

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: July 25, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0142. NORTH BEACH TOWN CENTER DISTRICT - PARKING GARAGE REGULATIONS.**

REQUESTS

PB 17-0142. NORTH BEACH TOWN CENTER DISTRICT - PARKING GARAGE REGULATIONS. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE III "DESIGN STANDARDS", AT SECTION 130-68, ENTITLED "COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES," TO MODIFY THE DEVELOPMENT REGULATIONS FOR COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES SO AS TO AUTHORIZE SUCH PARKING GARAGES AS A MAIN PERMITTED USE WITHIN ALL IN (TC) TOWN CENTER DISTRICTS; AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 20 "TC NORTH BEACH TOWN CENTER DISTRICTS", AT SECTION 142-737, ENTITLED "DEVELOPMENT REGULATIONS," TO INCREASE THE MAXIMUM NUMBER OF STORIES PERMISSIBLE FOR MAIN USE COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

RECOMMENDATION:

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

HISTORY

On May 17, 2017, at the request of Commissioner Joy Malakoff, the City Commission referred three ordinances related to a North Beach Town Center redevelopment proposal involving city-owned parking lots to the Land Use and Development Committee and Planning Board for consideration and recommendation (Item C4C.)

On June 14, 2017, the Land Use and Development Committee (LUDC) discussed the item and recommended that the Planning Board transmit the item to the City Commission with a favorable recommendation.

REVIEW CRITERIA

In accordance with Section 118-163 (3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The uses proposed modifications are consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.
2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not Applicable – The proposed amendment does not modify district boundaries.
3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Not Applicable – The proposed Ordinance is not out of scale with the needs of the neighborhood.
4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed change will not modify the intensity of development.
5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not Applicable – The existing boundaries will not be modified by the proposed Ordinance.
6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The North Beach Town Center area has seen limited improvement over the years and has faced financial constraints and neighborhood adjustments that have diminished the general condition of the neighborhood. Additional parking in the North Beach Town Center area will improve the overall economic viability of the North Beach Town Center area.
7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed change will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change will not impact the levels of service set forth in the Comprehensive Plan.

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

Consistent – The proposal will not seriously reduce light and air to adjacent areas.

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

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposal will not be a deterrent to the improvement or development of adjacent property.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not applicable.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

ANALYSIS

In March of 2017, an entity controlled by North Beach Town Center Development, LLC ("NBTC") purchased all the sites owned by City National Bank. These lots are south of 71st Street, between Harding and Byron Avenues. NBTC is now interested in developing a mixed-use project within the North Beach Town Center and has approached the City regarding exchanging various properties in the area to facilitate the development and provide municipal parking and workforce housing.

The City of Miami Beach ("City") is the owner of two (2) properties located at:

- 1) 6995 Byron Avenue (Folio #: 02-3211-002-0950). This site, located at the southeast corner of Byron Avenue and 71st Street, is 12,625 square feet (.29 acres) and is currently utilized as a surface parking lot (Lot P80), containing 30 parking spaces.
- 2) 6960 Harding Avenue (Folio #: 02-3211-002-0910). This site, located on the west side of

Harding Avenue, mid-block between 69th and 71st Streets, is 18,750 square feet (.43 acres) and is currently utilized as surface parking lot (Lot P84), containing 53 parking spaces

The above noted City owned properties are outlined in red, and identified as Numbers 1 and 2, on Exhibit "A" (Subject Sites) attached.

North Beach Town Center Development, LLC ("NBTCDD") is the owner of five (5) properties located at:

- 1) 6957 Byron Avenue (Folio #: 02-3211-002-0990), consisting of 6,250 square feet (.14 acres).
- 2) 6965 Byron Avenue (Folio #: 02-3211-002-0970 / south half only), consisting of 6,250 square feet (.14 acres).
- 3) 6948 Abbott Avenue (Folio #: 02-3211-002-1010), consisting of 6,000 square feet (.14 acres).
- 4) 6956 Abbott Avenue (Folio #: 02-3211-002-1020), consisting of 6,000 square feet (.14 acres).
- 5) 6964 Abbott Avenue (Folio #: 02-3211-002-1030), consisting of 6,000 square feet (.14 acres).

The above noted NBTCDD owned properties are outlined in blue, and identified as Number 3, on Exhibit "A" (Subject Sites) attached hereto.

NBTCDD is proposing a mixed-use development including retail, office, residential and parking between Byron and Harding Avenues. NBTCDD has proposed to convey to the City a parking garage with at least 270 spaces, which would be located between Abbott and Byron Avenues. Additionally, NBTCDD and the City would explore building up to three (3) floors of workforce housing above the proposed parking garage.

As part of the proposal, two land use amendments (the first is covered in a separate staff report, PB 17-0139 and PB 17-0141) have been suggested by NBTCDD:

1. A rezoning and change in future land use designation of the City-owned surface parking lots (from GU to TC-1); and
2. Text amendment to the Land Development Regulations to allow principal use parking garages in the TC-3 district to be maximum 60 feet in height and to remove the four-story height limit for such parking garage.

