

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: April 30, 2019

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB18-0274. Mechanical parking amendments.**

#### **REQUEST**

**PB 19-0274. MECHANICAL PARKING AMENDMENTS.** 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, ENTITLED "OFF-STREET PARKING," ARTICLE II, ENTITLED "DISTRICTS; REQUIREMENTS," SECTION 130-38, ENTITLED "MECHANICAL AND ROBOTIC PARKING SYSTEMS," TO ALLOW THE DESIGN REVIEW BOARD AND HISTORIC PRESERVATION BOARD TO REVIEW AND APPROVE MECHANICAL PARKING ASSOCIATED WITH APARTMENT BUILDINGS WITH 20 APARTMENT UNITS OR LESS, EVEN WHEN AN ALLEY IS NOT PRESENT; AND TO MODIFY THE INSPECTION REQUIREMENTS FOR ALL MECHANICAL PARKING SYSTEMS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

#### **RECOMMENDATION**

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

#### **HISTORY**

On October 23, 2018, after the review and approval of a Conditional Use Permit application for mechanical parking in a new four-unit multifamily apartment building in North Beach, the Planning Board recommended that the City Commission consider amendments to the mechanical parking ordinance to streamline the review process for similar types of mechanical parking applications. This particular mechanical lift proposal required Planning Board review for a CUP due to the fact that the parking area did not have access from an alley. The Planning Board also recommended that the proposed amendment be referred to the Land Use and Development Committee (LUDC), for consideration and recommendation.

On November 14, 2018, at the request of Commissioner John Elizabeth Aleman, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4M). On February 20, 2019 the LUDC discussed a draft ordinance and recommended that the City Commission refer the item to the Planning Board.

On March 13, 2019, at the request of Commissioner John Elizabeth Aleman, the City Commission Referred the attached Ordinance to the Planning Board (Item C4R).

### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Not applicable** – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Consistent** – The proposed ordinance amendment is not out of scale with the surrounding neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Consistent** – The proposed ordinance will not affect the load on public facilities and infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not applicable.** – The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The need to streamline the review process for mechanical parking applications for smaller buildings, which currently require Planning Board approval, makes the passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – The proposed change should not create or increase traffic congestion beyond what is currently permitted.

**9. Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change will not reduce light and air to adjacent areas.

**10. Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change should not adversely affect property values in the adjacent areas.

**11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change should not be a deterrent to the improvement or development of properties in the City.

**12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not applicable** –

**13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not applicable** –

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

**(1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Partially Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise.

**(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – The proposal will not affect the resiliency of the City with respect to sea level rise.

**(3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal does not diminish and is compatible with the City's sea level

rise mitigation and resiliency efforts.

### **ANALYSIS**

Prior to the above noted amendment, all mechanical parking systems required the review and approval by the Planning Board, regardless of the number of units in a residential project. The limit of 20 units was put in place for DRB and HPB review, as that would cover most of the typical construction on single and double RM-1 and RM-2 zoned properties with low intensity apartment buildings. Mechanical parking in larger buildings with more than 20 units typically may involve valet parking and more lifts, which require a more intensive review of the use and operation, in addition to the design considerations reviewed by the DRB and HPB. As the Planning Board is well versed in operational issues arising through the use of mechanical parking, the administration believes it is appropriate to keep in place the Planning Board review for projects over 20 units that include mechanical parking.

Currently the review and approval of the DRB or HPB is only available to apartment buildings with mechanical parking that is accessed from a rear alley, in accordance with Section 130-38(4):

- (4) The following exceptions to the mechanical parking prohibition may be considered by the design review board or historic preservation board, as applicable:*
  - (a) Apartment buildings with 20 apartment units or less may utilize mechanical lifts, in accordance with the review criteria of section 138-38(5), provided the parking area is accessed from a rear alley and secure storage for alternative transportation such as scooters, bicycles, and motorcycles is provided on site.*
  - (b) Single-family homes utilizing up to three mechanical lifts may be approved by the design review board or historic preservation board, as applicable, in accordance with the applicable review criteria of section 130-38(5).*

The Planning Board recommended that the requirement for alley access of the mechanical parking be removed, as there is no substantive reason why the lack of an alley alone should burden an applicant with a separate land use board review process. Removing this requirement would allow small scale apartment buildings to be reviewed in their entirety by the DRB or HPB. Additionally, a minor amendment to the annual inspection requirements has been included in the revised Ordinance as indicated in Section 130-38(6)(f).

