

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: Jimmy L. Morales, City Manager

DATE: November 16, 2016

SUBJECT: **LAND USE AND DEVELOPMENT COMMITTEE MEETING OF NOVEMBER 16, 2016**

A meeting of the Land Use and Development Committee has been scheduled for November 16, 2016 at 3:00 p.m. in the City Commission Chambers.

DISCUSSION ITEMS

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

(Continued from the October 26, 2016 LUDC Meeting
Sponsored by Commissioner Ricky Arriola and
Commissioner Michael Grieco and City Commission
February 10, 2016 City Commission Meeting, Item R9F)
UNDER SEPARATE COVER

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

(Continued from the October 26, 2016 LUDC meeting
Sponsored by Commissioner Kristen Rosen Gonzalez
September 14, 2016 City Commissioner Meeting, Item C4 E)

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

(Continued from the October 26, 2016 LUDC meeting
Sponsored by Commissioner Ricky Arriola
September 14, 2016 City Commission Meeting, Item C4 M)
UNDER SEPARATE COVER

4. Discussion On Amendments To The City Code To Address The Following As It Relates To The Sale Of Alcoholic Beverages:
 - a. The Appearance Of Package Stores, Including Glass Storefront Displays, When Viewed From The Sidewalk;
 - b. An Increase In The Minimum Distance Separation For Package Stores City Wide;
(Continued from the September 21, LUDC meeting
Sponsored by the City Commission
September 14, 2016 City Commission Meeting, Item R5R)
5. Discussion Regarding the Creation of North Beach Conservation Districts.
(Sponsored by Commissioner Joy Malakoff
October 26, 2016 City Commission Meeting, Item C4 C)
6. Discussion Regarding Prohibiting Variances To Exceed The Maximum Size Of Accessory Retail On Ocean Drive.
(Sponsored by Commissioner Ricky Arriola and City Commission
November 9, 2016 City Commission Meeting, Item C4 M)
UNDER SEPARATE COVER
7. Discussion Regarding Prohibiting Exterior Speakers In Non-Eating And Drinking Establishments On Ocean Drive.
(Sponsored by Commissioner Ricky Arriola and City Commission
November 9, 2016 Item C4 N)
UNDER SEPARATE COVER

VERBAL REPORTS

8. Discussion Pertaining to Development Regulations And Guidelines for New Construction In the Palm View Historic District To Address Resiliency, Sustainability and Adaptation.
(Continued from the September 21, 2016 LUDC Meeting
Sponsored by Commissioner Joy Malakoff
March 9, 2016 City Commission Meeting, Item C4 K)
9. Discussion Regarding The Recommendation Of The Neighborhood/Community Affairs Committee To Establish More Aggressive Requirements For Employee Transportation Plans.
(Continued from the October 26, 2016 LUDC Meeting
Sponsored by City Commission
June 8, 2016 City Commission Meeting, Item R7 X)
10. Discussion Regarding An Amendment To The West Avenue Overlay To Remove The Current Allowance For Bed And Breakfast And Suite Hotel Uses.
(Continued from the October 26, 2016 LUDC Meeting
Sponsored by Commissioner Joy Malakoff
July 13, 2016 City Commission Meeting, Item C4 L)
11. Discussion to Consider Affordable Housing Development Opportunities.
(Sponsored by Commissioner John Elizabeth Aleman
October 26, 2016 City Commission Meeting, Item C4 B)

12. Discussion Regarding A Recommendation Relating To Modification Of The Land Use Regulations Relating To Lincoln Road.
(Sponsored by Commissioner Michael Grieco
November 9, 2016 City Commission Meeting, Item C4 B)
13. Discussion To Re-Zone The Western Side Of The 600 Block Of Washington Avenue From RM-2 To CD-2
(Sponsored by Commissioner Michael Grieco
November 9, 2016 City Commission Meeting, Item C4 E)
14. Discussion Regarding The Use Regulations For The West Avenue Overlay District.
(Sponsored by Commissioner Joy Malakoff
November 9, 2016 City Commission Meeting, Item C4 J)
15. Discussion Regarding Setting Minimum Lighting Requirements For Ocean Court.
(Sponsored by Commissioner Ricky Arriola
November 9, 2016 City Commission Meeting, Item C4 O)
16. An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 102 Of The Code Of The City Of Miami Beach, Entitled "Taxation," By Amending Article V, Entitled "Local Business Tax," By Amending Section 102-377 Thereof Entitled "Penalties, Enforcement; Collection Of Delinquent Fees And Taxes, And Criminal Penalties," By Establishing A Modified Penalty And Enforcement Provision Which Delineates Monetary Fines And Criminal Penalties; By Creating Section 102-386 Thereof To Be Entitled "Property Owner's Responsibilities Regarding Legally Permissible Transient Rental And Occupancy (Short Term) Of Residential Property," By Prohibiting Property Owners From Advertising The Transient Rental Or Occupancy Of A Residential Property Without The Submission Of An Affidavit To The City, By Requiring The Affidavit To Confirm That The Land Development Regulations Authorize Transient Rental And Occupancy; And Ensuring That The Property Owner Obtains Compliance With Those Provisions Set Forth Within Chapter 102, The American Disabilities Act, The Florida Fire Prevention Code And The Florida Building Code; And By Further Requiring Written Authorization From The Condominium Association For The Transient Rental Or Occupancy Of The Residential Property Or Unit; And Requiring Notification To Prospective Guests By Property Owners That Operate Independently Of The Primary Hotel Operator; And Establishing A Penalty Provision For Violations Of This Section; Providing For Repealer, Severability, Codification, And An Effective Date.
(Sponsored by Vice Mayor Joy Malakoff
& Commissioner John Elizabeth Aleman
And Co-Sponsored by Commissioner Michael Grieco
And City Commission
November 9, 2016 City Commission Meeting, Item R5 G)

2016 Meeting Schedule

Monday December 12, 2016

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UNDER SEPARATE COVER

Cardillo, Lilia

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

Sent from my iPhone

Begin forwarded message:

From: "Grieco, Michael" <MichaelGrieco@miamibeachfl.gov>
Date: January 20, 2016 at 8:22:28 PM EST
To: "Granado, Rafael" <RafaelGranado@miamibeachfl.gov>
Subject: February agenda

Please place on agenda:

Discussion item and referral to Land Use Committee Regarding CMB Preparations for Likely Passage of State Medical Marijuana Constitutional Amendment

Please include this email and the attached Dania Beach Ordinance with the item

Sec. 19-1. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 2014-015, § 3, 10-28-14)

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

- (1) It shall be unlawful for any business or person to operate a medical marijuana retail center, or to otherwise offer for sale or in any way participate in the conduct of any activities upon the premises within the city without first obtaining a medical marijuana permit.
- (2) Each person employed in the conduct of such activity shall be screened and approved pursuant to this chapter and required to obtain an identification tag before the medical marijuana retail center opens for business or, for persons who become involved with the center after it is open, before having any involvement in center's activities.
- (3) No medical marijuana permit or identification tag shall be transferable; each person must obtain a medical marijuana permit or identification tag directly from the city.

