

Post Disaster Temporary Zoning Relief

ORDINANCE NO. 2021-4396

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE II, ENTITLED "BOARDS," DIVISION 2, ENTITLED "PLANNING BOARD," SECTION 118-52, ENTITLED "MEETINGS AND PROCEDURES"; DIVISION 3, ENTITLED "DESIGN REVIEW BOARD," SECTION 118-75, ENTITLED "QUORUM AND VOTING"; DIVISION 4, "HISTORIC PRESERVATION BOARD," SECTION 118-106, ENTITLED "QUORUM AND VOTING"; AND DIVISION 5, ENTITLED "BOARD OF ADJUSTMENT," SECTION 118-135, ENTITLED "MEETINGS AND RECORDS," TO AMEND REQUIREMENTS PERTAINING TO ATTENDANCE AND PARTICIPATION AT PUBLIC MEETINGS; BY AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," CREATING ARTICLE XIII, TO BE ENTITLED "TEMPORARY EMERGENCY USES," TO ESTABLISH A PROCESS TO AUTHORIZE TEMPORARY USES DURING A STATE OF EMERGENCY; BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," SECTION 142-106, ENTITLED "SETBACK REQUIREMENTS FOR A SINGLE-FAMILY DETACHED DWELLING," TO AUTHORIZE THE USE OF A CAMPER TRAILER OR RECREATIONAL VEHICLE AS A TEMPORARY DWELLING DURING A STATE OF EMERGENCY, WHERE A RESIDENCE HAS BEEN DEEMED UNINHABITABLE; AND BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 1, ENTITLED "GENERALLY," AT SECTION 142-874, ENTITLED "REQUIRED ENCLOSURES," TO AUTHORIZE THE LIMITED OUTDOOR SALE AND RENTAL OF HOME IMPROVEMENT PRODUCTS DURING A STATE OF EMERGENCY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the South Florida area is particularly vulnerable to natural disasters, especially tropical storms and hurricanes; and

WHEREAS, the City of Miami Beach has the authority to enact laws which promote and protect the public health, safety, and welfare of its residents; and

WHEREAS, these amendments 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, AS FOLLOWS:

Section 1. Chapter 118, entitled "Administration and Review Procedures," at Article II, entitled "Boards," is hereby amended as follows:

CHAPTER 118
ADMINISTRATION AND REVIEW PROCEDURES

* * *

ARTICLE II. BOARDS

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DIVISION 2. PLANNING BOARD

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Sec. 118-52. Meetings and procedures.

* * *

(d) *Quorum and voting.* A quorum shall constitute four regular members for any matter that requires city commission approval. A quorum of five regular members is required for conditional uses and any matter that does not require city commission approval. An affirmative vote of four regular members shall be required to approve a request before the board that requires city commission approval. An affirmative vote of five regular members shall be required to approve a conditional use request or matter to approve any other request that does not require city commission approval. If an application is denied, the board shall provide a written statement in support of its finding.

As applicable to meetings held during a state of emergency declared by the City, County, or State that applies to the City of Miami Beach and that impacts the board's ability to meet in person, a quorum of the board shall attend the meeting in person, and remaining board members may attend and participate using communications media technology such as telephonic and video conferencing, unless the in-person quorum requirement has been suspended by the Florida Governor, by a court of competent jurisdiction, or otherwise suspended pursuant to applicable law.

* * *

DIVISION 3. DESIGN REVIEW BOARD

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Sec. 118-75. Quorum and voting.

A quorum shall consist of four regular members. An affirmative vote of four regular members shall be required to approve an application for design review. Prior to a decision of the design review board, the ex officio members shall submit a recommendation for each item on the agenda. An affirmative vote of five regular members of the board shall be necessary to approve any variance request. In addition, the city attorney shall determine whether a request is properly before the board. If an application is denied, the board shall provide a written statement in support of its finding.

As applicable to meetings held during a state of emergency declared by the City, County, or State that applies to the City of Miami Beach and that impacts the board's ability to meet in person, a quorum of the board shall attend the meeting in person, and remaining board members

may attend and participate using communications media technology such as telephonic and video conferencing, unless the in-person quorum requirement has been suspended by the Florida Governor, by a court of competent jurisdiction, or otherwise suspended pursuant to applicable law.

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DIVISION 4. HISTORIC PRESERVATION BOARD

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Sec. 118-106. Quorum and voting.

