

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Alex Fernandez  
DATE: December 13, 2023

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE - REVIEW LAND DEVELOPMENT REGULATIONS APPLICABLE TO NEW CONDITIONAL USE PERMIT APPLICATIONS FOR NEIGHBORHOOD IMPACT ESTABLISHMENTS, DISCUSS WHETHER NIE'S SHOULD BE REQUIRED TO APPLY FOR RENEWAL FROM THE PLANNING BOARD AFTER A SPECIFIC TERM OF YEARS, AND DISCUSS ADOPTING PROPERTY MAINTENANCE STANDARDS SPECIFIC TO NIE'S.

---

### **RECOMMENDATION**

Please place the above matter on the December 13, 2023 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee ("LUSC").

A neighborhood impact establishment ("NIE") is defined in the Resiliency Code as an alcoholic beverage establishment or restaurant (without entertainment) with an occupant content of 300 or more persons; an alcoholic beverage establishment or restaurant (with entertainment) with an occupant content of 200 or more persons; or an alcoholic beverage establishment or restaurant located on a rooftop within 200 feet of a residential property. A conditional use permit ("CUP") issued by the Planning Board is required to operate any NIE in the City.

I would like the LUSC to consider whether the City should create a periodic review/renewal process for new neighborhood impact establishments, which would apply prospectively to new applicants. For example, after a specific term of years, new NIEs would be required to apply for a renewal of their CUPs from the Planning Board. At that time, the Planning Board would have the authority to review the business's history and, if necessary, consider amending the conditions of its CUP. I would also like the LUSC to consider whether special property maintenance standards should apply to NIEs

### **SUPPORTING SURVEY DATA**

na

### **FINANCIAL INFORMATION**

na

### **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**

Commissioner Alex Fernandez