(Ord. No. 2014-015, § 3, 10-28-14)

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

- (1) Applications for a medical marijuana permit shall be made by the applicant in person to the city clerk during regular business hours upon such forms and with such accompanying information as may be established by the city. Such application shall be sworn to or affirmed. Every application shall contain at least the following:
 - (a) The business operating name and all applicant and owner information. If the applicant or owner is:
 1. An individual, his or her legal name, aliases, home address and business address, date of birth, copy of driver's license or a state or federally issued identification card;
 2. A partnership, the full and complete name of the partners, dates of birth, copy of driver's license or state or federally issued identification card of all partners, and all aliases used by all of the partners, whether the partnership is general or limited, a statement as to whether or not the partnership is authorized to do business in the State of Florida and, if in existence, a copy of the partnership agreement (if the general partner is a corporation, then the applicant shall submit the required information for corporate applicant in addition to the information concerning the partnership);
 3. A corporation, the exact and complete corporate name, the date of its incorporation, evidence that the corporation is in good standing, the legal names and dates of birth, driver's license numbers or state or federally issued identification card numbers of all officers, and directors, and all aliases used, the capacity of all officers, and directors, and, if applicable, the name of the registered corporate agent, and the address of the registered office for service of process, and a statement as to whether or not each corporation is authorized to do business in the State of Florida;.

4. The addresses required by this section shall be physical locations, and not post office boxes. The name, home address, and business address of the applicant and the name and an address of all owner(s), if any, other than the applicant. The addresses required by this section shall be physical locations, and not post office boxes.
- (b) A complete copy of the business' application to the State of Florida and all related exhibits, appendices, and back up materials for approval and licensure as a medical marijuana treatment center.
- (c) A statement as to whether the applicant or any owner or employee has previously received a medical marijuana permit or identification tag from the city.
- (d) A statement as to whether the applicant or any owner holds other permits or licenses under this Code and, if so, the names and locations of such other permitted or licensed establishments.
- (e) A statement as to whether the applicant or any owner has been a partner in a partnership or an officer or director of a corporation whose permit or license issued under this Code has previously been suspended or revoked, including the name and location of the establishment for which the permit or license was suspended or revoked, as well as the date of the suspension or revocation.
- (f) A statement as to whether or not the applicant or any owner has lost any privilege or had any permit or license to do business revoked by any local, state or federal government and, if so, the nature of such privilege, permit or license and the reason for such revocation.
- (g) A statement as to whether or not the applicant or any owner has lost any privilege or had any permit or license to do business suspended by any local, state or federal government and, if so, the nature of such privilege, permit or license and the reason for such suspension.
- (h) A statement as to whether or not the applicant or any owner or employee has been found guilty of or has pleaded guilty or nolo contendere to a felony relating to any business in this state or in any other state or federal court, regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases.
- (i) A statement as to whether or not the applicant or any owner or employee has been found guilty of, or have pleaded guilty or nolo contendere to, a felony relating to a battery or a physical violence on any person in this state or in any other state or federal court, regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases.
- (j) A statement as to whether or not the applicant or any owner has filed a petition to have their respective debts discharged by a bankruptcy court having jurisdiction of such cases.
- (k) Written documentation that the applicant, every owner, and each employee has successfully completed level 2 background screening within the year.
- (l) A passport photograph of the applicant, every owner, and each employee.
- (m) A notarized, signed, and sworn statement that the information within the application is truthful, independently verifiable, and complete and that the photocopies of the attached driver's licenses or state or federally issued identification cards are true and correct copies of the originals.
- (2) *Rejection of application.* In the event the city determines that the applicant has not satisfied the application requirements for a proposed medical marijuana retail center, the applicant shall be notified of such fact; and the application shall be denied.
- (3) *Fees.* In addition to demonstrating compliance with this article, the applicant shall pay a nonrefundable application fee in an amount established by resolution of the city commission for each applicant, each owner, and each employee to cover its administrative costs and expenses incurred in reviewing and

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

(4) *Application review.*

- (a) *Investigation.* The city shall refer the application to the chief of police, who shall review the application and documentation provided, and conduct a background screening of the applicant, each owner and employee. Upon receipt of the appropriate documentation, the chief of police shall forward the information and application to the city manager, together with any recommendations and other relevant information from the files regarding the applicant.
- (b) *City manager determination.* Upon receipt of such material from the chief of police, the city manager shall, within thirty (30) days, either:
 - 1. Notify the applicant that the permit has been denied and the reason for such denial; or
 - 2. Issue a permit, with or without conditions.
- (c) *Duration.* Permits shall be issued for a one-year period for a term commencing October 1 or the date of issuance, and ending the following September 30.
- (d) *Denial.* The city shall deny an applicant's application for a medical marijuana permit if:
 - 1. The applicable permit or licensing fees have not been paid in full;
 - 2. The application violates or fails to meet the provisions of this Code, any building, fire or zoning code, statute, ordinance, or regulation;
 - 3. The application contains material false information, or information material to the decision was omitted; failure to list an individual required to be listed, and whose listing would result in a denial, is presumed to be material false information for purposes of denial of the application; the certification that the applicant owns, possesses, operates and exercises control over the proposed or existing medical marijuana retail center is a material representation for purposes of this section;
 - 4. The applicant or any owner has a permit or license under this Code, or has had a permit or license under this Code, which has been suspended or revoked;
 - 5. The granting of the application would violate a statute or ordinance, or an order from a court of law that prohibits effectively the applicant from obtaining a medical marijuana permit;
 - 6. The applicant, an employee, or any owner has been convicted of fraud or felony by any state or federal court within the past five (5) years or less than five (5) years has elapsed since the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - 7. The applicant, an employee, or any owner has obtained any governmental permit by fraud or deceit.
- (e) *Background checks, photograph and identification tag.* In connection with the issuance of a medical marijuana permit by the city, the chief of police shall, upon verification of successful level 2 background screening, cause an identification tag to be issued to each approved applicant for a permit as well as for each owner and each employee. on the face of each identification tag, there shall be placed the following:
 - 1. A photograph of the applicant/owner/employee;
 - 2. The permit number;
 - 3. The permit holder's name and address;

