




# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Members of the Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager  for KGB

DATE: February 13, 2013

SUBJECT: **LAND USE AND DEVELOPMENT COMMITTEE MEETING OF FEBRUARY 13, 2013**

A meeting of the Land Use and Development Committee has been scheduled for February 13, 2013 at 3:00 pm in the City Manager's Large Conference Room.

\*\*\*\*\*Please note due to Boat Show set-up, parking and traffic congestion expected\*\*\*\*\*

1. **REDUCED PARKING RATES FOR HOTEL EMPLOYEES.**  
(DEFERRED FROM THE JANUARY 23, 2013 LUDC MEETING  
ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON,  
OCTOBER 19, 2011 CITY COMMISSION MEETING, ITEM C4K)
2. **DISCUSSION OF THE MIAMI BEACH CURRENT CITY CODE CHAPTER 6-4 (3)  
RELATING TO ALCOHOLIC BEVERAGE SALES THAT REQUIRES A 300 FOOT  
DISTANCE BETWEEN LIQUOR STORES AND ASK THAT THE CITY LOOK INTO  
ADOPTING THE COUNTY REQUIREMENT OF 1500 FEET.**  
(DEFERRED FROM THE JANUARY 23, 2013 LUDC MEETING  
ORIGINALLY REFERRED BY COMMISSIONER JORGE R. EXPOSITO  
OCTOBER 19, 2011 CITY COMMISSION MEETING, ITEM C4L)
3. **REVIEW OF MIAMI BEACH LAND USE BOARDS TO IMPROVE THE CITY OF MIAMI  
BEACH BUILDING AND PLANNING DEPARTMENT PROCESSES.**  
(CONTINUED FROM THE JANUARY 23, 2013 LUDC MEETING  
ORIGINALLY REQUESTED BY COMMISSIONER MICHAEL GONGORA  
MARCH 21, 2012 CITY COMMISSION MEETING, ITEM C4M)
4. **DISCUSSION REGARDING FOOD TRUCKS ON PRIVATE PROPERTY**  
(DEFERRED FROM THE JANUARY 23, 2013 LUDC MEETING  
ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON  
SEPTEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4K)
5. **DISCUSSION PERTAINING TO "SMARTER MATERIALS FOR NEXT GENERATION  
INFRASTRUCTURE," SUCH AS ELIMINATING THE DISPOSAL OF TIRES IN  
GLOBAL LANDFILLS AND INCINERATORS.**  
(DEFERRED FROM THE JANUARY 23, 2013 LUDC MEETING  
ORIGINALLY REFERRED BY COMMISSIONER MICHAEL GONGORA  
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4M)

6. DISCUSSION REGARDING AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS THAT WILL CREATE PROTECTION FROM TOTAL DEMOLITION OF ARCHITECTURALLY SIGNIFICANT SINGLE FAMILY HOMES BUILT PRIOR TO 1942.

(REQUESTED BY MAYOR MATTI HERRERA BOWER AND CITY COMMISSION  
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4P)

7. DISCUSSION CONCERNING A PROPOSED AMENDMENT OF THE CHARTER TO PROHIBIT THE INVOLUNTARY DESIGNATION OF SINGLE-FAMILY RESIDENCES AS INDIVIDUAL HISTORIC SITES, HEREINAFTER REFERRED TO AS THE MIAMI BEACH HOMEOWNER PROTECTION ACT.

(REQUESTED BY COMMISSION JONAH WOLFSON  
JANUARY 16, 2013, CITY COMMISSION MEETING, ITEM C4I)

8. DISCUSSION REGARDING RESTRICTED WAKE ZONES

- a) AN ORDINANCE AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 66, ENTITLED "MARINE STRUCTURES, FACILITIES AND VEHICLES," BY AMENDING ARTICLE II, TO BE ENTITLED "RESTRICTED WAKE ZONES," TO CREATE REGULATIONS FOR RESTRICTED WAKE ZONES; PROVIDING FOR A PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESTRICTED AREAS; PROVIDING FOR POSTING OF REGULATORY MARKERS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. FIRST READING.

(DEFERRED FROM THE JANUARY 23, 2013 LUDC MEETING  
ORIGINALLY REQUESTED BY CITY COMMISSION  
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM R5F & R7I)

- b) DISCUSSION ON ADDING SURPRISE LAKE TO "NO WAKE ZONES" ON MIAMI BEACH.

(REQUESTED BY COMMISSIONER EDWARD L. TOBIN  
FEBRUARY 6, 2013 CITY COMMISSION MEETING, ITEM C4P  
(VERBAL REPORT)

9. DISCUSSION REGARDING THE DEVELOPMENT OF THE WEST LOTS BETWEEN 79<sup>TH</sup> STREET TO 87<sup>TH</sup> STREET AND COLLINS AVENUE.

(REFERRED BY COMMISSIONER JERRY LIBBIN  
DECEMBER 12, 2012, CITY COMMISSION MEETING, ITEM R9G)

10. DISCUSSION REGARDING DEVELOPMENT OF THE PARKING LOT BETWEEN 72<sup>ND</sup> AND 73<sup>RD</sup> STREET AND COLLINS AVENUE.

(REFERRED BY COMMISSIONER JERRY LIBBIN  
DECEMBER 12, 2012 CITY COMMISSION MEETING ITEM R9F)

**11. ZONING AND PLANNING INITIATIVES FOR NORTH BEACH INCLUDING ORDINANCE AMENDMENTS FOR PARKING REQUIREMENTS AND DEVELOPMENT REGULATIONS.**

**(REFERRED BY COMMISSIONER JERRY LIBBIN  
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4I #1)**

**12. APPLICATION OF PARKING IMPACT FEES TO SATISFY HOTEL PARKING REQUIREMENTS OUTSIDE OF HISTORIC DISTRICTS.**

**(REFERRED BY COMMISSIONER JERRY LIBBIN  
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4I #3)**

**13. DISCUSSION REGARDING THE CURRENT SIDEWALK CAFÉ ORDINANCE**

**a) DISCUSSION REGARDING THE LINCOLN ROAD UTILIZATION AREAS FOR SIDEWALK CAFES.**

**(REQUESTED BY COMMISSIONER MICHAEL GONGORA  
JANUARY 16, 2013 CITY COMMISSION MEETING, ITEM C4R)**

**b) USE OF ELECTRICITY BY SIDEWALK CAFÉS.**

**(REQUESTED BY COMMISSIONER DEEDE WEITHORN  
JANUARY 16, 2013 CITY COMMISSION MEETING, ITEM R9G)**

**c) DISCUSSION REGARDING RESTAURANT SOLICITATION OF PEDESTRIANS ON CITY SIDEWALKS, PARTICULARLY OCEAN DRIVE AND LINCOLN ROAD.**

**(REQUESTED BY CITY COMMISSION  
JANUARY 16, 2013 CITY COMMISSION MEETING, ITEM R9G  
REFER ALL CURRENT SIDEWALK CAFÉ MATTERS TO THE LAND USE AND DEVELOPMENT COMMITTEE. ORIGINALLY REFERRED TO NCAC  
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4H)**

**2013 MEETING SCHEDULE**

Thursday, February 21, 2013 at 5 p.m. (Special meeting)

Tuesday, March 19, 2013 (Joint LUDC / NCAC)

Wednesday, March 20, 2013

Monday, April 22, 2013

Wednesday, May 22, 2013

Wednesday, June 12, 2013

Wednesday, July 31, 2013

\* AUGUST – RECESS \*

Monday, September 23, 2013

Wednesday, October 23, 2013

Wednesday, November 13, 2013

Monday, December 16, 2013

**PENDING ITEMS: REFER TO ATTACHMENT 1**

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# MIAMI BEACH

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## COMMITTEE MEMORANDUM

TO: Members of the Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager 

DATE: February 13, 2013

SUBJECT: **REDUCED PARKING RATES FOR HOTEL EMPLOYEES**

On October 19, 2011, at the request of Commissioner Wolfson, the Mayor and City Commission approved a referral to the Land Use and Development Committee (LUDC) for a discussion regarding parking rates for hotel workers and the possibility of a program whereby a hotel can participate and get reduced parking rates for its workers. The Parking Department currently offers programs for employees at a deeply discounted rate off of the parking meter hourly rate and transient daily rate at surface lots and garages. The following options are currently available:

### **1. Monthly Municipal Parking Permit Program:**

Monthly parking permits at metered surface lots or access cards at garages are available at a rate of \$70.00\* (plus sales tax). This equates to an average daily rate of \$2.33, a discounted rate of 84% off of the South Beach meter rate of \$1.75 per hour (or \$14.00 daily) and 71% off of the Middle/North Beach meter rate of \$1.00 per hour (or \$8.00 daily). The daily rate is calculated at eight (8) hours per day.

*Note: \* Select garages are slightly higher.*

### **2. ILEV (Inherently Low Emissions Vehicles) or Hybrid Parking Incentives:**

Vehicles with an EPA rating of Six "6" or higher or a "Smartway" designation receive a 50% discount off of the monthly municipal parking rate for permits and access cards.

### **3. Employee Value Coupon (EVC):**

The EVC program is currently available at the 17th Street Garage; however, it may be implemented at any of the other municipal garages. The program allows bona fide businesses (proof of the number of employees through a UTC Form is

required) to purchase validation coupons. The coupon serves as a validation to allow a maximum daily rate of \$8.00. The minimum daily rate retails at \$16.00, with the exception of the 42nd Street Garage which is \$8.00 daily. This equates to a 50% discount off of the lowest daily rate, with the exception of the 42nd Street Garage.

**4. iPark:**

iPark users who are Miami Beach residents receive a 43% discount off of the hourly meter rate in South Beach. No discount is offered in Middle/North Beach.

The Administration is seeking further direction regarding this item.

KGB/JGG/SF

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## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager *[Signature] for KGB*

DATE: February 13, 2013

SUBJECT: **DISCUSSION OF MIAMI BEACH CITY CODE CHAPTER 6-4 (3) RELATING TO ALCOHOLIC BEVERAGE SALES THAT REQUIRES A 300 FOOT DISTANCE BETWEEN LIQUOR STORES**

### **BACKGROUND**

A discussion of the existing distance separation requirement of a minimum 300 foot distance between liquor stores as specified by Miami Beach City Code Chapter 6-4 (3), and a request that the City explore adopting the Miami-Dade County requirement of 1,500 feet was referred to the Land Use and Development Committee at the October 19, 2011 City Commission meeting, at the request of Commissioner Jorge R. Exposito.

On March 28, 2012, the Land Use Committee referred an Ordinance Amendment to the Planning Board (see attached) and instructed staff to bring the matter back to the Committee after Planning Board review. On September 24, 2012, the Planning Board recommended that the subject ordinance not be approved, by a unanimous vote of 7-0, citing concerns about anti-competitiveness.

### **ANALYSIS**

Section 6-4 of the Land Development Regulations of the City Code contains location and use restrictions for alcoholic beverage sales within Miami Beach. Specifically, section 6-4(a)(3) regulates retail liquor stores, and requires a minimum distance separation between retail stores primarily selling alcoholic beverages for consumption off the premises of 300 feet. This regulation has been in effect since at least 1989.

Attached, please find maps showing the locations of existing liquor stores, the current 300 foot radius around each of them (which equates to approximately one per block), and the same map with a 1,500 foot radius around each existing liquor store. Extending the required distance separation from 300 to 1,500 feet will result in fewer locations at which liquor stores could locate as of right.

Also attached are a comparison chart of package store distance separation requirements for neighboring municipalities, as well a copy of Article X, pertaining to 'Alcoholic Beverages', of the Miami-Dade County Code. Additionally, it is important to note that currently variances from the distance separation regulations are possible to apply for and obtain from the Board of Adjustment; this type of distance separation variance is somewhat common.

Land Use and Development Committee  
Package Liquor Distance Separation  
February 13, 2013

**CONCLUSION**

In light of the Planning Board action recommending denial of the proposed Ordinance, the Administration recommends that the Committee provide staff with policy direction on this matter.

Attachments  
KGB/JGG/RGL/TRM

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Feb2013LUDC.docx

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 6, ALCOHOLIC BEVERAGES, SECTION 6-4, "LOCATION AND USE RESTRICTIONS" BY REQUIRING THAT THE MINIMUM DISTANCE SEPARATION BETWEEN RETAIL STORES PRIMARILY SELLING ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES AS A MAIN PERMITTED USE SHALL BE 1,500 FEET; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, Section 6-4(a)(3) of the City Code specifically regulates retail liquor stores, and requires a minimum distance separation between retail stores primarily selling alcoholic beverages for consumption off the premises of 300 feet; and

**WHEREAS**, the Land Use and Development Committee (LUDC), discussed the issue of extending the distance separation from 300 feet to 1,500 feet and the resulting need to require a variance for just about any newly proposed liquor store; and

**WHEREAS**, It is common for the Board of Adjustment to approve variance requests with voluntary proffers from applicants to limit sales of single cans of beer or similar sized containers which have proved problematic; and

**WHEREAS**, the intent of this new distance separation would be not to prohibit new liquor stores, but subject them to additional scrutiny in order to limit concentration of uses, and provide the opportunity for proffers of additional community safeguards; 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. That City Code Chapter 6, Alcoholic Beverages, Section 6-4, "Location And Use Restrictions," is hereby amended as follows:

- (a) *Generally.* The following location and use restrictions are applicable for facilities selling or offering alcoholic beverages for consumption:
  - (3) *Retail stores for off-premises consumption.* The minimum distance separation between retail stores primarily selling alcoholic beverages for consumption off the premises as a main permitted use shall be ~~300~~ 1,500 feet.

**SECTION 2. Repealer.**

All ordinances or parts of ordinances and all sections and parts of sections in conflict herewith be and the same 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 renumbered or relettered 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.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney Date

First Reading:  
Second Reading:

Verified by: \_\_\_\_\_  
Richard G. Lorber, AICP, LEED AP  
Acting Planning Director

~~Strikethrough~~ denotes deleted language

Underscore denotes new language

02/06/2013

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## Comparison Chart of Package Store Distance Requirements

<b>Municipality</b>	<b>Distance Requirement From Other Establishments</b>	<b>Waiver or Variance</b>
Miami-Dade County	1,500 feet (see Sec. 33-150)	Exceptions see 33-150(E) or Special Exception by hearing
City of Miami	500 feet - see Sec. 4-7	See Sec. 4-11 or Special Exception by hearing
Doral	1,500 feet - see Sec. 74-193	Special Exception by hearing
Hialeah	1,000 feet - see Sec. 6-66	It appears a variance would be required by hearing
Aventura	1,500 feet - see Sec. 4-2	It appears a variance would be required by hearing
North Miami	1,500 feet - see Sec. 3-11	Variance by hearing see Sec. 3-14
Homestead	400 feet - see Sec. 3-6	Waiver see Sec. 3-11
South Miami	None - see Sec. 4-2	

**CODE City of MIAMI BEACH, FLORIDA**

**Chapter 6 - ALCOHOLIC BEVERAGES**

**ARTICLE I. - IN GENERAL**

**Sec. 6-4. - Location and use restrictions.**

(a) *Generally.* The following location and use restrictions are applicable for facilities selling or offering alcoholic beverages for consumption:

(1) *Educational facilities.* No alcoholic beverage shall be sold or offered for consumption in a commercial use within 300 feet of any property used as a public or private school operated for the instruction of minors in the common branches of learning. Except for uses in the civic and convention center (CCC) district, hospital (HD) district or within 300 feet of a marina.

(2) *Places of worship.* No alcoholic beverage shall be sold or offered for consumption in a commercial use, except in restaurants for consumption on the premises, within 300 feet of any property used as a place of worship.

(3) *Retail stores for off-premises consumption.* The minimum distance separation between retail stores primarily selling alcoholic beverages for consumption off the premises as a main permitted use shall be 300 feet.

(4) *Motion picture theater.* No alcoholic beverages shall be sold or offered for consumption in any motion picture theater or in any room opening directly or indirectly into or in connection with any motion picture theater. Motion picture theaters shall not be permitted to operate between the hours of 3:00 a.m. and 8:00 a.m., except that motion picture theaters may apply for up to three special event permits from the city per calendar year to operate during such hours.

(5) *Filling station.* No liquor shall be sold or offered for consumption on or off the premises of any filling station.

(6) *Curb service sales.* No alcoholic beverages shall be sold or served to persons in a vehicle of any kind or from an exterior counter or any type of walk-up window. All sales are to be from the interior of the structure.

(7) *Off-premises consumption.* All sales of alcoholic beverages for consumption off the premises shall be in a sealed container.

(8) *Bottle clubs.* There shall be no bottle clubs within 300 feet of any property used as a public or private school operated for the instruction of minors in the common branches of learning or place of worship.

(9) *Dance halls.* The minimum distance separation between dance halls licensed to sell alcoholic beverages, and not also operating as restaurants with full kitchens and serving full meals, shall be 300 feet.

(10) *Entertainment establishments.* The minimum distance separation between entertainment establishments licensed to sell alcoholic beverages, and not also operating as restaurants with full kitchens and serving full meals, shall be 300 feet.

(b) *Determination of minimum distance separation.*

(1) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the main entrance or exit in which the use associated with alcoholic beverages occurs to the nearest point of the property used for a public or private school. In cases where a minimum distance is required between two uses associated with the alcoholic beverages for consumption on or off the premises, the minimum requirement shall be determined by measuring a straight line between the principal means of entrance of each use.

(2) When a distance separation is required, a scaled survey drawn by a registered land surveyor shall be submitted attesting to the separation of the uses in question. This requirement may be waived upon the written certification by the planning and zoning director that the minimum distance separation has been met.

(c) *Variances.* Variances to the provisions of this section may be granted pursuant to the procedure in section 118-351 et seq.

# CODE of MIAMI-DADE COUNTY, FLORIDA

## ARTICLE X. - ALCOHOLIC BEVERAGES

### Sec. 33-150. - Location of establishments.

(A) Distance from other establishments. Unless approved as a special exception (Section 33-311(A)(3)), no premises shall be used for the sale of any alcoholic beverages, as defined herein, to be consumed on or off the premises where the structure or place of business intended for such use is located less than fifteen hundred (1,500) feet from a place of business having an existing, unabandoned, legally established (and not one (1) of the uses excepted from the spacing requirements hereinafter provided) alcoholic beverage use which permits consumption on or off the premises. The fifteen hundred (1,500) feet distance requirements shall be measured by following a straight line from the nearest portion of the structure of the place of business.

(B) Distance from church or school. Unless approved as a special exception (Section 33-311(A)(3)), no premises shall be used for the sale of alcoholic beverages to be consumed on or off the premises where the structure or place of business intended for such use is located less than twenty-five hundred (2,500) feet from a church or public school. The twenty-five-hundred-foot distance requirement shall be measured and computed as follows:

(1) From a church, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the church structure, and

(2) From a public school, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the school grounds.

(C) Compliance prerequisite to issuance of licenses, permits and certificates. No certificate of use or occupancy, license, building or other permit shall be issued to any person, firm, or corporation for the sale of alcoholic beverages to be consumed on or off the premises where the proposed place of business does not conform to the requirements of Subsections (A) and (B) above.

(D) Nonconforming uses; definition of abandonment. The uses referred to in Subsections (A) and (B) above that are in violation of the provisions thereof, and that were in existence on or before June 14, 1956, shall be deemed to be nonconforming and as such may continue until there is an abandonment thereof, provided that such nonconforming uses have been established and proven to the satisfaction of the Department on or before October 1, 1956, and not thereafter. After October 1, 1956, the right to establish a use not conforming with the requirements of Subsections (A) and (B) shall have expired and shall not thereafter be recognized. Any uses, created and established in a legal manner, which may thereafter become nonconforming, may continue until there is an abandonment. Once a nonconforming use is abandoned it cannot be re-established unless it can conform to the requirements of this chapter.

Abandonment shall consist of a change of use or of a suspension of active business with the public for a period of not less than three (3) months, or prior to the end of the period, on a written declaration of abandonment by the tenant and owner of the premises if under lease, and if not, by the owner.

(E) Exceptions to spacing and distance requirements. The restrictions and spacing requirements set forth in Subsections (A) and (B) above shall not apply:

(1) To private clubs, provided such clubs conform to all the requirements of a private club as stated in Chapter 561 of the Florida Statutes and other applicable State laws, and providing that there are no signs of any type exhibited or displayed or other indications that can be seen from the exterior of the clubhouse, building or structure that alcoholic beverages are served. Before a certificate of use and occupancy to serve alcoholic beverages will be issued, the applicant must submit necessary data to prove that it is eligible for the use and complies with Chapter 561 of the Florida Statutes or other applicable State laws; provided, anything to the contrary notwithstanding, these requirements must be complied with, even though the club intends to serve only beer and/or wine.

(2) ESTABLISHMENTS IN RU-4, RU-4A DISTRICTS. To cocktail lounges, bars and cabarets located in RU-4 or RU-4A Districts and which conform to the requirements of said districts, or such other cocktail lounges, bars and cabarets in other liberal districts as may comply with the RU-4 or RU-4A requirements.

(3) RESTAURANTS IN BU-1, BU-1A DISTRICTS. To dining rooms or restaurants located in

the BU-1 or BU-1A Districts which comply with the requirements of such districts and serve cooked, full course meals, daily prepared on the premises, or such other dining rooms or restaurants in other more liberal districts complying with the requirements of the BU-1 or BU-1A District and which serve cooked, full course meals, daily prepared on the premises, providing that only a service bar is used and the sale of alcoholic beverages are sold only to persons seated at tables.

(4) **CERTAIN COCKTAIL LOUNGE-BARS IN RESTAURANTS.** To cocktail lounge-bars as an accessory use in restaurants located in any IU or BU-1A or more liberal BU District, provided the restaurant occupies no less than four thousand (4,000) square feet of gross floor space, and has accommodations for service of two hundred (200) or more patrons at tables, and provided that the restaurant prepares and serves fully cooked meals daily and contains full kitchen facilities, meaning commercial grade burners, ovens, range hood(s) and refrigeration units of such size and quantity to accommodate the occupancy content of the restaurant, and provided that the restaurant shall be prohibited from advertising itself as a bar, cocktail lounge-bar, saloon, nightclub or similar type of establishment; and further provided that once the restaurant use is terminated, the cocktail lounge use will automatically terminate. The cocktail lounge-bar in the restaurant structure shall not have separate outside patron entrances, provided, however, a fire door exit shall be permitted, when the same is equipped with panic-type hardware and locks and is maintained in a locked position except in emergencies; and provided the cocktail lounge-bar shall be so located that there is no indication from the outside of the structure that the cocktail loungebar is within the structure, and provided that the accessory cocktail lounge-bar is no larger than fifteen (15) percent of the gross square footage of the restaurant, and provided that the alcoholic beverages are served for on-premises consumption only; and further provided that the operating hours for the cocktail lounge-bar shall not extend beyond the permitted hours of operation for the restaurant.

(5) **BEER AND WINE FOR OFF-PREMISES CONSUMPTION.** To the sale of beer and wine as a grocery item for consumption off the premises, from grocery stores and meat markets within the hours adopted and prescribed by the County Commission.

(6) **CONVENTION HALLS IN BU-1A DISTRICTS.** To convention halls located in BU-1A, or more liberal business and industrial districts, which meet the following requirements: (a) Where the hall is part of the operation of a hotel or motel and directly under its management. (b) Where the square footage area of the convention hall is at least ten thousand (10,000) square feet. (c) Where the seating capacity of the hall is in excess of five hundred (500) persons. (d) Where the sign advertising the cocktail lounge or bar use is of same or similar type as is permitted for motels in the RU-4 Districts, that is, the advertisement is incorporated into the sign proper for the convention hall.

(7) **BEER AND WINE IN BOWLING ALLEYS.** To beer and wine bars in bowling alleys:

(a) Where there are no signs of any type exhibited or displayed, or other indications, that can be seen from the outside of the structure concerned, that beer or wine or other malt and vinous beverages are being served, and

(b) When such bowling alleys are in a fully air conditioned building having at least ten thousand (10,000) square feet of floor space under one (1) roof and under one (1) ownership of title, and

(c) Where the building contains at least six (6) alleys usable for bowling, and where the bowling alley has facilities for the service of food and beverages in an area separate from the alleys themselves and contains at least two thousand (2,000) square feet of usable floor space, including the bar and other facilities for the service of food and beverages and has accommodations for at least sixty (60) patrons at tables, and

(d) Provided that such building be not less than five hundred (500) feet from a school or church measured as provided hereinabove.

(8) **NIGHT CLUBS IN CERTAIN HOTELS AND MOTELS.** To night clubs and cabarets where the same are located in a hotel, motel, or apartment hotel and under the same roof, which contains at least two hundred (200) guest rooms or apartment units under the same roof, provided the exterior of any such building shall not have store fronts or give the appearance of commercial or mercantile activity as viewed from the highways. In the event the use contains windows which may be seen from the highway, said windows shall be of fixed, obscure glass. Such night club or cabaret shall be entered only through lobby, and no additional entrance shall be permitted. An additional entrance or door shall be permitted when the same opens into a courtyard or patio (away from street side) which is enclosed and which is not visible from the street. A fire door or exit shall be permitted, provided that the same is equipped with panic-type hardware and locks and is maintained in a locked position except in emergency.

(9) PACKAGE STORES IN SHOPPING CENTERS IN BU-1A DISTRICT. Package stores in shopping centers in a BU-1A (limited business) or more liberal district containing a net ground building area of not less than five (5) acres including dedicated rights-of-way under one (1) ownership with an improved building area of not less than forty-one thousand (41,000) square feet of floor area thereon, and with an improved and developed parking area of not less than two hundred twenty-one (221) vehicles. Only one (1) such package store will be permitted in the shopping center. Said package store shall be at least two thousand five hundred (2,500) feet from any church, school and at least five hundred (500) feet from any other licensed alcoholic beverage establishment measured as otherwise provided in this section.

(10) COCKTAIL LOUNGES IN GOLF COURSE CLUBHOUSES AND BEER IN ANCILLARY REFRESHMENT STANDS LOCATED ON SAID GOLF COURSE. To cocktail lounges in golf course clubhouses and beer in ancillary refreshment stands located on said course, whether governmentally or privately owned provided a bona fide regular, standard golf course is maintained and consists of at least nine (9) holes, with clubhouse, locker rooms and attendant golf facilities and comprising in all at least one hundred (100) acres of land. Failure of such club to maintain the golf course, clubhouse and golf facilities shall ipso facto terminate the privilege of the cocktail lounge and sale of beer from the refreshment stands.

(11) EXCURSION, SIGHTSEEING OR TOUR BOATS. To excursion, sightseeing or tour boats, providing the operators thereof obtain a State beverage license for such boats, the same being designated as their place of business, upon compliance with all the laws relating to vendors operating places of business where consumption on the premises is permitted; provided that such excursion, sightseeing or tour boats contain all the necessary equipment and supplies in order to, and do, serve full course meals regularly, and have accommodations at all times for the service of two hundred (200) or more patrons at tables and occupying more than four thousand (4,000) square feet of space.

(12) TENNIS CLUBS AND INDOOR RACQUETBALL CLUBS. To any chartered or incorporated club owning or leasing and maintaining any bona fide tennis club or four-wall indoor racquetball club consisting of not less than ten (10) regulation-size tennis courts or ten (10) regulation-size four-wall indoor racquetball courts, or a combination of tennis courts and four-wall indoor racquetball courts numbering fifteen (15), with clubhouse facilities, pro shop, locker rooms, and attendant tennis or racquetball facilities, all located on a contiguous tract of land owned or leased by such club and providing that there are no signs of any type exhibited or displayed or other indications that can be seen from the exterior of the clubhouse, building or structure that alcoholic beverages are served.

(13) NOT-FOR-PROFIT THEATERS WITH LIVE PERFORMANCES. To any State-chartered not-for-profit legal entity organized principally for the purpose of operating a theater with live stage performances and with not fewer than one hundred (100) seats. Sales of alcoholic beverages shall be permitted only for consumption on the premises and only to patrons during any regularly scheduled live theater performance. No sit-down bar shall be permitted.

(14) Winery (farm related) as defined in Section 33-1 (115.01).

(F) Prerequisites to use of premises as exception. For the purpose of this chapter, the right to use premises for the sale of beer, wine or liquor for consumption on, or off, such premises shall be established at such time as a building permit is issued, the application for which states that such use is to be established, and provided that the structure for which the building permit was issued is completed, and an occupancy permit issued for such use within the time prescribed for the completion of said structure under these regulations. In cases where the use is to be established in an existing structure, such use will be considered as existing at such time as the occupancy permit for such use has been issued, provided the use has been established within the time prescribed in the permit.

(G) Sketch indicating location. For the purpose of establishing the distance between alcoholic beverage uses, and between such uses and churches or public schools, the applicant for such use shall furnish a certified sketch of survey from a registered engineer or surveyor. Such sketch shall indicate the distance between the proposed place of business and any existing alcoholic beverage establishment within 2,000 feet, and any church or school within 3,000 feet. Each sketch shall indicate all such distances and routes. In case of dispute, the measurement scaled by the Director shall govern.

(H) Entertainment in night clubs and cabarets; hearing on night club use. Except in night clubs and cabarets, band or orchestra music or dancing or entertainment shall be prohibited in all bars, gardens, saloons, package stores or similar establishments dispensing of alcoholic beverages. Night club use shall be prohibited unless the same is approved after a public hearing.

