

Sunset Harbor Parking Reductions to Incentivize Resiliency

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 130 OF THE CITY CODE ENTITLED, "OFF-STREET PARKING," ARTICLE II, ENTITLED "DISTRICTS; REQUIREMENTS," SECTION 130-33, ENTITLED "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICTS NOS. 2, 3, 4, 5, 6, 7, AND 8," TO AMEND THE PARKING REQUIREMENTS APPLICABLE TO PARKING DISTRICT NO. 5; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the Mayor and City Commission desire to promote economic development within the City by incentivizing improvements that promote resiliency within existing, vulnerable structures in the Sunset Harbor area; and

WHEREAS, the Sunset Harbor area is anchored by a large, public parking garage; and

WHEREAS, additionally, the City recognizes urban trends associated with the proliferation of ride-sharing services, which continues to reduce the need for parking to serve the Sunset Harbor area; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

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

SECTION 1. Chapter 130, "Off-street Parking," at Article II, entitled "Districts; Requirements," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 130
OFF-STREET PARKING**
* * *

**ARTICLE II
DISTRICTS; REQUIREMENTS**
* * *

Sec. 130-33. - Off-street parking requirements for parking district nos. 2, 3, 4, 5, 6, 7, and 8.

(b) Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 5, off-street parking spaces shall be provided for the building, structure or additional floor area as follows. For uses not listed below, the off-street parking requirement shall be the same as for parking district no. 1 in section 130-32.

(1) *Restaurant with alcoholic beverage license or other establishment for consumption of food or beverages:* No parking requirement for an individual establishment of less than 100 seats that does not exceed 3,500 square feet of floor area. ~~Otherwise,~~ To the extent that an establishment exceeds 100 seats and/or 3,500 square feet of floor area, one parking space per four seats and one parking space per 60 square feet of floor area not used for seating shall be required. Such parking may be satisfied by paying an annual fee in lieu of providing the required parking in accordance with section 130-132. ~~Establishments with more than 100 seats and an occupancy load in excess of 125 persons shall be subject to the conditional use procedures in section 118-193 of the City Code.~~

(2) *Retail store, or food store, or personal service establishment:* There shall be no parking requirement for individual establishments of 3,500 square feet or less. ~~This may apply up to a total aggregate square footage of 10,000 square feet per development site.~~ An establishment over 3,500 square feet ~~(or over a total aggregate over 10,000 square feet)~~ shall provide one space per 300 square feet of floor area for retail space that exceeds 3,500 square feet of floor area. Such parking may be satisfied by paying an annual fee in lieu of providing the required parking in accordance with section 130-132.

(3) *Developments of less greater than 10,000 square feet of new construction or uses that exceed the maximum described sizes in (b)(1) and (2) [above]:* ~~Parking may be satisfied by paying an annual fee in lieu of providing the required parking in an amount equal to two percent of the total amount due for all the uses within the proposed building. For new construction that is between 10,000 to 15,000 square feet, in lieu of providing required parking on site, a one-time fee shall may be paid prior to the issuance of the building permit, for that portion of new construction between 10,000 and 15,000 square feet. All portions of nNew construction that is greater than 15,000 square feet shall provide all the required parking on site.~~

(4) *Removal of existing parking spaces:* No existing required parking space may be eliminated, except through the provisions of section 130-35, or through the payment of the one-time fee in lieu of providing the parking in effect at the time, which shall be paid prior to the approval of a building permit, provided such elimination of parking spaces does not result in an FAR penalty (exceeding permitted floor area ratio).

(5) *Modifications to existing structures to meet raised street and sidewalk levels:* There shall be no parking requirement for existing structures that raise the entire ground or first floor of the structure to meet or exceed the height of the abutting sidewalk(s). The parking requirement for any addition, up to 10,000 square feet, may be satisfied by paying an annual fee in lieu of providing the required parking in an amount equal to two percent of the total amount due for all of the uses within the proposed building. Additionally, any existing required parking spaces, which are located at the first level or open to the sky at the roof level, may be eliminated, without paying a fee in lieu of parking.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2019.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

Rafael *7/2/19*

City Attorney Date

NK

First Reading: July 17, 2019
Second Reading: September 11, 2019

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