

# MIAMI BEACH

## Commission Meeting / Presentations and Awards

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

February 26, 2020 - 5:00 PM

Mayor Dan Gelber  
Commissioner Ricky Arriola  
Commissioner Michael Gongora  
Commissioner Steven Meiner  
Commissioner David Richardson  
Commissioner Mark Samuelian  
Commissioner Micky Steinberg

City Manager Jimmy L. Morales  
City Attorney Raul J. Aguila  
City Clerk Rafael E. Granado

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the Office of the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the Office of the City Clerk. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

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 option 6; TTY users may call via 711 (Florida Relay Service).

In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to an alternate meeting. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

### AGENDA KEY

#### Consent Agenda:

C2 - Competitive Bid Reports  
C4 - Commission Committee Assignments  
C6 - Commission Committee Reports  
C7 - Resolutions

#### Regular Agenda:

R2 - Competitive Bid Reports  
R5 - Ordinances  
R7 - Resolutions  
R9 - New Businesses & Commission Requests  
R10 - City Attorney Reports

PA - Presentations and Awards

## **AGENDA**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE

### **C7 - Resolutions**

- C7 A A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE, IN A FORM APPROVED BY THE CITY ATTORNEY, AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND MIAMI-DADE COUNTY FOR THE INSTALLATION OF SECURITY CAMERAS AND RELATED EQUIPMENT WITHIN THE BISCAVNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT.

Property Management

## **REGULAR AGENDA**

### **R5 - Ordinances**

- R5 A AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ALCOHOLIC BEVERAGES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," TO PROHIBIT THE SALE AND/OR SERVING OF ANY ALCOHOLIC BEVERAGE(S) BEYOND 2 A.M., FOR A DEFINED PERIOD OF TIME IN THE MONTH OF MARCH, BY ANY ALCOHOLIC BEVERAGE ESTABLISHMENT LOCATED IN THE MXE MIXED USE ENTERTAINMENT DISTRICT (EXCLUDING THAT PORTION OF THE MXE DISTRICT LOCATED BETWEEN 73RD AND 75TH STREETS), OR THAT PORTION OF THE CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT LOCATED BETWEEN PENNSYLVANIA AVENUE AND COLLINS COURT, FROM 5TH STREET TO 16TH STREET; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**5:02 p.m. Second Reading Public Hearing**

First Reading on February 12, 2020 - R5 O

Office of the City Attorney

Mayor Dan Gelber

### **R7 - Resolutions**

- R7 A **ITEM DEFERRED TO MARCH 18, 2020**  
A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING A REVISED PRELIMINARY REPORT SET FORTH AS AN EXHIBIT TO THE COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION, CONCERNING A FINDING OF NECESSITY FOR THE REDEVELOPMENT OF A CERTAIN GEOGRAPHIC AREA LOCATED WITHIN THE CITY OF MIAMI BEACH, DESCRIBED GENERALLY AS BEING BOUNDED ROUGHLY BY 87TH TERRACE TO THE NORTH, 65TH STREET TO THE SOUTH, THE ATLANTIC OCEAN TO THE EAST, AND RUE NOTRE DAME TO THE WEST, AS SHOWN ON THE MAP SET FORTH IN "EXHIBIT A" HERETO, AND REQUESTING MIAMI-DADE COUNTY TO DECLARE SAID AREA AS A BLIGHTED AREA AND DELEGATE REDEVELOPMENT POWERS TO THE CITY OF MIAMI BEACH IN ACCORDANCE WITH PART III OF CHAPTER 163, FLORIDA STATUTES, SO AS TO PERMIT THE CITY OF MIAMI BEACH TO ESTABLISH A COMMUNITY REDEVELOPMENT AGENCY FOR THE AFORESAID AREA.

**5:01 p.m. Public Hearing**

Deferred from January 15, 2020 - R7 A

Economic Development

- R7 B A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXPAND THE DURATION OF THOSE HIGH IMPACT MEASURES WHICH MAY BE IMPLEMENTED DURING SPRING BREAK, BEYOND THE 72-HOUR TIME PERIOD SET FORTH IN SECTION 82-443 OF THE CITY CODE, TO INCLUDE ANY OR ALL OF THAT PERIOD OF TIME FROM MARCH 1, 2020 THROUGH MARCH 31, 2020, THAT THE CITY MANAGER DEEMS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PROTECT PUBLIC AND PRIVATE PROPERTY FROM DAMAGE, DEGRADATION AND/OR UNAUTHORIZED USES.

Office of City Manager

Deferred from February 12, 2020 - R7 O

**R9 - New Business and Commission Requests**

- R9 A BOARD AND COMMITTEE APPOINTMENTS - CITY COMMISSION / AT-LARGE APPOINTMENTS.

Office of the City Clerk

- R9 B DISCUSSION REGARDING THE FEBRUARY 18TH POLICE CITIZEN RELATIONS COMMITTEE'S MOTIONS REGARDING PROMOTER ORDINANCE, CHECK POINTS, AND NIGHTTIME TASK FORCE.

Commissioner Michael Gongora

- R9 C DISCUSSION AND UPDATE REGARDING LOCAL PREPARATIONS PERTAINING TO THE CORONAVIRUS DISEASE 2019 (COVID-2019).

Mayor Dan Gelber

Addendum added on 2/26/2020

- R9 D UPDATE ON PROGRAMMING ACTIVATION DURING SPRING BREAK.

Office of the City Manager

Addendum added on 2/26/2020

**PRESENTATIONS AND AWARDS (COMMENCES AT APPROXIMATELY 5:00 P.M.)**

- PA 1 PROCLAMATION TO BE PRESENTED PROCLAIMING MARCH 8-14, 2020 AS WORLD GLAUCOMA WEEK.

Mayor Dan Gelber

- PA 2 CERTIFICATES OF RECOGNITION PRESENTED TO THE 2020 SOUTH BEACH WINE & FOOD FESTIVAL PARTICIPATING CHEFS BASED IN MIAMI BEACH.

Commissioner Michael Gongora

- PA 3 PROCLAMATION TO BE PRESENTED TO ABBOTT FLORIST FOR 30 YEARS OF BUSINESS IN MIAMI BEACH AND CERTIFICATE OF RECOGNITION TO BE PRESENTED TO THE NORMANDY FOUNTAIN BUSINESS ASSOCIATION.

Commissioner Micky Steinberg

- PA 4 CERTIFICATES OF RECOGNITION TO BE PRESENTED TO BERNADETTE MAHER FROM THE MIAMI BEACH POLICE DEPARTMENT, DR. KAT ROSENBLATT, MDCC PTA/PTSA AND MBSHS PTA/PTSA FOR THEIR ROLE IN A SPECIAL PANEL THAT BROUGHT ATTENTION TO THE TOPIC OF HUMAN TRAFFICKING.

Commissioner Micky Steinberg

- PA 5 PROCLAMATION TO BE PRESENTED TO ANDREW ANDRAS AND JONER STRAUSS FOR THEIR HISTORIC ACHIEVEMENTS, AS CHRONICLED IN "PUSH," AN

INDEPENDENT SKATEBOARD FILM ABOUT THE MIAMI ULTRASKATE RACE.  
Commissioner David Richardson

PA 6 PROCLAMATION TO BE PRESENTED TO AMERICAN PLUMBING & ELECTRICAL  
SUPPLY.

Commissioner Ricky Arriola

PA 7 CERTIFICATE OF RECOGNITION TO BE PRESENTED TO FERNANDO GONZALEZ  
FOR BEING AN OUTSTANDING STUDENT LIVING THE AMERICAN DREAM.

Commissioner Michael Gongora

PA 8 PROCLAMATION TO YUCA CUBAN RESTAURANT CELEBRATING THEIR 25 YEARS  
IN MIAMI BEACH.

Commissioner Mark Samuelian

Co-sponsored by Commissioner Gongora

PA 9 PROCLAMATION TO BE PRESENTED POSTHUMOUSLY IN HONOR OF LINDSEY  
HOPKINS SR. AND LINDSEY HOPKINS JR. FOR THEIR CONTRIBUTIONS TO EARLY  
MIAMI BEACH.

Commissioner Mark Samuelian

#### **Notices**

1. TIME CERTAIN.
2. CITY COMMISSION AT-LARGE NOMINATIONS - RELEASE(S).
3. ADVERTISEMENTS



# MIAMI BEACH

## **COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: February 26, 2020

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE, IN A FORM APPROVED BY THE CITY ATTORNEY, AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND MIAMI-DADE COUNTY FOR THE INSTALLATION OF SECURITY CAMERAS AND RELATED EQUIPMENT WITHIN THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT.

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### **RECOMMENDATION**

The Administration recommends adopting the Resolution.

### **ANALYSIS**

In 1988 and 1989, the Mayor and Commission of the City of Miami Beach and the Miami-Dade County ("County") Board of County Commissioners ("Board") approved the creation of the Biscayne Beach Security Guard Special Taxing District ("Special Taxing District") through City Resolution No. 88-19368 and County Ordinance 89-126, in order to provide 24-hour security guard service to the Biscayne Beach neighborhood.

Pursuant to Resolution No. 2018-30576, The City of Miami Beach ("City") requested the transfer of control of the Special Taxing District from the County to the City; and subsequently approved the execution of an interlocal agreement to the Special Taxing District from the County to the City by Resolution No. 2019-30749.

On February 12, 2020, the Mayor and City Commission adopted Resolution No. 2020-31146, ratifying and accepting the Resolution passed by Miami-Dade County approving the execution of an Interlocal Agreement for the transfer of control from Miami-Dade County to the City of Miami Beach of the Special Taxing District.

Simultaneously, the Association of the Special Taxing District, requested from the City the installation of security cameras and selected license plate readers within their boundaries. In order for the City to install the security equipment while the transfer of control of the Special Taxing District is pending, the County has requested that the City approve and execute the attached Interlocal Agreement, pursuant to Section 163.01 of the Florida Statutes and Sections 2-9 and 2-10 of the Code of Miami-Dade County which permits the County and the City to enter

into interlocal agreements.

Pursuant to the Interlocal Agreement, the City shall be responsible to acquire, install, maintain, repair and replace the security cameras and related equipment as necessary. The County shall reimburse the City within forty-five (45) days of receipt of the City's final itemized invoice for the costs associated with the purchase installation of the license-plate recognition cameras, and video surveillance equipment, in the amount of \$42,559.12.

The City and the County desire to complete this project as expeditiously as possible, which will provide safety and security for the residents within the boundaries of the Biscayne Beach Special Taxing District.

### **CONCLUSION**

The Administration recommends adopting the Resolution.

### **Applicable Area**

North Beach

**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**

Property Management

### **ATTACHMENTS:**

#### **Description**

- ▣ Resolutions
- ▣ Interlocal Agreement

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE, IN A FORM APPROVED BY THE CITY ATTORNEY, AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND MIAMI-DADE COUNTY FOR THE INSTALLATION OF SECURITY CAMERAS AND RELATED EQUIPMENT WITHIN THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT.**

**WHEREAS**, in 1988 and 1989, the Mayor and Commission of the City of Miami Beach and the Miami-Dade County ("County") Board of County Commissioners ("Board") approved the creation of the Biscayne Beach Security Guard Special Taxing District ("Special Taxing District") through City Resolution No. 88-19368 and County Ordinance 89-126, in order to provide 24-hour security guard service to the Biscayne Beach neighborhood; and

**WHEREAS**, the City Commission, pursuant to Resolution No. 2018-30576, requested the transfer of control of the Special Taxing District from the County to the City of Miami Beach, and subsequently approved the execution of an interlocal agreement to transfer control of the Special Taxing District from the County to the City by Resolution No. 2019-30749; and

**WHEREAS**, on February 12, 2020, the Mayor and City Commission adopted Resolution No. 2020-31146, ratifying and accepting the Resolution passed by Miami-Dade County approving the execution of an Interlocal Agreement for the transfer of control from Miami-Dade County to the City of Miami Beach of the Special Taxing District; and

**WHEREAS**, in order for the City to install security cameras and related equipment within the boundaries of the Special Taxing District, while the transfer of control of the Special Taxing District is pending, the County has requested that the City approve and execute the attached Interlocal Agreement; and

**WHEREAS**, Section 163.01 of the Florida Statutes and Sections 2-9 and 2-10 of the Code of Miami-Dade County permit Miami-Dade County (hereinafter referred to as the "County") and the City to enter into interlocal agreements; and

**WHEREAS**, pursuant to the Interlocal Agreement, the City shall be responsible to acquire, install, maintain, repair and replace security camera and related equipment, as necessary; and

**WHEREAS**, the County shall reimburse the City within forty-five (45) days of receipt of the City's final itemized invoice for the costs associated with the purchase installation of the license-plate recognition cameras, and video surveillance equipment, in the amount of \$42,559.12; and

**WHEREAS**, the City and the County desire to complete this project, which will provide safety and security for the residents within the boundaries of the Special Taxing District.

**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 authorize the City Manager to execute, in a form approved by the City Attorney, an interlocal agreement between the City of Miami Beach and Miami-Dade County for the installation of security cameras and related equipment within the Biscayne Beach Security Guard Special Taxing District.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
DAN GELBER, MAYOR

**ATTEST:**

\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Raul Lopez  
City Attorney

2/29/20  
Date

NK

**INTERLOCAL AGREEMENT BY AND BETWEEN MIAMI-  
DADE COUNTY AND THE CITY OF MIAMI BEACH FOR  
INSTALLATION OF SECURITY CAMERAS AND RELATED  
EQUIPMENT WITHIN THE BISCAYNE BEACH SECURITY  
GUARD SPECIAL TAXING DISTRICT.**

THIS AGREEMENT FOR THE INSTALLATION OF SECURITY CAMERAS AND RELATED EQUIPMENT WITHIN THE BOUNDARIES OF THE BISCAYNE BEACH SECURITY GUARD SPECIAL TAXING DISTRICT (“**Agreement**”), made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between **MIAMI-DADE COUNTY, FLORIDA**, a political subdivision of the STATE OF FLORIDA (hereinafter referred to as the “**County**”) and the **CITY OF MIAMI BEACH, FLORIDA**, a municipal corporation of the STATE OF FLORIDA (hereinafter referred to as the “**City**”).

**WITNESSETH**

**WHEREAS**, Section 163.01 of the Florida Statutes and Sections 2-9 and 2-10 of the Code of Miami-Dade County permit the County and the City to enter into interlocal agreements; and

**WHEREAS**, the City and the County are mutually desirous of allowing the City to provide video surveillance, including acquisition, installation, operation, maintenance, repair and replacement of equipment, for the Biscayne Beach Security Guard Special Taxing District (“**Special Taxing District**”).

**NOW, THEREFORE**, in consideration of the covenants herein provided, the City and the County agree as follows:

1. The foregoing recitals are incorporated herein.
2. This Agreement shall become effective when signed and approved by the governing bodies of the City and the County, or their designees (“**Effective Date**”).
3. The City shall select license-plate recognition cameras and video surveillance equipment (“**Equipment**”), and design the layout, for the installation in the Special Taxing District, in accordance with all applicable laws and regulations and in accordance with the Special Taxing District’s creating ordinance and any amending ordinances.
4. Within one hundred twenty (120) days of the Effective Date, the City shall submit its Equipment selection, design, and budget to the County for approval.
5. If approved by the County, the City shall acquire, install, maintain, repair, and replace, as necessary, the approved Equipment in accordance with the design and budget approved by the County, and in accordance with all applicable laws and regulations.



6. If the City's Equipment selection, design, and budget are not submitted to the County for approval in accordance with paragraph 4 of this Agreement, the County shall have the option, at its discretion, to grant an extension to the City, or to terminate this Agreement following 30 days prior written notice to the City.
7. Within forty-five (45) days of completion of installation of the Equipment, the City shall submit to the County a final itemized invoice detailing the costs of the Equipment and installation of the Equipment.
8. Within forty-five (45) days of receipt of the City's final itemized invoice, the County shall reimburse the City for the costs associated with the Equipment and installation of the Equipment, but the County shall not be liable to reimburse the City for any costs exceeding the budget approved by the County nor shall the County be liable to reimburse the City for unapproved Equipment or Equipment installed outside of the approved design.
9. This Agreement shall automatically renew each year on the anniversary of the Effective Date unless terminated at the election of either party, a) following thirty (30) days prior notice to the other party, or b) this Agreement is automatically terminated as provided in paragraph 15.
10. By December 31 of 2019, the City shall submit to the County for approval its requested budget for maintenance, repair, and replacement of Equipment for the following year of operation.
11. Invoices from the City for maintenance, repairs, or replacement of Equipment shall be submitted to the County within forty-five (45) days of incurring the cost, and the total costs submitted within one contract year shall not exceed the budget approved by the County. Failure to submit invoices in accordance with this paragraph shall constitute a waiver of payment for those costs.
12. The County has collected \$42,559.12 in special assessments from the Special Taxing District for the costs of the equipment and all costs associated with the design, installation, maintenance, repair, and replacement of the equipment for the first year, and will collect \$157.50 for the second year.
13. The City shall retain, store, and release the surveillance recordings and images in accordance with all applicable laws and regulations.
14. The Equipment, including any replacements of the Equipment, shall remain the property of the Special Taxing District, or, in the event the Special Taxing District is dissolved, prior to any to any transfer of control of the Special Taxing District to the City, the Equipment, any replacement of the Equipment, and all capital improvements relating to the Special Taxing District's security guard services shall be sold at fair market value by the County and the proceeds thereof, and any unexpended special

assessments shall be refunded to the property owners in the Special Taxing District on a pro rata basis.

