

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: February 3, 2025 5:02 p.m. Second Reading Public Hearing\*\*

TITLE: CANOPY PARK - ZONING DISTRICT CHANGE  
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 7.2.1.2, ENTITLED "DISTRICT MAP," OF THE MIAMI BEACH RESILIENCY CODE, PURSUANT TO SECTION 2.5.1, ENTITLED "CHANGE TO ZONING DISTRICT BOUNDARIES (REZONING)," BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF LAND LOCATED AT 701 WEST AVENUE, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT ZONING CLASSIFICATION OF CD-2, "COMMERCIAL, MEDIUM INTENSITY," TO GU, "GOVERNMENT USE;" PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission (City Commission) adopt the subject ordinance.

### **BACKGROUND/HISTORY**

On May 15, 2024, at the request of Commissioner Tanya K. Bhatt, the City Commission referred a proposal pertaining to the zoning and future land use designation of Canopy Park (C4 AC) to the Land Use and Sustainability Committee (LUSC) and the Planning Board. On June 10, 2024, the LUSC discussed the item and recommended that the Planning Board approve the proposed ordinances, including a new future land use designation of Recreation Open Space (ROS).

### **ANALYSIS**

As part of the Development Agreement for the 500 Alton Road project (Five Park), the developer designed, constructed, and conveyed a 3.0-acre public park to the City of Miami Beach. The park, located at 701 Alton Road, is a municipal park, operated by the city for the benefit of the public. On August 23, 2022, 82% of the City's electorate voted to name the park as "Canopy Park."

Canopy Park is currently classified on the city zoning map and future land use map as CD-2 (Commercial, Medium Intensity), which is the zoning and future land use classification at the time of the original development agreement. The park is also located within the Alton Gateway overlay.

When the Canopy Park parcel became city owned, the zoning for the property changed to Government Use (GU). In this regard, section 7.2.1.1.b of the LDRs specifies that all city-owned properties are zoned GU, although they may not be designated as such on the zoning map:

#### *Section 7.2.1.1.b*

- 2. GU properties. Except as otherwise provided in section 7.2.16, all city-owned properties are zoned GU although they may not be designated on the map.*

The proposed ordinance would formally amend the zoning map, and re-zone Canopy Park as GU.

The future land use designation of the Canopy Park site is also still commercial, medium intensity and did not automatically convert to another future land use classification. In this regard, the re-classification of the future land use designation of the park to “Recreation and Open Space Including Waterways (ROS)” is proposed as a separate, companion ordinance. The proposed amendment to the Zoning Map is required to be processed concurrently with the companion Future Land Use Map (FLUM) amendment, as they are interrelated; however, separate motions must be made for each application.

### **PLANNING BOARD REVIEW**

On September 24, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (7-0).

### **UPDATE**

The subject ordinance was approved by the City Commission at First Reading on November 20, 2024, with no changes.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact

**Does this Ordinance require a Business Impact Estimate?** Yes  
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 11/5/2024.  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

### **FINANCIAL INFORMATION**

Not Applicable

### **CONCLUSION**

The Administration recommends that the City Commission adopt the subject ordinance.

### **Applicable Area**

South Beach

**Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

Planning

**Sponsor(s)**

Commissioner Tanya K. Bhatt

**Co-sponsor(s)**

**Condensed Title**

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