

Chapter 5

OFF-STREET PARKING

Contents

ARTICLE I. IN GENERAL.....	2
5.1.1 Intent.....	2
5.1.2 Interpretation of off-street parking requirements.....	2
ARTICLE II. VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS.....	3
5.2.1 Zoning districts exempted from providing parking.....	3
5.2.2 Exemption for historic districts and buildings.....	3
5.2.3 Parking tiers established	4
5.2.4 Vehicle off-street parking requirements.....	5
5.2.4.1 Parking Tier 1	5
5.2.4.2 Parking Tier 2	14
5.2.4.3 Parking Tier 3	22
5.2.5 Bicycle off-street parking requirements	27
5.2.6 Off-street loading requirements	28
5.2.7 Removal of existing parking spaces	29
5.2.8 Off-site parking facilities	29
5.2.9 Nonconforming parking lots	31
5.2.10 Temporary parking lots.....	31
5.2.11 Mechanical and robotic parking systems.....	32
5.2.12 Electric vehicle parking.....	36
5.2.13 Valet and tandem parking.....	37
5.2.14 Alternative parking incentives	37
5.2.15 Shared Parking	38
5.2.16 Parking Credit System	39
5.2.17 Joint venture agreements	39
ARTICLE III. DESIGN STANDARDS	40
5.3.1 Criteria for below grade off-street parking	40

5.3.2	Off-street parking space dimensions	40
5.3.3	Interior aisles.....	41
5.3.4	Drives	41
5.3.5	Marking	41
5.3.6	Electric vehicle parking space standards.....	41
5.3.7	Lighting.....	42
5.3.8	Screening and landscaping.....	42
5.3.9	Drainage and maintenance	42
5.3.10	Parking garage design standards.....	42
5.3.11	Parking lot design standards	46
5.3.12	Temporary parking lot design standards	47
5.3.13	Off-street loading design standards.....	47
ARTICLE IV.	FEE IN LIEU OF PARKING PROGRAM.....	48
5.4.1	Generally	48
5.4.2	Fee calculation	49
5.4.3	Fee collection	50
5.4.4	Deposit of funds; account	50
5.4.5	Variances.....	52
ARTICLE V.	SURPLUS AND UNDER-UTILIZED PARKING SPACES	52
5.6.1	Surplus parking spaces.....	52
5.6.2	Under-utilized parking spaces.....	52

ARTICLE I. IN GENERAL

5.1.1 Intent

The intent of the off-street parking regulations is to manage vehicle parking, bicycle parking, and off-street loading to meet the intent and planned contexts throughout the City of Miami Beach. The City-wide requirements are structured within three Tiers and this system aids in implementing the City's goals for resilience while maintaining quality of life.

5.1.2 Interpretation of off-street parking requirements

- a. The parking required in **article II** is in addition to space for storage of trucks or other vehicles used in connection with a business, commercial, or industrial use.

- b. Where fractional spaces result, the number of required parking spaces required shall be rounded up to the nearest whole number.
- c. The parking space requirements for a use not specifically listed in this section shall be the same as for a listed use which generates a similar level of parking demand.
- d. In the case of mixed uses, uses with different parking requirements occupying the same building or premises, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except when the amount of required parking spaces is computed under the shared parking provisions as set forth in [section 5.2.15](#).
- e. Whenever a building or use, constructed or established after the effective date of these land development regulations, is changed or enlarged in floor area, number of apartment or hotel units, seating capacity or otherwise, to create a requirement for an increase in the number of required parking spaces, such spaces shall be provided, or the impact fee paid, whichever is permitted under these land development regulations, on the basis of the enlargement or change, pursuant to the procedures for establishing parking credits described in [section 5.2.16](#).
- f. Whenever a proposed use does not indicate the specific number of persons to occupy such area, the required parking shall be computed on the basis of one person per 15 square feet of floor area, the parking requirement shall then be calculated as listed in [section 5.2.4](#).
- g. Accessible parking facilities shall be provided as required by the Florida Building Code. These spaces shall be included within the amount of parking that is required under these land development regulations.
- h. For nonresidential uses, the parking calculation shall be the gross floor area of the building.
- i. When multiple reductions can be applied to the required parking calculation, they shall be applied in the order in which they appear in the land development regulations.
- j. When applying parking credits or reductions, any fractional spaces shall be rounded down to the nearest whole number.

ARTICLE II. VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS

5.2.1 Zoning districts exempted from providing parking

There shall be no required parking for any use located in the dune overlay district or waterway district 1.

5.2.2 Exemption for historic districts and buildings

- a. Unless otherwise noted there shall be no off-street parking requirement for main or accessory uses associated with buildings that existed prior to October 1, 1993, which are ([MAP EXHIBIT 1](#)):
 - i. Located within the architectural district;
 - ii. A contributing building within a local historic district, or
 - iii. Individually designated historic building.

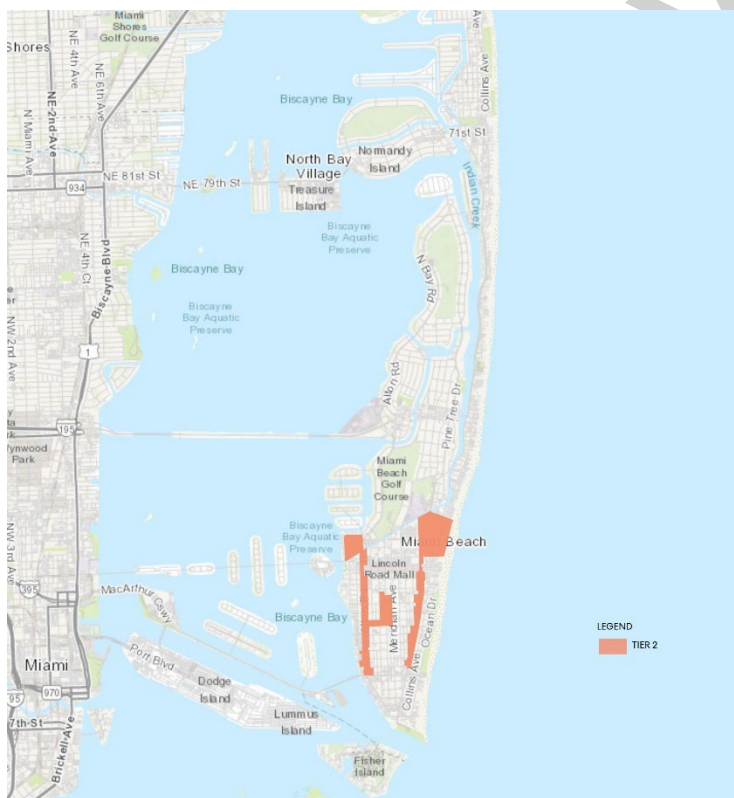
This provision shall not apply to renovations and new additions to existing buildings which create or add floor area, or to new construction which has a parking requirement.

- b. Any building or structure erected within a local historic district, historic site, or conservation district may provide required parking on-site as specified in the regulations applicable to parking tier 1 ([MAP EXHIBIT 1](#)). Such required parking, if provided, shall be exempt from the definition of "floor area," in accordance with the regulations specified in [chapter 1](#) of these land development regulations.

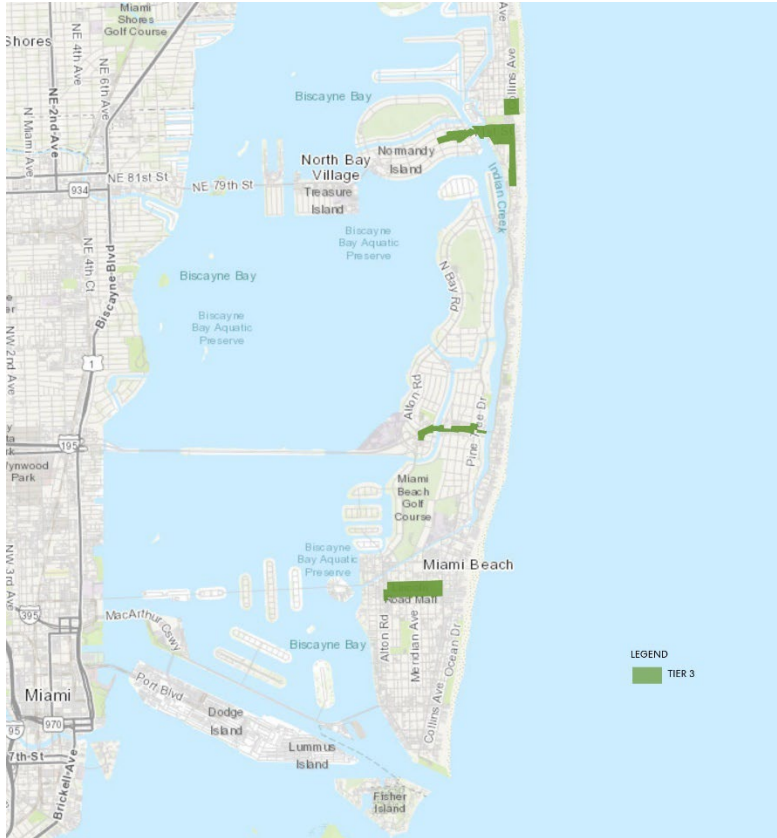
5.2.3 Parking tiers established

For the purposes of establishing off-street parking requirements, the city shall be divided into the following parking tiers:

- a. *Parking Tier 1.* Parking Tier 1 is that area not included in parking Tier 2 or Tier 3. This includes areas that have standard parking requirements, where vehicular activity and demand are highest.
- b. *Parking Tier 2.* Parking Tier 2 includes properties as depicted on the map below. This includes intermediate areas where transit is planned or anticipated, thus lower parking requirements are applicable in certain instances.



- c. *Parking Tier 3.* Parking Tier 3 includes those properties as depicted on the map below. This includes areas of transit hubs and corridors and where alternative modes of transportation are easily accessible, thus the lowest parking requirements are applicable.



5.2.4 Vehicle off-street parking requirements

5.2.4.1 Parking Tier 1

a. Off-street parking requirements for parking tier 1

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking tier 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

Key: * See Supplemental tier 1 parking regulations in [section 5.2.4.1.b](#) below

Use		Off-Street Parking Requirements
RESIDENTIAL		
<i>Apartment building and apartment hotel *</i>	Apartment buildings in RM-1 or RM-2 zoning districts on lots that are 65 feet in width or less (MAP EXHIBIT 2)	There shall be no parking requirement, provided secure storage for alternative transportation such as scooters, bicycles, and motorcycles, is provided.
	Apartment buildings in RM-1 or RM-2 zoning	One space per unit for units between 550 and 1,600 square feet; two spaces per unit for units above 1,600 square feet.

	districts on lots wider than 65 feet (MAP EXHIBIT 2)	
	Apartment units in all other zoning districts (MAP EXHIBIT 3)	One and one-half spaces per unit for units between 550 and 999 square feet; One and three-quarters spaces per unit for units between 1,000 and 1,200 square feet; Two spaces per unit for units above 1,200 square feet.
	Designated guest parking	Developments of 20 units or less shall have no designated guest parking requirements. Multi-family buildings and suites-hotels with more than 20 units shall be required to provide supplemental designated guest parking equal to ten percent of the required residential parking spaces.
<i>Dormitory *</i>		One space per every two beds, or one space per every 150 square feet of floor area, whichever is greater.
<i>Housing for low and/or moderate income non-elderly and elderly persons (as defined in chapter 58, Article V of General Ordinances): *</i>		<p>Elderly housing unit(s) have no parking space requirement.</p> <p>The parking requirements shall be the same as specified for "Apartment building and apartment-hotel" above, or one-half of a parking space per dwelling unit, whichever is less, for non-elderly low and/or moderate income housing.</p> <p>Notwithstanding the above, if an existing building is renovated and the number of units is increased, or 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 2.12.8, entitled "repair or rehabilitation of nonconforming buildings."</p> <p>If a property ceases to meet the requirements of housing for low and/or moderate income non-elderly and elderly persons as per chapter 58, article V of General Ordinances 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.</p> <p>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</p>

		district involved and applying to the new use shall have been met.
<i>Major cultural dormitory facility *</i>		One space per unit.
<i>Roominghouse, boardinghouse or lodginghouse *</i>		One space per every hotel unit, plus two additional spaces for the building.
<i>Single-family detached dwelling *</i>		Two spaces.
<i>Townhouse *</i>		Two spaces for each unit plus one designated guest space per every five units.
<i>Workforce housing (as defined in chapter 58, Article VI of General Ordinances): *</i>		<p>Workforce housing shall have the same parking requirements as specified for “Apartment building and apartment-hotel” above, or alternatively, one-half parking space per unit, whichever is less. Notwithstanding the above, if an existing building is renovated and the number of units is increased, or 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 2.12.8, entitled “repair or rehabilitation of nonconforming buildings.”</p> <p>Additionally, there is no parking requirement for workforce housing units if said units are provided in a main use parking garage.</p>
LODGING		
<i>Hotel, convention *</i>	For structures of less than 250 units, one space per unit; for structures with 250—499 units, 0.75 space per unit; for structures with 500 units or more, 0.50 space per unit. Required parking for convention hotel accessory uses shall be as follows:	
	Retail	Required parking shall be computed at one space per 500 square feet, minus 7.5 square feet per unit.
	Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly	Required parking shall be one space per every seven seats or one space per every 105 square feet of floor area where there is no seating, minus one seat or 15 square feet per unit.
	Restaurant or other establishment for consumption of food or beverages on the premises	Required parking shall be one space per every seven seats or one space per every 105 square feet of floor area where there is no seating, minus one seat or 15 square feet per two units.
	<p>Required parking for all other uses shall be as set forth in this section.</p> <p>The zoning board of adjustment may grant a variance for the total amount of parking required for a hotel and related accessory uses by up to ten percent.</p>	
<i>Hotel, suites hotel *</i>	One space per unit, except as noted in section 5.2.4.1.b.ii. Required parking for hotel accessory uses shall be as follows:	

