

Alternative Parking Incentives For Main Use Garages

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 130, ENTITLED "OFF-STREET PARKING," ARTICLE III, ENTITLED "DESIGN STANDARDS," AT SECTION 130-68, ENTITLED "COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES," TO PROVIDE FOR ALTERNATIVE PARKING INCENTIVES, INCLUDING NON-PARKING USES, WITHIN MAIN USE COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES, AND TO PROVIDE INCENTIVES FOR WORKFORCE HOUSING UNITS; AND AMENDING ARTICLE II, ENTITLED "DISTRICTS; REQUIREMENTS," AT SECTION 130-32, ENTITLED "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1.," TO ELIMINATE THE PARKING REQUIREMENT WITHIN PARKING DISTRICT NO. 1 FOR WORKFORCE HOUSING UNITS LOCATED WITHIN A MAIN USE PARKING GARAGE; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") Land Development Regulations, at Chapter 130 of the City Code, establish the City's off-street parking regulations; and

WHEREAS, Chapter 130 of the City Code, entitled "Off-Street Parking," Article III, entitled "Design Standards," at Section 130-68, entitled "Commercial and noncommercial parking garages," codifies the requirements, design standards, and criteria for main use commercial and noncommercial parking garages; and

WHEREAS, the rate of private automobile ownership in the City is diminishing significantly, and residents are walking, bicycling, and utilizing rideshare services and alternative transit modes of transportation at increasing rates; and

WHEREAS, parking garages within the City have seen a decrease in the demand for and usage of their automobile parking spaces; and

WHEREAS, traffic congestion is a significant concern for the City; and

WHEREAS, alternative modes of transportation should be encouraged, in order to improve mobility, which is in the City's best interests; and

WHEREAS, annual scooter and motorcycle parking permits are available for Miami Beach residents who are registered with the State of Florida as the scooter or motorcycle owner; and

WHEREAS, the Transportation Element of the City of Miami Beach Comprehensive Plan ("Transportation Element") provides that the City shall examine the economic, transportation and recreational impact of strategically limiting parking in certain areas, as a means to reinforce alternative modes of transportation; and the City shall continuously monitor and update the parking requirements in the Land Development Regulations to result in a better ratio of supply to demand, which implements innovative parking strategies in commercial areas to promote multi-modalism; and

WHEREAS, the Transportation Element provides that the City shall require all new developments to include secure short-term and long-term bicycle parking which may include bicycle racks, bicycle lockers, locked rooms or other appropriate enclosures, all as measures to assist in the City goal of reducing the demand for automobile parking; and

WHEREAS, the City desires to reduce greenhouse gas emissions by encouraging walking, bicycling and greater use of mass transit, as well as by promoting LEED location and transportation credits for reduced parking within new construction; and

WHEREAS, the City has adopted citywide incentives to encourage continued utilization of alternate methods of transportation by allowing residents and visitors to either walk, bike, or utilize other modes of transportation other than the single driver vehicle, so as to minimize any increase in traffic congestion, and to reduce the scale and massing of new development to be more compatible with adjacent residential neighborhoods; and

WHEREAS, on October 18, 2017, the City Commission adopted Ordinance No. 2017-4138, creating alternative parking incentives to reduce minimum off-street automobile parking requirements, in order to implement innovative parking strategies and promote multi-modalism and reduce automobile traffic; and

WHEREAS, the City desires to further implement alternative parking incentives by creating citywide regulations to encourage main use parking garages to incorporate and utilize the alternative parking incentives that promote activated and walkable urban areas to reduce automobile traffic; 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 of the City Code of the City of Miami Beach, entitled “Off-Street Parking”, Article III, entitled “Design Standards” at Section 130-68, entitled “Commercial and noncommercial parking garages”, is hereby amended to read as follows:

CHAPTER 130 – OFF-STREET PARKING

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ARTICLE III. – DESIGN STANDARDS

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Sec. 130-68. - Commercial and noncommercial parking garages.