4. The name and address of the medical marijuana retail center that the applicant/owner/employee represents or is employed by; and
 5. The expiration date of the permit.
- (f) *Reapplication.* If a person applies for a medical marijuana permit at a particular location within a period of one (1) year from the date of denial of a previous application for a medical marijuana permit at the location, and there has not been an intervening change in the circumstances material to the decision regarding the former reason(s) for denial, the application shall not be accepted for consideration.
- (g) *Renewal.* Medical marijuana permits shall be entitled to renewal annually subject to the provisions of this chapter. Before the October 1 expiration date, the annual medical marijuana permit may be renewed by presenting the permit for the previous year, and:
1. Paying the appropriate permit fee;
 2. Updating the information supplied with the latest application or certifying that the information supplied previously remains unchanged; and
 3. Providing proof of continued compliance with all state and city licenses, operational and zoning requirements.
- (h) *Permit transferability.*
1. The medical marijuana permit is specific to the applicant and the location and shall not be transferred.
 2. An attempted transfer of a medical marijuana permit either directly or indirectly in violation of this section is hereby declared void, and in that event the medical marijuana permit shall be deemed abandoned, and the medical marijuana permit shall be forfeited.
- (i) *Violation of regulations.* In the event of a Code violation, violation of the conditions of the medical marijuana permit or special exception approval, or other violation of the laws applicable to the medical marijuana retail center, the city shall issue a warning notice and the applicant shall, no later than twenty (20) business days after receipt of the notice, provide a copy of a corrective action plan and timeframes and completion date to address the identified issues to the city.
- (j) *Illegal transfer.* If a medical marijuana permit is transferred contrary to this chapter, the city shall suspend the medical marijuana permit and notify the permittee of the suspension. The suspension shall remain in effect until all of the requirements of this chapter have been satisfied and a new medical marijuana permit has been issued by the city.
- (k) *Grounds for revocation.* Any medical marijuana permit issued under this article shall be revoked if any one or more of the following occurs:
1. The applicant provides false or misleading information to the city;
 2. Anyone on the premises knowingly dispenses, delivers, or otherwise transfers any marijuana or marijuana product to an individual or entity not authorized by state law to receive such substance or product;
 3. The applicant, an owner or a manager is convicted of a felony offense;
 4. Any applicant, owner, manager or employee is convicted of any drug-related crime under Florida Statutes;
 5. The applicant fails to correct any City Code violation or to otherwise provide an action plan to remedy the violation acceptable to the city manager within twenty (20) days of citation;
 - 6.

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

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

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

(m) *Effect of revocation.*

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

(Ord. No. 2014-015, § 3, 10-28-14)

Sec. 19-4. - General requirements.

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

- (1) Conform to all applicable building statutes, codes, ordinances, and regulations, whether federal, state, or local;
- (2) Conform to all applicable fire statutes, codes, ordinances, and regulations, whether federal, state, or local;
- (3) Conform to all applicable health statutes, codes, ordinances, and regulations, whether federal, state, or local;
- (4) Conform to all applicable zoning regulations and land use laws, whether state or local, including but not limited to the City Land Development Code;
- (5) Keep the original of the medical marijuana permit posted in a conspicuous place at the premises at all times, which medical marijuana permit shall be available for inspection upon request at all times by the public.

(Ord. No. 2014-015, § 3, 10-28-14)

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

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

- (1) *Hours of operation.*
 - a. Operation is permitted only between the hours of [8:00 a.m. and 5:00 p.m. Monday through Saturday].
 - b. No operation is permitted on Sundays or state or federal holidays.
- (2) *On-site consumption of marijuana.* No medical marijuana retail center shall allow any marijuana to be smoked, ingested or otherwise consumed on the premises. The medical marijuana retail center shall take all necessary and immediate steps to ensure compliance with this paragraph. No person shall smoke, ingest or otherwise consume marijuana on the premises.
- (3) *Alcohol prohibited.* No medical marijuana retail center shall allow the sale, service, or consumption of any type of alcoholic beverages on the premises including in the surrounding rights-of-way. The medical marijuana retail center shall take all necessary and immediate steps to ensure compliance with this paragraph. No person shall consume an alcoholic beverage on the premises, including the surrounding rights-of-way.
- (4) *Outdoor activity.* There shall be no outdoor displays, sales, promotions, or activities of any kind permitted on the premises, including the surrounding rights-of-way. All activities and business shall be conducted within the confines of the permanent building containing the medical marijuana retail center.
- (5) *On-site storage.* There shall be no on-site storage of any form of marijuana or marijuana product, except as reasonably necessary for the conduct of the medical marijuana retail center's on-site business.
- (6) *Live plant materials.* No living marijuana plants are permitted on the site of a medical marijuana retail center.
- (7) *Maintenance of premises.* A medical marijuana retail center shall actively remove litter at least twice each day of operation on the premises, from the premises, the area in front of the premises, from any parking lot used by its patrons, and, if necessary, from public sidewalks or rights-of-way within one hundred (100) feet of the outer edge of the premises used by its patrons.
- (8) *Garbage.* Refuse or waste products incident to the distribution of marijuana shall be destroyed on-site at least once every twenty-four (24) hours.
- (9) *Delivery.* All deliveries to the medical marijuana retail center shall be made during regular operating hours while on-site security personnel are present.
- (10) *Security.* With the application, the applicant shall submit a security plan demonstrating compliance with F.S. § 381.986, and all other applicable statutes and State administrative rules.
 - a. In addition to proving compliance with all state requirements, the security plan shall, at a minimum, provide the following:
 1. Fully operational lighting and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft, both in the premises and in the surrounding rights-of-way, including:
 - a. A silent security alarm that notifies the police department or a private security agency that a crime is taking place;
 - b. A vault, drop safe or cash management device that provides minimum access to the cash receipts; and

- c. A security camera system capable of recording and retrieving an image which shall be operational at all times during and after business hours. The security cameras shall be located:
 - (i) At every ingress and egress to the dispensary, including doors and windows;
 - (ii) On the interior where any monetary transaction shall occur; and
 - (iii) At the ingress and egress to any area where medical marijuana is stored;
 - 2. Traffic management and loitering controls;
 - 3. Cash and inventory controls for all stages of operation on the premises, and during transitions and delivery.
 - 4. On-site armed security personnel during business hours.
- b. The chief of police shall review the applicant's operational and security plan using Crime Prevention Through Environmental Design (CPTED) principles. The chief may impose site and operational revisions as are deemed reasonably necessary for the health, safety and general welfare of the applicant, owner(s), employees, customers, adjacent property owners and residents, which may include items such as methods and security of display and storage of marijuana and cash, limitations on window and glass door signage, illumination standards, revisions to landscaping, and any other requirement designed to enhance the safety and security of the premises.
- (c) Any instance of breaking and entering at a medical marijuana retail center, regardless of whether marijuana or marijuana-based products are stolen, shall constitute a violation of this chapter if the security alarm fails to activate simultaneous with the breaking and entering.
- (11) *Odor and air quality.* A complete air filtration and odor elimination filter and scrubber system shall be provided ensuring the use will not cause or result in dissemination of dust, smoke, or odors beyond the confines of the building, or in the case of a tenant in a multi-tenant building, beyond the confines of the occupied space. A double door system shall be provided at all entrances to mitigate odor intrusion into the air outside the medical marijuana retail center.
- (12) *Delivery vehicle identification.* For security purposes, no vehicle used in the operation of or for the business purposes of a medical marijuana retail center shall be marked in such a manner as to permit identification with the medical marijuana retail center.
- (13) *Signage.* Notwithstanding other provisions of the Code, signage for a medical marijuana retail center shall be limited as follows:
 - a. Graphics, logos and symbols shall be prohibited;
 - b. Neon shall be prohibited;
 - c. Signs shall not be internally illuminated;
 - d. Signs may be externally illuminated consistent with the requirements of section 505-30, only during hours of operation;
 - e. A medical marijuana retail center shall post, at each entrance to the medical marijuana retail center the following language:

