

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 CODE, THE WAIVER OF CERTAIN REGULATIONS APPLICABLE TO THE NORTH SHORE BANDSHELL, LOCATED AT 7251 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 SECTION 142-422 AND 142-423, ENTITLED "MAIN PERMITTED USES," AND "PRIVATE USES," IN ORDER TO WAIVE THE REQUIREMENTS RELATING TO A NEIGHBORHOOD IMPACT ESTABLISHMENT AND AN OUTDOOR ENTERTAINMENT ESTABLISHMENT FOR THE CURRENT OPERATION OF THE BANDSHELL FACILITY AND A HALL FOR HIRE LOCATED AT THE CITY-OWNED NORTH SHORE BANDSHELL, OPERATED BY THE RYTHEM FOUNDATION INC.

WHEREAS, the North Shore Bandshell was designed, built and constructed as an outdoor entertainment space in 1961; and

WHEREAS, between 2011 and 2014 the North Shore Bandshell and the surrounding park underwent significant renovations; and

WHEREAS, the Rhythm Foundation, Inc. a not-for-profit organization was awarded the management agreement for the facility in 2014; and

WHEREAS, many of the programs and events in the North Beach Bandshell are free and open to the public; and

WHEREAS, one of the North Beach Bandshell's funding sources is the rental of the facility as a hall for hire to host music events 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 North Beach Bandshell is located at 7251 Collins Avenue within the Government Use (GU) zoning district and is subject to the City's Land Development Regulations; and

WHEREAS, as a result of the overall size of the North Shore Bandshell, 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 GU zoning district provides for a waiver of land development regulations under certain conditions; and

WHEREAS, pursuant to Section 142-425(d) 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 June 28, 2016, the Planning Board transmitted to the City Commission a favorable recommendation of the waiver for the North Shore Bandshell; and

WHEREAS, on November 9th, 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 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, pursuant to Section 142-425 (d) of the City's Code, authorize the waiver of certain regulations applicable to North Shore Bandshell, located at 7251 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) Zoning District, which regulations are found at section 142-422 and 142-423, entitled "Main Permitted Uses," and "Private Uses," in order to waive the requirements relating to neighborhood impact establishments and outdoor entertainment establishments.

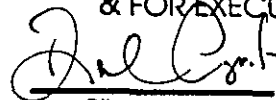
PASSED and ADOPTED this ____ day of _____, 2017.

ATTEST:

PHILIP LEVINE, MAYOR

RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

1-25-17

Date