Commercial and noncommercial parking garages (hereinafter, jointly “parking garages”) as a main use (“main use parking garage”), shall be located on a separate lot (not considered as part of a unified development site), shall comply with section 142-1107, entitled “Parking lots or garages on certain lots,” and shall be subject to the following regulations, ~~in addition to section 142-1107, parking lots or garages on certain lots and the other regulations of~~ contained in this article:

(1) A parking garage ~~When~~ located in the CD-1, CD-2, CD-3, C-PS1, C-PS2, C-PS3, C-PS4, MXE and I-1 districts, and in GU districts adjacent to commercial districts, ~~a commercial or noncommercial parking garage~~ shall comply with the following additional regulations: ~~incorporate the following:~~

- a. Residential (when permitted) or commercial uses shall be incorporated at the first level along every facade facing a street, sidewalk, waterway or the ocean. For properties not having access to an alley, the required residential or commercial space shall accommodate entrance and exit drives.
- b. Residential (when permitted) or commercial uses shall be incorporated above the first level along every facade facing a waterway or the ocean.
- c. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.

However, except as may be provided for in subsection (10), ~~in no instance shall~~ the above described residential (when permitted) or commercial square footage space shall not exceed 25 percent of the total ~~floor area~~ square footage of the structure. Additionally, in no instance shall the amount of square footage ~~floor area~~ of the structure used for parking, exclusive of the required parking for the above described residential or commercial square footage ~~floor space~~, be less than 50 percent of the total square footage ~~floor area~~ of the structure, so as to ~~insure~~ ensure that the structure's main use is as a parking garage.

(2) A parking garage ~~When~~ located in the RM-1, RM-2, RM-3, R-PS1, R-PS2, R-PS3 and R-PS4 districts, and the GU districts adjacent to residential districts, shall comply with the following additional regulations: ~~the following regulations shall apply:~~

a. ~~Commercial or noncommercial p~~ Parking garages shall incorporate the following:

1. Residential or commercial uses, as applicable, shall be provided at the first level along every facade facing a street, sidewalk, waterway or the ocean. For properties not having access to an alley, the required residential or commercial space shall accommodate entrance and exit drives.
2. Residential uses shall be provided above the first level along every facade facing a waterway or the ocean. For main use garages located within the Collins Waterfront Local Historic District, with frontage on both Indian Creek Drive and Collins Avenue, either residential or office uses shall be permitted facing Indian Creek Drive. Additionally, the historic preservation board may approve a lesser amount of residential or office uses along every facade above the first floor facing Indian Creek Drive, provided the board determines that the design of the facade satisfies the certificate of appropriateness criteria in chapter 118, article X of the City Code ~~land development regulations~~.
3. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; however, the total amount of residential

space shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.

b. In addition, the following additional requirements shall apply:

1. ~~When a A parking garage is located in the (i) RM-3 district, or (ii) R-PS4 districts, or (iii) on Collins Avenue between from 25th and to 44th Streets, or (iv) on West Avenue, south of 11th Street, in an RM-2 district where the subject site is located adjacent to an RM-3 district, such garage may also have first floor frontage with space occupied for commercial uses facing the subject RM-3 area.~~

2. ~~When a A parking garage is located in an RM-1 district, where the subject site is abutting a property line or separated by an alley from a CD-3 district, the garage may provide parking spaces for adjacent commercial uses also serve commercial uses.~~

3. ~~When a A parking garage is located in an RM-2 district, where the subject site is fronting on or separated by a street, but not fronting on nor separated by an alley, nor fronting on a property boundary line from of a property located in a CD-2 or CD-3 district, such garage may also have first floor frontage with space occupied for commercial uses facing the subject CD-2 or CD-3 area, and also may provide parking spaces for adjacent commercial uses. serve commercial uses.~~

4. Any parking structure permitted under subsections (2)b.2. and 3. that may provide parking spaces for adjacent ~~serve~~ commercial uses shall be restricted to self-parking only. No valet parking shall be allowed.

5. At least one third (1/3) of the parking spaces in any parking structures permitted under subsections (2)b.2. and 3., shall be dedicated for residential uses at all times. The planning board may, based upon the projected neighborhood demand, increase or decrease the percentage of residential parking through the ~~as part of the~~ conditional use approval process.

6. The following uses shall be prohibited uses within the parking garages regulated by this ~~When commercial uses are permitted in the ground floor of parking structures under this subsection (2); dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments or open-air entertainment establishments shall be prohibited uses in the garage structure.~~

Except as provided for in subsection (10), below, In no instance shall the above described combined residential and/or commercial space shall not exceed 25 percent of the total square footage floor area of the structure, with the commercial space not exceeding ten percent of the total square footage floor area of the structure; nor shall any accessory commercial space exceed 40 feet in depth. Additionally, in no instance

shall the amount of square footage ~~floor area~~ of the structure used for parking, exclusive of the required parking for the above described residential or commercial space, be less than 50 percent of the total square footage ~~floor area~~ of the structure, so as to ~~insure~~ ensure that the structure's main use is as a parking garage.