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

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

- (14) *On-site community relations contact.* The medical marijuana retail center shall provide the city manager, and all property owners and tenants located within one hundred (100) feet of the entrance to its premises, with the name, phone number, and e-mail or facsimile number of an on-site community relations staff person to whom they can provide notice during business hours and after business hours to report operating problems. The medical marijuana retail center shall make every good faith effort to encourage neighbors to call this person to try to solve operating problems, if any, before any calls or complaints are made to the police department or other city officials.
- (15) *Employment restrictions.* It shall be unlawful for any medical marijuana retail center to employ any person who:
- Is not at least twenty-one (21) years of age; and
 - Has not passed a level 2 background screening.
- (16) *Persons allowed to enter the premises.*
- Underage entry.* It shall be unlawful for any medical marijuana retail center to allow any person who is not at least eighteen (18) years of age on the premises during hours of operation, unless that person is authorized by state law to purchase medical marijuana, whether as a qualified patient with a valid identification card or primary caregiver or legal guardian of a qualified patient with a valid identification card.
 - Entry by persons authorized by state law.* It shall be unlawful for any medical marijuana retail center to allow any person on the premises during the hours of operation if that person is not authorized by state law to be there. Authorized persons, such as owners, managers, employees and qualified registered patients, their legal guardians, qualified registered caregivers must wear an identification tag, and authorized inspectors and authorized visitors must wear a visitor identifying badge and be escorted and monitored at all times by a person who wears his or her identification tag.
- (17) *Product visibility.* No marijuana or product of any kind may be visible from any window or exterior glass door.
- (18) *Sole business.* No business other than the dispensing of medical marijuana shall be permitted to be conducted from the premises.
- (19) *Loitering.*
- A medical marijuana retail centers shall provide adequate indoor seating for its customers, clients, patients and business invitees.
 - Customers, clients, patients or business invitees shall not be directed, encouraged or allowed to stand, sit (including in a parked car for any period of time longer than reasonably required for a person's passenger to conduct their official business and depart), or gather or loiter outside of the building where the center is operating, including in any parking areas, sidewalks, rights-of-way, or neighboring properties.
 - Pedestrian queuing or loitering at any time, including prior to business hours, outside of the center's building is prohibited.
- (20) *Compliance with state regulations and licensure requirements.* A medical marijuana retail center must comply with all federal and state laws, licensing and regulatory requirements.
- A medical marijuana retail center shall notify the city within five (5) business days of receipt of any notice of violation or warning from the state or of any changes to its state licensing approvals.
 -

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

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

(Ord. No. 2014-015, § 3, 10-28-14)

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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: Jimmy L. Morales, City Manager



DATE: November 16, 2016

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

HISTORY

On September 14, 2016, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred this request to the Land Use and Development Committee (Item C4E). At the September 14, 2016 meeting, two (2) separate referrals pertaining to this item were discussed as part of the consent agenda:

1. Item C4C (Sponsored by Vice-Mayor Michael Grieco): A referral to the Land Use and Development Committee of an Ordinance amending Chapter 118, to require a 6/7th vote of the City Commission to increase height above 40 feet for all properties, excluding the "Civic and Convention Center District" (CCCD) and "Government Use" (GU) Districts, and excluding height waivers pursuant to section 142-425(d).
2. Item C4E (Sponsored by Commissioner Kristen Rosen Gonzalez): A referral to the Planning Board of an Ordinance amending Chapter 118, to require a 6/7th vote of the City Commission to increase the maximum zoned building height in any zoning district by more than ten (10) feet, except for height regulation exceptions set forth in City Code Section 142-1161, and to require a 6/7th vote of the City Commission to amend or repeal the ordinance.

Item C4C was withdrawn by Vice-Mayor Grieco, in order for it to be heard in conjunction with Item C4E. After discussion, item C4E was referred to the Land Use and Development Committee without specific footage relating to height.

On September 21, 2016, the item was continued to October 26, 2016 Land Use Committee agenda. On October 26, 2016, the item was continued to a date certain of November 16, 2016, due to the length of the agenda.

BACKGROUND

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

been approved through legislative action by the City Commission:

1. Ord. No. 2016-4028, Approved September 14, 2016: North Beach Town Center - Increase allowable Tower Height from 7 Stories / 75' to 12 Stories / 125' for properties within the TC-1 Zoning District.
2. Ord. No. 2016-4021, Approved June 8, 2016: Ocean Terrace Overlay - Increase allowable Tower Height from 75' to 235 for eligible properties within the Ocean Terrace Overlay from 73rd Street to 75 Street.
3. Ord. No. 2016-3992, Approved January 27, 2016: CD-2 Alton Road - Increase the maximum height by 10 FT from 50 FT to 60 FT for mixed-use buildings that include structured parking for properties located on the west side of Alton Road from 6th Street to Collins Canal. This ordinance did not increase the number of allowable stories, but provided an additional 10 feet of height, primarily to accommodate more flexibility in the distribution of allowable FAR and to create higher ceiling spaces for first level portions of the building.
4. Ord. No. 2015-3974, Approved October 14, 2015: Washington Avenue Zoning Incentives Amendment. Part of this comprehensive amendment increased the height limit from 50 ' to 55' overall and to 75' for lots over 200' in width, or over 100' in width on the east side of Washington Avenue within 250' of a cultural institution.
5. Ord. No. 2015-3919, Approved January 14, 2015: CCC District - Increase the maximum height by 200 FT from 100 FT / 11 stories to 300 FT / 30 stories, specifically for hotel uses. This ordinance created more flexibility for a future convention center hotel.
11/18/2014 – PB File 2224
6. Ord. No. 2014-3900, Approved October 22, 2014: RM-2 Parking Garages - Increase the maximum height by 25 FT from 50 FT to 75 FT / 8 stories for main use parking garages located on non-oceanfront lots within the Collins Waterfront Local Historic District. This ordinance allows for the creation of additional off-street parking spaces in an area of the City that lacks adequate off-street parking facilities and where there are very limited options for such facilities.
7. Ord. No. 2014-3857, Approved April 30, 2014: RM-2 North Shore Park – Increase the maximum height by 60 FT / 6 stories from 140 FT / 15 stories to 200 FT / 21 stories for lots fronting the Atlantic Ocean and within 250 feet of North Shore Open Space Park Boundary. The increase in height approved under this ordinance is consistent with the maximum height requirements on similar ocean front lots in the City.
8. Ord. No. 2014-3839, Approved February 12, 2014: RM-2 Talmudic University on 41st Street - Increase the maximum height by 25 FT from 60 FT to 85 FT for the area fronting the west side of Alton Road between 41st Street and W. 34th Street. The increase in height approved under this ordinance was for a main-use residential structure and to allow for mass and volume flexibility within a larger site.

