

A RESOLUTION OF THE MIAMI PLANNING, ZONING AND APPEALS BOARD, RECOMMENDING TO THE MIAMI CITY COMMISSION APPROVAL OF AN ORDINANCE AMENDING CHAPTER 62 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED (“CITY CODE”), TITLED “PLANNING AND ZONING” MORE PARTICULARLY BY AMENDING ARTICLE XII, TITLED “PARKS AND OPEN SPACE TRUST FUND,” TO INCLUDE AND CLARIFY THE PUBLIC BENEFITS CONTRIBUTION AND EXPENDITURE PROCESS FOR PROPERTIES NEAR A GREENWAY; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 62 of the Code of the City of Miami, Florida, as amended, (“City Code”), specifically Article XII, establishes the Parks and Open Space Trust Fund and provides the expenditure process of funds in such Trust collected by the City of Miami (“City”); and

WHEREAS, the City of Miami Greenway network is an expanding trail network, including existing and future portions of Greenways, such as the Underline, Commodore Trail, Ludlam Trail, Miami River Greenway, and Underdeck; and

WHEREAS, Greenways provide essential community connectivity through the City, offer recreational and alternative transportation routes, improve public health, and boost local economies; and

WHEREAS, Development along Greenways introduces active uses to the adjacent trails, contributes to high quality open spaces, and promotes active lifestyles by providing access to green spaces and safe paths for walking and biking; and

WHEREAS, Greenways are a type of Open Space as defined per Ordinance No. 13114, the Zoning Ordinance of the City of Miami, Florida, as amended (“Miami 21 Code”); and

WHEREAS, the City wishes to amend the Parks and Open Space Trust Fund to ensure that cash contributions collected from properties in proximity to a Greenway will be reinvested into the City’s Greenway network; and

WHEREAS, there is a companion amendment to the Miami 21 Code regarding a Public Benefits Program for developments near Greenways; and

WHEREAS, consideration has been given to the Planning Director’s recommendations and a public hearing was held on the proposed amendments; and

WHEREAS, consideration has been given to the need and justification for the proposed amendment, including changed or changing conditions that make the passage of the proposed amendment necessary; and

WHEREAS, the proposed amendment supports Policy TR-2.9.3 of the Miami Comprehensive Neighborhood Plan (“MCNP”) to develop a comprehensive active transportation plan for Miami that integrates bicycle, pedestrian, and Greenway components by conducting a network gap analysis and developing a list of prioritized projects based on objective criteria. These criteria should include road classification; proximity to transit stops and park-and-ride lots; proximity to schools, parks, or other public facilities; proximity to activity centers and transit corridors; consideration of high-crash locations; potential to connect gaps in existing sidewalk, Greenway, and other non-motorized transportation network; and

WHEREAS, consideration has been given to the relationship of this proposed amendment to the goals, objectives and policies of the MCNP, with appropriate consideration as to whether the proposed change will further the goals, objectives and policies of the MCNP, the Miami 21 Code, and other City regulations; and

WHEREAS, City staff met with the Friends of the Underline on August 26, 2025 and other relevant stakeholders of the City's Greenway network on November 21, 2025;

WHEREAS, it was determined that this amendment is in the best interest of the City and its residents;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING, ZONING AND APPEALS BOARD OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as fully set forth in this Section.

Section 2. It is recommended that Chapter 62 of the City Code is amended in the following particulars:¹

“ARTICLE XII. – PARKS AND OPEN SPACE TRUST FUND

Sec. 62-401. - Intent.

It is intended that the "Parks and Open Space Trust Fund" be established in order to facilitate the compliance of open space requirements according to Miami 21 as amended, the zoning ordinance of the city (the "zoning ordinance"), to facilitate the receipt of equitable contributions for mitigation of open space in the city. Expenditures from this trust fund shall require written authorization by the ~~e~~City Manager, or his/her designee, upon written recommendations from the ~~d~~Directors of the ~~departments of planning and zoning and parks~~ Department of Planning, Office of Zoning, and Department of Parks and Recreation.

