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## **City Commission Meeting**

**The October 26th, 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](#).**

## Commission Meeting October 26, 2022 These are Miami Beach United's Resolutions:

TO ENFORCE UNREASONABLY LOUD/EXCESSIVE NOISE EMANATING FROM MECHANICAL OR ELECTRONIC SOUND-MAKING DEVICES IN VEHICLES AS PER THE NEWLY-REVISED FLORIDA STATUTE, AND REQUESTING POLICE DEPARTMENT CONSIDER CREATING AND IMPLEMENTING PLAN TO ADDRESS, VIA PROACTIVE ENFORCEMENT, ILLEGAL AND EXCESSIVE VEHICULAR MUFFLER AND EXHAUST NOISE

**C7AE**

### **Executive Summary:**

This item endeavors to address vehicle-based sound pollution, and to develop and implement plans and tactics to fairly enforce violations which impact quality of life.

### **Why It Matters:**

Miami Beach United **SUPPORTS** noise control-related efforts and enforcement by the Police and Code departments, of revised state legislation that could help bolster our local enforcement efforts. authorizing enforcement of excessive noise emanating from motor vehicles. We applaud efforts by the Commission to make Miami Beach a quieter and more pleasant place to live.

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

TO ADOPT THE STATE LAW MISDEMEANOR OFFENSE OF BREACH OF THE PEACE/ DISORDERLY CONDUCT TO ESTABLISH AN OFFENSE AGAINST MUNICIPAL LAW FOR THE SAME ACT(S) THAT CONSTITUTE SUCH OFFENSE AGAINST STATE LAW

**R5D**

### **Executive Summary:**

The proposed ordinance would make the conduct underlying these crimes an offense against municipal law for the same act(s) that constitute the same offense against State law, thereby permitting the City to prosecute such criminal violations under City law.

### **Why It Matters:**

Miami Beach United supports this resolution having the City of Miami Beach adopting the state misdemeanor offense of Breach of the Peace/Disorderly Conduct to be consistent with existing state law.

- No doubt due in part to its reputation as an internationally renowned tourist destination and the constant heavy influx of tourists and other visitors, the City continues to contend with many criminal, quality of life offenses being committed within its jurisdictional bounds.
- The commission of misdemeanor and municipal ordinance offenses in the City adversely impacts residents' quality of life and tourists' vacation experience, and continue to generate an inordinate number of issues and complaints from the City's residents, visitors, and business establishments.

- Some of those misdemeanor offenses include, but are not limited to, battery, indecent exposure, and criminal mischief.
- In order to acquire greater control and discretion regarding the prosecution of such offenses occurring within Miami Beach, the City desired to become the primary entity responsible for the prosecution of those specified State law misdemeanor offenses (excluding domestic battery cases)

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

## RESILIENCY CODE AND LDR UPDATE ESTABLISHING A COMPREHENSIVE ZONING ORDINANCE, HEREAFTER KNOWN AS THE RESILIENCY CODE

### R5H

#### Executive Summary:

The current Land Development Regulations (LDRs) were adopted on September 21, 1989 and took effect on October 1, 1989. Over the years the LDR's have been updated many times in order to authorize specific developments, address changing conditions, and address environmental concerns. As a result of over 32 years of updates, the Code has become cumbersome to read and comprehend. This ordinance seeks to update the LDRs and the resiliency code to streamline functionality, make a more transparent and navigable tool, and incorporate most up-to-date resiliency/climate change knowledge.

#### Why It Matters:

Miami Beach United agrees that the City should update and reorganize the Land Development Regulations in order to make it easier to understand. Beyond the reorganization, however, actual changes to the zoning have been proposed; Miami Beach United **opposes two zoning changes included in Chapter 7**, and urges the commission to reconsider these specific changes:

- MBU disagrees with removing average unit sizes for residential buildings. Currently, minimum size is 550 sf and the average size of all units in an apartment building must be a minimum of 800 sf. Removing the average unit size would allow all units to be the smallest size, 550 sf, which essentially creates an unregulated short-term-rental building. The City has already approved over 500 microunits in North Beach and more for the Washington Avenue corridor, although to date, one has yet to be built. Therefore, as of this moment, we have no idea to which extent there may be unintended consequences.
- MBU disagrees with the plan to omit outdoor areas from the calculation to determine 35% maximum allowable accessory use. Unfortunately, this would apply primarily in residential areas, zoned RM, where hotels, restaurants and bars are adjacent to apartment buildings and homes. Outdoor open-air floor area absolutely should be included because this is where most noise violations are committed, for example, by Bikini Hostel in zone RM2.

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

## ORDINANCE AMENDMENT GOVERNING HEIGHT OF ROOFTOP ADDITIONS IN CD-3 DISTRICT

### R5 I

#### 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](#).

**STANDARDS OF CONDUCT FOR OFFICERS, EMPLOYEES AND AGENCY MEMBERS TO EXPAND DISCLOSURE REQUIREMENTS APPLICABLE TO CITY ELECTED OFFICIALS AND CITY EMPLOYEES WITH RESPECT TO ANY BUSINESS RELATIONSHIPS WITH PERSONS OR ENTITIES DOING BUSINESS WITH THE CITY**

**R5 K**

**Executive Summary:**

On September 27, 2000, the City enacted ethics legislation amending the City's Standards of Conduct, to require the disclosure of certain business interests held by public officials and employees. The initial legislation required elected officials and city employees to disclose to the City Clerk if they have or hold any employment or contractual relationship in excess of \$10,000 with any entity doing business with the City. This ordinance seeks to strengthen the Standards of Conduct.

