

R5 D ELIMINATE THE 0.5 FAR BONUS FOR HOTELS IN THE CD-2 DISTRICT
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF
MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF
MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS
AND REGULATIONS," ARTICLE 11, "DISTRICT REGULATIONS," SECTION 7.2.11,
"CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION
7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-2)," TO ELIMINATE
THE FLOOR AREA RATIO BONUS FOR HOTEL USES IN THE CD-2 DISTRICT
ALONG ALTON ROAD, NORMANDY DRIVE, 71 STREET, AND COLLINS AVENUE
NORTH OF 63 STREET; AND PROVIDING FOR CODIFICATION, REPEALER,
SEVERABILITY, AND AN EFFECTIVE DATE.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Member of the City Council

FROM: Interim City Manager Rickelle Williams

DATE: July 24, 2024 10:30 a.m. Second Reading Public Hearing

TITLE: ELIMINATE THE 0.5 FAR BONUS FOR HOTELS IN THE CD-2 DISTRICT
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE 11, "DISTRICT REGULATIONS," SECTION 7.2.11, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-2)," TO ELIMINATE THE FLOOR AREA RATIO BONUS FOR HOTEL USES IN THE CD-2 DISTRICT ALONG ALTON ROAD, NORMANDY DRIVE, 71 STREET AND COLLINS AVENUE NORTH OF 63 STREET; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends the Mayor and City Commission adopt the ordinance.

BACKGROUND/HISTORY

On December 13, 2023, at the request of Commissioner Alex Fernandez, the City Commission referred a discussion (item C4 N) pertaining to the 0.5 floor area ratio (FAR) bonus available to hotel uses in the CD-2 zoning district to the Land Use and Sustainability Committee (LUSC). Commissioners Tanya K. Bhatt, Joseph Magazine and David Suarez are the co-sponsors of the item.

On March 5, 2024, the LUSC discussed the item and recommended that the City Commission refer an ordinance amendment to the Planning Board to repeal the 0.5 FAR bonus for hotels in the CD-2 district along Alton Road, as well as in the North Beach CD-2 districts in Normandy Isle and along Collins Avenue. The LUSC continued the discussion pertaining to the 0.5 FAR bonus for hotels located in the CD-2 district along Collins Avenue south of 20th Street and Washington Avenue to the June 10, 2024 meeting.

On April 3, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred an amendment to the Land Development Regulations of the City Code (LDRs) to the Planning Board to eliminate the 0.5 FAR bonus for hotels in in certain CD-2 districts (item C4 B).

ANALYSIS

Pursuant to Section 7.2.11.3 of the LDRs, the maximum FAR in the CD-2, commercial medium intensity, zoning district, is 1.5. However, "when more than 25 percent (25%) of the total area of a building is used for residential or hotel units," the maximum FAR is 2.0. The attached draft ordinance removes the 0.5 FAR bonus for a site containing a hotel unit, suite hotel unit or hostel in CD-2 districts along Alton Road, Normandy Drive / 71st Street and Collins Avenue in North Beach.