The presence of a quorum shall be necessary to conduct a historic preservation board meeting. A quorum shall consist of four members of the board. A majority vote of the members present shall be necessary to approve all requests or to decide all issues coming before the board with the following exceptions:

- (1) Issuance of a certificate of appropriateness for demolition, recommendations for historic designation and reclassification of properties listed as "historic" in the historic properties database shall require five affirmative votes.
- (2) The issuance of a certificate of appropriateness pertaining to revisions to any application for a property where a certificate of appropriateness for demolition was previously issued, including an after-the-fact certificate of appropriateness for demolition, shall require five affirmative votes.
- (3) The approval of any variance request shall require five affirmative votes.
- (4) The issuance of a certificate of appropriateness pertaining to any application for new construction, renovation or rehabilitation, except as otherwise provided in this section, shall require four affirmative votes.
- (5) In the event of a tie vote on a motion on all requests or issues coming before the board, the motion shall be deemed denied.

As applicable to meetings held during a state of emergency declared by the City, County, or State that applies to the City of Miami Beach and that impacts the board's ability to meet in person, a quorum of the board shall attend the meeting in person, and remaining board members may attend and participate using communications media technology such as telephonic and video conferencing, unless the in-person quorum requirement has been suspended by the Florida Governor, by a court of competent jurisdiction, or otherwise suspended pursuant to applicable law.

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DIVISION 5. BOARD OF ADJUSTMENT

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Sec. 118-135. Meetings and records.

Meetings of the board of adjustment shall be held at least once monthly, or at such other times as the board may determine, or upon call of the chairman. The board shall adopt its own

rules or procedures and keep minutes of its proceedings showing its action on each question considered. A quorum shall constitute of four members of the board.

As applicable to meetings held during a state of emergency declared by the City, County, or State that applies to the City of Miami Beach and that impacts the board's ability to meet in person, a quorum of the board shall attend the meeting in person, and remaining board members may attend and participate using communications media technology such as telephonic and video conferencing, unless the in-person quorum requirement has been suspended by the Florida Governor, by a court of competent jurisdiction, or otherwise suspended pursuant to applicable law.

Section 2. Chapter 118, entitled "Administration Review Procedures," Article XIII, to be entitled "Temporary Emergency Uses," is hereby created as follows:

* * *

ARTICLE XIII. TEMPORARY EMERGENCY USES.

Sec. 118-820. Purpose and intent.

It is the purpose and objective of this article to establish reasonable and uniform regulations to protect the public health, safety, and welfare, and to provide for streamlined review of applications for temporary uses and other land use approvals following a catastrophic event, including, but not limited to, a fire, tornado, flood, tropical storm, hurricane, or other natural disaster or act of God.

Sec. 118-821. Approval of temporary emergency uses.

During a state of emergency declared by the City in response to a natural disaster or other catastrophic event, including, but not limited to, a fire, tornado, flood, tropical storm, hurricane, or other natural disaster or act of God, the City Manager shall have the authority to approve temporary emergency use permits for a duration of up to 120 days on any lot, regardless of the underlying zoning district, for any temporary use which, as determined by the City Manager, will aid in the reconstruction or recovery of an area adversely impacted by the natural disaster or catastrophic event, subject to the following conditions:

- (a) Prior to approving the location of a temporary emergency use, the City Manager must find that the use will not have a significant effect on adjoining properties or on the immediate surrounding neighborhood.
- (b) The temporary emergency use shall not be subject to the requirements of chapters 122 through 148 of the land development regulations, unless the City Manager determines that it is necessary to enforce a land development regulation against the use in order to protect the peaceful and quiet enjoyment of adjoining properties, or that enforcement of the land development regulation is required pursuant to the City Charter or State law.
- (c) The City Manager may impose additional conditions that may be necessary to protect the peaceful and quiet enjoyment of adjoining properties.

- (d) Upon the expiration of the temporary emergency use permit, the site must be fully restored and returned to its pre-emergency state, unless a building permit is obtained to modify the site.
- (e) The City Manager may require the posting of a completion bond or other guarantee in an amount that, at a minimum, would cover the cost of the removal of any improvements made to a site or cleaning/restoration of the site following the expiration of the approved temporary emergency use permit.
- (f) An application for a temporary emergency use permit must be made while the declaration of a state of emergency is in effect.
- (g) The City Manager shall have the sole and absolute discretion to revoke the temporary emergency use permit at any time.
- (h) The Planning Department shall maintain records of all temporary emergency use permits issued pursuant to this article.
- (i) The City Commission may, by resolution adopted following a duly noticed public hearing, authorize the City Manager to extend any or all temporary emergency use permit approved pursuant to this article for a period of up to one additional year.