The Administration recommended two additional minor changes to the ordinance, which were endorsed by the LUDC. The following changes are included in the attached ordinance:

1. For single family homes, proposing a maximum of three lifts within an enclosed garage, the Planning Director or designee could review the application. Currently, DRB or HPB review is required for lifts on single family home properties.
2. A minor clarification for the annual reports required for mechanical parking systems. Currently, inspections are required to be performed by a licensed 'mechanical' engineer. As all mechanical engineers may not have the required expertise for these inspections, the proposal herein would broaden the inspection personnel to include a licensed engineer or the elevator authority having jurisdiction.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

## **MECHANICAL PARKING AMENDMENTS**

**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, ENTITLED "OFF-STREET PARKING," ARTICLE II, ENTITLED "DISTRICTS; REQUIREMENTS," SECTION 130-38, ENTITLED "MECHANICAL AND ROBOTIC PARKING SYSTEMS," TO ALLOW THE DESIGN REVIEW BOARD AND HISTORIC PRESERVATION BOARD TO REVIEW AND APPROVE MECHANICAL PARKING ASSOCIATED WITH APARTMENT BUILDINGS WITH 20 APARTMENT UNITS OR LESS, EVEN WHEN AN ALLEY IS NOT PRESENT; AND TO MODIFY THE INSPECTION REQUIREMENTS FOR ALL MECHANICAL PARKING SYSTEMS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, on July 26, 2017, during a discussion on an Ordinance amending the regulations for RM-1 and RM-2 zoned properties, the City Commission approved an Ordinance amending the review process for the use of mechanical lifts in small multi-family apartment buildings with 20 units or less, allowing such review and approval by the Design Review Board (DRB) or Historic Preservation Board (HPB), as applicable; and

**WHEREAS**, on October 23, 2018, following the review and approval of a Conditional Use Permit application for mechanical parking in a new four-unit multifamily apartment building in North Beach, the Planning Board voted to recommend that the City Commission consider amendments to the City's mechanical parking regulations, in order to allow the DRB or HPB to review and approve mechanical parking associated with apartment buildings with 20 units or less, even when an alley is not present; and

**WHEREAS**, the proposed amendments streamline the review process for small residential projects with mechanical parking, while still protecting the quality and character of surrounding neighborhoods through Design Review Board or Historic Preservation Board review and approval; 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," 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. 130-38. - Mechanical and robotic parking systems.

(1) Definitions.

- (a) *Mechanical parking* means mechanical parking lifts, robotic parking systems, and/or vehicle elevators.
- (b) *Mechanical parking lift* means an automated mechanism that lifts vehicles to make space available to park other vehicles below it in a vertical tandem fashion.
- (c) *Robotic parking system* means a mechanical garage using elevator systems to hoist individual vehicles from receiving areas to separate auto storage areas.
- (d) *Vehicle elevator* means an elevator used for motor vehicles in lieu of ramps within a parking structure.

(2) Parking spaces to be used to satisfy accessory off-street parking requirements must conform to the provisions of article III "design standards" of this chapter, with respect to all-weather surface area, minimum parking space dimensions, drive width, interior aisle width, and required markings. Therefore, the use of mechanical parking devices, robotic parking systems and vehicle elevators to satisfy accessory off-street parking requirements shall not be permitted, except as hereinafter provided.