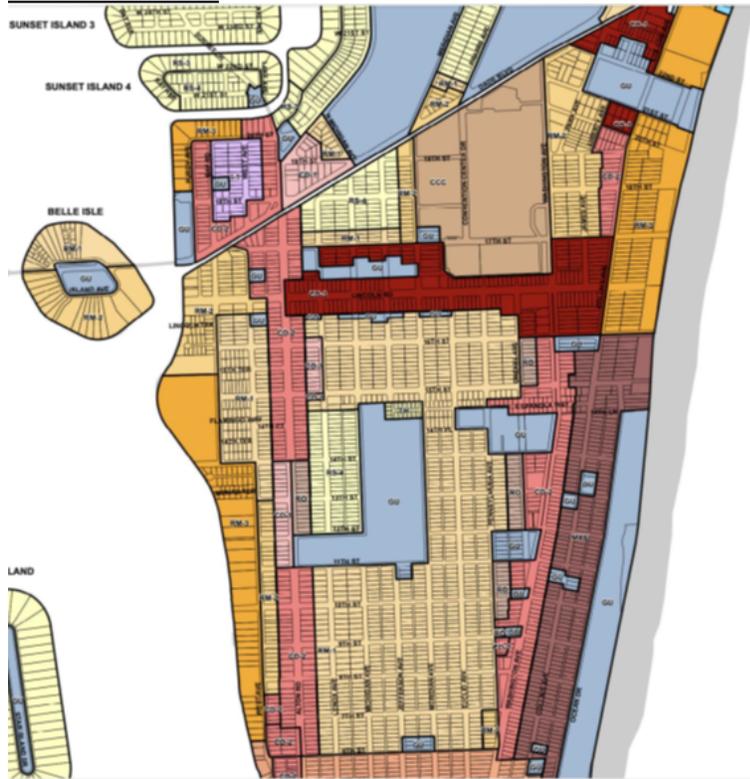
The proposed ordinance excludes the CD-2 districts on Collins Avenue south of 20th Street, as well as on Washington Avenue. The LUSC continued the discussion regarding these areas and will be providing a separate recommendation to the City Commission.

The zoning maps below show the CD-2 districts in North Beach and South Beach.

NORTH BEACH



SOUTH BEACH



The purpose of the proposed ordinance is to incentivize more residential units within the CD-2 districts.

PLANNING BOARD REVIEW

On May 28, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (6-0). By separate motion (6-0) the Planning Board also recommended that the City Commission further study setting a maximum unit size for future residential development.

UPDATE

The subject ordinance was approved at First Reading on June 26, 2024, with no changes.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

Does this Ordinance require a Business Impact Estimate? No
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on 7/5/2024. See BIE at:
<https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

The Administration recommends the Mayor and City Commission adopt the ordinance.

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):

Department

Planning

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Commissioner Tanya K. Bhatt
Commissioner Joseph Magazine
Commissioner David Suarez

Eliminate .5 FAR Bonus for Hotels in CD-2 Districts
ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," SECTION 7.2.11, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-2)," TO ELIMINATE THE FLOOR AREA RATIO BONUS FOR HOTEL USES IN THE CD-2 DISTRICT ALONG ALTON ROAD, NORMANDY DRIVE, 71 STREET AND COLLINS AVENUE NORTH OF 63 STREET; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the CD-2 commercial, medium intensity district provides for commercial activities, services, offices, and related activities which serve the entire City; and

WHEREAS, the Land Development Regulations incentivize diverse combinations of residential lifestyles and unique commercial services in mixed-use development, in certain neighborhoods; and

WHEREAS, as a general rule, the maximum floor area ratio (FAR) in the CD-2 district is 1.5; and

WHEREAS, as applicable to mixed-use buildings in the CD-2 commercial, medium intensity district, Section 7.2.11.3 of the Resiliency Code provides that when more than 25 percent of the total area of a building is used for residential or hotel units, a bonus of 0.5 FAR may be utilized, for a total FAR of 2.0; and

WHEREAS, the City Commission wishes to encourage more residential development (to address the City's housing needs); and

WHEREAS, the City Commission also wishes to preserve the character of CD-2 neighborhoods by limiting the number of hotels that are built; and

WHEREAS, based on the foregoing, the Mayor and City Commission desire to remove the current FAR bonus for hotel uses (while retaining the FAR bonus for residential development) in certain CD-2 zoning districts.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 7, entitled "Zoning Districts and Regulations, Article II, entitled "District Regulations," at Section 7.2.11, "CD-2 Commercial, Medium Intensity District," is hereby amended as follows:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE II. DISTRICT REGULATIONS

* * *

7.2.11. CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

7.2.11.3 Development Regulations (CD-2).

- a. The development regulations in the CD-2 commercial, medium intensity district are as follows:
 - i. The tower setback shall not be less than the pedestal setback.
 - ii. Parking lots and garages: If located on the same lot as the main structure the setbacks below shall apply. If primary use the setbacks are listed in Section 7.5.3.2.n.

