

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING, PURSUANT TO SECTION 142-367 OF THE CITY'S CODE, THE WAIVER OF CERTAIN REGULATIONS APPLICABLE TO THE MIAMI BEACH BOTANICAL GARDEN, LOCATED AT 2000 CONVENTION CENTER DRIVE, MIAMI BEACH, FLORIDA; WAIVING BY A 5/7TH VOTE OF THE CITY COMMISSION, AFTER PUBLIC HEARING, THE DEVELOPMENT REGULATIONS IN A CCC (CONVENTION CENTER) DISTRICT, WHICH REGULATIONS ARE FOUND AT SECTION 142-362 AND 142-363, ENTITLED "MAIN PERMITTED USES," AND "CONDITIONAL USES," IN ORDER TO WAIVE THE REQUIREMENTS RELATING TO A NEIGHBORHOOD IMPACT ESTABLISHMENT AND AN OUTDOOR ENTERTAINMENT ESTABLISHMENT FOR THE CURRENT OPERATION OF A HALL FOR HIRE LOCATED AT THE MIAMI BEACH BOTANICAL GARDEN, OPERATED BY MIAMI BEACH GARDEN CONSERVATORY, INC.

**WHEREAS**, Miami Beach Botanical Garden underwent a planned renovation that included a multi-use activity space and a large lawn area; and

**WHEREAS**, the Miami Beach Garden Conservatory, Inc. is a not-for-profit organization that has had a management agreement with the City since 1997 to manage and maintain the garden; and

**WHEREAS**, the Miami Beach Botanical Garden is free and open to the public; and

**WHEREAS**, one of the Botanical Garden's funding sources is the rental of the facility as a hall for hire to host events such as weddings, receptions, fundraisers, and other community oriented events; 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**, the Miami Beach Botanical Garden is located at 2000 Convention Center Drive within the Convention Center Zoning District (CCC) and is subject to the City's Land Development Regulations; and

**WHEREAS**, as a result of the overall size of the Miami Beach Botanical Garden, the facility meets the threshold of a Neighborhood Impact Establishment (NIE), as the capacity of the facility exceeds 200 persons, and also is an outdoor open air entertainment establishment; and

**WHEREAS**, in the CCC zoning district provides for a waiver of land development regulations under certain conditions; and

**WHEREAS**, pursuant to Section 142-367 of the Land Development Regulations, the City Commission may waive, by five sevenths (5/7ths) vote, following a public hearing, development regulations "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;" and

**WHEREAS**, on September 27, 2016, the Planning Board transmitted to the City Commission a favorable recommendation of the waiver for the Miami Beach Botanical Garden; and

**WHEREAS**, on November 9<sup>th</sup>, 2016, the Mayor and City Commission approved an ordinance that created a concurrency exemption for uses at the city-owned North Beach Bandshell, Ronald W. Shane Watersports Center, and the Miami Beach Botanical Garden (Ordinance No. 2016-4053.); and

**WHEREAS**, the Mayor and City Commission desire to waive the district regulations for the Botanical Garden's events and functions.

**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, pursuant to Section 142-367 of the City's Code, authorize the waiver of certain regulations applicable to Miami Beach Botanical Garden, located at 2000 Convention Center Drive, Miami Beach, Florida; waiving by a 5/7th vote of the City Commission, after public hearing, the development regulations in a CCC (Convention Center) District, which regulations are found at section 142-362 and 142-363, entitled "Main Permitted Uses," and "Conditional Uses," in order to waive the requirements relating to neighborhood impact establishments and outdoor entertainment establishments.


**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

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**PHILIP LEVINE, MAYOR**

**ATTEST:**

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**RAFAEL E. GRANADO, CITY CLERK**

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

1-25-17  
\_\_\_\_\_  
Date