(3) Exceptions to the mechanical parking prohibition may be considered by the planning board, pursuant to the conditional use process in chapter 118, article IV of the City Code, if the proposed project meets the following conditions:

- (a) Commercial main use parking garages on a separate lot.
  - (i) Commercial main use parking garages, open to the public, may utilize mechanical parking devices, robotic parking systems and/or vehicle elevators, subject to all other provisions of section 130-68.
  - (ii) Parking spaces within commercial main use parking garages utilizing mechanical parking may be used to satisfy off street parking requirements for residential or commercial uses required within the building by section 130-68 for the cladding of such garages, as may be required by the design review procedures. Notwithstanding the foregoing, any accessory commercial use within commercial main use parking garages utilizing mechanical parking shall not generate an off-street parking requirement in excess of 25 percent of the total number of spaces in the garage.
  - (iii) Parking spaces within commercial main use parking garages utilizing mechanical parking, constructed on land:
    - a. Located within a local historic district (except not within the Ocean Beach local historic district); and
    - b. On land which was vacant as of October 17, 2008; and
    - c. On land within 300 feet of a proposed new hotel development;  
May be used to satisfy off street parking requirements for the proposed new hotel units and the following hotel accessory uses: retail (at a maximum of 75 square feet per hotel unit), auditorium, ballroom, convention hall, gymnasium,

spa, meeting rooms or other similar places of assembly (not including restaurants or alcoholic beverage establishments). However, in order to utilize mechanical parking to satisfy off street parking requirements for the foregoing uses, the following conditions must be satisfied:

1. At least one-half of all parking spaces within the commercial main use parking garage shall be reserved for use by the general public (not to be used for valet storage for offsite valet services);
  2. Mechanical parking permitted under this subsection shall be for the sole purpose of new hotel development. For purposes of this subsection, new hotel development means newly constructed hotel units and the following hotel accessory uses, provided that such hotel accessory uses are part of the same development project as the newly constructed hotel units: retail (at a maximum of 75 square feet per hotel unit), auditorium, ballroom, convention hall, gymnasium, spa, meeting rooms or other similar places of assembly (not including restaurants or alcoholic beverage establishments);
  3. A restrictive covenant in a form acceptable to the city attorney committing the parking garage to providing parking for the related hotel property, and maintaining such hotel property as a hotel, for at least 30 years, subject to release by the planning board if such board determines that the restriction is no longer necessary, shall be recorded prior to the issuance of a full building permit; and
  4. Suite hotel units, as defined by section 142-1105, cannot satisfy their off-street parking requirements by using mechanical parking.
- (iv) Except as described above in subsections 3(a)(ii) and (iii), mechanical parking system within main use parking garages, operating either as commercial garages open to the public, or, as private noncommercial garages, may not be used to satisfy off street parking requirements for uses on a separate lot. This provision may be waived through the procedures detailed in subsection (c), below.
- (b) Existing multifamily buildings.
- (i) Existing multifamily buildings with a deficiency of parking may utilize mechanical parking devices within the space of the existing parking structure area. All parking lifts shall be located within a fully enclosed parking garage and shall not be visible from exterior view. No outside parking lifts shall be permitted.
  - (ii) The increased number of parking spaces as a result of mechanical parking under this provision shall not be used to satisfy any accessory off-street parking requirements.
- (c) Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory and main use off-street parking requirements.
- (i) Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory and main use off-street parking requirements shall prepare schematic floor plans prior to site plan review by the applicable land use board. Two sets of schematic floor plans shall be required:
    1. One set of schematic plans sufficient to show the proposed development project with accessory and main use off-street parking requirements satisfied by traditional, nonmechanical means, meeting all aspects of the design



standards for parking spaces required in article III of chapter 130, and other provisions of these land development regulations, and requiring no variances from these provisions; and

2. A second set of schematic plans, sufficient to show the same proposed development project, utilizing mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory and main use off-street parking requirements.

