

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: May 23, 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.

On March 28, 2023, the Planning Board discussed the item and continued it to the April 23, 2023 meeting. Furthermore, the Planning Board provided direction to provide language as to how the shared parking standards could be utilized to provide parking for uses off-site.

#### **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**

##### **Sec. 130-191. Surplus parking spaces. (Section 5.5.1 in the Resiliency Code)**

*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.

**Sec. 130-192. Under-utilized parking spaces. (Section 5.5.2 in the Resiliency Code)**

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.

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**Sec. 130-36. Off-site parking facilities. (Section 5.2.8 in the Resiliency Code)**

- (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.*

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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.*

**UPDATE**

Currently, shared parking can only be used for uses located on the same lot. As part of the discussion on March 28, 2023, the Planning Board directed staff to explore language that would allow the shared parking reductions to be utilized for establishments located off-site. The language below is consistent with this direction. [Please note, the section identified below is in the format of the new Resiliency Code. The sections identified above are from the current LDR’s, however, the equivalent Resiliency Code section has been added for reference.]

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, or off-site pursuant to the requirements of section 5.2.8, 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.

Such an amendment would allow the shared parking ratios to be utilized for off-site parking that is consistent with the requirements for required off-site parking in section 5.2.8. Section 5.2.8 requires that an applicant provide a lease agreement for those spaces. Some additional changes may be necessary for the lease requirements should the City proceed with such an amendment. Specifically, changes would allow the lease to take place in a way that is consistent with the hours provided for in the shared parking ratios, as opposed to being dedicated to a single use.

As part of the direction provided at the March 28, 2023 meeting, the Planning Board requested that an example of how the off-site shared parking standard could work. For this purpose the Baptist Health Urgent Care facility located at 709 Alton Road has been selected.

The plans submitted for the June 21, 2022 Planning Board meeting indicate that the facility has 61,532 square feet of medical office uses and 2,268 square feet of retail uses. The building is located in Parking District No. 6 and has a parking requirement of 173 spaces. This is reduced by one space as a result of 12 bicycle parking that were provided to 172 spaces. The garage was built with 175 spaces. So it currently has a surplus of 3 spaces.

The table below demonstrates how the shared parking ratio could be utilized to provide parking for restaurants located off-site. With current uses, the garage could provide the required parking for up to 48 restaurant seats. If all uses had to provide their parking independently, a total of 185 spaces would be required. With the shared parking, this could be provided with 176 spaces. The 176 spaces are further reduced to 175 spaces due to the 12 bicycle parking spaces provided at the facility. Pursuant to the requirements for off-site parking in section 5.2.8, the restaurant could be located within 500 feet of the facility.

	Shared Parking Reductions											
	Required w/o Shared Parking	Week Day Daytime		Week Day Evening		Weekend Daytime		Weekend Evening		Weekend Nighttime		
	Utilization	Proposed	Utilization	Proposed	Utilization	Proposed	Utilization	Proposed	Utilization	Proposed	Utilization	Proposed
Office or banks	165	100%	165	5%	9	10%	17	5%	9	5%	9	
Retail	8	60%	5	20%	2	80%	7	60%	5	5%	1	
Hotels	0	50%	-	60%	-	60%	-	100%	-	75%	-	
Restaurant	12	50%	6	75%	9	75%	9	90%	11	10%	2	
Theatre	0	10%	-	70%	-	20%	-	90%	-	10%	-	
Nightclubs	0	5%	-	50%	-	5%	-	100%	-	90%	-	
Other uses	0	100%	-	100%	-	100%	-	100%	-	100%	-	
Residential	0	50%	-	100%	-	70%	-	100%	-	100%	-	
<b>Total Spaces</b>	<b>185</b>		<b>176</b>		20		33		25		12	