9. Ord. No. 2012-3753, Approved February 8, 2012: RPS-4 Ocean Beach Historic District - Limits height in the Ocean Beach Historic District to 35 FT for the first 60 FT of lot depth, 75 FT thereafter, subject to a line-of-sight analysis. Also gives the HPB the ability to allow an increase in the overall height, not to exceed 6 stories, 60 FT for the first 60 FT of lot depth and 11 stories, 100 FT thereafter, if the structure satisfied certain conditions.
10. Ord. No. 2007-3588, Approved December 12, 2007: RM-3 Oceanfront Local Historic District - Allows the height of attached or detached additions in the RM-3 district and in a local historic district to exceed the height restriction of 5 stories and 50 FT, if it meets certain criteria and allows the HPB to allow for more height.
11. Ord. No. 2007-3589, Approved December 12, 2007: RM-3 Oceanfront Architectural District - Allows the height of attached additions in the RM-3 district and in the architectural district to exceed the height restrictions of 5 stories and 50 feet, but shall not exceed the height of the roof line of the structure attached if it meets certain criteria.

CONCLUSION

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

JLM/SMT/TRM

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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: Jimmy L. Morales, City Manager



DATE: November 16, 2016

SUBJECT: **Discussion: Proposed Zoning Amendments To The City Code To Address The Following As It Relates To The Sale Of Alcoholic Beverages:**

- a. **The Appearance Of Package Stores, Including Glass Storefront Displays, When Viewed From The Sidewalk;**
- b. **An Increase In The Minimum Distance Separation For Package Stores City Wide;**

HISTORY

On September 14, 2016, the City Commission referred this item to the Land Use and Development Committee (Item R5R). On September 21, 2016, the item was discussed and continued to a date certain of November 16, 2016.

ANALYSIS

At the September 21, 2016 Land Use Committee meeting, the Administration was directed to research the locations of existing package stores City wide. Attached is a list of such establishments, as well as a map showing the locations. Additionally, attached is a draft ordinance, amending Chapter 6 of the City Code, which increases the minimum distance separation of package stores from the current 300 feet to 1500 feet.

In addition to providing data on package stores, the Administration was also instructed to draft standards for the appearance of package stores. Attached is a draft ordinance, creating Sec. 142-1112, and establishing minimum design standards for package liquor stores. The Administration is seeking additional input regarding these draft standards, as well as the most appropriate location for such standards, in the City Code.

CONCLUSION

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

JLM/SMT/TRM

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Liquor Store Exterior Appearance – Minimum Design Standards

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 3, "SUPPLEMENTARY USE REGULATIONS," BY CREATING SECTION 142-1112, "PACKAGE LIQUOR STORE DESIGN STANDARDS"; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, retail stores for off-premises consumption in Miami Beach have been historically concentrated in the commercial and mixed-use entertainment districts along Washington Avenue, Collins Avenue, Alton Road and Ocean Drive; and

WHEREAS, the City Code allows certain uses within commercial districts, which, absent mitigation, could be incompatible with dense urban landscape of the community; and

WHEREAS, it is in the best interest of the City to develop and enforce minimum design standards relating to the appearance of package liquor stores, city wide in order to further protect and enhance the general health, safety and welfare of the community; and

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

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

SECTION 1. Chapter 142, "Zoning Districts and Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," Is Amended as follows:

Sec. 142-1112. - Package Liquor Store Design Standards.

- (a) No more than 35% of the square footage of storefront windows and doors may contain the display of alcoholic beverage products and the container size of said products shall be no smaller than a standard "fifth of liquor" size bottle.
- (b) Notwithstanding the regulations in Chapter 138, no more than 2% of storefront windows may be covered with alcoholic beverage products.
- (c) Subject to the approval of the Historic Preservation or Design Review Board, as applicable, art display walls may be proposed. The proposed display areas in any storefront windows facing a street or sidewalk shall only contain artwork; retail merchandise or signage shall not be displayed at any time in conjunction with artwork display.
- (d) The following minimum standards shall apply to all package stores:
 - (1) No stacking of boxes within 10'-0" of the storefront.
 - (2) No shelving within 10'-0" of the storefront.
 - (3) The interior layout of the cashier and check-out counter shall be located a minimum distance of 10'-0" from all storefront glass and the main entrance.
 - (4) One 10 square foot table display or case display may be located up to 5'-0' from the storefront glass.
 - (5) No ATM, currency service, LOTTO, check cashing services, or other ancillary use

- signage shall be permitted.
- (6) All coolers and or refrigerated cases shall be located a minimum of 20 feet from any storefront glass.

SECTION 2. REPEALER.

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

SECTION 3. CODIFICATION.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2017.

Philip Levine
Mayor

ATTEST:

Rafael E. Granado
City Clerk

First Reading: _____, 2017

Second Reading: _____, 2017

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

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Existing Licensed Package Liquor Stores - Citywide

1491 WASHINGTON AVENUE	MIAMI BEACH, FL 33139
2401 COLLINS AVENUE	MIAMI BEACH, FL 33140
211 71ST STREET	MIAMI BEACH, FL 33141
710 WASHINGTON AVENUE	MIAMI BEACH, FL 33139
1445 ALTON ROAD	MIAMI BEACH, FL 33139
865 COLLINS AVENUE	MIAMI BEACH, FL 33139
6604 COLLINS AVENUE	MIAMI BEACH, FL 33141
7317- 7319 COLLINS AVENUE	MIAMI BEACH, FL 33141
3801 COLLINS AVENUE	MIAMI BEACH, FL 33140
1632 COLLINS AVENUE	MIAMI BEACH, FL 33139
601 COLLINS AVENUE	MIAMI BEACH, FL 33139
1681 ALTON ROAD	MIAMI BEACH, FL 33139
1678 COLLINS AVENUE	MIAMI BEACH, FL 33139
814 ALTON ROAD	MIAMI BEACH, FL 33139
1631 WASHINGTON AVENUE	MIAMI BEACH, FL 33139
227 13TH STREET	MIAMI BEACH, FL 33139
915 WASHINGTON AVENUE	MIAMI BEACH, FL 33139
2897 COLLINS AVENUE	MIAMI BEACH, FL 33140
865 COLLINS AVENUE	MIAMI BEACH, FL 33139
500 SOUTH POINT DRIVE	MIAMI BEACH, FL 33139
2236 COLLINS AVENUE	MIAMI BEACH, FL 33139
6880 COLLINS AVENUE	MIAMI BEACH, FL 33141
1609 ALTON ROAD	MIAMI BEACH, FL 33139
2401 COLLINS AVENUE	MIAMI BEACH, FL 33140
1000 71ST STREET	MIAMI BEACH, FL 33141
1678 COLLINS AVENUE	MIAMI BEACH, FL 33139
544 WASHINGTON AVENUE	MIAMI BEACH, FL 33139
211 11 STREET	MIAMI BEACH, FL 33119
1631 WASHINGTON AVENUE	MIAMI BEACH, FL 33139
524 JEFFERSON AVENUE	MIAMI BEACH, FL 33139
1845 ALTON ROAD	MIAMI BEACH, FL 33119
2000 NORMANDY DRIVE	MIAMI BEACH, FL 33141
6700 COLLINS AVENUE	MIAMI BEACH, FL 33119
7340 COLLINS AVENUE	MIAMI BEACH, FL 33141
1669 COLLINS AVENUE	MIAMI BEACH, FL 33139
501 COLLINS AVENUE	MIAMI BEACH, FL 33139

