

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING PURSUANT TO SECTION 142-425 OF THE CITY'S LAND DEVELOPMENT REGULATIONS (LDR), THE WAIVER OF CERTAIN REGULATIONS APPLICABLE TO THE CITY OWNED "WEST LOTS," FOR "NORTH BEACH YARD," TO BE LOCATED AT 8108-8140 COLLINS AVENUE, MIAMI BEACH, FLORIDA; WAIVING BY A 5/7TH VOTE OF THE CITY COMMISSION, AFTER PUBLIC HEARING, THE DEVELOPMENT REGULATIONS IN A GU (GOVERNMENT USE) DISTRICT, WHICH REGULATIONS ARE FOUND AT LDR SECTIONS 142-422, 142-423 AND 142-425, ENTITLED "MAIN PERMITTED USES," "PRIVATE USES," AND "DEVELOPMENT REGULATIONS" IN ORDER TO WAIVE THE REQUIREMENTS AND REVIEW CRITERIA RELATING TO PLANNING BOARD REVIEW OF A CONDITIONAL USE PERMIT FOR A NEIGHBORHOOD IMPACT ESTABLISHMENT (NIE), AND AN OUTDOOR ENTERTAINMENT ESTABLISHMENT (OEE) UNDER LDR SECTIONS 118-192 AND 142-1362; TO WAIVE THE SEA LEVEL RISE AND RESILIENCY CRITERIA OF LDR SECTION 133-7; TO WAIVE THE REQUIREMENT THAT THE DESIGN REVIEW BOARD REVIEW THE DESIGN OF THE NORTH BEACH YARD; AND FOR THE CITY COMMISSION TO REVIEW THE WAIVERS CONSISTENT WITH THE CRITERIA OF LDR SECTION 118-251 (DESIGN REVIEW CRITERIA); IN ORDER TO AUTHORIZE THE OPERATION AND CONSTRUCTION OF A CULTURAL AND ENTREPRENEURIAL HUB, FOR AN OUTDOOR VENUE WITH ENTERTAINMENT, TO BE OPERATED BY NORTH BEACH YARD, LLC.

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

WHEREAS, the City of Miami Beach seeks to allow private commercial uses for periods of less than 10 years on a block of the West Lots, at 8101-8140 Collins Avenue, in order to encourage economic development in North Beach; and

WHEREAS, one of the key intended outcomes for the City of Miami Beach is to enhance cultural and recreational activities and improve alliance with key sectors, namely hospitality, arts, & international business with a focus on enhanced culture, entertainment, & tourism; and

WHEREAS, on September 25th, 2017, the Mayor and City Commission approved an ordinance that created a concurrency exemption for uses located on lots with a GU zoning designation fronting on Collins Avenue between 79th Street and 87th Street (Ord. No. 2017-4128); and

WHEREAS, on November 20, 2017, North Beach Yard, LLC executed an lease agreement with the City of Miami Beach for the property at 8108-8140 Collins Avenue which would allow North Beach Yard LLC to operate and construct a cultural and

entrepreneurial hub for an outdoor venue, with entertainment to be known as the “North Beach Yard;” and

WHEREAS, the proposed North Beach Yard, to be located at 8108-8140 Collins Avenue is located within the Government Use (GU) zoning district and is subject to the City’s Land Development Regulations (LDR); and

WHEREAS, the GU zoning district regulations authorize the City Commission to waive Land Development Regulations under certain conditions; and

WHEREAS, in order to encourage temporary commercial uses, that will enhance North Beach, which uses shall be for a term of less than 10 years, the North Beach Yard leasehold uses shall require the City Commission to waive certain development regulations; and

WHEREAS, pursuant to LDR Section 142-425(d) the City Commission may waive, by five sevenths (5/7ths) vote, following a public hearing, development regulations for “private uses on the GU lots fronting Collins Avenue between 79th and 87th Streets ... for a period of less than 10 years ... for temporary structures only. Such waivers applicable to the GU lots fronting Collins Avenue between 79th and 87th 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 City Code;” and