In addition to the above noted changes to the LDR's, as part of the revisions to Chapter 130, an amendment to the maximum allowable accessory use provisions for main use garage, in order to accommodate the potential for future workforce or affordable housing is proposed. In this regard, it is suggested that the allowable residential space be permitted to exceed 35 percent of the total floor area of the structure, not to exceed 49% of the total floor area of the structure, provided such space in excess of 35% of the floor area of the structure consists solely of workforce and/or affordable housing.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

TRM/MAB/TUI

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**NORTH BEACH TOWN CENTER DISTRICT
PARKING GARAGE REGULATIONS**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE III "DESIGN STANDARDS", AT SECTION 130-68, ENTITLED "COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES," TO MODIFY THE DEVELOPMENT REGULATIONS FOR COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES SO AS TO AUTHORIZE SUCH PARKING GARAGES AS A MAIN PERMITTED USE WITHIN ALL IN (TC) TOWN CENTER DISTRICTS; AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 20 "TC NORTH BEACH TOWN CENTER DISTRICTS", AT SECTION 142-737, ENTITLED "DEVELOPMENT REGULATIONS," TO INCREASE THE MAXIMUM NUMBER OF STORIES PERMISSIBLE FOR MAIN USE COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES; 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, there is generally a shortage of available parking spaces in the North Beach Town Center area of the City; and

WHEREAS, the North Beach Town Center area has seen limited improvement over the years and has faced financial constraints and neighborhood adjustments that have diminished the general condition of the neighborhood; and

WHEREAS, the City of Miami Beach seeks to encourage and incentivize new development within the North Beach Town Center area; and

WHEREAS, additional parking in the North Beach Town Center area will improve the overall economic viability of the North Beach Town Center area; and

WHEREAS, the amendment 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. That Chapter 130, entitled "Office Street Parking," Article III entitled "Design Standards", is hereby amended as follows:

CHAPTER 130

OFF-STREET PARKING

ARTICLE III - DESIGN STANDARDS-

* * *

Sec. 130-68. - Commercial and noncommercial parking garages.

Commercial and noncommercial parking garages as a main use on a separate lot shall be subject to the following regulations, in addition to section 142-1107, parking lots or garages on certain lots and the other regulations of this article:

(1) When 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, a commercial or noncommercial parking garage shall incorporate the following:

a. Residential (when permitted) or commercial uses 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.

b. Residential (when permitted) or commercial uses above the first level along every facade facing a waterway or the ocean.

c. All facades 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.

However, in no instance shall the above described residential (when permitted) or commercial space exceed 25 percent of the total floor area of the structure. Additionally, in no instance shall the amount of floor area 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 floor area of the structure, so as to insure that the structure's main use is as a parking garage.

(2) When 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, the following regulations shall apply:

a. Commercial or noncommercial parking garages shall incorporate the following:

1. Residential or commercial uses, as applicable, 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 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 118, article X of the land development regulations.

3. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; the total amount of residential space

shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.

b. In addition, the following shall apply:

1. When a parking garage is located in the RM-3 or R-PS4 districts, or on Collins Avenue from 25th to 44th Streets, or on West Avenue, south of 11th Street, in an RM-2 district where the subject site is located adjacent to an RM-3 district, such garage may also have first floor frontage with space occupied for commercial uses facing the subject RM-3 area.

2. When a parking garage is 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, the garage may also serve commercial uses.

3. When a parking garage is located in an RM-2 district, where the subject site is fronting on or separated by a street but not an alley or property line from a CD-2 or CD-3 district, such garage may also have first floor frontage with space occupied for commercial uses facing the subject CD-2 or CD-3 area, and also serve commercial uses.

4. Any parking structure permitted under subsections (2)b.2. and 3. that serve commercial uses shall be restricted to self-parking only. No valet parking shall be allowed.

5. At least one third of the parking spaces in any parking structures permitted under (2)b.2. and 3., 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 as part of the conditional use process.

6. When commercial uses are permitted in the ground floor of parking structures under this subsection (2) dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments or open-air entertainment establishments shall be prohibited uses in the garage structure.

In no instance shall the above described combined residential and/or commercial space exceed 25 percent of the total floor area of the structure, with the commercial space not exceeding ten percent of the total floor area of the structure, nor shall any accessory commercial space exceed 40 feet in depth. Additionally, in no instance shall the amount of floor area 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 floor area of the structure, so as to insure that the structure's main use is as a parking garage.

(3) When located in residential districts, a commercial or noncommercial parking garage shall serve only residential uses except as provided in subsection (2). A commercial or noncommercial parking garage shall provide required parking for any commercial use located within the garage.