	<i>Retail</i>	One space per 400 square feet, minus seven and one-half square feet per unit.
	<i>Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly</i>	One space per every four seats or one space per 60 square feet of floor area where there is no seating, minus one seat or 15 square feet per unit.
	<i>Restaurant or other establishment for consumption of food or beverages on the premises</i>	One space per four seats minus one seat for every two units.
	These parking requirements for hotel accessory uses are only applicable to structures that are being newly constructed or substantially rehabilitated as hotels. The zoning board of adjustment may grant a variance for the total amount of parking required for a hotel and related accessory uses by up to 20 percent.	
OFFICE		
<i>Office or office building *</i>		One space per 400 square feet of floor area; however, offices located on the ground floor shall provide one space per 300 square feet.
COMMERCIAL		
<i>Adult booth, as defined in section 1.2:</i>		One space per one adult booth.
<i>Alcoholic beverage establishment, bar, entertainment establishment</i>		One space per four seats and one space per 60 square feet of area not utilized for seating.
<i>Alcoholic beverage establishment which permits partial nudity</i>		One on-site space per every three seats.
<i>Dance hall, skating rink, auditorium or exhibition hall without fixed seats *</i>		One space per every 60 feet of floor area available for seats where there is no seating.
<i>Animal hospital, veterinary clinic</i>		One space per every 400 square feet of floor area.
<i>Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly *</i>		One space per every four seats or one space per every 60 square feet of floor area available for seats. For ballrooms and meeting rooms in buildings associated with a hotel located in the RM-3 district (subject to the requirement that such hotel property be located within 100 feet of the ballroom and meeting room property), one space per every eight seats or one space per every 120 square feet of floor area available for seats.
<i>Bowling alley or pool room</i>		One space per every alley, billiard or pool table
<i>Cabana</i>		One space per every two cabanas.
<i>Cafe, beachfront</i>		Shall have no parking requirement.
<i>Cafe, outdoor *</i>		One space per every four seats.
<i>Cafes, sidewalk</i>		Shall have no parking requirement.
<i>Fitness club</i>		One space per 750 square feet of floor area

<i>Furniture store, hardware, machinery, equipment and automobile and boat sales and service</i>	One space per every 400 feet of floor area.
<i>Grocery stores, supermarket, fresh fruit, fish, meat, poultry</i>	One space per every 250 square feet of floor area.
<i>Laundry</i>	One space per 500 square feet of floor area.
<i>Restaurants or other establishment for consumption of food or beverages on the premises *</i>	One space per every four seats; take out restaurant with no seats: One space per every 300 square feet of floor area; take out restaurant and home delivery with no seats: One space per every 200 square feet of floor area. Parking requirements for restaurants offering a combination of services shall be cumulative. Restaurants that have an occupational license for an alcoholic beverage establishment, dance hall or entertainment establishment shall meet the parking requirement indicated for those uses.
<i>Retail store, dry cleaning receiving station, stock brokerage, personal service establishment or financial institution *</i>	One space per every 300 square feet of floor area.
<i>Shopping center</i>	One space per every 300 square feet; however, the parking requirements for eating and drinking uses shall be as established within this section.
<i>Theatre</i>	One space per every four seats.
CIVIC	
<i>Bus station</i>	One space per 60 square feet of floor area.
<i>Religious institution *</i>	One space per every six seats or bench seating spaces in main auditorium.
<i>Private clubs, country clubs, fraternities, sororities and lodges</i>	One space per every 250 square feet of floor area.
CIVIL SUPPORT	
<i>Assisted living facility, adult family care home, birth center, community residential home, day/night treatment community housing, homes for special services, hospice facility, intermediate care facility for the developmentally disabled, residential treatment facility, residential treatment center, transitional living facility, nursing homes</i>	One space per two beds.
<i>Adult day care center</i>	One space per 300 square feet of floor area.
<i>Medical office, optician, retail clinic, electrology facility, ambulatory surgical center, laboratory, comprehensive outpatient rehabilitation facility, end-stage renal disease center, health care clinic, intensive outpatient treatment facility, prescribed pediatric extended care center, urgent care center, women's health clinic, pathologist, rehabilitation agency *</i>	One space per 300 square feet of floor area.
<i>Medical cannabis treatment center, pharmacy store</i>	One space per 300 square feet of floor area.
EDUCATIONAL	

<i>College</i>	One space per every five seats in the main auditorium or one space per every three seats per classroom, whichever is greater.
<i>High school</i>	One space per every 12 seats in the main auditorium or one space per every six seats in a classroom, whichever is greater
<i>Junior high, elementary, nursery school, pre-school or daycare</i>	One space per 15 seats in main assembly room, plus one space per classroom.
INDUSTRIAL	
<i>General service or repair establishment, printing, publishing, plumbing, heating, broadcasting</i>	One space per every 1,000 square feet of floor area.
<i>Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale, warehouse or similar establishment</i>	One space per 1,000 square feet of floor area.
<i>Telephone exchanges or equipment buildings</i>	One space per every 1,500 square feet of floor area.
OTHER	
<i>Funeral home</i>	One space per every six seats or bench seating spaces in chambers and chapels.
<i>Marina</i>	One space per every two wet slips; one space per every ten slips in dry dock storage facility.

b. Supplemental off-street parking requirements for parking tier 1

i. Supplemental off-street parking requirements specific to districts

<i>North Beach National Register Conservation Overlay District</i> (MAP EXHIBIT 4)	Apartment building and apartment hotel	<p>Zero spaces per unit for:</p> <ul style="list-style-type: none"> • Buildings on lots that are 65 feet in width or less; • development sites with six units or less, regardless of lot width; • New buildings on development sites with existing buildings that do not contain off-street parking, where total number of new units does not exceed the number of existing units. <p>One space per unit for buildings on lots greater than 65 feet in width. In the event that the property owner can substantiate that the proposed new construction will not need to provide off-street parking, the design review board or historic preservation board, as applicable, may waive the parking requirement.</p> <p>For existing apartment, apartment-hotel and hotel buildings, which are classified as "contributing" and of which at least 75 percent of the front and street side elevations, and 25 percent of interior side elevations, are substantially retained, preserved and restored, there shall be no parking requirement for the existing structure, and any new additions, whether attached or detached, regardless of lot width and number of units.</p>
---------------------------------------------------------------------------------------	----------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		Any proposed addition to the existing structure shall be subject to the review and approval of the design review board or historic preservation board, whichever has jurisdiction, and shall include a renovation plan for the existing structure that is fully consistent with the Secretary of the Interior Guidelines and Standards for the Rehabilitation of Historic Buildings.
<i>CCC civic and convention center district:</i> The number of off-street parking spaces required for any structure shall be determined by the primary use of the structure in accordance with the requirements as follows	Auditorium, convention hall or meeting rooms	One space per every 1,000 square feet of floor area available for seats.
	Hotel, convention	0.4 spaces per unit.
	When not listed above, the parking requirement for primary uses listed in this tier shall apply.	
	Accessory uses not listed above shall have no parking requirement.	
	The city commission may waive the total amount of required parking for uses in the CCC district by up to 20 percent. Valet and tandem parking shall not be required to comply with the stacking limits in subsection 5.2.13.b.	
<i>HD hospital districts:</i> The number of off-street parking spaces required for any structure shall be determined by the primary use of the structure in accordance with the requirements as follows:	Hospital	One and one-half spaces per hospital bed.
	Educational facility	One space per five seats in the main auditorium or one space per three seats per classroom, whichever is greater.
	Offices and clinics as identified in subsections 7.2.19.2.a.i.7 and 8	One space per 400 square feet of floor area.
	Research facility	One space per 1,000 square feet of floor area.
	When not listed above, the parking requirement for uses listed in this tier shall apply.	
<i>Oceanfront lots zoned RM-3 in the architectural district, between 15th Street and 23rd Street, containing a contributing structure, where the main or primary use is a hotel, the following shall apply to new construction</i> (MAP EXHIBIT 5)	<i>Hotel units</i>	There shall be no parking requirement for new construction containing hotel units where the total number of hotel units is not increased from the existing business tax receipt (BTR).
	Retail, meeting rooms or other places of assembly	There shall be no parking requirements for individual accessory use establishments, that are accessory to hotel uses of 3,000 square feet or less. For individual accessory use establishments over 3,000 square feet, there shall be one space for every 300 square feet of floor area. A covenant running with the land, approved by the city attorney, shall be recorded to ensure that individual accessory use establishments will not be reconfigured internally in a way that would increase the minimum parking impact requirements without conditional use approval and payment of a one-time parking impact fee for each required parking space. Notwithstanding the above, when the total aggregate square footage of the above-mentioned accessory uses in this

		subsection exceeds ten percent of the gross floor area on the property, then parking shall be required for all of the uses.
	<i>Restaurant, dining area, lounge, outdoor café or bar</i>	There shall be no parking requirement for individual accessory establishments, that are accessory to hotel use, of 3,000 square feet per hotel. For individual accessory establishments over 3,000 square feet there shall be one space per four seats or one space per 60 square feet of space not used for seating. A covenant running with the land, approved by the city attorney, shall be recorded to ensure that individual accessory establishments will not be reconfigured internally in a way that would increase the minimum parking requirement without conditional use approval and payment of a one-time parking impact fee for each required parking space. Notwithstanding the above, when the total aggregate square footage of the above-mentioned accessory uses in this subsection exceeds 20 percent of the gross floor area on the property, then parking shall be required for all of the uses.
	<i>Gymnasiums, spas or saunas</i>	There shall be no parking requirement for accessory gymnasiums, spas or saunas, for registered hotel guests only. The use of gymnasiums, spas or saunas by the general public shall comply with all applicable parking requirements.
<i>MXE district and located in the Ocean Drive/Collins Avenue historic district (MAP EXHIBIT 6)</i>	New residential construction, including allowable accessory uses within the new construction	<p>One space per residential unit. All accessory uses shall comply with the minimum requirements applicable to parking tier. 1</p> <p>i. Voluntary residential parking incentive program. There shall be no parking requirement associated with new residential construction, including allowable accessory uses, for the following developments, provided that the owner of the property elects, at the owner's sole discretion, to voluntarily execute a restricted covenant running with the land, in a form approved by the city attorney, affirming that, for a term of 30 years, (i) the use of the development shall be limited to residential purposes only (including permitted accessory uses), and (ii) none of the residential units on the property shall be leased or rented for a period of less than six months and one day:</p> <ol style="list-style-type: none"> 1. Lots with a width of 100 feet or less. 2. Development sites of six residential units or fewer. 3. New buildings on development sites with existing buildings for which off-street parking is not currently provided, where the total number of new residential units does not exceed the number of existing residential units. 4. Properties located within 1,500 feet of a public transit stop, or within 1,500 feet of any public or private parking garage. <p>ii. The minimum bicycle parking requirements in section 5.2.5 must be met.</p>