15. The undersigned further agrees that these conditions shall be deemed a continuing obligation between the City and the County and shall remain in full force and effect and be binding on the City and the County, and permitted successors or assigns, unless the control of the Special Taxing District is transferred from the County to the City, in which event this Agreement, and all obligations thereunder, shall automatically terminate.
16. Nothing in this Agreement, expressed or implied, is intended to: (a) confer upon any entity or person other than the parties and any permitted successors or assigns, any rights or remedies under or by reason of the Agreement as a third party beneficiary or otherwise except as specifically provided in this Agreement; or (b) authorize anyone not a party to this Agreement to maintain an action pursuant to or based upon this Agreement. Additionally, nothing herein shall be deemed to constitute a waiver of any rights under Section 768.28 of the Florida Statutes, or as a waiver of the City's or County's sovereign rights.
17. Neither party, nor, or its agents, shall not in any event be considered, nor shall it represent itself as, an agent, officer, servant or employee of the other party in the performance of this Agreement.
18. This Agreement has been duly authorized, executed and delivered by each party hereto and constitutes a legal, valid and binding obligation of each party in accordance with its terms.
19. The language in the Agreement embodies the entire agreement and understanding between the parties hereto, and expresses the mutual intent and agreement of the County and the City, and shall not, as a matter of judicial construction, be construed more severely against one of the parties from the other.
20. No alteration, change or modifications of the terms of this Agreement shall be valid unless made in writing and signed by all parties.
21. All notices to be provided pursuant to this Agreement shall be sent via hand-delivery, or by U.S. First Class mail and addressed to the following representatives of the parties:

City:

Jimmy L. Morales, City Manager  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, FL 33139

With copy to:

Raul Aguila, City Attorney  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, FL 33139

County:

Mayor Carlos Gimenez  
Miami-Dade County  
Stephen P. Clark Center  
111 Northwest First Street  
Miami, Florida 33128

**IN WITNESS WHEREOF**, the City and County have caused this Agreement to be executed by their respective officials thereunto duly authorized this the day and year above written.

**CITY OF MIAMI BEACH, FLORIDA**  
**a municipal corporation**

**ATTEST:**

By: \_\_\_\_\_  
Rafael E. Granado,  
City Clerk

By: \_\_\_\_\_  
Jimmy L. Morales,  
City Manager

Date: \_\_\_\_\_

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
R. Aguila 2/19/20  
City Attorney Date  
NK



**MIAMI-DADE COUNTY BOARD  
OF COUNTY COMMISSIONERS,  
FLORIDA**

**ATTEST:**

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Mayor or Mayor's  
Designee

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form and legal sufficiency

\_\_\_\_\_  
County Attorney

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Raul J. Aguila, City Attorney  
DATE: February 26, 2020

**5:02 p.m. Second Reading Public Hearing**

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ALCOHOLIC BEVERAGES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," TO PROHIBIT THE SALE AND/OR SERVING OF ANY ALCOHOLIC BEVERAGE(S) BEYOND 2 A.M., FOR A DEFINED PERIOD OF TIME IN THE MONTH OF MARCH, BY ANY ALCOHOLIC BEVERAGE ESTABLISHMENT LOCATED IN THE MXE MIXED USE ENTERTAINMENT DISTRICT (EXCLUDING THAT PORTION OF THE MXE DISTRICT LOCATED BETWEEN 73RD AND 75TH STREETS), OR THAT PORTION OF THE CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT LOCATED BETWEEN PENNSYLVANIA AVENUE AND COLLINS COURT, FROM 5TH STREET TO 16TH STREET; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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### **FINANCIAL INFORMATION**

No fiscal impact is expected.

### **Applicable Area**

Not Applicable

### **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**

Mayor Dan Gelber

**ATTACHMENTS:****Description**

- ▣ 2nd Rdg. Memo
- ▣ 2nd Rdg. Ord.
- ▣ Amendment proposed by Commissioner David Richardson
- ▣ Ad

## COMMISSION MEMORANDUM

TO: Mayor Dan Gelber  
Members of the City Commission  
Jimmy L. Morales, City Manager

Second Reading

FROM: Raul J. Aguila, City Attorney

DATE: February 26, 2020

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ALCOHOLIC BEVERAGES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," TO PROHIBIT THE SALE AND/OR SERVING OF ANY ALCOHOLIC BEVERAGE(S) BEYOND 2 A.M., FOR A DEFINED PERIOD OF TIME IN THE MONTH OF MARCH, BY ANY ALCOHOLIC BEVERAGE ESTABLISHMENT LOCATED IN THE MXE MIXED USE ENTERTAINMENT DISTRICT (EXCLUDING THAT PORTION OF THE MXE DISTRICT LOCATED BETWEEN 73<sup>RD</sup> AND 75<sup>TH</sup> STREETS), OR THAT PORTION OF THE CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT LOCATED BETWEEN PENNSYLVANIA AVENUE AND COLLINS COURT, FROM 5<sup>TH</sup> STREET TO 16<sup>TH</sup> STREET; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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On February 12, 2020, the City Commission passed the proposed Ordinance (the "Ordinance"), which is sponsored by Mayor Dan Gelber, at first reading.

However, pursuant to the direction of the Mayor and City Commission, the Ordinance has been modified for second reading/public hearing, as follows:

1. The alcoholic beverage hours of sale have been amended from 2 a.m. to 3 a.m., thereby only prohibiting the sale of alcoholic beverages (by those impacted alcoholic beverage establishments) between the hours of 3:00 a.m. and 8:00 a.m. during that period of time specified below and set forth within the Ordinance.
2. The defined period of time in the month of March (in which such prohibition on the sale of alcoholic beverages shall be applicable) has been altered and



reduced from the first Friday in March and continuing for a period of seventeen (17) days therefrom, to the second Wednesday in the month of March and continuing for a period of twelve (12) days therefrom.

3. The provisions of the proposed Ordinance, as described herein and fully set forth in Section 6-3(10) of the City Code, shall automatically sunset, and will be deemed repealed on March 24, 2020.

Therefore, the Ordinance, if passed and adopted (as modified) by the Mayor and City Commission, would prohibit the sale and/or serving of any alcoholic beverage(s) beyond 3 a.m., commencing the second Wednesday in March and continuing for a period of twelve (12) days therefrom, by those alcoholic beverage establishments located in the MXE mixed use entertainment district (excluding that portion of the MXE district located between 73<sup>rd</sup> and 75<sup>th</sup> Streets), or located in that portion of the CD-2 commercial, medium intensity district between Pennsylvania Avenue and Collins Court, from 5<sup>th</sup> Street to 16<sup>th</sup> Street, during the year 2020.

As previously set forth in the Commission Memorandum surrounding this Ordinance (remitted prior to first reading), the City of Miami Beach (the "City") is legally permitted to establish appropriate hours for the sale of alcoholic beverages, pursuant to Section 562.14 of the Florida Statutes, which expressly grants the City the legal authority to establish its own regulations for the setting of times for the sale of alcoholic or intoxicating beverages. Accordingly, in Chapter 6 of the City Code, entitled "Alcoholic Beverages," the City has regulated the location, size, hours of operation, and minimum patron age for those business activities that permit the sale and consumption of alcoholic beverages throughout the City.

The City Administration has determined that during the month of March, there is a substantial influx of visitors and tourists that descend upon the City to partake in a plethora of Spring Break festivities. Moreover, due to the celebratory nature of Spring Break, these visitors and tourists (many of whom are college students or other college-aged individuals) engage in the prolonged consumption of alcohol and other alcoholic or intoxicating beverages at those alcoholic beverage establishments primarily located in the MXE mixed use entertainment district or that portion of the CD-2 commercial, medium intensity district between Pennsylvania Avenue and Collins Court, from 5<sup>th</sup> Street to 16<sup>th</sup> Street.

The celebratory and party-like atmosphere of Spring Break results in the excessive consumption of alcohol by those individuals involved, and creates volatile and dangerous situation(s) throughout the City, which directly leads to criminal activity, disorderly conduct, undesirable noise, and/or other quality of life offenses.

The City Administration and the Police Department, which is dedicated to the protection of the City and all of its residents, visitors and businesses, has determined that it is in the best interests of the City, and serves to protect the health, safety and welfare of the City's residents and visitors, to limit alcohol sales and/or serving of alcohol at those alcoholic

beverage establishments located in the MXE mixed use entertainment district (excluding that portion of the MXE district located between 73rd and 75th Streets) or those alcoholic beverage establishments located in that portion of the CD-2 commercial, medium intensity district located between Pennsylvania Avenue and Collins Court, from 5th Street to 16th Street, during the primary Spring Break period in March of each year.

The Police Department and the City Administration desire to restrict the sale and/or serving of alcoholic beverages during Spring Break, which prohibition shall be in effect between the hours of 3:00 a.m. and 8:00 a.m., commencing the second Wednesday in the month of March and continuing for a period of twelve (12) days therefrom, in the aforementioned MXE and CD-2 areas of the City.

Furthermore, the Police Department and City Administration believe that the Ordinance directly addresses, and appropriately balances, those public safety concerns associated with the sale and excessive consumption of alcoholic beverages, and the convenience of the City's residents and visitors who desire to purchase alcoholic beverages. Equally important, the Police Department has determined that the implementation of such Ordinance will ameliorate a portion of that behavior and conduct, that is traditionally exhibited by intoxicated individuals, which implicates and threatens the safety, security and welfare of the City's residents, visitors and businesses.

As such, the Police Department and the City Administration have requested that the Mayor and City Commission adopt this amendment to Section 6-3 of the City Code to require those alcoholic beverage establishments located in the MXE mixed use entertainment district (excluding that portion of the MXE district located between 73rd and 75th Streets) or that portion of the CD-2 commercial, medium intensity district located between Pennsylvania Avenue and Collins Court, from 5th Street to 16th Street, to cease the sale and/or serving of all alcoholic beverages at 3 a.m., commencing the second Wednesday in the month of March and continuing for a period of twelve (12) days therefrom.

Therefore, upon consideration at second reading/public hearing, the City Administration recommends that the Mayor and City Commission adopt the Ordinance in order to aid and ensure the health, safety and welfare of all persons who visit the City and its alcoholic beverage establishments during this Spring Break period in 2020.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ALCOHOLIC BEVERAGES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," TO PROHIBIT THE SALE AND/OR SERVING OF ANY ALCOHOLIC BEVERAGE(S) BEYOND 2 A.M., FOR A DEFINED PERIOD OF TIME IN THE MONTH OF MARCH, BY ANY ALCOHOLIC BEVERAGE ESTABLISHMENT LOCATED IN THE MXE MIXED USE ENTERTAINMENT DISTRICT (EXCLUDING THAT PORTION OF THE MXE DISTRICT LOCATED BETWEEN 73<sup>RD</sup> AND 75<sup>TH</sup> STREETS), OR THAT PORTION OF THE CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT LOCATED BETWEEN PENNSYLVANIA AVENUE AND COLLINS COURT, FROM 5<sup>TH</sup> STREET TO 16<sup>TH</sup> STREET; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, State law expressly grants the City of Miami Beach with the legal authority to establish its own regulations for the setting of times for the sale of alcoholic or intoxicating beverages; and

**WHEREAS**, the City is legally permitted to establish these hours of sale for alcoholic beverages pursuant to Section 562.14 of the Florida Statutes; and

**WHEREAS**, the City of Miami Beach ("City") regulates the location, size, hours of operation, and minimum patron age for uses that permit the sale and consumption of alcoholic beverages in Chapter 6 of the City Code, entitled "Alcoholic Beverages"; and

**WHEREAS**, based upon experience from past years, the City Administration has determined that, during the month of March, a substantial influx of visitors and tourists descend upon the City to partake in Spring Break; and

**WHEREAS**, due to the celebratory nature of Spring Break, these visitors and tourists (many of whom are college students or other college-aged individuals) engage in the prolonged consumption of alcohol and other alcoholic or intoxicating beverages at alcoholic beverage establishments primarily located in the MXE mixed use entertainment district and/or that portion of the CD-2 commercial, medium intensity district between Pennsylvania Avenue and Collins Court, from 5<sup>th</sup> Street to 16<sup>th</sup> Street; and

**WHEREAS**, this celebratory and party-like atmosphere results in the excessive consumption of alcohol, which creates volatile and dangerous situations throughout the City, which directly lead to criminal activity, disorderly conduct, undesirable noise, and/or other quality of life offenses; and

**WHEREAS**, the Police Department is dedicated to the protection of the City and all of its residents, visitors and businesses; and

**WHEREAS**, the City Administration and Police Department have determined that it is in the best interest of the City, and serves to protect the health, safety and welfare of the City's residents and visitors, to limit alcohol sales and service at alcoholic beverage establishments located in the



MXE mixed use entertainment district (excluding that portion of the MXE district located between 73<sup>rd</sup> and 75<sup>th</sup> Streets) and that portion of the CD-2 commercial, medium intensity district between Pennsylvania Avenue and Collins Court, from 5<sup>th</sup> Street to 16<sup>th</sup> Street, during the principal period of Spring Break each year; and

**WHEREAS**, the Police Department and City Administration desire that the Mayor and City Commission restrict the sale and/or service of alcoholic and intoxicating beverages in the early morning hours during Spring Break, which prohibition shall be in effect during a defined period of time (and certain hours) in the month of March, in the aforementioned MXE and CD-2 areas of the City; and

**WHEREAS**, the Police Department and City Administration believe that this Ordinance directly addresses, and appropriately balances, those public safety concerns associated with the sale of alcoholic beverages, and the convenience of the City's residents and visitors who desire to purchase alcoholic beverages; and

**WHEREAS**, Florida courts have rejected equal protection and due process challenges to Section 562.14, Florida Statutes (*See Wednesday Night, Inc. v. City of Fort Lauderdale* (Fla. 1973)); and

**WHEREAS**, Florida Courts have determined that it is within the police power and authority for a municipality to change the hours of regulation of alcoholic beverages, because municipalities have the statutory authority under Section 562.14, Florida Statutes, to restrict the sale of alcohol; additionally, a municipal ordinance regulating the hours of sale of alcoholic beverages may be applied to a property incorporated later into the municipality by annexation. *Village of North Palm Beach v. S & H Foster's, Inc.*, 80 So. 3d 433 (Fla. 4th DCA 2012); and

**WHEREAS**, in *State ex rel. Floyd v. Noel* (Fla. 1936), the Florida Supreme Court recognized that "[i]t is so well settled that no citation of authority is required to support the statement that a municipality exercising the powers inherent in municipal corporations may reasonably regulate the sale of intoxicating liquors and in providing such reasonable regulations may prohibit the sale of such liquors within certain hours, and also may prohibit the sale of liquors within certain zones"; and

**WHEREAS**, the Florida Attorney General has opined that a municipality may regulate (1) the hours of sale, (2) zoning of locations in which alcoholic beverages may be sold, and (3) the sanitary conditions under which alcoholic beverages may be dispensed or served to the public. Florida AGO 059-73 (1959); and

**WHEREAS**, in fact, the Florida Attorney General has opined that different hours may be provided for in a municipal ordinance, provided there is reasonable relation to the health, safety, and morals of the community. Op. Att'y Gen. Fla., p. 497 (1950); and

**WHEREAS**, Florida courts have consistently held that alcoholic beverage establishments are not entitled to grandfather status as to hours of sale for alcoholic beverages (*See Village of North Palm Beach v. S & H Foster's, Inc.* (Fla. 4th DCA 2012); *Other Place of Miami, Inc. v. City of Hialeah Gardens* (Fla. 3d DCA 1978)); and

**WHEREAS**, injunctive relief is not available against the enforcement of a municipal ordinance regulating the time at which alcoholic beverages may be sold, because municipalities have the statutory authority to set times for sale of alcoholic beverages. *Id.*; *Playpen S., Inc. v. City of Oakland Park*, 396 So. 2d 830 (Fla. 4th DCA 1981); and



**WHEREAS**, Florida Courts have ruled that hours of operation are not a property right. *S. Daytona Rests., Inc. v. City of S. Daytona*, 186 So. 2d 78 (Fla. 1st DCA 1966); and

**WHEREAS**, the Police Department and the City Administration request that the Mayor and City Commission require those alcoholic beverages establishments located in the MXE mixed use entertainment district (excluding that portion of the MXE district located between 73<sup>rd</sup> and 75<sup>th</sup> Streets) and/or that portion of the CD-2 commercial, medium intensity district between Pennsylvania Avenue and Collins Court, from 5<sup>th</sup> Street to 16<sup>th</sup> Street, to cease the sale and/or service of all alcoholic and intoxicating beverages during the early morning hours for a defined period of time in the month of March; and

**WHEREAS**, the Police Department has determined that the implementation of such restriction will ameliorate a portion of that behavior and conduct, exhibited by intoxicated individuals on Spring Break, which implicates and threatens the safety, security and welfare of the City's residents, visitors and businesses; and

**WHEREAS**, the amendments set forth below are necessary to accomplish the objectives identified above.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1.** That those Sections of the City's Alcoholic Beverages Ordinance, as such Ordinance is codified in Section 6-3 of the City Code, be amended as follows and as hereinafter set forth below:

## **CHAPTER 6**

### **ALCOHOLIC BEVERAGES**

#### **ARTICLE I. IN GENERAL**

\* \* \*

#### **Sec. 6-3. Hours of sale/violations.**

(a) The hours of sale of alcoholic beverages, whether as a permitted main or accessory use, shall require a state license, and shall be according to the following schedule:

(1) Retail stores for package sales only—Off-premises consumption. Vendors may make sales of alcohol only for off-premises consumption between the hours of 8:00 a.m. and midnight.

