

TEMPORARY PARKING LOT AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDRs) OF THE CITY CODE; BY AMENDING CHAPTER 126, ENTITLED, "LANDSCAPE REQUIREMENTS", TO MODIFY THE REQUIREMENTS FOR TEMPORARY PARKING LOTS; BY AMENDING CHAPTER 130, ENTITLED "OFF-STREET PARKING," ARTICLE III "DESIGN STANDARDS", TO MODIFY THE REQUIREMENTS FOR TEMPORARY PARKING LOTS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City of Miami Beach seeks to remove inconsistencies between the City Code and the Florida Building Code; and

WHEREAS, the amendments set forth below is necessary to accomplish all of the above objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 126, entitled "Landscape Requirements," is hereby amended as follows:

Sec. 126-12. - Temporary parking lot standards.

(a) *Temporary parking lot: Required landscaping.* A landscape plan that specifies and quantifies the existing and/or proposed plant material inclusive of mature shade trees, hedge material, ground cover and in-ground irrigation shall be submitted for review and approval by the planning department, according to the following criteria:

- (1) At a minimum, the plan shall indicate a five-foot wide, landscaped area bordering the surface area along a property line, street, alley or sidewalk. All landscape areas along the perimeter of the property shall be planted with one native canopy tree every 20 feet of the landscape areas adjacent to the perimeter and within the interior of the property. Minimum tree size shall be in accordance with the standards specified in Sec. 126-6. Optional smaller native tree species may be considered at no less than 8 feet height and one inch diameter at breast height (DBH) at time of planting. A payment of five hundred dollars (\$500.00) shall be made into the tree trust fund for each optional smaller lot tree. Palms may be planted in addition to the minimum number of required lot trees. Palms do not count towards the minimum number of lot trees. The areas fronting ~~a street or an~~ alley shall be landscaped with a grouping of three palms every 15 linear feet of frontage or one native canopy tree every 20 feet of frontage. All landscaped areas shall utilize St. Augustine grass or natural planted material ~~acceptable to~~ subject to the review and approval of the planning department.
- (2) A hedge that is at least 36 inches (three feet) in height at the time of planting shall be installed on the entire perimeter of the lot; hedges on street or alley frontages shall not exceed 42 inches (three feet, six inches) in height at maturity. The hedge material

planted on any side of the lot that abuts the lot line of another property shall be at least 48 inches (four feet) in height at time of planting and shall not exceed 60 inches (five feet) at maturity.

- (3) For temporary parking lots seeking an extension of time from the planning board, the interior landscaping of lots exceeding 55 feet in width, shall be a minimum of five percent of net interior area. One native canopy tree shall be planted ~~shade tree or grouping of three palms with a clear trunk of at least six feet shall be provided~~ for each 100 square feet or fraction thereof of required landscaped area. Such landscaped areas shall be located and designed in such a manner as to divide and break up the expanse of paving. Parking lots that are 55 feet wide or less shall not be required to provide interior landscaping.
- (4) Landscaped areas shall require protection from vehicular encroachment. Car stops, bollards or similar barriers, as approved by the planning department, shall be placed at least two feet, six inches from the edge of the paved area. A continuous concrete curb may also be considered as permitted by Code Section 130-61(1).
- (5) Notwithstanding the dimensions of a parking lot, an in-ground irrigation system that covers 100 percent of the landscaped areas shall be required and shown on the landscape plan. Such irrigation system shall include an automatic rain sensor that is compatible with the water requirements of the proposed plantings, and shall be subject to the review and approval of the planning department.
- (7) All landscaping that is placed on the lot shall be maintained in good condition so as to present a healthy, neat and orderly appearance. Prior to the issuance of an occupational license for a temporary parking lot, the applicant shall submit 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. This maintenance plan shall be approved by the planning department.

SECTION 2. Chapter 130, Article III entitled "Design Standards," is hereby amended as follows:

Sec. 130-70. - Temporary parking lot standards.

- (1) 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.
- (2) 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 114-1.
- (3) Temporary parking lots shall not be permitted to exist for a period of time greater than ~~three~~ 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 ~~two~~ 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 126. The notice of public hearing requirements shall be as set forth in chapter 118, article IV. All extensions of time approved for temporary parking lots shall be subject to recurring annual payment into the tree trust fund of \$500 dollars per lot tree as shown on the approved landscape plan, until the temporary lot ceases; such annual payment shall be required at the time of the renewal of the business tax receipt (BTR). 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 ~~asphalt~~ surfaces and rock base shall be removed and replaced with soil, ~~and~~ 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.

- (4) 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. ~~All lots considered under this article shall be reviewed pursuant to the design review regulations.~~ 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. 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 as part of the last administrative request for extension of time.
- (5) Parking lots shall be brought to grade with no less than ~~one inch of asphalt over~~ a four-inch lime rock base; however, the public works director may require a six-inch lime rock base ~~or thicker asphalt~~ 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.
- (6) 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 or poured concrete surfaces for driveways, drive aisles and/or parking spaces shall only be permitted for temporary parking lots that are for a period of time of one year or less. Any use of the temporary parking lot beyond one year, including any applicable extensions, shall require that all surfaces over the required lime-rock base, including, but not limited to, driveways, drive aisles, parking spaces and walkways, consist of pavers set in sand, grass pavers, or similar semi-pervious material.
- (7) Landscaping requirements shall be pursuant to the requirements of chapter 126.

- (8) 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.
- (9) Use of temporary parking lots shall not be for parking which is required by these land development regulations.
- (10) Should the city manager find that the operation of a temporary parking lot has an adverse effect on the welfare of surrounding properties, ~~he~~ the city manager may revoke the license pursuant to the procedures set forth in section 102-383 upon 48-hour written notification to the applicant.
- (11) 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 chapter 118, article IV.
- (12) If the lot is ~~paved and~~ 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 130-61 and 130-64. 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.
- (13) Any temporary parking lot that is nonconforming to these regulations 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.

SECTION 3. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado City Clerk

First Reading: _____, 2019

Second Reading: _____, 2019

Verified by: _____

Thomas Mooney, AICP
Planning Director

M:\\$CMB\CCUPDATES\SRC\Temporary Parking Lot Standards - DRAFT ORD Oct 30 2018 SRC.docx