<i>C-PS3 and C-PS4 districts. In C-PS3 and C-PS4 districts</i>	Apartment unit	One and one-quarter parking spaces. Twenty percent of required apartment unit parking spaces may be satisfied through the provision of valet parking spaces.
	Hotel unit	One space. Required parking may be satisfied through the provision of valet parking spaces.
	Hotel accessory uses and club uses	Required parking may be satisfied through the provision of valet parking spaces.
	Commercial	Two and one-half parking spaces per 1,000 square feet of commercial space. Four parking spaces per 1,000 square feet of commercial space for all of the C-PS3 or C-PS4 properties of which any portion is located south of Second Street and west of Washington Avenue or west of the southern theoretical extension of Washington Avenue.
<i>RM-PS1 district</i>	Apartment unit	1.65 parking spaces per apartment unit. Up to 12 percent of the total parking spaces created on the premises may be for valet parking spaces.
	Non-residential use	One parking space per 1,000 square feet. Up to 12 percent of the total parking spaces created on the premises may be for valet parking spaces.
<i>RM-1</i>	Religious institution	The planning board, through the conditional use process, may waive some or all required parking for new <i>construction</i> for religious institutions in the RM-1 district, provided the property is less than 8,000 square feet. Said conditional use application shall include a traffic operations plan.

ii. Supplemental off-street parking requirements for hotel and suites hotel

Properties located within a local historic district or National Register Historic District (MAP EXHIBIT 6)	New floor area for hotel rooms, associated with retaining, preserving and restoring a building or structure that is classified as "contributing" as of March 13, 2013, as defined below: .5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units
Properties abutting Lincoln Lane South, between Drexel Avenue and Lenox Avenue (MAP EXHIBIT 7)	No off-street parking requirement
Properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east (MAP EXHIBIT 8)	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units
Properties located north of Normandy Drive having a lot area greater than 30,000 square feet, which are individually designated as an historic site (MAP EXHIBIT 9)	.5 spaces per unit

Hotels, limited by covenant to no restaurants or pools open to the public, no outdoor bar counters, entertainment or special events, and located in a commercial zoning district within 1,000 feet of the boundary of an area that is (1) zoned CD-3 and (2) part of an historic district	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units, up to a maximum cap of 150 rooms total
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------

- a. For purposes of this section, "retaining, preserving and restoring a building or structure that is classified as 'contributing'" means that the following portions of such building or structure must remain substantially intact:

- At least 75 percent of the front and street side facades;
- At least 75 percent of the original first floor slab;
- For structures that are set back two or more feet from interior side property line, at least 66 percent of the remaining interior side walls; and
- All architecturally significant public interiors;

or if approved by the historic preservation board, pursuant to [section 2.12.8.b.4.ii.](#)

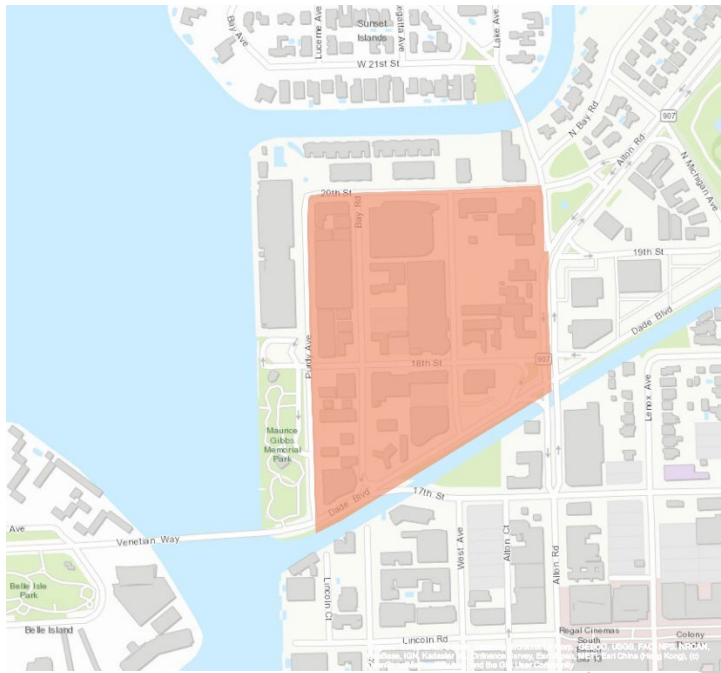
In addition to the above, in order for any hotel to receive the reduced rate of .5 spaces per unit, a hotel guest shuttle service shall be provided and maintained, and a hotel employee parking plan is required, which shall be subject to the review and approval of the planning department. Such hotel employee parking plan shall include mandatory measures to address employee parking, including, but not limited to, provision of transit passes, carpool or vanpool programs, off-site parking when available, monthly city parking passes, and/or other measures intended to limit the impact of employee parking on surrounding neighborhoods.

However, suites hotel units as defined in [section 7.5.4.5](#) that are greater than 550 square feet and that contain full cooking facilities on lots that are greater than 50 feet in width, shall have the same parking requirement as apartment buildings in [subsections 5.2.4.1.a. above.](#)

5.2.4.2 Parking Tier 2

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking Tier 2 accessory 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 tier 1.

- a. Off-street parking requirements for Tier 2 area a.
- i. The following off-street parking requirements apply to properties located within the area depicted on the map below.



Key: * See supplemental off-street parking regulations in [section 5.2.4.2.a.ii.](#) below

Use		Off-street parking requirement
RESIDENTIAL		
<i>Apartment building and apartment-hotel *</i>	Existing structures utilized for residential apartments	No parking requirement
	New construction and/or additions utilized for residential apartments	One space per unit
	Designated guest parking	No parking requirement
COMMERCIAL		
<i>Restaurant with alcoholic beverage license or other establishment for consumption of food or beverages *</i>	An individual establishment of less than 100 seats that does not exceed 3,500 square feet of floor area	No parking requirement.
	Establishment that exceeds 100 seats and/or 3,500 square feet of floor area	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 5.4.2.

Retail store, food store, or personal service establishment *	Individual establishments of 3,500 square feet or less	No parking requirement.
	An establishment over 3,500 square feet	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 5.4.2.

ii. Supplemental off-street parking regulations for Tier 2 area a.

Use/Scale/Circumstance	Off-street parking requirement
Developments greater than 10,000 square feet of new construction	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 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 new construction that is greater than 15,000 square feet shall provide all the required parking on site.
Nonresidential uses located above the ground floor	No parking required, regardless of square footage.
Office	Notwithstanding the foregoing, required parking for office uses may be provided on-site, pursuant to the regulations for parking tier no. 1. Such required parking, if provided for office uses, shall be exempt from FAR, in accordance with the regulations in chapter 1 of these land development regulations.
Removal of existing parking spaces	No existing required parking space may be eliminated, except through the provisions of section 5.2.7 , 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).
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.

b. Off-street parking requirements for Tier 2 area b.

- i. The following parking requirements apply to properties located within the area depicted on the map below.

Key: * See supplemental off-street parking regulations in [section 5.2.4.2.b.ii.](#) below

Use	Off-street parking requirement
RESIDENTIAL	
<i>Apartment building and apartment-hotel</i>	On lots that are 65 feet in width or less There shall be no parking requirement, provided the apartment building or apartment-hotel site secures off-site storage for alternative transportation such as scooters, bicycles, and motorcycles.

	On lots wider than 65 feet	One space per unit for units between 550 and 1,600 square feet; Two spaces per unit for units above 1,600 square feet.
	Designated guest parking	Developments of 20 units or less shall have no designated guest parking requirements. Multifamily buildings and suites-hotels with more than 20 units shall be required to provide supplemental designated guest parking equal to ten percent of the required residential parking spaces.
LODGING		
<i>Hotel or suites hotel*</i>		One space per two units; however, suites hotel units as defined in section 7.5.4.5 that are greater than 550 square feet and that contain full cooking facilities shall have the same parking requirement as apartment buildings above. Required parking for hotel accessory uses shall be the same as for retail stores, food stores and personal service establishments and restaurants, outdoor cafes and bars below.
OFFICE		
<i>Offices *</i>		One space per 400 square feet of floor area. However, medical offices and clinics or offices located on the ground floor shall provide one space per 300 square feet of floor area. The minimum parking requirements for office uses may be reduced by up to 20 percent in cases where the developer voluntarily proffers a restrictive covenant running with the land, form approved by the city attorney, ensuring that the required office parking spaces shall be shared by all users in the building and shall not be reserved for individual persons or tenants.
COMMERCIAL		
<i>Restaurant, outdoor café or bar *</i>	Individual establishments of 60 seats or less or 1,500 square feet or less of eating and/or drinking areas, up to a total aggregate square footage of 5,000 square feet per development site	No parking requirement.
	Individual establishments over 60 seats or 1,500 square feet of eating and/or drinking	One space per four seats or one space per 60 square feet of space not used for seating.

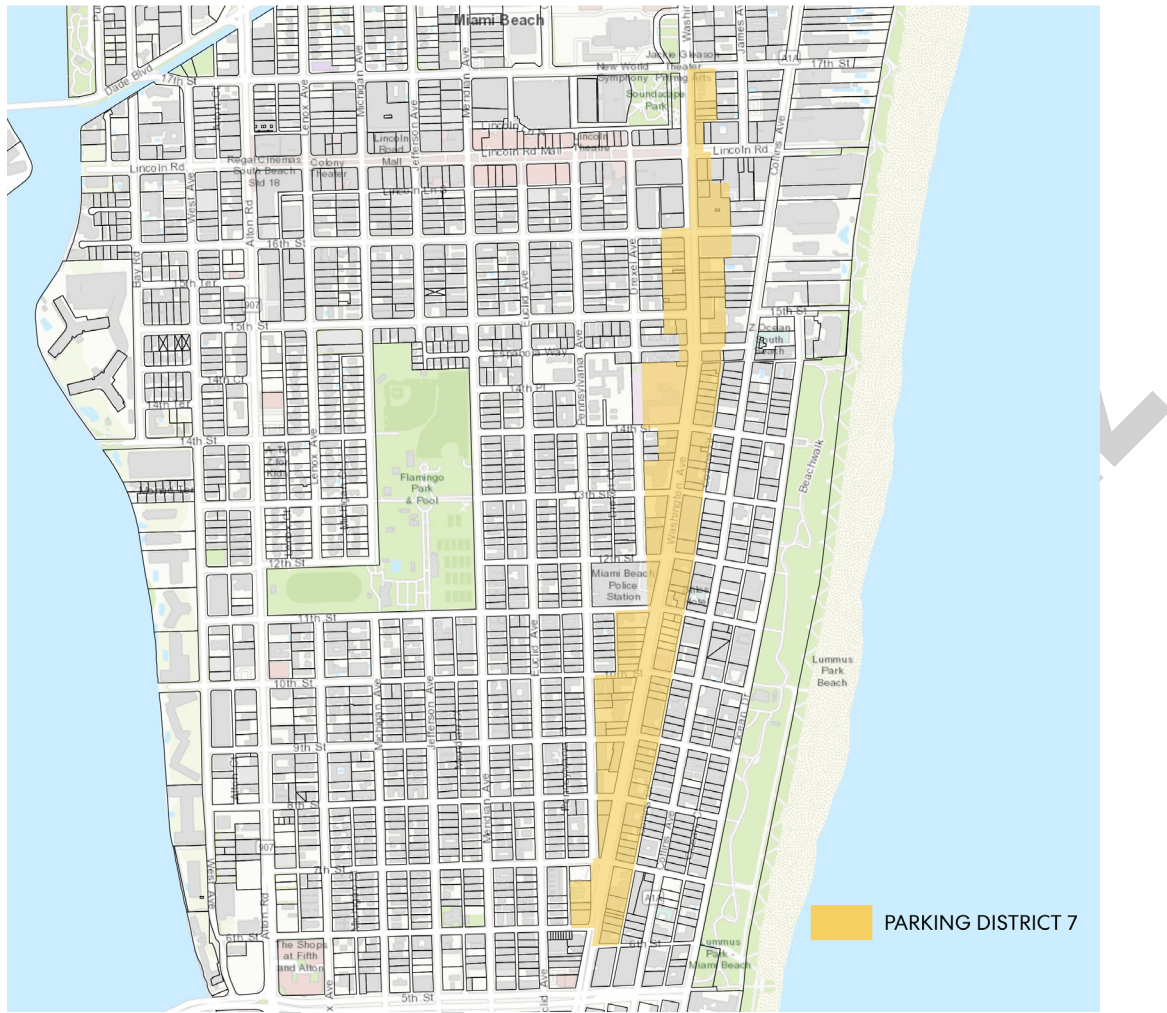
	areas, or for development sites with a total aggregate square footage of more than 5,000 square feet of these uses	
	A covenant running with the land, approved by the city attorney, shall be recorded to ensure that individual stores will not be reconfigured internally in a way that would increase the minimum parking requirement without conditional use approval and payment of a one-time parking impact fee for each required parking space.	
<i>Retail store, food store, or personal service establishment *</i>	Individual establishments of 2,500 square feet or less up to a total aggregate square footage of 10,000 square feet per development site.	No parking requirement.
	Individual establishments over 2,500 square feet or for development sites with a total aggregate square footage of more than 10,000 square feet of these uses	One space for every 300 square feet of floor area.
	A covenant running with the land, approved by the city attorney, shall be recorded to ensure that individual stores will not be reconfigured internally in a way that would increase the minimum parking requirement without conditional use approval and payment of a one-time parking impact fee for each required parking space.	

ii. Supplemental off-street parking regulations for Tier 2 area b.