**Increase the Distance Separation Between Retail Stores for Off-premises
Consumption Citywide**

ORDINANCE NO. _____

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER
6, "ALCOHOLIC BEVERAGES", ARTICLE I, "IN GENERAL",
SECTION 6-4, "LOCATION AND USE RESTRICTIONS", TO
AMEND AND INCREASE THE DISTANCE SEPARATION
BETWEEN RETAIL STORES FOR OFF-PREMISES
CONSUMPTION FROM 300 FEET TO 1500 FEET; PROVIDING
FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN
EFFECTIVE DATE.**

WHEREAS, retail stores for off-premises consumption in Miami Beach have been historically concentrated in the commercial and mixed-use entertainment districts along Washington Avenue, Collins Avenue, Alton Road and Ocean Drive; and

WHEREAS, the City Code allows certain uses within commercial districts, which, absent mitigation, could be incompatible with dense urban landscape of the community; and

WHEREAS, Chapter 1, of the Land Use Element, Objective 2, "Land Use Compatibility," of the City's 2025 Comprehensive Plan (hereinafter "Plan"), specifies that the City's land development regulations will be used to address the location, type, size and intensity of land uses and to ensure adequate land use compatibility between residential and non-residential land uses; and

WHEREAS, Policy 2.1 of the Plan provides that the land development regulations shall continue to address the location and extent of nonresidential land uses in accordance with the Future Land Use map and the policies and descriptions of types, sizes and intensities of land uses contained in [the Future Land Use] Element; and

WHEREAS, Policy 2.2 of the Plan provides that development in land use categories which permit both residential and non-residential uses shall be regulated by formalized land development regulations which are designed to ensure adequate land use compatibility; and

WHEREAS, compatibility shall be achieved by one or more of the following: (1) enumeration of special land uses which may be particularly incompatible with residential uses and may be prohibited in specified areas or zoning districts; (2) enumeration of special land use administrative procedures such as Conditional Use approval, which require public hearings prior to special land use approval; (3) *enumeration of special land use criteria such as minimum required distance separations from residential districts or uses or allowable hours of operation, to ensure that non-residential special land uses are properly located with respect to any residential uses to which they may be incompatible*; and (4) the vertical separation of residential and non-residential uses within mixed use buildings through the use of land use regulations on accessory uses within residential buildings, and the identification of those types of commercial uses which are particularly incompatible with residential uses and which shall therefore NOT be permitted in mixed use buildings; and,

WHEREAS, it is in the best interest of the City to create a distance separation, city wide, for certain uses, as there is a proliferation of certain uses, which can result in incompatibility with the residential districts, and the general health, safety and welfare of the community; and

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

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

SECTION 1. Chapter 6, "Alcoholic Beverages," Article I, "In General," Section 6-4, "Location and use restrictions," is hereby amended as follows:

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 alcohol beverages for consumption:

* * *

3)

Retail stores for off-premises consumption. The minimum distance separation between retail stores primarily selling alcohol beverages for consumption off the premises as a main permitted use shall be ~~300~~ 1,500 feet.

* * *

SECTION 3. REPEALER.

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

SECTION 4. CODIFICATION.

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

SECTION 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 _____, 2017.

Philip Levine
Mayor

ATTEST:

Rafael E. Granado
City Clerk

(Sponsored by Commissioner Michael Grieco)

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

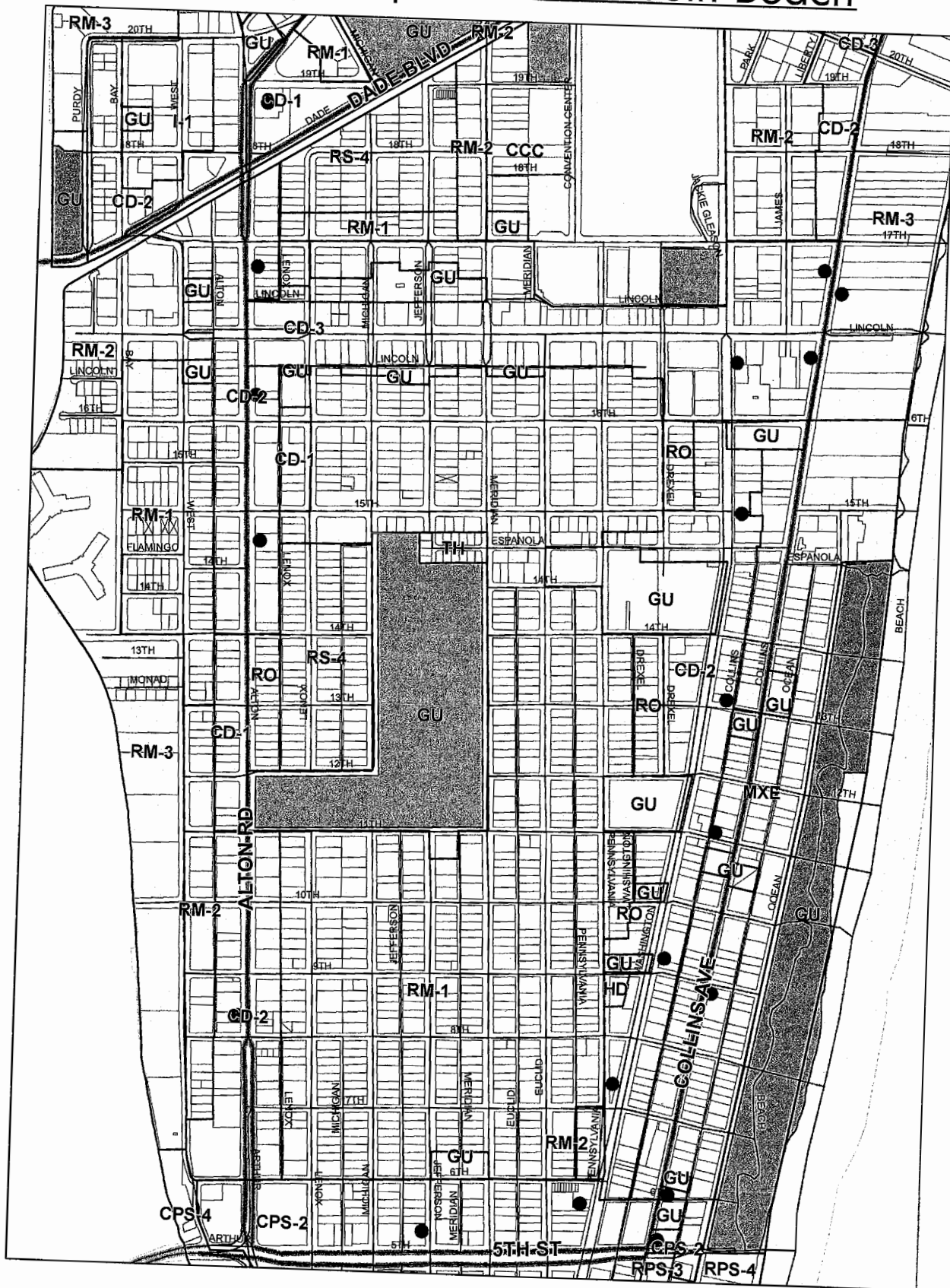
Verified By: _____
Thomas R. Mooney, AICP
Planning Director

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This map has been created by the Planning Department
for informational use ONLY



Package Liquor Stores South Beach



Legend



ZONING



Parks



Package Liquor Stores

Streets

Parcels

0 300 600 900 1,200 1,500 Feet

This map has been created by the Planning Department
for informational use ONLY



I T E M F I V E

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: Jimmy L. Morales, City Manager

DATE: November 16, 2016

SUBJECT: **Discussion: Creation of North Beach Conservation Districts**

HISTORY

On October 26, 2016, at the request of Commissioner Joy Malakoff, the City Commission referred this request to the Land Use and Development Committee (Item C4C). On October 19, 2016, the City Commission referred a similar discussion item to the Planning Board regarding Conservation Districts in North Beach; the Planning Board is scheduled to discuss the item on November 15, 2016.

