

R5 K 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.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: November 20, 2024 10:15 a.m. First 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) 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).

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).

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

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

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

10:15 a.m. 1st Rdg PH, Canopy Park - Zoning District Change. (Bhatt) PL 5/7

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 OF THE MIAMI BEACH RESILIENCY CODE, ENTITLED "DISTRICT MAP," 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"; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, 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; and

WHEREAS, the park, located at 701 Alton Road, is a municipal park owned and operated by the City for the benefit of the general public; and

WHEREAS, on August 23, 2022, 82% of the City's voters voted to name the park as "Canopy Park"; and

WHEREAS, the Canopy Park property is currently classified on the zoning map and future land use map as CD-2 (commercial, medium intensity), which was the zoning and future land use classification at the time of the original Development Agreement; and

WHEREAS, Section 7.2.1.1.b of the Land Development Regulations (LDRs) specifies that all City-owned properties are zoned GU, although they may not be designated as such on the zoning map; and

WHEREAS, this Ordinance changes the zoning district classification of Canopy Park to GU, Government Use; and

WHEREAS, the amendment set forth below is necessary to formally accomplish the proposed zoning district change.

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

SECTION 1. ZONING MAP AMENDMENT.

The following amendment to the City's zoning map designation for the property described herein is hereby approved and adopted and the Planning Director is hereby directed to make the appropriate changes to the zoning map of the City:

A parcel of land generally located at 701 West Avenue (Miami-Dade County Folio 02-4203-001-0095), of approximately 130,768 square feet (3.002 acres) in size,

as depicted in Exhibit "A," from the current CD-2, "Commercial, Medium Intensity" designation to the proposed designation of GU, "Government Use".

SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the City Commission that the Official Zoning District Map, referenced in Section 7.2.1.2 of the Miami Beach Resiliency Code be amended in accordance with the provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect 31 days after adoption to correspond to the adoption date of the Future Land Use Map of the City's Comprehensive Plan.

PASSED AND ADOPTED this ____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk.