(I) Transfer of nonconforming use. Upon good and justifiable cause proven to the

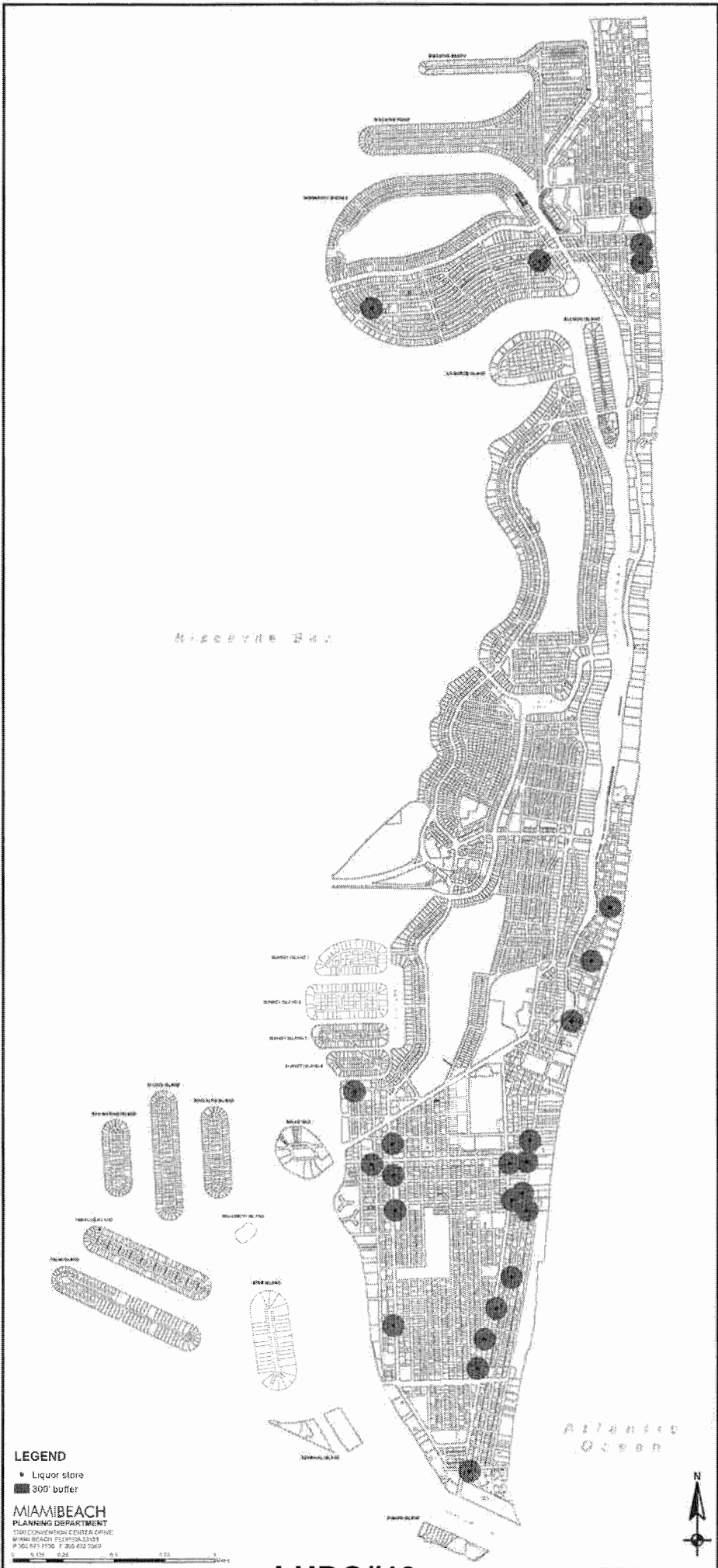
satisfaction of the Zoning Board, a legally existing nonconforming alcoholic beverage use may be transferred to another nonconforming but properly zoned site in the same general neighborhood, not to exceed three hundred (300) feet from the sold site, upon approval of the appropriate Zoning Board after a public hearing.

(J) Expansion of nonconforming use. Legally existing alcoholic beverage made nonconforming by reason of the regulations establishing distance restrictions between such uses, or any of them, or between any such uses and churches or schools, shall not be expanded unless and until such expansion shall have been approved by the appropriate Zoning Board for good and justifiable cause after a public hearing. "Expansion" as used herein, shall include the enlargement of space for such use and uses incidental thereto, the extension of a beer and wine bar to include intoxicating liquor, and the extension of a bar use to a night club use.

Nothing herein, however, shall be deemed an attempt to modify any prohibition or make less restrictive any requirement by the laws of the State of Florida.

(K) Certificate void after thirty (30) days if premises not established. All alcoholic beverage uses must be established on the premises within thirty (30) days of the date of the issuance of a certificate of use and occupancy, otherwise said certificate of use and occupancy shall be null and void.

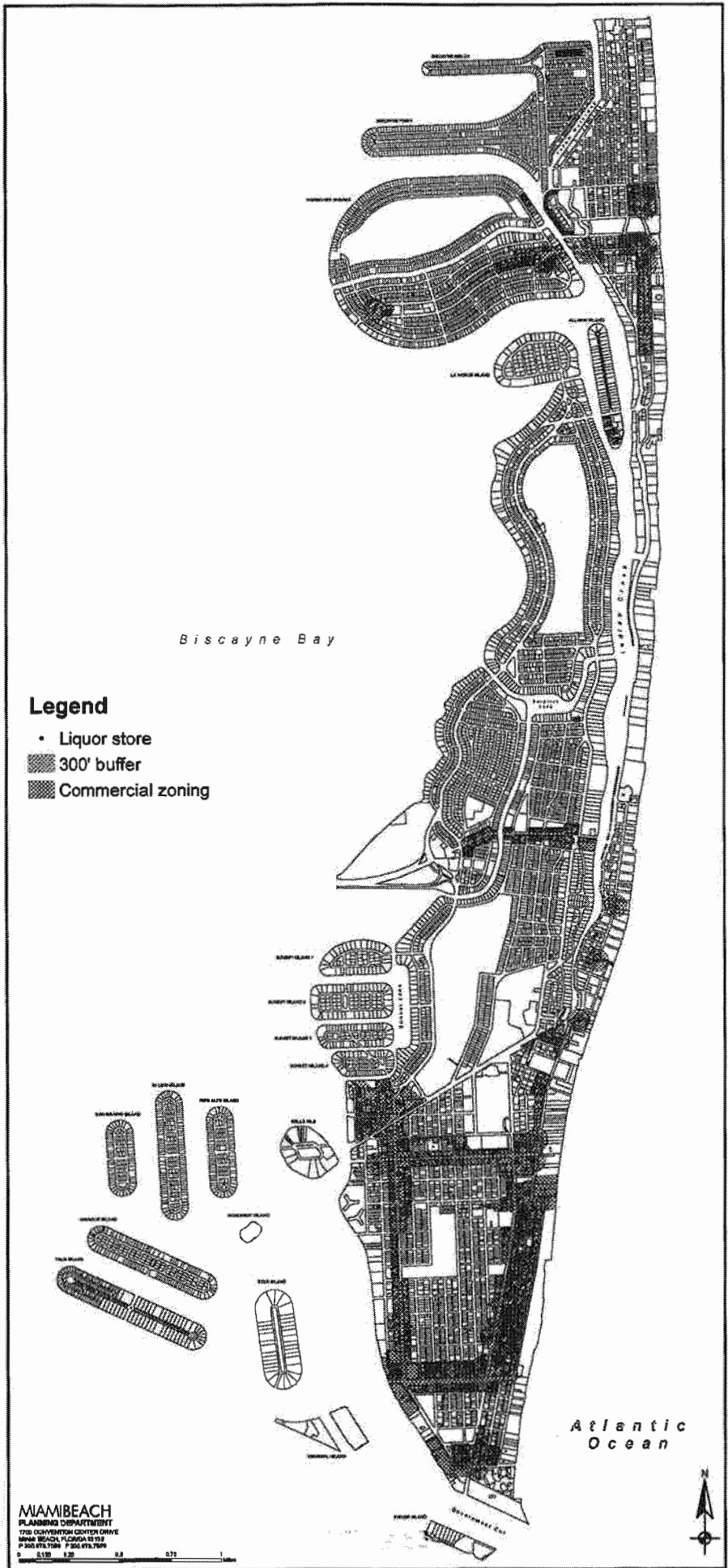
(L) Compliance prerequisite to issuance of license. Anything to the contrary notwithstanding, no liquor license of any type may be used in a manner contrary to this chapter. The Tax Collector shall issue no license unless a current certificate of use or occupancy in the applicant's name accompanies the application. The license as issued shall note thereon any special limitations or restrictions applicable due to the zoning on the property.



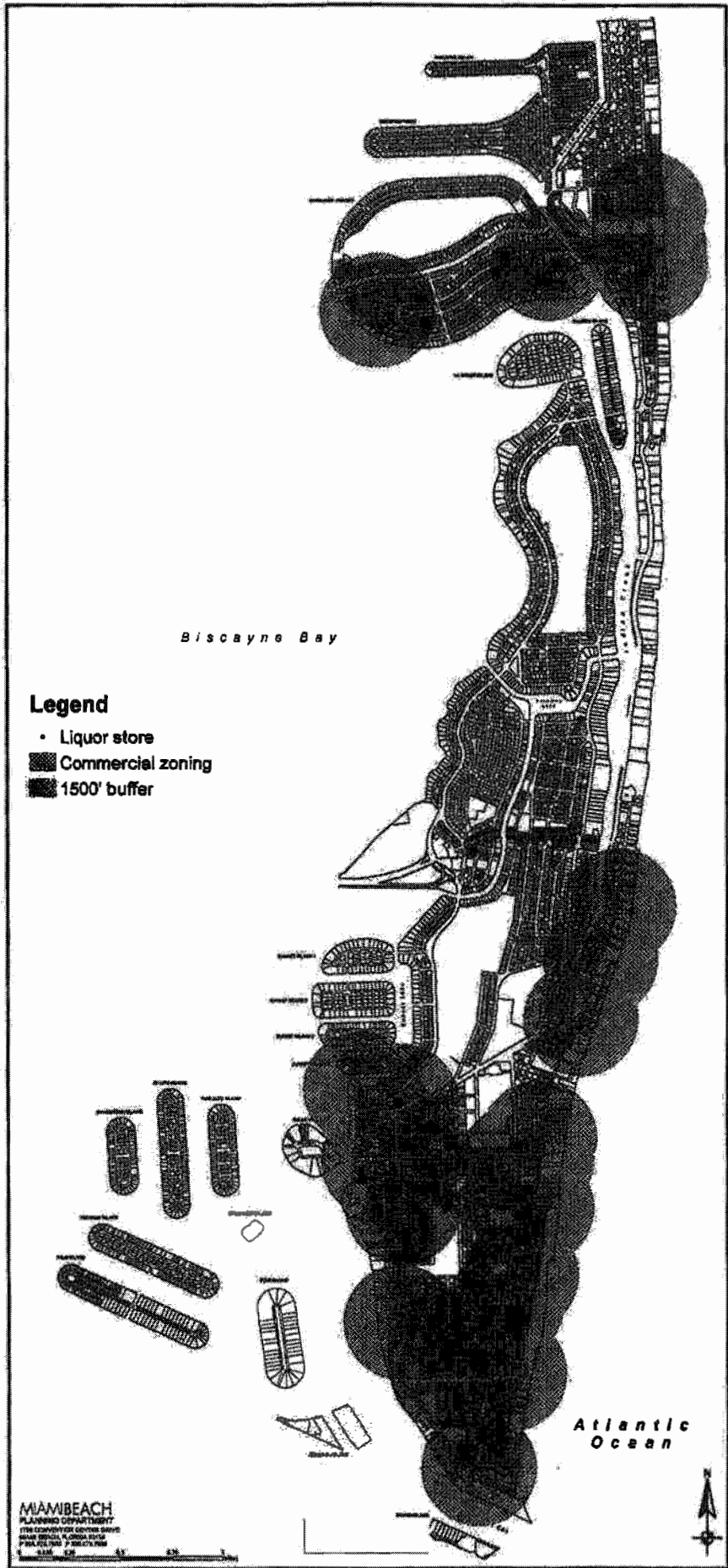
**LEGEND**

- Liquor store
- 300' buffer

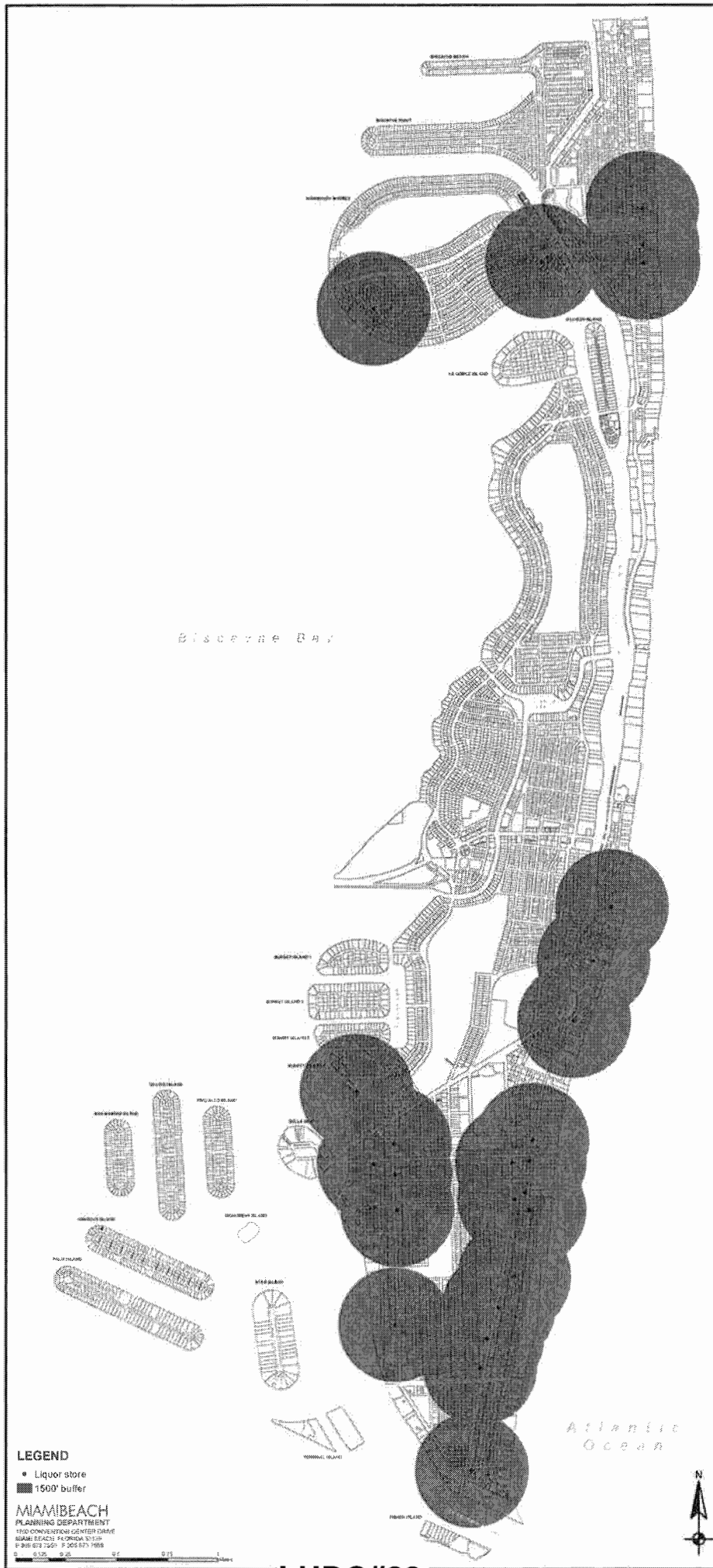
**MIAMI BEACH**  
 PLANNING DEPARTMENT  
 1000 CONVENT ROAD, SUITE 100  
 MIAMI BEACH, FLORIDA 33139  
 P 305 425 1500 F 305 425 1500



LUDC#20



LUDC#21



***ITEM  
THREE***



## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager  for KGB

DATE: February 13, 2013

SUBJECT: **WAYS TO ENHANCE AND IMPROVE THE CITY OF MIAMI BEACH PLANNING DEPARTMENT PROCESS.**

### **BACKGROUND/ ANALYSIS:**

The item was originally referred to the Land Use and Development Committee by the City Commission on March 21, 2012, at the request of Commissioner Góngora. At the May 16, 2012 meeting, the Land Use Committee discussed a number of different proposals including residency requirements, appeals of board decisions, and several other points. Although the Committee acknowledged that some of the suggestions might not be feasible, they requested that the item be brought back along with any additional suggestions from the Planning Department.

At the June 13, 2012 Land Use Committee meeting, Planning Department staff presented additional ideas for improving efficiency and reducing the costs and timeframes associated with the Board review process. The Committee requested that staff bring back a list of common variances that go to the Board of Adjustment.

At the July 25, 2012 Land Use Committee meeting, Planning Department staff presented examples of variances that were fairly routine and common. These variances also represented areas of the existing zoning code that could be modified to reduce the number of applications that are required to go to the Board of Adjustment for public hearing. Planning staff was instructed to bring the modifications necessary to reduce and eliminate variances in these particular areas back to the Committee in Ordinance form.

On January 23, 2013, Land Use and Development Committee discussed and referred the following proposed Ordinance Amendments to the Planning Board:

- 'Minimum Unit Sizes For Historic Hotels & RM-2 Tower Setbacks'
- 'RM-3 Accessory Use Signage'
- 'Pool Setbacks and Accessory & Mechanical Equipment Setback Encroachments'

Each of these Ordinances is intended to help streamline the development review process and eliminate the need for common variances. The variance requests related to these Ordinances are fairly routine and common before the Board of Adjustment.

During the January 23, 2013 discussion, the Land Use Committee also directed the Administration to keep this item on the agenda of the Committee, for future discussion and policy direction.

Attached is the memo drafted by the City Attorney's Office, addressing the issue of appeals to Land Use Board decisions. At the June 13, 2012 meeting, the Committee requested the City Attorney's Office to survey other local governments and ascertain the involvement of their governing bodies in the land use approval process.

**CONCLUSION**

The Administration recommends that the Land Use and Development Committee provide any additional policy direction regarding this matter.

KGB/JGG/RGL/TRM

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# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jose Smith, City Attorney  
Gary M. Held, First Asst. City Attorney

CC: Kathie Brooks, Interim City Manager

DATE: September 19, 2012

SUBJECT: **REVIEW OF MIAMI BEACH LAND USE BOARDS TO IMPROVE THE CITY OF MIAMI BEACH BUILDING AND PLANNING DEPARTMENT PROCESSES.**

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### **BACKGROUND**

The item was referred to the Land Use and Development Committee by the City Commission on March 21, 2012 at the request of Commissioner Gongora. At the May 16, 2012 meeting, the Committee discussed the proposals, as detailed in the separate Committee memorandum. At the June 13, 2012 meeting, the Committee requested the City Attorney's Office to survey other local governments and ascertain the involvement of their governing bodies in the land use approval process. This memorandum responds to that request.

### **SUMMARY OF SURVEY PROCEDURES**

The survey included thirteen different local governments: eleven cities and two counties. The survey was conducted of six local municipalities: Coral Gables, Hialeah, Key Biscayne, Miami, North Miami, and North Miami Beach; five municipalities outside of Miami-Dade County: Fort Lauderdale, Hollywood, Jacksonville, Orlando and Tampa; and two counties: Miami-Dade and Broward. The survey was conducted with the assistance of summer interns Lauren Carra and Matthew Weithorn.

Governing body authority below is in addition to the traditional roles of adoption and amendment of the comprehensive plan, land development regulations, maps, and DRI's, which are excluded from the survey as all governing bodies engage in such activities.

### **CONCLUSION**

Many jurisdictions allow the governing body (Council or Commission) to make final land use decisions, usually by a majority vote, with either original jurisdiction (not on appeal from a lower board) or de novo review (not limited to the record below) (except e.g., Orlando which maintained an appellate review standard for all decisions, Broward County for appeals, and Coral Gables, which has a mix set forth in Exhibit "A"). Supermajority votes were often required to override recommendations or decisions below (e.g., Hialeah, Miami, North Miami Beach, Hollywood, Miami-Dade County) and in certain types of decisions (e.g., Miami-Dade County- modification of a covenant, Miami- special area plans, or an exception to the Code). Specifics are in the chart that follows.

City/ County	Authority/ Board(s)	Review or Appeal by ...	Vote On Review or Appeal	Standard of Review	City Code Provision/ References
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Coral Gables	Board of Adjustment  Board of Architects  Historic Preservation Board, and  Planning and Zoning Board (PZB) (recommendation authority only)	City Commission (has final decision authority over: Matters from the PZB; appeals from Board of Architects, Board of Adjustment, and HPB, conditional uses, DRI's, planned area development, building site splits, vested rights & other matters) See Chart -- Exhibit "A"	Majority (ordinances and resolutions require majority of the whole; the remainder are majority of a quorum)	Appeal based on record below; except on matters from PZB, which are de novo.	Voting: City Charter §13 (ordinances & resolutions by majority vote)  Development Review Code – chart; Zoning Code Article 3: Appeals  Contact: City Atty Craig Leen (review by city complete)
Hialeah	Planning and Zoning Bd.: Area Variances, Sign variances pursuant to §74-116, appeals of administrative variances pursuant to	City Council	Majority of a quorum (min. 3 votes)	De novo	Charter §4.07(a)(2); Code §§ 98-36, 98-132  Contact: Asst. City Atty Lorena Bravo (review by city complete)

City/ County	Authority/ Board(s)	Review or Appeal by ...	Vote On Review or Appeal	Standard of Review	City Code Provision/ References
	§98-261				
Hialeah cont'd	Recom- mendation by Planning and Zoning Bd.: Use variances, conditional use permits, special use permits, zoning changes, final plats	City Council by ordinance	Majority of Quorum (min. 3 votes) 5/7 votes required if overriding recommen- dation of denial by PZ Board	De novo	Charter §4.07(a)(3); Code §98-132
Key Biscayne		Village Council- appeals of administrative decisions; original jurisdiction over conditional uses; site plan review; variances.	Majority	De Novo	City Code §§ 30-63 – 30-68; 30-70; 30-72 – 30-73.  Contact: Village Atty Stephen Helfman (review by city complete)

City/ County	Authority/ Board(s)	Review or Appeal by ...	Vote On Review or Appeal	Standard of Review	City Code Provision/ References
Miami	<p>Planning, Zoning and Appeals Board – (PZAB) the local planning agency - handles appeals of zoning interpretations, planning determinations of use, waivers, warrants and revocations or rescissions of such special permits or uses</p> <p>PZAB has advisory role of Rezoning, Special Area Plans, Alcohol exceptions, and review of Exceptions, Variances, &amp; Street closures</p>	<p>City Commission handles appeals from PZAB on zoning interpretations, planning determinations of use, waivers, warrants, and appeals of review of variances and exceptions</p> <p>Handles original review of rezoning, Special Area Plans, Development Agreements, Waterfront Variances, Alcohol Exceptions, Plats, Exceptions for Nonconforming transitional uses</p>	<p>Majority for City Commission</p> <p>Super-majority for PZAB on rezoning, or special area plan, or to approve an exception. Super-majority consists of one more member than a simple majority.</p>	De novo.	<p>Miami 21 Zoning Ordinance Article 7 §7.1.1, 7.1.1.4 and 7.1.1.5; and 7.1.2.2 - 7.1.2.8.</p> <p>City Code § 62-17, 62-18</p> <p>Charter § 38, § 3mm</p> <p>Contact: Asst. City Atty Victoria Mendez. (review by city complete)</p>

City/ County	Authority/ Board(s)	Review or Appeal by ...	Vote On Review or Appeal	Standard of Review	City Code Provision/ References
North Miami	Director of Building and Zoning  Development Review Committee  Board of Adjustment  Planning Commission	City Council (appeals from Board of Adjustment/ variances; conditional uses/planned development; platting/sub-division; vested rights; special exceptions)	Majority	De novo (quasi-judicial public hearing).	City Code, Chapter 29, §2-101 - City Council; Division 4-Conditional Uses; Division 5- Special Exceptions; Division 6-Variances; Division 7- Appeals.  Contact: City Atty Regine Monestime (review by city complete)
North Miami Beach	Planning and Zoning Board	City Council (appeals, conditional uses, variances, site plans)	All matters under jurisdiction of P&Z Board are recommendation only, subject to final decision by City Council. Majority plus 1 vote to approve; 2/3 vote to overrule a recommendation of denial on variance. Except as	De novo (per City Attorney).	City Code §24-179(C); City Charter §106.  Contact: City Atty Darcee Seigel. (review by city complete)

City/ County	Authority/ Board(s)	Review or Appeal by ...	Vote On Review or Appeal	Standard of Review	City Code Provision/ References
			noted in Exhibit "B"		
Fort Lauderdale	Department (Site Plan Level I) Further review by City Comm'n is allowed in some cases. see §47-26A.2	Planning and Zoning Board	Majority	De novo	Chapter 47, Unified Land Development Regulations, § 47-24.1, Table 1 (discusses each permit and board or comm'n review). §47-24.2, site plan development permit; § 47-24.3, conditional use permit requirements.  VI: Appeals §47-26B.1.A.  Contact: City Atty D'Wayne Spence (review by city complete)
Fort Lauderdale cont'd	Development review committee (Site Plan Level II) Further review by City Comm'n is allowed in some cases. see §47-	Planning and Zoning Board	Majority	De novo	

City/ County	Authority/ Board(s)	Review or Appeal by ...	Vote On Review or Appeal	Standard of Review	City Code Provision/ References
	26A.2				
Fort Lauderdale cont'd	Planning and Zoning Board  (Site Plan Level III) Further review by City Comm'n is allowed in some cases. see §47- 26A.2	City Commission	Majority	Appellate review standards (departure from essential requirements of law, and competent substantial evidence), if the Comm'n finds that these standards were violated, it can then conduct a de novo hearing on the application. (see §47-26B.1.A.1).	
Fort Lauderdale cont'd	City Commission  (Site Plan Level IV)	Circuit Court  (Petition for Writ of Certiorari)			
Hollywood	Planning and Develop- ment Board,  Historic Preserva-tion Board, and  Administra- tive Decisions.	City Commission (initiated as a request for review of a board decision either by 3 commission- ers, or by appeal)	Action on merits of Comm'n Request Review- majority vote.  Appeals- rev. or mod.- 5/7 vote; affirm. - 3/7 vote.	De novo.	City Code, Zoning and Land Development Regulations, Article 5, §§5.6 – 5.7.  Contact: Asst. City Atty Debra- Ann Reese (review by city complete)

City/ County	Authority/ Board(s)	Review or Appeal by ...	Vote On Review or Appeal	Standard of Review	City Code Provision/ References
Jacksonville	Planning Commission  Downtown Development Review Board (acts as planning comm'n for dntn)	City Council - appeals of zoning exception & variances; appeals of waivers of liquor distance; original jurisdiction over road frontage and signs; an appeal of an interpretation of or enforcement of the comprehensive plan by the Planning Director	Majority	De novo.	§656.140 - §656.145  Contact: Asst. City Atty Dylan Reingold (review by city complete)
Orlando	Municipal Planning Board  Board of Zoning Adjustment  Historic Preservation Board  Appearance Review Board	Appeals first go to a hearing officer, and then all may be appealed to City Council (conditional use permit, development plan review, master plan (project) review, variances)	Majority	De novo before the hearing officer. Appellate review standard before City Council.	City Code, Chapter 65, Officers, Boards and Procedures, 2D- Conditional Use Permit; 2E-Development Plan Review; 2G, Planning & Zoning Appeals; 2H-Site Plan Review; 2J- Admin & BOA Variances;  Contact: City Atty: David Bass (review by city complete)

City/ County	Authority/ Board(s)	Review or Appeal by ...	Vote On Review or Appeal	Standard of Review	City Code Provision/ References
Tampa	Zoning Administrator  Variance Review Board  Architectural Review Committee  Historic Preservation Commission	City Council	Four votes (of 7) required	In reviewing a board decision, city council shall apply a <i>de novo</i> standard of review, and shall not be limited in its review to that information, documentation, or evidence upon which the board based its determination.  City council review of zoning administrator decision shall follow a hearing officer's review, and be based upon appellate review standards.	Chapter 27 ZONING ARTICLE XV ADMINISTRATI ON §27-373  Contact: Asst. City Atty Julia Mandell Cole (review by city complete)
Broward County	Zoning	Hearing Officer (variances, administrative appeals) & County Commission (appeals by Mayor or District Commissioner from hearing	Majority	The hearing officer shall conduct quasi-judicial hearings, take testimony, and review documentary evidence submitted by parties requesting a variance from the terms of the Code, and by parties concerning appeals from an administrative	Chapter 39: Zoning Article V, Variances, Admin Determinations & Appeals, §§39-35 thru 39-44  Contact: Deputy County Attorney Maite Azcoitia (review by

City/ County	Authority/ Board(s)	Review or Appeal by ...	Vote On Review or Appeal	Standard of Review	City Code Provision/ References
		officer)		decision rendered by the zoning official relating to any provision of the Code.  Appeals to County Comm'n are based on record below.	county complete)
Miami-Dade County	Community Zoning Appeals Board-note appeals of decisions go directly to Court unless rezoning which appeals go to the County Commission	County Commission (appeals, applications in more than one CZAB district, appeals of admin decisions; application where takings is alleged and takings administrative process is filed; other direct zoning applications to County Commission as set forth in 33-314 (A) and 33-314 (C).	Appeals: 2/3 vote if the decision was for denial before the CZAB; otherwise, majority. Certain modification of covenants require 2/3 vote.	De Novo Review §33-313	Miami-Dade County Code, §33-312 – 314.  Contact- Asst. County Atty Craig Collier. (review by county complete)

**ARTICLE 3 - DEVELOPMENT REVIEW**

<i>Development approvals</i>	<i>Refer to Article 3, Divisions 2 and 3 See also ...</i>	<i>Preliminary review</i>	<i>Recommendation after public hearing of ...</i>	<i>Final decision made by ...</i>
<b>Abandonment and Vacations</b>	Division 12	Development Review Committee	Planning and Zoning Board	City Commission
<b>Appeals</b>				
Appeals from City Architect	Division 6		Not Required	Board of Architects
Appeals from City Officials (other than HPO)	Division 6		Not Required	Board of Adjustment
Appeals from Decisions of the Board of Architects	Division 6		Not Required	City Commission
Appeals from Decisions of the Board of Adjustment	Division 6		Not Required	City Commission
Appeals from Historic Preservation Board	Divisions 6 & 11		Not Required	City Commission
Appeals from Historic Preservation Officer	Divisions 6 & 11			Historic Preservation Board
<b>Comprehensive Plan (CP)</b>				
Map Change	Division 15	Planning Department	Planning and Zoning Board	City Commission
Text Change	Division 15	Planning Department	Planning and Zoning Board	City Commission
<b>Conditional Uses</b>	Division 4	Development Review Committee, Board of Adjustment	Board of Architects, Planning and Zoning Board	City Commission
<b>Development Agreement</b>	Division 19		Board of Architects, Planning and Zoning Board	City Commission
<b>Development of Regional Impact</b>	Division 16	Development Review Official	Planning and Zoning Board	City Commission
<b>Historic Preservation</b>				
Historic Designation	Division 11	Historical Resources Department, Historic Preservation Officer	NA	Historic Preservation Board
Standard Certificate of Appropriateness	Division 11	Historic Preservation Officer	NA	Historic Preservation Officer
Special Certificate of Appropriateness	Division 11	HPO, Building and Zoning Department	NA	Historic Preservation Board

LUDC#36

**ARTICLE 3 - DEVELOPMENT REVIEW**

<i>Development approvals</i>	<i>Refer to Article 3, Divisions 2 and 3 See also ...</i>	<i>Preliminary review</i>	<i>Recommendation after public hearing of ...</i>	<i>Final decision made by ...</i>
<b>Planned Area Development</b>	Division 5		Planning and Zoning Board	City Commission
<b>Separation or Establishment of a Building Site</b>	Section 3-206; Article 3, Division 4	Development Review Official	Planning and Zoning Board	City Commission
<b>Subdivision/Platting</b>	Division 9	Development Review Official	Planning and Zoning Board	City Commission
<b>Transfer of Development Rights</b>	Division 10	Development Review Committee, Board of Adjustment	Planning and Zoning Board & Historic Preservation Board	City Commission
<b>Variances</b>	Division 8	Historical Resources Department or Department of Building and Zoning	Not Required	Board of Adjustment or Historic Preservation Board
<b>Vested Rights</b>	Division 18	Development Review Official	Planning and Zoning Board	City Commission
<b>Zoning in Progress / Moratorium</b>	Division 7	Planning Department		
<b>Zoning Code</b>				
Map Amendment	Division 14	Development Review Official	Planning and Zoning Board	City Commission
Text Amendment	Division 14	Development Review Official	Planning and Zoning Board	City Commission

LUDC#37

North Miami Beach City Code

Section 24-170. Development Permits

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(B) Super-Majority City Council approval required for comprehensive land use plan, comprehensive plan amendments and development orders. Any City comprehensive land use plan, City comprehensive land use plan (text and map) amendment, land development code amendment, rezoning, conditional use, subdivision plat, variance, site plan, special limited conditional use, planned unit development zoning and or any development order (defined by Florida Statutes) subject to a City Council vote shall only be adopted or approved by the City Council by majority plus one (1) vote of the Council, with the following exceptions: development orders relating to any proposed project that complies with the height and density cap established in Section 24-33 above and contains only standard site variances or only de minimus dimensional variances, may be approved by a simple majority vote of the Council: development orders to allow residential building height above fifteen (15) stories may only be approved by a majority plus two (2) votes of City Council. This provision may be amended or repealed only by a majority plus one (1) vote of the City Council or by voter referendum. (Ord. No. 2007-12, 12/18/2007).