Use/Scale/Circumstance	Off-street parking requirement	
<i>All nonresidential uses</i>	The minimum parking requirement may be reduced as follows:	
	Centralized parking	The minimum parking requirement may be reduced for properties located near a publicly accessible off-street parking facility according to the following formulas: Up to 30 percent within 500 feet, up to 20 percent within 1,000 feet, up to ten percent within 1,200 feet. Such reduction shall be subject to a finding by the planning director based upon a parking study provided by the applicant that documents the availability of parking spaces within the publicly accessible parking facility to serve the residual demand resulting from

		the reduced number of on-site parking spaces, and the availability of safe and convenient pedestrian access routes to the off-site parking supply. Distances shall be measured along the pedestrian pathway between the pedestrian access points for the subject uses and the parking facility. Additionally, in order for any use to receive the above-reduced rates a shuttle service shall be provided and maintained and an employee parking plan required which shall be subject to the review and approval of the planning department. Such employee parking plan shall include mandatory measures to address employee parking including, but not limited to, provision of transit passes carpool or vanpool programs, off-site parking when available, monthly city parking passes and/or other measures intended to limit the impact of employee parking on surrounding neighborhoods.
	Shared parking	Mixed use development is encouraged to utilize the shared parking calculations in section 5.2.15 . Parking for residential uses may be included in the shared parking calculation at a rate of 50 percent for daytime weekdays, 70 percent for daytime weekends and 100 percent for all other times. Shared parking shall be designated by appropriate signage and markings. The shared parking facility may be located off-site within 600 feet of the uses served, subject to section 5.2.8 .

- c. Off-street parking requirements for Tier 2 area c.
 - i. The following off-street parking requirements apply to properties located within the area depicted on the map below.



Use		Off-street parking requirement
RESIDENTIAL		
<i>Co-living units</i>		No parking requirement.
LODGING		
<i>Hotel and hostel</i>		No parking requirement. For accessory uses to a hotel or hostel, the minimum parking is as set forth in parking tier. 1.
OFFICE		
<i>Office</i>		No parking requirement
COMMERCIAL		
<i>Café, outdoor</i>		No parking requirement
<i>Retail</i>	Retail existing as of the date of adoption of previous parking district no. 7 (now Tier 2 area c)	No parking requirement.
	New retail construction	One space per 300 square feet of floor area

	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.
<i>Quality restaurants</i>	No parking requirement.
OTHER	
<i>Approved parklets</i>	No parking requirement

The parking requirements in this subsection above shall only apply to projects that have obtained a full building permit or business tax receipt by September 1, 2027.

Any building or structure erected in Tier 2 area c may provide required parking on site as specified in parking tier 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in [chapter 1](#) of these land development regulations.

d. Off-street parking requirements for Tier 2 area d.

- i. The following off-street parking requirements apply to properties located within the area depicted on the map below.

Use		Off-street parking requirement
LODGING		
<i>Hotel units</i>		No parking requirement.
COMMERCIAL		
<i>Restaurant, outdoor café or bar</i>	An individual establishment of less than 100 seats, provided that the restaurant, outdoor café, or bar use is within 1,200 feet of any public or private parking garage	No parking requirement.
	If a restaurant, outdoor café or bar exceeds 100 seats	One space for every four seats or bar stools, or one space per 60 square feet of space not used for seating in excess of the foregoing limitation.
	Such 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 parking associated with all of the uses within the proposed building.	
<i>Retail store, food store, or personal service establishment</i>	Individual establishments of 5,000 square feet or less, whether as a primary or accessory use, provided that the use is within 1,200 feet of any	No parking requirement.

	public or private parking garage.	
	If the use exceeds 5,000 square feet	One space for every 300 square feet of floor area in excess of the foregoing limitation.
	Such 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 parking associated with all of the uses within the proposed building.	

Any building or structure erected in Tier 2 area d. may provide required parking on site, consistent with the off-street parking requirements for parking tier 1, as set forth in [section 5.2.4.1](#).

5.2.4.3 Parking Tier 3

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking Tier 3, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows.

- a. Off-street parking requirements for Tier 3 areas a, b and c
 - i. The following parking requirements apply to properties located within the area depicted on the map below. There shall be no off-street parking requirement for uses in Tier 3 areas a, b and c except for those listed below.

Key: * See supplemental off-street parking regulations in [section 5.2.4.3.a.ii](#). below

Use		Off-street parking requirement
RESIDENTIAL		
<i>Apartment building and apartment-hotel *</i>	Apartment buildings on lots that are 50 feet in width or less	1.5 spaces per unit
	Apartment buildings on lots wider than 50 feet	One and one-half spaces per unit for units between 550 and 999 square feet; One and three-quarters spaces per unit for units between 1,000 and 1,200 square feet; Two spaces per unit for units above 1,200 square feet.
	Designated guest parking	Developments of 20 units or less shall have not designated guest parking requirements. Multifamily buildings and suites-hotels with more than 20 units shall be required to provide supplemental designated guest parking equal to ten percent of the required residential parking spaces.
<i>Housing for low and/or moderate income non-elderly and elderly persons (as defined in chapter 58, article V of General Ordinances)</i>		The parking requirement shall be as per tier 1. 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. The applicant shall submit written certification from the corresponding state or federal agency in charge of the program.

<i>Workforce housing</i> (as defined in chapter 58, Article VI):		Shall have the same parking requirements as specified in tier 1, or alternatively, one-half parking spaces per unit, whichever is less. Notwithstanding the above, when an existing building is renovated and the number of units is increased, or 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 section 2.12.8 , Repair or rehabilitation of nonconforming buildings.
LODGING		
<i>Hotel, convention</i>	One space per two units. Required parking for convention hotel accessory uses shall be as follows:	
	Retail	Required parking shall be computed at one space per 500 square feet of floor area, minus seven and one-half square feet per unit.
	Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly	Required parking shall be one space per seven seats or one space per 105 square feet of floor area where there is no seating, minus one seat for 15 square feet per unit.
	Restaurant or other establishment for consumption of food or beverages on the premises	Required parking shall be one space per seven seats or one space per 105 square feet of floor area where there is no seating, minus one seat or 15 square feet per two units.
	Required parking for all other accessory uses shall be as set forth in this section. The zoning board of adjustment may grant a variance for the total amount of parking required for a convention hotel and related accessory uses of up to ten percent.	
<i>Hotel or suites hotel *</i>	One space per unit, except as noted in Section 5.2.4.3.a.ii . Required parking for hotel accessory uses shall be as follows:	
	Retail	One space per 400 square feet of floor area, minus seven and one-half square feet per unit.
	Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly	One space per four seats or one space per 60 square feet of floor area where there is no seating, minus one seat or 15 square feet per unit.
	Restaurant or other establishment for consumption of food or beverages on the premises	One space per four seats minus one seat for every two units.
	Required parking for all other uses shall be as set forth in this section. These parking requirements for hotel accessory uses are only applicable to structures that are being newly constructed or substantially rehabilitated as hotels. The zoning	

	board of adjustment may grant a variance for the total amount of parking required for a hotel or suites hotel and related accessory uses of up to 20 percent.
OFFICE	
<i>Offices</i>	One space per 400 square feet of floor area, provided, however, offices located on the ground floor shall provide one space per 300 square feet of floor area
COMMERCIAL	
<i>Theaters</i>	One space for every four seats.
CIVIC	
<i>Religious institutions</i>	One space per every six seats or bench seating spaces in main auditorium
CIVIL SUPPORT	
<i>Assisted living facility, adult family care home, birth center, community residential home, day/night treatment community housing, homes for special services, hospice facility, intermediate care facility for the developmentally disabled, residential treatment facility, residential treatment center, transitional living facility, nursing homes</i>	One space per two beds.
<i>Adult day care center</i>	One space per 300 square feet of floor area
<i>Medical cannabis treatment center, pharmacy store,</i>	One space per 300 square feet of floor area.
<i>Medical office, optician, retail clinic, electrology facility, ambulatory surgical center, laboratory, comprehensive outpatient rehabilitation facility, end-stage renal disease center, health care clinic, intensive outpatient treatment facility, prescribed pediatric extended care center, urgent care center, women's health clinic, pathologist, rehabilitation agency</i>	One space per 300 square feet of floor area.
EDUCATIONAL	
<i>Schools</i>	As per tier 1

Any building or structure erected in Tier 3 area c. may provide required parking on site as specified in parking tier 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in **chapter 1** of these land development regulations.

ii. Supplemental off-street parking regulations for Tier 3 areas a, b and c

1. Supplemental off-street parking requirements specific to districts

<i>Normandy Isles National Register District</i>	<i>Apartment building and apartment hotel</i>	For existing apartment and apartment-hotel buildings, which are classified as "contributing", and which are being substantially retained, preserved and restored, there shall be no parking requirement for the existing structure, and any addition up to a maximum of 2,500 square feet, whether attached or detached. The proposed addition to the existing structure shall be subject to the review and approval of the design review board or historic preservation board, whichever
--------------------------------------------------	-----------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		has jurisdiction, and shall include a renovation plan for the existing structure that is fully consistent with the Secretary of the Interior Guidelines and Standards for the Rehabilitation of Historic Buildings.
<i>CD-2 zoning district within the Normandy Isles National Register Conservation District (MAP EXHIBIT 10):</i>	New construction of residential and hotel units, including allowable accessory uses	<p>One space per residential unit and one-half space per hotel unit.</p> <p>There shall be no parking requirement for the following:</p> <ul style="list-style-type: none"> i. Development sites of six units (hotel or residential) or fewer. ii. Properties located within 1,500 feet of a public transit stop, or within 1,500 feet of any public or private parking garage. Additionally, the first level of the structure shall be fully activated at the ground level with non-office and non-financial institution uses. iii. Additions to existing buildings. For existing buildings, which are classified as "contributing" and of which at least 75 percent of the front and street side elevations, and 25 percent of interior side elevations, are substantially retained, preserved, and/or restored, there shall be no parking requirement for the existing building, or for any new residential or hotel units, whether attached or detached, regardless of lot width or number of units. Any proposed addition to the existing building shall be subject to the certificate of appropriateness or design review criteria set forth in chapter 2, as applicable. and shall include a renovation plan for the existing building that is fully consistent with the Secretary of the Interior's Guidelines and Standards for the Rehabilitation of Historic Buildings. iv. Waiver. The off-street parking requirements set forth in this subsection above may be waived by the design review board or historic preservation board, pursuant to the design review or certificate of appropriateness criteria, as may be applicable, upon a finding that off-street parking is not necessary to support the construction of new residential or hotel units within the respective local historic district or conservation district. v. The minimum bicycle parking requirements in section 5.2.5 must be met.

2. Supplemental off-street parking requirements for hotel or suites hotel

Properties located within a local historic district or National Register	New floor area for hotel rooms, associated with retaining, preserving and restoring a building or structure that is classified as "contributing" as of March 13, 2013, as defined below	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units
--------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------

Historic District north of 63 rd Street	New hotel units as part of additions to contributing buildings on Lincoln Road between Pennsylvania Avenue and Lenox Avenue	No off-street parking requirement
Properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east		.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units
Properties not listed above	Hotels, limited by covenant to no restaurants or pools open to the public, no outdoor bar counters, entertainment or special events, and located in a commercial zoning district within 1,000 feet of the boundary of an area that is (1) zoned CD-3 and (2) part of an historic district	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units, up to a maximum cap of 150 rooms total

- a. For purposes of this section, "retaining, preserving and restoring a building or structure that is classified as 'contributing'" means that the following portions of such building or structure must remain substantially intact:

- At least 75 percent of the front and street side facades;
- At least 75 percent of the original first floor slab;
- For structures that are set back two or more feet from interior side property line, at least 66 percent of the remaining interior side walls; and
- All architecturally significant public interiors;

or if approved by the historic preservation board, pursuant to [section 2.12.8.b.4.ii.](#)

In addition to the above, in order for any hotel to receive the reduced rate of .5 spaces per unit, a hotel guest shuttle service shall be provided and maintained, and a hotel employee parking plan is required, which shall be subject to the review and approval of the planning department. Such hotel employee parking plan shall include mandatory measures to address employee parking, including, but not limited to, provision of transit passes, carpool or vanpool programs, off-site parking when available, monthly city parking passes, and/or other measures intended to limit the impact of employee parking on surrounding neighborhoods.