(3) ~~Except as provided in subsection (2), above, a parking garage~~ When located in a residential districts, a commercial or noncommercial parking garage shall serve only residential uses ~~except as provided in subsection (2). A commercial or noncommercial parking garage shall provide required parking for any commercial use located within the garage.~~ If commercial uses are allowed on the first floor of the parking garage then the garage shall be required to provide the required parking for that commercial use.

(4) Parking garages within the CD-3 district may be 75 feet in height. In all other districts, the height of parking garages shall be 50 feet, unless the underlying district zoning regulations dictate a lesser height for all structures. ~~The height limit shall be 75 feet in the CD-3 district, excluding parking garages within a local historic district and in the GU district; for all other districts (including local historic districts), the height limit shall be the lesser of 50 feet or the maximum height specified in the underlying zoning district; however, the maximum permitted height for residential uses shall be as specified in the underlying zoning district. Notwithstanding the foregoing, for main use parking garages located on non-oceanfront lots within the Collins Waterfront Local Historic District, with frontage on both Indian Creek Drive and Collins Avenue, the maximum height shall be as specified in the underlying zoning district, not to exceed eight stories and 75 feet.~~

(5) Setbacks shall be the same as the pedestal setbacks for the underlying zoning district. For ~~main use~~ parking garages located on non-oceanfront lots within the Collins Waterfront Historic District, with frontage on both Indian Creek Drive and Collins Avenue, the required pedestal setbacks may extend up to a maximum height of eight (8) stories and 75 feet.

(6) The volume of such commercial and noncommercial parking garages shall be limited by the required setbacks and heights described within this section and shall not be subject to the floor area ratios prescribed for in the underlying zoning district.

(7) Parking garages that are built solely with public funds may be exempt from the requirements of subsections (1) and (2), above, if meeting the requirement would affect the tax exempt status of the project. The ~~foregoing sentence does~~ shall not be construed to limit the city commission's ability to waive development regulations for GU properties pursuant to ~~as per~~ section 142-425.

(8) For main use parking garages within the GU and CCC districts. Robotic parking systems may be used, notwithstanding the provisions of article III, "Design Standards," referencing minimum parking space dimensions, drive width, interior aisle width, and required markings. Robotic parking system means a mechanical garage using elevator systems to hoist individual vehicles from receiving areas to separate auto storage areas.

~~Under this provision, accessory off street parking spaces requirements may not be satisfied through the use of robotic parking systems.~~

(9) Parking garages ~~When located in the TC-3 and GU districts located within the TC-3 districts in the North Beach Town Center Overlay area,~~ shall comply with the following ~~additional regulations: the following regulations shall apply:~~

- a. ~~When a parking garage is located in the TC-3 district, such A~~ garage may also have first floor space occupied for commercial uses, subject to conditional use approval.
- b. Residential or commercial uses shall be incorporated at the first level along every facade facing a street, sidewalk or waterway. The required residential or commercial space may accommodate entrance and exit drives for vehicles, inclusive of ramping running parallel to the street.
- c. ~~When a the subject garage on a GU site is abutting or separated by an alley from a TC-1 district, the garage may also serve commercial uses.~~
- d. In no instance shall the above-described combined residential and/or commercial space exceed 35 percent of the total square footage floor area of the structure.
- e. Additionally, in no instance shall the amount of square footage floor area of the structure used for parking, exclusive of the required parking for the above-described residential or commercial space, be less than 50 percent of the total square footage floor area of the structure, ~~so as to insure that the structure's main use is as a parking garage.~~
- f. Maximum height: 50 feet ~~The height limit shall be 50 feet.~~
- g. Setbacks shall be the same as the setbacks for the TC-3 zoning district, except that parking garages on lots with a front yard facing a street right-of-way greater than 50 feet in width, shall have a minimum front yard setback of ten feet.
- h. ~~The volume of such commercial and noncommercial parking garages shall be limited by the required setbacks and heights described within this section and shall not be subject to the floor area ratios prescribed for in the underlying zoning district.~~
- i. Signage for commercial uses allowable under this provision shall be governed by the TC-3 district regulations.