A. Notwithstanding subsection (a)(1), vendors located in the MXE mixed use entertainment district, that portion of the CD-2 commercial medium intensity district adjoining the MXE district along Washington Avenue between 5th Street and 16th Street, and that portion of the CD-2 district adjoining the MXE district along the east side of Collins Avenue (between 73rd and 75th Streets) may make sales of alcohol only for off-premises consumption between the hours of 10:00 a.m. and 8:00 p.m.

(2) Retail stores, including grocery, convenience stores, and gasoline service/filling stations. Retail stores, including grocery, convenience stores, and gasoline service/filling stations, which primarily offer for sale products other than alcoholic beverages may only make sales of beer and wine only for off-premises consumption between the hours of 8:00 a.m. and midnight.

A. Notwithstanding subsection (a)(2), retail stores, including grocery, convenience stores, and gasoline service/filling stations, that are located in the MXE mixed use entertainment



district, that portion of the CD-2 commercial medium intensity district adjoining the MXE district along Washington Avenue, between 5th Street and 16th Street, and that portion of the CD-2 district adjoining the MXE district along the east side of Collins Avenue (between 73rd and 75th Streets), and which primarily offer for sale products other than alcoholic beverages may only make sales of beer and wine only between the hours of 10:00 a.m. and 8:00 p.m.

- (3) Alcoholic beverage establishments. All alcoholic beverage establishments with state licensure—On-premises consumption only, may make sales of alcohol between the hours of 8:00 a.m. and 5:00 a.m.
- A. *Restaurants not operating as dance halls or entertainment establishments.* Restaurants with full kitchen facilities, serving full meals, licensed as alcoholic beverage establishments, but not operating as dance halls or entertainment establishments, may remain open 24 hours a day; however, alcoholic beverages may not be offered for sale or on-premises consumption between the hours of 5:00 a.m. and 8:00 a.m.
  - B. *Restaurants also operating as dance halls or entertainment establishments.* Restaurants with full kitchen facilities, serving full meals, licensed as alcoholic beverage establishments, and also operating as dance halls, or entertainment establishments, may remain open 24 hours a day; however, alcoholic beverages may not be offered for sale or on-premises consumption between the hours of 5:00 a.m. and 8:00 a.m., and dancing and entertainment shall not be conducted between the hours of 5:00 a.m. and 8:00 a.m.
  - C. *Other alcoholic beverage establishments.* Other alcoholic beverage establishments, not containing restaurants with full kitchen facilities, shall close at 5:00 a.m. and remain closed. No patron or other persons, other than those employed by the vendor may remain on the premises between the hours of 5:00 a.m. and 8:00 a.m.
  - D. *Sidewalk cafes.* Notwithstanding the provisions of subsections (3)A. through C., alcoholic beverages shall not be offered for sale or consumption at sidewalk cafes, as defined in section 82-366 of this Code and as otherwise permitted by the city in accordance with chapter 82, article IV, division 5, subdivision II of this Code (as may be amended from time to time), between the hours of 1:30 a.m. and 8:00 a.m., and shall not be consumed at sidewalk cafes between the hours of 2:00 a.m. and 8:00 a.m. No variances may be granted from the provisions of this subsection 6-3(3)(d) as to the hours of sale or consumption of alcoholic beverages at sidewalk cafes.

Note: For purposes of this section, full kitchen facilities shall mean having commercial grade burners, ovens, and refrigeration units of sufficient size and quantity to accommodate the occupancy content of the establishment. Full kitchen facilities must contain grease trap interceptors, and meet all applicable city, county, and state codes.

- (4) Off-premises package sales by alcoholic beverage establishments. Off-premises package sales associated with alcoholic beverage establishments other than retail stores shall be permitted between the hours of 8:00 a.m. and midnight.
- A. Notwithstanding subsection (a)(4), off-premises package sales associated with alcoholic beverage establishments, other than retail stores, that are located in the MXE mixed use entertainment district, that portion of the CD-2 commercial, medium intensity district adjoining the MXE district along Washington Avenue, between 5th Street and 16th Street, and that portion of the CD-2 district adjoining the MXE district along the east side of Collins Avenue (between 73rd and 75th Streets) shall be permitted only between the hours of 10:00 a.m. and 8:00 p.m.



- (5) Private clubs. Consideration of a request for a private club conditional use permit, including the hours of operation, shall be pursuant to the conditional use procedures and review guidelines as listed in section 118-191, et seq. A private club, either as a permitted main or accessory use, shall only offer alcoholic beverages for sale or on-premises consumption if the private club, in accordance with subsection 6-2(a), secures a license for the distribution or sale of any alcoholic beverages from the division of alcoholic beverages and tobacco of the department of business and professional regulation of the state. Private clubs licensed as alcoholic beverage establishments, either as permitted main or accessory uses, shall, only offer alcoholic beverages for sale or on-premises consumption between the hours of 8:00 a.m. and 5:00 a.m., on any day of the week, provided that service is made only to members and guests of members pursuant to Florida Statutes. However, any private club permitted to remain open after 2:00 a.m. shall purchase an extra-hours license and must provide for security in its premises by hiring private security guards or off-duty police officers between the hours of 2:00 a.m. and 5:00 a.m. each day.

Private clubs securing a license from the state division of alcoholic beverages and tobacco by complying with the requirements of F.S. § 561.20 for racquetball, tennis, or golf course facilities may admit members at any time for use of such facilities, but may not serve alcoholic beverages after 2:00 a.m. each day unless such private club is the holder of an extra-hours license and complies with the above requirements.

- (6) Alcoholic beverage establishments set forth in subsections (3) and (5) permitted to remain open to serve alcoholic beverages for on-premises consumption until 5:00 a.m. may continue to serve alcoholic beverages for on-premises consumption and, if the alcoholic beverage establishment is located on Ocean Drive between 5th Street and 15th Street, for consumption at the establishment's sidewalk cafe (i) until 7:00 a.m. on January 1 (New Year's Day) or, if January 1 is on a Sunday, until 7:00 a.m. on Monday if the day that is observed as a national holiday for New Year's Day is on Monday, and (ii) until 7:00 a.m. during certain major event days or weekends as may be designated by the city commission or as may be designated by the city manager following approval by the city commission, under the following conditions:
- A. The police department and the code compliance department of the city must be notified by a letter, received no later than 15 business days prior to either: 1. January 1, or 2. the day on which alcohol sales are to be extended, stating that the alcoholic beverage establishment intends to serve alcoholic beverages for on-premises consumption and, if the alcoholic beverage establishment is located on Ocean Drive between 5th Street and 15th Street, for consumption at the establishment's sidewalk cafe until 7:00 a.m.;
  - B. If deemed reasonably necessary by the police chief, or the police chief's designee, off-duty police officers must be provided at the alcoholic beverage establishment until 7:00 a.m.;
  - C. There are no pending city Code violations against the alcoholic beverage establishment and the alcoholic beverage establishment has not had more than one adjudicated city Code violation per year within the prior 24 months: notwithstanding the foregoing, the conditions in this subsection (6)C. may be waived by a four-sevenths vote of the city commission;
  - D. No delinquent or past due monies are owed to the city;
  - E. Outdoor entertainment or open-air entertainment is not allowed;
  - F. No violation of the city's noise ordinance shall be permitted;
  - G. No violation of the approved fire code occupancy load shall be permitted;
  - H. All required city permits and licenses are current;



- I. The state license is current; and
  - J. The alcoholic beverage establishment has been in continuous operation for the prior 24 months in the city, is licensed as an alcoholic beverage establishment set forth in subsections (3) and (5), and is permitted to serve alcoholic beverages for on-premises consumption until 5:00 a.m.
  - K. Any other conditions required by the city manager in order to protect the public health, safety, or welfare.
- (7) Alcoholic beverage establishments set forth in subsections (3) and (5) permitted to remain open to serve alcoholic beverages for on-premises consumption until 5:00 a.m. may continue to serve alcoholic beverages until 6:00 a.m. on the first day of daylight savings time in the spring.
- (8) Enhanced Security Requirement for Alcoholic Beverage Establishments. Each alcoholic beverage establishment located on Ocean Drive, between 5<sup>th</sup> Street and 15<sup>th</sup> Street, possessing a license to sell and/or serve alcoholic beverages until 5 a.m. ("Alcohol License"), and selling and/or serving alcoholic beverages later than 12 a.m., for on-premises consumption only, shall retain the services of an off-duty police officer, from 12 a.m. until thirty (30) minutes past the closing of the alcoholic beverage establishment for: (i) all Saturdays and Sundays; and (ii) during holiday weekends or City-sponsored events, on Saturday, Sunday, and Monday.
- A. An alcoholic beverage establishment shall be exempt from the requirement identified in this subsection (8) if:
    - i. All bars, and other areas from which alcoholic beverages are dispensed, are located, in their entirety, within the enclosed premises of a hotel, and such hotel and alcoholic beverage establishment are both owned by the same individual or entity; or
    - ii. All bars, and other areas from which alcoholic beverages are dispensed, are located, in their entirety, within the enclosed premises of a (i) restaurant with full kitchen facilities, and (ii) such restaurant serves full meals at all times, and (iii) such alcoholic beverage establishment closes and ceases all of its business operations by 2 a.m.
  - B. Two immediately abutting and adjacent alcoholic beverage establishments may satisfy the requirement set forth in this subsection (8) by sharing the services of one (1) off-duty police officer, from 12 a.m. until thirty (30) minutes past the closing of both such alcoholic beverage establishments, for those days in which alcoholic beverages are sold or served later than 12 a.m. at such establishments.
  - C. It shall be an affirmative defense to a violation issued pursuant to subsection (8) herein, if an alcoholic beverage establishment demonstrates that, solely due to the unavailability of any qualified police officer, such alcoholic beverage establishment was unable to retain the services of an off-duty police officer.
  - D. The Police Chief, or designee, shall present, on a quarterly basis for the first year subsequent to the enactment of subsection (a)(8), pertinent statistical and crime data information regarding the implementation and efficacy of this subsection(a)(8) in order to permit the Mayor and City Commission to review and evaluate the continued viability

of these enhanced security requirements, and to explore any expansion of the geographic area identified therein.

- (9) The city manager may suspend the provisions of subsection (6) at any time to protect the public health, safety, or welfare.
- (10) Notwithstanding the foregoing subsections (a)(1) – (a)(9), the sale and/or serving of any alcoholic beverage(s) shall be prohibited from 23 a.m. until 8 a.m., commencing the first Friday second Wednesday in the month of March and continuing for a period of seventeen (17) twelve (12) days therefrom, by any alcoholic beverage establishment located in the following districts:

- A. The MXE mixed use entertainment district, excluding that portion of the MXE district located between 73<sup>rd</sup> and 75<sup>th</sup> Streets; or
- B. That portion of the CD-2 commercial, medium intensity district located between Pennsylvania Avenue and Collins Court, from 5<sup>th</sup> Street to 16<sup>th</sup> Street.

The provisions in this subsection (10) shall automatically sunset, and will be deemed repealed on March 24, 2020.

(11) Penalties and enforcement.

- A. The following penalties shall be imposed for a violation of this section:
- i. The penalty for the first violation by a person or entity within a 12-month period shall be a civil fine of \$1,000.00;
  - ii. The penalty for the second violation by a person or entity within a 12-month period shall be a civil fine of \$5,000.00;
  - iii. The penalty for the third violation by a person or entity within a 12-month period shall be a civil fine of \$10,000.00;
  - iv. Upon a finding by the special master that four or more violations by a person or entity have occurred within a 12-month period, the city may initiate proceedings to revoke the certificate of use, business tax receipt, or certificate of occupancy of the violator.
  - v. A sidewalk cafe permittee that has been issued four or more violations pursuant to this section or section 82-388 within a permit year shall be prohibited from applying for and obtaining a sidewalk cafe permit for a period of two permit years following the permit year in which the sidewalk cafe permittee incurred the violations.
- B. Enhanced penalty. The following enhanced penalty shall be imposed, in addition to any mandatory fines set forth in subsection ~~(40)~~ (11)A., above, for violations of this section:
- i. The sale of alcoholic beverages in violation of this section must be immediately terminated, upon confirmation by the code compliance department that a violation has occurred.
- C. Enforcement. The code compliance department shall enforce this section. This shall not preclude other law enforcement agencies or regulatory bodies from any action to assure compliance with this section and all applicable laws. If a code compliance officer (which, as defined in section 70-66, includes a police officer) finds a violation of this section (which shall include confirmation from the Police Department's Off-Duty Office prior to the issuance of any notice of violation pursuant to subsection (8) herein), the code



compliance officer shall issue a notice of violation in the manner prescribed in chapter 30 of this Code. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, that the violation may be appealed by requesting an administrative hearing before a special master within ten days after service of the notice of violation, and that the failure to appeal the violation within ten days of service shall constitute an admission of the violation and a waiver of the right to a hearing.

- D. Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal; appeals from decisions of the special master.
- i. A violator who has been served with a notice of violation must elect to either:
    - a. Pay the civil fine in the manner indicated on the notice of violation; or
    - b. Request an administrative hearing before a special master to appeal the notice of violation, which must be requested within ten days of the service of the notice of violation.
  - ii. The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-72 and 30-73 of this Code. Applications for hearings must be accompanied by a fee as approved by a resolution of the city commission, which shall be refunded if the named violator prevails in the appeal.
  - iii. If the named violator, after issuance of the notice of violation, fails to pay the civil fine, or fails to timely request an administrative hearing before a special master, the special master may be informed of such failure by report from the officer. The failure of the named violator to appeal the decision of the officer within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing before the special master, and shall be treated as an admission of the violation for which fines and penalties shall be assessed accordingly.
  - iv. A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. On or after the 61st day following the recording of any such lien that remains unpaid, the city may foreclose or otherwise execute upon the lien.
  - v. Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.
  - vi. The special master shall be prohibited from hearing the merits of the notice of violation or considering the timeliness of a request for an administrative hearing if the violator has failed to request an administrative hearing within ten days of the service of the notice of violation.

\* \* \*

## **SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

### **SECTION 3. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

### **SECTION 4. 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 Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

### **SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Mayor Dan Gelber)

Underline denotes additions

~~Strikethrough~~ denotes deletions

Double underline denotes additions after first reading

~~Double-strikethrough~~ denotes deletions after first reading

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date



## COMMISSION MEMORANDUM

**To:** Mayor Dan Gelber  
Members of the City Commission  
Jimmy Morales, City Manager

**cc:** Rafael Granado, City Clerk

**From:** Raul J. Aguila, City Attorney



**Date:** February 26, 2020

**Subject:** AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ALCOHOLIC BEVERAGES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," TO PROHIBIT THE SALE AND/OR SERVING OF ANY ALCOHOLIC BEVERAGE(S) BEYOND 2 A.M., FOR A DEFINED PERIOD OF TIME IN THE MONTH OF MARCH, BY ANY ALCOHOLIC BEVERAGE ESTABLISHMENT LOCATED IN THE MXE MIXED USE ENTERTAINMENT DISTRICT (EXCLUDING THAT PORTION OF THE MXE DISTRICT LOCATED BETWEEN 73RD AND 75TH STREETS), OR THAT PORTION OF THE CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT LOCATED BETWEEN PENNSYLVANIA AVENUE AND COLLINS COURT, FROM 5TH STREET TO 16TH STREET; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### DRAFT AMENDMENT PROPOSED BY COMMISSIONER DAVID RICHARDSON

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The below draft amendment to the above-titled Ordinance has been prepared at the request of Commissioner David Richardson.

The current draft of the Ordinance, as approved by the City Commission at First Reading on February 12, 2020, provides that the hours of sale for alcoholic beverages in specified portions of the MXE and CD-2 districts shall be restricted for a period of thirteen days, commencing on the second Wednesday in March. The provisions of the Ordinance shall automatically sunset on March 24, 2020.

I hereby propose that the City Commission amend the draft Ordinance, as more particularly set forth below, to provide that the Ordinance may instead sunset on March 19, 2020, upon a finding by the City Manager that, during the thirteen-day period in the month of March, there have been no significant public safety incidents in the affected districts, including without limitation criminal incidents, public nuisances, or other public disturbances.