However, suites hotel units as defined in [section 7.5.4.5](#) that are greater than 550 square feet and that contain full cooking facilities on lots that are greater than 50 feet in width, shall have the same parking requirement as apartment buildings in [subsections 4.2.4.1.a. above.](#)

- b. Off-street parking requirements for Tier 3 area d.
- i. The following parking requirements apply to properties located within the area depicted on the map below. For uses not listed below, the off-street parking requirement shall be the same as for Tier 3 area c as applicable.

Key: * See supplemental off-street parking regulations in [Section 5.2.4.3.b.ii.](#) below

Use		Off-street parking requirement
RESIDENTIAL		
<i>Apartment units and townhouses</i>	Units between 550 and 850 square feet	One half space per unit
	Units between 851 and 1,250 square feet	Three-quarters space per unit
	Units above 1,250 square feet	One space per unit
<i>Affordable housing and workforce housing</i>		No parking requirement
<i>Co-living and live-work units</i>	Units less than 550 square feet	No parking requirement
	Units greater than 550 square feet	The parking requirement shall follow the per unit requirement specified under apartment units and townhomes
LODGING		
<i>Hotel</i>		No parking requirement. For accessory uses to a hotel, no parking requirement provided a facility with publicly accessible parking spaces is located within the TC-C district, or 1,500 feet of the site, provided the parking is not located within a residential district; otherwise, as per Tier 3 area c.
OFFICE		
<i>Office</i>		No parking requirement provided a facility with publicly accessible parking spaces is located within the TC-C district or 1,500 feet of the site, provided the parking is not located within a residential district; otherwise, as per Tier 3 area c.

Any building or structure erected in Tier 3 area d may provide required parking on site as specified in parking tier 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in [chapter 1](#) of these land development regulations.

- ii. Supplemental off-street parking regulations for tier 3 area d
 1. In order to encourage the use of alternative modes of transportation, the limitation for the sum of all parking reductions in [subsection 5.2.14.g](#) shall not apply in tier 3 area d.
 2. In order to encourage the use of centralized parking locations, required off-street parking may be located within 2,000 feet of a development site.
 3. New construction of any kind may satisfy their parking requirement by participation in the fee in lieu of parking program for pursuant to [subsection 5.4.2.a. of these land development regulations](#).
 4. Short-term and long-term bicycle parking shall be provided for development in Tier 3 area d. Required bicycle parking shall be permitted to apply towards vehicle parking reductions identified in [section 5.2.14](#).

5.2.5 Bicycle off-street parking requirements

Short-term and long-term bicycle parking shall be provided for new construction over 1,500 square feet in tiers 1, 2 and 3, according to the minimum standards in the table below and the "Guidelines for the Design and Management of Bicycle Parking Facilities" available from the planning department.

- a. Short-term bicycle parking (bicycle racks) serves people who leave their bicycles for relatively short periods of time, typically for shopping, recreation, eating or errands. Bicycle racks should be located in a highly visible location near the main entrance to the use.
- b. Long-term bicycle parking includes facilities that provide a high level of security such as bicycle lockers, bicycle cages and bicycle stations. These facilities serve people who frequently leave their bicycles at the same location for the day or overnight.
- c. Bicycle parking shall be provided as follows:

Land use	Minimum short-term bicycle parking spaces (whichever is greater)	Minimum long-term bicycle parking spaces (whichever is greater)
Commercial	1 per business, 4 per project or 1 per 10,000 square feet	1 per business, or 2 per 5,000 square feet
Hotel	2 per hotel or 1 per 10 rooms	2 per hotel or 1 per 20 rooms
Multifamily residential	4 per building or 1 per 10 units	1 per unit

- d. Developers are encouraged to provide more than the minimum requirement as appropriate for the particular uses in a building.
- e. The above noted required bicycle parking shall be permitted to apply towards vehicle parking reductions identified in [section 5.2.14](#).
- f. Short-term bicycle parking spaces may be provided in the public right-of-way subject to design review, in situations where suitable space near the entrance to the building or storefront is not available on private property. Bicycle parking in the public right-of-way shall be subject to review and approval by the public works department and shall not encroach on the pedestrian thoroughway zone.

5.2.6 Off-street loading requirements

- a. When any new building or structure is erected or an existing building is modified resulting in an increase in FAR, accessory off-street loading spaces shall be provided for the new building, new structure, or increase in floor area in accordance with the following schedule:

Use	Loading Requirements
Retail store, department store, restaurant, wholesale house, warehouse, repair, general service, manufacturing or industrial establishment, or similar use, which has an aggregate floor area in square feet of	Over 2,000 but not over 10,000
	Over 10,000 but not over 20,000
	Over 20,000 but not over 40,000
	Over 40,000 but not over 60,000
	For each additional 50,000 over 60,000
Office building, hospital or similar institutions, places of public assembly, or similar use, which has an aggregate floor area in square feet of	Over 5,000 but not over 10,000
	Over 10,000 but not over 100,000
	Over 100,000 but not over 200,000
	For each additional 100,000 over 200,000

Residential building or hotel building	Over 36 units but not more than 50 units	One space
	Over 50 units but not more than 100 units	Two spaces
	Over 100 units but not more than 200 units	Three spaces
	For each additional 100 units or fraction thereof over 200 units	One space
New construction of multi-family, hotel, and commercial buildings utilizing enclosed structures for the storage and/or parking of vehicles	All required loading spaces shall be located internally.	
A change of use in an existing building	Required loading shall either be provided in accordance with the off-street loading schedule above, or a detailed plan delineating on-street loading, as approved by the parking department.	
Properties located within a locally designated historic district, or historic site	The historic preservation board may waive the requirements for off-street loading spaces for properties containing a contributing structure provided that a detailed plan delineating on-street loading is approved by the parking department.	

- b. Notwithstanding the requirements of [part a](#) pertaining to off-street loading, the off-street loading requirement for hotels and accessory uses to hotels shall be four spaces. However, additional loading spaces may be provided on site.
- c. Required off-street loading spaces are not to be included as off-street parking spaces in the computation of required off-street parking spaces.

5.2.7 Removal of existing parking spaces

Except as provided for within [subsection 5.4.2.c.](#), no existing required parking space, which is legally conforming, may be eliminated for any use. However, notwithstanding the forgoing, the elimination of any such legal conforming, required parking space for the purposes of addressing Americans with Disabilities Act (ADA) compliance or for the creation of an enclosed dumpster/trash area when there has been a determination by the planning and zoning director of no feasible alternate location shall be permitted without the need to replace such space or payment of in lieu of required parking.

5.2.8 Off-site parking facilities

- a. All parking spaces required in this article shall, be provided on a self-park basis or valet parking basis in accordance with [section 5.2.13](#), and shall be located on the same lot with the building or use served, or offsite if one of the following conditions is met:
 - i. The parking is within a distance not to exceed 1,200 feet of the property with the use(s).
 - ii. For properties south of Fifth Street, the parking is within a distance not to exceed 1,500 feet of the property with the use(s). For purposes of this subsection, the property with the uses(s) shall be located south of Fifth Street and the parking facility may be located north of Fifth Street. ([MAP EXHIBIT 11](#))

- iii. For properties located north of Normandy Drive having a lot area greater than 30,000 square feet, which are individually designated as an historic site, the parking is within a distance not to exceed 2,500 feet of the property if the use is within city limits, or is within a distance not to exceed one mile of the property if the use is outside city limits. (MAP EXHIBIT 9)
 - iv. The foregoing distance separation shall be measured by following a straight line from the property line of the lot on which the main permitted use is located to the property line of the lot where the parking lot or garage is located.
- b. Where the required parking spaces are not located on the same lot with the building or use served and used as allowed in [section 5.2.4](#), a unity of title or for nonadjacent lots, either a unity of title or a covenant in lieu of unity of title for parking unification shall be required for the purpose of insuring that the required parking is provided. Such unity of title or restrictive covenant shall be executed by owners of the properties concerned, approved as to form by the city attorney, recorded in the public records of the county as a covenant running with the land and shall be filed with the application for a building permit. Alternatively, for a change of use in an existing building, or a property located north of Normandy Drive having a lot area greater than 30,000 square feet and which is individually designated as an historic site, a lease for the purpose of insuring that the required parking for the new use is provided may be utilized, in accordance with the following: (MAP EXHIBIT 9)
- i. The subject lease shall be executed by the owner of the properties providing the required parking and the user of the required spaces; such lease to be approved as to form and necessary minimum requirements by the city attorney.
 - ii. The required parking spaces provided off site shall be for the sole use of the user of the spaces and shall not be available for underutilized parking or subleased to a third party. Subleases of any kind shall be prohibited.
 - iii. All required parking spaces provided on the off-site properties shall be dedicated and clearly marked for the user of the establishment 24 hours a day, seven days a week. This 24-hour dedicated use requirement shall be an explicit term in the lease agreement.
 - iv. The exact location of the required spaces provided off-site shall be clearly delineated on site and floor plans, prepared by a registered architect or engineer, and shall be incorporated into the lease as an exhibit.
 - v. A copy of the renewal of all leases shall be provided to the city within 60 days of such renewal. In the event the terms of a lease should change, such changes shall be approved as to form and necessary minimum requirements by the city attorney.
 - vi. The lease shall be for at least a minimum of a calendar year.
 - vii. The lease shall require that the tenant and landlord notify the City of Miami Beach Planning Department of early termination of the parking leasehold.
 - viii. A copy of all lease renewals shall be submitted to the planning department. In the event that a required lease renewal is not provided within 60 days of the expiration of the lease, the subject use shall be considered in default and a fee in lieu of parking in accordance with [chapter 5, article IV](#), herein, shall be assessed.

- ix. The aforementioned lease criteria in **subsections b.i. through b.viii.** shall not be applicable to properties located north of Normandy Drive having a lot area greater than 30,000 square feet, which are individually designated as an historic site.

5.2.9 Nonconforming parking lots

The repair and/or rehabilitation of nonconforming parking lots shall comply with the following:

- a. The parking lot shall not be increased in size or expanded, including the total number of parking spaces, unless such parking lot conforms with all use regulations in the applicable zoning district and all applicable development regulations contained in these land development regulations.
- b. If more than 50% of the combined parking drive aisle, back-out space and parking spaces are replaced, such parking lot shall not be thereafter used except in conformity with the use regulations in the applicable zoning district and all applicable development regulations contained in these land development regulations and all rights as a nonconforming use are terminated. For purposes of this subsection, the term replaced shall mean the complete removal of the top surface.
- c. If less than 50% of the combined parking drive aisle, back-out space and parking spaces are replaced, such parking lot may continue to be used. However, within three (3) years of a certificate of completion for work done to less than 50% of the parking lot, should any additional portion of the parking lot be replaced in a manner exceeding 50% of the combined parking drive aisle, back-out space and parking spaces, the parking lot shall not be thereafter used except in conformity with the use regulations in the applicable zoning district and all applicable development regulations contained in these land development regulations and all rights as a nonconforming use are terminated.

5.2.10 Temporary parking lots

- a. *Location.* Temporary commercial or noncommercial parking lots may be operated in the MR marine district, GU government use district, MXE mixed use entertainment district, I-1 urban light industrial district or in any commercial district. These lots may be operated independent of a primary use. Temporary, noncommercial lots may be located in the R-PS1—4 and in any multifamily residential district or within the architectural district as defined in **section 1.2.1.**
- b. *Revocation.* Should the city manager find that the operation of a temporary parking lot has an adverse effect on the welfare of surrounding properties, the city manager may revoke the license pursuant to the procedures set forth in **section 102-383 of General Ordinances** upon 48-hour written notification to the applicant.
- c. *Required parking.* Use of temporary parking lots shall not be for parking which is required by these land development regulations.
- d. *Design.* The design, circulation and access points for temporary parking lots shall be subject to the review and approval of the planning department, in accordance with the applicable certificate of appropriateness or design review criteria.
- e. *Conditional use review.* All lots located south of Biscayne Street or located in a residential zoning district shall require a public hearing pursuant to the conditional use procedures as set forth in **section 2.5.2.**

- f. *Nonconforming temporary parking.* Any temporary parking lot that is nonconforming to these regulations and those in **Section 5.3.12 temporary parking lot design standards** six months after the effective date of these land development regulations or upon the expiration date of an existing occupational license, whichever is later, shall cease to exist.
- g. *Timeframe.* Temporary parking lots shall not be permitted to exist for a period of time greater than five years from the date of certificate of occupancy or occupational license (business tax receipt), whichever occurs first, regardless of ownership. At the end of this period, or such extensions that may be granted as contemplated herein, if the lot continues to be used for the purposes of parking, a permanent lot shall be constructed in conformity with these land development regulations. Prior to the expiration of an approved temporary parking lot, or not later than 90 calendar days after the expiration of such approved temporary parking lot, an applicant may request from the planning board an extension of time for a period not exceeding five years. In reviewing the extension of time request or subsequent progress reports as may be required, the board shall consider, among other things, whether the applicant has complied with all of the applicable requirements of these land development regulations, and any conditions imposed by the planning board, if any, during its period of operation, as well as any landscaping on the property that may not be in compliance with the requirements of **chapter 4**. The notice of public hearing requirements shall be as set forth in **section 2.5.2**.