First Reading: November 20, 2024

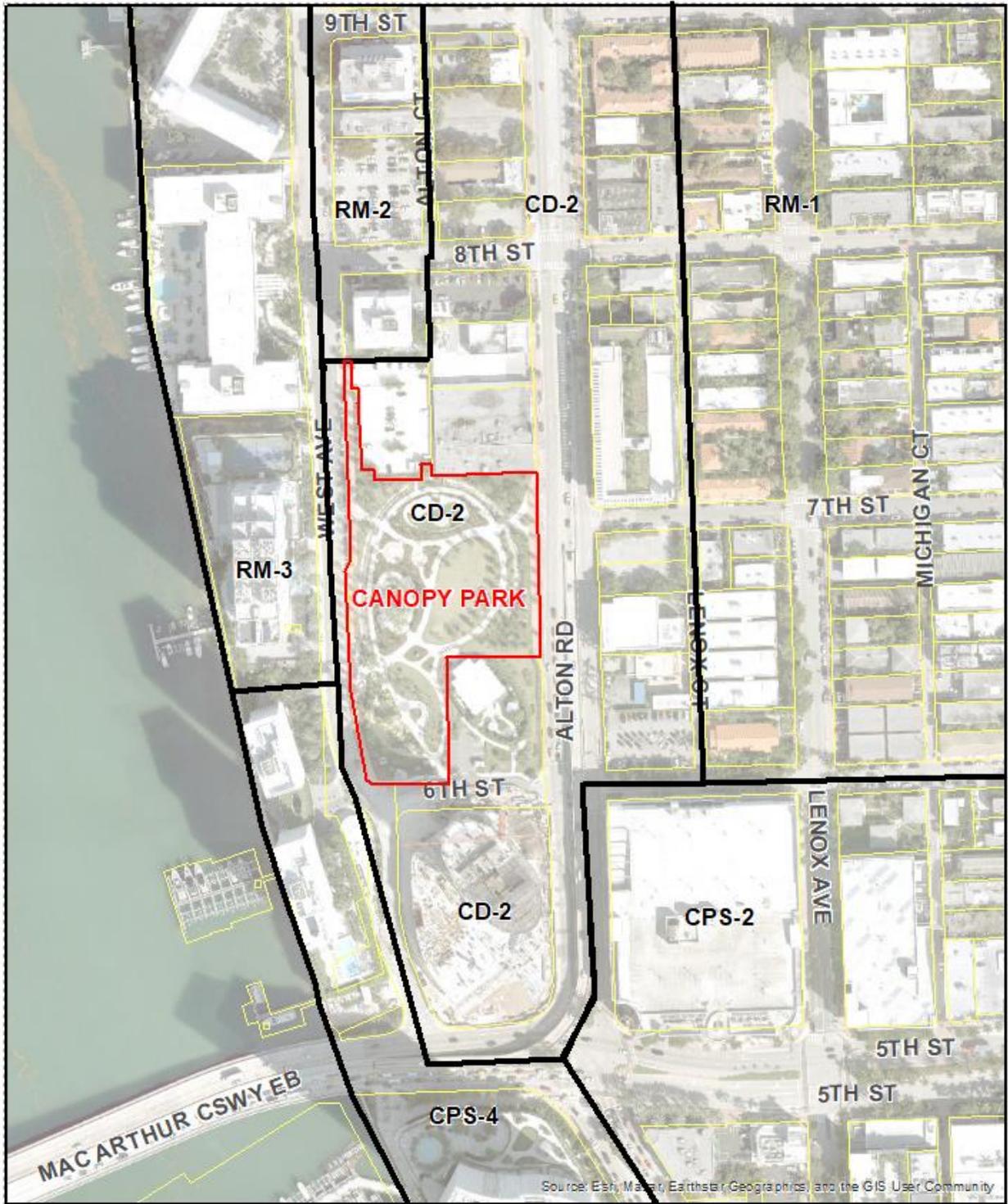
Second Reading: January ____, 2025

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney NK Date 11/12/2024



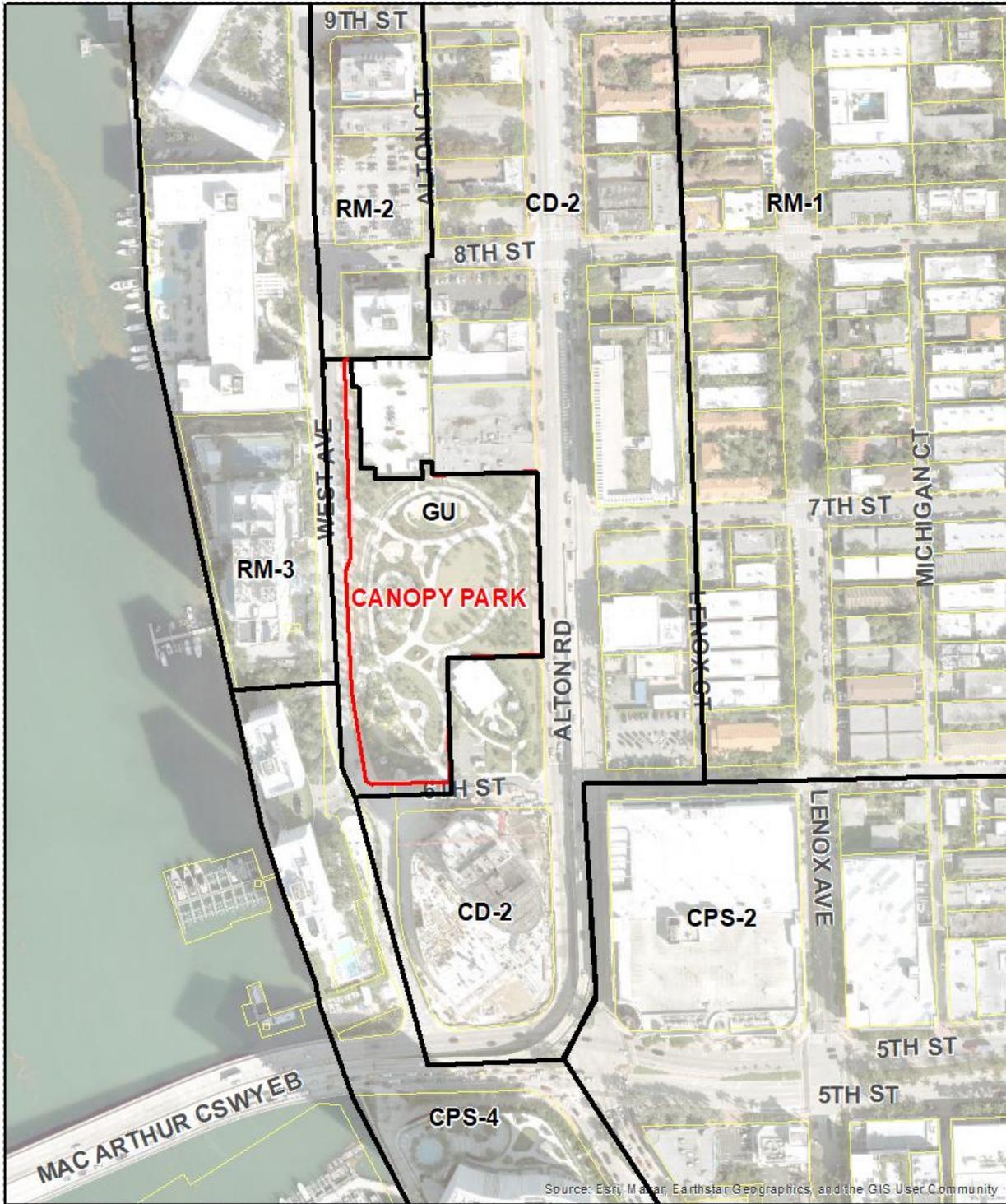
Source: Esri, Mapbox, Earthstar, Geographics, and the GIS User Community

