE MORE FLEXIBILITY

AFTER-ACTION: Richard Lorber, Planning and Zoning Manager presented the item. Afterwards members of the public spoke; the Committee requested the following from the Administration:

- Commissioner Gross requested (via a Letter to Commission) a list of all the development projects that obtained a building permit and paid the in-lieu fee of \$35,000 per space for new construction.
- Commissioner Diaz requested that the proposed ordinance provide a clearer definition of what is meant by transportation and mobility related improvements.
- The Committee also wanted an analysis on how the commitments to build parking structures in North Beach, Sunset Harbour and Collins Park areas might be affected, if at all, by creating flexibility to use the Parking Impact Fee program for other transportation or mobility projects.

Motion to refer the proposed ordinance to the Finance and Citywide Projects Committee for their discussion on the parking structures and return the ordinance to the Land Use and Development Committee for further consideration. (Diaz/Gross, vote 3-0).

2. A DISCUSSION REGARDING RESTRICTIONS THAT CAN BE PUT INTO PLACE SO THE CITY COMMISSION, BY A MAJORITY VOTE, CAN NOT DISPOSE OF PUBLIC LAND

AFTER-ACTION: Commissioner Diaz outlined the issue and suggested that the Charter should require a referendum for ROW or alley vacation or closures. After discussing the issue the Committee requested that the Administration bring a list of previous vacations back to the Committee.

Agenda Item CGD
 Date 4-22-09

Motion (Diaz / Gross - vote 3-0): The Administration is directed to prepare an ordinance amending the Code to require that when there is no equivalent exchange of land, street ends bordering on GU, GC or Waterfront land shall be vacated only with
a) a unanimous vote of the Commission (7/7ths vote); or,
b) voter referendum by extending the existing Charter provision dealing with oceanfront street ends

The Committee requested that the Administration return the ordinance to the LUDC for further consideration.

3. DISCUSSION REGARDING VOTING PROCEDURES FOR APPOINTMENTS TO THE LAND USE BOARDS AND CLARIFICATION OF CATEGORIES FOR MEMBERSHIP ON THE LAND USE BOARDS

AFTER-ACTION: The Committee discussed the voting procedures for the City Commission appointments to the Land Use Boards. The Administration and the Legal Department were instructed to prepare an ordinance amending Chapter 2 of the Code, requiring that when the City Commission votes to fill a position by category, they may only vote on one category at a time.

The Committee did not reach the item dealing with the clarification of the Land Use Board categories and continued this issue to the May meeting.

4. DISCUSSION OF A PROPOSED ORDINANCE REGARDING ADA LIFTS AND ELEVATORS

An Ordinance Amending Chapter 14 Of The City Code, Entitled "Building Regulations," By Amending Article Ii, Entitled "Construction Standards," By Amending Division 1, Entitled "Generally," By Amending Section 14-403, Entitled "Penalty For Violation Of Article," To Provide For The Enforcement Of Non-Functioning ADA Lifts And Single Elevators By Citation; And Amending Section 14-444, Entitled "Schedule Of Violation Fines," By Adding A Citation And Fine Schedule For The Enforcement Of Non-Functioning ADA Lifts And Single Elevators In Multi-Story Buildings; Providing For Codification, Repealed, Severability, And An Effective Date.

AFTER-ACTION: Alex Rey, Building Director, presented the item. Motion (Gross / Wolfson - vote 3-0): The Committee recommended in favor of the ordinance and asked the Administration to place on the Commission Agenda for consideration.

5. DISCUSSION ON PROPOSED ORDINANCE RELATING TO THE JURISDICTION OF THE SPECIAL MASTER

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO THE JURISDICTION OF THE SPECIAL MASTER; AMENDING CHAPTER 30, "CODE ENFORCEMENT," ARTICLE III, "ENFORCEMENT PROCEDURE," SECTION 30-73, "POWERS OF THE SPECIAL MASTER," BY CLARIFYING THAT THE SPECIAL MASTER LACKS JURISDICTION OVER APPEALS FROM OR CHALLENGES TO INTERPRETATIONS OR ACTIONS OF THE BUILDING OFFICIAL, PLANNING

