



The Only Community-Based Non-Profit  
Organization Providing Miami Beach Residents  
A Cohesive Voice For City-Wide Issues  
Which Impact Their Quality of Life.



We advocate for Residents of Miami Beach! Click [here to join us!](#)

## City Commission Meeting

**The September 14th, 2022 Commission Meeting starts at 8:30 a.m. with the Sutnick Hour where residents may speak on any topic.**

**To join the virtual commission meeting via Zoom:**

Please click this link to join the webinar: <https://miamibeachfl.gov.zoom.us/j/81392857671>

Access ID 81392857671#

**To join via phone:**

US: +1. 301.715.8592 or 1.888.475.4499 (Toll Free)

Webinar ID: 81392857671#

It will also be streamed live on MBTV Channel 660 on Atlantic Broadband or 99 on AT&T U-Verse, on the City's website, and on Facebook Live at [facebook.com/cityofmiamibeach](https://www.facebook.com/cityofmiamibeach).

**IF YOU WISH TO SPEAK ON AN ITEM DURING THE MEETING:**

Via Zoom, please click the "raise hand" button on the screen to raise your hand as soon as the item is called. This will pull you to the top of the list and make it easier for the team to find you in the list of attendees. Or via phone, press \*9 to raise a hand to be placed in queue to speak.

**Want to read the proposed Commission agenda items and get info about the Commission meeting on Wednesday? Click [here](#).**

**Want to contact your elected officials directly? Click [here](#).**

**Commission Meeting September 14, 2022  
These are Miami Beach United's Resolutions:**

**C4 D Discuss Enforcement Efforts Relating To Noise Emanating From Vehicles**  
**R7 O Resolution To Enforce Unreasonably Loud And Excessive Noise Emanating From Mechanical Or Electronic Sound-Making Devices In Motor Vehicles**

**Executive Summary:**

These items endeavor to identify, understand, and address vehicle-based sound pollution, and find a way to fairly enforce violations which impact quality of life.

**Why It Matters:**

Miami Beach United **SUPPORTS** these two items.

- These two noise control related efforts that propose to develop a clearer definition of excessive noise, and to enforce existing state legislation authorizing enforcement of excessive noise emanating from motor vehicles seek to address a long-standing source of frustration.
- We applaud efforts by the Commission to make Miami Beach a more pleasant place to in which to work, live, and visit.

Read the Commission documents by clicking [HERE](#) and [HERE](#).

**Referral To The Land Use And Sustainability Committee To Add Alternate Members To The Land Use Boards**  
**C4 W**

**Executive Summary:**

This item is concerned with the fact that currently the City's quasi-judicial Land Use boards (Design Review Board (DRB), Historic Preservation Board (HPB) and Planning Board), all of which are composed of seven regular voting members, do not presently have alternate members. As such, if a regular member is absent from a meeting, or has a voting conflict on an item, a short board results. It is important to note, however, that it is exceedingly rare for a Board to meet when it is missing any members, at a particular meeting, let alone more than one. To be clear: as the law currently stands, as long as six members are present, it is functionally a full board and it can vote on any matter before it.

**Why It Matters:**

Miami Beach United **OPPOSES** this proposal.

- This unnecessary maneuver appears to be a solution looking for a problem at best, and a blatant attempt to pack the Boards at worst.
- The use of alternates could cause legal issues, for instance when an item is continued but the board member who was absent/missed hearing some of the arguments made, then votes on the matter at a subsequent meeting, (e.g., [Fox v Town of Greenland](#)), which would be an avoidable and unfortunate use of tax-payer dollars that could surely be better used.
- While this could potentially be remedied by having the alternate return just for continued items which they heard previously, but that seems impractical; as it is, serving on a Land Use Board is an enormous responsibility and time commitment to do so properly, ethically, and in a manner that does justice to each issue. Asking someone to do so to merely to serve as an understudy in the unlikely and infrequent event of a board member being absent seems an undue burden.
- The biggest concern is that an alternate member could create an imbalance on the board since certain seats are created with specific criteria, i.e., professional licenses, climate change expertise, historic preservation perspective, etc. Would there be an alternate for each of those specific seats, or would the residents be

- forced to accept someone opining on a matter about which they don't have the relevant experience to bring to the discussion?
- We see no valid reason to upend the current system which has functioned successfully for so long, especially as the proposal would assuredly create more problems than it would purport to solve.