ANALYSIS

Attached is a map showing the proposed boundaries of the North Beach Conservation Districts, as recommended by the North Beach Master Plan. Additionally, the applicable sections of the City Code regarding the creation and administration of the Gilbert Fein Neighborhood Conservation District is attached.

Neighborhood Conservation Districts or NCDs were first initiated in the United States in 1975 and have become increasingly utilized as an overlay district technique in cities throughout the country. NCDs are often proposed for neighborhoods that are experiencing redevelopment pressure or where some rehabilitation and new infill construction may have already taken place. NCD regulations are generally more flexible than those in local historic districts and their purpose is to protect an area from out of scale development by refining development regulations with regard to the form and massing of new construction. The design of additions and alterations to existing structures, as well as incentivizing the retention of existing structures identified as significant, may also be involved in an NCD designation.

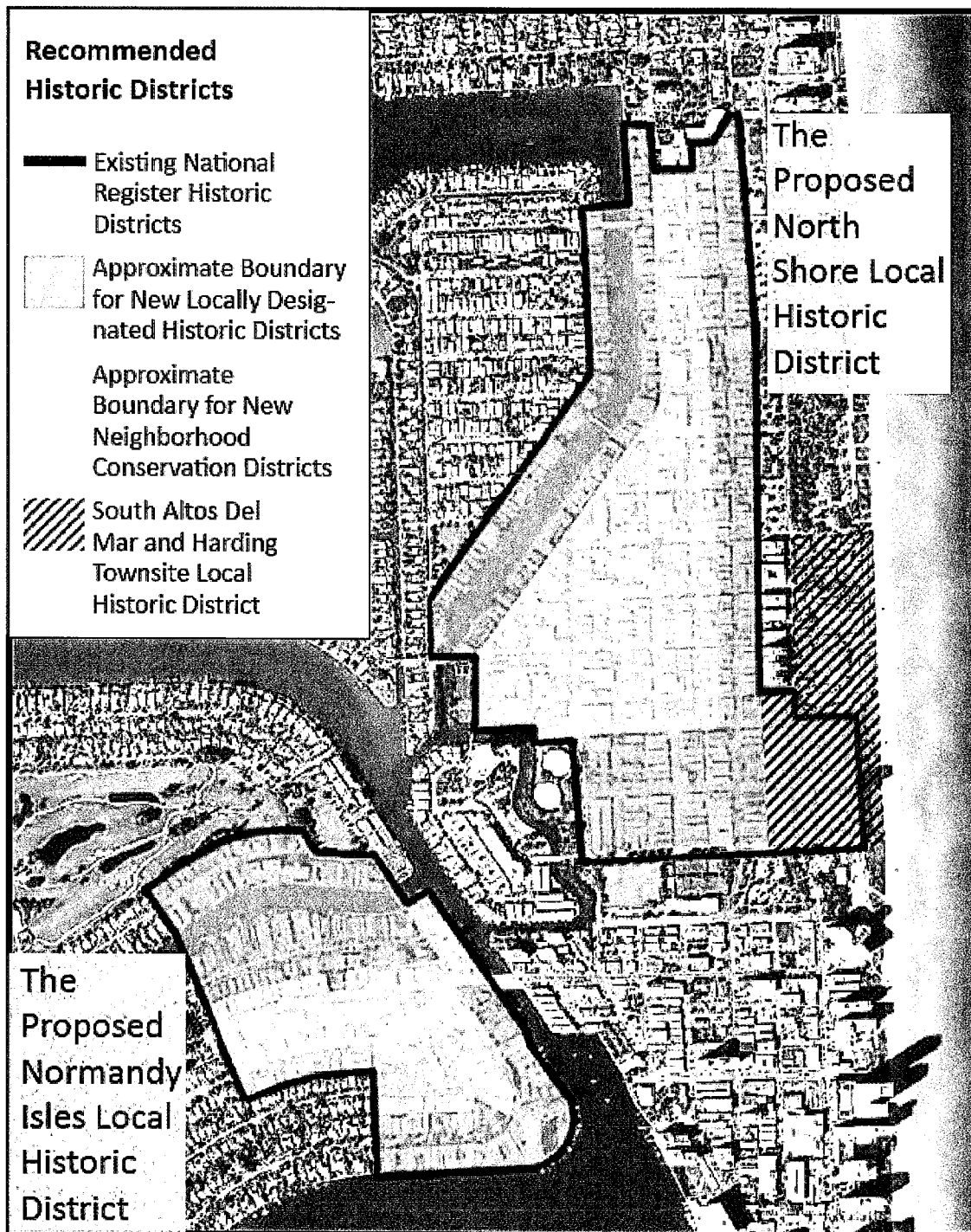
In essence, regulations are customized to address specific neighborhood and district goals and needs. In North Beach, for instance, this may include modifications to overall building height, required setbacks and limits on allowable lot aggregation. The City Commission is authorized to create an NCD by Ordinance, and the framework for a future district, including boundaries and development standards, would be through the normal legislative process (Staff drafts, LUDC and Planning Board reviews).

CONCLUSION

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

JLM/SMT/TRM

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MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Joy Malakoff
DATE: October 26, 2016

SUBJECT: REFERRAL TO NOVEMBER 16, 2016 LAND USE AND DEVELOPMENT
COMMITTEE MEETING - DISCUSSION REGARDING THE CREATION OF
NORTH BEACH CONSERVATION DISTRICTS.

ANALYSIS

Please add to the October 26, 2016 agenda a referral to November 16, 2016 Land Use and Development Committee meeting a discussion regarding the creation of North Beach Conservation Districts.

CONCLUSION

Legislative Tracking

Commissioner Joy Malakoff

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VERBAL REPORT

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy L. Morales, City Manager
FROM: Joy V. W. Malakoff, Commissioner
DATE: March 7, 2016
SUBJECT: Referral to the April 20, 2016 Land Use and Development Committee – Discussion pertaining to Development Regulations and Guidelines for New Construction in the Palm View Historic District to address Resiliency, Sustainability and Adaptation.

Please place the above item on the Consent Agenda for the Commission Meeting of March 9, 2016.

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

Thank you.

JVWM

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VERBAL REPORT

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

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

3:30:34 p.m.