Exhibit "B"

**LUDC#38**

**ITEM  
FOUR**



# MIAMI BEACH

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: Kathie G. Brooks, Interim City Manager *[Signature] for KGB*

DATE: February 13, 2013

SUBJECT: **DISCUSSION REGARDING FOOD TRUCKS ON PRIVATE PROPERTY**

### **BACKGROUND**

On September 12, 2012, at the request of Commissioner Wolfson, the Mayor and City Commission approved a referral to the Land Use and Development Committee (LUDC) for a discussion regarding permitting Food Trucks on private property.

### **ANALYSIS**

Section 142-874 of the City Code requires that business be conducted within substantially enclosed, permanent buildings. This code section is cited frequently, and is important for discouraging unwanted outdoor business activities, display of inventory in front of stores, and other unaesthetic outdoor sales activities.

#### **Section 142-874. - Required enclosures.**

- (a) *Store enclosures.* In all use districts designated in these land development regulations, the sale, or exposure for sale or rent, of any personal property, including merchandise, groceries or perishable foods, such as vegetables and fruits, is prohibited, unless such sale, or exposure for sale, is made from a substantially enclosed, permanent building; provided, however, that nothing herein contained shall be deemed applicable to rooftop areas not visible from the right-of-way, filling stations, automobile service stations or repair shops; uses having revocable permits or beach concessions operated or granted by the city, newsracks or newspaper stands, or displays at sidewalk cafes as permitted in subsection 82-384(ff), wherever such uses are otherwise permissible.

There are exceptions for rooftops not visible from the right-of-way, gas stations, beach concessions, newsracks, and sidewalk cafes. In order to permit Food

Trucks to operate permanently from private property, this section of the Land Development Code would have to be amended to add an additional exemption.

Currently, the City is exploring the concept of food trucks as part of City sponsored special events. This is permissible through the approval of a special event permit. However, in the past, objections have been raised to permitting food trucks to operate on a more widespread basis within the City, primarily from operators of restaurants already located within permanent buildings. The permitting of a restaurant by the City involves a sometimes arduous process of plan review and licensing, involving requirements to meet a variety of different codes. The existing restaurant industry is likely to argue that permitting mobile food service vendors to operate freely in the City without the same requirements to pay property taxes and absorb the costs associated with building and permitting is unfair.

Without more specifics on the nature of the request, staff cannot analyze the impacts of such a policy, except to say that there may also be issues related to required parking, setbacks, aesthetics and design, alcoholic beverage regulation, hours of operation, and other factors that could be applicable.

#### **ADMINISTRATION RECOMMENDATION**

The Administration seeks guidance from the Committee on the desired policy direction.

KGB/JGG/RGL

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# MIAMIBEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager

*[Handwritten signature]* for KGB

DATE: February 13, 2013

SUBJECT: **DISCUSSION PERTAINING TO “SMARTER MATERIALS FOR NEXT GENERATION INFRASTRUCTURE,” SUCH AS ELIMINATING THE DISPOSAL OF TIRES IN GLOBAL LANDFILLS AND INCINERATORS.**

On December 12, 2012 the City Commission referred this item to the Land Use and Development Committee to discuss “Smarter Materials for Next Generation Infrastructure”.

### **BACKGROUND**

“Smarter Materials for Next Generation Infrastructure” is the trademark for KB, Industries, Inc. (KBI). KBI manufactures products comprised of recycled tires including the product Flexi-Pave. Flexi-Pave is the brand name for a type of pour-in-place, rubber paving surface that is pervious to storm water. The rubber granulate used to create Flexi-Pave is developed from scrap tires that are recycled rather than disposed in landfills or incinerated.

Pour-in-place, rubber paving surface can be used in the construction of trail systems, parking lots, sidewalks, playgrounds, golf courses, and other similar facilities.

### **ANALYSIS**

Porous pavement is an alternate solution to traditional paving surfaces. It can provide increased surface drainage and can reduce storm water run-off by allowing the movement of storm water through the surface. It can also improve water quality by allowing the layers beneath the permeable surface to filter pollutants. In addition, porous pavement that is manufactured using recyclable materials can reduce the amount of waste entering landfills and incinerators.

Any product used for this application would need to be vetted through the City’s competitive bid process. Flexi-Pave is not the sole source provider of porous pavement containing recycled content. Administration has not conducted specific research comparing pour-in-place porous pavement surface manufacturers.

### **CONCLUSION**

The above information is provided for discussion by members of the Land Use and Development Committee.

JGG/FHB/JJF/RWS/ESW/MWK

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# MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Kathie Brooks, City Manager

FROM: Michael Góngora, Vice Mayor 

DATE: December 4, 2012

SUBJECT: Referral Item for December 12 Commission Meeting

Please place on the December Commission meeting consent agenda a referral to the Land Use and Development Committee a discussion item pertaining to "Smarter Materials for Next Generation Infrastructure," such as eliminating the disposal of tires in global landfills and incinerators. If you have any questions please feel free to contact my aide Diana Fontani at ext 6087.

MG/df

Agenda Item CYM  
 Date 12-12-12

**ITEM  
SIX**



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager

DATE: February 13, 2013

SUBJECT: **DISCUSSION REGARDING AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS THAT WILL CREATE PROTECTION FROM TOTAL DEMOLITION OF ARCHITECTURALLY SIGNIFICANT SINGLE FAMILY HOMES BUILT PRIOR TO 1942.**

### **BACKGROUND**

On November 5, 2012 the Land Use and Development Committee discussed and referred a proposed Ordinance pertaining to the year of review for architecturally significant single family homes to the Planning Board for consideration. Such Ordinance, which was recommended for approval by the Planning Board on January 22, 2013, and is scheduled to go before the City Commission on March 13, 2013, would move the date for the review of architecturally significant homes from the current 1942 to 1966.

On December 12, 2012, the City Commission referred a discussion item to the Land Use and Development Committee, pertaining to amendments that would create additional protections from total demolition of architecturally significant single family homes.

### **Non-Historically Designated Single Family Homes**

In recognition of Miami Beach's extraordinary inventory of architecturally significant single family homes, the City Commission adopted amendments to the City Code on April 10, 2002, intended to provide incentives for property owners to retain and rehabilitate, rather than demolish, architecturally significant single family homes constructed prior to 1942. This ordinance established criteria for Planning Staff to make a determination as to whether a single-family home constructed before 1942 is architecturally significant, and provided a clearly defined process for the review of any demolition requests for architecturally significant single-family homes. A Single Family Residential Review Panel (SFRRP) was created in 2002 to review requests for demolition and alterations of architecturally significant pre-1942 homes. The Panels review and recommendations were non-binding. In part, these amendments to the City Code were designed to reduce a growing trend of architecturally significant homes being demolished for speculation, or to be replaced by large 'McMansion' type structures that were highly incompatible with the unique character of Miami Beach's single family residential neighborhoods.

On December 8, 2004, the City Commission adopted revisions to the single family development regulations in the City Code, pertaining to demolition procedures for architecturally significant single-family homes constructed prior to 1942 and located outside of local historic districts and sites. This Ordinance included specific criteria for

applications involving total and partial demolition. Specifically, any requests for the total demolition of an architecturally significant pre-1942 home would require Design Review Board approval for the proposed new construction. In addition, the extent of administrative level approval was modified to be consistent with the criteria in the Design Review and Historic Preservation sections of the City Code. As a result of these amendments the City has seen improvement in the quality, character and design of new replacement construction, as well as additions to existing architecturally significant pre-1942 single family homes. While there is no prohibition of the total demolition of architecturally significant homes, the ordinance does provide some limited incentives for retaining, renovating and expanding architecturally significant homes.

On July 25, 2012 the Land Use and Development Committee discussed a Historic Preservation Board Resolution regarding the review procedures for the demolition of architecturally significant single family homes located outside of historic districts. The Land Use Committee directed staff to draft an ordinance amendment revising the date for the review of architectural significance for homes from those constructed prior to 1942 to those homes constructed prior to 1966, which is generally the acknowledged cutoff date for Miami Beach homes designed and constructed in the Miami Modern or 'MiMo' style.

Since the original ordinance was adopted in 2002, approximately 160 architecturally significant pre-1942 homes have been reviewed by either the SFRRP or the DRB. On average, applications for major alterations or new construction are normally approved by the Board in a single public hearing.

#### **Voluntary Historic Designation of Single Family Homes**

On June 11, 2003, the City Commission adopted revisions to the Land Development regulations of the City Code, which established requirements and procedures specific to the voluntary individual designation of Single Family Homes. This Ordinance substantially reduced the burden and expense on an individual property owner who would like to historically designate a qualifying single family home by allowing the Historic Preservation Board (HPB) to consider and approve a request for the voluntary designation of a single family home as an 'historic structure' in one public hearing with no application fee for the home owner. The simplification of the designation process was critical in making individual designations of homes possible and has resulted in 26 unique structures being voluntarily historically designated by their owners since 2003. Such designations range from the most modest of historically significant homes to the most grandiose waterfront estates.

To further incentivize the preservation and appropriate renovation of historically significant single family homes, the City of Miami Beach enacted legislation authorizing an exemption for its portion of ad valorem taxes for improvements to historically designated single-family homes on December 8, 2004 (Sections 118-600 to 118-612 of the Miami Beach City Code). This legislation allows for the City's portion of property taxes to be "frozen" at the rate they were assessed before qualifying improvements, including the construction of new additions, are made to an historic single-family home for a period of ten (10) years.

### **ANALYSIS**

The DRB review of new construction where architecturally significant homes are proposed to be demolished has been an invaluable tool in trying to address the character and scale of single family residential neighborhoods. However, over the past few years, staff has seen a very significant increase in the number of total demolition requests for architecturally significant single family homes. Specifically, in 2012 there were 20 requests for total demolition and new construction, while only 21 such requests were submitted over the 7 year period from 2005 thru 2011, as shown below:

Year:	<u>2012</u>	<u>2011</u>	<u>2010</u>	<u>2009</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>2005</u>
Homes Proposed for Total Demolition:	20	3	4	0	5	1	4	4

As more and more of the homes that define very large and significant portions of the City are lost, the character, identity and brand that makes Miami Beach a very special place will, unfortunately, begin to erode.

There are different methods to address this policy issue. One is to evaluate and consider the historic designation of single family districts. This particular option, though, is highly time consuming and would require months, if not years, of study, discussion and resources, simply given the quantity of single family homes that would likely be eligible for designation.

Another alternative to address the increase in demolition requests for architecturally significant homes is through the design and development process. Currently, section 142-108 of the City Code, which governs the review procedures for architecturally significant homes, provides some limited incentives for retaining such homes, as well as disincentives for total demolition. Through 2011, these limited incentives and disincentives seemed to be adequate; however, as has been evidenced by the spike in demolition requests for architecturally significant homes in 2012, more may be needed.

In this regard, staff has developed some potential options for further incentivizing the voluntary retention of architecturally significant single family homes, as well as disincentivizing the demolition.

### **Proposed Incentive Measures**

Currently, the Code allows for up to 35% lot coverage, for new construction and additions associated with the retention of architecturally significant homes, to be approved administratively. In addition to this, the following could also be reviewed at the administrative level, as part of the substantial retention of an architecturally significant home:

- The total unit size may be increased to, but shall not exceed 70 percent, and may be approved at the administrative level.
- For lots less than 60' in width, the overall height of any addition, including allowable roof-top additions, may be increased up to 30' above grade, and may be approved at the administrative level.
- For lots greater than 60' in width, the overall height of any addition, including allowable roof-top additions, may be increased up to 33' above grade, and may be approved at the administrative level.

- The minimum courtyard requirements specified in Section 142-106 (2).c may be waived at the administrative level, provided that the design criteria in Section 142-105 has been satisfied, subject to the approval of the Planning Director or designee.

#### **Proposed Disincentive Measures**

Currently, the Code sets limits to the overall lot coverage of proposed new buildings or structures in those instances where an architecturally significant home is substantially demolished. These existing restrictions are based upon lot size, as delineated below:

- For lots 10,000 square feet or less, the lot coverage shall not exceed 30 percent;
- For lots greater than 10,000 square feet, but less than 25,000 square feet, the lot coverage shall not exceed 25 percent;
- For lots 25,000 square feet or greater, the lot coverage shall not exceed 15 percent.

However, the DRB may, and frequently does, forgo the above noted lot coverage restrictions, if it concludes that the retention of the architecturally significant single-family home is not practical or feasible. This determination to waive the lot coverage restrictions is based upon specific criteria in the code, which is somewhat subjective.

The following are potential additional disincentives for the total demolition of architecturally significant homes:

- Further, mandatory restrictions to the lot coverage of proposed new buildings or structures in those instances where an architecturally significant home is substantially demolished AND the elimination of the DRB's ability to waive the lot coverage restrictions, based upon lot size.
- Reducing the total unit size for the new home to not exceed 50% (the DRB can approve up to 70% under the current code).
- Capping the height of any new construction at 30' above grade (The DRB can allow up to 33', depending upon the width of the lot).

While these modifications would not prohibit an application for total demolition, they do provide tangible incentives for the retention of existing homes. Additionally, should a demolition request move forward, these proposals would more substantially reduce the scale, massing and size of replacement construction, thus better addressing the original, lower scale context of single family architecture on Miami Beach.

#### **RECOMMENDATION**

The Administration recommends that the Land Use and Development Committee provide further policy direction. Upon direction from the LUDC, the Administration will draft amendments to the single family development regulations.

*John For RGL*  
KGB/JGG/RGL/TRM

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# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathie Brooks, Interim City Manager  
Rafael E. Granado, City Clerk

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FROM: Mayor Matti Herrera Bower 

DATE: December 5, 2012

SUBJECT: **Agenda Item for December 12, 2012 Commission Meeting -  
Referral To The Planning Board**

Please place on the December 12<sup>th</sup> City Commission Agenda a referral to the Planning Board for consideration of an amendment to the Land Development Regulations that will create protection from total demolition of architecturally significant single family homes built prior to 1942.

**ITEM SEVEN**



# MIAMI BEACH

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

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager 

DATE: February 13, 2013

SUBJECT: **DISCUSSION CONCERNING A PROPOSED AMENDMENT OF THE CHARTER TO PROHIBIT THE INVOLUNTARY DESIGNATION OF SINGLE-FAMILY RESIDENCES AS INDIVIDUAL HISTORIC SITES, HEREINAFTER REFERRED TO AS THE MIAMI BEACH HOMEOWNER PROTECTION ACT.**

### **BACKGROUND**

On January 16, 2013, at the request of Commissioner Wolfson, the City Commission referred a discussion item to the Land Use and Development Committee, pertaining to a Charter Amendment that would require owner consent for the designation of a single family home.

### **ANALYSIS**

Under Article X of the City Code (Historic Preservation), a request for the designation of an individual historic site or historic district may be made to the Historic Preservation Board by:

1. A motion of the Historic Preservation Board
2. The City Manager
3. By resolution of the Planning Board
4. By resolution of the City Commission
5. By resolution of the County Historic Preservation Board
6. By resolution of any organization whose purpose is to promote the preservation of historic sites.
7. By any property owner in respect to his own property
8. By a majority of property owners of record within a proposed district

The current ordinance does not require a property owners consent for the designation of their property either as a single site, or as part of a larger district.

From a legal standpoint, it appears that adding an owner consent provision to the City Charter or the City Code is permitted. While there is a provision of the County Code that prohibits municipal owner consent provisions, a further provision exempts municipalities that are Certified Local Governments from this prohibition. Since the City of Miami Beach is a Certified Local Government ("CLG"), the exemption applies and nullifies the prohibition. This has been confirmed by conversations with the County's Historic Preservation Officer, the Director of the State CLG program, and with the County Attorney's office.

At some point in time there was litigation between Miami-Dade County and the City of Miami Beach regarding an owner consent provision being a violation of the County's minimum standards. Although the City Attorneys office has been unable to document this litigation, they have reached the conclusion that the latest version of the County Code controls, and thus, owner consent is not prohibited by County law. The State CLG regulations do not prevent local governments from having owner consent provisions, and there does not appear to be any other provisions of state law to prevent it either.

On November 6, 2012, a Charter Amendment was approved by the electorate, which requires voter approval in order to reduce the Historic Preservation Board's powers and duties or Historic Preservation Standards. The present proposal would be consistent with this Charter provision.

**RECOMMENDATION**

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

<sup>AL</sup>  
KGB/JGG/RGL/TRM

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Feb 2013\LUDC.docx



# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathy Brooks, Interim-City Manager  
FROM: Jonah Wolfson, Commissioner  
DATE: January 9<sup>th</sup>, 2013  
SUBJECT: **Agenda Item**

Please place on the January 16<sup>th</sup>, 2013, Commission Meeting Agenda a referral to the Land Use and Development Committee for a discussion concerning a proposed amendment of the Charter to prohibit the involuntary designation of Single-Family Residences as individual historic sites, hereinafter referred to as the Miami Beach Homeowner Protection Act.

If you have any questions, please contact Leonor Hernandez at extension 6437.

JW/lh

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# MIAMI BEACH

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

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager  for KGB

DATE: February 13, 2013

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 66, ENTITLED "MARINE STRUCTURES, FACILITIES AND VEHICLES," BY AMENDING ARTICLE II, TO BE ENTITLED "RESTRICTED WAKE ZONES," TO CREATE REGULATIONS FOR RESTRICTED WAKE ZONES; PROVIDING FOR A PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESTRICTED AREAS; PROVIDING FOR POSTING OF REGULATORY MARKERS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

### **ADMINISTRATION RECOMMENDATION**

Adopt the Resolution.

### **KEY INTENDED OUTCOME**

Increase community satisfaction with City government

Enhance the environmental sustainability of the community.

### **BACKGROUND**

The proposed ordinance would provide regulations for the safe operation of motorboats and other vessels in or upon waters within the jurisdiction of the City of Miami Beach. The City has the authority to create such an ordinance based on Section 327.46, Florida Statutes (F.S.) which went into effect October 1, 2009. Section 327.46, F.S. encourages local governments to establish boating restricted areas where needed. The statute does, however, place specific limitations on where and for what purposes boating restricted areas can be established. The statute identifies zones that be established with state review, zones that can be established without state review, as well as areas which can be designated for the purpose of public safety. The Florida Fish and Wildlife Conservation Commission (FWC) is the agency responsible for conducting the aforementioned state review.

### **COMMITTEE REVIEW**

On September 24, 2012, the Neighborhoods Committee held a discussion relative to this ordinance and unanimously voted to transmit the proposed ordinance to the City Commission with a favorable recommendation.

On October 9, 2012, the Marine Authority held a discussion relative to this ordinance and unanimously voted to transmit the proposed ordinance to the City Commission with a favorable recommendation.

### **CITY COMMISSION MEETING – DECEMBER 12, 2012**

This item was presented to the City Commission at their regularly scheduled December 12, 2012 meeting. During discussion of the proposed ordinance amendment Commissioner Wolfson expressed a concern with larger “No Wake Zones” and the item was subsequently referred to the Land Use and Development Committee.

### **PROPOSED ORDINANCE**

In order to address Commissioner Wolfson’s concerns changes were made to the ordinance and a redline version of the ordinance attached for your reference.

In summary, the idle speed zone proposed for the area around the fuel pump within the Miami Beach Marina has been removed from the ordinance. Additionally, the slow speed zoned proposed for the area on the south side of the bridge which connects Belle Isle with Rivo Alto Island has been removed. Finally, the scope of the proposed slow speed zone west of the Sunset Harbor area has been reduced. Please see the attached map. Previously, the proposed area extended west around Belle Isle and connected with the Belle Isle-Rivo Alto bridge, the current proposed slow speed zone extends only to about the midpoint of Belle Isle.

The proposed ordinance still protects the waters surrounding the public access boat ramp within the Maurice Gibb Memorial Park and the blind corner created by the Sunset Harbor Marina with idle speed zones. The remaining proposed idle speed zones are necessary to protect waterway users from large wakes thrown by passing vessels. This is especially true given the types of waterway uses in this area, which include stand-up paddle boards, kayaks, and other small watercraft.

### **FISCAL IMPACT**

In accordance with Charter Section 5.02, which requires that the “City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions,” this shall confirm that the City Administration evaluated the long term economic impact (at least 5 years) of this proposed legislative action. The proposed Ordinance should not have a significant fiscal impact upon the City, as this Ordinance would only require installation of “idle speed no wake” (no wake) and “slow speed minimum wake” (slow speed) signs. Considering that the Marine Patrol station is adjacent to the area there is no increase enforcement costs.

### **CONCLUSION**

The waters surrounding the City of Miami Beach are one of the City’s greatest sources of enjoyment. The proposed restricted wake ordinance presents a proactive tool for increasing the safe enjoyment of this City resource. The City should certainly make use of every avenue possible for increasing quality of life for residents and minimizing risks to safety. Further, this type of ordinance is specifically encouraged by Section 327.46, F.S. for boating safety reasons.

Additionally, it is recommended that the No Wake Zone Ordinance be referred to the Neighborhoods and Community Affairs Committee in-between first and second reading for its

No Wake Zone / Slow Speed Zone  
Land Use and Development Committee  
February 13, 2013  
Page 3 of 3

further consideration as that Committee approved the concept of a No Wake Zone at its September meeting, but it has not considered the specific provisions of the proposed Ordinance.

KGB\MAS

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 66, ENTITLED "MARINE STRUCTURES, FACILITIES AND VEHICLES," BY AMENDING ARTICLE II, TO BE ENTITLED "RESTRICTED WAKE ZONES," TO CREATE REGULATIONS FOR RESTRICTED WAKE ZONES; PROVIDING FOR A PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESTRICTED AREAS; PROVIDING FOR POSTING OF REGULATORY MARKERS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach, Florida is authorized to regulate vessel operations, including the speed and wake of vessels, under Sections 327.46 and 327.60 of the Florida Statutes; and

**WHEREAS**, the City Commission has determined that the unregulated operation of vessels on the waterways in the City of Miami Beach constitutes a potential hazard to the safety and welfare of the citizens of City of Miami Beach; and

**WHEREAS**, vessels used as a means of transportation on water have been declared to be dangerous instrumentalities in the State of Florida, pursuant to 327.32, Florida Statutes; and

**WHEREAS**, boating restricted areas are necessary to avoid safety hazards to persons, property, and marine life resulting from vessels traveling at excessive speeds; and

**WHEREAS**, the amendments set forth below are necessary to accomplish the above objectives.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA as follows:**

**SECTION 1.** That Article II of Chapter 66 of the Miami Beach City Code is hereby amended to provide for restricted wake zones as follows:

**CHAPTER 66**

**MARINE STRUCTURES, FACILITIES AND VEHICLES**

\* \* \*

**Article II. Reserved Restricted Wake Zones.**

**Sec. 66-41. Reserved Purpose.**

The purpose of this ordinance is to provide regulations for the safe operation of motorboats and other vessels in or upon the waters within the jurisdiction of the City of Miami Beach consistent with Chapters 125 and 327, Florida Statutes, and Chapters 68D-21 and/or 68D-23, Florida Administrative Code, and as such Chapters and Codes shall be amended from time to time.

**Sec. 66-42. Definitions.** The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning.

"Boating-restricted Area" means an area of the waters of the state within which the operation of vessels is subject to specified restrictions or from which vessels are excluded.

"Idle Speed" and "Idle Speed No Wake" indicates a boating restricted area which has been established to protect the safety of the public. The terms may be used interchangeably and mean that a vessel must proceed at a speed no greater than that which will maintain steerageway and headway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow.

"Idle Speed No Wake Zone" means an area of a waterway in which a vessel cannot proceed at a speed greater than that specified by the Idle Speed No Wake definition.

"No wake" means that vessel speed which is the minimum required to maintain headway and does not produce a wake.

"Regulatory marker" means a device used to alert the mariner to various regulatory matters such as horsepower, speed, wake, or entry restrictions in conformity with the Uniform State Waterway Marking System and the United States Aids to Navigation System, Part 62 of Title 33 of the Code of Federal Regulations.

"Slow Speed" and "Slow Speed Minimum Wake" indicates a boating restricted area which has been established to protect the safety of the public. The terms may be used interchangeably and mean that a vessel must be fully off plane and completely settled into the water. The vessel must then proceed at a speed which is reasonable and prudent under the prevailing circumstances so as to avoid the creation of an excessive wake or other hazardous conditions which endanger or are likely to endanger other vessels or other persons using the waterway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow.

"Slow Speed Minimum Wake Zone" means an area of a waterway in which a vessel cannot proceed at a speed greater than that specified by the Slow Speed Minimum Wake definition.

"Speed Zone" means any area lawfully posted as a slow speed minimum wake area or idle speed no wake area.

"Vessel" is synonymous with boat as referenced in s. 1(b), Art. VII of the State Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

"Vessel wake" means the movement of waves created by the motion of the vessel. It is the track or path that the vessel leaves behind. Vessel operators shall be responsible for their own wake and liable for any damage it may cause.

"Wake" means when used in conjunction with a numerical size limit all changes in the vertical height of the water's surface caused by the passage of a vessel including, but not limited to, a vessel's bow wave, stern wake, and propeller wash, measured from the ambient tide level to the crest of the vessel's wake at a distance of not less than 25 feet from the vessel.

**Section 66-43. Restricted Areas.**

A. The areas of enforcement of the provisions of this Ordinance shall be all public navigable waters, creeks, lakes, canals and channels, as provided herein, whether natural or manmade, located within the boundaries described below for the purpose necessary to protect the safety of the public as such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards in compliance with Section 327.46, Florida Statutes.

B. Idle Speed No Wake zones shall be established at the following locations:

- 1) ~~Within a 500 foot radius around the fuel pump within the Miami Beach Marina located at 300 Alton Road, Miami Beach, FL.~~
- 2)1) Within a 500 foot radius of the public access boat ramp within the Maurice Gibb Memorial Park.
- 23) Within a 300 foot radius of the blind corner presented by the northwest corner of the Sunset Harbor Yacht Club Marina which obstructs the view between the Biscayne Bay and the channel between the Miami Beach Island and Sunset Island IV.

