

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: November 20, 2024 First Reading

TITLE: UNIFIED DEVELOPMENT SITE - LDR TEXT AMENDMENT
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATIVE AND REVIEW PROCEDURES," ARTICLE II, ENTITLED "GENERAL DEVELOPMENT APPLICATION SUBMISSION AND REVIEW," SECTION 2.2.3.4, ENTITLED "UNIFIED DEVELOPMENT SITE," BY INCLUDING REQUIREMENTS FOR THE TRANSFER OF FLOOR AREA FOR PROPERTIES THAT ARE SUBJECT TO THE TERMS OF A DEVELOPMENT AGREEMENT WITH THE CITY AND WHICH CONTAIN PROPERTIES WITH DIFFERENT ZONING CLASSIFICATIONS, AS WELL AS PROPERTIES LOCATED IN THE ALTON ROAD GATEWAY; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) approve the subject ordinance at First Reading and schedule a Second Reading public hearing for January 2025.

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).

A text amendment to Chapter 2 of the Land Development Regulations of the City Code (LDRs) was also proposed and included as part of the recommendation for the proposed re-zoning of the park property. The intent of this text amendment is to address the previous movement of applicable floor area within the Alton Gateway overlay.

ANALYSIS

As part of the Development Agreement for the 500 Alton Road project, 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 general public. On August 23, 2022, 82% of the City's voters 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. Separate, companion ordinances are being proposed to change the zoning district for Canopy

Park to GU (Government Use) and change the future land use classification to ROS (Recreation and Open Space).

This subject ordinance, which is an amendment to Section 2.2.3.4 of the Land Development Regulations of the Code (LDRs) for unified development sites, would allow floor area to be distributed over multiple zoning districts, in accordance with the provisions of an applicable development agreement with the City. When the development agreement creating Canopy Park was approved, the entire overlay was located within the C-PS2, CD-2 and RM-2 zoning districts. Since the maximum FAR (2.0) was the same for a residential use in all three districts, all the available floor area from the portion of the site that is now a public park was moved to other parts of the site to accommodate the new residential tower and the proposed detached retail structure.

The amendment set forth in the attached ordinance will address the distribution of floor area for properties that are subject to the terms a development agreement with the City. This is a companion text amendment to the proposed change in zoning classification and the future land use designation of Canopy Park, which are being considered as separate ordinances.

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).

APPLICATION FEE WAIVER

The subject amendment is proposed on a comprehensive, citywide basis, and not on behalf of a private applicant or third party. Pursuant to section 2.4.1.c of the Land Development Regulations of the City Code, amendments to the City Code require the payment of the applicable fees in section 2.2.3.5, 2.2.3.6, and appendix A to the City Code. These fees may be waived by a five-sevenths (5/7ths) vote of the City Commission, based upon one or more of the following circumstances:

1. The City Commission determines that the proposed amendment is necessary due to a change in federal or state law, or to implement best practices in urban planning, or based on circumstances unique to the proposed amendment.
2. Upon the written recommendation of the City Manager acknowledging a documented financial hardship of a property owner(s) or developer(s).
3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

The Administration recommends that the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

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 the following:

1. The City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for January 2025.
2. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

Applicable Area

Citywide

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

1st Rdg, Unified Development Site - LDR Text Amendment. (Bhatt) PL 5/7