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

(Transportation)

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

REFERRAL:

Land Use and Development Committee for further discussion and input.

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

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

3:33:23 p.m.

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

(Transportation)

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

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

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

I T E M T E N

VERBAL REPORT

Commissioner Alemán believes that any time there is a potential of public property being sold it must be discussed.

Discussion held.

Commissioner Malakoff agreed to wait until the North Beach Master Plan is presented before discussing this item.

Mayor Levine suggested deferring the item until the September 14, 2016 Commission Meeting.

- C4K Referral To The Land Use And Development Committee - Discuss Potential Ordinance Amendment Addressing Further Restrictions On Illegal Short Term Rentals (STR) In Suite And Condo Hotels.

(Sponsored by Vice-Mayor Michael Grieco)

ACTION: Item referred. **Thomas Mooney to place on the Committee Agenda. Hernan Cardeno to handle.**

- *C4L Referral To The Land Use And Development Committee A Discussion Regarding An Amendment To The West Avenue Overlay To Remove The Current Allowance For Bed And Breakfast And Suite Hotel Uses.

(Sponsored by Commissioner Joy Malakoff and Co-Sponsored by Vice-Mayor Grieco)

ACTION: Item referred. **Thomas Mooney to place on the Committee Agenda and to handle.**

9:26:07 a.m.

- C4M Referral To The Neighborhood/Community Affairs Committee (NCAC) Regarding A Functional Art Park Incorporating A Non-Traditional Thematic Playground.

(Sponsored by Commissioner John Elizabeth Alemán)

ACTION: Item referred. Item separated by Commissioner Alemán. Motion made by Commissioner Alemán; seconded by Vice-Mayor Grieco to refer the item; Voice vote: 7-0. **Morgan Goldberg to place on the Committee Agenda. John Rebar to handle.**

Commissioner Alemán explained that the reason she separated the item, is that there is a related item on R9Q; she agrees to refer or discuss.

Motion to refer.

No further discussion held.

- C4N Referral To The Neighborhood/Community Affairs Committee To Discuss Changing The Name Of Banyan Park To Tolerance Park.

(Sponsored by Commissioner Ricky Arriola)

ACTION: Item referred. **Morgan Goldberg to place on the Committee Agenda. John Rebar to handle.**

ITEM ELEVEN

VERBAL REPORT

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner John Elizabeth Aleman
DATE: October 26, 2016

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE TO
CONSIDER AFFORDABLE HOUSING DEVELOPMENT OPPORTUNITIES.

ANALYSIS

Please place on the October 26, 2016 City Commission Agenda a referral to the Land Use and Development Committee to discuss affordable housing development opportunities at their upcoming meeting. Miguel del Campillo, Executive Director for The Housing Authority of the City of Miami Beach will be invited to present information on the topic.

If you have any questions please do not hesitate to call our office at ext. 6473.

Legislative Tracking

Commissioner John Elizabeth Aleman

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VERBAL REPORT

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: November 9, 2016

SUBJECT: DUAL REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE AND THE PLANNING BOARD TO ANALYZE AND PROVIDE THE CITY COMMISSION A RECOMMENDATION RELATING TO MODIFICATION OF THE LAND USE REGULATIONS RELATING TO LINCOLN ROAD.

RECOMMENDATION

I am seeking a dual referral to the Land Use and Development Committee and the Planning Board to analyze and provide the City Commission a recommendation relating to modification of the land use regulations relating to Lincoln Road.

ANALYSIS

Lincoln Road is within the Flamingo Park Historic District and is the City's iconic shopping area. The City recently adopted the new Lincoln Road Master Plan. In order to ensure consistency with the design and intent of the Master Plan and to ensure the continued viability and integrity of Lincoln Road I recommend revising the list of permitted uses to preclude certain uses from the area.

The list of prohibited uses should be expanded to include:

Sec. 142-335. - Prohibited uses.

The prohibited uses in the CD-3 commercial, high intensity district are pawnshops; secondhand dealers of precious metals/precious metals dealers; and accessory outdoor bar counter, except as provided in Article IV, Division 2 of this Chapter and in Chapter 6. Within the boundaries of Lincoln Road between Alton Road and Collins Avenue the following uses are prohibited: check cashing stores, convenience stores, occult science establishments, pharmacy stores, souvenir and t-shirt shops, and tattoo studios.

CONCLUSION

For any further information, please contact my aide, Danila Bonini, at extension 6457.

FINANCIAL INFORMATION

No financial impact has been determined.

Legislative Tracking

Office of the City Attorney / Planning

Sponsor

Commissioner Michael Grieco

ITEM THIRTEEN

VERBAL REPORT

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Michael Grieco
DATE: November 9, 2016

SUBJECT: REFERRAL TO LAND USE & DEVELOPMENT COMMITTEE OF A DISCUSSION
TO REZONE THE WESTERN SIDE OF THE 600 BLOCK OF WASHINGTON
AVENUE FROM RM-2 TO CD-2.

ANALYSIS

Please place a referral to Land Use & Development Committee of a discussion to rezone the western side of the 600 block of Washington Avenue from RM-2 to CD-2.

Legislative Tracking

Commissioner Michael Grieco

**ITEM
FOURTEEN**

VERBAL REPORT

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Joy Malakoff
DATE: November 9, 2016

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE
REGARDING THE USE REGULATIONS FOR THE WEST AVENUE OVERLAY
DISTRICT.

RECOMMENDATION

ANALYSIS

Please place the above referral item on the Consent Agenda for the November 9, 2016 City Commission Meeting.

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

Thank you.

JVWM

Legislative Tracking

Planning

Sponsor

Commissioner Joy Malakoff

ITEM

FIFTEEN

VERBAL REPORT

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Ricky Arriola
DATE: November 9, 2016

SUBJECT: REFERRAL TO LAND USE AND DEVELOPMENT COMMITTEE TO DISCUSS
SETTING MINIMUM LIGHTING REQUIREMENTS FOR OCEAN COURT.

ANALYSIS

Please place on the November 9, 2016 City Commission agenda, a referral to the Land Use and Development Committee to discuss a City Code Amendment to create and require minimum exterior lighting standards for the rear portions of buildings fronting Ocean Drive, from 5th to 15th Street.

Legislative Tracking

Commissioner Ricky Arriola

**ITEM
SIXTEEN**

VERBAL REPORT

LAND USE AND DEVELOPMENT COMMITTEE PENDING ITEMS
FOR INFORMATIONAL PURPOSES ONLY

	Referral Date	Title	Referred By	Date Last On LUDC Agenda	Automatic Withdrawl Date Per <u>Reso No.</u> <u>2013-28147</u>	Comments
1.	07-20-16 Item C4A	Discussion Regarding Rescinding the Noise Ordinance Exemption for Ocean Facing Cafes in the MXE District.	Commissioner Joy Malakoff	10-26-16		Item Withdrawn
2.	07-20-16 Item C4B	Discussion Regarding A Prohibition On The Opening Of Any New Open Air Alcohol Entertainment Establishments And Package Stores In The MXE District Of Ocean Drive.	Commissioner Joy Malakoff	10-26-16		Item Withdrawn