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(10) For main use garages that incorporate one or more of the alternative parking incentives provided for in section 130-40, entitled "Alternative parking incentives," which results in an overall reduction in the number of traditional parking spaces for the accessory uses, and a reduction in the overall gross square footage of the project, then the percentage of the project that may be used for allowable residential (when permitted) or commercial uses shall be as follows:

<u>Percentage reduction in traditional parking for accessory uses utilizing alternative parking incentives</u>	<u>Percent of square footage that can be used for non-parking uses on site</u>
<u>15 percent</u>	<u>30 percent for commercial and/or residential uses (when permitted);</u>
<u>20 percent</u>	<u>35 percent for commercial and/or residential uses (when permitted)</u>

Variances from the provisions of this subsection (10) shall not be permitted.

(11) For main use parking garages that provide workforce housing units, the percentage of square footage that can be used for non-parking uses on site shall be 35 percent of the total square footage.

SECTION 2. Chapter 130 of the City Code of the City of Miami Beach, entitled “Off-Street Parking”, Article II, entitled “Districts; Requirements”, at Section 130-32, entitled “Off-street parking requirements for parking district no. 1”, is amended as follows:

Chapter 130 – Off-Street Parking

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ARTICLE II. – DISTRICTS REQUIREMENTS

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Sec. 130-32. - Off-street parking requirements for parking district no. 1.

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

* * *

(6A) Housing for low and/or moderate income non-elderly and elderly persons: As defined in chapter 58, article V.

a. Elderly housing unit(s) have no parking space requirement. Zero parking space per dwelling unit for elderly housing.

b. The parking requirements shall be the same as specified in subsection 130-32(6) above, or one-half of a parking spaces, per dwelling unit, whichever is less, per dwelling unit for non-elderly low and/or moderate income housing. Notwithstanding the above, if when an existing building is renovated and the number of units is increased, or if when units are added on a lot with an existing building that is retained and renovated, there shall be no parking requirement for the newly constructed units, and existing buildings shall be exempt from the requirements of subsection 118-395(b), entitled “Repair and/or rehabilitation of nonconforming buildings and uses.” Additionally, there is no parking requirement for workforce housing units if said units are provided in a main use parking garage.

c. ~~For the purposes of this section only, housing for low and/or moderate income non-elderly and elderly persons shall be publicly owned or nonprofit sponsored and owned, or developed by for-profit organizations, utilizing public funds.~~

c - e. Reserved.

d. ~~The applicant shall submit written certification from the corresponding state or federal agency in charge of the program.~~

e. ~~Reserved.~~

f. A covenant running with the land restricting the use of the property for housing for low and/or moderate income non-elderly and elderly persons for a period of no less than 30 years shall be executed by the owner of the property, approved as to form by the city attorney, recorded in the public records of the county and shall be submitted prior to the issuance of a building permit. The declarations within the covenant are not severable. If a subsequent judicial determination invalidates the age restriction in this section, or the covenant, the city shall not issue a certificate of use and occupancy for a new use until the property owner satisfies the then applicable parking requirements under this Code. The property owner may satisfy the parking requirements by actually providing the additional parking spaces or by reducing the number of residential units. However, a property owner shall not be able to satisfy the parking requirements by the payment of a fee in lieu of providing parking. At the time of development review, the property owner shall submit a statement of intent to construct housing for low and/or moderate income non-elderly and elderly persons in accordance with this section.

g. After approval of the decrease in parking spaces, the premises shall not be used other than as housing for the non-elderly and elderly persons unless and until any parking requirements and all other requirements or limitations of this Code for the district involved and applying to the new use shall have been met.

(6B) Workforce housing shall have the same parking requirements as specified in subsection 130-32(6), above, or alternatively, one-half parking space per unit, whichever is less. Notwithstanding the above, ~~when~~ if an existing building is renovated and the number of units is increased, or ~~when~~ if units are added on a lot with an existing building that is retained and renovated, there shall be no parking requirement for the newly constructed units, and existing buildings shall be exempt from the requirements of subsection 118-395(b), entitled "Repair and/or rehabilitation of nonconforming buildings and uses." Additionally, there is no parking requirement for workforce housing units if said units are provided in a main use parking garage.

(7) Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly: One space per every four seats or one space per every 60 square feet of floor area available for seats.

SECTION 4. REPEALER.

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

SECTION 5. 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 6. SEVERABILITY.

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

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

First Reading: May 8, 2019
Second Reading: June 5, 2019

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

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION
Paul Coyne
City Attorney
4-30-19
Date
NK