DEVELOPMENT REGULATIONS TABLE (CD-2)	
Maximum FAR	1.5 (5)
<u>Maximum FAR for Mixed Use Buildings</u> (When more than 25 percent (25%) of the total area of a building is used for residential, residential office, or hotel units)	2.0 (5) (9)(10)
Maximum Density (Dwelling Units Per Acre)	100 DUA (80% bonus for workforce or affordable units)

* * *

1. Except as provided in Section 7.5.2.
2. An additional 5 feet of height is allowed if the nonresidential first habitable level has a minimum ceiling height of 14 feet above DFE.
3. Except that the building height shall be limited to 25 feet within 50 feet from the rear property line for lots abutting an alley; and within 60 feet from a residential district for blocks with no alley.

4. Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing nonconforming side and rear pedestal setbacks.
5. Notwithstanding the above regulations, the maximum floor area ratio (FAR) for self-storage warehouses shall be 1.5. The floor area ratio provision for mixed use buildings on this table shall not apply to self-storage warehouse development.
6. For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above-described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons. In addition, the minimum hotel unit size for a property formerly zoned HD is 250 square feet, provided that the property does not exceed 25,000 square feet as of March 23, 2019.
7. The number of units may not exceed the maximum density set forth in the comprehensive plan.
8. Developments located in zoning districts that do not prohibit the short-term rental of residential apartment units shall be eligible for an exemption from the average unit size requirements established above, subject to the following conditions:
 - Density. The development shall not be permitted to exceed the maximum residential density established in the Comprehensive Plan or Land Development Regulations.
 - Minimum Unit Size. This incentive shall not be construed to permit any unit that is smaller than the minimum allowable unit size for the type of unit being proposed.
 - Covenant. In order to be eligible for this voluntary average unit size incentive, the property owner, at the owner's sole discretion, shall voluntarily execute a restrictive covenant running with the land, in a form approved by the City Attorney, affirming that in perpetuity no residential units on the property shall be leased or rented for a period of less than six months and one day.
9. Notwithstanding the above regulations, new development or redevelopment of residential office units may only be eligible for the floor area ratio applicable to mixed use buildings in the event that the property owner voluntarily elects, at the owner's sole discretion, to execute a restrictive covenant running with the land, in a form approved by the city attorney affirming that, in perpetuity, none of the residential office units on the property shall be leased or rented for a period of less than six months and one day.
10. The 0.5 floor area ratio (FAR) bonus (for a total FAR of 2.0) for Mixed Use Buildings (as defined in the table) shall only apply to properties located on Washington Avenue and Collins Avenue south of 63rd Street. For all other CD-2 properties, the maximum FAR for a site containing a hotel unit, suite hotel unit or hostel, shall be 1.5 and the FAR provision for a mixed-use building on this table shall not apply to a site containing a hotel unit, suite hotel unit or hostel.

SECTION 2. REPEALER.

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

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2024.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney NK Date 6/17/2024

First Reading: June 26, 2024
Second Reading: July 24, 2024

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

Maduro played a hands-on role in Venezuela's drug cartel, unsealed indictment says

By ANTONIO MARIA DELGADO
ad@delgado@miamiherald.com

He might not have been among the first officials asked to participate when late President Hugo Chavez decided to get into the drug business, but current ruler Nicolas Maduro ended up playing a leading role and exerting great influence in the Cartel de Los Soles as his power inside Venezuela grew, according to a newly unsealed federal indictment.

A previously sealed indictment introduced in a federal court in New York against leaders of the Venezuelan drug cartel alleges Maduro's involvement in the drug trade was more extensive than previously thought, and he eventually became one of the top bosses of the organization.