MIAMI BEACH
PLANNING DEPARTMENT

**ZONING MAP / FUTURE
LAND USE MAP (EXISTING)**



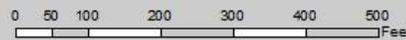
1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 www.miamibeachfl.gov

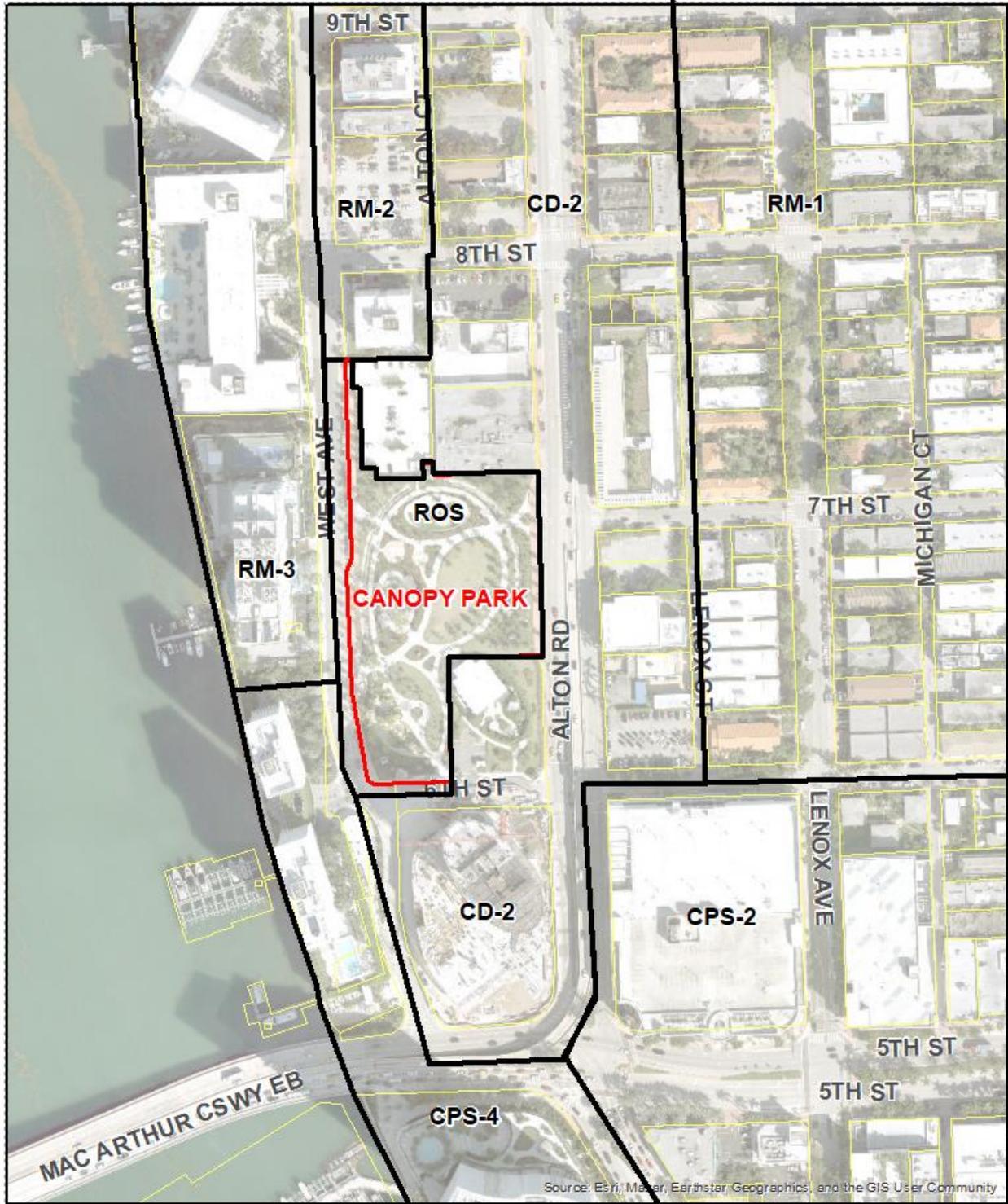


MIAMI BEACH
 PLANNING DEPARTMENT

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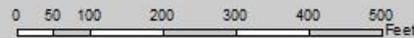
ZONING MAP
 (PROPOSED)





MIAMI BEACH
PLANNING DEPARTMENT

**FUTURE LAND USE MAP
 (PROPOSED)**



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**LEGAL NOTICE
PUBLIC HEARING**

COMPREHENSIVE PLAN LAND USE MAP AMENDMENT

On Wednesday, October 23rd, 2024, at 6:00 P.M. in the 3rd floor Council Chambers of City Hall at 501 Palm Avenue, the Hialeah Planning and Zoning Board, the Local Planning Agency, will hold a Public Hearing on Three (3) owner-initiated amendment to the Hialeah Comprehensive Plan, which is a Small-Scale Amendments in accordance with Section 98-102 of the Code of Ordinances of the City of Hialeah, and Chapters 163.3184 and 163.3187, Florida Statutes.

The purpose of this hearing is to give the applicant an opportunity to justify their requests, the Planning Division of the Community Development Department to present a recommendation on the application, and to provide an opportunity for the public to ask questions and make comments regarding the amendment.

1 Small Scale Map Amendment from Commercial to Medium-Density Residential.	Location: 55 West 29 th Street, Hialeah, Florida. Zoned: C-2 (Liberal Retail Commercial District)
2 Small Scale Map Amendment from Low-Density Residential to Medium-Density Residential.	Location: 1158 West 71 st Street and 1164 West 71 st Street, Hialeah, Florida. Zoned: R-1 (One-Family District)
3 Small Scale Map Amendment from Low-Density Residential to Medium-Density Residential.	Location: 4595 East 4 th Avenue, Hialeah, Florida. Zoned: R-1 (One-Family District)

Information on the application can be obtained at the Hialeah Planning & Zoning Division, 2nd Floor - Hialeah City Hall, 501 Palm Avenue, or by calling (305) 883-8075 or (305) 883-8008 between 7:30 A.M. - 11:30 A.M. and 12:30 P.M. - 3:30 P.M., Monday through Friday.

