

Police and Code Compliance Review of Certain Land Use Board Applications

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE LAND USE AND SUSTAINABILITY COMMITTEE AT ITS NOVEMBER 24, 2020 MEETING, AND ESTABLISHING A POLICY FOR THE POLICE AND CODE COMPLIANCE DEPARTMENTS TO REVIEW AND PROVIDE COMMENTS ON (1) CERTAIN APPLICATIONS TO THE PLANNING BOARD FOR CONDITIONAL USE PERMITS (CUPs) AND, (2) AT THE DISCRETION OF THE PLANNING DIRECTOR, CERTAIN APPLICATIONS FOR OTHER LAND USE BOARD APPROVALS; PROVIDED, HOWEVER, THAT THE SCOPE OF EACH BOARD'S REVIEW SHALL AT ALL TIMES BE LIMITED TO THE REVIEW CRITERIA APPLICABLE TO THAT PARTICULAR BOARD.

WHEREAS, on September 15, 2020, the City's Police/Citizens Relations Committee adopted a motion which, in pertinent part, urged the City Commission to establish a policy for the Miami Beach Police Department and Code Compliance Department to review certain land use applications and provide comments on the impact of proposed development on public safety; and

WHEREAS, on October 14, 2020, at the request of Commissioners Michael Góngora and Mark Samuelian, the City Commission referred a discussion item to the Land Use and Sustainability Committee (LUSC) pertaining to the Police/Citizens Relations Committee's motion; and

WHEREAS, on November 24, 2020, the LUSC discussed this item and recommended that the City Commission adopt a Resolution to establish a policy for the Police and Code Compliance Departments to review certain conditional use permit (CUP) applications (wherever applicable, as determined by the Planning Director); and

WHEREAS, the City of Miami Beach has robust and comprehensive review requirements for outdoor entertainment and neighborhood impact establishment applications, through the Planning Board's CUP process; and

WHEREAS, CUP applications are reviewed against the rigorous conditional use criteria in City Code Section 118-192, as well as the supplemental review guidelines in City Code Section 142-1362 for outdoor entertainment establishments and neighborhood impact establishments, both of which include criteria relating to public safety; and

WHEREAS, the City of Miami Beach is committed to promoting a high level of public safety associated with CUP applications and, where applicable, other land use board applications; and

WHEREAS, the policy set forth in this Resolution will provide additional opportunities to promote public safety in new development, as part of the Planning Board's CUP process and, where applicable, as part of the review of other land use board applications.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Land Use and Sustainability Committee at its November 24, 2020 meeting, and recommend that the following mechanisms be incorporated, where applicable, in order to promote public safety in the context of the City's development review process:

1. Whenever the Planning Director determines, consistent with the criteria in City Code Sections 118-192 and/or 142-1362, that (a) public safety issues are likely to arise in connection with a future CUP application, and (b) such information would be relevant to the Planning Board's review of the application, the Planning Director shall forward the application and any supporting materials to the Police and Code Compliance Departments for their review, prior to placing the application on a Planning Board agenda. The Police and Code Compliance Departments shall review and, if applicable, provide written comments/recommendations on public safety issues likely to arise in connection with the proposed conditional use. The Planning Board's review shall at all times be subject to the criteria in City Code Section 118-192 and 142-1362, and any other applicable provision of the Land Development Regulations.
2. Other applications for land use board approval may be forwarded to the Police and Code Compliance Departments for their review, at the sole discretion of the Planning Director, and subject to the applicable board's review criteria. The Police and Code Compliance Departments shall review and, if applicable, provide written comments/recommendations on public safety issues likely to arise in connection with the proposed development. Each respective board's review shall at all times be limited to the scope of the review criteria applicable to that particular board.

PASSED and **ADOPTED** this ____ day of January, 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION



City Attorney NK Date 1-5-21