DIRECTOR AND FIRE MARSHAL, OR CLAIMS THAT AN ACT OF THE CITY IS UNCONSTITUTIONAL, WHICH ARE BY APPLICABLE LAW VESTED IN OTHER AUTHORITIES, PROVIDING FOR REPEALER; CODIFICATION; SEVERABILITY, APPLICABILITY, AND AN EFFECTIVE DATE

AFTER-ACTION: Gary Held, First Assistant City Attorney, introduced the item. He explained that the proposed ordinance was a clarification of existing law that already applied to limit special master review of appeals from notices of violation, and that the City Commission referred the item to the Committee during its consideration at first reading. Motion: (Diaz / Wolfson – vote 2-0) The Committee instructed the Administration to bring back the proposed ordinance to the LUDC and incorporate the following changes:

- Remove the applicability clause regarding pending proceedings before the City's Special Master.
- Outside of this particular ordinance, recommend on how to address the due process issue of when and how persons receive notice of administrative determinations by the Planning Director, for example by either posting interpretations to the City's web site, reporting them to the City Commission, codifying them, and/or amending language on notices of violation by Code Compliance that explains that appeals of the Planning Director's or other officials' decisions are to the Board of Adjustment, and other applicable boards.

6. DISCUSSION ON TEMPORARY PARKING LOTS – AMENDMENT TO THE TEN YEAR LIMIT (TWO ORDINANCES)

AFTER-ACTION: Item not reached.

7. DISCUSSION ON HOW THE CITY CAN MINIMIZE THE NEGATIVE IMPACTS OF VACANT PROPERTIES

AFTER-ACTION: Hilda Fernandez presented the item. The Committee discussed the proposed legislative recommendations and took the following action: Motion (Diaz / Gross - vote 3-0) Direct the Administration to place on the City Commission's April Agenda for Commission action the top ten liens in terms of amount owed and the ten top liens that have generated the most complaints.

Motion (Diaz / Wolfson - vote 2-0) Adopt Staff's proposed legislative recommendations #2 through 10, 12 and 13. Amend recommendation #1 to require the posting of a completion bond to be posted at time of the issuance of a building permit. With respect to the requirement of fencing vacant properties, the City would not impose this provision if the home owners association objected. The Committee also instructed the Administration that when considering request for extensions of time for building permits or development board approvals, staff will review the conditions of the property and recommend improvements to the site prior to the issuance or approval of said extensions.

Attachment

JMG/TJ/JGG

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

April 6, 2009 @ 4:00 pm

City Manager's Large Conference Room

Attendance Sheet

NAME	E-MAIL ADDRESS	CONTACT NUMBERS
1. Wendy + Gary Reag	GAR 2 @BIA@aol.com	305.534.1365
2. Jorge Gomez	jgomez@miamibeachfl.gov	7550
3. Comm. Saul Gross	@	
4. Comm. Victor Diaz	@	
5. ERIC LIARANI	@	786.543.4851
6. SIDNEY GOLDIN	@	
7. Donald	@	
8. HARRY CHERRY	HCHERRY812 @ EARTHLINK.NET	305.531.0622
9. GIL ZRINY	GZRINY @ " "	305.672.8817
10. LUCERO LEVY	LUWARE @ aol.com	786.252.7303
11. Jo Manning	drmwk @ juno.com	305.538.3270
12. Carmen Olazabal	colazabal @ miamibeachfl.gov	
13. JOHN ANTONA	jantona @ miamibeachfl.gov	
14. ALLAN J. HALL	ALLANJHALL @ AOL.COM	305.534.4050
15. Nail Jariani	nailjariani @ miamibeachfl.gov	6070
16. Sherry Roberts	Sherry @ SherryRoberts.com	305-205-2030
17. Leo Ostreicher	LeoOstreicher @ Gmail.com	305 600 1233
18. Alex Rey	ALEX REY @ MIAMIBeach.FL.GOV	305-673-7412
19. Rhonda Montoya Hasen	RhondaMontoya @ miamibeachfl.gov	305.673.7470
20. Tammy Young	harrouerplow@gmail.com	305-389-7204