### Section 6-3. Hours of sale/violations

(a) The hours of sale of alcoholic beverages, whether as a permitted main or accessory use, shall require a state license, and shall be according to the following schedule:

\* \* \*

(10) Notwithstanding the foregoing subsections (a)(1) – (a)(9), the sale and/or serving of any alcoholic beverage(s) shall be prohibited from 23 a.m. until 8 a.m., commencing the ~~first Friday~~ second Wednesday in the month of March and continuing for a period of ~~seventeen (17)~~ twelve (12) days therefrom, by any alcoholic beverage establishment located in the following districts:

- A. The MXE mixed use entertainment district, excluding that portion of the MXE district located between 73<sup>rd</sup> and 75<sup>th</sup> Streets; or
- B. That portion of the CD-2 commercial, medium intensity district located between Pennsylvania Avenue and Collins Court, from 5<sup>th</sup> Street to 16<sup>th</sup> Street.

The provisions in this subsection (10) shall automatically sunset, and will be deemed repealed on March 24, 2020. **Notwithstanding the preceding sentence, should the city manager (i) determine, in the manager's reasonable discretion, that during the period of time defined above, there have been no significant public safety incidents in the affected districts, including without limitation criminal incidents, public nuisances, or other public disturbances, and (ii) report such determination to the city commission at a regularly scheduled city commission meeting or, in the event there is no regularly scheduled meeting during the defined period of time, transmit such determination to the city commission via letter to commission ("LTC"), then the provisions in this subsection (10) shall automatically sunset and will be deemed repealed on March 19, 2020.**

# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS FEBRUARY 26, 2020

**NOTICE IS HEREBY** given that the following public hearings will be heard by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chamber, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **February 26, 2020**, at the times listed, or as soon thereafter as the matter can be heard:

### **5:01 p.m. Public Hearing**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING A REVISED PRELIMINARY REPORT SET FORTH AS AN EXHIBIT TO THE COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION, CONCERNING A FINDING OF NECESSITY FOR THE REDEVELOPMENT OF A CERTAIN GEOGRAPHIC AREA LOCATED WITHIN THE CITY OF MIAMI BEACH, DESCRIBED GENERALLY AS BEING BOUNDED ROUGHLY BY 87TH TERRACE TO THE NORTH, 65TH STREET TO THE SOUTH, THE ATLANTIC OCEAN TO THE EAST, AND RUE NOTRE DAME TO THE WEST, AS SHOWN ON THE MAP SET FORTH IN "EXHIBIT A" HERETO, AND REQUESTING MIAMI-DADE COUNTY TO DECLARE SAID AREA AS A BLIGHTED AREA AND DELEGATE REDEVELOPMENT POWERS TO THE CITY OF MIAMI BEACH IN ACCORDANCE WITH PART III OF CHAPTER 163, FLORIDA STATUTES, SO AS TO PERMIT THE CITY OF MIAMI BEACH TO ESTABLISH A COMMUNITY REDEVELOPMENT AGENCY FOR THE AFORESAID AREA. *This Resolution is being heard pursuant to Section §166.041 F.S. Inquiries may be directed to the Economic Development Department at 305.673.7577.*

### **5:02 p.m. Second Reading Public Hearing**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ALCOHOLIC BEVERAGES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," TO PROHIBIT THE SALE AND/OR SERVING OF ANY ALCOHOLIC BEVERAGE(S) BEYOND 2 A.M., FOR A DEFINED PERIOD OF TIME IN THE MONTH OF MARCH, BY ANY ALCOHOLIC BEVERAGE ESTABLISHMENT LOCATED IN THE MXE MIXED USE ENTERTAINMENT DISTRICT (EXCLUDING THAT PORTION OF THE MXE DISTRICT LOCATED BETWEEN 73RD AND 75TH STREETS), OR THAT PORTION OF THE CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT LOCATED BETWEEN PENNSYLVANIA AVENUE AND COLLINS COURT, FROM 5TH STREET TO 16TH STREET; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 F.S. Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, 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).

Rafael E. Granado, City Clerk  
City of Miami Beach

Ad 02262020-01

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: February 26, 2020

**5:01 p.m. Public Hearing**

SUBJECT: **ITEM DEFERRED TO MARCH 18, 2020**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING A REVISED PRELIMINARY REPORT SET FORTH AS AN EXHIBIT TO THE COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION, CONCERNING A FINDING OF NECESSITY FOR THE REDEVELOPMENT OF A CERTAIN GEOGRAPHIC AREA LOCATED WITHIN THE CITY OF MIAMI BEACH, DESCRIBED GENERALLY AS BEING BOUNDED ROUGHLY BY 87TH TERRACE TO THE NORTH, 65TH STREET TO THE SOUTH, THE ATLANTIC OCEAN TO THE EAST, AND RUE NOTRE DAME TO THE WEST, AS SHOWN ON THE MAP SET FORTH IN "EXHIBIT A" HERETO, AND REQUESTING MIAMI-DADE COUNTY TO DECLARE SAID AREA AS A BLIGHTED AREA AND DELEGATE REDEVELOPMENT POWERS TO THE CITY OF MIAMI BEACH IN ACCORDANCE WITH PART III OF CHAPTER 163, FLORIDA STATUTES, SO AS TO PERMIT THE CITY OF MIAMI BEACH TO ESTABLISH A COMMUNITY REDEVELOPMENT AGENCY FOR THE AFORESAID AREA.

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### **RECOMMENDATION**

The Administration recommends approval of the attached resolution, which accepts an updated finding of necessity and directs the City Manager to transmit the revised report to Miami-Dade County for approval of the North Beach CRA.

### **BACKGROUND/HISTORY**

The Community Redevelopment Act of 1969, Chapter 163 of the Florida Statutes, allows local governments to use property taxes generated in designated communities for economic revitalization purposes within the district. Following a public hearing process, counties may designate a special taxing district to fund neighborhood and community improvement projects tailored specifically for the district's needs. Existing conditions that adversely affect quality of life and neighborhood character have long been a complaint of residents and the community in North Beach. Such conditions pertinent to CRA designation were detailed in Dover Kolh's 2016 North Beach Master Plan and were also identified recently as issues of paramount importance in the 2019 Resident Satisfaction Survey. The City has limited funds to address these conditions and the CRA process has had proven success historically in Miami Beach as a

valuable tool for funding neighborhood improvement projects.

#### Tax Increment Revenues/Financing

Formation of a CRA allows for designating a special funding district, wherein the incremental increase in property taxes is used for specific purposes within the geographic boundary area (a process called tax increment financing or “TIF”). Any TIF funds generated within the CRA must be used for specific revitalization purposes in the district, as contained in an adopted community redevelopment plan that outlines planned projects addressing the area’s unique needs.

Tax increment revenues generally consist of the difference in the amount of ad valorem taxes generated by the tax levied each year on the taxable property contained within the CRA boundaries, from the amount that would have been generated by the levy of the same millage rate on the taxable property within the CRA area on the most recent assessment roll prior to the effective date of the ordinance creating the tax increment area.

Essentially, the dollar value of all real property in the CRA boundaries is determined as of a fixed date, also known as the “frozen value.” The City and County continue to receive property tax revenues up to the amount of the “frozen value,” for their general fund purposes. However, any increases in tax revenues above the “frozen value,” (i.e., the increment due to increases in real property values), are deposited in the CRA trust fund and dedicated to CRA purposes for the life of the CRA. Although CRAs do not always issue tax bonds, the CRA may issue bonds to fund capital projects by pledging the tax increment revenues, without implicating the restrictions applicable under Florida law requiring referendum approval with respect to the pledge of ad valorem revenues.

The CRA **does not** impose additional taxes on property owners; it diverts existing property taxes from remittance to taxing authorities and keeps the taxes for public use within the CRA boundary. In essence, it is a financial windfall for the CRA district, as it requires the expenditure of tax money that otherwise would be spent outside of the district.

#### Past Miami Beach Redevelopment Areas

The City of Miami Beach has established two CRAs in the past, both of which are considered the two most successful CRAs in Florida’s history, with the largest incremental growth in real estate value and CRA tax revenue generation. The 250-acre South Pointe CRA was active between 1987 and 2006, during which time the assessed property values increased from \$59 million to approximately \$2.5 billion. Responsible for transforming the South of Fifth neighborhood from blighted conditions, the South Pointe CRA is one of the most notable in the country and serves as a model for the transformative power of redevelopment districts.

The 332-acre City Center CRA, established in 1993, has witnessed taxable values increase from \$292.6 million to approximately \$6 billion as of January 2018. The City Center CRA was established to promote convention center hotel development and to foster civic, cultural, and entertainment uses throughout the urban core near the Convention Center. Transformative projects resulting from public and private CRA investment included: the Anchor Shops parking garage; the public beachwalk extension from 21<sup>st</sup> Street to Lummus Park and beach renourishment programs; community policing funding; addition of residential properties to the affordable housing stock; the Frank Gehry-designed New World Campus; and a Cultural Arts Campus Master Plan, featuring a new regional library, the Miami City Ballet headquarters, renovation of the Bass Museum, and restoration of Collins Park; and two hotels developed as

private/public partnerships, the 800-room Loews and the 425-room Royal Palm Crowne Plaza.

### The Plan for North Beach

Economic development is a primary citywide goal, and the City Commission has emphasized a focus on North Beach, the area of Miami Beach north of 63<sup>rd</sup> Street. Within North Beach, there exists a defined geographic area containing a large number of deteriorated buildings and substandard housing units, which pose a public concern and demonstrate economic distress, as defined in Section 163.340, Florida Statutes. This area is generally bounded by 87<sup>th</sup> Terrace to the north, the Atlantic Ocean to the east, 65<sup>th</sup> Street to the south, and Rue Notre Dame to the east (the “Proposed Boundary”), as depicted in Attachment “A” (Proposed Geographic Boundary). The establishment of a CRA, pursuant to Chapter 163, Florida Statutes, could serve as a catalyst to reversing the economic decline of this area.

Both the 2014 North Beach Revitalization Plan, adopted pursuant to City Commission Resolution No. 2014-28879 and the 2016 North Beach Master Plan, adopted pursuant to Resolution No. 2016-29608 and reaffirmed by Resolution No. 2017-30013, identified use of a CRA as a potential funding mechanism for the numerous planning and improvement initiatives necessary for North Beach.

Recognizing a need for funding to implement the vision of the North Beach Master Plan, on December 13, 2017, the City Commission referred discussions to the Finance and Citywide Projects Committee (FCWPC) and the Neighborhoods/Community Affairs Committee (NCAC) to explore financing for North Beach enhancement.

On February 14, 2018, the Mayor and City Commission adopted Resolution 2018-30170, accepting the recommendation made by the FCWPC at its January 19, 2018 meeting, and authorized discussions with Miami-Dade County regarding creation of a CRA in order to enhance North Beach. Similarly, on February 14, 2018, the Mayor and City Commission also adopted Resolution 2018-30171, accepting the recommendation made by the NCAC at its January 24, 2018 meeting, and authorized development of a quality of life plan consistent with the North Beach Master Plan.

On June 20, 2018, the NCAC further discussed its quality of life plan projects from the North Beach Master Plan and recommended creation of a CRA in North Beach. On July 25, 2018, the Mayor and City Commission adopted Resolution 2018-30432, accepting the recommendation of the NCAC to commence CRA discussions with the County. Following adoption of the County’s FY 2019/20 budget, the Administration reached out to County staff to discuss the first procedural step required by statute, a “finding of necessity” for the distressed area.

To prepare the finding of necessity report (FoN), the Administration engaged a consultant, BusinessFlare Economic Development Solutions. Principal Kevin Crowder, an IEDC Certified Economic Developer (CEcD), served 15 years at the City of Miami Beach and the Miami Beach Redevelopment Agency (“RDA”) as the Director of Economic Development and Government Affairs. In addition to the Miami Beach RDA, Mr. Crowder’s redevelopment experience includes CRA planning for North Miami, North Miami Beach, Dania Beach, Naranja Lakes, Palm Bay, Cape Coral, Davie, Mount Dora, and Martin County.

### **ANALYSIS**

In order to designate a CRA, the Community Redevelopment Act of 1969, Chapter 163,

Florida Statutes, requires that the FoN, an economic survey of the targeted area, determine the existence of a minimum two of fifteen specific conditions that the statute refers to as “blight” conditions. Upon enactment of the Community Redevelopment Act in 1969, the Florida Legislature used the term “blight” to establish these conditions necessary for CRA designation and the legal term “blight” has not been modified since the original date of enactment. As used in the statute, this term is **not** the same definition found in Webster’s Dictionary and differs significantly from common everyday usage.

Upon completion of a draft FoN, a local government transmits the study to the County, requesting the County to accept the finding’s results and proceed with creation of a CRA, including its governing body and taxing powers. As required by statute, the City has provided notice to all taxing authorities who would be impacted by the creation of a special taxing district. The City’s consultant will assist City staff throughout the County approval process, for which the anticipated steps are as follows:

1. adoption of FoN by City Commission and transmittal to Miami-Dade County;
2. meeting with County staff to review the FoN;
3. presentations to County TIF Committee and Commission Committee;
4. presentation to, and acceptance of FoN by, the County Commission;
5. preparation of the community redevelopment plan with public input; and
6. adoption of plan at public hearing of City Commission and County Commission;
7. negotiation and approval of an interlocal agreement with the County.

#### North Beach Finding of Necessity

The geographic area recommended for designation as the North Beach CRA includes the North Beach Town Center, Ocean Terrace, the Normandy Fountain commercial plaza, the West Lots, and North Shore Open Space Park. Although only two criteria are necessary to establish the need for a CRA, the consultant’s FoN report identified the presence of nine (9) of the fifteen criteria legally necessary to designate an area as blighted and then proceed to formal consideration by the County. (Although the statute provides that a CRA may also be designated upon the existence of conditions signifying “slum,” the City did not pursue such an analysis and the City does not suggest that “slum” conditions exist in North Beach.)

In addition to physical site visits, the FoN cites several sources to establish each of the 9 criteria. These sources include: U.S. Census data, City of Miami Beach records of fire, police, and emergency service calls, and building and code enforcement violations; Miami-Dade County Property Appraiser records; and planning strategies such as the Miami Beach Transportation Master Plan, the North Beach Master Plan, and the Plan for the West Lots.

The nine criteria identified in North Beach by the economic consultant:

1. predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
2. aggregate assessed values of real property in the area have failed to show appreciable increase over the five years prior to the finding of such conditions;
3. faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
4. unsanitary or unsafe conditions;
5. deterioration of site or other improvements;
6. inadequate and outdated building density patterns;
7. fire and emergency medical service calls to the area proportionately higher than in the

- remainder of the county or municipality;
8. a greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality; and
  9. diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.

#### Adoption of the July 2019 Original Boundary

On July 17, 2019, the City Commission adopted Resolution No. 2019-30892, containing an earlier version of the FoN. The July 2019 resolution directed the City Manager to initiate the process of requesting the CRA at the County level. County Commissioner Sally Heyman, whose District 4 includes North Beach, agreed to sponsor the item before the Board of County Commissioners. Prior to a vote of the County Commission to consider the CRA, the proposal must first be presented before two County committees, the County Tax Increment Finance and Coordination Committee and a County Commission committee. Before a CRA is formally created, there is no formal planning by the City of which projects would be create in North Beach, because the County must first take formal action on a geographic boundary and negotiate tax revenue sharing with the City before we may know the CRA's projected funding and the geographic area that would generate such funding.

On October 31, 2019, the City of Miami Beach presented the FoN to the County TIF Committee, which included County staff from Planning, Housing, Budget, and the Property Appraiser. The committee accepted the declaration of necessity contained in the FoN and made a motion to recommend that the City consider extending the boundary to include the Crespi and North Shore areas. The committee indicated that the expanded boundaries would help retain existing housing stock and create opportunities to leverage City and County programs and services for attainable housing. For comparison, the previous version of the boundary without Crespi that was originally adopted by the City Commission last July is attached as Attachment "B" (Prior Geographic Boundary)

For several years, the City Commission has emphasized the importance of workforce housing solutions, which the City recognizes should be included in any planning for North Beach. At its December 10, 2019 meeting, the City's Affordable Housing Advisory Committee adopted a motion, as contained in Letter to Commission 639-2019, that the CRA prioritize the preservation of affordable housing in North Beach. Pursuant to the recommendation made by County staff at the TIF Committee meeting in October 2019, the City revised the FoN report to include Crespi and North Shore within the Proposed Boundary and emphasize the role of housing solutions will play in the forthcoming redevelopment plan. Prior to advancing to the next County Commission committee meeting, the City Commission must formally accept the revised FoN with expanded boundaries (Attachment "C" – Revised FoN).

#### Public Outreach and Community Engagement

At its January 15, 2020 meeting, the City Commission deferred consideration of the boundary expansion so the Administration can better educate and inform the community about the CRA and how it will benefit North Beach by implementing the goals of the NOBE Master Plan.

Following the January 15 City Commission meeting, staff has employed multiple methods to increase public education of the proposed CRA, including a social media campaign; the launch of a CRA website; publishing multilingual informational resources ([www.miamibeachfl.gov/CRA](http://www.miamibeachfl.gov/CRA)); hosting walk-in office hours at the Building Department's North Beach office; informational booths at two Normandy Fountain community events; meeting with



leaders of North Beach neighborhood associations and community groups; and a February 18<sup>th</sup> community meeting at the North Shore Youth Center attended by over 150 members of the North Beach community.

