

**NORTH BEACH GU LOTS – WAIVER OF DRB PROCESS**

**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 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, ENTITLED "DISTRICT REGULATIONS", DIVISION 9, ENTITLED "GU GOVERNMENT USE DISTRICT," BY AMENDING SECTION 142-425, ENTITLED "DEVELOPMENT REGULATIONS" TO ALLOW THE CITY COMMISSION TO WAIVE THE DESIGN REVIEW PROCESS FOR TEMPORARY USES ON LOTS WITH A GU ZONING DESIGNATION FRONTING COLLINS AVENUE BETWEEN 79<sup>TH</sup> STREET AND 87<sup>TH</sup> STREET; 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**, the City Commission desires to exempt said lots from the Design Review Process for those uses that will exist for periods of less than 10 years within the West Lot Area; 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.** 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:

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

- (a) The development regulations (setbacks, floor area ratio, signs, parking, etc.) in the GU government use district shall be the average of the requirements contained in the surrounding zoning districts as determined by the planning and zoning director, which shall be approved by the city commission.

- (b) Upon the sale of GU property, the zoning district classification shall be determined, after public hearing with notice pursuant to Florida Statutes, by the city commission in a manner consistent with the comprehensive plan. Upon the expiration of a lease to the city or other government agency, the district shall revert to the zoning district and its regulations in effect at the initiation of the lease.
- (c) Setback regulations for parking lots and garages when they are the main permitted use are listed in subsection 142-1132(n).
- (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 and shall not be eligible to waive any regulations as described in this paragraph. However, not-for-profit, educational, or cultural organizations as set forth herein, ~~or private uses on the GU lots fronting Collins Avenue between 79<sup>th</sup> and 87<sup>th</sup> Streets 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. Additionally, private uses on the GU lots fronting Collins Avenue between 79<sup>th</sup> and 87<sup>th</sup> Streets approved by the City Commission for a period of less than 10 years shall be eligible for a City Commission waiver of the development regulations as described in this paragraph, for temporary structures only. Such waivers applicable to the GU lots fronting Collins Avenue between 79<sup>th</sup> and 87<sup>th</sup> Streets may include, but not be limited to, the design review process, provided the City Commission, as part of the waiver process, evaluates and considers all applicable Design Review requirements and criteria in Chapter 118 of the Land Development Regulations.

## **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 \_\_\_\_\_, 2018.

**ATTEST:**

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

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

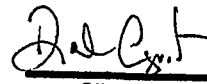
(Sponsored by: Commissioner Ricky Arriola)

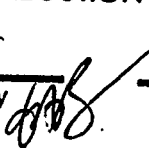
First Reading: April 11, 2018

Second Reading: May 16, 2018

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

 3-26-18  
\_\_\_\_\_  
Date