Read the Commission documents by clicking [HERE](#).

### Referral To The Land Use And Sustainability Committee To Discuss Amendment For Sunset Harbour Perimeter Restaurant

**C4 Y**

#### **Executive Summary:**

This is a referral to the Land Use and Sustainability Committee to amend the Sunset Harbour zoning ordinances for alcohol establishments, thereby allowing a proposed project at 1790 Alton Road to have outdoor speakers and a 120-seat outdoor restaurant above the first floor.

#### **Why It Matters:**

Miami Beach United not only **OPPOSES** this referral, but also requests that this item be pulled from the Consent Agenda.

- It is quite surprising that mere months after the City endorsed the comprehensive and detailed Sunset Harbour Neighborhood plan, it would even consider discussing a project which so egregiously goes against the clearly-stated will of the neighborhood, is inconsistent with the Neighborhood Plan, and chips away at existing restrictions that make this neighborhood such a popular place to live and visit.
- Moreover, this should be a private application, not a commission-sponsored proposal because it benefits one developer and one project, rather than being a thoughtful proposal under consideration for the amelioration of a neighborhood in its entirety. Commission-sponsored ordinances should be reserved for proposals that benefit the public at large, which this does not.

Read the Commission documents by clicking [HERE](#).

### Ordinance Amendment Governing Demolition By Neglect and Replication Requirements

**R5 D**

#### **Executive Summary:**

This item strengthens and clarifies the existing laws governing what happens with buildings that are demolished as a result of neglectful ownership.

#### **Why It Matters:**

Miami Beach United **SUPPORTS** this item.

- This item would strengthen the City's demolition by neglect procedures and provide more specific guidance to both property owners and the Historic Planning Board.
- It would establish clear and objective criteria consistent with the Secretary of Interior's Standards for the Reconstruction of Historic Buildings, for the Board to evaluate during their review of applications for Certificate of Appropriateness.
- Making these changes will not lessen the ability of the HPB to make decisions on a case by case basis as to how to proceed.

- It will disincentivize derelict owners from trying to circumnavigate the city's laws regarding demolition by neglect.
- There is no reasonable justification to oppose this item as it merely improves an existing law designed to protect our architectural heritage by ensuring that owners follow our laws.

Read the Commission documents by clicking [HERE](#).

### Increase Maximum FAR In South Of Fifth Neighborhood To Incentivize The Conversion Of Existing Hotel Properties Into Residential Use

#### R5 F and R5 G

#### Executive Summary:

This item seeks to incentivize hotel conversions to residential uses by offering increased density south of Fifth St. in service of limiting the number of possible hotel rooms in these residential neighborhoods.

#### Why It Matters:

Miami Beach United **SUPPORTS** this item.

- This zoning change is also supported by the South of Fifth Neighborhood Association (SOFNA), since this will enable the property owner to replace the existing 224 room Marriott Stanton Hotel with a new, approximately 39-unit residential building, with the same square footage and height of the existing structure.
- Short term rentals would be prohibited.
- We are in agreement with SOFNA, who discuss in their resolution the benefits of a reduction in the number of transients in this predominantly residential area.
- Despite our reservations about the slippery slope of setting precedent for additional density in other cases, this question was put to the voters in the August 23rd 2022 election and was overwhelmingly supported with over 71% of the vote.

Read the Commission documents by clicking [HERE](#) and [HERE](#).