Maduro "helped manage and, ultimately, lead the Cartel de Los Soles as he gained power in Venezuela," the indictment reads.

While officially charged in the U.S. in 2020 as being one of the Venezuelan officials responsible for turning the country into a drug-trafficking state, the prevalent view has been that Maduro played a minor role in the cartel, with the leadership of the organization frequently being attributed to former National Assembly Presi-

dent Diosdado Cabello and his now disgraced rival, former Vice President Tarek El Aissami.

Maduro's name does not often appear in court documents describing the initial meetings held by Chavez with his top lieutenants as he moved to set up a partnership with the guerrilla group Revolutionary Armed Forces of Colombia, FARC, to ship cocaine to the United States.

But Maduro's influence in the cartel grew following Chavez's death as he assumed the Venezuelan presidency and as the interests of the drug-trafficking operations began to intertwine with the matters of state, court documents show.

The FARC, which eventually entered into a peace process with the Colombian government, was for many years considered one of the largest producers of cocaine in the world.

The U.S. State Department placed the annual volume of the drug transiting through Venezuela at more than 250 tons. Experts believe the current volume going out of Venezuela doubles that amount.

The Venezuelan regime has two key reasons for entering the drug trade, the indictment says.

"The Cartel de Los Soles sought not only to enrich its members and enhance

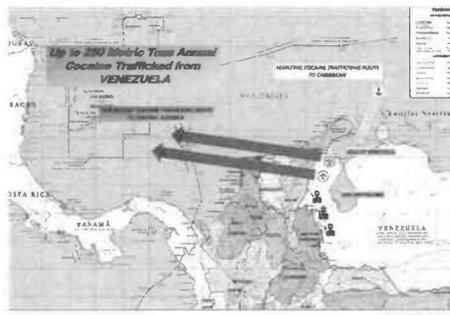
their power, but also to 'flood' the United States with cocaine and inflict the drug's harmful and addictive effects on users in this country," the document says.

The previously sealed indictment says Maduro participated in negotiations to secure multi-ton shipments of cocaine from the FARC in exchange for the delivery of money and weapons to the guerrilla group.

U.S. officials also accuse him of coordinating with the authorities of Honduras and other Central American countries for the uninterrupted passage of drug shipments heading toward the United States.

Those efforts helped set up an "air bridge" of drugs in the region. The State Department reported that 75 flights of small planes suspected of carrying drug loads were detected in Honduran airspace in 2010 alone. But flights are just one of several methods used by the cartel; a large portion is shipped by speedboats on established routes through the Caribbean.

"The maritime shipments were shipped north from Venezuela's coastline using go-fast vessels, fishing boats, and container ships. Air shipments were often dispatched from clandestine airstrips, typ-



Estimates by the U.S. Department of Justice say the annual volume of drugs passing through Venezuela by 2020 was around 220 tons.



JUAN BARRETO AP Photo/Getty Images/PAZ Jan. 10, 2020

NICOLAS MADURO HELPED MANAGE AND, ULTIMATELY, LEAD THE CARTEL DE LOS SOLES, THE INDICTMENT READS.

Maduro's nephews, raised by first lady Cilia Flores, were arrested in 2015 in a DEA sting for attempting to export 800 kilos of cocaine to the United States. They were extradited and found guilty the following year and were sentenced to 18 years.

The nephews, who were released in 2022 as part of a prisoner swap with Venezuela, had told DEA informants during a sting operation that they had sought to obtain \$20 million to help finance Flores' election campaign to the Venezuelan National Assembly.

Their aim was political in nature, they claimed in the recorded conversations.

While describing Maduro as their father, one of the nephews said "what we want is for him to take control again of the National Assembly," which was at the time controlled by the opposition.

After the arrests, two of the DEA informants involved in the sting were murdered.