The community engagement proved helpful for the Administration to answer questions and better understand concerns from community stakeholders that should be incorporated into a future CRA planning processes. Some concerns appear to have originated by the lack of familiarity with CRA function and operation and misconceptions concerning with the limited powers Florida law authorizes to CRAs. Among other topics that the City has been able to discuss with the public:

- *Benefit for North Beach*: the CRA does *not* levy any new tax, but it allows for more of the property tax revenue paid by North Beach property owners to be leveraged and retained within the North Beach CRA for the public benefit of the district, rather than being distributed elsewhere throughout the County.
- *Public Use of CRA funds*: pursuant to a redevelopment plan that would be developed with public input and adopted at public hearings of the City and County Commissions, the CRA could fund projects like those suggested in the NOBE Master Plan, including improved streetscapes, sidewalks, and landscaping; parking facilities; historic preservation, building renovation, and life safety upgrades; resiliency and environmental programs; community policing; and parks and beaches; housing and community and economic development initiatives. Until a boundary is determined and the County authorizes the CRA, we cannot know how much or they type of funding available to the CRA, or what projects it would first implement. The identification of projects, funding and prioritization will take place through a CRA planning process if the County approves the creation of a CRA for North Beach.
- *CRA governance*: unlike other CRAs, the governing board which administers CRAs in Miami Beach, called the Miami Beach Redevelopment Agency, or “RDA” for short, is composed of the City Commission and a County Commissioner, without any private citizen appointees. Miami Beach’s CRA board model has even been recognized[1] as the statewide exemplar for CRA administration because the presence of elected officials ensures the accountability to voters of any action taken by the CRA.
- *Housing Component of CRA*: workforce housing is important for both the City and County; in fact the City Commission is seeking expansion of the CRA boundary—at the County’s request—to encompass more multifamily properties and have a greater ability to provide housing solutions in a CRA plan. The tools that the CRA will use to do this won’t be specified until the CRA plan is prepared with community input, but this could include funding to preserve and renovate existing residential buildings, as well as incentivize more workforce and attainable housing.
- *Land use or regulatory powers of a CRA*: per the statute, a CRA does not have any regulatory, zoning, or “super” powers. In 2006, the Florida Legislature prohibited eminent domain or the condemnation of private property by CRAs.

Although it appears that some of the community are understandably unfamiliar with how a CRA operates, there has been significant public support expressed for the City’s proposal for a CRA to enhance North Beach. In order to safeguard the trust and support of the community, the City will endeavor to maintain active public involvement and input as the CRA process continues.



[1] The 2015 Miami-Dade County Grand Jury Report on CRAs highlighted Miami Beach for its transparent and accountable administration of the City's CRA board. *Available at:* [http://www.miamisao.com/publications/grand\\_jury/2000s/gj2015s.pdf](http://www.miamisao.com/publications/grand_jury/2000s/gj2015s.pdf)

### **FINANCIAL INFORMATION**

The CRA will play a critical role in the future of North Beach, by leveraging public and private investment as a catalyst for revitalization.

### **CONCLUSION**

The finding of necessity report identified nine of the 15 criteria identified by statute as necessary for establishing a CRA, and these quality of life conditions have been identified long before by residents and the North Beach community. The CRA process is one of the most effective legislative tools available for the City to implement the North Beach Master Plan, because it uses taxes generated in North Beach rather than sending the taxes elsewhere. If the County Commission authorizes its designation, the CRA will play a critical role in the future of North Beach. This planning process will continue to unfold in a public manner to ensure community participation at every step.

The Administration recommends that the City Commission accept the revised finding of necessity and transmit the report to the County in continuation of the process to create the North Beach CRA.

### **Applicable Area**

North Beach

### **Is this a Resident Right to Know item?**

Yes

### **Does this item utilize G.O. Bond Funds?**

No

### **Strategic Connection**

Prosperity - Revitalize targeted areas and increase investment.

### **Legislative Tracking**

Economic Development

### **ATTACHMENTS:**

#### **Description**

- ▣ Attachment A - Proposed Geographic Boundary
- ▣ Attachment B - Prior Boundary
- ▣ Attachment C - Revised Finding of Necessity
- ▣ Resolution
- ▣ Ad









PREVIOUS VERSION  
WITHOUT CRESPI

000000 SHEET NO.	DATE	9/24/2019
	DRAWN	worknavn
	SCALE	1 inch = 600 feet
	REQUESTED	Bo Martinez
	FILENAME	North Beach CRA



Proposed North Beach  
Community Redevelopment Area  
Miami Beach, Florida

Legend

Proposed North Beach CRA





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**Finding of Necessity**  
**Proposed North Beach Community Redevelopment Area**  
**City of Miami Beach**

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Prepared by

**BUSINESS FLARE™**  
Economic Development Solutions

**MIAMI BEACH**

Revised December 2019

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## Executive Summary

The North Beach neighborhood of Miami Beach has lagged the redevelopment, revitalization, and economic growth experienced by other parts of the city. There have been numerous efforts, most recently including the North Beach Master Plan, the Ocean Terrace Plan, the West Lots Plan, as well as other citywide efforts including the Transportation Master Plan and initiatives such as sustainability, economic development and land development regulation amendments.

A Community Redevelopment Area (CRA) is a tool created pursuant to State Law which designates an area for redevelopment and authorizes the governing body to exercise certain powers to implement redevelopment. The North Beach area is an area which can benefit from the public and private investments that designation as a CRA can bring. The City of Miami Beach has significant experience with redevelopment success through CRAs: The Miami Beach Redevelopment Agency was created in 1973, and the South Point Redevelopment Area and the City Center/Historic Convention Village Community Redevelopment Area are the two most successful CRAs in the State of Florida.

Pursuant to the direction of the Miami Beach City Commission, the City Administration has implemented steps to conduct a Finding of Necessity (FoN) to evaluate the North Beach area for designation as a Community Redevelopment Area. Florida Statute Chapter 163 Part III identifies a list of fifteen (15) criteria of which two (2) must be present in order to find that an area is blighted. Criteria that are found in the North Beach area include:

- Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.
- Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions.
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.
- Unsanitary or unsafe conditions.
- Deterioration of site or other improvements.
- Inadequate and outdated building density patterns.
- Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality.
- A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.
- Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.

This firm has conducted research as well as site visits to confirm the presence of blight in the area, as defined by Florida Statutes. This document includes information for each item listed here with visual, descriptive, and/or research-based information that supports the finding of blight.

The proposed boundaries of the North Beach CRA are identified on the map on the following page:



Figure 1: Proposed Boundary for a Community Redevelopment in North Beach

Our evaluation identified the following blight conditions, which are detailed in the appendices to this report:

Predominance of defective or inadequate street layout, parking facilities, roadways, bridges or public transportation facilities.

The street layout in the area is faulty in a number of ways, many of which were identified in Section 2 of the North Beach Master Plan. This includes the one-way street characteristic of major roadways as well as mobility challenges in the area. Additionally, only one road connects the North and South ends of the City, and only one road connects the area to the mainland to the West. Public parking is inadequate and is a priority goal of the North Beach Master Plan, and the parking deficit is further demonstrated by the recent Walker Parking Study. Unlike other areas of the City, there are no city-owned parking garages in the area, and many private parking lots are poorly maintained. The Town Center has 90% parking occupancy, and the lack of loading zones along Collins Avenue creates traffic backups and pedestrian safety challenges.

Traffic counts in the area are high, and roadways are significantly congested. 2025 and 2035 traffic volumes are projected to grow at a higher rate than in Mid and South Beach and North Beach is an area with significant vehicle-pedestrian conflicts. Connectivity is a challenge, especially to Parkview Island, at the Indian Creek and 71<sup>st</sup> Street Intersection, to the Normandy Fountain area and between Collins and Harding Avenues. Public Transportation is heavily utilized, with additional improvements in the planning stage.

Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.

One of the findings of the North Beach Master Plan was that a challenge to redevelopment and revitalization is the prevalence of small lots in the Town Center. This creates a challenge to assemblage that creates efficient land areas that can attract feasible investment and redevelopment. The challenges in attracting investment in this area are part of the reason that voters have approved density increases, and zoning in the Town Center reflects that, but the zoning envisions higher intensity and larger scale full-block development. The number of small lots in the Town Center is antithetical to full-block redevelopment; as such, a significant amount of effort is needed to aggregate property, which may not be financially feasible without additional tools such as a CRA.

Unsanitary or unsafe conditions.

We identified a number of sanitation and safety related conditions. These included over 1,351 code violations within the proposed boundaries in 2018, of which 354 were sanitation related. Calls for service due to unsafe conditions which were proportionately higher than other parts of the City and included shorting/arcing electrical equipment, malicious false alarms, extraction of victims from vehicles, HazMat investigations, natural vegetation fires, and passenger vehicle fires.



According to the Transportation Master Plan, 71<sup>st</sup> Street is one of the areas with the highest density of vehicular crashes in the city involving a bicyclist or pedestrian. Additionally, the area is vulnerable to flooding and sea level rise, as identified in the North Beach Master Plan.

Deterioration of site or other improvements.

An on-the-ground inspection of the properties within the proposed boundaries identified significant deterioration of buildings, sites, and property. This includes crumbling concrete, broken windows, cracked pavers and tiles, and derelict property. Exposed electrical conduit was observed, as well as unmaintained vacant lots. There are a number of buildings that are not boarded up and are exposed to the elements.

Inadequate and outdated building density patterns.

There is an erratic scale of buildings in the target area in both height and density. As properties get aggregated and redeveloped this problem may become more apparent until redevelopment of the Town Center occurs on a district-wide scale. The intent of the city and the community (as validated in the density referendum) is to develop the area with much more intensity. This erratic scale of buildings was observed and documented as part of this analysis and was identified as an issue in the North Beach Master Plan.

Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.

This firm conducted both online research through CoStar and Loopnet, as well as an in-person survey of vacancies in the target area. CoStar identified 9 vacant properties in the area with 36,382 square feet. The in-person inspection identified those properties, as well as an additional 12 vacant properties with 23,000 square feet. There is a total of 60,000 square feet of vacant retail space in the proposed boundary, of 6.6% of the 904,000 total retail square feet. This is higher than the Citywide vacancy rate of 6.2%, and the Countywide rate of 3.9%.

Residential vacancy rates are 19.3% within the proposed boundary compared to a Countywide residential vacancy rate of 11.4%.

Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality.

Fire and emergency medical service calls are proportionately higher than in the rest of Miami Beach. Furthermore, as previously mentioned calls for service due to unsafe conditions which were proportionately higher than other parts of the City included shorting/arcing electrical equipment, malicious false alarms, extraction of victims from vehicles HazMat investigations, natural vegetation fires, and passenger vehicle fires.

A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.

While the total number of Building Violations in the Proposed CRA Boundary were 915, out of 2,696 citywide, the hotspots in the North Beach area for these types of violations are in the proposed CRA Boundaries.

Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.

There is significant diversity of ownership in North Beach, although some assemblage has taken place in the Town Center. However, there remain many smaller, older and historic buildings many which are condominiums that would be difficult to assemble. The North Beach area includes 4,321 properties that are not condominiums, with 3,549 owners, further demonstrating a diversity of ownership that may be difficult to overcome for successful redevelopment.

### **Conclusion**

Although only two conditions of blight must be present in order to designate an area as “blighted”, this analysis has identified the presence of 9 out of 15 conditions. The area has long lagged the redevelopment and economic success of other areas of Miami Beach despite public and private initiatives. The development of strategies such as the North Beach Master Plan, the West Lots Plan, the Ocean Terrace Master Plan, and the Transportation Plan have identified initiatives that can have success in revitalizing North Beach, provided that the tools that are necessary for implementation are present. Designation as a Community Redevelopment Area is one of the best tools for that implementation, as demonstrated by previous success that Miami Beach has had with other Community Redevelopment Areas.

This firm finds that the conditions of blight, as defined by state law, are present in the proposed target area, and that the area is appropriate for designation as a Community Redevelopment Area.

## Legal Requirements

Under Section 163.340, Florida Statutes, the requirements of the Finding of Necessity are established. This analysis examines the criteria identified below and provides a final recommendation regarding the finding that Blight exists.

### Slum Determination Chapter 163.340 (7), Florida Statutes (1 must be present)

(7) “Slum area” means an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence, and exhibiting one or more of the following factors:

- (a) Inadequate provision for ventilation, light, air, sanitation, or open spaces;
- (b) High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or
- (c) The existence of conditions that endanger life or property by fire or other causes.

### Blight Determination Chapter 163.340 (8), Florida Statutes (2 must be present)

(8) “Blighted area” means an area in which there are a substantial number of deteriorated or deteriorating structures; in which conditions, as indicated by government-maintained statistics or other studies, endanger life or property or are leading to economic distress; and in which two or more of the following factors are present:

- (a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.
- (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions.
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.
- (d) Unsanitary or unsafe conditions.
- (e) Deterioration of site or other improvements.
- (f) Inadequate and outdated building density patterns.
- (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality.
- (h) Tax or special assessment delinquency exceeding the fair value of the land.

- (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.
- (j) Incidence of crime in the area higher than in the remainder of the county or municipality.
- (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality.
- (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.
- (m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.
- (n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.
- (o) A substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized.

Information regarding the existence of the conditions of Blight are provided on the following pages.

## Street Layout, Parking Facilities, and Roadways

The street layout in the area is faulty in a number of ways, many of which were identified in Section 2 of the North Beach Master Plan. This includes the one-way street characteristic of major roadways as well as mobility challenges in the area. Additionally, only one road connects the North and South ends of the City, and only one road connects the area to the mainland to the West. Public parking is inadequate and is a priority goal of the North Beach Master Plan. The parking deficit is further demonstrated by the recent Walker Parking Study. Unlike other areas of the City, there are no city-owned parking garages in the area, and many private parking lots are poorly maintained. The Town Center has 90% parking occupancy, and the lack of loading zones along Collins Avenue creates traffic backups and pedestrian safety challenges.

Traffic counts in the area are high, and roadways are significantly congested. 2025 and 2035 traffic volumes are projected to grow at a higher rate than in Mid and South Beach and North Beach is an area with significant vehicle-pedestrian conflicts. Connectivity is a challenge, especially to Parkview Island, at the Indian Creek and 71<sup>st</sup> Street Intersection, to the Normandy Fountain area and between Collins and Harding Avenues. Public Transportation is heavily utilized, with additional improvements in the planning stage.

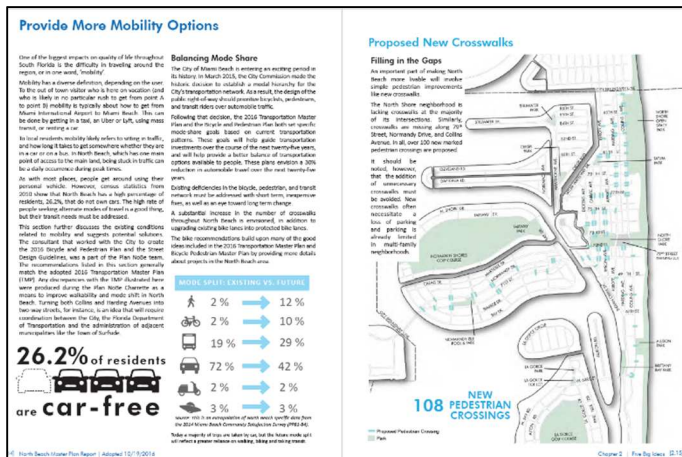


Figure 2: the NBMP identified Mobility as a significant challenge and need.

### Harding Avenue

Cities all over the country are reassessing the use of one-way streets. More often than not, they are the result of an antiquated planning paradigm that prioritizes high speed, high-volume car travel through cities, instead of slow speed, and transit alternatives that move higher volumes of people.

The Harding Avenue-Collins Avenue one-way pair can be better designed and function with improved mobility if they are each restored to two-way travel. Harding Avenue, north of 71<sup>st</sup> Street, has two distinct conditions (shown below).

#### Harding Avenue between 71<sup>st</sup> Street and 75<sup>th</sup> Street Existing Conditions

This section of Harding Avenue has three travel lanes heading south with on-street parking on both sides of the street. Sidewalks are typically five feet wide and there are street trees within a consistent planting strip.

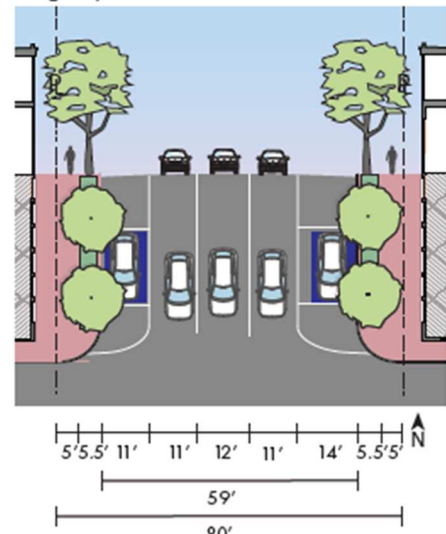


Figure 1: The North Beach Master Plan identified one-way streets as an issue.



