

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: June 21, 2022

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB22-0527. Parking District No. 7— Extension of Sunset Provision.**

#### **RECOMMENDATION**

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

#### **HISTORY**

On May 4, 2022, the City Commission referred the subject Ordinance to the Land Use and Sustainability Committee (LUSC) and the Planning Board (C4Z). The sponsor of the proposal is Commissioner Alex Fernandez.

On June 6, 2022, the LUSC recommended that the Planning Board transmit the Ordinance to the City Commission with a favorable recommendation.

#### **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.**

**Consistent** – The proposed amendment does not create an isolated district unrelated to adjacent or nearby districts.

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

**Consistent** - The proposed ordinance does modify the scale of development, as such the

amendment is not out of scale with the needs of the neighborhood or the city.

**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 as the maximum floor area ratio (FAR) is not modified.

**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 continue the positive impacts that the parking waivers have had on the development of Washington Avenue makes 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 will not create or increase traffic congestion from what is currently permitted, as the FAR is not being modified by this ordinance.

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

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

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

**Consistent** – The proposed change will 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 will 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 in the long term.

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

**Consistent** – The proposal should increase the resiliency of the City with respect to sea level rise by encouraging the rehabilitation of existing buildings in a manner that is more resilient.

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

**Consistent** – The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

**ANALYSIS**

On October 14, 2015, the City Commission adopted Ordinance No. 2015-3974, creating Washington Avenue Zoning Incentives. As part of these incentives, Parking District No. 7 (PD7) was established, which provided waivers from the several of the parking requirements in Parking District No. 1 (PD1). The parking waivers contained in PD7, along with the other zoning regulations in the Washington Avenue Overlay, have had a positive impact on development in this corridor.

The incentives in PD7 contain a sunset provision that was intended to encourage developers to complete projects quickly. The current sunset provision becomes effective on September 1, 2022, at which time the existing parking waivers would no longer be valid. The proposed Ordinance would extend the sunset provision for the parking waivers set forth in PD7, for a period of 5 years. Extending the parking waiver to September 1, 2027 will allow for additional projects contemplated pursuant to the Washington Avenue Overlay to move forward.

**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.

**Parking District No. 7 – Extension of Sunset Provision**

**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," BY AMENDING SECTION 130-33, ENTITLED "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICTS NOS. 2, 3, 4, 5, 6, 7, 8 AND 9" TO EXTEND THE DEADLINE FOR APPLICABILITY OF THE REGULATIONS; 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**, previously, pursuant to the input and recommendations of the Mayor's Washington Avenue Blue Ribbon Task Force, the City adopted development regulations specific to Washington Avenue; and

**WHEREAS**, previously, the City reviewed the condition of properties located along Washington Avenue, in light of concerns raised by local residents, property owners, and businesses; and

**WHEREAS**, various constituents have expressed concerns regarding the deterioration of the area; and

**WHEREAS**, residents, property owners, and businesses are concerned with the quality of life and condition of the streets within the portions of the Flamingo Park Historic District and the National Register Historic District along Washington Avenue; and

**WHEREAS**, the City studied various mechanisms for improving the quality of life and quality of businesses within the area; and

**WHEREAS**, the City subsequently adopted Ordinance 2019-4312, as amended, which immediately incentivized new business development, including two new hotels and a new co-living project with an office component; and

**WHEREAS**, this has improved the quality of life and viability of new businesses within the Washington Avenue neighborhood; and

**WHEREAS**, to allow additional time for projects to obtain building permits, the City finds it in the best interest to extend the certain parking incentives provided for Parking District No. 7.

**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, "Districts; Requirements" is hereby amended as follows:

**CHAPTER 130 — OFF-STREET PARKING  
ARTICLE II. — DISTRICTS; REQUIREMENTS**

\* \* \*

**Sec. 130-33. – Off-Street parking requirements for parking districts nos. 2, 3, 4, 5, 6, 7, 8 and 9.**

\* \* \*

(d) *[Parking district no. 7]* Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 7, off-street automobile 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 or parking district no. 2, as applicable.

(1) Co-living units: No parking requirement.

(2) Hotel and hostel: No parking requirement. For accessory use to a hotel or hostel, the minimum parking is as set-forth in parking district no. 1.

(3) Office: No parking requirement.

(4) Retail:

a. Retail existing as of the date of adoption of parking district no. 7 shall have no parking requirement.

b. For new retail construction, one space per 300 square feet of floor area.

c. Notwithstanding the above, there shall be no parking requirement for retail uses, provided that a parking garage with publicly accessible parking spaces is located within 500 feet.

(5) Quality restaurants (i.e. full service eating establishments with a typical duration or stay of at least one hour, at which patrons wait to be seated, are served by a waiter/waitress, order from menus, and pay for meals after they eat): No parking requirement.

(6) Café, outdoor: No parking requirement.

(7) Approved parklets shall have no parking requirement.

(8) Any building or structure erected in parking district no. 7 may provide required parking on site as specified in parking district no. 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in chapter 114 of these land development regulations.

The parking requirements in this subsection 130-33(d)(1), (2), (3), (4), (5), (6), and (7) shall only apply to projects that have obtained a full building permit or business tax receipt by September 1, ~~2022~~ 2027.

**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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Dan Gelber, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

First Reading: June 22, 2022

Second Reading: July 20, 2022

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

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