Section 3. Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II, entitled "District Regulations, at Division 2, entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," is hereby amended as follows:

CHAPTER 142 ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

DIVISION 2. RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS

* * *

Sec. 142-106. Setback requirements for a single-family detached dwelling.

- (b) Allowable encroachments within required yards.

* * *

- (3) Boat, boat trailer, camper trailer or recreational vehicle storage. Accessory storage of such vehicles shall be limited to a paved, permanent surface area within the side or rear yards. No such vehicle shall be utilized as a dwelling, and any such vehicles shall be screened from view from any right-of-way or adjoining property when viewed from five feet six inches above grade.

Notwithstanding the foregoing, during a state of emergency declared by the City, a camper trailer or recreational vehicle may be used as a temporary dwelling, subject to the following conditions:

- i. The principal residence on the property where the vehicle is located has been deemed by the City to be uninhabitable as a result of the emergency.
- ii. A Temporary Certificate of Use (TCU) is obtained prior to the use of the vehicle as a dwelling. The TCU shall be valid for up to 120 days, but may be extended for up to an additional 120 days if an applicant demonstrates progress toward repairing the principal structure.
- iii. The application for the TCU must be made while the declaration of a state of emergency is in effect.
- iv. The vehicle may be located in the side or rear yard or, provided it does not encroach into a public right-of-way, in the front yard. The vehicle need not be parked on a paved or permanent surface, nor screened from view from a right-of-way. Upon the expiration of the TCU, the vehicle must be relocated to comply with all applicable provisions in the City Code and may no longer be used as a dwelling. Alternatively, the vehicle must be removed from the property.
- v. The vehicle is fully licensed, in good condition, and ready for highway use.

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Section 4. Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article IV, entitled "Supplementary District Regulations," at Division 1, entitled "Generally," is hereby amended as follows:

ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 1. GENERALLY

* * *

Sec. 142-874. Required enclosures.

- (a) *Store enclosures.* In all use districts designated in these land development regulations, the sale, or exposure for sale or rent, of any personal property, including merchandise, groceries or perishable foods, such as vegetables and fruits, is prohibited, unless such sale, or exposure for sale, is made from a substantially enclosed, permanent building; provided, however, that nothing herein contained shall be deemed applicable to rooftop areas not visible from the right-of-way, filling stations, automobile service stations or repair shops; uses having revocable permits or beach concessions operated or granted by the city, newsracks or newspaper stands, or displays at sidewalk cafés as permitted in subsection 82-384, wherever such uses are otherwise permissible. Vehicles for rent or lease utilized in connection with the operation of an automobile rental agency as defined in section 102-356, and not located within a substantially enclosed permanent building, shall require conditional use approval from the planning board, provided that the exposure of the vehicles

is on the same site at which the automobile rental agency is located, and that such exposed vehicles are screened from view as seen from any right-of-way or adjoining property when viewed from five feet six inches above grade, with appropriate landscaping not to exceed three feet in height from grade.

Notwithstanding the foregoing, during a state of emergency declared by the City, the requirement that personal property be sold or rented from a substantially enclosed, permanent building may be waived by the City Manager subject to the following conditions:

1. The City Manager may, upon a finding that significant building damage has occurred, identify specific areas of the City where personal property may be sold or rented outdoors.
2. Items permitted to be sold or rented shall be limited to home improvement products including, but not limited to, hardware, construction supplies, electrical and plumbing fixtures, lumber, tools, and lawn and garden supplies.
3. Businesses eligible for a waiver pursuant to this section shall be limited to businesses that engaged in the sale or rental of home improvement products immediately prior to the declaration of a state of emergency.
4. All outdoor sales and rentals shall occur on the same property as the primary business.
5. All accessible pedestrian circulation shall be maintained.
6. Vehicular circulation shall not be interrupted.
7. The number of accessible parking spaces shall not be reduced.
8. The waiver shall expire upon the termination of the state of emergency.

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SECTION 5. Repealer.

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

SECTION 6. Codification.


It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida, as amended. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section" or other appropriate word.

