

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

**A RESOLUTION BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER AND WAIVING, BY 5/7THS VOTE, PURSUANT TO CITY CODE SECTION 118-162, THE FEES AND COSTS ASSOCIATED WITH THE CITY'S REVIEW OF THE PROPOSED ORDINANCE PERTAINING TO THE WOLFSONIAN ARTS DISTRICT, WHICH ORDINANCE WAS REFERRED TO THE PLANNING BOARD ON MAY 13, 2020, ON THE BASIS THAT THE PROPOSED AMENDMENT WAS REQUESTED BY A NON-PROFIT ORGANIZATION FOR PROPERTY OWNED BY SUCH ORGANIZATION, AND THE REQUEST DEMONSTRATES THAT A PUBLIC PURPOSE IS ACHIEVED BY ENACTING THE AMENDMENT.**

**WHEREAS**, City Code Section 118-162(c)(2) provides that, "[i]f an application [to amend the land development regulations or comprehensive plan] is filed by, or on behalf of, a private applicant, the applicant shall be required to pay all applicable planning department fees and costs associated with the application. An application shall not be heard by the planning board or city commission unless and until the application is complete and all applicable fees and costs have been paid"; and

**WHEREAS**, pursuant to City Code Section 118-162(c)(3), "[t]he fees and costs associated with an application filed pursuant to this section may be waived by a five-sevenths vote of the city commission, based upon one or more of the following circumstances:

(i) The city manager determines, in writing, that the proposed amendment is necessary due to a change in federal or state law, and/or to implement best practices in urban planning;

(ii) Upon written recommendation of the city manager acknowledging a documented financial hardship of a property owner(s) or developer(s); and/or

(iii) If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment"; and

**WHEREAS**, on May 13, 2020, pursuant to Agenda Item C4B, the Mayor and City Commission referred an Ordinance to the Planning Board pertaining to a request to create a zoning district overlay applicable to the Wolfsonian Museum campus in South Beach (the "Wolfsonian Arts District"); and

**WHEREAS**, the proposed Ordinance amends Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," by creating an overlay specific to the Wolfsonian Museum campus in South Beach; and

**WHEREAS**, the property subject to the proposed Ordinance is owned by Florida International University (FIU), a non-profit educational organization; and

**WHEREAS**, the general purpose of the Ordinance is to allow the Wolfsonian to reconfigure and expand its educational and cultural facilities, which are open to the public; and

**WHEREAS**, accordingly, the subject request demonstrates that a public purpose would be achieved by enacting the Ordinance.

**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 accept the recommendation of the City Manager and waive, by 5/7ths vote, pursuant to City Code Section 118-162, the fees and costs associated with the City's review of the proposed Ordinance pertaining to the Wolfsonian Arts District, which Ordinance was referred to the Planning Board on May 13, 2020, and finding that (i) the subject property is owned by Florida International University (FIU), a non-profit educational organization, and (ii) the request demonstrates that a public purpose is achieved by enacting the amendment.

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

**ATTEST:**

\_\_\_\_\_  
Rafael Granado  
City Clerk

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

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

*Dan Gelber* 6-12-20  
City Attorney NK Date