### Ordinance Amendment Governing Height Of Rooftop Additions in CD-3 District

#### R5 N

#### Executive Summary:

This ordinance seeks to undo decades of historic protections in certain CD3 districts (a CD3 district in Miami Beach refers to a commercial, high intensity district, many of which fall under historic preservation protections) for the benefit of private commercial gain, and putting at risk the iconic architecture and character of place which makes Miami Beach unique.

#### Why It Matters:

Miami Beach United **OPPOSES** this ordinance the permitting of multi-story habitable roof top additions in an arbitrarily created 6 block area which spans parts of the Ocean Drive/Collins Historic District, the Flamingo Park Historic District, and the Museum Historic District.

- For over 30 years, existing structures within these historic districts have only been permitted to have habitable one-story rooftop additions, with a maximum floor to ceiling height of 12 feet, with no variances permitted.
- There is no compelling reason to change our longstanding rules respecting historic properties and limiting rooftop additions in these three historic districts.

- This change, if permitted, would predictably be expected to spiral out of control in other areas of our cherished historic districts, undoing decades of thoughtful historic preservation land use management.

Read the Commission documents by clicking [HERE](#).

## Expand Disclosure Requirements Applicable To City Elected Officials & Employees

### Re: Business Relationships For Those Doing Business With The City

R5 T

#### Executive Summary:

This ordinance seeks to update and make more precise the language governing the legislation requiring the disclosure of certain business interests held by public officials and employees, originally enacted in 2000 and amended in 2009. The existing ordinance does not define "doing business with" the City, or offer guidance as to what constitutes an "indirect" employment or contractual relationship with an entity doing business with the City that would trigger the existing ordinance's disclosure requirement. Accordingly, the proposed Ordinance would both clarify and strengthen the existing disclosure

#### Why It Matters:

Miami Beach United **SUPPORTS** this item.

- We believe any effort to strengthen our transparency laws is to be encouraged.
- We recommend that the language of the draft ordinance be improved with additional clarification regarding to whom this applies.
- This ordinance should be expanded to also include appointed members of quasi-judicial boards.

Read the Commission documents by clicking [HERE](#).

## Emergency Engagement Of Services From The University Of Miami To Conduct

### Water Quality Contamination Research And Analysis For Park View Canal

R7 N

#### Executive Summary:

This item seeks to ratify the decision to use existing available funds in the amount of \$122,000.00 from the Sustainability and Resiliency Fund in order to expedite the process seeking to identify the ongoing sources of contamination in the Park View canal, which have been present in the surrounding waterways since at least March 2020.

#### Why It Matters:

Miami Beach United **SUPPORTS** this item.

- As Jackson, Mississippi is in the headlines for boil water advisories, it is shocking to think that part of *our* city has been under a [NO CONTACT water advisory since March of 2020](#).
- This municipal waterway is home to a thriving mangrove ecosystem, providing grazing for entire families of manatees, fish, and birds. Tourists and residents alike paddle, swim, and fish in the waterway which feeds into Biscayne Bay.
- With independent testing showing dangerous levels of bacteria significantly higher than those reported by the City, and far too little communication about and action to resolve the issue, it is concerning as a "canary in the coalmine" indicator about how we treat - or mistreat - our natural resources which drive our tourism economy.
- This is also an object lesson in how the City will react when, inevitably, the spate of development in North Beach (whatever goes into the late, lamented Deauville site,

the 20 story tower going up on 72nd street, the Olympic pool on a parking lot being built directly above where pipes run north and south, and so much more) trigger more aged pipes to crack under pressure.

- Will it take years of residents' repeated outcry that something is not right to address those critical infrastructure failures too? Or will this experience remind the City how urgent it is to address issues comprehensively, immediately, and until they are resolved, wherever they may occur, as they seem to in other situations of infrastructure failure.
- As the City forges ahead in significantly impactful new construction spanning the length of our island from 500 Alton to the Deauville site, we must all remember that all of our neighborhoods, and all of our natural resources, must be equally cared for in a timely manner.