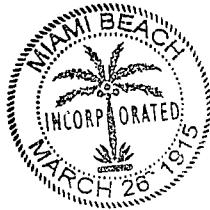
SECTION 7. Severability.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 8. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this 13 day of January, 2021. 

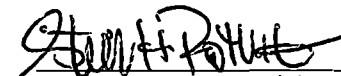


Dan Gelber, Mayor

ATTEST:

 1/26/2021
Rafael E. Granado, City Clerk

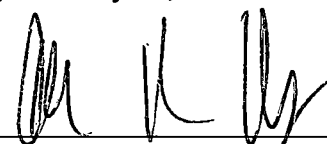
APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION


City Attorney NK

12/01/2020
Date

First Reading: December 9, 2020

Second Reading: January 13, 2021

Verified By: 
Thomas R. Mooney, AICP
Planning Director

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Raul J. Aguila, Interim City Manager
DATE: January 13, 2021

5:02 p.m. Second Reading Public Hearing

SUBJECT: POST DISASTER TEMPORARY ZONING RELIEF

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE II, ENTITLED "BOARDS," DIVISION 2, ENTITLED "PLANNING BOARD," SECTION 118-52, ENTITLED "MEETINGS AND PROCEDURES"; DIVISION 3, ENTITLED "DESIGN REVIEW BOARD," SECTION 118-75, ENTITLED "QUORUM AND VOTING"; DIVISION 4, "HISTORIC PRESERVATION BOARD," SECTION 118-106, ENTITLED "QUORUM AND VOTING"; AND DIVISION 5, ENTITLED "BOARD OF ADJUSTMENT," SECTION 118-135, ENTITLED "MEETINGS AND RECORDS," TO AMEND REQUIREMENTS PERTAINING TO ATTENDANCE AND PARTICIPATION AT PUBLIC MEETINGS; BY AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," CREATING ARTICLE XIII, TO BE ENTITLED "TEMPORARY EMERGENCY USES," TO ESTABLISH A PROCESS TO AUTHORIZE TEMPORARY USES DURING A STATE OF EMERGENCY; BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," SECTION 142-106, ENTITLED "SETBACK REQUIREMENTS FOR A SINGLE-FAMILY DETACHED DWELLING," TO AUTHORIZE THE USE OF A CAMPER TRAILER OR RECREATIONAL VEHICLE AS A TEMPORARY DWELLING DURING A STATE OF EMERGENCY, WHERE A RESIDENCE HAS BEEN DEEMED UNINHABITABLE; AND BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 1, ENTITLED "GENERALLY," AT SECTION 142-874, ENTITLED "REQUIRED ENCLOSURES," TO AUTHORIZE THE LIMITED OUTDOOR SALE AND RENTAL OF HOME IMPROVEMENT PRODUCTS DURING A STATE OF EMERGENCY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the City Commission adopt the subject ordinance.

BACKGROUND/HISTORY

On December 11, 2019, at the request of Commissioner Mark Samuelian, the City Commission referred the item to the Sustainability and Resiliency Committee (Item C4C). The item was placed on the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee (LUSC). The item was deferred to the February 18, 2020 LUSC meeting.

On February 18, 2020, the LUSC continued the item to May 6, 2020 for the development of an ordinance. On May 6, 2020, the LUSC deferred the item to the May 26, 2020 meeting. On May 26, 2020 meeting, the LUSC deferred the item to the June 30, 2020 meeting. On June 30, 2020 the LUSC recommended that the City Commission refer the attached Ordinance to the Planning Board.

On July 29, 2020, the City Commission referred the proposed Ordinance to the Planning Board for review and recommendation (Item C4 E).

ANALYSIS

PLANNING ANALYSIS

The proposed Ordinance includes provisions that are similar to a Miami-Dade County ordinance pertaining to the use of home improvement stores and RV's subsequent to catastrophic weather events. Staff has also reviewed several of the recommendations in the Resilient 305, Bounce Forward 305 Resilient Urban Land Use Planning Toolkit and has incorporated recommendations that would be useful post-disaster.

Additionally, in response to the current public health emergency related to the Covid-19 pandemic, the Administration has developed a process to allow quasi-judicial hearings to proceed in a hybrid virtual/in-person format, consistent with social distancing guidelines. The proposed Ordinance includes a procedure to allow such meetings of the Land Use Boards to proceed in a similar manner during a locally declared state of emergency, unless the in-person quorum requirement is suspended by the Governor or otherwise suspended pursuant to applicable law.