C. A Slow Speed Minimum Wake zones shall be established:

- 1) ~~Within a 300 foot radius of the south side of the bridge connecting Belle Isle with Rivo Alto Island.~~
- 2)1) That portion of Biscayne Bay which lies west of the Sunset Harbor area of Miami Beach, north of the eastern portion of the Venetian Causeway and Belle Isle, extending south from the approximate center of Sunset Island IV, and east of Rivo Alto Island, excluding the shoal bounded by Markers 3, 4, 5, and 65; additionally excluding areas otherwise designated herein.

**Section 66-44. Posting of Regulatory Markers.**

Implementation of the boating restricted areas is contingent upon receiving all applicable state and/or federal authorizations to insure compliance with Chapter 68D-23, Florida Administrative Code and to assist in navigation consistent with the United States Aids to Navigation System.

Regulatory markers shall be installed and maintained to alert boaters to the existence and boundaries of the boating restricted areas established herein. All regulatory markers shall comply with the standards and regulations provided by state law, specified in Chapters 68D-23.108 and 68D-23.109, Florida Administrative Code. No person shall be charged with a violation of this ordinance prior to the posting of regulatory markers as required by this Section.

All areas designated as "boating restricted areas" shall be so posted with regulatory markers that are in accordance with the provisions of the Florida Fish & Wildlife Conservation Commission's Uniform Waterway Marking System.

**Section 66-45. Exemptions.**

The restrictions created by this Ordinance shall not apply to vessels of any federal, state, county or municipal agency while operated by an officer, employee or agent thereof who is engaged in law enforcement or other necessary municipal or governmental activity.

**Section 66-46. Enforcement and penalties.**

The provisions of this section may be enforced by the Miami Beach Police Department, the Division of Law Enforcement of the Florida Fish and Wildlife Conservation Commission and its officers, and any other authorized law enforcement officer as defined in Section 943.10, Florida Statutes and in accordance with Section 327.70, Florida Statutes.

Pursuant to Section 327.73, Florida Statutes, any person cited for a violation of any provision of this Ordinance shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$50, except as otherwise provided by statute.

**SECTION 2. SEVERABILITY.**

If any section, sentence, clause, or word of this section is for any reason declared to be unenforceable or unconstitutional by a court of competent jurisdiction, the remaining portions shall not be affected.

**SECTION 3. REPEALER.**

Any ordinance, or part thereof, and/or any resolution, or part thereof, which is in conflict with this Ordinance, is hereby repealed to the extent of such conflict.

**SECTION 4. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida, as amended. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section" or other appropriate word.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect the \_\_\_\_\_ day of \_\_\_\_\_, 2013, and upon posting of the regulatory markers permitted in accordance with Sections 327.40 and 327.41, Florida Statutes and the provisions in Chapter 68D-23, Florida Administrative Code.

**PASSED and ADOPTED** this \_\_\_\_\_ day of December, 2012.

**ATTEST:**

\_\_\_\_\_  
MATTI HERRERA BOWER  
MAYOR


\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK


(Sponsored by Commissioner Jorge Exposito)

Underline denotes additions  
~~Strike through~~ denotes deletions

LUDC#64

**LEGEND**

 IDLE SPEED ZONE - NO WAKE

 SLOW SPEED ZONE - MINIMUM WAKE



**COORDINATE TABLE**  
STATE PLANE, NAD 83, FLORIDA EAST - 8N00

NAME	DESCRIPTION	NORTHING	EASTING	LATITUDE	LONGITUDE
MARKER 1	IDLE SPEED	112385.40	100962.86	N27°47'43.00"	W81°08'21.24"
MARKER 2	IDLE SPEED	112385.20	100962.40	N27°47'43.00"	W81°08'21.40"
MARKER 3	SLOW SPEED AHEAD	112386.20	100965.47	N27°47'51.00"	W81°08'18.22"
MARKER 4	SLOW SPEED	112386.20	100965.00	N27°47'49.00"	W81°08'16.70"
MARKER 5	SLOW SPEED	112372.27	100960.84	N27°47'36.20"	W81°08'14.72"
MARKER 6	SLOW SPEED	112387.50	100966.84	N27°47'52.20"	W81°08'14.50"
MARKER 7	IDLE SPEED	112378.50	100964.24	N27°47'54.00"	W81°08'17.00"

**SUNSET HARBOUR YACHT CLUB**  
1928 Purdy Avenue  
Miami Beach, FL 33139

CLIENT:  
**Ms. Claire Spelts**  
Sunset Harbour Yacht Club  
1928 Purdy Avenue  
Miami Beach, FL 33139

ENVIRONMENTAL CONSULTANT:  
**OCEAN CONSULTING, LLC**  
340 Minorca Avenue, Suite 5  
Coral Gables, Florida 33134  
Tel: (305) 921-9344  
Fax: (305) 677-3254

CONTRACTOR:

PROJECT ENGINEER:

SEAL / SIGNATURE / DATE

**PERMIT SKETCH**

Issue # Issue Date  
① December 14, 2012

PROJECT: 10-650

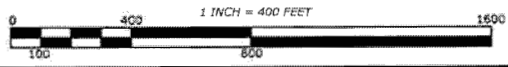
**PROPOSED SPEED ZONE MAP**

SCALE: AS SHOWN  
SHEET NO.

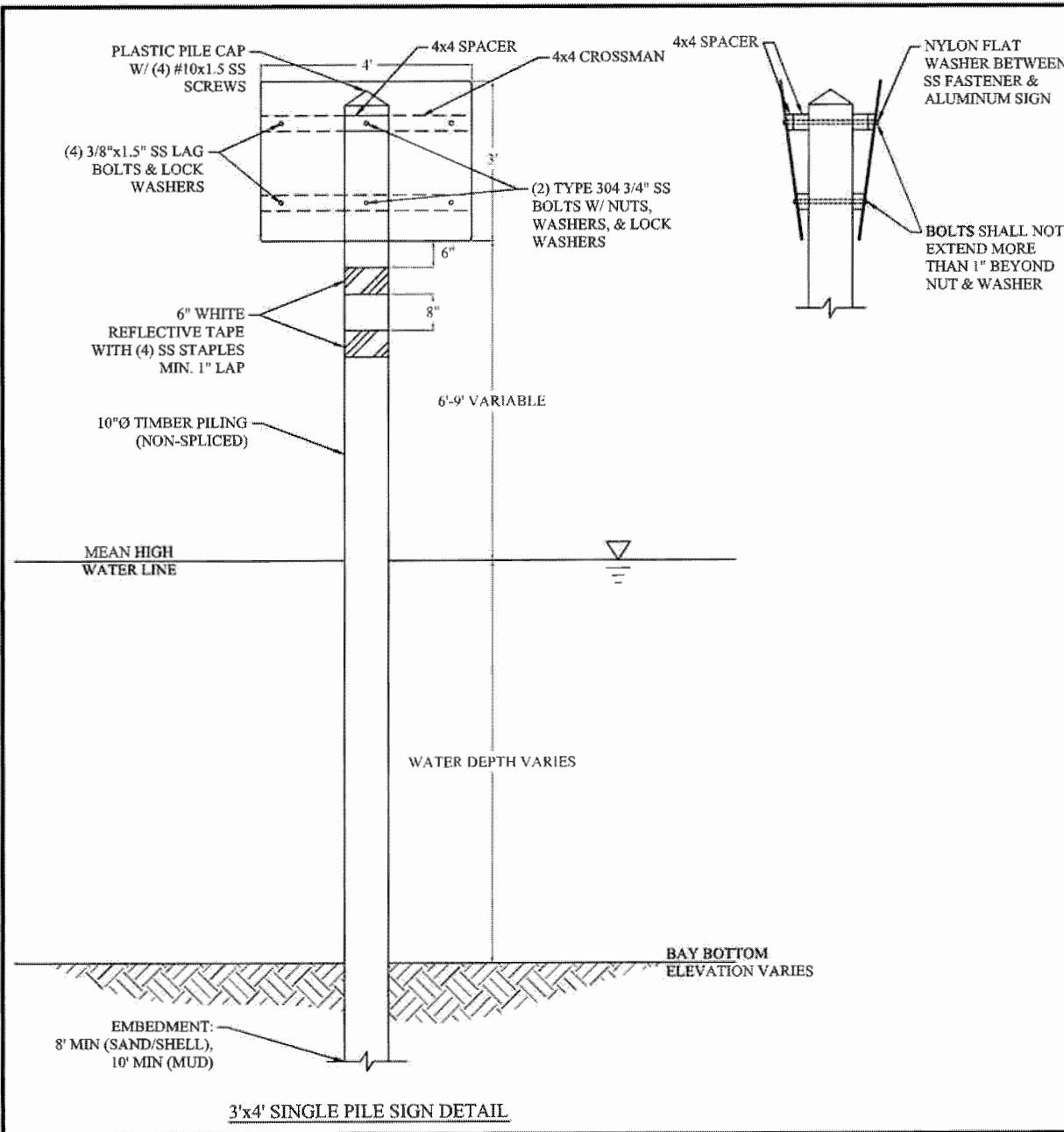
**S-1**



NOTES:  
1. AERIAL IMAGE SOURCE: LABINS 2009.  
2. THIS MAP IS NOT INTENDED FOR NAVIGATIONAL USE.

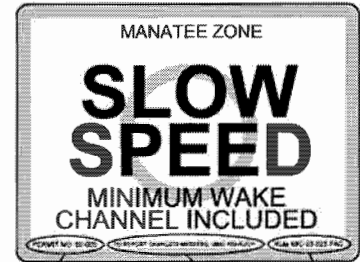
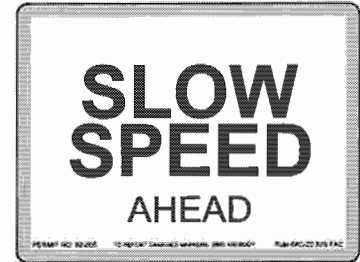
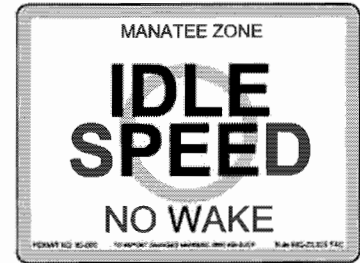


LUDC#65



- NOTES:**
1. ALL PILING SHALL BE PRESSURE TREATED LUMBER (2.50 CCA).
  2. ALL FRAMING FOR SIGNBOARD SHALL BE PRESSURE TREATED LUMBER (0.60 CCA, ACQ, OR 0.60 ACZA).
  3. BOLT HOLE BORED 1/8" LARGER THAN DIAMETER OF BOLT. ALL FASTENERS MUST BE TAMPER RESISTANT.
  4. THE CONTRACTOR SHALL NOT IMPACT THE MESSAGE AREA OR REFLECTIVE SURFACES OF THE SIGN WHEN DRILLING HOLES IN THE SIGNS, OR SPLIT THE ENDS OF THE CROSSING TIMBERS.

**3'x4' SIGN DETAIL**



PERMIT NO: 92-005 TO REPORT DAMAGED MARKERS: (866) 405-BUOY Rule 68C-22.025 FAC

**SUNSET HARBOUR YACHT CLUB**

1928 Purdy Avenue  
Miami Beach, FL 33139

**CLIENT:**  
**Ms. Claire Spelts**  
Sunset Harbour Yacht Club  
1928 Purdy Avenue  
Miami Beach, FL 33139

**ENVIRONMENTAL CONSULTANT:**  
**OCEAN CONSULTING, LLC**  
340 Minorca Avenue, Suite 5  
Coral Gables, Florida 33134  
Tel: (305) 921-9344  
Fax: (305) 677-3254

**CONTRACTOR:**

**PROJECT ENGINEER:**

**SEAL / SIGNATURE / DATE**

**PERMIT SKETCH**

Issue #	Issue Date
①	December 14, 2012

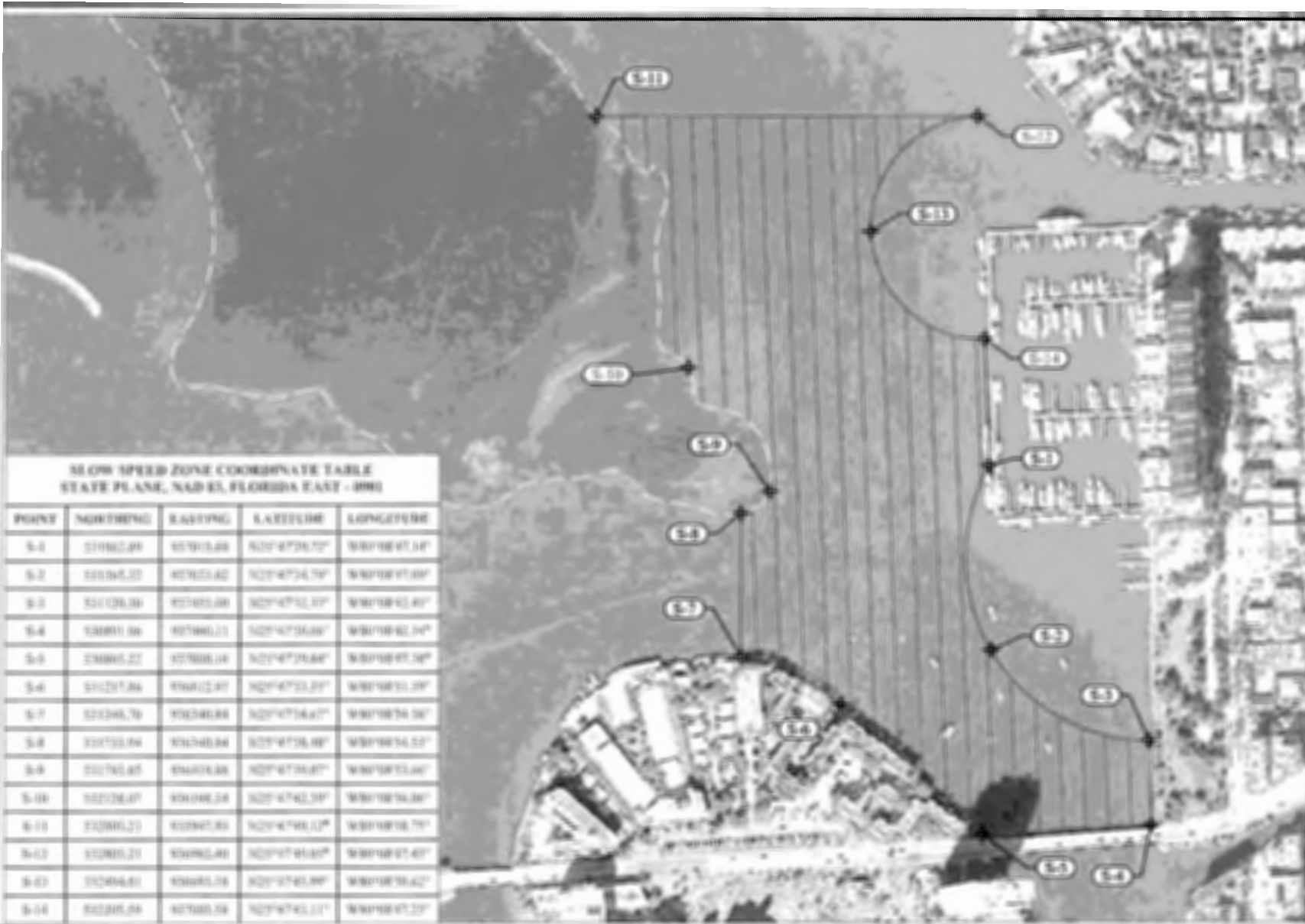
PROJECT: 10-650

**CHANNEL MARKER DETAILS**

SCALE: AS SHOWN  
SHEET NO.

**S-2**

LUDC#66



**SUNSET HARBOUR  
YACHT CLUB**

1928 Purdy Avenue  
Miami Beach, FL 33139

CLIENT:  
**Ms. Claire Spelts**  
Sunset Harbour Yacht Club  
1928 Purdy Avenue  
Miami Beach, FL 33139

ENVIRONMENTAL CONSULTANT:  
**OCEAN  
CONSULTING, LLC**  
340 Minorca Avenue, Suite 5  
Coral Gables, Florida 33134  
Tel: (305) 921-9344  
Fax: (305) 677-3254

CONTRACTOR:

PROJECT ENGINEER:

SEAL / SIGNATURE / DATE

**PERMIT SKETCH**

Issue # Issue Date  
① December 14, 2012

PROJECT: 10-650

**SLOW SPEED ZONE  
BOUNDARY**

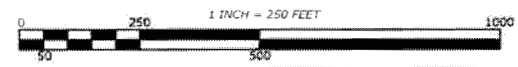
SCALE: AS SHOWN  
SHEET NO.

**S-3**

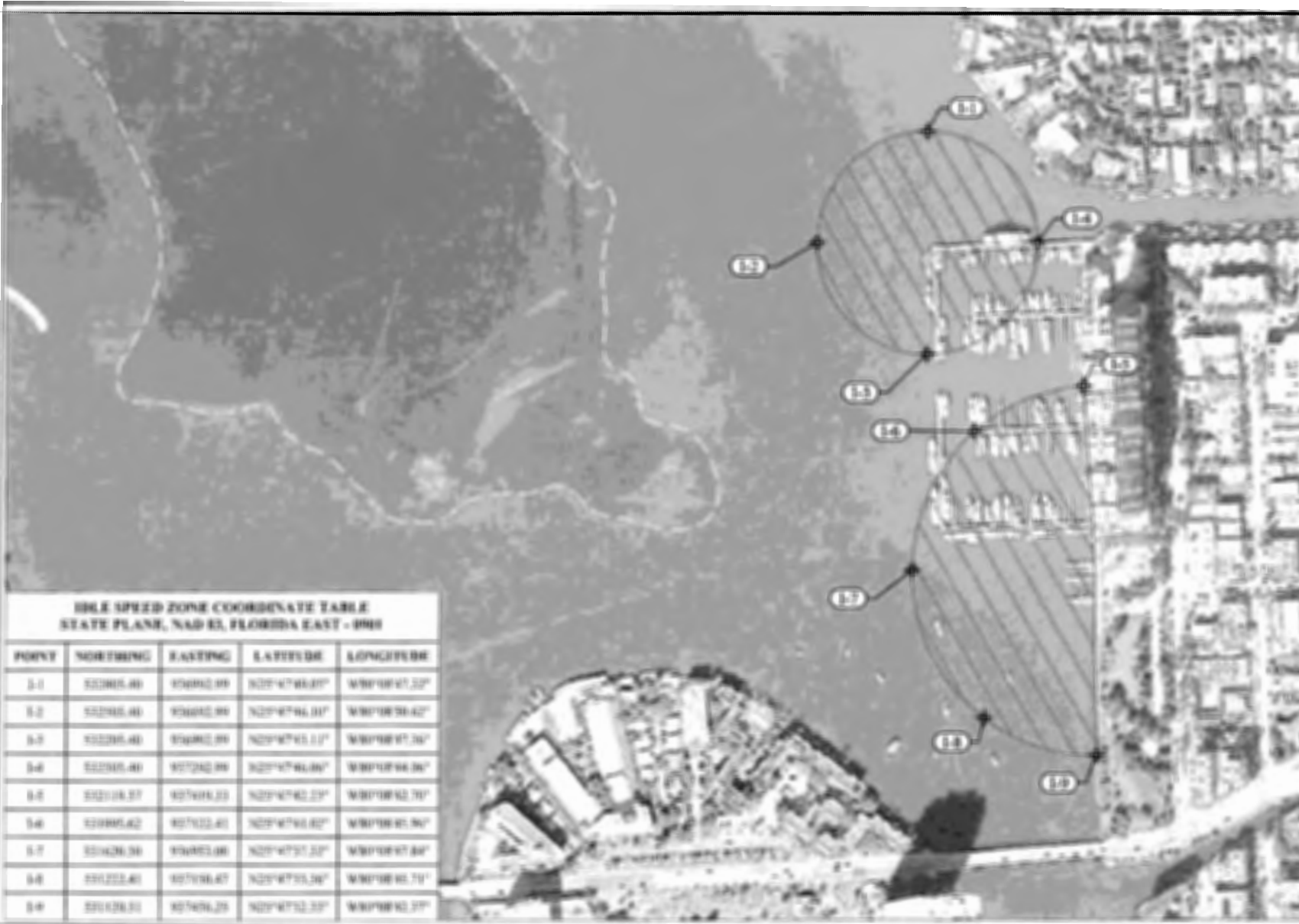
**SLOW SPEED ZONE COORDINATE TABLE  
STATE PLANE, NAD 83, FLORIDA EAST - 8900**

POINT	NORTHING	EASTING	SARITIME	LONGITUDE
S-1	211802.89	407815.88	82°47'28.72"	W81°18'47.18"
S-2	211845.21	407822.82	82°47'24.79"	W81°18'47.88"
S-3	211126.00	407825.88	82°47'52.27"	W81°18'42.81"
S-4	210891.86	407862.21	82°47'38.88"	W81°18'42.24"
S-5	210895.22	407868.14	82°47'38.88"	W81°18'47.24"
S-6	211297.84	408112.87	82°47'53.27"	W81°18'51.29"
S-7	211298.76	408280.84	82°47'34.87"	W81°18'54.28"
S-8	211722.84	408742.84	82°47'38.88"	W81°18'54.22"
S-9	211742.87	408724.84	82°47'38.87"	W81°18'53.88"
S-10	212128.87	408188.24	82°47'42.29"	W81°18'56.88"
S-11	212885.21	408867.88	82°47'48.12"	W81°18'58.79"
S-12	212885.21	408862.88	82°47'48.88"	W81°18'57.88"
S-13	212446.81	408485.24	82°47'42.88"	W81°18'58.22"
S-14	212285.88	407888.24	82°47'42.11"	W81°18'57.22"

NOTES:  
1. AERIAL IMAGE SOURCE: LABINS 2009.  
2. THIS MAP IS NOT INTENDED FOR NAVIGATIONAL USE.



LUDC#67



**SUNSET HARBOUR  
YACHT CLUB**

1928 Purdy Avenue  
Miami Beach, FL 33139

CLIENT:  
**Ms. Claire Spelts**  
Sunset Harbour Yacht Club  
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CONTRACTOR:

PROJECT ENGINEER:

SEAL / SIGNATURE / DATE

**PERMIT SKETCH**

Issue #	Issue Date
①	December 14, 2012

PROJECT: 10-650

**IDLE SPEED ZONE  
BOUNDARY**

SCALE: AS SHOWN  
SHEET NO.

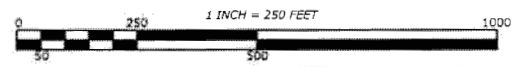
**S-4**

**IDLE SPEED ZONE COORDINATE TABLE  
STATE PLANE, NAD 83, FLORIDA EAST - 090**

POINT	NORTHING	EASTING	LATITUDE	LONGITUDE
1-1	82285.40	87682.89	N22°47'46.07"	W80°08'57.22"
1-2	82285.40	87682.89	N22°47'46.07"	W80°08'56.42"
1-3	82285.40	87682.89	N22°47'45.17"	W80°08'57.26"
1-4	82285.40	877242.89	N22°47'46.07"	W80°08'56.26"
1-5	82218.37	87748.23	N22°47'42.29"	W80°08'52.70"
1-6	82085.42	87742.41	N22°47'42.02"	W80°08'51.96"
1-7	821426.36	87682.89	N22°47'57.22"	W80°08'57.84"
1-8	821222.40	87718.47	N22°47'51.26"	W80°08'51.71"
1-9	821222.40	87748.23	N22°47'52.22"	W80°08'52.27"



NOTES:  
1. AERIAL IMAGE SOURCE: LABINS 2009.  
2. THIS MAP IS NOT INTENDED FOR NAVIGATIONAL USE.



**R5 - Ordinances**

- R5F An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 66, Entitled "Marine Structures, Facilities And Vehicles," By Amending Article II, To Be Entitled "Restricted Wake Zones," To Create Regulations For Restricted Wake Zones; Providing For A Purpose; Providing For Definitions; Providing For Restricted Areas; Providing For Posting Of Regulatory Markers; Providing For Exemptions; Providing For Enforcement And Penalties; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Requested by Commissioner Jorge R. Exposito)  
(Legislative Tracking: City Attorney's Office)  
**(Memorandum & Ordinance to be Submitted in Supplemental)**

Agenda Item R5F  
Date 12-12-12



# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager  for KGB

DATE: February 13, 2013

SUBJECT: **DISCUSSION ON ADDING SURPRISE LAKE TO "NO WAKE ZONES" ON MIAMI BEACH.**

On February 6, 2013 the City Commission referred to the Land Use and Development Committee a discussion item adding Surprise Lake to the "No Wake Zones" in Miami Beach.

Please see the attached map of Surprise Lake for discussion purposes.

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2013\February\Surprise Lake LUDC Memo.docx

**LUDC#69**

*Biscayne Bay*

GC

W 51ST TER

W 51ST ST

ALTON RD

RS-2

W 51ST ST

RS-2

DELAWARE AVE

CHEROKEE AVE

W 50TH ST

GU

RS-4

W 49TH ST

LAKEVIEW DR

RS-3

LAKEVIEW DR

RS-3

ALTON RD

RS-3

W 48TH ST

*Surprise Lake*

W 47TH CT

RM-1

RM-1

RS-1

W 47TH ST

RS-4

CD-1 GU

W 46TH ST

W 46TH ST

*Indian Creek*

**MIAMI BEACH**  
PLANNING DEPARTMENT

— LUDC#70 —



# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Kathie Brooks, Interim City Manager  
FROM: Ed Tobin, Commissioner  
DATE: January 31, 2013  
SUBJECT: Agenda item for February 6, 2013 City Commission Meeting

Please place on the February 6<sup>th</sup> City Commission Meeting a referral to the February 16<sup>th</sup> Land Use Committee meeting an item to discuss adding Surprise Lake to "No Wake Zones" on Miami Beach.

If you have any questions please contact, Dessiree Kane at Extension 6274

ET/dk

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## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager *KGB for KGB*

DATE: February 13, 2013

SUBJECT: **DISCUSSION REGARDING THE DEVELOPMENT OF THE WEST LOTS BETWEEN 79<sup>TH</sup> STREET TO 87<sup>TH</sup> STREET AND COLLINS AVENUE**

### BACKGROUND/ANALYSIS

A discussion regarding the possible development of the West Lots between 79 Street to 87 Street and Collins Avenue was referred to the Land Use and Development Committee by the City Commission on December 12, 2012.

The City-owned property known as the "West Lots" consists of 8 city blocks of land located on the west side of Collins Avenue, directly across the street from North Shore Open Space Park. Each of the 8 blocks measures 175 feet by 300 feet or 1.2 acres. An additional city-owned parcel located at 87 Terrace (175' x 75') is separated from the 8 blocks by a privately-owned parcel. Four of the blocks are developed as off-street parking lots (total 307 spaces), two blocks are vacant land, one block is used for a temporary Ocean Rescue headquarters and one block is leased to the Log Cabin Nursery. The Log Cabin lease expires on July 31, 2013.

Ownership History: The land that currently encompasses the West Lots as well as North Shore Open Space Park was assembled by the City of Miami Beach over a period of time spanning three decades between the 1950's and 1980's. In 1989, the City deeded all of the West Lots and North Shore Open Space Park to the State of Florida with a deed restriction "that the above described property shall be used and maintained for public recreational purposes for which it was conveyed in perpetuity." In November 2000, the State of Florida deeded the land back to the City of Miami Beach without any specific language about the use of the land.

Referendum: Sec. 103.2(b)2. Of the City Charter states: "The sale, exchange, conveyance or lease of ten years or longer of the following properties shall also require approval by a majority vote of the voters in a City-wide referendum: (1) *Lots West of the North Shore Open Space Park:* All City-owned property bounded by 87<sup>th</sup> Street on the North, Collins Avenue on the East, 79<sup>th</sup> Street on the South, and Collins Court on the West; ..."

Land Use and Zoning: The West Lots and North Shore Open Space Park are zoned **GU Government Use**. However the Future Land Use Map designates the West Lots as **RM-1 Residential Multifamily Low Intensity**, while the park itself is reserved for ROS Recreation and Open Space. If the Future Land Use map is used as a guide for the West Lots, the maximum Floor Area Ratio (FAR) would be 1.25 and the maximum density would be 60 dwelling units per acre. Development of the entire 8 blocks at this intensity would yield a

height limit is 5 stories or 50 feet.

The stated purpose of the RM-1 future land use category is to provide development opportunities for and to enhance the desirability and quality of existing and/or new low density multi-family residential areas. Uses which may be permitted include single family detached dwellings; single family attached dwellings, townhouse dwellings and multiple family dwellings, and hotels for properties fronting Harding Avenue or Collins Avenue from the City Line on the north to 73rd Street on the south.

DPZ Plan: In 1994, the firm of Duany Plater-Zyberk Architects and Urban Planners (DPZ), completed a "Development Plan and Design Guidelines for the North Beach Neighborhood." Part of this report included a plan for multifamily residential development on the West Lots. The thought was that "development of an active urban edge on Collins overlooking the Park can contribute greatly to residents' use of it and to safety in adjacent public space." The recommendation: "zone the 8 blocks on the west side of Collins Avenue RM-1 with ground floor retail use permitted only at the corner of Collins and 83 Street. Limit the height to 3 stories with the exception of 600 s.f. towers on corner lots which may reach 50 ft."

This plan for the West Lots was heavily intertwined with a DPZ proposal to widen Collins Avenue into a two-way boulevard with a center landscaped median between 79 Street and 87 Terrace. The landscaped boulevard required a dedication of 50 feet of land from the east side of each of the west lots in addition to acquisition of private land near 79 Street and 87 Street for southbound traffic to make the transition between Harding Avenue and Collins Avenue.