All extensions of time approved for temporary parking lots shall be subject to recurring annual payments into the tree trust fund of \$500.00 per lot tree as shown on the approved landscape plan, until the temporary lot ceases operation; such annual payment shall be required at the time of the renewal of the business tax receipt.

At the end of all applicable extensions of time for a temporary parking lot, unless a permanent lot is constructed in conformity with these land development regulations the lot shall cease to be used for parking and the surfaces and rock base shall be removed and replaced with soil, landscaping and irrigation, which shall be maintained until the property is developed for a use permitted in the zoning district. The owner of the property shall be responsible for maintaining such property and the landscaping. Additionally, a plan for a recurring maintenance schedule that includes, but is not limited to, cleaning the lot, clipping of hedge material, removing and replacement of dead plant material, fertilization and irrigation shall be submitted to, and approved by, the planning department.

5.2.11 Mechanical and robotic parking systems

- a. Parking spaces to be used to satisfy accessory off-street parking requirements must conform to the provisions of **article III** of this chapter, entitled "design standards," 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.
- b. Exceptions to the mechanical parking prohibition may be considered by the planning board, pursuant to the conditional use process in **section 2.5.2 of these land development regulations**, if the proposed project meets the following conditions:
 - i. Commercial main use parking garages on a separate lot.
 - 1. 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 5.3.10**.

2. 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 5.3.10](#) for the cladding of such garages, as may be required by the design review procedures in [section 2.5.3 of these land development regulations](#). 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.
3. Parking spaces within commercial main use parking garages utilizing mechanical parking, constructed on land that:
 - a. Is located within a local historic district (except not within the Ocean Beach local historic district); ([MAP EXHIBIT 12](#))
 - b. Was vacant as of October 17, 2008; and
 - c. Is located 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), subject to [subsection 4. below](#).
4. In order to utilize mechanical parking to satisfy off street parking requirements for the foregoing uses, the following conditions must be satisfied:
 - a. 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);
 - b. Mechanical parking permitted under this [subsection b.i.3.](#) 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);
 - c. 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
 - d. Suite hotel units, as defined by [section 7.5.4.5](#), cannot satisfy their off-street parking requirements by using mechanical parking.
5. Except as described above in [subsections b.i.1. and 2](#), mechanical parking systems 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 b.iii. below](#).

ii. Existing multifamily buildings.

1. 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.
2. 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.

iii. Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory and main use off-street parking requirements.

1. 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:
 - a. 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 5](#), and other provisions of these land development regulations, and requiring no variances from these provisions; and
 - b. 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 from these provisions shall be permitted.

- c. Mechanical parking shall be permitted for hotels within the CCC Civic and Convention Center District as an exception to the mechanical parking prohibition, subject to the applicable review criteria of [section 5.2.11.g](#). ([MAP EXHIBIT 13](#))
- d. 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:

- i. 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 5.2.11.e.](#), provided that secure storage for alternative transportation such as scooters, bicycles, and motorcycles is provided on site.
- ii. Single-family homes utilizing up to three mechanical lifts within a fully enclosed structure may be approved by the planning director or the director's designee, in accordance with the applicable review criteria of [section 5.2.11.e.](#)
- e. 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:
 - i. Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood;
 - ii. 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;
 - iii. 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;
 - iv. Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view;
 - v. 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;
 - vi. 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;
 - vii. 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;
 - viii. Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided;
 - ix. 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;
 - x. Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated; and

- xi. Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect will be addressed;
- f. Mechanical parking devices, robotic parking systems, and/or vehicle elevators must also satisfy the following conditions:
 - i. 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;
 - ii. 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;
 - iii. All freestanding 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;
 - iv. All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift;
 - v. The ceiling heights of any parking level with parking lifts within the parking garage shall be a minimum of 11 feet by six inches;
 - vi. 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 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 engineer or firm, or the elevator authority having jurisdiction. Such report shall be furnished to the planning director and the building official; and
 - vii. All parking lifts shall be maintained and kept in good working order.
- g. 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 5.2.11](#), or any other section of the city Code, shall require compliance with the provisions of [subsections 5.2.11.d. and e.](#)

5.2.12 Electric vehicle parking

Except in single-family residential districts, wherever off-street parking is required pursuant to the land development regulations, a minimum of two percent of the required off-street parking spaces, with a minimum of one parking space, shall contain electric vehicle parking spaces, in accordance with the following standards:

- a. In commercial zoning districts, where 20 or more off-street parking spaces are required by the land development regulations, all electric vehicle parking spaces shall be reserved for the exclusive use of electric vehicles.
- b. In commercial and residential multifamily zoning districts, electric vehicle parking spaces shall, at a minimum, be equipped with an electric vehicle charging station rated at electric vehicle charging level 2.

- c. For residential uses, electric vehicle charging stations shall be limited to the use of building residents and their invited guests.
- d. Any residential multifamily or hotel development with 20 or more units shall install and provide access to electrical power supply rated at 240 volts or greater, in all off-street parking facilities, to allow for the installation of additional electric vehicle parking spaces in the future for the exclusive use of residents, guests, invitees, and employees.

5.2.13 Valet and tandem parking

- a. Commercial parking garages and lots may consist of 100 percent valet parking spaces. Required parking for commercial establishments, hotels, hotel accessory uses, multifamily residential buildings, residential accessory uses, and alcoholic beverage establishments may be satisfied by providing 100 percent valet parking spaces. If the parking spaces are located off-site, they shall comply with the requirements of [section 5.2.8](#) in order to satisfy minimum parking requirements. In addition, any required parking valet spaces for a multifamily residential building shall be governed by a restrictive covenant, approved as to form by the city attorney's office and recorded in the public records of the county as a covenant running with the land, stipulating that a valet service or operator must be provided for such parking for so long as the use continues.
- b. Dimensions for valet and tandem parking spaces shall be eight and one-half feet in width by 16 feet in depth. Dimensions for tandem parking spaces shall be a minimum of eight and one-half feet in width by 32 feet in depth, with a maximum stacking of two vehicles per space, except as provided in [subsection 5.2.4.1.b.i.](#)
- c. Tandem parking spaces may be utilized for self-parking only in multifamily residential buildings and shall have a restrictive covenant, approved as to form by the city attorney's office and recorded in the public records of the county as a covenant running with the land, limiting the use of each pair of tandem parking spaces to the same unit owner.
- d. Commercial parking garages and lots may utilize tandem parking spaces if they are operated exclusively by valet parking. A restrictive covenant, approved as to form by the city attorney's office and recorded in the public records of the county as a covenant running with the land, shall be required and shall affirm that a valet service or operator must be provided for such parking for so long as the tandem parking spaces exist.

5.2.14 Alternative parking incentives

In order to encourage the use of alternatives modes of transportation, the minimum off-street parking requirements identified in this article maybe reduced as follows:

- a. *Bicycle parking long-term:* The minimum off-street parking requirements may be reduced by one off-street parking space for every five long-term bicycle parking spaces provided off-street, not to exceed 15 percent of the off-street parking spaces that would otherwise be required in tier 1, 20 percent in tier 2 and 25 percent in tier 3. Notwithstanding the foregoing, in no case shall the proximity of an available bike share program be counted in any ways towards private property parking reductions.
- b. *Bicycle parking short-term:* The minimum off-street parking requirements may be reduced by one off-street parking space for every ten short-term bicycle parking spaces provided off-street, not to exceed 15 percent of the off-street parking spaces that would otherwise be required in tier 1, 20 percent in tier 2 and 25 percent in tier 3. Notwithstanding the foregoing, in no case shall the proximity of an available bike share program be counted in any ways towards private property parking reductions.

- c. *Carpool/vanpool parking:* The minimum off-street parking requirements may be reduced by three off-street parking spaces for every one parking space reserved for carpool or vanpool vehicles sanctioned by the City of Miami Beach, not to exceed a reduction of more than ten percent of the off-street parking spaces that would otherwise be required. The property manager must submit an annual report to the planning director documenting the carpool/vanpool registration and ongoing participation by registered users.
- d. *Drop-off and loading zones for transportation for compensation vehicles:* The minimum off-street parking requirements may be reduced at a ratio of three off-street parking spaces for every one curb side drop off stall. Developments over 50,000 square feet may increase their drop off area to a maximum of three drop-off stalls for a maximum reduction of nine off-street parking spaces. Vehicles stopped in such areas shall not stop in the drop-off and loading zones for no more than the time necessary to drop-off or load passengers and their belongings.
- e. *Scooter, moped and motorcycle parking:* The minimum off-street parking requirements may be reduced by one off-street parking space for every three scooter, moped, or motorcycle parking space provided off-street, not to exceed 15 percent of the off-street parking spaces that would otherwise be required.
- f. *Showers:* The minimum off-street parking requirements for nonresidential uses that provide showers and changing facilities for bicyclists may be reduced by two off-street parking spaces for each separate shower facility up to a maximum of eight parking spaces, . Where possible, clothes lockers should be provided for walking and biking commuters.
- g. *Calculation of reductions:* Each of the reductions identified above shall be calculated independently from the pre-reduction off-street parking requirement. The reductions shall then be added together to determine the overall required off-street parking reduction. The sum of all reductions shall not exceed 50 percent of the pre-reduction off-street parking. This limit is not applicable in the Tier 3 area d.
- h. *Facilities are encouraged:* All developments are encouraged to provide the aforementioned facilities to the extent possible. Any building or structure incorporating any of the aforementioned facilities may provide required off-street parking on site up to the level specified in its applicable parking tier. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in [section 1.2.1](#) (definition of FAR), of these land development regulations.

5.2.15 Shared Parking

- a. Two or more uses shall be permitted to share the same required off-street parking spaces in a common parking facility on the same lot if the hours or days of peak parking for the uses are so different that a lower total will provide an adequate number of spaces for all uses served by the facility, according to the following table.

	Weekdays		Weekends		
	Daytime (6:00 a.m. — 6:00 p.m.) (percent)	Evening (6:00 p.m. — 6:00 a.m.) (percent)	Daytime (6:00 a.m. — 6:00 p.m.) (percent)	Evening (6:00 p.m. — midnight) (percent)	Nighttime (midnight — 6:00 a.m.) (percent)
Office or banks	100	5	10	5	5
Retail	60	20	80	60	5
Hotels	50	60	60	100	75
Restaurant	50	75	75	90	10
Theatre	10	70	20	90	10

Nightclubs	5	50	5	100	90
Other uses	100	100	100	100	100

b. Method of calculation:

- i. Step 1: For each of the five time periods, multiply the minimum number of parking spaces required by [section 5.2.4](#).
 - ii. Step 2: Add the results of each column. The required number of parking spaces shall equal the highest column total.
- c. The land uses served by the shared parking facility shall be in single ownership or unity of title or long term lease.

5.2.16 Parking Credit System

Whenever a lawfully permitted building or use is changed in a manner that results in an increase in the number of required parking spaces, the following regulations shall apply. Such building or use shall receive a parking credit equivalent to the adopted parking requirement for the building or uses in existence at the time of application for a building permit or change of use. The most recent available certificate of use or certificate of occupancy shall be utilized to determine the credit. If a building or use was established prior to the adoption of a parking tier that reduces the parking requirement, the parking credit shall be calculated pursuant to the parking requirements of parking tier 1. The parking credit shall be calculated at the time of building permit or change of use application and be applied toward the required parking as follows:

- a. The parking credit shall only be applied to the area within the existing shell of the building, unless otherwise specifically provided in [chapter 2, article XII](#), of these land development regulations.
- b. Parking credits shall not be applicable to buildings or portions of a building that have been demolished, unless otherwise specifically exempted in [chapter 2, article XII](#), of these land development regulations. Parking credits shall not be applicable to medical cannabis treatment centers and pharmacy stores.
- c. In order to calculate the parking requirement of a proposed use, the parking credit shall be subtracted from the total parking requirement of the proposed use. The additional required parking shall be provided pursuant to the requirements of [section 5.3.8](#) or if eligible, the fee in lieu of parking program described in [article IV](#) of this chapter.
- d. Existing required parking spaces, inclusive of spaces for which a complete fee in lieu of required parking was made, for a building or use shall not count towards meeting additional required parking for a proposed use, unless the total number of existing required parking spaces exceeds the total number of required parking spaces of the proposed use.