The proposed Ordinance includes the following primary components, which would be applicable during a locally declared state of emergency:

1. Hybrid Virtual/In-person Land Use Board Meetings – On March 20, 2020, the Florida Governor issued Executive Order 20-69, (i) suspending any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place, and (ii) permitting local government bodies to utilize communications media technology such as telephonic and video conferencing ("EO 20-69"). EO 20-69 expired on November 1, 2020. On October 28, 2020, the City Commission adopted Resolution No. 2020-31474 which, in pertinent part, approved a procedure for the City Commission and Land Use Boards to maintain a physically present quorum (consistent with Florida law) at meetings requiring action, with remaining board members who are not physically present to participate virtually, due to the extraordinary circumstances presented by the public health emergency.

The proposed Ordinance includes a procedure to allow meetings of the Land Use Boards to proceed in a similar manner during a locally declared state of emergency that impacts a board's ability to meet in person, unless the in-person quorum requirement is suspended by the Governor or otherwise suspended pursuant to applicable law.

The idea behind this component is that if sufficient members to constitute a quorum can participate at a physical meeting location, remaining board members could then participate remotely (i.e. using communications media technology, such as telephonic and video conferencing). For instance, in the case of the Planning Board, four members would need to be physically present at a meeting location, and up to three members could participate remotely.

2. Temporary Uses – Under this section of the Ordinance, the City Manager would be authorized to approve certain types of temporary uses during a declared Local State of Emergency that involves a catastrophic event, such as a tropical storm, hurricane, or pandemic. The temporary uses could occur on any parcel, regardless of zoning district, for a period of up to 120 days. The use would have to assist in the reconstruction or recovery of the area and the City Manager would have to find that the use does not negatively impact the surrounding area. Conditions to the use could be imposed to ensure that the quality of life of the surrounding area is maintained. As additional safeguards, the City Manager could limit the geographic areas for the uses and revoke the permit for any reason. Should there be a need for the use to continue beyond 120 days, the proposed Ordinance allows the City Commission to extend the permits for up to an additional year by Resolution at a public hearing.

This is a recommendation from the Resilient 305, Bounce Forward 305 Resilient Urban Land Use Planning Toolkit. Several cities in California, including Los Angeles, have similar allowances for post-disaster temporary uses. As it is difficult to predict exactly what uses are necessary to assist in the recovery of an area, the proposed section grants the City the necessary flexibility, while providing sufficient safeguards to ensure that quality of life is protected.

3. Authorize the use of Camper Trailers and Recreational Vehicles as a Temporary Dwelling – The Ordinance would allow camper trailers and recreational vehicles to be used as a temporary dwellings in the event a disaster causes the principle residence on a parcel to be uninhabitable. The proposal requires that a Temporary Certificate of Use (TCU) be obtained authorizing the use of the vehicle as a dwelling. The TCU would only be valid for 120 days. An additional extension of 120 days is available if there is evidence of progress on repairs to the primary structure.

Currently regulations in section 142-106 allow such vehicles to be located in side or rear yards on paved, permanent surfaces and screened from view from the public right of way. The proposal waives the pavement and screening requirements and also allows the vehicle to be located in the front yard. The proposal also requires that the vehicle be licensed and ready for highway use so that it can be easily moved once the TCU expires.

This is a recommendation from a Miami-Dade County Resolution to facilitate housing for victims of natural disasters. Since it is limited to properties where the home is uninhabitable and for

limited periods of time, the proposal should not negatively impacts neighborhoods.

4. Authorize Outdoor Sale or Rental for Home Improvement Products – This portion of the Ordinance is to allow businesses that sell or rent home improvement products to sell those products outdoors within the same lot in which the business is located. The Ordinance allows the City Manager to authorize outdoor sales for specific geographic areas once a local state of emergency is declared. It recommends that this only be done for states of emergency where significant building damage is incurred. The proposal also requires that the outdoor sales cease once the state of emergency ends.

Currently section 142-874 requires commercial activity to take place in a substantially enclosed, permanent building. During a state of emergency in which substantial building damage occurs, there may be an increased need for home improvement products such as hardware, construction supplies, lumber, and tools. In order to facilitate meeting the demand, businesses that already sell those goods would be able to use outdoor areas to increase the area available for inventory.