WHEREAS, as a result of the overall size of the North Beach Yard, the facility meets the threshold of a Neighborhood Impact Establishment (NIE), as the capacity of the facility exceeds 200 persons, and would also be considered an outdoor open air entertainment establishment (OEE) and therefore, the requirements of LDR Section 142-1362 relating to NIE’s and outdoor entertainment, and the Planning Board conditional use approval process of LDR Section 118-162 for said NIEs and OEE uses need to be waived by the City Commission; and

WHEREAS, many of the issues that would be addressed through the conditional use process for an NIE or OEE are already addressed in the lease executed by the City, in which operational standards including hours of operation, prohibited uses, outdoor entertainment parameters, and repercussions of noise violations are specifically addressed; and

WHEREAS, the City Commission will also waive the review requirement for the Design Review Board, but, the City Commission shall review the waivers consistent with the design review criteria of LDR Section 118-251; and

WHEREAS, the City Commission shall also waive the sea level rise and resiliency criteria of LDR Section 133-7, for the temporary use for North Beach Yard, in order to allow the operation and construction of a cultural and entrepreneurial hub, for an outdoor venue with entertainment; and

WHEREAS, although the City Commission is waiving the Planning Board Conditional Use approval process and the Design Review Board hearing, the City Commission, during the public hearing on this waiver request, shall take into consideration, the terms of the underlying temporary use lease, and the design review in determining whether to waive the criteria, and whether to place additional safeguards against the North Beach Yard; and

WHEREAS, many of the programs and events in the North Beach Yard will be free and open to the public; and

WHEREAS, on April 17, 2018, the Planning Board transmitted to the City Commission a favorable recommendation for the waiver requests for the North Beach Yard; and

WHEREAS, the Mayor and City Commission desire to waive the above referenced land development regulations.

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, authorize pursuant to Section 142-425 of the City's Land Development Regulations (LDR), the waiver of development regulations applicable to the City owned "West Lots," for "North Beach Yard," to be located at 8108-8140 Collins Avenue, Miami Beach, Florida; waiving by a 5/7th vote of the City Commission, after public hearing, the development regulations in a GU (Government Use) District, which regulations are found in the Land Development Regulations and are more specifically noted hereto:

1. Waiver of the following applicable development regulations in Chapter 142, at Sections 142-422, 142-423 and 142-425:
 - a. Front, side, sum of the side yard and rear setback requirements for structures.
 - b. Allowable fence heights and fencing material requirements.
 - c. Widths of walkways and decks in required yards.
 - d. Off-Street Parking and Loading space requirements.
 - e. Parking space size and setbacks.
 - f. The location requirements for the storage and parking of commercial vehicles.
 - g. Rear yard open space requirements.
 - h. Yard elevation requirements.
 - i. Lot coverage limitations.
 - j. Non-visibility requirements for outdoor bar counters.
 - k. Hours of operation for an outdoor bar counter adjacent to a residential use.
 - l. Seating requirements for individual establishments selling beer, wine and/or liquor.
 - m. Size, location, and number signs.
 - n. Corner visibility requirements.
 - o. Store enclosure requirements.
 - p. Visibility of mechanical equipment.
 - q. The time span of allowable mobile storage containers.
 - r. Landscape requirements.
 - s. Lot aggregation limitations of the City Code.
2. Waiver of the requirement for Conditional Use Approval (CUP) in Chapter 118 at Section 118-192 and Chapter 142 at Section 142-1362 for:
 - a. Neighborhood Impact Establishments (NIE).
 - b. Outdoor Entertainment Establishment (OEE)

3. Waiver of the requirements for the review of Sea Level Rise and Resiliency review criteria for all Land Use Boards in Chapter 133.
4. Waiver of the requirements for review by the Design Review Board (DRB) in Chapter 118.

PASSED and ADOPTED this ____ day of _____, 2018.

DAN GELBER, MAYOR

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

T:\AGENDA\2018\05 May\Planning\NBY Waiver of Dev Regs - MEMO.docx