MIAMI BEACH
PLANNING DEPARTMENT

Staff Report & Recommendation — PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: March 28, 2023

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **Discussion on Underutilized Parking.**

HISTORY
On January 24, 2023, during a discussion regarding a proposed ordinance to amend the parking requirements for existing restaurants in Parking District No. 6, the Planning Board scheduled a discussion on underutilized parking for the March 28, 2023 meeting.

DISCUSSION
For the purposes of this discussion, staff is providing relevant sections from the Land Development Regulations (LDRs), that may be helpful for the board's discussion. Chapter 130, Article VII of the LDRs contains the applicable requirements regarding surplus and under-utilized parking spaces (See the code excerpt below).

The LDR's make a distinction between surplus and under-utilized parking spaces. Surplus spaces are not required by the LDR's and are therefore available to be used as required parking for uses located off-site, pursuant to the regulations of section 130-36, entitled "off-site parking facilities" (See the code excerpt below). Under-utilized spaces are required to be in place by the LDR's and therefore cannot be used as required parking for uses located off-site. Under-utilized spaces are often used by valet parking operators.

> ***ARTICLE VII. SURPLUS AND UNDER-UTILIZED PARKING SPACES***
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> ***Sec. 130-191. Surplus parking spaces.***
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> *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 130-36. 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.*
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> ***Sec. 130-192. 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.

Sec. 130-36. 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 130-251, and shall be located on the same lot with the building or use served, or offsite if one of the following conditions is met:

(1) The parking is within a distance not to exceed 1,200 feet of the property with the use(s), if located in the architectural district or a local historic district.

(2) The parking is within a distance not to exceed 500 feet of the property with the use(s), when the use is not located in the architectural district or a local historic district.

(3) 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.

(4) 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.

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 130-32, 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:

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) The lease shall be for at least a minimum of a calendar year.

(7) The lease shall require that the tenant and landlord notify the City of Miami Beach Planning Department of early termination of the parking leasehold.

(8) 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 130, article V, herein, shall be assessed.

The aforementioned lease criteria in subsections (b)(1) through (b)(8) 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.

In determining if spaces are under-utilized, staff typically requests an analysis indicating the parking utilization rates of the provided parking. Additionally, staff can consider the “Shared Parking” standards in Chapter 130, Article VIII of the LDRs (See the code excerpt below). These standards provide a good idea as to what time of the day parking for various types of uses is expected to be utilized.

ARTICLE VIII. SHARED PARKING

Sec. 130-221. Requirements.

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*

(1) Method of calculation:

a. Step 1: For each of the five time periods, multiply the minimum number of parking spaces required by sections 130-32, 130-33 and 130-34.

b. Step 2: Add the results of each column. The required number of parking spaces shall equal the highest column total.

(2) The land uses served by the shared parking facility shall be in single ownership or unity of title or long term lease.