This concept plan package for the West Lots and a two-way Collins Avenue had widespread support in the community. However, failure to reach an agreement with the Florida Department of Transportation on the traffic plan prevented the project from moving forward. In 2001, the City instructed the Administration to prepare an RFQ for residential development on the West Lots according to the DPZ plan, and they commissioned the Corradino Group to again prepare a thorough traffic analysis and alternatives study for two-way traffic on Collins Avenue. In Sept. 2001, the LUDC reviewed the proposed RFQ with its companion development regulations and design guidelines, but they accepted a recommendation from the North Beach Development Corporation (NBDC) to delay the RFQ until the completion of the traffic analysis and resolution of the dispute with FDOT over the plan to widen Collins Avenue for two-way traffic. By 2003, FDOT again blocked the transportation element of the plan; and no further effort was made to issue an RFQ for residential development.

Parking: It should be noted that the DPZ plan included an inventory of all the public parking, both on street and off street, that existed in 1994 to serve public use of Open Space Park (731 spaces) and a plan to replace all parking spaces that would be displaced by the residential development and widening of Collins Ave.

Recent North Beach Initiatives: In 2012, the Administration began to take a fresh look at North Beach and to identify a list of potential initiatives that could make it a better place. The potential benefits of developing the West Lots were a part of those discussions. At the same time, an idea that originated with the Sustainable + Authentic Place movement began to take shape: to attract investment in North Beach as a tourist destination by highlighting its authentic character as a low-key, walkable beachfront neighborhood with historic MiMo identity and a vibrant cultural mix of residents and businesses. While focusing on tourism as

an economic development strategy to strengthen the retail/restaurant/entertainment businesses in North Beach, an idea emerged to consider expanding the tourism initiative to the West Lots.

At an October 2012 Planning Board Workshop, the Administration presented a long list of potential ideas for North Beach Initiatives that included the following item:

- Engage the community in a discussion of future uses of the West Lots. Ensure that public parking is preserved for Open Space Park while considering such uses as a family-oriented resort complex that could enhance the park with nature-themed programming for all users.

This idea was received favorably by the Planning Board, as well as by community leaders in North Beach, including NBDC.

Alternative land use and development scenarios:

The current zoning and land use designation in the comprehensive plan limits the uses for the West Lots to governmental uses, low intensity residential and/or hotels. Retail, restaurant and commercial uses are not permitted, except for services limited to guests in a hotel. A comprehensive plan amendment may be required if the Mayor and Commission wishes to modify the land development regulations. A voter referendum is required to approve all non-governmental uses of 10 years or more in duration.

Considerations for evaluating possible development scenarios for the West Lots should include the following:

1. Ability to provide accessible, low-cost parking to serve users of North Shore Open Space Park
2. Compatibility with the adjacent low scale, historic neighborhood, including compatibility with the existing shortage of parking in the neighborhood.
3. Potential to enhance safety and programming of activities in North Shore Open Space Park
4. Economic spinoff to support existing North Beach commercial districts, provide new jobs and increase tax revenue.

CONCLUSION

The Administration recommends that the Land Use Committee provide staff with policy direction on this matter.

KGB/JGG/R<sup>2L</sup>G/L/JAM  
Attachments

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2013\February\West Lots MEMO Feb2013LUDC.docx

# DEVELOPMENT PLAN AND DESIGN GUIDELINES

FOR THE

## NORTH BEACH NEIGHBORHOOD

SEPTEMBER 15, 1994



**ANDRES DUANY AND ELIZABETH PLATER-ZYBERK**  
ARCHITECTS AND URBAN PLANNERS

PREPARED FOR  
THE CITY OF MIAMI BEACH

**LUDC#76**

## AREA 1 COLLINS AVENUE

### GENERAL STATEMENT

#### Collins Avenue

Currently, Collins Avenue is a high speed one-way, three lane street with under-utilized meter parking on both sides. Although its spatial definition and overall physical image do not enhance pedestrian activity now, this avenue has the potential to become an attractive boulevard along the North Shore Open Space Park and a catalyst for renovation in the North Beach Neighborhood.

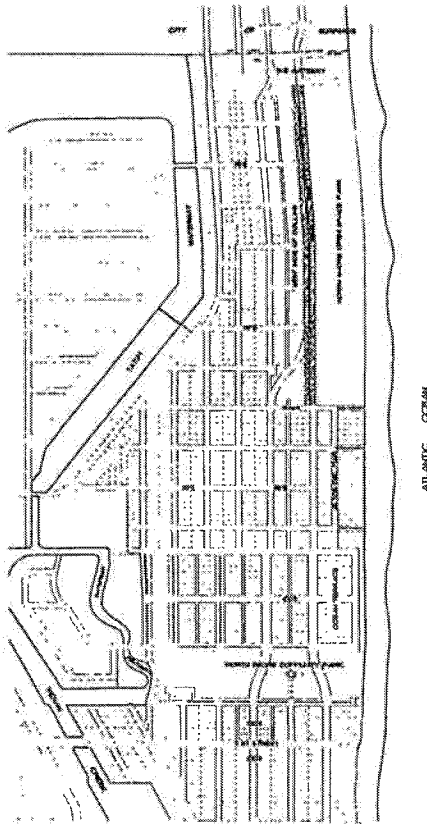
This plan proposes to reconfigure Collins Avenue and adjacent southbound Harding Avenue both as two-way streets. Collins Avenue will function as a north-south through street with two lanes in each direction; Harding Avenue will function as a local street with one lane in each direction. Both new street sections show parallel parking. On Harding, this will alleviate some of the current parking shortage of the neighborhood. On both Harding and Collins, on-street parking is important to mitigate traffic speed and to buffer sidewalk pedestrians. Additionally, on Collins, the Department of Transportation is requesting that the parking serve as a potential third lane for future expansion.

Collins Avenue is an important component in the so called Collins Corridor which includes also the Park and the eight undeveloped blocks west of the Avenue. Developing an appropriate building type on the west of Collins will define the park's west edge and will give the new boulevard physical containment. The redesign of Collins into a two-way boulevard with parallel parking on both sides will require enlargement of its ROW with approximately 50 feet taken from its west side.

The redevelopment provides the opportunity for the adequate location and architectural design of bus stops along the Avenue, to encourage the use of public transportation in the area. These are shown to coincide with the Park entry positions at 81st, 83rd, 85th, and 87th Streets.

### RECOMMENDATIONS

- I. Reconfigure Collins and Harding Avenue as per plan, including the taking of additional R.O.W. width for Collins from its west side, and the purchase of properties at north and south for realignment of the southbound lanes.



KEY MAP

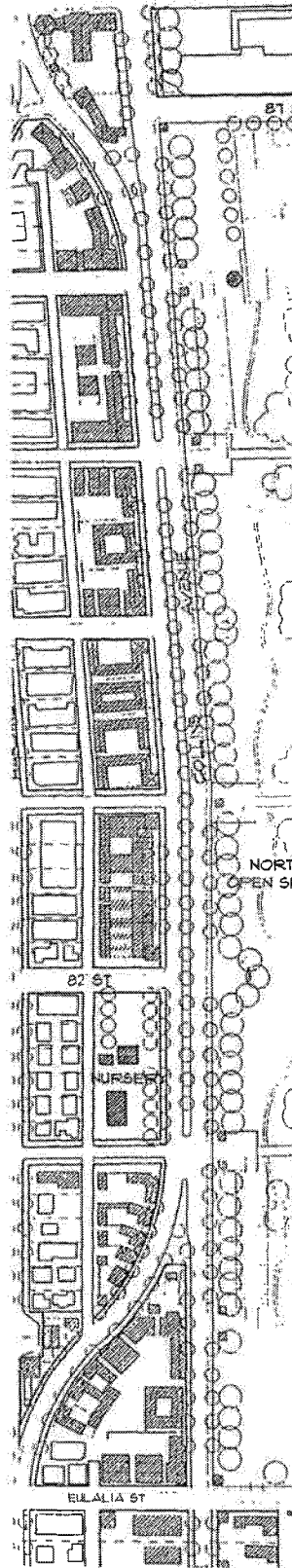


*Collins Avenue, Looking South*



*Harding Avenue*

AREA 1  
COLLINS AVENUE

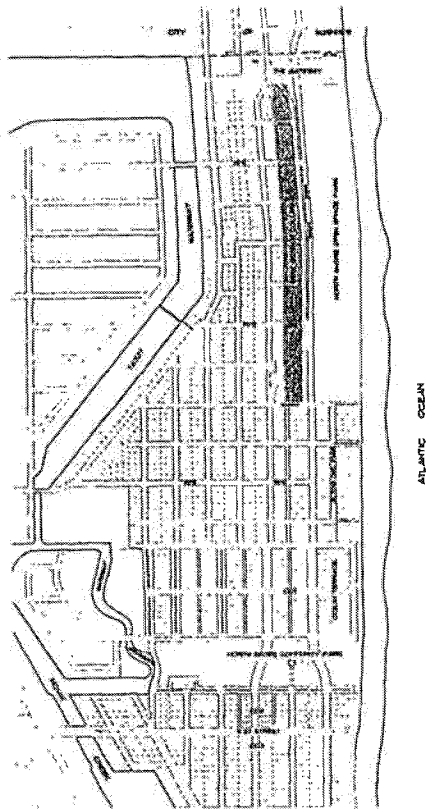


LEGEND

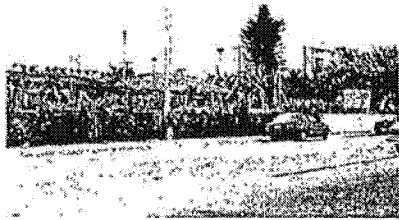
-  EXISTING BUILDINGS
-  EXISTING PAVILION BUILDINGS
-  PROPOSED PAVILION BUILDINGS
-  PAVILION STREET AND LIGHTING IMPROVEMENTS



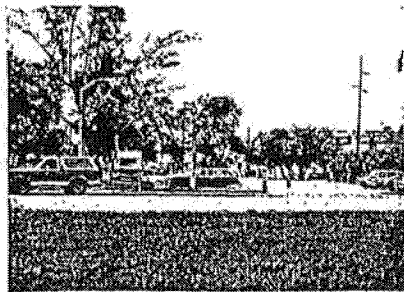
## AREA 4 NEW COLLINS AVENUE RESIDENTIAL DEVELOPMENT



KEY MAP



*Existing Log Cabin Nursery on Collins and 81st Street*



*Vacant Blocks on the West Side of Collins*

### GENERAL STATEMENT

#### New Collins Avenue Residential Development

The future of North Beach will be influenced by the development of the eight blocks west of North Shore Open Space Park. These blocks, for the most part vacant, play an important role in the urban structure of North Beach and are critical to the future of the Park. They are currently owned by the City of Miami Beach and are used for municipal meter parking. The proceeds from their sale for development will endow a maintenance fund for the Park.

In addition, the development of an active urban edge on Collins overlooking the Park can contribute greatly to residents' use of it and to safety in adjacent public space.

The Development Plan shows studies of a variety of housing types from townhouses to small and large lot apartments. These studies suggest that the historic 50-ft. wide lot platting is inefficient in the accommodation of parking and that a combination of 25-ft., 75-ft. and 150-ft widths has the potential to generate a unique and recognizable architectural character for this part of North Beach. These may also serve as a prototype for similar conditions elsewhere in the City.

### RECOMMENDATIONS

1. Zone the eight blocks on the west side of Collins Avenue RM-1 with ground floor retail use permitted only at the corner of Collins and 83rd Street. Limit height to three stories with the exception of 600sf towers on corner lots which may reach 50 ft.
2. Preserve the Log Cabin Nursery on Collins Avenue and 81st Street. Should a new location be found for the Nursery, develop this block like the others.
3. Plat blocks for a mixture of building types, including townhouses and small apartment buildings, with 25-ft, 75-ft and 15-ft lot widths, or in a manner as shown in the Block Type I illustration. No more than two blocks of the eight should be platted for 300-ft. or longer block frontage.
4. Establish a uniform Build-to-Line full length of Collins from north entry south to retail district. The Plan shows corner buildings at the property line for a 25 ft. length, with the remainder of the block frontage set back 5 ft.
5. All new buildings should be built according to the urban regulations of the Development Plan.
6. Establish the following architectural standards:
  - 6.1. The exterior finish shall be limited to clapboard siding, stucco and local stone.
  - 6.2. Balconies and porches shall be made of concrete, stucco, wood or metal.
  - 6.3. Two or more wall materials may be combined on one facade only horizontally with stone below stucco and stucco below wood.
  - 6.4. Sliding doors and windows are permitted only at backyard locations.
  - 6.5. Openings, including porches, windows and arches shall be square or vertical in proportion.
  - 6.7. Buildings shall have flat roofs with parapets or symmetrical pitched roofs with slopes no less than 5:12, except that porch roofs may be sheds with pitches no less than 2:12.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT  
TRUST FUND OF THE STATE OF FLORIDA

QUITCLAIM DEED

Deed Number 30611

KNOW ALL MEN BY THESE PRESENTS: That WHEREAS, the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA is by Section 253.03, Florida Statutes, authorized and empowered to convey certain lands under the terms and conditions set forth herein; and,

WHEREAS, said BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA did approve this transfer on the 28th day of September, 1993.

NOW, THEREFORE, the undersigned BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, as "GRANTOR", under authority of Section 253.03, Florida Statutes, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, to it in hand paid by CITY OF MIAMI BEACH, a political subdivision of the State of Florida, as "GRANTEE," has remised, released, conveyed and quitclaimed, and by these presents does remise, release, convey and quitclaim unto GRANTEE, its successors, heirs and assigns forever, all the right, title, interest, claim and demand which GRANTOR may have in and to the following described lands in Dade County, Florida, to-wit:

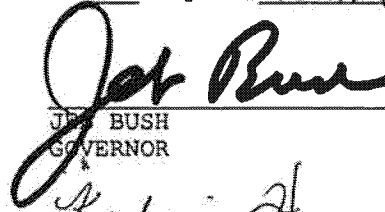
(See Exhibit "A" attached hereto and made a part hereof.)

TO HAVE AND TO HOLD the above-described lands subject to all outstanding easements, reservations and other interests.

IN TESTIMONY WHEREOF, the members of the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA have hereunto subscribed their names and have caused the official seal of said BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST

FUND OF THE STATE OF FLORIDA to be hereunto affixed in the City of Tallahassee, Florida, on this 1<sup>st</sup> day of November, A.D. 2000.

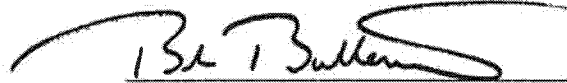
(SEAL)  
BOARD OF TRUSTEES OF THE  
INTERNAL IMPROVEMENT  
TRUST FUND OF THE STATE  
OF FLORIDA

  
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JE BUSH  
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KATHERINE HARRIS  
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BOB BUTTERWORTH  
ATTORNEY GENERAL

  
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COMPTROLLER

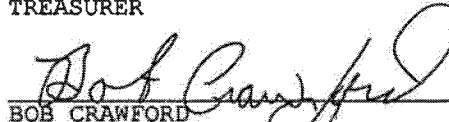
  
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BILL NELSON  
TREASURER

APPROVED AS TO FORM AND  
LEGALITY

By:   
\_\_\_\_\_

DEP Attorney

  
\_\_\_\_\_

BOB CRAWFORD  
COMMISSIONER OF AGRICULTURE

  
\_\_\_\_\_

TOM GALLAGHER  
COMMISSIONER OF EDUCATION

As and Constituting the BOARD  
OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND OF THE  
STATE OF FLORIDA

EXHIBIT "A"

Parcel A

Blocks 19 and 20, Corrected Plat of ALTOS DEL MAR NO. 1, according to the plat thereof recorded in Plat Book 31, at Page 40, Public Records of Dade County, Florida.

AND

Parcel B

Block 17, Corrected Plat of ALTOS DEL MAR NO. 1, according to the plat thereof recorded in Plat Book 31, at Page 40, Public Records of Dade County, Florida, together with, Blocks 14 and 15, ALTOS DEL MAR SUBDIVISION NO. 2, Plat Book 4, at Page 162, Public Records of Dade County, Florida.

AND

Parcel C

Blocks 1, 2, 3, 4, 13, 14, 15 and 16, ALTOS DEL MAR NO. 1, according to the plat thereof recorded in Plat Book 31, at Page 40, Public Records of Dade County, Florida, together with, Blocks 2, 3, 4, 5, 6, 7, 8 and 9, ALTOS DEL MAR SUBDIVISION NO. 2, Plat Book 4, Page 162, Public Records of Dade County, Florida and all that portion of Streets 80th, 81st, 82nd, 83rd, 84th, 85th and 86th, bounded on the Westerly side by a line 30.00 feet Easterly of the center line of Collins Avenue and on the Easterly side bounded by the Bulkhead Line established by the City of Miami Beach, and together with that portion of Atlantic Way bounded on the North by a line 25.00 feet Southerly of the center line of 87th Street and bounded on the South by a line 25.00 feet Northerly of the center line of 79th Street.

AND

Parcel D

Lots 1, 2, 3, 4, 5 and 6, Block 13, ALTOS DEL MAR, SUBDIVISION NO. 2, according to the plat thereof recorded in Plat Book 4, at Page 162, Public Records of Dade County, Florida.

AND

Parcel E

That portion of land bounded on the North by a line 25.00 feet South of the center line of 87th Street projected Easterly; bounded on the South by a line 25.00 feet North of the center line of 79th Street projected Easterly; bounded on the East by the Erosion Control Line and on the West bounded by the Bulkhead Line.

Establishment of Erosion Control Line and Bulkhead Line as per data shown in Plat Book 105, at Page 62, Public Records of Dade County, Florida.

AND

Parcel F

That portion of 80th Street bounded on the Westerly side by a line 10.00 feet Easterly of the center line of a certain 20.00 foot alley adjacent and parallel to the Westerly line of Blocks 19 and 20, corrected plat of ALTOS DEL MAR NO. 1, Plat Book 31, Page 40 and bounded on the Easterly by a line 30.00 feet Westerly of the center line of Collins Avenue.

Parcel F (continued)

That portion of Streets 83rd and 84th bounded on the West by a line 10.00 feet East of the center line of a 20.00 foot alley adjacent and parallel to the Westerly line of Block 17, corrected plat of ALTOS DEL MAR NO. 1, Plat Book 31, Page 40 and Blocks 14 and 15, ALTOS DEL MAR, SUBDIVISION NO. 2, Plat Book 4, Page 162 and bounded on the Easterly by a line 30.00 feet Westerly of the center line of Collins Avenue.

That portion of 86th Street bounded on the West by a line 10.00 feet Easterly of the center line of a 20.00 foot alley adjacent to the Westerly line of Block 13, ALTOS DEL MAR, SUBDIVISION NO. 2, Plat Book 4, Page 162 and on the East bounded by a line 30.00 feet West of the center line of Collins Avenue.

Subject to:

Rights-of-way, easements and covenants and agreements of record, if any now exist, affecting the above described premises, but any such interests that may have been terminated are not hereby reimposed.

1990 FEB -8 PM 3 15

90R051734

144280 338

Folio No.

SPECIAL WARRANTY DEED

Grantee's I.D. No.

THIS SPECIAL WARRANTY DEED, made this 29th day of November, 1989, by the CITY OF MIAMI BEACH, FLORIDA, a Florida municipal corporation, hereinafter called "Grantor" and the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, whose post office address is c/o Florida Department of Natural Resources, Division of State Lands, 3900 Commonwealth Boulevard, Room 412, Tallahassee, Florida 32399, hereinafter called "Grantee":

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars and other valuable consideration, receipt whereof is hereby acknowledged, has granted, bargained, and sold to the Grantee, its successors and assigns, all of the following described property located in Miami Beach, Dade County, Florida:

PARCEL A

BLOCKS 19 AND 20, CORRECTED PLAT OF ALTOS DEL MAR NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 31, AT PAGE 40, PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

PARCEL B

BLOCK 17, CORRECTED PLAT OF ALTOS DEL MAR NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 31, AT PAGE 40, PUBLIC RECORDS OF DADE COUNTY, FLORIDA, TOGETHER WITH, BLOCKS 14 AND 15, ALTOS DEL MAR SUBDIVISION NO. 2, PLAT BOOK 4, AT PAGE 162, PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

PARCEL C

BLOCKS 1, 2, 3, 4, 13, 14, 15 AND 16, ALTOS DEL MAR NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 31, AT PAGE 40, PUBLIC RECORDS OF DADE COUNTY, FLORIDA, TOGETHER WITH, BLOCKS 2, 3, 4, 5, 6, 7, 8 AND 9, ALTOS DEL MAR SUBDIVISION NO. 2, PLAT BOOK 4, PAGE 162, PUBLIC RECORDS OF DADE COUNTY, FLORIDA AND ALL THAT PORTION OF STREETS 80TH, 81ST, 82ND, 83RD, 84TH, 85TH AND 86TH, BOUNDED ON THE WESTERLY SIDE BY A LINE 30.00 FEET EASTERLY OF THE CENTER LINE OF COLLINS AVENUE AND ON THE EASTERLY SIDE BOUNDED BY THE BULKHEAD LINE ESTABLISHED BY THE CITY OF MIAMI BEACH, AND TOGETHER WITH THAT PORTION OF ATLANTIC WAY BOUNDED ON THE NORTH BY A LINE 25.00 FEET SOUTHERLY OF THE CENTER LINE OF 87TH STREET AND BOUNDED ON THE SOUTH BY A LINE 25.00 FEET NORTHERLY OF THE CENTER LINE OF 79TH STREET.

PARCEL D

LOTS 1, 2, 3, 4, 5 AND 6, BLOCK 13, ALTOS DEL MAR, SUBDIVISION NO. 2, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4, AT PAGE 162, PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

PARCEL E

THAT PORTION OF LAND BOUNDED ON THE NORTH BY A LINE 25.00 FEET SOUTH OF THE CENTER LINE OF 87TH STREET PROJECTED EASTERLY; BOUNDED ON THE SOUTH BY A LINE 25.00 FEET NORTH OF THE CENTER

Parking parking 2 535 42E pkg 79-81 82-85 park and streets within park

pkg 85-86

Lots 1+2 Sub 1

NOT OWN Block 12

1421

15/11/

1442670 339

- beach easement

LINE OF 79TH STREET PROJECTED EASTERLY; BOUNDED ON THE EAST BY THE EROSION CONTROL LINE AND ON THE WEST BOUNDED BY THE BULKHEAD LINE.

ESTABLISHMENT OF EROSION CONTROL LINE AND BULKHEAD LINE AS PER DATA SHOWN IN PLAT BOOK 105, AT PAGE 62, PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

SUBJECT TO:

1. Rights-of-way, easements and covenants and Agreements of record, if any now exist, affecting the above described premises, but any such interests that may have been terminated are not hereby reimposed.

2. Any right, title or interest in the above described premises that Grantee has at the present or may have had prior to the date of this conveyance.

TO HAVE AND TO HOLD, the same in fee simple.

AND the Grantor hereby covenants with the Grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, that except as noted above that at the time of delivery of this deed the premises were free from all encumbrances made by it, and grantor hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

It is agreed and understood by and between the Grantor and Grantee, and the Grantee by its acceptance of this deed, and does covenant and agree for itself, and its successors and assigns, forever, that the above described property shall be used and maintained for public recreational purposes for which it was conveyed in perpetuity.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name and on its behalf this 29<sup>th</sup> day of November, 1989.

WITNESSES:

*Madeline L. Harrison*  
*Patricia M. Kibbey*

CITY OF MIAMI BEACH, a Florida municipal corporation

*Alvin*  
VICE-MAYOR

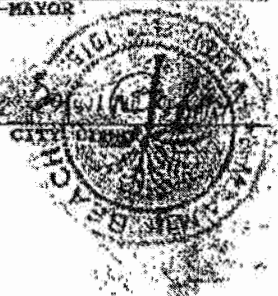
FORM APPROVED  
LEGAL DEPT.

By *Patricia M. Grant*

Date 11/8/89

ATTEST:

*Clarence*  
CITY CLERK



APPROVED AS TO  
FORM & LEGALITY  
*David H. Hines* 11/6/90  
DEPARTMENT ATTORNEY

APPROVED AS TO  
FORM & LEGALITY  
*David H. Hines* 11/8/89  
DEPARTMENT ATTORNEY

**6:48:40 p.m.**

R9F Discussion To Consider A Potential Development Of The Parking Lot Between 72<sup>nd</sup> And 73<sup>rd</sup> Street Of Collins Avenue.

(Requested by Commissioner Jerry Libbin)

**ACTION: Item referred.** Motion made by Commissioner Libbin to refer the item to the Land Use and Development Committee; seconded by Commissioner Weithorn; Voice vote: 7-0. **Richard Lorber to place on the committee agenda and to handle.**

**REFERRAL:**

Referred to Land Use and Development Committee

Motion made by Commissioner Libbin to refer items R9F, R9G and R9H to the Land Use and Development Committee; seconded by Commissioner Weithorn; Voice-vote: 7-0.

**6:48:40 p.m.**

\* R9G Discussion To Consider An RFP For The Development Of The West Lots Between 79<sup>th</sup> Street To 87<sup>th</sup> Street Of Collins Avenue.

(Requested by Commissioner Jerry Libbin)

**ACTION: Item referred.** Motion made by Commissioner Libbin to refer the item to the Land Use and Development Committee; seconded by Commissioner Weithorn; Voice vote: 7-0. Richard Lorber to place on the committee agenda and to handle.

**REFERRAL:**

Referred to Land Use and Development Committee

**6:48:40 p.m.**

R9H Discussion To Revisit The Absolute Necessity For Mass Transit Connectivity From The Mainland To Miami Beach.

(Requested by Commissioner Jerry Libbin)

**ACTION: Item referred.** Motion made by Commissioner Libbin to refer the item to the Land Use and Development Committee; seconded by Commissioner Weithorn; Voice vote: 7-0. Richard Lorber to place on the Committee Agenda and to handle.

**REFERRAL:**

Referred to Land Use and Development Committee

# West Lots Fact Sheet

## Land Area

Size of each block = 175' x 300'  
52,500 sq. ft.  
1.2 acres

8 blocks = 420,000 sq. ft.  
9.64 acres

## Existing Zoning

### GU - Governmental Use

Main permitted uses: government buildings and uses, including but not limited to parking lots and garages; parks and associated parking; schools; performing arts and cultural facilities; monuments and memorials. Any use not listed above shall only be approved after the city commission holds a public hearing.

Setbacks, floor area ratio, signs, parking, etc: the average of the requirements contained in the surrounding zoning districts (RM-1)

### RM-1

Main permitted uses: single-family detached dwelling;  
townhomes;  
apartments;  
hotels (for properties fronting Harding Avenue or Collins Avenue, from the City Line on the north, to 73rd Street on the south);  
bed and breakfast inn

Conditional uses: adult congregate living facility; day care facility;  
nursing home; religious institutions; private and public institutions; schools; and commercial or noncommercial parking lots and garages.

Floor Area Ratio: 1.25 maximum  
1.4 maximum west side of Collins Avenue between 76th and 79th Streets

Density: 60 dwelling units per acre

Building Height: 50 feet or 5 stories maximum

## Future Land Use Plan

RM-1 Residential Multifamily Low Intensity

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## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager 

DATE: February 13, 2013

SUBJECT: **DISCUSSION REGARDING THE DEVELOPMENT OF THE PARKING LOT BETWEEN 72<sup>ND</sup> AND 73<sup>RD</sup> STREET AND COLLINS AVENUE**

### **BACKGROUND / ANALYSIS**

A discussion regarding the possible development of the parking lot between 72 Street and 73 Street and Collins Avenue was referred to the Land Use and Development Committee by the City Commission on December 12, 2012.

The City-owned property commonly known as the "72 Street Parking Lot" in North Beach is a 3.87 acre city block situated in the center of North Shore Park, which extends from the Atlantic Ocean on the East to a canal bordering Park View Island on the west. The lot contains 320 parking spaces, and a sewer pump station in the center of the site with underground force mains connecting to the north and south.

Ownership History: The land that became North Shore Park was acquired by the City of Miami Beach in 1941 after a 14-year-long effort to convince the U.S Coast Guard to release it. Originally the land was part of a larger tract owned by the federal government for the Biscayne House of Refuge, one of a series of U.S. Federal Life Saving Service Stations located along the southeastern coastline beginning in 1875. By 1921, the need for life saving stations lessened by the advent of modern navigational aids and a quickly developing inhabited Florida coastline. Following the hurricane of 1926, the site became an overgrown wasteland and an obstacle to development in North Beach. Finally, in 1941, by authority of Congress, the land was exchanged for a site on Causeway Island in Biscayne Bay for the use of the Coast Guard. Ironically, because the original Life Saving Station Reservation charter of 1875 prohibited the sale of any portion of the Reserve, Congress, in 1941, had to grant the land to a local land reclamation contractor, the Paul Smith Construction Company, in exchange for creating the site for a new Coast Guard station on Causeway Island. The contractor was then able to sell the exchanged land to the City of Miami Beach for a public park. However, the park license was granted to the City of Miami and subsequently had to be sold to the City of Miami Beach.

Referendum: Sec. 103.2(b)2. Of the City Charter states: "The sale, exchange, conveyance or lease of ten years or longer of the following properties shall also require approval by a majority vote of the voters in a City-wide referendum: . . . (3) 72<sup>nd</sup> Street Parking Lot: The City-owned surface parking lot bounded by 73<sup>rd</sup> Street on the North, Collins Avenue on the East, 72<sup>nd</sup> Street on the South, and Harding Avenue on the West; . . ."