5.2.17 Joint venture agreements

The required number of parking spaces may be provided in a facility developed through a joint venture agreement with the city or by a private entity in which the required number of parking spaces in a parking facility is specifically reserved for use by the applicant. Agreements regulating privately owned parking facilities shall be approved by the city attorney; those relating to city owned property shall be approved by the city commission. All agreements pursuant to this section shall be recorded in the public records of the county.

ARTICLE III. DESIGN STANDARDS

5.3.1 Criteria for below grade off-street parking

All off-street parking whether required parking or not, located below current sidewalk grade, including, but not limited to, below grade, basement or subterranean parking, shall comply with the following:

- a. Ramping and access to all below grade parking levels from adjacent streets and rights-of-way shall be provided within the confines of the property. No ramps shall encroach into the public right-of-way. Additionally, the design and dimensions of all proposed ramping and access to below grade parking levels shall be able to accommodate a minimum future elevation of 3.7 NAVD for adjacent and abutting public sidewalks, streets and public rights-of-way.
- b. The minimum setback requirements for all below grade parking levels shall meet the applicable pedestal setback requirements within the underlying zoning district.
- c. All below grade floors shall include excess water pumping capability, in a manner consistent with the Public Works Manual, as may be amended.
- d. For properties containing a "contributing" building, and located within a local historic district or designated historic site, the historic preservation board shall have the ability to waive the applicable pedestal setback requirements for below grade parking levels, in accordance with the certificate of appropriateness criteria in [chapter 2 article VIII](#).

5.3.2 Off-street parking space dimensions

With the exception of parking spaces that are permitted in [sections 5.2.6 and 5.2.13](#), a standard off-street parking space shall be an all-weather surfaced area, not in a street or alley according to the following standards:

- a. A standard perpendicular parking space shall have a width of not less than eight and one-half feet and a length of not less than 18 feet, or when located outdoors, 16 feet with two feet of pervious area overhang, in place of wheel stops and defined by continuous concrete curb, for a total length of 18 feet. The provision of having a two-foot pervious area overhang in standard parking spaces may be waived at the discretion of the planning and zoning director in those instances where said overhang is not practical. In no instance, however, shall the length of any standard off-street parking space be less than 18 feet, unless otherwise provided for under [sections 5.2.6, 5.2.13, 5.3.11 and 5.3.2.b.](#) herein.
- b. A standard parallel parking space shall have a width of not less than eight and one-half feet and a length of not less than 21 feet.
- c. The length required for all parking spaces shall be measured on an axis parallel with the vehicle after it is parked. The width required for all parking spaces is to be column-free clear space, except for those standard perpendicular off-street parking spaces immediately adjacent to a structural column within an enclosed parking structure which may have a width of eight feet. The required area for all parking spaces is to be exclusive of a parking aisle or drive and permanently maintained for the temporary parking of one automobile.
- d. See section [5.2.13](#) for valet parking standards.

- e. Lots which are 55 feet wide or less may have 90° parking stalls measuring eight and one-half feet by 16 feet.

5.3.3 Interior aisles

Interior aisles shall meet or exceed the following minimum dimensions permitted:

- a. 90° parking—22 feet, with columns parallel to the interior drive on each side of the required drive, set back an additional one foot six inches, measured from the edge of the required interior drive to the face of the column.
- b. 45° parking—11 feet.
- c. 60° parking—17 feet.
- d. 30° parking—Ten feet six inches.

5.3.4 Drives

Drives shall have a minimum width of 22 feet for two-way traffic and 11 feet for one-way traffic. Notwithstanding the foregoing, for residential buildings with fewer than 25 units, drives shall have a minimum width of 18 feet for two-way traffic. For those grade level parking areas with less than ten parking spaces, inclusive of those parking areas underneath a building or structure, the two-way curb-cut and driveway entrance shall have a minimum width of 12 feet.

5.3.5 Marking

Parking spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Each individual space shall be provided with a car stop, curb or other similar device which is at least two and one-half feet from the end of the parking space to prevent vehicular encroachment. Signs or markers shall be used as necessary to ensure efficient traffic operations of the lot.

5.3.6 Electric vehicle parking space standards

- a. Electric vehicle parking spaces shall be painted green, or shall be marked by green painted lines or curbs.
- b. Each electric vehicle parking space shall be marked by a sign designating the parking space as an electric vehicle parking space, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal Highway Administration.
- c. Each electric vehicle charging station shall be equipped with a sign that includes the following information:
 - i. Voltage and amperage levels;
 - ii. Any applicable usage fees;
 - iii. Safety information; and
 - iv. Contact information for the owner of the charging station, to allow a consumer to report issues relating to the charging station.

- d. Electric vehicle charging stations shall contain a retraction device, coiled cord, or a fixture to hang cords and connectors above the ground surface.
- e. Electric vehicle charging stations shall be screened from view from the right-of-way, with the exception of alleys.
- f. Electric vehicle charging stations shall be maintained in good condition, appearance, and repair.

5.3.7 Lighting

Adequate lighting shall be provided. The lighting shall be arranged and installed to minimize glare on property in a residential district. Parking facilities shall be illuminated from one-half hour after sunset to one-half hour before sunrise at the levels specified below with a uniformity ratio of 10:1:

Use		Minimum Illumination (FC)
Residential lots		0.4
Commercial lots		
	Small (5—10 spaces)	0.4
	Medium (11—99 spaces)	0.6
	Large (100+ spaces)	0.9

5.3.8 Screening and landscaping

At-grade parking lots and parking garages shall conform to the minimum landscape standards as set forth in [chapter 4 of these land development regulations](#).

5.3.9 Drainage and maintenance

- a. Off-street parking facilities shall be drained of excess stormwater to prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable city specifications.
- b. Off-street parking areas shall be maintained in a clean, orderly, and dust free condition, at the expense of the owner or lessee, and shall not be used for the sale, repair, or dismantling or servicing of any vehicles, equipment, materials or supplies.

5.3.10 Parking garage design standards

Commercial and noncommercial parking garages (hereinafter, "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 be subject to the following regulations contained in this article:

- a. General standards
 - i. Design standards

Height of parking garages *	The height of parking garages shall be 50 feet, unless the underlying district zoning regulations dictate a lesser height for all structures.
Setbacks *	Setbacks shall be the same as the pedestal setbacks for the underlying zoning district.
Volume	The volume of 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.

ii. Design standards: additional regulations:

1. Parking garages within the CD-3 district may be 75 feet in height.
2. For 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 stories and 75 feet.

iii. Robotic parking systems

1. 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.

iv. Alternative parking incentives

1. For main use garages that incorporate one or more of the alternative parking incentives provided for in [section 5.2.14](#) 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:

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

2. Variances from the provisions of this [subsection a.iv.](#) shall not be permitted.

v. Other

1. 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.
2. Except as provided in [subsection b.i.](#) below, a parking garage located in a residential district shall serve only residential uses. 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.
3. Parking garages that are built solely with public funds may be exempt from the requirements of [subsections b.i. and ii.](#) below, if meeting the requirement would affect the tax exempt status of the

project. The foregoing sentence shall not be construed to limit the city commission's ability to waive development regulations for GU properties pursuant to [section 7.2.16.3](#).

4. Parking garages when a main permitted use shall not be permitted on lots fronting on Ocean Drive or Espanola Way.

b. District specific standards

- i. Parking garages 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:
 1. 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.
 2. Residential (when permitted) or commercial uses shall be incorporated above the first level along every facade facing a waterway or the ocean.
 3. All façades 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.
 4. Except as may be provided for in [subsection a.iv.](#), the above described residential (when permitted) or commercial square footage shall not exceed 25 percent of the total square footage of the structure. Additionally, in no instance shall the amount of square footage of the structure used for parking, exclusive of the required parking for the above described residential or commercial square footage, be less than 50 percent of the total square footage of the structure, so as to ensure that the structure's main use is as a parking garage.
 5. Parking garages that are built solely with public funds may be exempt from the requirements of this subsection, if meeting the requirement would affect the tax exempt status of the project. The foregoing sentence shall not be construed to limit the city commission's ability to waive development regulations for GU properties pursuant to [section 7.2.16.3](#).
- ii. Parking garages 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:
 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 2, article VIII of these 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.

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

- a. A parking garage located in the (i) RM-3 district, (ii) R-PS4 districts, (iii) on Collins Avenue between 25th and 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, may also have first floor frontage with commercial uses facing the RM-3 area.
 - b. A parking garage 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, may provide parking spaces for adjacent commercial uses.
 - c. A parking garage 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 of a property located in a CD-2 or CD-3 district, may also have first floor frontage with commercial uses facing CD-2 or CD-3 area, and also may provide parking spaces for adjacent commercial uses.
 - d. Any parking structure permitted under **subsections b.ii.4.b. and c.** that may provide parking spaces for adjacent commercial uses shall be restricted to self-parking only. No valet parking shall be allowed.
 - e. At least one-third of the parking spaces in any parking structures permitted under **subsections b.ii.4.b. and c.**, 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 conditional use approval process.
 - f. The following uses shall be prohibited uses within the parking garages regulated by this **subsection b.ii.:** Dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments or open-air entertainment establishments.
 - g. Except as provided for in **subsection a.iv.**, the above described combined residential and/or commercial space shall not exceed 25 percent of the total square footage of the structure, with the commercial space not exceeding ten percent of the total square footage of the structure; nor shall any accessory commercial space exceed 40 feet in depth. Additionally, in no instance shall the amount of square footage 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 of the structure, so as to ensure that the structure's main use is as a parking garage.
- iii. Parking garages located in the TC-3 and GU districts of the North Beach Town Center Overlay area:
1. A garage may have first floor space occupied for commercial uses, subject to conditional use approval.

2. 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.
 3. When a garage on a GU site is abutting or separated by an alley from a TC-1 district, the garage may also serve commercial uses.
 4. In no instance shall the above-described combined residential and/or commercial space exceed 35 percent of the total square footage of the structure.
 5. Additionally, in no instance shall the amount of square footage 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 of the structure.
 6. Maximum height: 50 feet.
 7. 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.
 8. Signage for commercial uses allowable under this provision shall be governed by the TC-3 district regulations.
- c. In addition to any other requirements regarding parking garages contained herein, and except where a parking garage is accessory to a residential use and located on the same lot, all parking garages located within 100 feet of a residential use or district that intend to operate after midnight, shall obtain conditional use approval from the planning board before obtaining a building permit or occupational license.

5.3.11 Parking lot design standards

Main use commercial and noncommercial parking lots shall be located on a separate lot, and shall be subject to the following regulations in addition to the other regulations of this article:

- a. Parking lots when a main permitted use shall not be permitted on lots fronting on Ocean Drive or Espanola Way.
- b. The required surface parking lot setbacks are as follows:

SURFACE PARKING LOT SETBACKS	
Front Setback	Underlying District Front Setback + 5 feet (1)
Side, Facing a Street Setback	Underlying District Side Facing a Street Setback + 5 feet (1)
Side, Interior Setback	55 feet wide or less: 2 feet Between 56 and 100 feet, inclusive: 5 feet Greater than 100 feet: 10 feet
Rear Setback	Underlying District Rear Setback
1. For landscaping adjacent to all streets	

- c. Open-air parking lots, open to the sky, shall be constructed with:

- i. a high albedo surface consisting of a durable material or sealant in order to minimize the urban heat island effect, or
 - ii. porous pavement. The provisions of this paragraph shall apply to all parking areas, and all drive lanes and ramps.
- d. In addition to any other requirements regarding parking lots contained herein, and except where a parking lot is accessory to a residential use and located on the same lot, all parking lots located within 100 feet of a residential use or district that intend to operate after midnight, shall obtain conditional use approval from the planning board before obtaining a building permit or occupational license.
- e. Parking lot landscaping requirements shall be pursuant to the requirements of [section 4.2.8](#).

