

**CCC Civic & Convention Center District Hotel Setback Regulations & Mechanical
Parking**

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 142 OF THE CITY CODE ENTITLED, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED, "DISTRICT REGULATIONS," DIVISION 7, ENTITLED, "CCC CONVENTION CENTER DISTRICT", SECTION 142-366, ENTITLED, "SETBACK REQUIREMENTS" TO MODIFY THE DEVELOPMENT REGULATIONS PERTAINING TO SETBACK REQUIREMENTS TO ACCOMMODATE THE DEVELOPMENT OF A CONVENTION HOTEL; BY AMENDING CHAPTER 130 OF THE CITY CODE, ENTITLED, "OFF-STREET PARKING", ARTICLE II, ENTITLED "DISTRICTS; REQUIREMENTS", SECTION 130-38, ENTITLED "MECHANICAL AND ROBOTIC PARKING SYSTEMS" TO CREATE AN EXEMPTION FROM PLANNING BOARD REVIEW, IN ORDER TO ALLOW MECHANICAL PARKING IN THE CCC CIVIC & CONVENTION CENTER DISTRICT; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to promote economic development within the City of Miami Beach by attracting a more robust mix of conferences and conventions to the Miami Beach Convention Center ("MBCC" or "Convention Center"), including "fly-in" conferences and conventions drawing national and international attendance that would reduce the MBCC's reliance on "drive-in" events that primarily attract local/commuter attendance; and

WHEREAS, in support of the foregoing and in an effort to maintain the competitiveness of the Convention Center as a local and regional asset that supports the South Florida tourism economy, the City is in the process of completing the Miami Beach Convention Center Renovation and Expansion Project (the "MBCC Renovation Project"), a public construction project that includes a complete renovation of the MBCC, expansion of ballroom and auxiliary spaces, parking above portions of the MBCC, exterior landscaping and creation of a six (6) acre public park; and

WHEREAS, in addition to, and separate from, the MBCC Renovation Project, the City desires to attract more "fly-in" conferences and conventions to the MBCC through the development of a convention headquarter hotel that is (i) entirely privately-funded; (ii) sufficiently close to the Convention Center to serve as an "on-site" hotel option for conference attendees, and (iii) large enough to provide the group room blocks necessary to support and secure national and international conferences and conventions at the Convention Center; and

WHEREAS, on November 19, 2014, the Mayor and City Commission adopted Resolution No. 2014-28836, approving an Amended and Restated Interlocal Cooperation Agreement between the City and Miami-Dade County ("County"), whereby, in recognition that a convention hotel in the proximity of the Convention Center will generate additional

Convention Development Tax ("CDT") and resort tax revenues, the County has agreed to provide the City with up to \$1,500,000 per year in an additional allocation of CDT revenues once a convention hotel opens, with such additional payments to the City continuing annually until 2048; and

WHEREAS, on April 13, 2016, the Mayor and City Commission established the Mayor's Ad Hoc Blue Ribbon Steering Committee on the Convention Center Hotel (the "Committee"), chaired by Commissioner Ricky Arriola and vice-chaired by Commissioner Kristen Rosen-Gonzalez; and

WHEREAS, on February 14, 2018, the Mayor and City Commission considered the Committee's report regarding potential options for a Convention Center Hotel development, including options with respect to a proposed Hotel's location, size, height, and related issues such as traffic mitigation, and the like, and directed the Administration to prepare a Request for Proposals ("RFP"); and

WHEREAS, on May 16, 2018, the Mayor and City Commission approved Resolution No. 2018-30310, authorizing the issuance of an RFP for the Convention Center Hotel for a lease of the approximately 2.6 acre site located adjacent to the Convention Center; and

WHEREAS, on May 17, 2018, the City issued Request for Proposals No. 2018-238-KB (the RFP) for the Development of a Convention Headquarter Hotel Adjacent to the Miami Beach Convention Center; and

WHEREAS, on November 6, 2018, the electorate of Miami Beach voted for the City to lease the 2.6 acre property at the northeast corner of 17th Street and Convention Center Drive to MB Mixed-Use Investment, LLC for 99 years for construction/operation of a 800 room hotel; and

WHEREAS, the City of Miami Beach Land Development Regulations ("LDRs") require modification to accommodate the proposed hotel in the CCC Civic and Convention Center District; 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 142, "Zoning Districts and Regulations," at Article II, entitled "District Regulations," Division 7, "CCC Civic and Convention Center District," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

CHAPTER 142
ZONING DISTRICTS AND REGULATIONS
* * *

ARTICLE II
DISTRICT REGULATIONS
* * *

Division 7. CCC Civic and Convention Center District

* * *

Sec. 142-366. - Setback requirements.

- (a) Other than the specifically delineated setbacks provided for under subsections (b) and (c), below, the development regulations (setbacks, floor area ratio, signs, parking, etc.) shall be the average of the requirements contained in the surrounding zoning districts as determined by the planning and zoning director. Setback regulations for parking lots and garages when they are the main permitted use are listed in subsection 142-1132(n).
- (b) Subterranean, pedestal, and tower setback requirements for hotel use shall be as follows:
 - 1) Fronting 17th Street: 10 feet at ground level; 0 feet above 15 feet in height, as measured from grade. Additionally, there shall be no permanent encroachments within this 10 foot setback at the ground level, including, but not limited to, columns, raised platforms, raised terraces and raised porches. This encroachment prohibition shall not apply to stairs and accessibility ramps, including associated hand rails.
 - 2) Fronting Convention Center Drive: 10 feet at ground level; 0 feet above 15 feet in height, as measured from grade. Additionally, there shall be no permanent encroachments within this 10 foot setback at the ground level, including, but not limited to, columns, raised platforms, raised terraces and raised porches. This encroachment prohibition shall not apply to stairs and accessibility ramps, including associated hand rails.
 - 3) Interior Side: five (5) feet
 - 4) Rear: zero (0) feet

SECTION 2. Chapter 130, "Off-Street Parking," Article II, "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.

(3A) Mechanical parking shall be permitted for hotels within the CCC Civic & Convention Center District as an exception to the mechanical parking prohibition, subject to the applicable review criteria of section 130-38(7).

- (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).
- (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 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. 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 exceptions of mechanical parking used to provide parking on a property containing less than 20 units and hotels within the CCC Civic & Convention Center District, 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 3. 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 4. 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 5. SEVERABILITY.

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

SECTION 6. 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

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

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

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

City Attorney Date