Antonio Maria Delgado: 305-376-2180 @DelgadoAntonioM

CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING
COLLINS CANAL HISTORIC SITE DESIGNATION
ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS BY DESIGNATING THE COLLINS CANAL, LOCATED BETWEEN BISCAYNE BAY AND LAKE PANCOAST, AS A HISTORIC SITE TO BE KNOWN AS "COLLINS CANAL"

JULY 24, 2024
CITY COMMISSION MEETING

NOTICE IS HEREBY GIVEN that on July 24, 2024, at 5:00 p.m., or as soon thereafter as the matter can be heard, the Mayor and City Commissioners of the City of Miami Beach will hold a Second Reading/Public Hearing on the following proposed Ordinance:

COLLINS CANAL HISTORIC SITE DESIGNATION

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 2 OF THE RESILIENCY CODE, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE III, ENTITLED "HISTORIC PRESERVATION," SECTION 2-13.1, ENTITLED "HISTORIC DESIGNATIONS," AT SUBSECTION (E)(I), ENTITLED "HISTORIC PRESERVATION SITES (HPS)," BY DESIGNATING THE COLLINS CANAL, LOCATED BETWEEN BISCAYNE BAY AND LAKE PANCOAST AS AN HISTORIC SITE TO BE KNOWN AS "COLLINS CANAL," AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING THAT THE CITY'S ZONING MAP SHALL BE AMENDED TO INCLUDE THE COLLINS CANAL AS AN HISTORIC SITE, ADOPTING THE DESIGNATION REPORT ATTACHED HERETO AS APPENDIX "A"; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE. This Ordinance is being heard pursuant to Chapter 2, Article IV of the Resiliency Code. Inquiries may be directed to the Planning Department at 305.673.7550.

During the July 24, 2024, Commission Meeting, the City of Miami Beach will host a Hybrid Commission Meeting. During the Hybrid Commission Meeting, the City Commission will be physically present in the Commission Chamber, located at 1700 Convention Center Drive, 3rd Floor, Miami Beach, Florida 33139.

Members of the public who wish to attend this Commission Meeting or provide public comment in person may appear at the Commission Chamber. Applicants and members of the public who wish to participate or provide comment virtually during the Commission Meeting may join the webinar at <https://www.miamibeachfl.gov/agenda> and clicking the comment bubble icon in the "Current and Upcoming Meetings" section or by emailing CityClerk@miamibeachfl.gov with the Agenda Item Number in the subject line. Comments received, will be accepted until 5:00 p.m. the day before the meeting. All submissions will be forwarded to the Mayor and Commissioners and included in the meeting record.

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

Pursuant to Section 285.0105, Fla. Stat., the City hereby advises the public that if a person desires to appeal any decision made by the City Commission concerning 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 an 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. In-text users may call via 711 (Florida Relay Service).

The City Commission Meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on BreezeLine Cable channel 860, AT&T U-verse channel 39, NowTV Communications channel 395, and Roku device on PEG-TV channel, and on social media at <https://www.facebook.com/cityofmiamibeach>.

To review the Business Impact Estimates for the above proposed Ordinance, please visit <https://www.miamibeachfl.gov/civ/hall/civ/civ/civ/Agenda>.

Parking
Meeting attendees can park at the City Hall Garage, 1755 Meridian Avenue, Miami Beach, FL 33139

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

AD: 07242024-10

CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING
ELIMINATE THE 0.5 FAR BONUS FOR HOTELS IN THE CD-2 DISTRICT
AN ORDINANCE AMENDING THE RESILIENCY CODE TO ELIMINATE THE FLOOR AREA RATIO (FAR) BONUS FOR HOTEL USES IN THE CD-2 DISTRICT ALONG ALTON ROAD, NORMANDY DRIVE, 71 STREET, AND COLLINS AVENUE NORTH OF 63 STREET

JULY 24, 2024
CITY COMMISSION MEETING

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ELIMINATE THE 0.5 FAR BONUS FOR HOTELS IN THE CD-2 DISTRICT

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