The existing condition in the proposed CRA includes deficient pedestrian safety and connectivity. Contrary to the City's Modal Prioritization adopted by Resolution of the City Commission in 2015, the streets in the North Beach area are currently designed to prioritize vehicles over pedestrians, bicyclists, and public transit. North Beach streets lack pedestrian safety amenities, such as wide sidewalks with a path clear of obstructions, pedestrian curb ramps that meet ADA standards, an adequate number of pedestrian crosswalks that are signalized or enhanced with flashing beacons and the area does not have protected bicycle lanes.

The intersection of Indian Creek Drive/Abbott Avenue is a critical intersection in the North Beach roadway network that is substandard and lacks capacity. Currently, 6 southbound lanes (3 on Indian Creek Drive and 3 on Abbott Avenue) are constricted to only 3 southbound lanes along Indian Creek Drive. This intersection is a source of frequent congestion in North Beach. Additionally, the major thoroughfares in North Beach (i.e. Collins Avenue, Harding Avenue/Abbott Avenue/Indian Creek Drive corridors) currently operate at a failing Level of Service (F) during morning and afternoon weekday peak periods. In addition to the county transit service the City provides the North Beach Trolley Loop with service that extends from 88<sup>th</sup> Street to 65<sup>th</sup> Street and which serves 71<sup>st</sup> Street and Normandy Drive



*Figure 4: Blighted Parking Lot*



*Figure 5: Congestion due to lack of loading zones*



*Figure 3: Google Map showing congestion*



*Figure 6: Traffic backup between Normandy Island and the Town Center*

In 2014, the City of Miami Beach engaged Walker Parking Consultants to perform a Parking Demand Analysis for North Beach. The Study found that there are 20,859 total parking spaces in the area, of which 65% are private and on-street parking accounts for 27%. Only approximately 6% of the spaces were in city-owned and operated surface lots and that there are no parking garages operated by the city in the study area.

In the Town Center, there were a total of 9,817 parking spaces.

On-Street	758
City Lots	676
Private Garage Open to the Public	428
Private Lot Open to the Public	11
Private Spaces	7,944

Three growth scenarios were conducted for the analysis, utilizing growth rates of 2.5%, 3.9%, and 6.8%, and included any known developments applied to the observed parking demand for the Town Center area.

	Scenario 1		Scenario 2		Scenario 3	
	Demand	Adequacy	Demand	Adequacy	Demand	Adequacy
2015	8,999	197	9,028	168	9,086	110
2016	9,054	142	9,115	81	9,241	-45
2017	9,110	86	9,205	-9	9,407	-211
2018	9,168	28	9,299	-103	9,584	-388
2019	9,227	-31	9,396	-200	9,773	-577
2020	9,288	-92	9,497	-301	9,975	-779
2021	9,350	-154	9,602	-406	10,190	-994
2022	9,414	-218	9,711	-515	10,420	-1224
2023	9,479	-283	9,824	-628	10,666	-1470
2024	9,456	-260	9,942	-746	10,928	-1732

Source: Walker Parking Consultants

## Faulty Lot Layout

One of the findings of the North Beach Master Plan was that a challenge to redevelopment and revitalization is the prevalence of small lots in the Town Center. This creates a challenge to assemblage that creates efficient land areas that can attract feasible investment and redevelopment.

The challenges in attracting investment in this area are part of the reason that voters have approved density increases, and zoning in the Town Center reflects that, but the zoning envisions higher intensity and larger scale full-block development. The number of small lots in the Town Center is antithetical to full-block redevelopment; as such, a significant amount of effort is needed to aggregate property, which may not be financially feasible without additional tools such as a CRA.

### Make A Town Center

The center of community life in North Beach is found along 71<sup>st</sup> Street from Collins Avenue to Normandy Isles and includes a block in either direction down the cross streets. 71<sup>st</sup> Street is one of Miami Beach's limited connections to the mainland and the only one in North Beach.

A 2007 plan designated the area into the Town Center District. The intent of the plan was to:

- "Promote a diverse mix of residential, business, commercial, office, institutional, educational, and cultural and entertainment activities for workers, visitors and residents;
- Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit usage and town center businesses;
- Provide opportunities for live/work lifestyles and increase the availability of affordable office space in the North Beach area;
- Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction;
- Create a place that represents a unique, attractive and memorable destination for residents and visitors; and
- Enhance the community's character through the promotion of high-quality urban design."

In addition to this plan, the Planning Department adopted the Town Center Design Review Standards in 2010, which included a regulating plan depicting where new development should occur and what form it should take. However, North Beach's Town Center District has seen little new development since the concept was adopted by the Mayor and Commission in 2007.



71<sup>st</sup> Street looking east from Abbot Avenue

### Why Has It Not Happened?

#### Economic Factors

A combination of factors have prevented the Town Center concept from realization. A worldwide economic downturn followed shortly after the adoption of the plan in 2007 and this stalled plan implementation. However, at the same time, other parts of the City saw development after the downturn. The reasons for the stall are more nuanced than macro-economics.

One impediment is that it is difficult to secure financing from banking institutions for mixed-use projects in North Beach. In order to secure private financing, the developer would have to ensure that the profits were high enough to benefit both the investor as well as himself. Although foreign buyers have flocked to South Florida in the last five years, purchasing units in cash, North Beach has not benefited from that type of investment. Those buyers are looking for amenities and other attractions that are currently not found in North Beach like ample dining, shopping, and access to the airport.

#### Property Ownership and Physical Layout

One challenge in North Beach is the small size of lots in the Town Center, generally 50 by 100 feet deep. Excessive parking requirements - reflections of our history of over-reliance on one-person car trips - should be questioned; they make the small lots hard to use. Today's parking requirements, require parking to be built on site, which would turn ground floor spaces into parking rather than the retail that would encourage a walkable environment.

#### Traffic

71<sup>st</sup> Street sees rush hour and peak time congestion making it difficult to get around by car. The car-centric design of the roadway can also make walking and biking unpleasant, and even fatal. This restricts the number of visitors the area can accommodate.



Each color used in the graphic above represents a different property owner. The red properties are City owned parcels. Also notice how the narrow side of parcels fronts the street as discussed in this section.

North Beach Master Plan Report | Adopted 10/19/2016

Figure 7: The NBMP identified ownership and layout as an impediment to revitalization



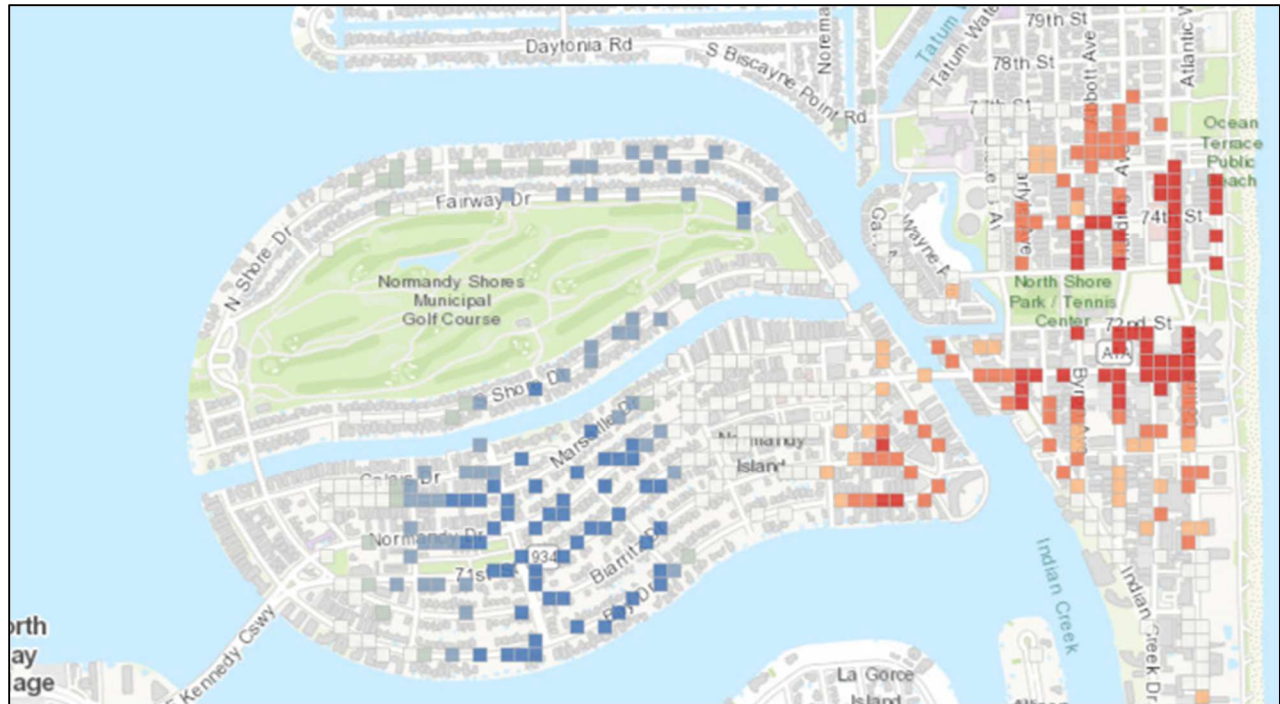
## Unsanitary or Unsafe Conditions

We identified a number of sanitation and safety related conditions. These included over 1,351 code violations within the proposed boundaries in 2018, of which 354 were sanitation related. Calls for service due to unsafe conditions which were proportionately higher than other parts of the City included shorting/arcing electrical equipment, malicious false alarms, extraction of victims from vehicles, HazMat investigations, natural vegetation fires, and passenger vehicle fires.

71<sup>st</sup> Street is one of the areas with the highest density of vehicular crashes in the city involving a bicyclist or pedestrian. Additionally, the area is vulnerable to flooding and sea level rise, as identified in the North Beach Master Plan.



*Figure 8: Unsanitary and unsafe conditions were observed within the proposed CRA boundaries*



*Figure 9: Heat map of code violations (red=hotspots)*

## Deterioration of Site or Other Improvements

A on-the-ground inspection of the properties within the proposed boundaries identified significant deterioration of buildings, sites, and property. This includes crumbling concrete, broken windows, cracked pavers and tiles, and derelict property. Exposed electrical conduit was observed, as well as unmaintained vacant lots. There are a number of buildings that are not boarded up and are exposed to the elements.



*Figure 11: Crumbling eyebrow along Collins Avenue*



*Figure 10: Vacant lot on Collins Avenue*





*Figure 17: Dilapidated Building*



*Figure 16: Vacant hotel property along Collins Avenue*



*Figure 14: Vacant building exposed to the elements*



*Figure 15: Fenced in vacant lot on Harding Avenue*



*Figure 12: Broken Tiles*



*Figure 13: Dilapidated Property*



*Figure 18: Alley conditions*



*Figure 19: Exposed electrical*

## Inadequate and Outdated Building Density Patterns

There is an erratic scale of buildings in the target area in both height and density. As properties get aggregated and redeveloped this problem may become more apparent until redevelopment of the Town Center occurs on a district-wide scale. The intent of the city and the community (as validated in the density referendum) is to develop the area with much more intensity. This erratic scale of buildings was observed and documented as part of this analysis and was identified as an issue in the North Beach Master Plan.





Figure 20: The NBMP identified the need to address building scale to improve walkability



Figure 21: AT&T facility in multifamily neighborhood on Harding Avenue



Figure 22: High density residential adjacent to low rise multifamily buildings



Figure 23: Erratic building scale near and along 71<sup>st</sup> Street

## Residential and Commercial Vacancy Rates

According to ESRI, residential vacancy rates are 19.3% within the proposed boundary compared to a Countywide residential vacancy rate of 11.4%.

This firm conducted both online research through CoStar and Loopnet, as well as an in-person survey of vacancies in the target area. CoStar identified 9 vacant properties in the area with 36,382 square feet. The in-person inspection identified those properties, as well as an additional 12 vacant properties with 23,000 square feet. There is currently a total of 60,000 square feet of vacant retail space in the proposed boundary, of 6.6% of the 904,000 total retail square feet. This is higher than the Citywide vacancy rate of 6.2%, and the Countywide rate of 3.9%.

INVENTORY SF		UNDER CONSTRUCTION SF	12 MO NET ABSORPTION SF	VACANCY RATE	MARKET RENT/SF	MARKET SALE PRICE/SF	MARKET CAP RATE
904 K		0	650	6.9%	\$38.75	\$330	5.9%
Prior Period 904 K		Prior Period 0	Prior Period 2.6 K	Prior Period 0.2%	Prior Period \$38.03	Prior Period \$320	Prior Period 5.9%
Availability		Inventory		Sales Past Year		Demand	
Vacant SF	20.9 K	Existing Buildings	102	Asking Price Per SF	\$403	12 Mo Net Absorp % of Inventory	1.2%
Sublet SF	0	Under Construction Avg SF	-	Sale to Asking Price Differential	-18.2%	12 Mo Leased SF	28.9 K
Availability Rate	4.0%	12 Mo Demolished SF	0	Sales Volume	\$3.7 M	Months on Market	6.3
Available SF	36.4 K	12 Mo Occupancy % at Delivery	-	Properties Sold	2	Months to Lease	-
Available Asking Rent/SF	\$43.17	12 Mo Construction Starts SF	0	Months to Sale	6.0	Months Vacant	-
Occupancy Rate	97.7%	12 Mo Delivered SF	0	For Sale Listings	1	24 Mo Lease Renewal Rate	80.7%
Percent Leased Rate	97.8%	12 Mo Avg Delivered SF	-	Total For Sale SF	12.7 K	Population Growth 5 Yrs	3.4%

Figure 25: Proposed CRA Retail Real Estate Market

Menu						
Address or Location						
Listing Type						
Retail						
Property Size						
Properties						
Spaces						
Demographics						
Changes						
News						
Address						
Building Name						
Type						
Asking Rent/yr						
SF Avail						
Rent/SF/yr						
666 71st St	Gerson Preston	Retail	30.00 - 75.00	7,600	\$30.00 - 75.00	
701-715 71st St		Retail	48.00	700	\$48.00	
1101 71st St		Retail	30.00 - 40.00	3,000	\$30.00 - 40.00	
7145 Abbott Ave		Retail	44.00	2,750	\$44.00	
7100 Collins Ave		Retail	55.00	550	\$55.00	
7300-7310 Collins Ave		Retail	45.00 - 50.00	3,000	\$45.00 - 50.00	
7426-7438 Collins Ave	North Beach - 74th & Colli...	Retail	39.00	5,200	\$39.00	
7441-7455 Collins Ave		Retail	28.00 - 33.85	1,890	\$28.00 - 33.85	
6782-6804 Collins Ave		Retail (Strip Center)		2,040	\$52 - 63 (Est.)	

Figure 24: Vacant Retail space identified in CoStar

Vacant Retail Spaces Included in CoStar

1. 666 71st Street	7,600
2. 701 71st Street	700
3. 1101 71st Street	3,000
4. 7145 Abbot Avenue	2,750
5. 6782 Collins Avenue	2,040
6. 7100 Collins Avenue	550
7. 7300 Collins Avenue	12,652
8. 7426 Collins Avenue	5,200
9. 7441 Collins Avenue	1,890
<b>Total</b>	<b>36,382</b>

Vacant Properties Not in CoStar but Identified during Photo Survey

1. 6960 71st Street	1,500
2. 216 71st Street	5,000
3. 6980 Carlyle Avenue	1,369
4. 7443 Collins Avenue	1,000
5. 7424 Collins Avenue	3,000
6. 7405 Collins Avenue	1,000
7. 7314 Collins Avenue	1,000
8. 7319 Collins Avenue	1,200
9. 7349 Collins Avenue	1,000
10. 235 Collins Avenue	2,400
11. 7124 Collins Avenue	1,000
12. 740 71st Street	3,937
<b>Total</b>	<b>23,406</b>

<b>Total Vacant Space</b>	<b>59,788</b>
<b>Total Space</b>	<b>904,000</b>

<b>Vacancy Rate</b>	<b>6.6%</b>
<b>Citywide Vacancy Rate</b>	<b>6.2%</b>
<b>Countywide Vacancy Rate</b>	<b>3.9%</b>



Figure 26: Vacancy along Collins Avenue:



Figure 27: Vacancy along 71st Street



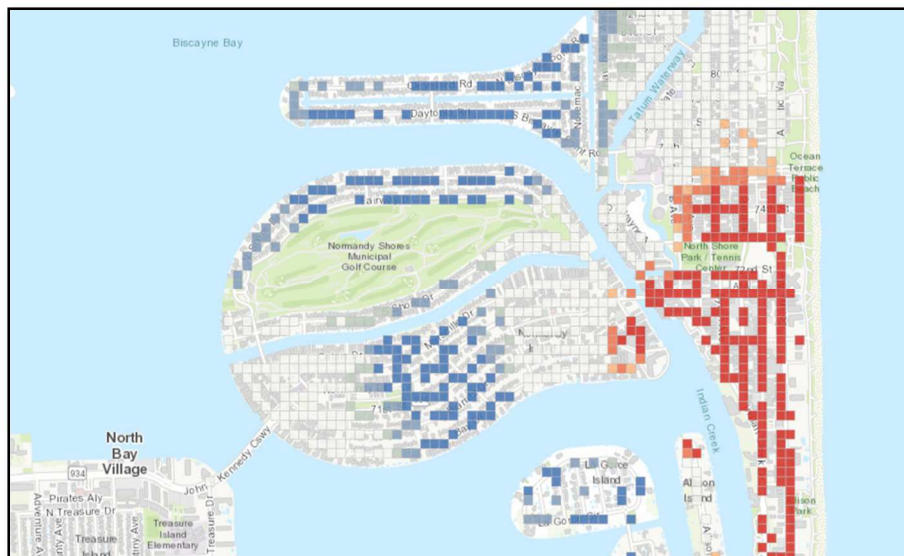
## Fire and Emergency Medical Service Calls

Fire and emergency medical service calls are proportionately higher than in the rest of Miami Beach. Furthermore, as previously mentioned calls for service due to unsafe conditions which were proportionately higher than other parts of the City included shorting/arcing electrical equipment, malicious false alarms, extraction of victims from vehicles HazMat investigations, natural vegetation fires, and passenger vehicle fires.