Land Use and Zoning: The Site is currently zoned GU Government Use District; the underlying Future Land Use Map designation is CD-3 Commercial High-Intensity. Main permitted uses for the GU District are government buildings and uses, including but not limited to, parking lots and garages; parks and associated parking; schools; performing arts and cultural facilities; and monuments and memorials. Uses not listed above may be approved by the City Commission through a public hearing. The maximum allowable building height is seventy-five (75) feet or seven (7) stories, and the maximum allowable floor area ratio is 2.75.

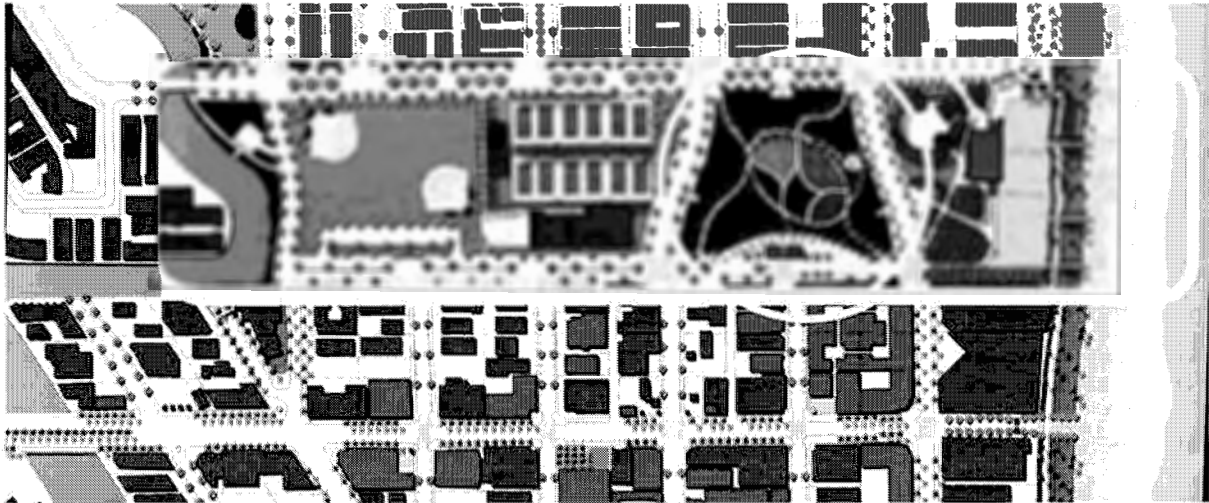
Previous Development Proposals: In 1999, the City issued an RFP for development of the 72 Street parking lot. In February 2000, the Commission authorized the Administration to enter into negotiations with the winning proposal, the Pointe at North Beach by the Equity One development team. The proposed project consisted of a 51,500 sf. Publix, 81,465 sf. movie theater, 36,500 sf. retail/restaurant area, 906 parking spaces and an optional community theater. By November 2000, the City terminated negotiations with the Pointe at North Beach as a result of the proposer's failure to secure commitments from anchor tenants.

In November 2000, the City issued a Request for Qualifications (RFQ) for development of the parking lot. In April 2001, the Commission accepted the Related Group of Florida as the number one ranked development team and authorized the Administration to negotiate and contract and a development plan for the site. A series of community workshops and public hearings took place over the following year wherein there was a lack of consensus on the developer's proposal to build a residential tower with ground floor retail and public plaza space. In April 2002, the Commission voted unanimously to terminate negotiations with the Related Group. The sentiment of the Commission was to keep the property for public use. They directed the Administration to determine what should be done with the land along with the process of finalizing the North Beach Master Plan.

North Beach Town Center Plan: In July 2007, the Mayor and City Commission adopted the North Beach Town Center Plan. This plan culminated several years of work with the community wherein consensus was reached over redevelopment of the 71 Street commercial corridor and a vision plan for a "Civic Square" in the parking lot in North Shore Park. Following is the relevant text from the Town Center Plan:

*The 72<sup>nd</sup> Street municipal parking lot is an integral part of the enormous tract of public open space stretching from the Atlantic Ocean to the inland waterway. It is a legacy from the mid-19<sup>th</sup> Century, prior to settlement of the South Florida coastline, when the Federal government established the Biscayne House of Refuge on this tract of land. Because it is situated in the heart of North Beach, this land has the potential to function like grand linear parks in other cities, only on a much smaller scale (examples: The Mall in Washington DC and Central Park in NYC).*

*Bandshell Park on the east and North Shore Park on the west bookend the municipal parking lot. Public parking is a critical need in this location to serve the adjoining commercial districts and the park and beach activities. However, with improving technology it is increasingly feasible to depress the parking partially below grade and reclaim the surface area for green space. It should be designed as a lushly landscaped civic square and function as a community gathering space. Examples of civic squares are Bryant Park in NYC, Rittenhouse Square in Philadelphia and Pioneer Square in Portland.*



Intermodal Terminal: Over the years, the 72 Street parking lot has been considered as a potential site for an intermodal transfer station. The Coastal Communities Transit Study (CCTS) identified opportunities to improve bus transit service in the short term and lay the groundwork for a more advanced type of transit service in the future. The goal was to attract “choice” riders with service that is more attractive, accessible, reliable and frequent. Key components of the plan were to consolidate many of the 14 bus routes that currently serve Miami Beach into one local and one express bus route running north/south on A1A, and to connect the north/south route to the east/west bus service at strategically located transfer terminals. This would streamline the currently confusing and duplicative service and free up resources to provide a fleet of smaller buses to initiate local circulator routes similar to the South Beach Local.

In 2008, the City commissioned a Transit Center Feasibility Study for the 72 Street lot by HDR Engineering. The study found it to be a viable site for use as a transit transfer station; however, the alternative concept drawings for the site plan were later found to be flawed from an engineering standpoint. In 2010, the City Administration tried to resurrect the project in an effort to transfer a Federal Transit Administration (FTA) grant from a site in South Beach. Refined engineering drawings that were deemed acceptable by Miami Dade Transit (MDT) and the Florida Department of Transportation (FDOT) required the use of more than one-half of the entire site, leaving undesirable options for parking and other uses. Furthermore, MDT had failed to implement the most important recommendations of the CCTS concerning streamlining of the bus routes, therefore there was limited need for passenger transfers. Ultimately, the City determined that the benefits of a bus transfer station at this site did not outweigh the costs of giving up valuable public land and returned the FTA grant funds to the federal government.

It is worth noting that the idea of an Intermodal Terminal may become viable in the future if transit service is substantially improved and new technologies introduced.

Alternative land use and development scenarios:

Considerations for evaluating possible development scenarios for the 72 Street parking lot should include the following:

1. Consider preserving the lot for public park and governmental uses, as recommended in the North Beach Town Center Plan. Develop a dynamic public square that would

- be an attraction for residents and tourists and support local businesses. Encourage redevelopment of the private property along the edges of the park by virtue of having frontage on a first class public space and by preserving views to the ocean.
2. Ensure that there will be accessible, low-cost parking to serve users of North Shore Park and the business districts, either on-site or in nearby locations.
  3. Consider engaging a consultant to thoroughly explore opportunities and needs for this site with the community and develop consensus for a development program.

**CONCLUSION**

The Administration recommends that the Land Use Committee provide staff with policy direction on this matter.

KGB/JGG/<sup>RL</sup>RGL/JAM

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2013\February\72 St Parking Lot MEMO Feb2013\LUDC.docx

**6:48:40 p.m.**

\* R9F Discussion To Consider A Potential Development Of The Parking Lot Between 72<sup>nd</sup> And 73<sup>rd</sup> Street Of Collins Avenue.

(Requested by Commissioner Jerry Libbin)

**ACTION: Item referred.** Motion made by Commissioner Libbin to refer the item to the Land Use and Development Committee; seconded by Commissioner Weithorn; Voice vote: 7-0. **Richard Lorber to place on the committee agenda and to handle.**

**REFERRAL:**

Referred to Land Use and Development Committee

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(Requested by Commissioner Jerry Libbin)

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**REFERRAL:**

Referred to Land Use and Development Committee

# 72 Street Parking Lot Fact Sheet

## Site Data

3.87 acres  
320 parking spaces  
Sewer pump station

## Existing Zoning

### GU - Governmental Use

Main permitted uses: government buildings and uses, including but not limited to parking lots and garages; parks and associated parking; schools; performing arts and cultural facilities; monuments and memorials. Any use not listed above shall only be approved after the city commission holds a public hearing.

Setbacks, floor area ratio, signs, parking, etc: the average of the requirements contained in the surrounding zoning districts: TC-1, CD-2, RM-2 and RM-1

## Future Land Use Plan

### CD-3 Commercial High Intensity

Floor Area Ratio:	2.75 maximum
Density:	150 dwelling units per acre
Building Height:	75 feet or 7 stories maximum

***ITEM  
ELEVEN***



## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager *[Signature]* for KGB

DATE: February 13, 2013

SUBJECT: **ZONING AND PLANNING INITIATIVES FOR NORTH BEACH INCLUDING ORDINANCE AMENDMENTS FOR PARKING REQUIREMENTS AND DEVELOPMENT REGULATIONS**

### **BACKGROUND**

On November 12, 2012, at the request of Commissioner Libbin, the City Commission referred a discussion item to the Land Use and Development Committee, pertaining to a Planning Board resolution outlining zoning and planning initiatives for the North Beach area, including ordinance amendments for required parking and development regulations.

On October 30, 2012, the Planning Board held a workshop discussion regarding potential initiatives for the North Beach area. The Planning Department made a presentation based upon ideas that were identified during a series of meetings between staff members from Planning, Economic Development, Neighborhood Services, Parks and Recreation, Police, Parking and Real Estate, Housing and Community Development. A copy of the presentation memo entitled "North Beach Initiatives" is attached hereto.

At the conclusion of the discussion, the Planning Board adopted a resolution urging the Commission to refer the following items to the Land Use and Development Committee (LUDC) for further discussion and action:

- 1) Amending the Parking Ordinance to allow additions to contributing buildings in National Register districts to pay a one-time parking impact fee in the same manner as Local Historic Districts
- 2) Amending the Parking Ordinance to reduce parking requirements for additions to 'Contributing' buildings in National Register historic districts.
- 3) Provide public parking in areas of greatest need.
- 4) Explore the creation of building permit incentives for substantially rehabilitated buildings.
- 5) Prepare design guidelines for the rehabilitation of and additions to MiMo architecture in order to streamline the development review process.
- 6) Amend the RM-1 zoning district with height and setback standards for new construction that are more compatible with the scale and character of the built environment.

### **ANALYSIS**

The following is a summary and analysis of each of the recommendations in the above noted Planning Board motion:

#### Parking Impact fees

Currently, the City Code allows payment of a fee in lieu of providing parking when additions, alterations or change of use result in an increased parking requirement, but only in the architectural district or locally designated historic districts. The proposal would extend this same benefit to contributing buildings located in the North Beach National Register Historic Districts. The intent is to provide an incentive to preserve and rehabilitate historic MiMo buildings in North Beach, which currently has two National Register districts: North Shore and Normandy Isles. This would benefit development involving a change of use, alteration, rehabilitation or addition of a sidewalk cafe (options for one-time fee or yearly fee) and development with construction of additional square footage (one-time fee only). It should apply to both commercial and residential buildings provided that they are identified as "contributing" by the National Register, and provided that the existing contributing structure is substantially retained, preserved and restored.

The attached Ordinance pertaining to the expansion of parking impact fees to North Beach National Register Districts addresses all of the aforementioned issues.

#### Parking Requirement for Additions to Historic Buildings

Many of the historic apartment buildings in North Beach are built at slightly less than the maximum floor area allowed by the existing zoning (generally RM-1, FAR 1.25). When owners consider the options of preservation vs. new construction, they generally seek to optimize the floor area and number of dwelling units or hotel rooms. If they are inclined toward preservation, the parking requirement for additional units may be an obstacle, even with the ability to pay a fee in lieu of parking, as recommended above. Therefore, as a further incentive to preserve historic buildings in North Beach, the Planning Board supported the idea of allowing small additions to be made with no parking requirement. Specifically, there should be no parking requirement for the existing structure and any addition, whether attached or detached, up to a maximum of 2,500 square feet. This incentive would only apply to an existing apartment and apartment-hotel building that is being substantially retained, preserved and restored; additionally, the existing building must be classified as 'Contributing', and located within a National Register historic district.

The attached Ordinance pertaining to parking requirements for Contributing buildings addresses all of the aforementioned issues.

#### RM-1 Height and Setback Standards

The RM-1 zoning district, which encompasses much of North Beach, is intended for low intensity multifamily housing, and hotels in limited areas along Collins and Harding Avenues. The intensity limitation for new construction, as determined by the Floor Area Ratio (FAR) 1.25, is consistent with the existing two story buildings in the neighborhood. However, the height, setback and parking regulations in the RM-1 zoning often lead to incompatible relationships between new infill construction and the built context of existing neighborhoods. The Planning Department has analyzed the height and setback of the predominant building types in North Beach, and has suggested certain adjustments to make new infill buildings more compatible with their surroundings. These could be implemented in the form of a zoning overlay.

Prior to 1963, buildings in North Beach neighborhoods were almost exclusively one or two stories and not more than 22 feet in height. These building types still represent about 80% of

the built environment, giving it a very strong, consistent, human scale character. The RM-1 zoning district allows new construction up to 50 feet in height, but with an FAR 1.25, it is rarely necessary to build more than two floors of living space. The parking requirement for new construction automatically makes the ground floor mostly utilized for parking and the minimum building height increases to three stories. Therefore, this analysis suggests that the height limit could be 3-stories or 30 feet above base flood elevation. In order to give more flexibility to the architectural design, the Planning Department suggests that the 3-story height limit could apply to the first 60 feet of lot depth as measured from the lot front and a 4-story or 40 feet height limit could apply for the remainder of the lot depth. This would ensure a more compatible height relationship between adjoining lots.

The minimum setbacks in the RM-1 zoning district (generally 20' in the front, 7'-6" on the side and 15' in the rear) apply to neighborhoods citywide. However, they do not match the minimum setbacks that were enforced prior to 1963 when the majority of North Beach was developed. In fact, there were different front yard setbacks in each neighborhood as shown on the chart below:

	Front	Side	Rear
North Shore	10	5	5
Biscayne Beach	10	5	5
North Shore S of 71 Street	15	5	5
Normandy Isle and Normandy Shores	20	5	5
Normandy waterfront	25	5	5

New infill construction would be more compatible with the built context of existing neighborhoods if it could follow the established setback lines.

The attached Ordinance pertaining to RM-1 setbacks and height addresses all of the aforementioned issues.

#### Provide Public Parking in Areas of Greatest Need

The multi-family residential districts in North Beach generally have a shortage of parking for residents. This may be the greatest threat to the long-term preservation of the historic character of the neighborhoods, as property values increase and higher income residents move in. The proposed idea is for the City to explore opportunities to increase the supply of public parking that would be accessible to residents. This could include the intensification of existing parking lots, purchase of new sites or joint venture opportunities. One example would be on the West Lots, where if redeveloped by the private sector, there could be provisions made for excess parking to serve the neighborhood. Another possibility is to purchase vacant lots and/or sites with non-contributing structures. The proposed parking garage in the Town Center would also serve residents in the area.

Strategies to reduce the demand for auto ownership could also be explored. Examples could include improved transit service (i.e., North Beach Shuttle), a more extensive bikeways network, and ample, convenient parking spaces for car-share vehicles.

### Building Permit Incentives for Substantially Rehabilitated Buildings

In National Register historic districts where preservation of buildings is optional, the Planning Board recommended additional incentives that may not be necessary in locally designated historic districts. The suggestion is that the City explore the possibility of rebates on building permit fees for contributing buildings in National Register historic districts in North Beach that successfully rehabilitate buildings according to historic preservation standards. However, there may be a legal issue with this proposal, as Building Permit Fees are regulated by State Law.

### Design Guidelines

The Planning Department has a grant from the State of Florida Historic Preservation Office to prepare a comprehensive set of design guidelines for repair, alterations, rehabilitation, additions and new construction to Postwar Modern “MiMo” buildings. The richly illustrated guidelines will be the first to focus on this period of architecture, especially relating to the small-scale residential buildings that are predominant in North Beach. The document will serve as an educational tool for property owners and a guide for the Planning Department staff and Design Review Board when they review applications.

### Tourism and Hotel Initiative

One of the key economic development strategies recommended for North Beach is to increase tourism by promoting investment in new hotels and adaptive reuse of historic apartment buildings into small tourist hotels. The idea is to highlight the special character of North Beach as a quiet, low-key alternative to South Beach with authentic Mid-Century Modern character, appealing ethnic diversity and eco-friendly activities for families and all age groups. The advantages would be increased numbers of visitors to support local businesses; rehabilitation of aging buildings; jobs; increased tax base and enhanced community image. The idea has received enthusiastic support from the Planning Board and from community leaders.

The Economic Development staff and the Department of Tourism and Culture have been actively involved with the Planning Department in exploring next steps, especially with regard to what would be needed to attract investment in small tourist hotels. They have also discussed options for marketing and promotion of North Beach with the Greater Miami Convention and Tourism Bureau.

As part of the effort to identify opportunities for hotel reuse and renovation, the Administration has developed a preliminary scope of services, which will:

1. Evaluate whether or not is is both market and financially feasible to purchase, renovate, and convert older buildings along the Harding Avenue corridor into boutique style lodging facilities;
  2. If the resulting ROI is below market and not sufficient to attract private equity, then the study will define the feasibility gap and identify opportunities to close the gap and reach a market-based ROI;
  3. The objective is to prepare a white paper which, on a theoretical basis but using actual buildings (anonymously) to demonstrate the feasibility to potential investors.
- Additional services may be required, but the cost of a study such as this is approximately \$25,000. The Administration will submit this proposal as an enhancement during the 2013/14 budget process, but will continue to work to identify a potential funding source during the current budget year.

**CONCLUSION**

The Administration recommends that the Land Use Committee refer the attached Ordinance Amendments to the Planning Board for consideration, and provide staff with policy direction regarding the public parking and building incentive recommendations from the Planning Board.

<sup>21</sup>  
KGB/JGG/RGL/JAM  
Attachments

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2013\February\North Beach Zoning MEMO Feb2013LUDC.docx



# MIAMI BEACH

PLANNING DEPARTMENT  
Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: October 30, 2012

FROM: Richard G. Lorber, AICP, LEED AP  
Acting Planning Director

SUBJECT: Discussion Item – North Beach Initiatives

## **BACKGROUND**

For the past several months, the Administration has been taking a fresh look at North Beach and identifying a list of potential initiatives that could make it a better place. The following list is a preliminary draft, a work in progress. It has been prepared by an interdepartmental working group comprised of the Planning Department, the City Manager's Office, Economic Development, Parks and Recreation, Police, Parking, Real Estate, Housing Community Development and Neighborhood Services. Some of these items are ongoing or have received approval from the policy makers, but many new ideas on this list have not been vetted in any public forum.

## **ANALYSIS**

The following are current programs and potential steps the City could consider for improving North Beach. Additional suggestions from the Planning Board are welcomed.

### **Economic Development**

- Encourage adaptive reuse of residential structures along the Harding/Abbott corridor for small tourist hotels, targeting an untapped tourist market that is seeking a low-key, authentic place with unique character and beaches.
- Renew efforts to develop a public parking garage in the Town Center in conjunction with a mixed-use development that could act as a catalyst for redevelopment of other nearby properties.
- Seek appropriate uses and financing for renovation of the west side of the Byron Carlyle Theater
- Continue to implement the Commercial Façade Renovation Program in the Bandshell commercial district with \$120,000 CDBG funds and seek additional funding to expand the program.
- Micro Loan Program / Start-up business Incentive Program / Partners for Self Employment Loans
- Design and construct pedestrian-oriented Streetscape Improvements in the Town Center, especially on local streets such as Harding Avenue, 72 Street and 69 Street.
- Engage the community in a discussion of future use of the West Lots. Ensure that public parking is preserved for Open Space Park while considering such uses as a family-oriented resort complex that could enhance the park with nature-themed programming for all users.

### **Planning and Zoning**

- Create incentives to preserve the unique character and sense of place in North Beach, especially preservation of MiMo architecture.
  - Amend the Fee in Lieu of Parking Program to allow additions to contributing buildings in National Register districts to pay a one-time parking impact fee, the same as local historic districts.
  - Amend off-street parking requirements to reduce parking requirements for additions to contributing buildings in National Register historic districts
  - Reduce the hotel room parking requirement from one space per room to one space per two rooms
  - Provide public parking in areas of greatest need
  - Explore the possibility of building permit incentives for substantially rehabilitated buildings
  - Prepare design guidelines for rehabilitation of and additions to MiMo architecture to streamline the development review process
  - Amend the RM-1 zoning district with height and setback standards for new construction to be more compatible with the scale and character of the built environment
- Analyze the strategic location of the 72 Street parking lot in the North Beach community and develop standards for future uses that maximize public benefits

### **Parks**

- Utilize the remaining \$2.2 million GO Bond funds to make improvements to Altos Del Mar Park; seek input from the community about appropriate activities.
- Identify an appropriate location to build a Skate Park
- Identify an appropriate location for a Teen Center
- Provide concessions for non-motorized watersports activities along the beach in the Bandshell/Ocean Terrace area.
- Construct a public kayak launch facility along the Indian Creek waterway, possibly at the Dickens Av/73 Street parking area.
- Upon the relocation of the North Beach Police Substation, reconfigure the current substation for the Parks and Recreation Department's use for the provision of water oriented recreation programs and activities

### **Transportation**

- Analyze the demand for and the benefits of a free or low-cost bus circulator route serving North Beach, similar to the South Beach Local
- Coordinate with the update of the AGN Bicycle Master Plan to identify and construct safe bicycle facilities throughout North Beach.
- Actively participate in long-range transit planning at the county and regional level to develop premium transit service on the JFK Causeway/71 St and the A1A corridor. Ensure that public land is reserved for an intermodal transit center connecting the two corridors.

### **Safety and Cleanliness**

- Funding approved for FY 12/13 to hire 2 additional police officers specifically to serve the North Beach area on beat duty.

- 1<sup>st</sup> Time Offender Diversion Program – Require wraparound services through Community Services Division
- Consider relocating the North Beach Sub Station to a commercial district that would benefit from the police presence; and reuse the current sub-station for water-oriented recreation programs
- Increase community awareness of Crime Prevention Through Environmental Design (CPTED)
- Conduct a Pedestrian Lighting Survey and identify a plan to upgrade lighting in deficient areas.
- Sanitation: Enhanced litter control and sidewalk cleaning

### **Housing**

- Set-aside future affordable housing grant funding to North Beach to increase:
  - Homeownership/down payment assistance
  - Owner-occupied housing rehabilitation assistance
  - Inventory of safe, decent, affordable rental housing

### **Community Services**

- Food Cooperative – Expand or create a food subsidy program to address food insecurity. Program would focus on providing produce and protein and would be funded by grants and donations
- Expanded Youth Employment – Goal is to expand the number and placements of youth employed in North Beach via the Teen Job Corps by expanding its contract with the City to include graffiti removal and assistance with food program
- Non-violence Drug Free Lease Provisions – Encourage landlords to add language to their leases that prohibits violence and drug offenses among tenants and can lead to violations of their leases

### **Events**

- Monthly Food Trucks and Music Festival
- Free Weekly Movies at the North Shore Bandshell
- Craft Beer Festival

### **NEXT STEPS:**

The Administration anticipates that this list of initiatives will be presented to the Land Use and Development Committee and to the Neighborhoods/Community Affairs Committee as a discussion item in November or December, 2012. Any recommendations from the Planning Board will be also transmitted to those committees. Depending upon the outcome of those initial discussions with the policy makers, the Administration will schedule community meetings with North Beach residents, businesses and property owners.

RGL/JAM

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 130 OFF-STREET PARKING, ARTICLE II, "DISTRICTS; REQUIREMENTS," SECTION 130-31 "PARKING DISTRICTS ESTABLISHED," BY ADDING NEW PARKING REGULATIONS FOR PARKING DISTRICTS NO. 1 AND NO. 4, INCLUDING A REDUCTION IN OFF-STREET PARKING REQUIREMENTS FOR CERTAIN LAND USES AND BUILDING TYPES IN NATIONAL REGISTER DISTRICTS; BY AMENDING CHAPTER 130 OFF-STREET PARKING, ARTICLE V, "FEE IN LIEU OF PARKING PROGRAM", SECTION 130-131 "GENERALLY", BY EXPANDING THE PARKING IMPACT REQUIREMENTS FOR CERTAIN LAND USES AND BUILDING TYPES IN NATIONAL REGISTER DISTRICTS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, In the summer of 2009, the North Shore and Normandy Isles National Register Historic Districts were placed on the National Register of Historic places by the United States Department of the Interior; and

**WHEREAS**, the Planning Department conducted an analysis of existing conditions, issues and opportunities in the North Shore and Normandy Isles National Register Historic Districts; and

**WHEREAS**, the City desires to reduce parking requirements with certain conditions in the North Shore and Normandy Isles National Register Historic Districts in order to encourage the retention and preservation of existing contributing structures within the districts and to promote walking, bicycling and public transit modes of transportation, as well as to reduce the scale and massing of new development in the residential neighborhoods.

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

**SECTION 1.** Chapter 130 of the City Code, entitled "Off-Street Parking," Article II, "Districts; Requirements," is hereby amended as follows:

Sec. 130-32. - Off-street parking requirements for parking district no. 1.

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

\* \* \*

(6) Apartment building and apartment-hotel:

- a. Apartment buildings on lots that are 50 feet in width or less: 1.5 spaces per unit.
- b. Apartment buildings on lots wider than 50 feet:
  - 1.5 spaces per unit for units between 550 and 999 square feet;
  - 1.75 spaces per unit for units between 1000 and 1200 square feet;
  - 2.0 spaces per unit for units above 1200 square feet.
- c. Designated Guest parking: Developments of 20 units or less shall have no designated guest parking requirements. Multi-family buildings and suites-hotels with more than 20 units shall be required to provide supplemental designated guest parking equal to ten percent of the required residential parking spaces.
- d. For existing apartment and apartment-hotel buildings, which are classified as 'Contributing', are located within the Normandy Isles National Register District or the North Shore National Register District, and which are being substantially retained, preserved and restored, there shall be no parking requirement for the existing structure and any addition, whether attached or detached, up to a maximum of 2,500 square feet.

Section 130-33. - Off-street parking requirements for parking districts nos. 2, 3 and 4.

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking districts nos. 2, 3 and 4 accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows. There shall be no off-street parking requirement for uses in this parking district except for those listed below:

(1) *Apartment building and apartment-hotel:*

- a. Apartment buildings on lots that are 50 feet in width or less: 1.5 spaces per unit.

- b. Apartment buildings on lots wider than 50 feet:
  - 1.5 spaces per unit for units between 550 and 999 square feet;
  - 1.75 spaces per unit for units between 1000 and 1200 square feet;
  - 2.0 spaces per unit for units above 1200 square feet.
- c. Designated Guest parking: Developments of 20 units or less shall have not designated guest parking requirements. Multi-family buildings and suites-hotels with more than 20 units shall be required to provide supplemental designated guest parking equal to ten percent of the required residential parking spaces.
- d. For existing apartment and apartment-hotel buildings, which are classified as 'Contributing', are located within the Normandy Isles National Register District, and which are being substantially retained, preserved and restored, there shall be no parking requirement for the existing structure and any addition, whether attached or detached, up to a maximum of 2,500 square feet.

**SECTION 2.** Chapter 130 of the City Code, entitled "Off-Street Parking," Article V, " Fee in Lieu of Parking Program," is hereby amended as follows:

Section 130-131. - Generally.

A fee in lieu of providing parking may be paid to the city in lieu of providing required parking on-site, or within 1,200 feet of the site in the architectural district or otherwise within 500 feet of the site, only in the following instances, except that parking requirements for accessory commercial uses in newly constructed buildings within the Collins Waterfront Historic District in an area in the RM-2 zoning district that is bounded by 41<sup>st</sup> Street on the south and 44<sup>th</sup> Street on the north shall be satisfied by providing the required parking spaces, and may not be satisfied by paying a fee in lieu of providing parking:

- (1) New construction of commercial or residential development and commercial or residential additions to existing buildings whether attached or detached from the main structure within the architectural district or a local historic district.
- (2) When an alteration or rehabilitation within an existing structure results in an increased parking requirement pursuant to subsection 130-132(b).
- (3) New construction of 1,000 square feet or less, or additions of 1,000 square feet or less to existing buildings whether attached or detached from the main structure may fully satisfy the parking requirement by participation in the fee in lieu of providing parking program pursuant to subsection 130-132(a).
- (4) The creation or expansion of an outdoor cafe (except for those which are an accessory use to buildings described in subsection 130-31(b)).
- (5) Commercial or residential additions to existing contributing buildings, whether attached or detached from the main structure, within the Normandy Isles National Register District or the North Shore National Register District, provided the existing contributing structure is substantially retained, preserved and restored.

**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 renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**SECTION 4. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

**SECTION 5. SEVERABILITY.**

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

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney                      Date

First Reading:  
Second Reading:

Verified by: \_\_\_\_\_  
Richard Lorber, AICP, LEED  
Acting Planning Director

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 142 ZONING DISTRICTS AND REGULATIONS, ARTICLE II, "DISTRICT REGULATIONS," SUBDIVISION II. "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SECTION 142-155 "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS" AND SECTION 142-156 "SETBACK REQUIREMENTS," BY ADDING NEW HEIGHT AND SETBACK REGULATIONS FOR MULTIFAMILY BUILDINGS IN NORTH BEACH; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the North Beach multifamily neighborhoods were largely developed between 1935 and 1963 with low scale, Mid Century Modern buildings on 50 feet lots, giving the area a cohesive and distinctive character; and

**WHEREAS**, In the summer of 2009, the North Shore and Normandy Isles National Register Historic Districts were placed on the National Register of Historic places by the United States Department of the Interior; and

**WHEREAS**, the Planning Department conducted an analysis of existing conditions, issues and opportunities in the RM-1 Multifamily; and

**WHEREAS**, the City desires to reduce parking requirements with certain conditions in the North Shore and Normandy Isles National Register Historic Districts in order to encourage the retention and preservation of existing contributing structures within the districts and to promote walking, bicycling and public transit modes of transportation, as well as to reduce the scale and massing of new development in the residential neighborhoods.