(4) The height limit shall be 75 feet in the CD-3 district, excluding parking garages within a local historic district and in the GU district; for all other districts (including local historic districts), the height limit shall be the lesser of 50 feet or the maximum height specified in the underlying zoning district, unless otherwise noted in this section; however, the maximum permitted height for residential uses accessory to a garage shall be as specified in the underlying zoning district, unless otherwise noted in this section. Notwithstanding the foregoing, for main use parking garages located on non-

oceanfront lots within the Collins Waterfront Local Historic District, with frontage on both Indian Creek Drive and Collins Avenue, the maximum height shall be as specified in the underlying zoning district, not to exceed eight stories and 75 feet.

(5) Setbacks shall be the same as the pedestal setbacks for the underlying zoning district. For main use 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.

(6) The volume of such 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.

(7) Parking garages that are built solely with public funds may be exempt from the requirements of subsections (1) and (2), above, if meeting the requirement would affect the tax exempt status of the project. The forgoing does not limit the city commission's ability to waive development regulations for GU properties as per section 142-425.

(8) 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. Robotic parking system means a mechanical garage using elevator systems to hoist individual vehicles from receiving areas to separate auto storage areas. Under this provision, accessory off-street parking spaces requirements may not be satisfied through the use of robotic parking systems.

(9) When located in the TC-1, TC-2, and TC-3 districts, and GU districts located within the ~~TC-3 districts in the~~ North Beach Town Center area, the following regulations shall apply:

a. When a parking garage is located in the TC-3 district, such garage may also have first floor space occupied for commercial uses, subject to conditional use approval.

b. 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.

c. When the subject site is abutting or separated by an alley from a TC-1 district, the garage may also serve commercial uses.

d. In no instance shall the above-described combined residential and/or commercial space exceed 35 percent of the total floor area of the structure. The allowable residential space may exceed 35 percent of the total floor area of the structure, not to exceed 49% of the total floor area of the structure, provided such space in excess of 35% of the floor area of the structure consists solely of workforce and/or affordable housing.

e. Additionally, in no instance shall the amount of floor area 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 floor area of the structure, so as to insure that the structure's main use is as a parking garage.

f. The height limit shall be ~~50~~ 60 feet, and up to 75 feet for those portions of the structure that contain workforce and/or affordable housing.

- g. Setbacks shall be the same as the setbacks for the TC-3 underlying 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.
- h. The volume of such 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.
- i. Signage for commercial uses allowable under this provision shall be pursuant to chapter 138 governed by the TC-3 district regulations.

SECTION 2. That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 20, "TC North Beach Town Center Districts," at Section 142-737, entitled "Development Regulations" is hereby amended as follows:

CHAPTER 142

ZONING DISTRICTS AND REGULATIONS

ARTICLE II - DISTRICT REGULATIONS –

DIVISION 20 - TC NORTH BEACH TOWN CENTER DISTRICTS

* * *

Sec. 142-737. - Development regulations.

(a) The development regulations in the TC-1, TC-2 and TC-3 town center districts are as follows:

District	Maximum Floor Area Ratio (FAR)	Maximum Building Height	Maximum Number of Stories
TC-1 Town Center Core	For lots equal to or less than 45,000 sq. ft.—2.25 For lots greater than 45,000 sq. ft.—2.75	125 feet. Buildings fronting on 71st Street shall be subject to the additional setbacks as follows: stories 1—4 shall be setback 10 feet and above the forth story the building shall be setback 25 feet. <u>Parking garages as a main use—</u> <u>See subsection 130-68(9).</u>	12 stories. <u>Parking garages as a main use shall not be subject to maximum number of stories requirement—See subsection 130-68(9) for maximum building height.</u>
TC-2 Town Center	1.5; except for mixed-use buildings	50 feet	5 stories

Mixed-use	where more than 25 percent of the total area of a building is used for residential or hotel units, the maximum FAR shall be 2.0.	<u>Parking garages as a main use— See subsection 130-68(9).</u>	<u>Parking garages as a main use shall not be subject to maximum number of stories requirement—See subsection 130-68(9) for maximum building height.</u>
TC-3 Town Center Residential Office	1.25	45 feet Waterfront lots—50 feet Parking garages as a main use— See subsection 130-68(9). The facade of buildings facing the lot front adjacent to streets shall not exceed 23 feet in height to the top of the roof deck. Any portion of the building above 23 feet shall be set back an additional 1 foot for every 1 foot in height above 23 feet. The rear facade of buildings shall be set back an additional 1 foot for every 1 foot in height above 33 feet.	4 stories Waterfront lots—5 stories <u>Parking garages as a main use shall not be subject to maximum number of stories requirement—See subsection 130-68(9) for maximum building height.</u>

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 _____, 2017.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

Eve Boutsis, City Attorney

Date

First Reading: _____

Second Reading: _____

Verified by: _____
Thomas Mooney, AICP
Planning Director

Underscore denotes new language

~~Strikethrough~~ denotes removed language