5.3.12 Temporary parking lot design standards

- a. *Signage*. One sign per street frontage is permitted. The maximum size of each sign shall be five square feet per 50 feet of street frontage. This sign shall also include copy that indicates the name of the operator, the phone number of operator to report complaints, and who can use the parking facility; i.e., whether it is open to the general public, private, valet or self-parking.
- b. *Sub-base and drainage*. Parking lots shall be brought to grade with no less than a four-inch lime rock base; however, the public works director may require a six-inch lime rock base based upon conditions at the site, the intensity of the use at the site or if trucks are intended to be parked on the site that would require the additional base support. Surface stormwater shall not drain to adjacent property or a public right-of-way. If the public works director determines that there is insufficient area to accommodate drainage, additional measures may be required to adequately drain stormwater runoff.
- c. *Landscaping*. Landscaping requirements shall be pursuant to the requirements of [chapter 4 of these land development regulations](#).
- d. *Hardscape materials*. All surfaces over the required lime-rock base, including, but not limited to, driveways, drive aisles, parking spaces and walkways, shall consist of pavers set in sand, grass pavers, or similar semi-pervious material. The use of asphalt, concrete or similar impervious surfaces shall be prohibited. However, concrete ribbons, in conjunction with a paver and landscape system, may be utilized to delineate drive aisles, parking spaces, or to contain paver fields, subject to the review and approval of the planning department. In no instance shall the use of concrete ribbons exceed 20 percent of the lot area.
- e. *Wheel stops and site markings*. If the lot is not operated on a valet basis, then all parking spaces shall be marked by painted lines or curbs or other means to indicate individual spaces and wheel stops shall be provided. Vehicles shall not back out onto any street. The size of the parking spaces, back-out areas and exit/interior drives shall not have dimensions less than those required in [sections 5.3.2 and 5.3.4](#). Lots operated on a valet basis shall have wheel stops at the edge of the pavement. All wheel stops required in this subsection shall be placed no less than four feet away from each other.
- f. *Planning department review*. Prior to the issuance of a building permit, the planning department shall approve the site and landscaping plans. Prior to the issuance of an occupational license, the department shall approve the placement, quality and size of landscaping material.

5.3.13 Off-street loading design standards

Off-street loading design standards shall be as follows:

- a. *Size and location.* For the purpose of these regulations a loading space is a space within the main building or on the same lot, logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used but not less than ten feet by 20 feet, and accessible to such vehicles when required off-street parking spaces are filled.
- b. *Drainage and maintenance.* Off-street loading facilities shall be drained to prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable city specifications. Off-street loading areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee and shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.
- c. *Entrances and exits.* The location and design of entrances and exits shall be in accordance with applicable traffic regulations and standards as designed for truck loading and unloading, such entrance or exit shall be designed to provide at least one off-street loading space. However, no such loading space shall be located in the required front yard setback.

ARTICLE IV. FEE IN LIEU OF PARKING PROGRAM

5.4.1 Generally

A fee in lieu of providing parking may be paid to the city in lieu of providing required parking on-site, or within 1,200 feet of the site, only in the following instances, except that parking requirements for accessory commercial uses in newly constructed buildings within the Collins Waterfront Historic District in an area in the RM-2 zoning district that is bounded by 41st Street on the south and 44th Street on the north, and for medical cannabis treatment centers and pharmacy stores shall be satisfied by providing the required parking spaces, and may not be satisfied by paying a fee in lieu of providing parking:

- a. New construction of commercial or residential development and commercial or residential additions to existing buildings whether attached or detached from the main structure within the architectural district or a local historic district.
- b. When an alteration or rehabilitation within an existing structure results in an increased parking requirement pursuant to [subsection 5.4.2.b](#).
- c. New construction of 1,000 square feet or less, or additions of 1,000 square feet or less to existing buildings whether attached or detached from the main structure may fully satisfy the parking requirement by participation in the fee in lieu of providing parking program pursuant to [subsection 5.4.2.a](#).
- d. The creation or expansion of an outdoor cafe (except for those which are an accessory use to buildings described in [subsection 5.2.2.a](#)).
- e. Commercial or residential additions to existing contributing buildings, whether attached to or detached from the main structure, within the Normandy Isles National Register District or the North Shore National Register District, provided the existing contributing structure is substantially retained, preserved and restored. The proposed commercial or residential additions to the existing structure shall be subject to the review and approval of the design review board or historic preservation board, whichever has jurisdiction, and shall include a renovation plan for the existing structure that is fully consistent with the Secretary of the Interior Guidelines and Standards for the Rehabilitation of Historic Buildings.

- f. The enclosure of existing outdoor seating areas, attached to a contributing building located within the architectural district, may fully satisfy the parking requirement by participation in the fee in lieu of providing parking program pursuant to [subsection 5.4.2.b.](#), in accordance with the following:
 - i. The outdoor seating area shall be located within a rear or interior side area of the lot, and shall not directly front a street.
 - ii. The outdoor seating area shall be adjacent to a residential use.

5.4.2 Fee calculation

- a. *New construction.* The fee in lieu of providing parking for new construction shall be satisfied by a one-time payment at the time of issuance of a building permit per parking space. The amount of such one-time fee is set forth in [section 2.2.2.5](#).
- b. *Existing structures, eligible indoor seating areas in the architectural district and outdoor cafe.* When alteration or rehabilitation of a structure results in an increased parking requirement, or an outdoor cafe is created or expanded, the fee in lieu of providing parking shall be satisfied by one of the following:
 - i. A one-time payment as set forth in [subsection a.](#) of this section.
 - ii. A yearly payment in the amount set forth in [section 2.2.2.5](#), which shall continue as long as the use exists. (The amount of such payment may vary from year to year in accordance with the determination set forth in [subsection d.](#) of this section.) However, in lieu of continued yearly payments, a one-time redemption payment may be made at any time of the full amount due pursuant to [subsection a.](#) of this section minus the amount of money already paid through yearly payments; such amount shall be based upon the latest determination made pursuant to [subsection d.](#) of this section as of the time of the redemption payment rather than upon the amount which would have been due if the fee had been paid at the time of issuance of the building permit. However, when new floor area is added to the existing building, the fee in lieu shall be as set forth in [subsection a.](#) of this section.
- c. *Removal of existing parking spaces in a historic district.* Whenever an existing required parking space is removed or eliminated for any building that existed prior to October 1, 1993, which are located within the architectural district, a contributing building within a local historic district, or any individually designated historic building, a fee in lieu of providing parking shall be required if a replacement parking space is not provided pursuant to [section 5.2.8](#). Such fee shall be satisfied as set forth in [subsection b.](#), above. In no case shall the removal of parking spaces result in less than one parking space per residential unit or 50 percent of the required parking for commercial uses. This subsection shall not prohibit the removal of grade level parking spaces located within the front, side street or interior side yards of a lot, should those parking spaces be nonconforming. Notwithstanding the foregoing, an owner shall be permitted to remove parking spaces required for a building in the architectural district or a local historic district constructed after October 1, 1993, if a change in said building results in a net reduction of required parking spaces. No fee in lieu of providing parking or the replacement of parking spaces pursuant to [section 5.2.8](#) shall be required to remove such spaces, unless the number of parking spaces being removed is greater than the net reduction of required parking spaces. Notwithstanding the foregoing, existing parking spaces, whether conforming or nonconforming, may be removed on properties located north of Normandy Drive having a lot area greater than 30,000 square feet, which are individually designated as an historic site, and no fee in lieu payment shall be required for such removal, provided that at least 50 percent of the existing parking spaces are provided offsite, in accordance with [section 5.2.8](#).

- d. *Annual evaluation.* The amount determined to be the city's total average cost for land acquisition and construction of one parking space shall be evaluated by the city commission based upon the Consumer Price Index (CPI). If determined appropriate, the city commission may amend the fee structure in this section by resolution.

5.4.3 Fee collection

- a. *New construction.*
 - i. *One-time payment.* For new construction the fee in lieu of providing parking shall be paid in full prior to obtaining a full building permit. Such fee shall be refunded, upon the request of the applicant, if construction does not commence prior to expiration of the building permit.
 - ii. *Yearly fee.* For those projects which are eligible for and elect a yearly payment plan, the first fee-in-lieu payment shall be [due] at the time the occupational license or certificate of use, whichever is earlier, is issued. The amount due shall be prorated from September 30. Subsequent annual payments shall be paid in full by June 1 as long as the use exists. The amount of the payment is set forth in [subsection 5.4.2..b.ii.](#)
- b. *Existing structures.* For existing structures and those which elect a yearly payment plan, the first fee-in-lieu payment shall be due at the time the occupational license or certificate of use, whichever is earlier, is issued. The amount due shall be prorated from September 30. Subsequent annual payments shall be paid in full by June 1 as long as the use exists. The amount of the payment is set forth in [subsection 5.4.2..b.ii.](#)
- c. *Existing structures; one-time redemption payment.* For existing structures, a one-time redemption payment may be made at any time and shall be in the amount determined by application of the formula for a one-time payment as set forth in [subsection 5.4.2..b.ii.](#)
- d. *Late payments.* For late payments, monthly interest shall accrue on unpaid funds due to the city under the fee-in-lieu program at the maximum rate permitted by law. Additionally, a fee in the amount of two percent of the total due shall be imposed monthly to cover the city's costs in administering collection procedures.
- e. *Failure to pay.* Any participant in the fee-in-lieu program who has failed to pay the required fee within three months of the date on which it is due shall be regarded as having withdrawn from the program and shall be required to provide all parking spaces required by these land development regulations or cease the use for which such spaces were required. Failure to comply shall subject such participant to enforcement procedures by the city and may result in fines and liens as provided by law.

5.4.4 Deposit of funds; account

- a. Funds generated by the fee-in-lieu program pursuant to [subsections 5.4.2.a.and b.](#) above, collected prior to March 20, 2010, shall be deposited in a city account (divided into three districts, for north, middle and south) specifically established to provide parking and related improvements in the vicinity (within the north, middle or south district, as applicable) of the subject property. Funds generated by the fee in lieu of electric vehicle parking shall be deposited into the [Sustainability and Resiliency Fund established in chapter 7](#) of the land development regulations. Expenditures from these funds shall require city commission approval.
- b. Funds generated by the fee-in-lieu program pursuant to [subsections 5.4.2.a.and b.](#) above, collected after March 20, 2010, shall be deposited in a city account (divided into three districts, for north, middle and south) specifically established to provide parking, transportation and mobility related improvements and programs in the vicinity (within the north, middle and south district, as applicable) of the subject property. Expenditures from these funds shall require city commission approval.

- c. Such parking, transportation and mobility related improvements and programs may include:
 - i. Parking garages and related facilities.
 - ii. Transit capital funding:
 - 1. Purchase of buses for circulator routes.
 - 2. Bus shelters.
 - 3. Transit infrastructure.
 - iii. Traffic improvements:
 - 1. Traffic signals.
 - 2. Signal timing operations.
 - 3. Lane modifications.
 - iv. Bicycle facilities:
 - 1. Bicycle lanes and paths.
 - 2. Bicycle racks and storage.
 - v. Intelligent transportation systems:
 - 1. Electronic message boards.
 - vi. Pedestrian improvements:
 - 1. Crosswalks.
 - 2. Traffic signals.
 - vii. Pedestrian facilities
 - 1. Beachwalk.
 - 2. Baywalk.
 - viii. Other parking, transportation and mobility related capital projects as may be specifically approved by the city commission.
 - ix. In addition, transit operational funding for newly introduced transportation enhancements and program expansions (limited to operational, non-administrative costs only, i.e., drivers, fuel, maintenance and insurance) may be included if expressly approved by the city commission.
- d. The planning department shall maintain a map which includes a listing of the north, middle and south districts and accounts.
- e. Any fines or penalties collected pursuant to **chapter 106, article II, division 3, entitled "construction management plan,"** after administrative expenses shall be placed in the fee in lieu of providing parking

account; reflected as being paid by the party responsible for the fine or penalty; and expended by the city as provided under **subsection c** above.

5.4.5 Variances

No variances shall be granted from the requirements of this article.

ARTICLE V. SURPLUS AND UNDER-UTILIZED PARKING SPACES

5.6.1 Surplus parking spaces

When a development contains parking spaces in excess of the number required by these land development regulations, such spaces shall be considered as surplus parking. These surplus spaces may be utilized by another property for use as required parking spaces, pursuant to the off-site parking requirements of **section 5.2.8**. When the development that contains the surplus parking changes to a use that requires additional parking, such use shall not receive a building permit or occupational license until the city receives documentation that a parking shortfall has not been created for any other use that may have been utilizing the surplus parking.

5.6.2 Under-utilized parking spaces

When a building or development contains required parking spaces that are being under-utilized, such spaces may be utilized by another party. However, such under-utilized spaces shall not be considered as required parking spaces of another party. In order to determine if a development has under-utilized spaces, the applicant shall submit a report to the planning and zoning director substantiating this finding. The director may approve or deny the request, and any subsequent request for modification based upon the results of the report.