Read the Commission documents by clicking [HERE](#).

## Compiling A Database Of Conditional Use Permits (CUPs) Issued By The Planning Board

### R7 Q

#### **Executive Summary:**

This ordinance seeks to make getting information about businesses throughout the city easier for residents to access.

#### **Why It Matters:**

Miami Beach United **SUPPORTS** this item which directs the City to

- Compile a database of conditional use permits (CUPs) issued by the Planning Board and to make them readily accessible to the general public.
- Doing so enhances the availability of information and furthers the objectives of our Residents Right to Know Ordinance.

Read the Commission documents by clicking [HERE](#).

## Establish An Ad Hoc Nightlife Industry Taskforce Advisory Committee

### R7 S

#### **Executive Summary:**

This item seeks to establish an ad hoc committee to advise the administration and City Commission on nightlife issues, and to provide a forum to address quality of life issues affecting our residents and nightlife business owners.

#### **Why It Matters:**

Miami Beach United **SUPPORTS** this initiative ONLY IF

- The task force includes at least seven (7) resident members, none of whom work in, are supported by, or are in any way affiliated with/have financial or other interests in the restaurant, hotel, nightlife or entertainment sector.
- One resident would be appointed by each Commissioner and the Mayor.
- Since the Task Force's charge is "to advise the Administration and City Commission on nightlife issues, and to provide a forum to address quality of life issues affecting our residents and nightlife business owners," Miami Beach United believes including residents is imperative.

A task force purporting to seek to address residents' concerns, without actual residents appointed to the task force, would be a waste of time and effort for all.

Read the Commission documents by clicking [HERE](#).

Referral To The Land Use And Sustainability Committee And The Planning Board -  
Ocean Terrace Overlay MXE Amendment

R9 F

**Executive Summary:**

This addresses the often-overlooked fact that Ocean Terrace, in North Beach, is also zoned as a Mixed Use Entertainment district, as is Ocean Drive in South Beach, and seeks to evaluate if the zoning enacted decades ago is still in the best interest of the surrounding community, or if it will bring hard-to-control unintended consequences as that area becomes reinvigorated.

**Why It Matters:**

Miami Beach United **SUPPORTS** this proposal.

- This the referral, and eventual passage, of the Ocean Terrace Overlay LDR amendment as it seeks to prevent the same issues plaguing Ocean Drive from occurring on Ocean Terrace.
- Both Ocean Drive and Ocean Terrace are zoned Mixed-Use Entertainment; this was done decades ago to incentivize new business to help preserve and reinvigorate the neighborhoods.
- Both neighborhoods have benefited from the desired outcome of the initial zoning (although the Ocean Terrace project has not yet commenced), but there have been unintended consequences which have been hard to control as a result of the failure to timely re-evaluate, amend, and/or revoke this overlay.
- Ocean Drive suffers from numerous problems related to its zoning. Crime, unreasonably loud noise, and unruly behavior by patrons are just some of the many problems inherent in a MXE district; no one wants to see those issues exported to North Beach as the Ocean Terrace and other proximate projects come online.
- This LDR amendment will eliminate most of the components of a MXE district which encourage undesirable activity.

Read the Commission documents by clicking [HERE](#).





**Our Mission** Dedicated to improving the quality of life for Miami Beach residents, managed and measured growth of our city, and ethical leadership of government – for a vibrant city rooted in history, its people, resources and neighborhoods, with focus on the future – by providing educational and analytical focus on the organization, structure, policies and performance of Miami Beach government. We share our newsletters with over 15,000 subscribers, 76% of whom are registered Miami Beach voters.

Miami Beach United | Streamline Properties/Saul Gross, 1125 Washington Avenue, Miami Beach, FL 33139

Sent by [info@miamibeachunited.org](mailto:info@miamibeachunited.org) powered by



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