

**COLLINS AVENUE GU LOTS – CONCURRENCY EXEMPTION AND DEVELOPMENT  
WAIVER LDR AMENDMENT**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 122, ENTITLED "CONCURRENCY MANAGEMENT," SECTION 122-5, ENTITLED "EXEMPTIONS FROM CONCURRENCY" TO ALLOW THE CITY COMMISSION TO WAIVE USES ON LOTS WITH A GU ZONING DESIGNATION FRONTING COLLINS AVENUE BETWEEN 79<sup>TH</sup> STREET AND 87<sup>TH</sup> STREET FROM CONCURRENCY REQUIREMENTS BY RESOLUTION; BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, ENTITLED "DISTRICT REGULATIONS", DIVISION 9, ENTITLED "GU GOVERNMENT USE DISTRICT," IN ORDER TO ALLOW THE CITY COMMISSION TO WAIVE DEVELOPMENT REGULATIONS FOR PRIVATE USES APPROVED BY THE CITY COMMISSION FOR A PERIOD OF 10 YEARS OR LESS ON GU LOTS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach seeks to activate the city-owned "West Lots" generally located west of Collins Avenue between 79<sup>th</sup> Street and 87<sup>th</sup> Street; and

**WHEREAS**, the City of Miami Beach seeks to allow private commercial uses for periods of 10 years or less on a block of the West Lots in order to encourage economic development in North Beach; and

**WHEREAS**, in order to encourage commercial uses that will exist for periods of less than 10 years, waivers from the development regulations will be necessary; and

**WHEREAS**, exemptions from concurrency requirements will encourage the development of commercial uses that will exist for periods of less than 10 years; and

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

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

**SECTION 1.** That Chapter 122, entitled "Concurrency Management," Section 122-5, entitled "Exemptions from concurrency," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 122**

**CONCURRENCY MANAGEMENT**

**Sec. 122-5. - Exemptions from concurrency.**

The following types of development are not required to obtain a preliminary concurrency determination or a final concurrency reservation certificate:

\* \* \*

- (11) Uses located on lots with a GU zoning designation fronting Collins Avenue between 79<sup>th</sup> Street and 87<sup>th</sup> Street, as determined by the city commission by resolution.

**SECTION 2.** That Chapter 142, entitled "Zoning Districts and Regulations", Article II, entitled "District Regulations", Division 9, entitled "GU Government Use District" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**Chapter 142  
Zoning Districts and Regulations**

\* \* \*

**Article II District Regulations**

**Division 9 - GU Government Use District**

**Sec. 142-425. - Development regulations.**

\* \* \*

- (d) Following a public hearing, the development regulations required by these land development regulations, except for the historic preservation and design review processes, may be waived by a five-sevenths vote of the city commission for developments pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes. Notwithstanding the above, no GU property may be used in a manner inconsistent with the comprehensive plan. In all cases involving the use of GU property by the private sector, or joint government/private use, development shall conform to all development regulations in addition to all applicable sections contained in these land development regulations and shall be reviewed by the planning board prior to approval by the city commission. All such private or joint government/private uses are allowed to apply for any permittee variances ~~Private or joint government/private uses~~ and shall not be eligible to waive any regulations as described in this paragraph. ~~except for~~ However, not-for-profit, educational, or cultural organizations as set forth herein, or private uses approved by the City Commission for a period of 10 years or less, shall be eligible for a City Commission waiver of development regulations as

described in this paragraph, except for the historic preservation and design review processes.

**SECTION 2. REPEALER**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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.

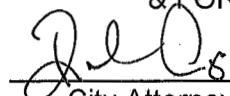
**PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.**

\_\_\_\_\_  
Philip Levine, Mayor


**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

 7/7/17  
\_\_\_\_\_  
City Attorney Date

First Reading: July 26, 2017  
Second Reading: September 13, 2017

Verified By:   
\_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director