(Ord. No. 13311, § 2, 2-23-12; Ord. No. 13676, § 2, 4-27-17)

Sec. 62-402. - Trust fund payments.

Payments into the "Parks and Open Space Trust Fund" shall include, but shall not be limited to, monies collected pursuant to section 3.14 of the zoning ordinance.

(Ord. No. 13311, § 2, 2-23-12)

Sec. 62-403. - Established.

- (a) There is hereby established a trust fund to be entitled the "Parks and Open Space Trust Fund" (the "trust fund") to be maintained and administered by the city, into which funds shall be deposited and from which funds shall be withdrawn pursuant to this article to pay the procurement of parks and open space or improvement of parks and open spaces in the city, through means which may include, but are not limited to the following activities by the city or its authorized agents:

- (1) Not less than 80 percent of the trust fund shall be expended on acquisition, maintenance, improvements, and/or construction of new parks, and open space,

¹ Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

and Greenways during each fiscal year. However, if the city manager, or his/her designee, determines that there are insufficient reserves in the trust fund to implement viable purchases of land or construct and improve parks, open spaces and Greenways, funds may be carried over to the next fiscal year.

- i. For a Development contributing to the trust fund within a one-half (1/2) mile of a Greenway pursuant to Miami 21 Zoning Code Section 3.14 or Section 3.20, said contributions shall be allocated towards the construction of future portions of the Greenway, or for improvements, maintenance, operations, and/or design costs of the Greenway in accordance with Section 62-403(a)(2), prioritizing the Greenway corridor from which the contribution was generated.
- (2) Not more than ten percent of the trust fund shall be expended on activities directly related to improvement of existing parks and open space during each fiscal year, including, but not limited to, survey work, site inventory and analysis, landscape architectural design services, inspection services for new plantings, and other related project expenses and incidentals.
- (3) Not more than ten percent of the trust fund shall be expended during each fiscal year to provide for administrative costs directly related to the notice requirements of the zoning ordinance.
- (b) Allowable expenditures undertaken pursuant to this chapter may be made by the city manager, or his/her designee, except that any trust fund expenditures in excess of \$50,000.00 will require approval by the city commission. All trust fund expenditures made by the city manager or city commission, as applicable, shall only be made after a recommendation is made by the parks advisory board as to such expenditures. Notwithstanding the foregoing, the city commission may, by unanimous vote, approve or expedite any expenditure under this chapter.
- (c) It is the intent of this article that prior to the expenditure of funds for the above listed items by the city manager, that due consideration is given to written recommendations from ~~the parks advisory board and, if practicable, the directors of the departments of planning and zoning and parks~~ Department of Planning, Office of Zoning, and Department of Parks and Recreation.

(Ord. No. 13311, § 2, 2-23-12; Ord. No. 13676, § 2, 4-27-17)

Sec. 62-404. - Funds made available; financial report.

- (a) Funds deposited in the trust fund shall be made available to the city manager for implementation purposes, all disbursements of trust fund monies shall be made by the city manager, or his/her designee, in accordance with this chapter and the zoning ordinance, and after due consideration is given to the written recommendations of the directors of the departments of planning and zoning and parks.
- (b) A financial report on trust fund receipts and expenditures shall be prepared annually at the close of the fiscal year by the city manager or his/her designee and presented to the city commission. The City shall maintain and publish annually a corridor-level accounting of Greenway related Trust Fund receipts and expenditures, identifying the Greenway corridor associated with each contribution and the status of related capital projects.

(Ord. No. 13311, § 2, 2-23-12; Ord. No. 13676, § 2, 4-27-17)

Secs. 62-405—62-519. - Reserved.”

Section 3. If any section, part of a section, paragraph, clause, phrase, or word of this Resolution is declared invalid, the remaining provisions of this Resolution shall not be affected.

Section 4. This Resolution shall become effective immediately upon adoption.