This is a recommendation from a Miami-Dade County Resolution to facilitate repairs and reconstruction after natural disasters. Since it requires authorization from the City Manager and must cease once the state of emergency ends, the proposal should not negatively impact surrounding areas.

PLANNING BOARD REVIEW

On September 22, 2020, the Planning Board discussed the item and continued it to the October 27, 2020 meeting to allow the item to be re-noticed. On October 27, 2020, the Planning Board continued the item to the November 17, 2020 meeting. On November 17, 2020 the Planning Board held a public hearing and transmitted the Ordinance to the City Commission with a favorable recommendation by a vote of 6-0.

UPDATE

The City Commission approved the subject Ordinance at first reading on December 9, 2020 with no changes.

CONCLUSION

The Administration recommends that the City Commission adopt the subject Ordinance.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Planning

Sponsor

Commissioner Mark Samuelian

ATTACHMENTS:

Description

- ▣ Ordinance
- ▣ Ad

MIAMI BEACH

CITY OF MIAMI BEACH

NOTICE OF PUBLIC HEARING

ORDINANCE AMENDING CD-2 ALTON ROAD OUTDOOR MOVIE THEATERS - REVISED BOUNDARIES JANUARY 13, 2021 CITY COMMISSION MEETING

On January 13, 2021, the City of Miami Beach will host a Hybrid Commission Meeting. During the Hybrid Commission Meeting, a quorum of the City Commission will be physically present in a socially distanced manner at the Convention Center, while staff, applicants, and the public attend the meeting virtually. This Meeting is being held as a Hybrid Meeting, in compliance with Resolution No. 2020-31474, to comply with social distancing recommendations intended to protect the life and safety of individuals in the community during the Coronavirus/COVID-19 pandemic. Members of the public may comment on any item on the agenda using the Zoom platform. To participate or provide comments virtually, the public may join the City Commission Meeting at: <https://miami-beach-fl-gov.zoom.us/j/89109475690> or via telephone at: 1.929.205.6099 (U.S.) or 888.475.4499 (Toll Free). Webinar ID: 89109475690.

Members of the public wanting to speak on an item during the meeting, are required to click the "raise hand" icon if using the Zoom app or press "9" on the telephone to raise their hand. Members of the public who do not have access to a computer and wish to provide public comment at the Commission meeting, may appear in-person at the Miami Beach Convention Center, 1901 Convention Center Drive, Washington Avenue Entrance, Room 237, Miami Beach, FL 33139. At this location, members of the public will be provided access to a computer to provide public comment (only in audio form) on agenda item(s).

NOTICE IS HEREBY GIVEN that the following Public Hearing will be heard by the Mayor and City Commissioners of the City of Miami Beach, Florida, on January 13, 2021 at 5:03 p.m. or as soon thereafter as the matter can be heard:

5:03 p.m. Second Reading Public Hearing

CD-2 ALTON ROAD OUTDOOR MOVIE THEATERS - REVISED BOUNDARIES
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," SECTION 142-310, ENTITLED "SPECIAL REGULATIONS FOR ALCOHOL BEVERAGE ESTABLISHMENTS," TO MODIFY THE BOUNDARIES OF THE AREA IN WHICH OUTDOOR MOTION PICTURE THEATERS AND ACCESSORY OUTDOOR BAR COUNTERS ARE PERMITTED; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE. This Ordinance is being heard pursuant to Section 118-164 of the City's Land Development Code. Inquiries may be directed to the Planning Department at 305.673.7550.

INTERESTED PARTIES are invited to take part in this meeting or be represented by an agent. The public may submit written comments by sending an email to: CityClerk@miamibeachfl.gov by 5:00 p.m. the day before the City Commission Meeting. Please identify the Agenda Item Number in the email subject line. Emails received will be forwarded to the Mayor and Commissioners and will be included as a part of the meeting record.

Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda-archive-main-page-2/>. This meeting, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

The City Commission Meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on Atlantic Broadband Cable channel 660, AT&T U-verse channel 99, Hotwire Communications channel 395, and Roku device on PEG-TV channel, and on social media at <https://www.facebook.com/cityofmiamibeach>.