**Why It Matters:**

Miami Beach United **SUPPORTS** any effort to strengthen our transparency laws. This would expand the disclosure requirements for elected officials and City employees with respect to any business relationships and financial interests. However, the language of the draft ordinance could be improved with additional clarification regarding to whom this applies, and it should be expanded to include appointed members of quasi-judicial boards.

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

**ACCEPTING THE RECOMMENDATION OF THE MIAMI BEACH HOUSING AUTHORITY AT ITS JUNE 15, 2022 MEETING, AND COMMITTING TO CEASE THE SALE OF THE CITY-OWNED BARCLAY PLAZA APARTMENTS LOCATED AT 1940 PARK AVENUE, IN ORDER TO DEVELOP AFFORDABLE OR WORKFORCE HOUSING**

**R7G**

**Executive Summary:**

When the City of Miami Beach purchased the Barclay Plaza Apartments in 2015, it promised to keep it affordable housing through 2030 and not to sell it. The City has never done the work to rehabilitate it, despite purchasing it knowing its condition as being deemed an unsafe structure in 2014. The Commission is seeking to put the property on

the market in the hopes that, as one said, "'tech bro' puts in an offer to build a multimillion-dollar private home," and then theoretically the funds would be repurposed to develop a new affordable housing project elsewhere. However there is no mechanism in the City laws currently to ensure that funds allocated for affordable housing are actually used for that purpose, and there is a significant shortage of available land on which to build the projects.

**Why It Matters:**

Miami Beach United **SUPPORTS** this item.

- First, we maintain our oft-stated position that City-owned land should not be sold unless there's an absolute necessity; it is our rainy-day insurance policy.
- Second, the Barclay Plaza is a historically designated structure which should be protected by the City which so designated, and is its owner, rather than to be considered a possible tear-down for the highest bidder.
- One of the highest hurdles to creating more workforce housing in this city is the scarcity of land. This protected building, and the land it sits on, is owned by the city. There is federal funding that could help defray the renovation efforts, along with other funding possibilities; the fact that this property is already on "our" land significantly reduces the cost of the project (see more at the presentation linked below).
- Finally, the City purchased the historic property in 2015, when it had already been allowed to fall into disrepair (and had been vacant since 2014), with complete understanding of the property's condition and the need for renovation to return it to a habitable state. At that time, the City agreed by covenant not to sell the property, and to keep it as affordable housing until 2030. It is unclear why no action has been taken in the intervening years to mitigate the issues and put the structure to use, especially with affordable/workforce housing in such short supply. This seems a curious slow-moving "demolition by neglect" specifically since the City knew what it was buying, yet has let the property sit vacant in the face of increased drastic housing shortages.
- We believe that all efforts should be undertaken and the public fully informed regarding actual costs and options for restoration. The City must honor its covenants to retain the property and use it for much-needed affordable housing.
- To see a sample of the resourceful, functional, and attractive affordable housing development work being done by the Miami Beach Housing Authority, click [here](#), starting at page 5.

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

**REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND THE  
PLANNING BOARD - OCEAN TERRACE OVERLAY LDR AMENDMENT.**

**R9 H**

**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](#).

## DISCUSSION, WITH POSSIBLE ACTION, ON THE STATUS OF THE 72ND STREET COMMUNITY COMPLEX PROJECT

R9J

### **Executive Summary:**

This discussion item concerns the aquatic complex, approved by voters in the 2018 bond for a project of a significantly smaller scope, and at a SIGNIFICANTLY lesser cost.

### **Why It Matters:**

Miami Beach United **SUPPORTS** this item.

As costs continue to escalate dramatically, even before the first shovel hits the ground, Miami Beach United believes that the time has come to terminate the original 72nd Street Community Complex project and reconsider how the \$53.8 million in GO Bond funds could be reallocated to other projects in the North Beach area that will have greater cost/benefit to the residents of this neighborhood.

We've always had reservations that constructing an expensive Olympic sized-swimming pool on top of a parking garage would spur the type of neighborhood development envisioned by its proponents – especially when considering that the area already has a beautiful beach, a nearby public pool, and an existing library. (Read more about the concerns about the pool [here](#).) Perhaps it makes sense to relocate the library to free up oceanfront property, though we don't accept the argument that there is no other location in Miami Beach where an Olympic size pool could be built, preferably at ground level and closer to Beach High.

A different plan should easily be able to free up at least \$50 million from the \$107 million currently budgeted for the parking garage, pool, library relocation and community center. We can think of a number of better uses for that money including Arts and Culture projects (sharply reducing, or eliminating the need for a new GO Bond), repairs to critical infrastructure which are currently unfunded, affordable housing and/or public safety projects. This 72nd street project is becoming reminiscent of the Marlins stadium debacle, where entrenched political interests led to vast overspending for a purported public amenity intended to revitalize Overtown, but instead led to a public backlash against elected officials.

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

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**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.

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