**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 142 of the City Code, entitled "Zoning Districts and Regulations," Article II – "District Regulations," Subdivision II. – "RM-1 Residential Multifamily Low Intensity" is hereby amended as follows:

**Sec. 142-155. - Development regulations and area requirements.**

- (a) The development regulations in the RM-1 residential multifamily, low density district are as follows:

\* \* \*

(4) In the National Register Historic Districts in North Beach, the following shall apply:

- a. The maximum building height shall be 30 feet for the first 60 feet of lot depth as measured from the lot front and a maximum of 40 feet for the remainder of the lot depth.
- b. The maximum number of stories shall be 3 for the first 60 feet of lot depth lot depth as measured from the lot front and a maximum of 4 stories for the remainder of the lot depth.
- c. Stairwell bulkheads shall not be permitted to extend above the maximum building height.
- d. Elevator bulkheads extending above the main roofline of a building shall be required to meet the line-of-sight requirements set forth in section 142-1161 herein and such line-of-sight requirement cannot be waived by the historic preservation board.

- (b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
5,000	50	New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—400	New construction—800 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—550	Historic district—40 Flamingo Park Local Historic District—35 (except as provided in section 142-1161 <u>North Beach National Register Districts</u> – see section 142-155(a)(4) Otherwise—50	Historic district—4 Flamingo Park Local Historic District—3 (except as provided in section 142-1161 <u>North Beach National Register Districts</u> – see section 142-155(a)(4) Otherwise—5

Sec. 142-156. - Setback requirements.

- (a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (c) below is applicable	20 feet	5 feet, or 5% of lot width, whichever is greater	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—5 feet Oceanfront lots—50 feet from bulkhead line
Subterranean	20 feet	5 feet, or 5% of lot width, whichever is greater (0 feet if lot width is 50 feet or less)	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—0 feet Oceanfront lots—50 feet from bulkhead line
Pedestal	20 feet Except lots A and 1–30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	Non-oceanfront lots—10% of lot depth Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line whichever is greater
Tower	20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1–30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231–237 of the Amended Plat of First Ocean Front Subdivision—50 feet	The required pedestal setback plus 0.10 of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Sum of the side yards shall equal 16% of the lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	Non-oceanfront lots—15% of lot depth Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater

\* \* \*

(d) In the National Register Historic Districts in North Beach, the following setback requirements shall apply for the pedestal portions of all buildings. Setbacks for tower, at-grade parking and subterranean levels shall be the same as set forth in (a) above.

	Front	Side	Rear
North Shore	10	5	5
Biscayne Beach	10	5	5
North Shore S of 71 Street	15	5	5
Normandy Isle and Normandy Shores	20	5	5
Normandy waterfront	25	5	5

**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 renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**SECTION 4. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

**SECTION 5. SEVERABILITY.**

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

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney                      \_\_\_\_\_  
Date

First Reading:  
Second Reading:

Verified by: \_\_\_\_\_  
Richard Lorber, AICP, LEED  
Acting Planning Director

- \* C4I Referral To The Land Use And Development Committee: 1) Zoning & Planning Initiatives For North Beach Area Including Ordinance Amendments For Parking Requirements And Development Regulations; 2) Transit Enhancements For North Beach; And 3) Application Of Parking Impact Fees To Satisfy Hotel Parking Requirements Outside Of Historic Districts.  
(Requested by Commissioner Jerry Libbin)

**ACTION: Referred. Richard Lorber to place on the committee agenda and to handle.**

- C4J Referral To The Neighborhood/Community Affairs Committee - Proposed Amendments To City Code Chapter 38 Regarding "Elections."  
(City Attorney's Office)

**ACTION: Referred. Barbara Hawayek to place on the committee agenda. City Attorney's Office to handle.**

- C4K Referral To The Finance And Citywide Projects Committee - Discussion Regarding Police Athletic League (PAL) Lease.  
(City Manager's Office)

**ACTION: Referred. Patricia Walker to place on the committee agenda. Max Sklar to handle.**

- C4L Referral To Neighborhood/Community Affairs Committee To Discuss Building A Guardhouse At East Entrance Of Normandy Shores.  
(Requested by Commissioner Edward L. Tobin)

**ACTION: Referred. Barbara Hawayek to place on the committee agenda. Rick Saltrick and City Attorney's Office to handle.**

- C4M Referral To The Land Use And Development Committee - Discussion Pertaining To "Smarter Materials For Next Generation Infrastructure," Such As Eliminating The Disposal Of Tires In Global Landfills And Incinerators.  
(Requested by Vice-Mayor Michael Góngora)

**ACTION: Referred. Richard Lorber to place on the committee agenda. Jay Fink to handle.**

- C4N Referral To Neighborhood/Community Affairs Committee - Discussion Involving A Long Term Solution For The Ongoing Rodent Issue On 41<sup>st</sup> Street.  
(Requested by Vice-Mayor Michael Góngora)

**ACTION: Referred. Barbara Hawayek to place on the committee agenda. Jay Fink and Al Zamora to handle.**

- C4O Referral To Neighborhood/Community Affairs Committee - Discussion Involving Citywide Lighting Conditions.  
(Requested by Vice-Mayor Michael Góngora)

**ACTION: Referred. Barbara Hawayek to place on the committee agenda. Jay Fink to handle.**

**ITEM  
TWELVE**



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager *[Signature]* for KGB

DATE: February 13, 2013

SUBJECT: **APPLICATION OF PARKING IMPACT FEES TO SATISFY HOTEL PARKING REQUIREMENTS OUTSIDE OF HISTORIC DISTRICTS**

### **BACKGROUND**

On November 12, 2012, at the request of Commissioner Libbin, the City Commission referred a discussion item to the Land Use and Development Committee, pertaining to a Planning Board motion requesting consideration of amending the Fee In Lieu of Parking ordinance to permit hotels located outside of historic districts to satisfy their parking requirements by paying the parking impact fee.

On October 30, 2012, the Planning Board recommended in favor (5-2) of a proposed hotel parking ordinance reducing the parking requirement for new hotel rooms from 1 space per room to 0.5 spaces per room up to 100 rooms with exceptions for the South of 5<sup>th</sup> and West Avenue/Bay Road neighborhoods and limitations in North Beach for preservation of contributing buildings in National Register historic districts. During the course of that discussion, the Planning Board expressed a desire to provide an additional incentive to development of new hotel rooms outside of historic districts by allowing the parking requirement to be satisfied by paying a parking impact fee. Since an amendment to the parking impact fee was not advertised on the agenda, the Planning Board passed a motion by acclamation to request a referral to the City Commission for further discussion.

It should be noted that the intent of the Planning Board seemingly was for this motion to apply citywide wherever hotels are a permitted use. However, they were fully supportive of residents from the West Avenue/Bay Road neighborhood and the South of Fifth neighborhood who do not want hotels in their neighborhood.

In the case of North Beach, this proposal is somewhat at odds with the recommendation to incentivize historic preservation in the National Register historic districts by allowing projects that substantially preserve contributing buildings to pay the fee in lieu of parking. (See agenda item #11.)

### **CONCLUSION**

The Administration recommends that the Land Use Committee provide staff with policy direction on this matter.

*[Signature]*  
KGB/JGG/RGL/JAM

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- \* C4I Referral To The Land Use And Development Committee: 1) Zoning & Planning Initiatives For North Beach Area Including Ordinance Amendments For Parking Requirements And Development Regulations; 2) Transit Enhancements For North Beach; And 3) Application Of Parking Impact Fees To Satisfy Hotel Parking Requirements Outside Of Historic Districts.  
(Requested by Commissioner Jerry Libbin)

**ACTION: Referred. Richard Lorber to place on the committee agenda and to handle.**

- C4J Referral To The Neighborhood/Community Affairs Committee - Proposed Amendments To City Code Chapter 38 Regarding "Elections."  
(City Attorney's Office)

**ACTION: Referred. Barbara Hawayek to place on the committee agenda. City Attorney's Office to handle.**

- C4K Referral To The Finance And Citywide Projects Committee - Discussion Regarding Police Athletic League (PAL) Lease.  
(City Manager's Office)

**ACTION: Referred. Patricia Walker to place on the committee agenda. Max Sklar to handle.**

- C4L Referral To Neighborhood/Community Affairs Committee To Discuss Building A Guardhouse At East Entrance Of Normandy Shores.  
(Requested by Commissioner Edward L. Tobin)

**ACTION: Referred. Barbara Hawayek to place on the committee agenda. Rick Saltrick and City Attorney's Office to handle.**

- C4M Referral To The Land Use And Development Committee - Discussion Pertaining To "Smarter Materials For Next Generation Infrastructure," Such As Eliminating The Disposal Of Tires In Global Landfills And Incinerators.  
(Requested by Vice-Mayor Michael Góngora)

**ACTION: Referred. Richard Lorber to place on the committee agenda. Jay Fink to handle.**

- C4N Referral To Neighborhood/Community Affairs Committee - Discussion Involving A Long Term Solution For The Ongoing Rodent Issue On 41<sup>st</sup> Street.  
(Requested by Vice-Mayor Michael Góngora)

**ACTION: Referred. Barbara Hawayek to place on the committee agenda. Jay Fink and Al Zamora to handle.**

- C4O Referral To Neighborhood/Community Affairs Committee - Discussion Involving Citywide Lighting Conditions.  
(Requested by Vice-Mayor Michael Góngora)

**ACTION: Referred. Barbara Hawayek to place on the committee agenda. Jay Fink to handle.**

**ITEM  
THIRTEEN**



## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager 

DATE: February 13, 2013

SUBJECT: **DISCUSSION OF SIDEWALK CAFÉ ORDINANCE**

### BACKGROUND

This discussion referral originates from multiple sources:

- At the January 16, 2013 Commission meeting, the following requests were made:
  - Under item C4R, Commissioner Michael Góngora requested a referral to the Land Use and Development Committee to discuss the Lincoln Road utilization areas for Sidewalk Cafés.
  - Under item R9G, Commissioner Deede Weithorn requested a discussion regarding the use of electricity by Sidewalk Cafés and the item was referred to the Land Use and Development Committee by the Commission.
- At the December 12, 2012 Commission meeting Commissioner Tobin requested a referral to the Neighborhood/Community Affairs Committee under item C4H, to discuss Restaurant Solicitation of Pedestrians on City Sidewalks, Particularly Ocean Drive and Lincoln Road.
- At the October 24, 2012 Commission meeting the Administration requested a referral to the Neighborhood/Community Affairs Committee under item C4H, to discuss and seek direction for amendments to the current Sidewalk Café ordinance.

### INTRODUCTION

The Sidewalk Cafés are an ingrained part of the charm and what makes the City of Miami Beach unique. According to City Code, Section 82-366, a Sidewalk Café is defined as a “use located on a right-of-way which is associated with a restaurant and is primarily characterized by tables and chairs; may be shaded by awnings, canopies or umbrellas; and may include such other Sidewalk cafe furniture.” The Sidewalk Café furniture is further defined as nonpermanent fixtures, furnishings and equipment associated with the operation of a Sidewalk Café, including tables, chairs, umbrellas, planters, heaters, fans, rolling service stations, service carts, bussing stations, and menus and/or specials boards.

Sidewalk Café businesses must first obtain a business tax receipt (BTR) and a certificate of use, have inside seating and operate at a location allowed by zoning and land development regulations. The Sidewalk Café permit can be obtained and is renewed annually through the Public Works Department’s Sidewalk Café Coordinator, and with the input and approval from Planning, Zoning, Fire Prevention, Building, and Finance Departments.

The Sidewalk Café Coordinator (Public Works Department) is tasked with ensuring that the permit application, site plan, certificate of insurance and other documents submitted are in compliance

with the requirements of the ordinance. The Code Compliance Division is responsible for the enforcement of the provisions of the ordinance.

### **ANALYSIS**

Sections 82-381 through 82-387 of the City of Miami Beach Code of Ordinances regulate the application process, permit fees, frontage requirements, pedestrian access, indemnification and insurance requirements, and other conditions related to the operation of Sidewalk Cafés.

There are currently in excess of 160 Sidewalk Cafés permitted throughout the City, the majority of which are located on Lincoln Road and Ocean Drive. Collectively, the Sidewalk Café accounts generate more than \$1M in annual revenue to the City.

In early 2012, the Code Compliance Division initiated a process to comprehensively review each of the Sidewalk Cafés to address regulations and issues of concern. These site inspections were conducted by Code Compliance Officers (CCOs) in conjunction with the Sidewalk Café Coordinator (Public Works). During this process, in excess of 100 Sidewalk Cafés were visited and staff met with Café Ownership/Managers to discuss site plans and other concerns. During the site inspections and meetings, the following concerns were reviewed to ensure that:

- Sidewalk Cafés not expand outside permitted areas and have the proper amount of tables in accordance to the approved site plan.
- American Disabilities Act (ADA) access, crosswalk, bus stops, taxi stands, alleys and public amenities have required clearance.
- Tables, chairs, umbrellas and other Sidewalk furniture are not obstructing pedestrian pathways.
- Areas are maintained clean and bussing stations have no storage of dishes, silverware and other equipment.
- Sidewalk café furniture and umbrellas are not physically attached, chained, affixed, and that umbrellas are not clipped, zipped, or fastened together.
- Furniture, planters, menu boards, and other items do not create a safety hazard.
- Food displays are not within public property or right of way.
- No live entertainment or speakers are placed unless reflected in a Special Event Permit

During a 13 month period, (January 1, 2012 through January 31, 2013), the Code Compliance Division issued a total of 349 Notices of Violation (NOVs) to Sidewalk Cafés. An analysis of the data reflects the most commonly identified code violations for Sidewalk Cafés. Arranged by highest number of violations issued, these are:

- Failure to Adhere to Site Plan (i.e. extra chairs, tables, expanding area, etc.)
- Failure to Renew Permit / Operating Without Permit
- Obstructing Pedestrian Pathway
- Creating physical barrier (i.e. planters, extra furniture)
- Umbrella (linked/attached, lower than allowed requirement, excess signage)
- Unauthorized use of Electrical Power / Extension cords)
- Illegal Signage (A Frame, multiple menu boards, more signs than allowed)
- Unauthorized Food Display

Other identified code violations in the data report include conducting a special event without a permit (live performance), unauthorized displays (i.e. balloons, lights). It is also notable that on more than 50% of the instances, Code Compliance staff identified multiple violations.

Currently, there is a number of code violations that have been placed in abeyance pending additional direction; and from the Public Works perspective, the items reflected below have been raised by Sidewalk Café owners or City Administration as issues that should be discussed during the next amendment to the Sidewalk Café Ordinance:

- More specific guidance regarding Sidewalk Café furniture such as tables, chairs, umbrellas, planters, camouflaged serving station areas, heaters, fans, rolling service stations, service carts, basin stations, illuminated menu or special boards
- Anchoring umbrellas to the sidewalks/drilling directly into the concrete – this is not specifically mentioned in the ordinance.
- Expand the use of electrical outlets for other uses than floor fans, such as: point of sale card readers and lights. Ordinance Section 82.385 (t) states “Permittees may make written request to the City Manager to use City Electricity for powering floor fans during the summer months. Summer months defined as the period beginning on May 1<sup>st</sup> and ending September 30<sup>th</sup> .... using electrical outlets for powering lights, menu board lighting, and any electrical devise is strictly prohibited. Permittees violating this restriction will have the electrical boxes deactivated and forfeit any moneys paid for electrical use. Fans must be UL approved for outdoor use. Extension cords are not allowed.” It should be noted that the City Commission, in referring this item, stated that when protocols for the use of electricity are set, warning notices should be issued prior to citations.
- Use of electrical power outlets during non-approved periods,
- Clipping and/or zipping umbrellas together. (Section 82.385 (r) states “two or more umbrellas may not be clipped, zipped, or otherwise fastened together in order to form a tent-like structure”).
- Minimum height requirements and angle of umbrellas and canopies obstructing façade of building. Ordinance Section 82-385(r) requires umbrellas to be at least 6’ 8” above the right of way.
- Roll down materials attached to the umbrella edges that create an enclosure during inclement weather. Ordinance Section 82-385 (r) states “clear plastics or other material may not be fastened, rolled, or otherwise be attached to umbrella edges, in order to create an enclosure.”
- Illuminated menu or “Specials Boards”. Ordinance Section 82-366 definitions for Menu Board and Specials Board state these boards “may not be internally illuminated”
- Placement of booths and sofas. Ordinance Section 82-366 defines Sidewalk Café Furniture “those non-permanent fixtures, furnishings, and equipment associated with the operation of a sidewalk café and approved pursuant to this division including, without limitation, tables, chairs, umbrellas, planters, heaters, fans, rolling service stations, service carts, bussing stations, and menus and/or special boards.” Sofas and booths are not contained within this definition.

The Commission has also expressed concerns about the amount of area per block utilized for seating sidewalk cafes. On Lincoln Road, The City established pedestrian and emergency vehicle lanes (five feet and 12 feet respectively) and allows sidewalk cafes, with some minor limitations near the fountains, to occupy the balance of Lincoln Road. On blocks with a high concentration or restaurants, this could lead to a significant portion of the public space to be occupied by the sidewalk café seating areas, bussing stations, etc.

On Ocean Drive, the sidewalk café operations are required to maintain only a 5 foot pedestrian corridor and the balance of the 15 foot sidewalk width is utilized as the seating area for the sidewalk café. The seats, couches and banquettes in addition to the umbrellas, shade structures and other equipment used by the operators can often lead to a congested feeling for the pedestrians that are not patrons of the café establishments. Furthermore, on Lincoln Road, the majority of the sidewalk café area takes place on the Morris Lapidus “piano keys” or the black and white stripes which is one of the signature design features of the Road. The constant movement of the chairs and tables severely reduces the paint’s longevity. In addition, when the City re-paints the stripes, the required paint curing period of 48 hours is impossible to achieve as the operators usually move the furniture back into place before the paint has had an opportunity to cure. This reduces the longevity of the paint job and with the high impact caused by the tables and chairs and the general operation of the café the stripes quickly become unsightly again.

### **PLANNING DEPARTMENT COMMENTS**

The Planning Department would add additional concerns that have been raised by the Historic Preservation Board, Design Review Board, Planning staff, and property and business owners on Lincoln Road and Ocean Drive. Addressing these concerns as well as the issues noted above, should result in an enhanced quality of the outdoor café dining experience as well as the pedestrian experiences in these respective areas. These additional issues are as follow:

- No large planter boxes should be permitted to substantially enclose any outdoor café area or to encroach outside of the permitted outdoor café area.
- No outdoor café umbrellas should be permitted to be attached to any building or to any awning or other projection from any building.
- Outdoor café umbrellas should be required to be kept in a horizontal position at all time with a height to the lower edge of the umbrella of no less that 6’-8” or higher than 7’-8”.
- The maximum canopy size of an umbrella should not exceed what is reasonably required to provide shade and protection from light rain for one 4 to 6 person outdoor café table.
- Double or triple size umbrellas or continuous (long) umbrellas, or similar, of any kind should not be permitted.
- The shape, size, color, and configuration of all outdoor café umbrellas should be subject to Planning staff review and approval prior to installation.
- Historic shade structures on Lincoln Road as well as new shade structures constructed there in the mid-1990s should not be used for bussing or service stations or for storage of any restaurant service related equipment either during or after restaurant business hours.
- Unobstructed fire equipment access corridors should be maintained on both the north and south sides of Lincoln Road, in the pedestrian mall area, at all times, in a manner to be reviewed and approved by the Fire Department.

### **AGGRESSIVE SOLICITATION**

As it relates to previous discussion regarding restaurant solicitation of pedestrians along sidewalks on Ocean Drive and Lincoln Road, City Code (74.1) reflects that it is “*unlawful for any person, while upon any public street or sidewalk ...to accost any pedestrian on such street or sidewalk for the purpose of soliciting him to purchase any property, real or personal, or any food, beverage or service.*” During the past 13 months, the Code Compliance Division has issued six (6) Notice of Violations (NOVs) for the aggressive solicitation of business by Sidewalk Café operators. It should be noted that the numbers are low, partly because the process requires for a Code Compliance Officer (CCO) to observe the violation taking place in order to issue the Notice of Violation; and that oftentimes the violator will cease solicitation once they observe a Code Compliance officer in the vicinity.

### **CONCLUSION**

The above information is provided to guide the discussion regarding the Sidewalk Café Ordinance by members of the Land Use and Development Committee.

KGB/JGG/SS/HC/RSA

Attachment: Sidewalk Café Ordinance – 82.381 through 82.387

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Miami Beach, Florida, Code of Ordinances >> Subpart A - GENERAL ORDINANCES >> **Chapter 82 - PUBLIC PROPERTY** >> **ARTICLE IV. - USES IN PUBLIC RIGHTS-OF-WAY** >> **DIVISION 5. - SIDEWALK CAFES** >> **Subdivision I. - Generally** >>

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### **Subdivision I. - Generally**

Sec. 82-366. - Definitions.

Sec. 82-367. - Declaration of necessity and intent.

Sec. 82-368. - Removal and storage fees; disposition of property.

Sec. 82-369. - Appeals from the decision of the city manager.

Sec. 82-370. - Notice of violation.

Sec. 82-371. - Civil fines and penalties; denial of future permits to repeat violators.

Sec. 82-372. - Rights; payment of fine; right to appeal; failure to pay civil fine or to appeal.

Sec. 82-373. - Recovery of unpaid fines; unpaid fines to constitute a lien; foreclosure.

Secs. 82-374—82-380. - Reserved.

### **Sec. 82-366. - Definitions.**

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

*City manager* means the city manager or the city manager's designee.

*Code compliance officer* means the code compliance officers, fire inspectors, or any other authorized agent or employee of the city whose duty it is to assure code compliance.

*Menu board* means a board allowing for the posting of a restaurant's complete menu and fabricated in such a manner so as not to constitute a form of general advertising or establishment identification. The location, size, design, materials and color of the menu board shall be approved by the city manager and shown on the sidewalk cafe site plan (as hereinafter defined). Menu boards shall be no larger than six square feet; may not be internally illuminated; and the top of the board shall not exceed five feet, six inches from grade. The menu board shall not be a sandwich board sign (as defined herein).

*Permittee* means the recipient of a sidewalk cafe permit under the terms and provisions of this division.

*Restaurant* for purposes of this division only, means a food service establishment that is maintained and operated as a place where food and/or beverages are prepared and/or served and sold for consumption within the premises, or a business establishment which has, as an ancillary or secondary use, a part thereof where food and/or beverages are prepared and/or served and sold for consumption within the premises. No sidewalk cafe permit shall be issued to a restaurant whose occupational license or certificate of use is limited to take-out service and does not have inside seating.

*Right-of-way* means land in which the state, the state department of transportation, the county or the city owns the fee or has an easement devoted to or required for use as a transportation facility or street.

*Sandwich board sign* means a freestanding, A-frame structure located on a sidewalk or street which may be affixed in position or is collapsible and which contains a sign (as defined in section 114-1).

*Sidewalk* means that portion of the right-of-way which is located between the curb line or the lateral line of a street and the adjacent property line and which is intended for use by pedestrians; provided that on Lincoln Road Mall, a sidewalk shall mean a right-of-way as defined in this section, but shall only refer to that area between the property line and the centerline of the right-of-way, exclusive of landscaped areas and a 12-foot-wide clear path for emergency and maintenance vehicular access.

*Sidewalk cafe* means a use located on a right-of-way which is associated with a restaurant and is primarily characterized by tables and chairs; may be shaded by awnings, canopies or umbrellas; and may include such other sidewalk cafe furniture (as hereinafter defined) as permitted and/or approved pursuant to this division.

*Sidewalk cafe furniture* means those nonpermanent fixtures, furnishings and equipment associated with the operation of a sidewalk cafe and approved pursuant to this division including, without limitation, tables, chairs, umbrellas, planters, heaters, fans, rolling service stations, service carts, bussing stations, and menus and/or specials boards.

*Sidewalk cafe site map* means a city-approved map detailing the location of the pedestrian pathway as it relates to a sidewalk cafe.

*Sign* shall have the same meaning as provided for in section 114-1.

*Specials board* means a board allowing for the posting of a restaurant's daily specials and fabricated in such a manner so as to not constitute a form of advertising or establishment identification. The location, size, design, materials and color of the specials board shall be approved by the city manager and shall be shown on the sidewalk cafe site plan. specials boards shall be no larger than six square feet; may not be internally illuminated; and the top of the board shall not exceed five feet six inches from grade. The specials board shall not be a sandwich board sign (as defined herein).

*Street* means that portion of a right-of-way improved, designed or ordinarily used for vehicular traffic and/or parking.

(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)

*Cross reference*— Definitions generally, § 1-2.

## **Sec. 82-367. - Declaration of necessity and intent.**

It is hereby found and declared that:

- (1) There exists the need for outdoor eating establishments (sidewalk cafes) in certain areas of the city to provide a unique environment for relaxation and food and/or beverage consumption.
- (2)

The existence of sidewalk cafes encourages additional pedestrian traffic to these areas.

- (3) The presence of sidewalk cafes may thus impede the free and safe flow of pedestrian traffic.
- (4) There is a need for regulations and standards for the existence and operation of sidewalk cafes to facilitate and ensure a safe environment in these areas.
- (5) The establishment of permit conditions and safety standards for sidewalk cafes is necessary to protect and promote the general health, safety and welfare of the residents of the city.

*(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)*

### **Sec. 82-368. - Removal and storage fees; disposition of property.**

If, pursuant to this division, the city removes, relocates, and/or stores any sidewalk cafe furniture, the permittee shall be responsible for the reasonable expenses incurred by the city for the removal, relocation, and/or storage of all such sidewalk cafe furniture. The city manager shall promulgate and review, as needed, regulations regarding the storage and disposition of sidewalk cafe furniture under this division. The city and its officers and employees shall not be responsible for any damage to or loss of any sidewalk cafe furniture, removed, relocated and/or stored pursuant to this division.

*(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)*

### **Sec. 82-369. - Appeals from the decision of the city manager.**

Appeals from decisions of the city manager made pursuant to this division shall be to the special master in accordance with the procedures set forth in sections 30-72 and 30-73 hereof. Appeals from the decisions of the special master shall be to a court of competent jurisdiction by petition for writ of certiorari.

*(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)*

### **Sec. 82-370. - Notice of violation.**

- (a) Code compliance officers shall issue 24-hour warning notices for all non-life safety violations of this division.
- (b) No warning notices shall be required prior to the issuance of life safety violations and/or sidewalk cafe site plan violations, and such violations shall be corrected immediately. Life safety violations are defined as those conditions which, in the reasonable determination and judgment of the city manager, involve serious danger and/or risk to the public health, safety or welfare (including, without limitation, blocking pedestrian pathways and violations of the state accessibility code for building construction). Site plan violations are defined to include those instances where the permittee is operating outside of the permitted sidewalk cafe area (as approved pursuant to subsection 82-382(b)(6)) and shall include a table or tables set up outside the approved boundaries of the sidewalk cafe site plan, and/or umbrellas, heaters, fans, bussing stations and other sidewalk cafe furniture found to be outside the approved site plan; but shall not be deemed to include instances where a chair or chairs are moved outside the approved boundaries of site plan by a sidewalk cafe patron(s).
- (c) If a code compliance officer finds a violation of this division, such code compliance officer shall issue a notice of violation to the violator, as follows:

- (1) For non-life-safety violations of this division (where a 24-hour notice has been previously issued within the preceding 60 days for the same violation), a violation will be issued.
- (2) For life safety violations of this division and for site plan violations, no 24-hour warning notice is required, and a violation may be issued at any time.

*(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)*

**Sec. 82-371. - Civil fines and penalties; denial of future permits to repeat violators.**

- (a) The following civil fines and penalties shall be imposed for violations of this division:
  - (1) First violation .....\$ 100.00
  - (2) Second violation within the preceding 12 months .....250.00
  - (3) Third violation within the preceding 12 months .....500.00
  - (4) Fourth within the preceding 12 months .....750.00
  - (5) Fifth violation within the preceding 12 months, suspension of the sidewalk cafe permit for one weekend (Saturday and Sunday) and .....1,000.00
  - (6) Sixth violation within the preceding 12 months, revocation of the sidewalk cafe permit for the remaining portion of the permit year and .....1,000.00
  - (7) Failure to apply for permit—termination of sidewalk cafe operations.
  - (8) Failure to renew permit—suspension of sidewalk cafe operations.
- (b) A permittee who has been issued more than six violations pursuant to this division within a permit year shall be prohibited from applying for and obtaining a sidewalk cafe permit for a period of two permit years, following the permit year in which the applicant/permittee incurred the aforestated violations.

*(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)*

**Sec. 82-372. - Rights; payment of fine; right to appeal; failure to pay civil fine or to appeal.**

- (a) A violator who has been served with a notice of violation shall elect either to:
  - (1) Pay the civil fine in the manner indicated on the notice; or
  - (2) Request an administrative hearing before a special master, to appeal the decision of the code compliance officer which resulted in the issuance of the notice of violation. Warnings may not be appealed.
- (b) The procedures for appeal shall be as set forth in sections 30-72 and 30-73 hereof.
- (c) Failure of the named violator to appeal the decision of the code compliance officer within ten days after the date printed on the notice of violation shall constitute a waiver of the violator's right to administrative hearing. A waiver of the right to administrative hearing shall be treated as an admission of the violation, and penalties shall be assessed accordingly.
- (d) Any party aggrieved by the decision of a special master may appeal that decision to a court of competent jurisdiction by petition for writ of certiorari.