- Calls for service due to unsafe conditions are higher in the proposed boundaries
  - 53% of all calls for Shorting/Arcing Electrical Equipment
  - 44% of Malicious/False Alarms
  - 52% of Cooking Fires
  - 37% of Smoke/Odor removal calls
  - 50% of Extraction of Victims from Vehicles
  - 75% of HazMat Release Investigations
  - 38% of Natural Vegetation Fires
  - 25% of Passenger Vehicle Fires

## Florida Building Code Violations

While the total number of Building Violations in the Proposed CRA Boundary were 915, out of 2,696 citywide, the hotspots in the North Beach area for these types of violations are in the proposed CRA Boundaries.



*Figure 28: Heat Map showing location of building code violation hotspots (red)*



## Diversity of Ownership

There is significant diversity of ownership in North Beach, although some assemblage has taken place in the Town Center. However, there remain many smaller, older and historic buildings many which are condominiums that would be difficult to assemble. The North Beach area includes 4,321 properties that are not condominiums, with 3,549 owners, further demonstrating a diversity of ownership that may be difficult to overcome for successful redevelopment.

## Appendix – Additional Information

The following systems, reports and data were utilized in the development of this finding of necessity and are available upon request.

ArcGIS Online

ESRI Business Analyst

CoStar

Loopnet

Microsoft Access

North Beach Master Plan

Ocean Terrace Master Plan

West Lots Plan

Miami Beach Transportation Master Plan

2014 through 2018 Miami Beach Property Tax Rolls (Miami-Dade Property Appraiser)

Building Code Violations (City of Miami Beach)

Code Violations (City of Miami Beach)

Fire/Emergency Service Calls (City of Miami Beach)

2017 compared to 2018 Crime Statistics (City of Miami Beach)

Attached to this report as Exhibit A is the Finding of Necessity Criteria Tracking Document which contains notes and observations regarding the criteria that was observed in the area that is consistent with the blight criteria established in Chapter 163, Florida Statutes.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING A REVISED PRELIMINARY REPORT SET FORTH AS AN EXHIBIT TO THE COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION, CONCERNING A FINDING OF NECESSITY FOR THE REDEVELOPMENT OF A CERTAIN GEOGRAPHIC AREA LOCATED WITHIN THE CITY OF MIAMI BEACH, DESCRIBED GENERALLY AS BEING BOUNDED ROUGHLY BY 87TH TERRACE TO THE NORTH, 65TH STREET TO THE SOUTH, THE ATLANTIC OCEAN TO THE EAST, AND RUE NOTRE DAME TO THE WEST, AS SHOWN ON THE MAP SET FORTH IN "EXHIBIT A" HERETO, AND REQUESTING MIAMI-DADE COUNTY TO DECLARE SAID AREA AS A BLIGHTED AREA AND DELEGATE REDEVELOPMENT POWERS TO THE CITY OF MIAMI BEACH IN ACCORDANCE WITH PART III OF CHAPTER 163, FLORIDA STATUTES, SO AS TO PERMIT THE CITY OF MIAMI BEACH TO ESTABLISH A COMMUNITY REDEVELOPMENT AGENCY FOR THE AFORESAID AREA**

**WHEREAS**, the Mayor and City Commission of Miami Beach has adopted as a primary city-wide goal the economic development of the City and, in particular, the area north of 63<sup>rd</sup> Street generally referred to as "North Beach"; and

**WHEREAS**, there exists a defined geographic area within the corporate limits of the City which contains a large number of commercial buildings which are deteriorated or deteriorating, as well as a large number of substandard housing units which contribute to ill health and pose other potential dangers to the residents, such area being described generally as being bounded by 87<sup>th</sup> Terrace to the north, the Atlantic Ocean to the east, 65<sup>th</sup> Street to the south, and Rue Notre Dame to the east, as set forth more particularly in Exhibit "A" hereto (the Proposed Boundary); and

**WHEREAS**, pursuant to the Community Redevelopment Act, Chapter 163 of the Florida Statutes, a Community Redevelopment Area (CRA) means a slum area, a blighted area, or an area in which there exists a shortage of affordable housing, or a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout or inadequate street layout, or a combination thereof; and

**WHEREAS**, in order to reverse the economic decline of said geographic area, it is necessary to consider redeveloping the defined area and establishing a community development agency as a catalyst to redeveloping such area, all in accordance with Chapter 163, Florida Statutes; and



**WHEREAS**, on June 20, 2018, the Neighborhoods/Community Affairs Committee (NCAC) discussed creative funding options for the North Beach Master Plan and recommended that the Administration work with Miami-Dade County to move forward with the potential creation of a CRA in North Beach; and

**WHEREAS**, on July 25, 2018, the Mayor and City Commission adopted Resolution 2018-30432, accepting the recommendation of the NCAC to commence discussions with the County to create a CRA in North Beach; and

**WHEREAS**, following adoption of the Fiscal Year 2019/20 Miami-Dade County budget, the Administration reached out to the County to discuss approach and steps for a potential CRA in North Beach, the first of which is a finding of necessity for the area of concern; and

**WHEREAS**, the City retained BusinessFlare Economic Development Solutions (the Consultant) to prepare a report concerning a finding of necessity with respect to the redevelopment of the area set forth in the Proposed Boundary; and

**WHEREAS**, the Consultant prepared a "Preliminary Draft—Finding of Necessity" for the North Beach Redevelopment Area, dated April 2019 (the Preliminary Report) as set forth in an exhibit to the Commission Memorandum accompanying Resolution 2019-30432, which was adopted by the City Commission on July 7, 2019 and subsequently transmitted by the City to the County; and

**WHEREAS**, at the October 31, 2019 meeting of the Miami-Dade County TIF committee, County staff recommended certain modifications to the Preliminary Report, including enlargement of the Proposed Boundary to include the Crespi area of North Beach, and greater emphasis on the housing component within the Preliminary Report; and

**WHEREAS**, the City has prepared a "Revised Draft—Finding of Necessity" for the North Beach Redevelopment Area, dated December 2019 (the Revised Report) as set forth in an exhibit to the Commission Memorandum accompanying this Resolution, which incorporates the County's recommendations, including an enlarged Proposed Boundary; and

**WHEREAS**, the Revised Report also concludes that, within the defined target geographic area, there exist nine of fifteen criteria necessary to designate an area as blighted; and

**WHEREAS**, pursuant to Section 163.410, Florida Statutes, the City is required to receive a delegation of authority from the County as a condition precedent to exercising redevelopment powers conferred under the Community Redevelopment Act, relative to the redevelopment area illustrated in the Proposed Boundary; and

**WHEREAS**, the City Clerk has published notice of a public hearing with respect to a meeting of the City Commission to consider: (i) the acceptance of the Preliminary Report, (ii) the findings therein contained and other matters related to the establishment of a CRA and redevelopment agency pursuant to Part III of Chapter 163, Florida Statutes, and (iii) requesting delegation of authority from the County to exercise redevelopment powers within the geographic area set forth in the Proposed Boundary.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

1. The City Commission of the City of Miami Beach hereby accepts the Revised Report (a copy of which is attached as an exhibit to the Commission Memorandum accompanying this Resolution), subject to final findings of necessity to be made subsequent to the delegation of authority referred to herein below.

2. The Mayor and City Commission of the City of Miami Beach hereby request that the Board of County Commissioners for Miami-Dade County delegate to the City of Miami Beach broad authority to exercise redevelopment powers within the geographic area set forth in Exhibit "A" hereto in accordance with Chapter 163, Florida Statutes.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Rafael E. Granado 2-21-2020  
City Attorney RAP Date



# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS FEBRUARY 26, 2020

**NOTICE IS HEREBY** given that the following public hearings will be heard by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chamber, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **February 26, 2020**, at the times listed, or as soon thereafter as the matter can be heard:

### **5:01 p.m. Public Hearing**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING A REVISED PRELIMINARY REPORT SET FORTH AS AN EXHIBIT TO THE COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION, CONCERNING A FINDING OF NECESSITY FOR THE REDEVELOPMENT OF A CERTAIN GEOGRAPHIC AREA LOCATED WITHIN THE CITY OF MIAMI BEACH, DESCRIBED GENERALLY AS BEING BOUNDED ROUGHLY BY 87TH TERRACE TO THE NORTH, 65TH STREET TO THE SOUTH, THE ATLANTIC OCEAN TO THE EAST, AND RUE NOTRE DAME TO THE WEST, AS SHOWN ON THE MAP SET FORTH IN "EXHIBIT A" HERETO, AND REQUESTING MIAMI-DADE COUNTY TO DECLARE SAID AREA AS A BLIGHTED AREA AND DELEGATE REDEVELOPMENT POWERS TO THE CITY OF MIAMI BEACH IN ACCORDANCE WITH PART III OF CHAPTER 163, FLORIDA STATUTES, SO AS TO PERMIT THE CITY OF MIAMI BEACH TO ESTABLISH A COMMUNITY REDEVELOPMENT AGENCY FOR THE AFORESAID AREA. *This Resolution is being heard pursuant to Section §166.041 F.S. Inquiries may be directed to the Economic Development Department at 305.673.7577.*

### **5:02 p.m. Second Reading Public Hearing**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ALCOHOLIC BEVERAGES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," TO PROHIBIT THE SALE AND/OR SERVING OF ANY ALCOHOLIC BEVERAGE(S) BEYOND 2 A.M., FOR A DEFINED PERIOD OF TIME IN THE MONTH OF MARCH, BY ANY ALCOHOLIC BEVERAGE ESTABLISHMENT LOCATED IN THE MXE MIXED USE ENTERTAINMENT DISTRICT (EXCLUDING THAT PORTION OF THE MXE DISTRICT LOCATED BETWEEN 73RD AND 75TH STREETS), OR THAT PORTION OF THE CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT LOCATED BETWEEN PENNSYLVANIA AVENUE AND COLLINS COURT, FROM 5TH STREET TO 16TH STREET; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 F.S. Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, 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).

Rafael E. Granado, City Clerk  
City of Miami Beach

Ad 02262020-01

# MIAMI BEACH

## **COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: February 26, 2020

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXPAND THE DURATION OF THOSE HIGH IMPACT MEASURES WHICH MAY BE IMPLEMENTED DURING SPRING BREAK, BEYOND THE 72-HOUR TIME PERIOD SET FORTH IN SECTION 82-443 OF THE CITY CODE, TO INCLUDE ANY OR ALL OF THAT PERIOD OF TIME FROM MARCH 1, 2020 THROUGH MARCH 31, 2020, THAT THE CITY MANAGER DEEMS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PROTECT PUBLIC AND PRIVATE PROPERTY FROM DAMAGE, DEGRADATION AND/OR UNAUTHORIZED USES.

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### **RECOMMENDATION**

The administration recommends approval of the high impact measures for the upcoming Spring Break 2020 period.

### **ANALYSIS**

The City of Miami Beach has seen an increasingly large number of visitors during the month of March for Spring Break. In the past years, these dates have posed a number of challenges to the City including but not limited to traffic impacts, sanitation and police services. In addition to the impacts to city services, Spring Break negatively affected our neighborhoods and businesses.

In 2016 the City Commission approved an Ordinance 2016-4019 which established guidelines to determine when a High Impact Event would be considered and measures which would be implemented. In 2019 the City Commission approved Ordinance 2019-4266 which amended the 2016 ordinance to limit the application area to the City's public beaches and the Entertainment District, to change the term High Impact Event to High Impact Period, to provide written notice to the Mayor and Commission and limiting the duration of the High Impact Period measures to 72 hours and to extend would require City Commission approval.

This year again, the City is expecting a large number of visitors between March 1, 2020 – March 31, 2020. In order to maintain the quality of life for our residents, as well as protecting our visitors during this time, the Administration is requesting the extension.

The attached resolution sets forth an expanded High Impact Period to implement measures beyond the 72-hour set forth in section 82-442 of the City Code.

**FINANCIAL INFORMATION**

These measures will have no additional fiscal impact.

**CONCLUSION**

The Administration recommends approval of the high impact measures for the upcoming Spring Break 2020 period.

**Applicable Area**

South Beach

**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

**Strategic Connection**

Prosperity - Balance residents' quality of life with tourism and special events.

**Legislative Tracking**

Office of City Manager

**ATTACHMENTS:**

**Description**

- ▣ Resolution

**RESOLUTION NO. 2020 - \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXPAND THE DURATION OF THOSE HIGH IMPACT MEASURES WHICH MAY BE IMPLEMENTED DURING SPRING BREAK, BEYOND THE 72-HOUR TIME PERIOD SET FORTH IN SECTION 82-443 OF THE CITY CODE, TO INCLUDE ANY OR ALL OF THAT PERIOD OF TIME FROM MARCH 1, 2020 THROUGH MARCH 31, 2020, THAT THE CITY MANAGER DEEMS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PROTECT PUBLIC AND PRIVATE PROPERTY FROM DAMAGE, DEGRADATION AND/OR UNAUTHORIZED USES.**

**WHEREAS**, the City of Miami Beach is an internationally renowned tourist destination that is famous for its beaches, shopping, entertainment and nightlife, which are among the best in the world; and

**WHEREAS**, due to its domestic and international popularity as a resort destination, many large-scale events, both authorized by City permits and otherwise, occur on City property and/or on the City's public beaches; and

**WHEREAS**, the City has seen an increasingly large number of visitors during these events and high impact periods of time specifically including, but not limited to, Spring Break, and the sizeable number of individuals partaking in various Spring Break festivities has posed numerous challenges for the City; and

**WHEREAS**, authorized and unauthorized uses of the beaches and City property during Spring Break has, from time to time, caused extensive damage, personal injury, property degradation and dramatically affected the quality of life of the City's residents; and

**WHEREAS**, a significant portion of these events occur on the City's public beaches and property located in the MXE mixed use entertainment district (excluding that portion of the MXE located between 73<sup>rd</sup> and 75 Streets), and in that portion of the CD-2 commercial, medium intensity district between Pennsylvania Avenue and Collins Court, from 5<sup>th</sup> Street to 16<sup>th</sup> Street; and

**WHEREAS**, the Spring Break period can cause severe congestion and overcrowding upon the City's streets, and result in excessive litter, empty cups and straws, liquor bottles, and other debris left strewn about on public and private property; and

**WHEREAS**, the Spring Break period can also create excessive noise, and disturb the surrounding neighborhoods and negatively affect nearby businesses and residents; and

**WHEREAS**, in order to mitigate such effects, Section 82-443 of the City Code provides the City Manager independent authority, upon the City Manager's determination that a high impact period in a high impact zone will occur (or is in progress), to impose certain immediate measures to protect the public health, safety and welfare, and to protect public and private property from damage, property degradation and/or unauthorized uses; and

**WHEREAS**, the City Manager has determined that, pursuant to Section 82-443, such high impact period in a high impact zone will occur from March 1, 2020 – March 31, 2020; and

**WHEREAS**, at the January 15, 2020 City Commission meeting, the City Manager informed the Mayor and City Commission of certain high impact period measures, pursuant to Section 82-443, which he may implement during the Spring Break period (from March 1, 2020 – March 31, 2020), and the City Commission tentatively approved, as identified below:

- the prohibition of coolers and any inflatable devices on public beach property; and
- the prohibition of tents, tables, and similar structures; and
- the limitation of live or amplified music, which shall include the suspension of the noise exemption set forth in Section 46-157 of the City Code for those properties located from 9<sup>th</sup> Street to 11<sup>th</sup> Street on the west side of Ocean Drive, unless authorized by Special Event permit; and



- any live or amplified music shall be limited to ambient level on Ocean Drive between the hours of 11 p.m. and 7 a.m.; and
- the prohibition of any direct or indirect consumption of alcohol on public beach property; and
- the implementation of a license plate reader police detail, which may be utilized on eastbound traffic lanes of the MacArthur Causeway and on any other access points into the City; and
- if necessary, the establishment of occupancy limits for different segments of public beach property, and prohibiting access to those areas that have reached those occupancy limits; and
- the suspension of all sidewalk café operations located in the MXE mixed use entertainment district (excluding that portion of the MXE located between 73<sup>rd</sup> and 75<sup>th</sup> Streets), and in that portion of the CD-2 commercial, medium intensity district between Pennsylvania Avenue and Collins Court, from 5<sup>th</sup> Street to 16<sup>th</sup> Street, at 12:00 a.m. daily; and
- the suspension of all business tax receipt(s) issued to promoters for any dance or entertainment event(s) to be held at an alcoholic beverage establishment located in the MXE mixed use entertainment district (excluding that portion of the MXE located between 73<sup>rd</sup> and 75<sup>th</sup> Streets), and in that portion of the CD-2 commercial, medium intensity district between Pennsylvania Avenue and Collins Court, from 5<sup>th</sup> Street to 16<sup>th</sup> Street.