Rafael E. Granado, City Clerk
City of Miami Beach
CityClerk@miamibeachfl.gov
305.673.7411

Ad 01132021-07

MIAMI BEACH

CITY OF MIAMI BEACH

NOTICE OF PUBLIC HEARING ORDINANCE AMENDING POST DISASTER TEMPORARY ZONING RELIEF JANUARY 13, 2021 CITY COMMISSION MEETING

On January 13, 2021, the City of Miami Beach will host a Hybrid Commission Meeting. During the Hybrid Commission Meeting, a quorum of the City Commission will be physically present in a socially distanced manner at the Convention Center, while staff, applicants, and the public attend the meeting virtually. This Meeting is being held as a Hybrid Meeting, in compliance with Resolution No. 2020-31474, to comply with social distancing recommendations intended to protect the life and safety of individuals in the community during the Coronavirus/COVID-19 pandemic. Members of the public may comment on any item on the agenda using the Zoom platform. To participate or provide comments virtually, the public may join the City Commission Meeting at: <https://miami-beach-fl-gov.zoom.us/j/89109475690> or via telephone at: 1.929.205.6099 (U.S.) or 888.475.4499 (Toll Free). Webinar ID: 89109475690.

Members of the public wanting to speak on an item during the meeting, are required to click the "raise hand" icon if using the Zoom app or press "9" on the telephone to raise their hand. Members of the public who do not have access to a computer and wish to provide public comment at the Commission meeting, may appear in-person at the Miami Beach Convention Center, 1901 Convention Center Drive, Washington Avenue Entrance, Room 237, Miami Beach, FL 33139. At this location, members of the public will be provided access to a computer to provide public comment (only in audio form) on agenda item(s).

NOTICE IS HEREBY GIVEN that the following Public Hearing will be heard by the Mayor and City Commissioners of the City of Miami Beach, Florida, on January 13, 2021 at 5:02 p.m. or as soon thereafter as the matter can be heard:

5:02 p.m. Second Reading Public Hearing

POST DISASTER TEMPORARY ZONING RELIEF
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE II, ENTITLED "BOARDS," DIVISION 2, ENTITLED "PLANNING BOARD," SECTION 118-52, ENTITLED "MEETINGS AND PROCEDURES," DIVISION 3, ENTITLED "DESIGN REVIEW BOARD," SECTION 118-75, ENTITLED "QUORUM AND VOTING," DIVISION 4, "HISTORIC PRESERVATION BOARD," SECTION 118-108, ENTITLED "QUORUM AND VOTING," AND DIVISION 5, ENTITLED "BOARD OF ADJUSTMENT," SECTION 118-135, ENTITLED "MEETINGS AND RECORDS," TO AMEND REQUIREMENTS PERTAINING TO ATTENDANCE AND PARTICIPATION AT PUBLIC MEETINGS; BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," CREATING ARTICLE XII, TO BE ENTITLED "TEMPORARY EMERGENCY USES," TO ESTABLISH A PROCESS TO AUTHORIZE TEMPORARY USES DURING A STATE OF EMERGENCY; BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," SECTION 142-105, ENTITLED "SETBACK REQUIREMENTS FOR A SINGLE-FAMILY DETACHED DWELLING," TO AUTHORIZE THE USE OF A CAMPER TRAILER OR RECREATIONAL VEHICLE AS A TEMPORARY DWELLING DURING A STATE OF EMERGENCY, WHERE A RESIDENCE HAS BEEN DEEMED UNINHABITABLE; AND BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 1, ENTITLED "GENERALLY," AT SECTION 142-874, ENTITLED "REQUIRED ENCLOSURES," TO AUTHORIZE THE LIMITED OUTDOOR SALE AND RENTAL OF HOME IMPROVEMENT PRODUCTS DURING A STATE OF EMERGENCY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. This Ordinance is being heard pursuant to Section 118-164 of the City's Land Development Code, Section 205 of the City Charter, and §186.041 F.S. Inquiries may be directed to the Planning Department at 305.673.7550.

INTERESTED PARTIES are invited to take part in this meeting or be represented by an agent. The public may submit written comments by sending an email to: CityClerk@miamibeachfl.gov by 5:00 p.m. the day before the City Commission Meeting. Please identify the Agenda Item Number in the email subject line. Emails received will be forwarded to the Mayor and Commissioners and will be included as a part of the meeting record.

Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda-archive-main-page-2/>. This meeting, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

The City Commission Meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on Atlantic Broadband Cable channel 660, AT&T U-verse channel 99, Hotwire Communications channel 395, and Roku device on PEG-TV channel, and on social media at <https://www.facebook.com/cityofmiamibeach>.

Rafael E. Granado, City Clerk
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