

CONCURRENCY EXEMPTION – GU & CCC DISTRICTS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE, BY AMENDING CHAPTER 122, “CONCURRENCY MANAGEMENT,” BY AMENDING SECTION 122-5, “EXEMPTIONS FROM CONCURRENCY,” TO EXEMPT USES AT THE FOLLOWING CITY-OWNED FACILITIES FROM THE CITY’S CONCURRENCY REQUIREMENTS: THE NORTH SHORE BANDSHELL, THE RONALD W. SHANE WATERSPORTS CENTER, AND THE MIAMI BEACH BOTANICAL GARDEN; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (“City”) Land Development Regulations, at Chapter 122, establish the City’s procedure for concurrency management; and

WHEREAS, Section 122-5 of the City Code creates exemptions from the City’s concurrency requirements for certain developments and uses; and

WHEREAS, such exempt developments and uses are not required to obtain a preliminary concurrency determination or a final concurrency reservation certificate from the City; and

WHEREAS, the Mayor and City Commission desire to amend the list of exemptions from the City’s concurrency requirements, to exempt uses at the following City-owned facilities from the City’s concurrency requirements: the North Shore Bandshell, the Ronald W. Shane Watersports Center, and the Miami Beach Botanical Garden.

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

SECTION 1. Chapter 122, “Concurrency Management,” Section 122-5, “Exemptions from concurrency,” of the Land Development Regulations, is hereby amended to read as follows:

CHAPTER 122 CONCURRENCY MANAGEMENT

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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:

- (1) Any development undertaken by the city that does not require a rezoning, does not increase in intensity, does not have an associated change of use or that increases the city's ability to provide essential services and facilities related to health and safety concerns (fire, police, etc.).
- (2) An application requesting modification(s) of a previously approved development order where the concurrency management division has determined that the impacts on the prescribed levels of service imposed by the requested modification(s) will be no greater than the impacts imposed by the previously approved development order or the previously existing use.
- (3) An application for the renovation of an historic structure, provided that the use of the historic structure is not intensified.
- (4) An application to develop a parcel of land for single family purposes if no change in the zoning map is required to accommodate the development.
- (5) An application for addition, renovation or reconstruction of a residential dwelling that does not increase the number of dwelling units existing or approved for the property.
- (6) An application for the construction of, an addition to or renovation of a guest house, garage apartment or other similar accessory units on parcels zoned to permit such uses.
- (7) An application for a development order for property which is subject to a valid development order approved as a development of regional impact prior to January 1, 2000, pursuant to F.S. Ch. 380.
- (8) A valid, unexpired final development order approved prior to the adoption of this chapter.
- (9) Temporary uses in public rights-of-way, as determined by the City Commission by resolution, specifying geographic areas, criteria, and duration of exemption, where such uses front on or are north of 63rd Street, or on Washington Avenue from 6th Street to Lincoln Road.
- (10) Uses at the North Shore Bandshell, the Ronald W. Shane Watersports Center, and the Miami Beach Botanical Garden.

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 renumbered or relettered 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 _____, 2016.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: _____, 2016

Second Reading: _____, 2016

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

Underscore denotes new language
~~Strike through~~ denotes deleted language

(Sponsored by Commissioner Michael Grieco)