

**Lincoln Lane North GU Properties – Height Regulations**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY 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 TO CREATE A HEIGHT LIMITATION FOR PRIVATE USES THAT INCORPORATE PUBLIC PARKING SPACES WITHIN THE STRUCTURE, AND THAT ARE OWNED BY THE CITY AND/OR OPERATED FOR THE CITY, IN THE AREA BOUNDED BY 17TH STREET ON THE NORTH, NORTH LINCOLN LANE ON THE SOUTH, ALTON ROAD ON THE WEST, AND WASHINGTON AVENUE ON THE EAST; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission has expressed an interest in diversifying the City's economy and its revenue sources by capitalizing on the economic growth opportunities presented by the current and projected business growth in the region, particularly by making a concerted effort to increase Class A office space inventory throughout the City; and

**WHEREAS**, in furtherance of this objective, on October 9, 2020 the Administration issued a Request for Letters of Interest 2021-029-KB (RFLI) seeking expression of interest from developers interested in building Class A office developments on City-owned land in the City's center area; and

**WHEREAS**, based on the results of the RFLI, on February 19, 2021, the Finance and Economic Resiliency Committee (FERC) recommended that the Administration seek City Commission authorization to prepare a Request for Proposals (RFP) for ground leases and development agreements for the development of Class A office space on the three surface parking lots (P25, P26 and P27) and one structured parking garage (G5); and

**WHEREAS**, on April 8, 2021, the Administration conducted a public industry meeting to promote the RFP and solicit industry input on the proposed projects; and

**WHEREAS**, On June 23, 2021, the Mayor and City Commission approved the issuance of Request for Proposals (RFP) 2021-173-KB for mixed-use developments incorporating Class A office space on City-owned parking lots P25, P26, P27, and parking garage G5, in order to promote the development of Class A office space within the City; and

**WHEREAS**, RFP responses were due and received on January 12, 2022; and

**WHEREAS**, on December 6, 2021, the City Manager appointed the following individuals to serve on an advisory Evaluation Committee to review and score the proposals submitted: Monica Beltran, Director, Parking Department; Ozzie Dominguez, Asset Management Division Director, Facilities and Fleet Management Department; Paul Freeman, Resident, Palm View Neighborhood; David Gomez, Assistant Director, Capital Improvement Projects Department; Rogelio Madan, Chief of Community Planning and Sustainability, Planning Department; Sara

Patino, Treasury Manager, Finance Department; and Lyle Stern, President, Lincoln Road Business Improvement District; and

**WHEREAS**, on February 1, 2022, the Evaluation Committee convened to consider the proposals received and for oral presentations by the bidders for each of the options submitted; and

**WHEREAS**, after reviewing the various proposals submitted, the Evaluation Committee's process and rankings, and the assessments of staff and the City's consultant, the City Manager has determined to proceed with negotiations for the redevelopment for parking lots P25, P26, and P27; and

**WHEREAS**, to ensure adequate replacement of municipal parking and the success of future developments on these City-owned lands, a separate Ordinance amending Chapter 130 of the City Code, entitled "Off-Street Parking," has been drafted to modify the off-street parking requirements for Parking District No. 2, to provide for accessory public parking requirements for developments on City-owned land; and

**WHEREAS**, the required accessory public parking spaces will occupy a significant portion of the building envelope potentially limiting the success of the City's expressed goal of diversifying the City's economy, and increasing Class A office space inventory throughout the City; and

**WHEREAS**, in order to balance the goals of (i) requiring adequate replacement accessory public parking and (ii) diversifying the economy and increasing available Class A office space on these City-owned lands, the City Commission now desires to amend the GU district regulations to provide for additional height to accommodate both the accessory public parking and encourage new class A office space for projects that are approved under a development agreement.

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

**SECTION 1.** Chapter 142, "Zoning Districts and Regulations," at Article II, entitled "District Regulations," at Division 9, entitled "Government Use District," 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.
- (e) Notwithstanding the above, no GU property may be used in a manner inconsistent with the comprehensive plan.
- (f) The following regulations shall apply to the use or development of GU property by entities other than the City:
1. 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 permitted variances but shall not be eligible 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.
  2. In cases involving the use of GU property by the private sector, for developments incorporating public parking spaces within the structure(s), owned by and/or operated by or for the benefit of the City, the permitted building height shall be 100 feet for those sites located within the area bounded by 17<sup>th</sup> Street on the north, North Lincoln Lane on the south, Alton Road on the west, and Washington Avenue on the east.
  3. Additionally, pPrivate 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.
- (g) If a waiver for eligible GU property under this subsection 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 the board's review and to obtain an advisory recommendation as to whether the proposed waiver should be approved or denied. The historic preservation board shall review the proposed waiver and provide an advisory recommendation within 45 days of the referral by the city commission. Notwithstanding the foregoing, the requirement set forth in this paragraph shall be deemed to have been satisfied in the event that the board fails, for

any reason whatsoever, to review a proposed height waiver and/or provide a recommendation to the city commission within the 45-day period following the referral.

(h) When a public hearing is required to waive development regulations before the city commission, the public notice shall be advertised in a newspaper of general paid circulation in the city at least 15 days prior to the hearing. Fifteen days prior to the public hearing date, both a description of the request and the time and place of such hearing shall be posted on the property, and notice shall also be given by mail to the owners of land lying within 375 feet of the property. A five-sevenths vote of the city commission is required to approve a waiver or use that is considered under this regulation.

**SECTION 2. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

**SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**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 \_\_\_\_\_, 2022.

ATTEST:

Dan Gelber, Mayor

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Rafael E. Granado, City Clerk.

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

First Reading: May 4, 2022  
Second Reading: June 22, 2022

  
\_\_\_\_\_  
City Attorney NK 4-22-22  
Date

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