

## HISTORIC PRESERVATION REVIEW OF GU HEIGHT WAIVERS

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, "DISTRICT REGULATIONS," DIVISION 9, ENTITLED "GU GOVERNMENT USE DISTRICT," BY AMENDING SECTION 142-425, ENTITLED "DEVELOPMENT REGULATIONS," TO MODIFY THE REVIEW PROCEDURES FOR WAIVERS OF HEIGHT REQUIREMENTS ON LOTS WITH A GU ZONING DESIGNATION; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, the Mayor and City Commission of the City of Miami Beach (the "City") seek to obtain input from applicable land use boards on issues pertaining to height and relationship to building context, pertaining to properties with a government use ("GU") zoning designation; and

**WHEREAS**, the Mayor and City Commission desire to amend the City Code to provide a mechanism for input from the Historic Preservation Board on proposed waivers of height requirements for properties located in GU districts; 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 of the City Code, entitled "Zoning Districts and Regulations," Article II, entitled "District Regulations," Division 9, entitled "GU Government Use District" is hereby amended as follows:

### CHAPTER 142 ZONING DISTRICTS AND REGULATIONS

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### ARTICLE II. DISTRICT REGULATIONS

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### Division 9. GU Government Use District

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#### **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 permitted variances but and shall not be eligible to waive for a waiver of any regulations as described in this paragraph. However, not-for-profit, educational, or cultural organizations as forth herein, 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 79th and 87th Streets approved by the city commission for a period of less than ten 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 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 land development regulations.

If a proposed waiver for eligible GU property under this subsection (d) pertains to building height, and the subject property is located within a local historic district, the city commission shall first refer the proposed height waiver to the historic preservation board, for its review

and in order to obtain the board's advisory recommendation. The historic preservation board shall review and provide an advisory recommendation, within 45 days of such referral, as to whether the city commission should approve such waiver. The board's failure to provide a recommendation to the City Commission within the 45-day period, for any reason whatsoever, shall result in the satisfaction of this recommendation requirement.

## **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 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 \_\_\_\_\_, 2019.

**ATTEST:**

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

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Rafael E. Granado, City Clerk

(Sponsored by: Vice-Mayor Michael Gongora)

First Reading: March 13, 2019

Second Reading: April 10, 2019

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Dal C. S. 3/5/19  
City Attorney Date

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