AT THE CONCLUSION OF THE ITEM, A RECOMMENDATION FOR APPROVAL OR DENIAL WILL BE MADE AND FORWARDED TO THE HIALEAH CITY COUNCIL FOR CONSIDERATION AT ITS PUBLIC MEETINGS OF TUESDAY, NOVEMBER 12th, 2024, AND TUESDAY, DECEMBER 10th, 2024.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE PLANNING DIVISION BETWEEN 7:30 - 11:30 A.M. AND 12:30 P.M. - 3:30 P.M., MONDAY THROUGH FRIDAY, NO LATER THAN SEVEN DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 883-8075 FOR ASSISTANCE, IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS, (800) 955-8771 (TDD) OR (800) 955-8770 (VOICE), FOR ASSISTANCE.

HIALEAH PLANNING & ZONING DIVISION

CITY OF MIAMI BEACH

NOTICE OF PUBLIC HEARING

CANOPY PARK - ZONING DISTRICT CHANGE

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF LAND LOCATED AT 701 WEST AVENUE, WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT ZONING CLASSIFICATION OF CD-2, "COMMERCIAL, MEDIUM INTENSITY," TO GU, "GOVERNMENT USE"

NOVEMBER 20, 2024

CITY COMMISSION MEETING

NOTICE IS HEREBY GIVEN that on November 20, 2024, at 10:15 a.m., or as soon thereafter as the matter can be heard, the Mayor and City Commissioners of the City of Miami Beach will hold a **First Reading/Public Hearing** on the following proposed Ordinance:

CANOPY PARK - ZONING DISTRICT CHANGE

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During the **November 20, 2024**, Commission Meeting, the City of Miami Beach will host a Hybrid Commission Meeting. During the Hybrid Commission Meeting, the City Commission will be physically present in the **Commission Chamber, located at 1700 Convention Center Drive, 3rd Floor, Miami Beach, Florida 33139.**

Members of the public who wish to attend this Commission Meeting or provide public comment in person may appear at the Commission Chamber. Applicants and members of the public who wish to participate or provide comment virtually during the Commission Meeting may join the webinar at: <https://miamibeachfl.gov/zoom.us/j/81392857671> or via telephone at: 1.305.224.1968 (U.S.) or 888.475.4499 (Toll-Free). Webinar ID: 81392857671#. Members of the public wanting to speak virtually on an item during the meeting must click the "raise hand" icon if using the Zoom app or press *9 on the telephone to raise their hand.

INTERESTED PARTIES are invited to take part in this meeting or be represented by an agent. The public may submit written comments on Commission Meeting Items by either submitting an eComment through the agenda page at <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda> and clicking the comment bubble icon in the "Current and Upcoming Meetings" section or by emailing CityClerk@miamibeachfl.gov with the Agenda Item Number in the subject line. Comments received, in either format, will be accepted until 5:00 p.m. the day before the meeting. All submissions will be forwarded to the Mayor and Commissioners and included in the meeting record.

Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda>. This meeting, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission concerning any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in an alternate format, a sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2ADA (2232) and select 1 for English or 2 for Spanish; TTY users may call via 711 (Florida Relay Service).

The City Commission Meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on BreezeLine Cable channel 660 or 2004 (HD), AT&T U-verse channel 99, Hotwire Communications channel 395, and ROKU device on PEG-TV channel, and on social media at <https://www.facebook.com/cityofmiamibeach>.

To review the Business Impact Estimates for the above proposed Ordinance, please visit <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>.

Parking
Meeting attendees can park at the City Hall Garage, 1755 Meridian Avenue, Miami Beach, FL 33139.

Rafael E. Granado, City Clerk
City of Miami Beach
CityClerk@miamibeachfl.gov
305.673.7411

MIAMI BEACH

AD: 11202024-02