

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Rafael A. Paz, City Attorney
DATE: May 4, 2022

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO COMPILE A DATABASE OF CONDITIONAL USE PERMITS ("CUPS") ISSUED BY THE PLANNING BOARD, TO MAKE THEM READILY ACCESSIBLE TO THE GENERAL PUBLIC.

ANALYSIS

The attached Resolution was prepared at the request of Commissioner Steven Meiner, for consideration at the May 4, 2022 City Commission meeting.

SUPPORTING SURVEY DATA

N/A

FINANCIAL INFORMATION

As noted in the Resolution, the Fiscal Impact of this measure, if any, shall be addressed as part of the annual budget process.

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

No

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Office of the City Attorney

Sponsor

Commissioner Steven Meiner

ATTACHMENTS:

Description

- ▣ Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO COMPILE A DATABASE OF CONDITIONAL USE PERMITS (“CUPS”) ISSUED BY THE PLANNING BOARD, TO MAKE THEM READILY ACCESSIBLE TO THE GENERAL PUBLIC.

WHEREAS, the Planning Board of the City of Miami Beach has jurisdiction over review and approval of conditional use permits (“CUPs”); and

WHEREAS, a CUP is a permit issued by the City, and recorded in the public records of Miami-Dade County, allowing a specific “conditional use” that was approved for a particular property pursuant to procedures set forth in the City Code; and

WHEREAS, conditional uses include uses which may be desirable in certain zoning districts, but which require review and the careful vetting and exercise of planning judgment as to their location and site plan, because of the nature of such uses and their potential for adverse impacts on neighboring properties; and

WHEREAS, examples of conditional uses in the City include uses such as outdoor entertainment establishments, buildings over 50,000 sq. ft., mechanical parking, and warehouses, among other uses; and

WHEREAS, in addition, CUPs, once approved for a project, are in place for extended periods of time; and

WHEREAS, resident groups have expressed frustration with the cumbersome process of obtaining copies of CUPs for different establishments; and

WHEREAS, under Florida law, City staff are required to locate and make available for inspection and copying public records requests for copies of CUPs; and

WHEREAS, a well-maintained database with a central repository of CUPs will serve the public purpose of making CUPs readily available to the general public, and would ultimately reduce the burden on City staff in having to locate and respond to public records requests for CUPs; and

WHEREAS, in recognition that compiling a database of CUPs may be labor-intensive and may present certain administrative challenges, the Mayor and City Commission request that the City Administration identify, as part of the annual budget process, any resources which may be required in connection with this effort.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission hereby direct the City Administration to compile a database of conditional use permits ("CUPs") issued by the Planning Board to make them readily accessible to the general public.

PASSED AND ADOPTED this ____ day of May, 2022.


ATTEST:

Dan Gelber
Mayor

Rafael Granad
City Clerk

(sponsored by Commissioner Steven Meiner)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney PAZ

4-27-22
Date