

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: September 11, 2024 10:20 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 102 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "TAXATION," BY AMENDING ARTICLE V, ENTITLED "LOCAL BUSINESS TAX," BY CREATING SECTION 102-368.1 THEREOF, ENTITLED "POSTING OF CONDITIONAL USE PERMIT (CUP) DECAL," TO REQUIRE ANY BUSINESS OPERATING PURSUANT TO AN ACTIVE CONDITIONAL USE PERMIT TO POST A DECAL, ISSUED BY THE CITY, INDICATING THAT THE BUSINESS HAS AN ACTIVE CONDITIONAL USE PERMIT (CUP), AND PROVIDING INFORMATION ON HOW THE APPROVED CUP MAY BE ACCESSED VIA THE INTERNET; AND BY AMENDING APPENDIX A TO THE CITY CODE, ENTITLED "FEE SCHEDULE," TO CREATE A FEE TO OBTAIN THE REQUIRED DECAL; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

BACKGROUND/HISTORY

Pursuant to the request of Vice-Mayor Alex J. Fernandez, the attached Ordinance has been placed on the September 11, 2024 City Commission meeting agenda for Second Reading/Public Hearing. The Ordinance was approved at First Reading on July 24, 2024.

Currently, pursuant to City Code Section 102-368, each business operator in the City is required to post a business tax receipt ("BTR") in a conspicuous place, so that it is visible to the City, upon inspection, and to members of the public.

Under the Land Development Regulations, certain uses are classified as "conditional uses," requiring conditional use permit (CUP) approval from the Planning Board. As part of each CUP approval, the Planning Board is authorized to impose conditions to ensure the business operates in a manner consistent with the Code, and to mitigate the potential impacts of the use on neighboring properties. Each CUP, including any conditions of approval, is memorialized in a detailed written order.

ANALYSIS

This Ordinance amends the City Code to require businesses to post a decal, issued by the City, indicating that the business has an active CUP, and providing information on how the approved CUP may be accessed via the internet. This may include a link, bar code, QR code, or other machine-readable code linking to the full text of the approved CUP.

This Ordinance will enhance transparency relating to each business operation and its conditions of approval, and will allow the public to verify that the business is operating consistent with its approval. By enhancing transparency, this Ordinance will also promote accountability and improve compliance with CUP approvals.

The Ordinance has been revised for Second Reading to provide for a one-time fee in the amount of \$10.00 for each business operating pursuant to a CUP. The purpose of the fee is to cover the City's administrative costs and the cost of printing each decal.

FISCAL IMPACT STATEMENT

If this Ordinance is adopted at First Reading, the Administration will provide an estimated fiscal impact prior to Second Reading.

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on 8/23/2024. See BIE at:
<https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

CONCLUSION

If the Ordinance is adopted at First Reading, a Second Reading/Public Hearing will be scheduled on July 24, 2024.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s): N/A

Department

City Attorney

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Commissioner Joseph Magazine
Commissioner Tanya K. Bhatt