**WHEREAS**, pursuant to those inherent police powers vested in the City, the following additional measures may be imposed, throughout the month of March, to reduce the overcrowding and congestion upon the City's streets:

- Ocean Drive will be closed to vehicular traffic from Thursday morning – Sunday morning each week, and French barricades shall be utilized to create buffer areas between the businesses and the pedestrian areas; and
- Española Way, from Collins Avenue to Washington Avenue, will be closed to vehicular traffic from Thursday morning – Monday morning each week; and
- Ninth (9<sup>th</sup>) Avenue, from Ocean Drive to Collins Avenue, will be closed to vehicular traffic from Thursday morning – Monday morning each week; and
- Street parking shall be prohibited on Collins Avenue from Thursday morning – Sunday morning each week.

**WHEREAS**, the City Manager should have the authority to expand the duration of those high impact measures during Spring Break, as set forth herein, to further protect the public beaches and property, and to mitigate the adverse and deleterious effects that certain activities during Spring Break can have upon the City's resources, residents and businesses.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the City Manager is hereby authorized to expand the duration of those high impact measures which may be implemented during Spring Break, beyond the 72-hour time period set forth in section 82-443 of the City Code, to include any or all of that period of time from March 1, 2020 through March 31, 2020, that the City Manager deems necessary to protect the public health, safety and welfare, and to protect public and private property from damage, degradation and/or unauthorized uses.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

\_\_\_\_\_  
DAN GELBER, MAYOR

\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

2/18/2020  
\_\_\_\_\_  
Date



**COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael E. Granado, City Clerk  
DATE: February 26, 2020

SUBJECT: BOARD AND COMMITTEE APPOINTMENTS - CITY COMMISSION / AT-LARGE APPOINTMENTS.

---

**ANALYSIS**

See attached memorandum.

**Applicable Area**

Not Applicable

**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 Clerk

**ATTACHMENTS:**

**Description**

- ▢ Memorandum

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Rafael E. Granado, City Clerk

DATE: February 20, 2020

SUBJECT: BOARD AND COMMITTEE APPOINTMENTS – CITY COMMISSION / AT-LARGE APPOINTMENTS

---

### **ANALYSIS**

On February 12, 2020, the City Commission deferred the below Design Review Board appointment to February 26, 2020.

#### **1. DESIGN REVIEW BOARD**

*VACANCY (1):*

- One architect registered in the State of Florida or a member of the faculty of the school of architecture, urban planning, or urban design in the State, with practical or academic expertise in the field of design, planning, historic preservation or the history of architecture, or a professional practicing in the fields of architectural design, or urban planning. (Category # 2)

T:\Agenda\2020\02 February 26\City Clerk\02262020 AT LARGE APPOINTMENTS.docx



# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Michael Gongora  
DATE: February 26, 2020

SUBJECT: DISCUSSION REGARDING THE FEBRUARY 18TH POLICE CITIZEN RELATIONS COMMITTEE'S MOTIONS REGARDING PROMOTER ORDINANCE, CHECK POINTS, AND NIGHTTIME TASK FORCE.

---

### **ANALYSIS**

Please place on the February 26, 2020 Commission, a discussion regarding the February 18 Police Citizen Relations Committee's motions regarding promoter ordinance, check points, and nighttime task force. Please find attached the LTC with the motions and feel free to contact Diana Fontani should you need any additional information.

### **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 Michael Gongora

### **ATTACHMENTS:**

#### **Description**

- ▣ LTC Police Citizens Motions

NO. LTC#

**096-2020**

LETTER TO COMMISSION

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 19, 2020

SUBJECT: **Motions from the Police Citizen Relations Committee  
February 18, 2020 Meeting**

The purpose of this Letter to the Commission (LTC) is to inform the Mayor and the Commission of four (4) motions made by the Police Citizen Relations Committee at their February 18, 2020 meeting.

**Background:**

The Miami Beach Police Department ("MBPD") continually aspires to address crime and community concerns through innovation and positive partnerships with the community. To support the public safety goals of MBPD, it is the purpose of the Police/Citizens Relations Committee ("Committee") to, in part, endorse programs that will enhance the well-being of residents and visitors. The February 18, 2020 meeting of the Police Citizen Relations committee included a robust discussion regarding managing the spring break period during the month of March. The following motions were made:

**Motion #1:**

A motion of the Police Citizen Relations Committee: Events that violate the City's promoter ordinance are advertised in advance through various online platforms and often encourage lawlessness and bad behavior. As many days in advance as possible of said illegally promoted events:

(1) the City Of Miami Beach should shut down the activity and/or the hosting venue for the day(s) that the illegally promoted activity is being advertised to occur during the periods declared as "High Impact;" and,

(2) efforts should be made to inform the public of the cancellation of the event utilizing the online platform on which the event was promoted.

If an event organized in violation of the promoter ordinance is terminated or oversold, to the extent feasible, assistance should be provided to the customers who bought tickets in an effort to obtain reimbursements.

Motion stated by Committee Member Adam Kravitz

Seconded by Chairman Alex Fernandez.

**Adopted by acclamation**

**Motion #2:**

A motion of the Police Citizen Relations Committee urging and supporting check points at all access points to the beach from 5th to 15th Street for strict enforcement of all high impact period prohibitions including but not limited to alcohol and drugs.

Motion made by Committee Member Adam Kravitz

Seconded by Committee Member Pamela Brumer

**Adopted by acclamation**

**Motion #3:**

A motion of the Police Citizen Relations Committee urging the City Of Miami Beach to establish a Nighttime Task Force comprised of Code Enforcement and the Fire Department personnel to strictly enforce all code and fire related issues (over capacity, littering with flyers, blocked sidewalks, etc.).

Motion made by Committee Member Angie Chirino

Seconded by Committee Member Julian Linares

**Adopted by acclamation.**

**Motion #4:**

A motion of the Police Citizens Relations Committee reissuing the motion made by Commissioner Samuelian included in the Mayor's Panel on Ocean Drive – Safety, Security and Infrastructure Subcommittee conveyed by Letter to Commission 193-2019 urging the administration to update the revenue and expenditure report for the MXE and to identify opportunities to improve the financial picture.

Motion made by Committee Chairman – Alex Fernandez

Seconded by Committee Member Adam Kravitz

**Adopted by acclamation**

**Motion #5:**

A motion of the Police Citizens Relations Committee reappointing Alex Fernandez as Chair and Adam Kravitz as Vice Chair.

Motion made by Committee Member Pamela Brumer

Seconded by Committee Member Julian Linares

**Adopted by acclamation**

**Committee Members in Attendance:**

Chairman Alex Fernandez, Vice-Chairman Adam Kravitz, Lizette Lopez, Pamela Brumer, Seth Feuer, Christine Klingspor, Angie Chirino, Julian Linares, and Michael Gillman

**Committee Members Absent:**

Bruce Reich and Matt Salom

JLM:RMC:tr





**COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission  
FROM: Mayor Dan Gelber  
DATE: February 26, 2020

SUBJECT: DISCUSSION AND UPDATE REGARDING LOCAL PREPARATIONS  
PERTAINING TO THE CORONAVIRUS DISEASE 2019 (COVID-2019).

---

**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**

Mayor Dan Gelber



**COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: February 26, 2020

SUBJECT: UPDATE ON PROGRAMMING ACTIVATION DURING SPRING BREAK.

---

**Applicable Area**

Not Applicable

**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 Manager

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Office of the City Clerk  
DATE: February 26, 2020

SUBJECT: TIME CERTAIN.

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**Applicable Area**

Not Applicable

**Is this a Resident Right to  
Know item?**

No

**Does this item utilize G.O.  
Bond Funds?**

No

**Legislative Tracking**

Office of the City Clerk

**ATTACHMENTS:**

**Description**

- ▣ Time Certain
- ▣ Agenda Item List



# MIAMI BEACH

## Commission Meeting / Presentations and Awards

TIME CERTAIN

February 26, 2020

TIME	ITEM	TITLE
5:00 p.m. Time Certain		<b>Presentations and Awards</b>
	PA 1	Proclamation/World Glaucoma Week. (Gelber)
	PA 2	Certificates of Recognition/2020 S. Bch. Wine & Food Festival Chefs Based in MB. (Góngora)
	PA 3	Proclamation/Abbott Florist & Certificate of Recognition/Normandy Fountain Business Association. (Steinberg)
	PA 4	Certificates of Recognition/B. Maher, Dr. Rosenblatt, MDCC & MBSH PTA/PTSA. (Steinberg)
	PA 5	Proclamation/Andrew Andras & Joner Strauss, UltraSkate Race. (Richardson)
	PA 6	Proclamation/American Plumbing & Electrical Supply. (Arriola)
	PA 7	Certificate of Recognition/Fernando Gonzalez, Outstanding Student. (Góngora)
	PA 8	Proclamation/Yuca Cuban Restaurant's 25 Year Anniversary. (Samuelian/Góngora)
	PA 9	Proclamation/Lindsey Hopkins Sr. & Lindsey Hopkins Jr. (Samuelian)
5:00 p.m. Time Certain		<b>Consent Agenda</b>
5:01 p.m. Time Certain	R7 B	Expand Duration of High Impact Measures for Spring Break. CM
5:02 p.m. Public Hearing	R5 A	Ch. 6, Alcoholic Hours of Sale in MXE & CD-2. (Gelber) CA 2 <sup>nd</sup> Rdg
ADDENDUM 1 (HANDOUT)	R9 C	Discuss Coronavirus (COVID-2019). (Gelber)
OPEN & CONTINUE	R7 A	Accept Boundary Expansion to North Beach CRA. ED (Continued to March 18, 2020)
NOTATIONS		Add Commissioner Góngora as Co-sponsor to item PA 8.

Unless indicated with an asterisk (\*), all Non-Presentation (i.e. proclamation, award, certificate and other recognition) items listed above were approved by the Mayor or deferred from a previous Commission Meeting for inclusion in the Presentations & Awards/Commission Meeting and do not need a 5/7<sup>th</sup> vote to be added to the agenda (pursuant Ordinance 2015-3954).

The sponsor of the Non-Presentation (i.e. proclamation, award, certificate and other recognition) agenda item deems that such item either constitutes a public emergency affecting life, health, property, or public safety and should be considered immediately; or does not constitute a public emergency, but should be considered immediately. See Miami Beach Code Sec. 2-12 (e).

# MIAMI BEACH

## Commission Meeting / Presentations and Awards

### AGENDA ITEM LIST

February 26, 2020 (5:00 p.m.)

#### CONSENT AGENDA

C7 A Interlocal Agreement w/ M-DC, Install Security Cameras - Biscayne Beach. PW

#### REGULAR AGENDA

R5 A **5:02 p.m. 2<sup>nd</sup> Rdg**, Ch. 6, Alcoholic Hours of Sale in MXE & CD-2. (Gelber) CA

R7 A **O/C- 5:01 p.m. PH**, Accept Boundary Expansion to North Beach CRA. ED

R7 B **5:01 p.m.** Expand Duration of High Impact Measures for Spring Break. CM

R9 A Board and Committee Appointments - City Commission Appointments. CC

R9 B Discuss PCRC's Motions: Promoter Ord./Check Points/Nighttime Task Force. (Góngora)

R9 C Discuss Coronavirus (COVID-2019). (Gelber)

**AM1**

#### PRESENTATIONS AND AWARDS

PA 1 Proclamation/World Glaucoma Week. (Gelber)

PA 2 Certificates of Recognition/2020 S. Bch. Wine & Food Festival Chefs Based in MB. (Góngora)

PA 3 Proclamation/Abbott Florist & Certificate of Recog./Normandy Fountain Bus. Assoc. (Steinberg)

PA 4 Certificates of Recognition/B. Maher, Dr. Rosenblatt, MDCC & MBSH PTA/PTSA. (Steinberg)

PA 5 Proclamation/Andrew Andras & Joner Strauss, UltraSkate Race. (Richardson)

PA 6 Proclamation/American Plumbing & Electrical Supply. (Arriola)

PA 7 Certificate of Recognition/Fernando Gonzalez, Outstanding Student. (Góngora)

PA 8 Proclamation/Yuca Cuban Restaurant's 25 Year Anniversary. (Samuelian/Góngora)

PA 9 Proclamation/Lindsey Hopkins Sr. & Lindsey Hopkins Jr. (Samuelian)

**BD=Building / Beach Management=BM / CIP=Capital Improvement Projects / CA=Office of the City Attorney / CC=Office of the City Clerk / CO = Code Compliance / CM=Office of the City Manager / ED=Economic Development / EM=Emergency Management / EN=Environmental and Sustainability / FD=Fire Dept. / FM=Fleet Management / FN=Finance / GIA= Grants and Intergovernmental Affairs / HCS=Housing and Community Services / HR=Human Resources / IA=Internal Audit / IT=Information Technology / OMB=Office of Management and Budget / Mayor's Office=MO / MC=Marketing and Communications / ODPI = Organizational Development Performance Initiatives / PK=Parking / P&R=Parks and Recreation / PL=Planning / PD=Police / PR=Procurement / PM=Property Management / PW=Public Works / TC=Tourism and Culture / TR=Transportation and Mobility**

**D-Deferred; W-Withdrawn; O/C-Open & Continued; SM-Supplemental; AM-Addendum; T-Tabled**

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael E. Granado, City Clerk  
DATE: February 26, 2020

SUBJECT: CITY COMMISSION AT-LARGE NOMINATIONS - RELEASE(S).

---

### **ANALYSIS**

Please visit this page regularly to view the attachment(s) listing current information about applicants that have been nominated for appointment.

### **Applicable Area**

Not Applicable

**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 Clerk





**COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael E. Granado, City Clerk  
DATE: February 26, 2020

SUBJECT: ADVERTISEMENTS

**Applicable Area**

Not Applicable

**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 Clerk

**ATTACHMENTS:**

**Description**

▣ Ad

# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS FEBRUARY 26, 2020

**NOTICE IS HEREBY** given that the following public hearings will be heard by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chamber, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **February 26, 2020**, at the times listed, or as soon thereafter as the matter can be heard:

### **5:01 p.m. Public Hearing**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING A REVISED PRELIMINARY REPORT SET FORTH AS AN EXHIBIT TO THE COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION, CONCERNING A FINDING OF NECESSITY FOR THE REDEVELOPMENT OF A CERTAIN GEOGRAPHIC AREA LOCATED WITHIN THE CITY OF MIAMI BEACH, DESCRIBED GENERALLY AS BEING BOUNDED ROUGHLY BY 87TH TERRACE TO THE NORTH, 65TH STREET TO THE SOUTH, THE ATLANTIC OCEAN TO THE EAST, AND RUE NOTRE DAME TO THE WEST, AS SHOWN ON THE MAP SET FORTH IN "EXHIBIT A" HERETO, AND REQUESTING MIAMI-DADE COUNTY TO DECLARE SAID AREA AS A BLIGHTED AREA AND DELEGATE REDEVELOPMENT POWERS TO THE CITY OF MIAMI BEACH IN ACCORDANCE WITH PART III OF CHAPTER 163, FLORIDA STATUTES, SO AS TO PERMIT THE CITY OF MIAMI BEACH TO ESTABLISH A COMMUNITY REDEVELOPMENT AGENCY FOR THE AFORESAID AREA. *This Resolution is being heard pursuant to Section §166.041 F.S. Inquiries may be directed to the Economic Development Department at 305.673.7577.*

### **5:02 p.m. Second Reading Public Hearing**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ALCOHOLIC BEVERAGES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," TO PROHIBIT THE SALE AND/OR SERVING OF ANY ALCOHOLIC BEVERAGE(S) BEYOND 2 A.M., FOR A DEFINED PERIOD OF TIME IN THE MONTH OF MARCH, BY ANY ALCOHOLIC BEVERAGE ESTABLISHMENT LOCATED IN THE MXE MIXED USE ENTERTAINMENT DISTRICT (EXCLUDING THAT PORTION OF THE MXE DISTRICT LOCATED BETWEEN 73RD AND 75TH STREETS), OR THAT PORTION OF THE CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT LOCATED BETWEEN PENNSYLVANIA AVENUE AND COLLINS COURT, FROM 5TH STREET TO 16TH STREET; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and §166.041 F.S. Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, 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).

Rafael E. Granado, City Clerk  
City of Miami Beach

Ad 02262020-01