The first set of schematic plans shall be reviewed by planning department staff for zoning compliance prior to the site plan review hearing by the applicable land use board. This first set of schematic plans may include one level of below-grade parking spaces, provided such below grade spaces are within the confines of the subject development site and are not located below city property, adjacent private property that is not part of the development site or any rights-of-way. If it is determined that these schematic plans meet the requirements of the design standards of the City Code, then the total number of parking spaces shown on the plans shall be noted. Henceforth, the project may proceed to site plan approval based on the second set of plans, using mechanical parking. However, if the first set of schematic plans includes below grade parking spaces, at least 50 percent of the number of below grade parking spaces shown in the first set of plans must be located below grade in the second set of plans utilizing mechanical parking. Further, the allowable residential density, and the intensity of the uses permitted for the proposed project, shall not exceed that which would have been permitted using the number of parking spaces noted on the first set of plans using traditional parking. No variances to these provisions shall be permitted.

- (4) The following exceptions to the mechanical parking prohibition may be considered by the planning director or the director's designee, the design review board, or the historic preservation board, as applicable:
  - (a) Subject to the review and approval of the design review board or historic preservation board, as applicable, Apartment buildings with 20 apartment units or less may utilize mechanical lifts within an enclosed parking area, in accordance with the review criteria of section 138-38(5), ~~provided the parking area is accessed from a rear alley and that~~ secure storage for alternative transportation such as scooters, bicycles, and motorcycles is provided on site.
  - (b) Single-family homes utilizing up to three mechanical lifts within a fully enclosed structure may be approved by the ~~design review board or historic preservation board, as applicable,~~ planning director or the director's designee, in accordance with the applicable review criteria of section 130-38(5).
- (5) As part of the conditional use, design review board, or historic preservation board review process for the use of mechanical parking devices, robotic parking systems and/or vehicle elevators under any of the provisions of this section, the following review criteria shall be evaluated when considering each application for the use of mechanical parking systems:
  - (a) Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood;
  - (b) Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood and has

demonstrated how the scale, mass, volume and height of the building are reduced by the use of mechanical parking;

- (c) Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking;
  - (d) Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view;
  - (e) In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit owner;
  - (f) In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues;
  - (g) Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way;
  - (h) Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided;
  - (i) In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed;
  - (j) Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated;
  - (k) Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect will be addressed;
- (6) Mechanical parking devices, robotic parking systems and/or vehicle elevators must also satisfy the following conditions:
- (a) The noise or vibration from the operation of mechanical parking lifts, car elevators, or robotic parking systems shall not be plainly audible to or felt by any individual standing outside an apartment or hotel unit at any adjacent or nearby property. In addition, noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions outside of the parking garage;
  - (b) For mechanical lifts, the parking lift platform must be fully load-bearing, and must be sealed and of a sufficient width and length to prevent dripping liquids or debris onto the vehicle below;
  - (c) All free-standing mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage; robotic garages and vehicle elevators must have backup generators sufficient to power the system;

- (d) All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift;
  - (e) The ceiling heights of any parking level with parking lifts within the parking garage shall be a minimum of 11 feet by six inches;
  - (f) All mechanical parking systems, including lifts, elevators and robotic systems, must be inspected and certified as safe and in good working order by a licensed ~~mechanical~~ engineer or the elevator authority having jurisdiction at least once per year and the findings of the inspection shall be summarized in a report signed by the same licensed ~~mechanical~~ engineer or firm, or the elevator authority having jurisdiction. Such report shall be furnished to the planning director and the building official; and
  - (g) All parking lifts shall be maintained and kept in good working order.
- (7) The proposed use of mechanical parking systems, including mechanical parking lifts, robotic parking systems or vehicular elevators, for any type of development or improvement, including, but not limited to, vehicle storage, whether proposed under the provisions of section 130-38, or any other section of the City Code, shall require compliance with the provisions of subsections 130-38(4) and 130-38(5), ~~and, with the exception of mechanical parking used to provide parking on a property containing less than 20 units, shall require the review and approval of the planning board, pursuant to the conditional use process in chapter 118, article IV of the Code.~~

## **SECTION 2. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: April 10, 2019

Second Reading: May 8, 2019

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

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