*(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)*

**Sec. 82-373. - Recovery of unpaid fines; unpaid fines to constitute a lien; foreclosure.**

- (a) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines.
- (b) A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator, and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the city may foreclose or otherwise execute on the lien.

*(Ord. No. 2007-3590, § 1, 12-12-07)*

**Secs. 82-374—82-380. - Reserved.**

**Miami Beach, Florida, Code of Ordinances >> Subpart A - GENERAL ORDINANCES >> Chapter 82 - PUBLIC PROPERTY >> ARTICLE IV. - USES IN PUBLIC RIGHTS-OF-WAY >> DIVISION 5. - SIDEWALK CAFES >> Subdivision II. - Permit >>**

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**Subdivision II. - Permit**

Sec. 82-381. - Permitted areas; conditional permit; city manager's right to remove sidewalk cafes.

Sec. 82-382. - Application.

Sec. 82-383. - Permit fee; penalties for late payments; review of fee.

Sec. 82-384. - Permitted sidewalk cafe frontage; requests for expansions.

Sec. 82-385. - Minimum standards, criteria, and conditions for operation of sidewalk cafes.

Sec. 82-386. - Indemnification and insurance.

Sec. 82-387. - Prohibited "no table" zones.

Secs. 82-388--82-410. - Reserved.

**Sec. 82-381. - Permitted areas; conditional permit; city manager's right to remove sidewalk cafes.**

- (a) Sidewalk cafes shall only be located where permitted by the city's zoning ordinance and land development regulations, as same may be amended from time to time.
- (b) The approval and issuance of a sidewalk cafe permit is conditional at all times.
- (c) It shall be unlawful for any person to operate a sidewalk cafe without a valid permit as required by this division.
- (d) The city manager shall have the right to immediately remove, after 24-hours written and/or verbal notice to the permittee, any sidewalk cafe furniture used in connection with a sidewalk cafe which is operating without a valid permit.
- (e) The city manager may cause the immediate removal, relocation and/or storage of all or part of a sidewalk cafe in emergency situations or for public safety considerations.
- (f) The city manager may require the temporary removal and/or relocation of all or part of a sidewalk cafe when street, sidewalk, or utility repairs, or other public construction, necessitates such action. If such temporary removal exceeds 15 days, the city manager shall pro-rate the remaining permit fee for each additional day the sidewalk cafe (or portion thereof) is removed and apply a credit toward the following year's permit fee or, upon written request by the permittee, refund the remaining fee to the permittee.
- (g) Upon written and/or verbal notification by the city manager of a hurricane or other major weather event, or the issuance of a hurricane warning by Miami-Dade County, whichever occurs first, the permittee shall, within no more than four hours of same, remove and place indoors all tables, chairs and any other sidewalk cafe furniture located on the right-of-way. The notification by the city manager of a hurricane or other major weather event, or the issuance of a hurricane warning, shall constitute a public emergency situation as referenced in this division. The city manager may remove, relocate, and/or store any sidewalk cafe furniture found on the right-of-way that has otherwise not been removed by the permittee pursuant to this subsection. Any and all costs incurred by the city for removal, relocation and/or storage of sidewalk cafe furniture shall be the responsibility of the permittee. Sidewalk cafes will not re-open for business following a hurricane or other major weather event until

notified by the city manager. Violation of this subsection (g) shall result in the issuance of an immediate \$1,000.00 fine, and/or suspension, for up to 30 days, of the sidewalk cafe permit.

(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)

### **Sec. 82-382. - Application.**

- (a) A sidewalk cafe permit shall be effective for one year, from October 1 until September 30 of the following year.
- (b) Application for a permit to operate a sidewalk cafe shall include, but not be limited to, the following information:
  - (1) The name, address and telephone number of the applicant/permittee.
  - (2) The name and address of the business establishment seeking a permit to operate the sidewalk cafe ( including the name and address of the restaurant).
  - (3) A copy of a valid city occupational license to operate the restaurant in front of which the proposed sidewalk cafe will be operating. The total count of chairs to be utilized for the restaurant must include the number of chairs used in conjunction with the sidewalk cafe and the number of chairs inside the restaurant, as authorized by the license.
  - (4) A copy of a valid certificate of use for the restaurant in front of which the proposed sidewalk cafe will be operating.
  - (5) Copies of current certificates of insurance in the amounts and categories required by section 82-386
  - (6) A site plan signed and sealed by a duly licensed architect or engineer which accurately depicts the layout and dimensions of the existing sidewalk area and adjacent private property; proposed location, size and number of tables, chairs, umbrellas, and any other sidewalk cafe furniture; and location of doorways, steps, trees and/or landscaped areas, fountains, parking meters, fire hydrants, bus shelters, directory/kiosks, public benches, trash receptacles, and any other existing public fixtures, furnishings and/or other obstruction(s), within the proposed sidewalk cafe area. The sidewalk cafe site plan shall be approved by the city manager prior to the issuance of a sidewalk cafe permit and the permit shall be specifically limited to the subject area shown on the approved site plan.
  - (7) Photographs, drawings or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, umbrellas, and any other sidewalk cafe furniture related to the operation of the sidewalk cafe. Tables, chairs, umbrellas, and any and all other sidewalk cafe furniture shall be approved by the city manager prior to the issuance of a sidewalk cafe permit.
  - (8) A copy of the approved sidewalk cafe site plan, shall be maintained on the permittee's premises and shall be available for inspection by city personnel at all times.
  - (9) The annual application shall be accompanied by a non-refundable base application fee as set forth in appendix A.
  - (10) Applications shall be reviewed for compliance with applicable city, state and federal laws, and must be reviewed and approved by the city's public works department; fire department; office of risk management; finance department; planning and zoning department; and building department.
  - (11) Prior to issuance of a sidewalk cafe permit, the city's chief financial officer shall certify that there are no outstanding fines, monies, fees, taxes or other charges owed to the city by the applicant/permittee and/or the business establishment/restaurant. A



As provided in Resolution No. 2003-25299, a review of the annual permit fee will be required whenever the change in the Consumer Price Index (CPI), between the latest CPI and the date of the CPI used for the last fee adjustment, is five percent or greater.

(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)

**Sec. 82-384. - Permitted sidewalk cafe frontage; requests for expansions.**

- (a) Sidewalk cafes are restricted to the sidewalk frontage of the restaurant to which the permit is issued or, if the restaurant is an ancillary and/or secondary use to another type of business establishment, the sidewalk cafe shall be restricted to the sidewalk frontage of the building (or portion thereof) of the "primary" business establishment (within which the restaurant is located). Only a restaurant whose premises are on a ground floor adjacent to and fronting the sidewalk may be issued a sidewalk cafe permit. Sidewalk cafes may be extended into a loading zone fronting a restaurant as provided in subsection (d) below.
- (b) An applicant for a sidewalk cafe permit may be permitted, upon prior written request by the permittee to the city manager, to extend by a maximum total of 50 feet in the right-of-way on one side and/or the other side of the restaurant to which the permit is issued (of the business establishment where the restaurant is located); the permittee shall make written application to the city manager setting forth the reason(s) for the proposed expansion and provide a site plan showing the proposed expansion. All requests for expansions pursuant to this subsection (b) shall be reviewed by the city manager on a case by case basis. In reviewing such requests, the city manager, in making his determination to approve or deny, shall consider the following:
  - (1) Pedestrian access.
  - (2) Visibility of the front of the adjacent owner's business.
  - (3) Obstructions.
  - (4) Accessibility to the adjacent owner's business by patrons.
  - (5) The city manager, shall solicit input from businesses and property owners on the same block including, without limitation, the immediately adjacent (i.e., next door) business and property owners.
  - (6) The city manager shall provide written notice to the adjacent business establishment (tenant) and property owner on to whose frontage the sidewalk cafe proposes to expand. The notification shall include the following information: the name and address of the permittee/business establishment requesting the expansion; the approximate location and size of the area requested; and the name and address of the city official and/or employee to forward comments to, and the time period within which to forward said comments (which time period shall be no less than fourteen (14) days). Said notice shall be sent, as to the adjacent business establishment (tenant), to the name and address on file with the city for the establishment's occupational license and, for the property owner, to the name and address identified in the records of the Miami-Dade County Property Tax Appraiser's Officer. Any objections not submitted and received by the city within the date provided in the notice shall be deemed waived.
  - (7) The city manager may also consider any history of violations and/or warnings pursuant to section 82-371

In the event of approval by the city manager to expand a sidewalk cafe pursuant to this subsection (b), the additional square footage will be computed into the new permit fee.

Notwithstanding the city manager's approval of a sidewalk cafe expansion pursuant to this subsection (b), in the event that the adjacent business establishment and/or property owner (on to

which a sidewalk cafe has expanded) subsequently elects to apply for a sidewalk cafe permit to operate a cafe in front of its premises, that new applicant/permittee shall provide the city manager with notice of such intent stating the applicant's name; the property address; the name of the business establishment and/or the restaurant (of which the cafe is a part of); and the anticipated opening date. The city will provide the business establishment (tenant) and property owner which is currently expanding into the proposed new applicant/permittee's frontage with a courtesy copy of the notice. Following receipt of said written notice by the city, and provided that the new applicant/permittee obtains a sidewalk cafe permit, as well as any other required permits and/or licenses for operation of the business establishment and/or restaurant associated with the proposed new sidewalk cafe, then the city manager's prior consent for expansion shall terminate, and the city shall provide written notice to the adjacent sidewalk cafe permittee advising it of such termination, and providing a termination date therefore. The city's notice shall provide the adjacent property owner with at least seven calendar days' notice prior to the effective date of termination of the expansion. Upon the termination date of the city's consent to expansion, the sidewalk cafe permit and the permit fee will be adjusted accordingly.

- (c) In the case of sidewalk cafes on Lincoln Road, an expansion of a sidewalk cafe across the centerline of Lincoln Road Mall may also be permitted. The permittee shall make written application to the city manager setting forth the reason for the proposed expansion and provide a site plan showing the proposed expansion. Requests for expansions pursuant to this subsection (c) shall be reviewed by the city manager on a case by case basis. In reviewing such requests, the city manager shall consider the following:
- (1) The applicant/permittee would otherwise be significantly deprived of the use of the right-of-way for which the sidewalk cafe permit is sought;
  - (2) There are special circumstances and conditions that exist, which were not self-created by the applicant/permittee, and are peculiar to that portion of the right-of-way, and are not generally applicable to other rights-of-way in the immediate area;
  - (3) The granting of the expansion is the minimum that will allow the applicant/permittee's reasonable use of the area for its sidewalk cafe operations; and
  - (4) The granting of the expansion will not significantly impair the ability of pedestrians on that particular portion of Lincoln Road Mall to walk comfortably from one side of the mall to the other.

In the event of approval by the city manager to expand a sidewalk cafe pursuant to this subsection (c), the additional square footage will be computed into the new permit fee.

- (d) Loading zones in front of a ground floor restaurant use with sidewalk frontage and a sidewalk cafe permit may be used as part of an expanded sidewalk cafe permit area when the street on which the loading zone is located is closed to traffic, provided that the loading zone is within a street area that is regularly closed to traffic during certain days or hours, a minimum of five days each week. All platforms, tables and chairs in the loading zone shall be removed at the close of business each night. A permit modification will be required before use of a loading zone may commence, subject to suspension or revocation at the discretion of the public works director. The fee for the temporary expanded sidewalk cafe permit area shall be as provided in section 82-383, of the City Code.

*(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08; Ord. No. 2012-3752, § 1, 2-8-12)*

**Sec. 82-385. - Minimum standards, criteria, and conditions for operation of sidewalk cafes.**

- (a)

The permittee shall take any and all actions to assure that its use of the public right-of-way in no way interferes with patrons of other sidewalk cafes, or limits their free, unobstructed passage thereto.

- (b) Sidewalk cafes shall be located in such a manner that a distance of not less than five feet is maintained at all times as a clear and unobstructed five-foot pedestrian path around public amenities and areas such as, by way of example, fountains, landscaped areas (excluding city planters), and seating/shade structures. Notwithstanding the preceding, the city manager, in his reasonable judgment and discretion, and on a case-by-case basis, may approve and allow for a pedestrian path of less than five feet where an applicant/permittee's sidewalk cafe operation would be significantly impacted. In considering such cases, and in determining whether an applicant/permittee is "significantly impacted," the city manager may apply the criteria set forth in subsections 82-384 (c)(1)—(4). A five-foot pedestrian path shall also be required and established where the city manager, in his reasonable judgment and discretion, determines that the operation of a sidewalk cafe inhibits pedestrian access to an adjacent business establishment or adversely affects the visibility of an adjacent storefront.
- (c) No tables, chairs, umbrellas, or other sidewalk cafe furniture shall be permitted within ten feet of a bus bench and/or bus shelter. A distance of five feet shall be maintained from taxi stands, fire hydrants, bike racks, directory signage/kiosks, and/or other similar public street furniture and/or fixtures.
- (d) No tables, chairs, umbrellas or other sidewalk cafe furniture shall be permitted within five feet of an alley, pedestrian crosswalk, or corner curb cut.
- (e) The pedestrian path for Lincoln Road shall be a 12-foot clear path for emergency and maintenance vehicles. The exact location of the path on each block shall be determined by the city manager, in his reasonable judgment and discretion, and shall be incorporated into the sidewalk cafe site map of Lincoln Road.
- (f) No object shall be permitted around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the free use of the tables and chairs by the public, or (in the case of Lincoln Road) which would have the effect of obstructing the pedestrian path or public access between the north and south sides of Lincoln Road.
- (g) The area covered by a sidewalk cafe permit, and the sidewalk and street immediately adjacent to it, shall be maintained in a clean, neat and orderly appearance at all times by the permittee. The area of the sidewalk, curb and gutter immediately adjacent to the sidewalk cafe shall be cleared of all debris during hours of operation, and again at the close of each business day, or as may otherwise be determined by the city manager. The permittee shall be responsible for pressure cleaning the floor surface on which the sidewalk cafe is located at the close of each business day. The city shall pressure wash the right-of-way from time to time in accordance with such schedule as shall be established in the reasonable judgment and discretion of the city manager. In establishing said schedule, the city manager shall use reasonable efforts to assure that the city's pressure cleaning of the public right-of-way occurs at such times as will cause the least disruption to sidewalk cafe operations.
- (h) Tables, chairs, umbrellas and any other sidewalk cafe furniture shall be maintained in a clean, attractive, and orderly appearance, and shall be maintained and kept in good repair at all times.
- (i) All sidewalk cafe furniture shall be of high quality, design, materials, and workmanship so as to ensure the safety and convenience of the public.
- (j) Only the sidewalk cafe furniture specifically shown on the approved sidewalk cafe site plan shall be allowed in the permit area.

- (k) All tables, chairs, umbrellas, and any other sidewalk cafe furniture shall be readily removable, and shall not be physically attached, chained, or in any other manner affixed to any public structure, street furniture, signage, and/or other public fixture, or to a curb and/or public right-of-way.
- (l) The stacking or piling up of chairs shall be prohibited on the right-of-way. On Lincoln Road Mall, tables, chairs and closed-up umbrellas may only remain on the right-of-way (within the permit area) as long as they are placed in an orderly manner. Notwithstanding the foregoing, on Lincoln Road Mall tables, chairs and closed-up umbrellas may remain on the right-of-way as long as 80 percent of the restaurants on Lincoln Road Mall are open for lunch beginning at 11:00 a.m. The city will make this determination on two separate times during each permit year. The first determination shall be made on October 1, with the second determination being made on April 1 of each year. The phrase "open for lunch" shall be defined by the serving of meals to patrons during the lunch hour. If the city determines that less than 80 percent of the restaurants on Lincoln Road Mall are open for lunch on either October 1 or April 1 of a permit year, then the following regulation shall apply to all restaurants on Lincoln Road Mall. Any and all other sidewalk cafe furniture including without limitation, rolling service stations, service carts and bussing stations, may only be maintained in the permit area during hours of operation provided however, that planters that cannot be readily removed may remain within the permit area subject to the provisions of subsection (s) hereof. On Lincoln Road Mall, rolling service stations, service carts, and bussing stations shall not be permitted to be placed within five feet of the walls, columns, or posts of the Lapidus structures, city planters, or in front of other storefronts and/or business establishments. Notwithstanding anything contained in this subsection (l), the city manager may require a permittee to store its tables, chairs and/or umbrellas off of the right-of-way if, in his reasonable judgment and discretion, the city manager determines that the sidewalk cafe permit area and immediately adjacent public right-of-way are not being adequately maintained in accordance with this division.
- (m) No storage of dishes, silverware or other similar sidewalk cafe equipment shall be allowed in the permit area, or in any other portion of the public right-of-way, or outside the structural confines of the building in which the restaurant is located, during non-business hours.
- (n) There shall be no live entertainment or speakers placed in the permit area unless expressly permitted as a special event. Conditions such as hours and days of operation and audio levels will be regulated by the city's special events office, and these may vary during the year.
- (o) One menu board and one specials board shall be permitted, per sidewalk cafe, for every 50 feet of frontage.
- (p) No food preparation, food storage, refrigeration apparatus or equipment, or fire apparatus or equipment, shall be allowed on the right-of-way.
- (q) No food displays shall be permitted on the public right-of-way. No advertising signs or business identification signs shall be permitted on the public right-of-way except that the restaurant name and/or its logo may be permitted on umbrellas but such logos and/or lettering may not exceed six inches in height.
- (r) Umbrellas shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six feet eight inches above the right-of-way. Two or more umbrellas may not be clipped, zipped or otherwise fastened together in order to form a tentlike structure. Clear plastics or other materials may not be fastened, rolled or otherwise be attached to umbrella edges in order to create an enclosure.
- (s)

The city manager may permit the use of planters manufactured of terra-cotta or polymer materials, with the number and size to be reviewed at time of application. Placement of planters within sidewalk cafe areas shall be five feet apart or greater. It shall be the permittee's responsibility to immediately remove planters, upon written and/or verbal notice from the city manager, in case of emergency or other circumstances as provided in this division. Maximum size of planters shall not exceed the following:

- (1) Rectangular planters: 30 inches long, by 15 inches wide by 20 inches high.
- (2) Round planters: 24 inches diameter by 24 inches high.
- (3) Planters 20 inches or higher shall be on rollers or on rolling bases.
- (4) The combination of planters and plant height should not exceed a table height of 34 inches.

Plants shall be properly maintained. Distressed plants shall be promptly replaced. Plant fertilizers which contain material that can stain the sidewalks shall not be allowed. Water drainage from any plants onto the sidewalk shall not be allowed. Potted plants shall have saucers or other suitable systems to retain seepage.

- (t) Permittees may make written request to the city manager to use city electricity for powering floor fans during the summer months. Summer months are defined as the period beginning on May 1, and ending on September 30. The city manager will make electrical outlets operable upon payment of a flat fee, which fee shall be determined, and may be adjusted from time to time, in the reasonable judgment and discretion of the city manager, for each of the calendar days during the summer months. City electrical outlets will be restricted to powering floor fans only. Using the electrical outlets for powering lights, menu board lighting, and any other electrical device is strictly prohibited. Permittees violating this restriction will have the electrical boxes deactivated and forfeit any monies paid for electrical use. Fans must be UL approved for outdoor use. Extension cords are not allowed.
- (u) No permit shall be granted on Lincoln Road in an area designated in the sidewalk cafe site map as restricted for special and cultural events; provided however, that the city manager may approve temporary use of such area(s), on a case by case basis, and only for a defined, limited time.

*(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08; Ord. No. 2009-3645, § 1.A, 7-15-09)*

### **Sec. 82-386. - Indemnification and insurance.**

- (a) The permittee agrees to indemnify, defend, save and hold harmless the city, its officers and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of the permit or the permittee's activity on the public right-of-way.
- (b) The permittee agrees to meet and maintain for the entire permit period, at its own expense, the following requirements:
  - (1) Commercial general liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The city must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement.
  - (2) For sidewalk cafes which serve alcoholic beverages, liquor liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The city must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement.
  - (3) Workers' compensation and employers' liability as required by the state.
- (c)

All policies must be issued by companies authorized to do business in the state and rated B+:VI or better per Best's Key Rating Guide, latest edition.

- (d) The city must receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided.
- (e) The permittee must provide and have approved by the city an original certificate of insurance as evidence that the requirements set forth in this section have been met prior to commencing operations.
- (f) Failure to comply with these requirements shall be deemed to be operating without a valid permit and shall cause an immediate suspension or revocation of the permit.

*(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)*

### **Sec. 82-387. - Prohibited "no table" zones.**

- (a) There shall be no sidewalk cafes permitted and/or placed within a section of the 1100 block of Lincoln Road Mall, between Lenox Avenue and Alton Road; said section as more specifically defined by the following description:

**Land Description:**

A portion of Lincoln Road lying between Alton Road and Lenox Avenue, as shown on "Commercial Subdivision," according to the plat thereof, as recorded in Plat Book 6, at page 5 of the public records of Miami/Dade County, Florida, being more particularly described as follows:

Commence at the southwest corner of Lot 6, Block 39 of said "Commercial Subdivision;" thence south 89°08;deg;55" west along the south line of Block 39 of said "Commercial Subdivision," a distance of 11.20 feet; thence south 00°51;deg;05" east, a distance of 25.00 feet to the point of beginning; thence continue south 00°51;deg;05" east, a distance of 50.00 feet; thence south 89°08;deg;55" west along a line 25.00 feet north and parallel with the south right-of-way line of said Lincoln Road, a distance of 190.08 feet; thence north 00°51;deg;05 west, a distance of 50.00 feet; thence north 89°08;deg;55" east along a line 25.00 feet south and parallel with the north right-of-way line of said Lincoln Road, a distance of 190.08 feet to the point of beginning.

Said land situate, lying and being in the City of Miami Beach, Miami/Dade County, Florida; containing 9,504 square feet, more or less.

*(Ord. No. 2009-3645, § 1.B, 7-15-09)*

### **Secs. 82-388—82-410. - Reserved.**



from the filing of any such lien which remains unpaid, the city may foreclose or otherwise execute upon the lien.

- (c) *[Procedures for appeals.]* The procedures for appeal of the notice of violation by administrative hearing shall be as set forth in sections 102-384 and 102-385

*(Code 1964, § 25-86.1; Ord. No. 2012-3756, § 2, 4-11-12)*

**C4 - Commission Committee Assignments** (Continued)

- ✶ C4R Referral To The Land Use And Development Committee To Discuss The Lincoln Road Utilization Areas For Sidewalk Cafes.  
(Requested by Vice-Mayor Michael Góngora)
  
- C4S Referral To The Finance And Citywide Projects Committee Requesting A Status Update On The Delayed Issuance Of The RFP For The Professional Food And Beverage Facilities Management For The Miami Beach Convention Center.  
(Requested By Commissioner Deede Weithorn)
  
- C4T Referral To The Neighborhood/Community Affairs Committee For The Status Of The Major Event Plan For Spring Break.  
(Requested by Commissioner Jorge R. Exposito)



# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Ms. Kathie Brooks, Interim City Manager

CC: Mr. Rafael Granado, City Clerk

FROM: Commissioner Deede Weithorn

DATE: January 3, 2013

SUBJECT: Discussion Item:  
Use of Electricity by Sidewalk Cafes

It has been brought to the attention of Commissioner Weithorn that Code Compliance has been directed by your office to cite unauthorized use of electricity on Lincoln Road where currently thirty-one (31) establishments are permitted by the Public Works Department to utilize the City's electrical outlets.

Our City Code currently reads as follows:

"City electrical outlets will be restricted to powering floor fans only. Using the electrical outlets for powering lights, menu board lighting, and any other electrical device is strictly prohibited."

However, staff has informed us that most businesses permitted to use electrical outlets on Lincoln Road do indeed utilize the electricity to power lights, especially at night time. It is the Commissioner's concern that though we expect all businesses to comply with the City's code, citing businesses for using electricity to power lights without previously providing a cure period, could potentially be financially disastrous to restaurants on Lincoln Road. As such, Commissioner Weithorn would like to request that an item be placed on the January City Commission meeting to discuss the use of electrical outlets on Lincoln Road and any changes that may or may not be appropriate to address current use. It is also requested that a reprieve on violations for this section of the City's Code be authorized until the City Commission has had an opportunity to provide direction on this issue.

Should you have any questions and/or concerns, please do not hesitate to contact me at extension 6528.

Thank you,

Alex J. Fernández,  
Commissioner Weithorn's Office

*We are committed to providing excellent public service and safety to all who live, work, and play in our city.*

Agenda Item R96  
Date 1-16-13



# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

**TO:** Kathie Brooks, Interim City Manager  
**FROM:** Ed Tobin, Commissioner  
**DATE:** November 29, 2012  
**SUBJECT:** Agenda item for December 12<sup>th</sup> City Commission Meeting

Please place on the December 12, 2012 Commission Meeting Agenda a referral to Neighborhoods to discuss restaurant solicitation of pedestrians on city sidewalks particularly Ocean Drive and Lincoln Road.

If you have any questions please contact, Dessiree Kane at Extension 6274

ET/dk

**LAND USE AND DEVELOPMENT COMMITTEE PENDING ITEMS  
FOR INFORMATIONAL PURPOSES ONLY**

**LAND USE AND DEVELOPMENT COMMITTEE PENDING ITEMS  
FOR INFORMATIONAL PURPOSES ONLY**

<b>Item #</b>	<b>Commission Referral Date</b>	<b>Title</b>	<b>Referred By</b>	<b>Date Last Heard at LUDC</b>	<b>Comments</b>
1.	01-13-10 Item C4A	Ordinance - Entertainment In Sidewalk Café Permit Areas On Ocean Drive. An Ordinance Providing Minimum Standards, Criteria, And Conditions For Entertainment In Sidewalk Café Permit Areas On Ocean Drive Between 9 <sup>th</sup> And 13 <sup>th</sup> Streets.	Commissioner Michael Góngora	09-27-10	Motion To Table The Matter Until July 2011. On June 6, 2011 The LUDC Instructed Staff To Leave This Item On The Pending List.
2.	03-09-11 Item C4G	Discussion On Variances That Are De Minimis In Nature And May Be Considered For Shorter Notice Requirements.	Commissioner Edward L. Tobin	04-21-11	
3.	12-14-11 Item C4J	Discussion To Encourage Development Of Buildings With Substantial Code Fines By Adopting A Conditional Mitigation Practice For New Purchasers To Incentivize Re-Development.	Commissioner Michael Gongora		
4.	12-14-11 Item R9N	Discussion Regarding The Comprehensive Bike Master Plan.	Commissioner Edward L. Tobin		To be discussed at the joint NCAC/LUDC meeting.
5.	03-21-12 Item C4D	Discussion Regarding The Enforcement of Short Term Rentals.	Commissioner Deede Weithorn		
6.	03-21-12 Item C4K	Discussion Concerning The Terminal Island Traffic Study And Circulation Study.	Commissioner Michael Gongora	05-16-12	Returning to LUDC pending further developments.
7.	03-21-12 Item C4N	Discussion Regarding The Possibility Of Restricting Destination Restaurants In The South Of Fifth Neighborhood.	Mayor Matti Herrera Bower		
8.	04-11-12 Item C4H	Discussion Of Parking Issues Relating To 816 West 40 <sup>th</sup> Street.	Commissioner Jonah Wolfson		
9.	04-11-12 Item C4I	Discussion Of The Legalization Of The Current Use Of 3767 Chase Avenue.	Commissioner Jonah Wolfson		
10.	06-06-12 Item C4D & R7B	Discussion On Policy Consideration Regarding The Granting Of Subterranean Or Aerial Rights Over Public Property.	City Commission	09-19-12	
11.	10-24-12 Item C4N	Discussion On A Code Amendment Requiring That The Planning Board Has Up To Two (2) Meetings To Consider A Proposed Amendment; Or If No Recommendation Is Made After Two (2) Meetings, It Goes To Commission Without Planning Board Recommendation.	Commissioner Jonah Wolfson		
12.	10-24-12 Item R9O	Discussion Regarding Public Safety Issues In Abandoned Homes On Miami Beach (i.e. Beehive).	Commissioner Edward L. Tobin		
13.	11-14-12 Item C4A	Discussion Of The City's Draft Tree Ordinance Prepared By The Parks And Recreation Department's Green Space Management Division.	City Commission		

14.	11-14-12 Item R5A	Parking District No. 5 – Sunset Harbour	City Commission		Item Referred to LUDC by acclamation in eleven months for report, October 2013.
15.	12-12-12 Item C4I	2) Transit Enhancements For North Beach	Commissioner Jerry Libbin		To be discussed at the joint NCAC/LUDC meeting.
16.	12-12-12 Item R9E	Discussion Regarding The Condition Of The Stones In The 1100 Block Of Lincoln Road.	Commissioner Jonah Wolfson		
17.	12-12-12 Item R9H	Discussion Regarding Mass Transit Connectivity From The Mainland To Miami Beach.	Commissioner Jerry Libbin		To be discussed at the joint NCAC/LUDC meeting.
18.	02-06-13 Item C4C	An Amendment To The Land Development Regulations To Regulate Religious Institutions In Multi-Family Residential, Commercial And Industrial Districts In The Same Manner As Other Assembly Uses With Similar Occupancy.	City Commission		
19.	02-06-13 Item C4K	Discussion Regarding Participation Of The City Clerk's Office In The 2013 Legends Ball, To Conduct Domestic Partnership Registry.	City Commission		
20.	02-06-13 Item R5E	CD-2 Self Storage	City Commission		
21.	02-06-13 Item R9B1	Discussion On The Boardwalk	City Commission		

