

# MIAMIBEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members  
Planning Board

DATE: September 26, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 17-0160. Parking Districts No. 6 & 7 – Apartment and Hotel Use Amendment.**

### REQUESTS

**PB 17-0160. PARKING DISTRICTS NO. 6 & 7 – APARTMENT AND HOTEL USE AMENDMENT. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 130, OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED "OFF-STREET PARKING," ARTICLE II "DISTRICTS; REQUIREMENTS," AT SECTIONS 130-31, AND 130-33, TO MODIFY THE REQUIREMENTS FOR PARKING DISTRICT NO. 6, TO EXTEND THE BOUNDARIES OF PARKING DISTRICT NO. 7 AND TO MODIFY THE REQUIREMENTS FOR PARKING DISTRICT NO. 7; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

### RECOMMENDATION:

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

### HISTORY

At the request of Commissioner Joy Malakoff, the City Commission referred the following items to the Land Use and Development Committee for discussion and recommendation;

1. May 17, 2017 City Commission: Discussion regarding an Ordinance to extend the northern boundary of Parking District No. 7 from Lincoln Road to 17<sup>th</sup> Street, as it pertains to hotel uses (Item C4H).
2. June 7, 2017 City Commission: Discussion on applying the recently approved reduced parking requirements for RM-1 and RM-2 zoned apartment uses to apartment uses along Alton Road zoned commercial (Item C4Q).

On June 14, 2017, the Land Use Committee discussed the above noted items separately, and recommended that the City Commission refer both to the Planning Board for consideration and recommendation. For brevity, the Administration has combined both items into a single draft ordinance.

On July 26, 2017, the City Commission referred the item to the Planning Board for consideration and recommendation (Item C4D). Additionally, Commissioner John Elizabeth Aleman became a co-sponsor of the proposed Ordinance.

### **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.**

**Consistent** – The proposed amendment includes an extension of an existing district along a commercial corridor and will not create an isolated district.

- 3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Not Applicable** – The proposed Ordinance will not modify the scale of development.

- 4. Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Consistent** – The proposed ordinance will not modify the intensity of development and will not tax the existing load on public facilities. The proposed ordinance incentivizes pedestrian activity and uses which should not increase the demand for public parking.

- 5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Consistent** – Parking District 7 currently ends at Lincoln Road on the north while the commercial corridor continues to 17<sup>th</sup> Street. The proposal incorporates the remaining portion of the commercial corridor into a consistent parking district.

- 6. Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The need to encourage uses that will activate the northern portions of the Washington Avenue commercial corridor and provide job opportunities to Miami Beach residents makes passage of the extension of Parking District 7 necessary.

- 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 modify allowable uses, densities, or intensities and will therefore not affect 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 does not modify the scale of development and will not 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.**

In accordance to section 118-163, the planning board shall consider if the proposed ordinance complies with the sea level rise and resiliency review criteria for ordinances resolutions, or recommendations in Chapter 133, Article II.

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Consistent** – The affected lots have elevations between approximately 4.1 to 5.2 NAVD. These elevations are above the adopted high projection for mean high water in 2060 of 2.42 NAVD. However, the lots are within the low and high projections for the mean high water of 2.83 to 5.33 in 2100. Therefore, the proposal affects an area that is not expected to be vulnerable over this century.

**(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – The proposal will encourage pedestrian activity over driving that will reduce the production of greenhouse gases. This will therefore increase the resiliency of the City with respect to sea level rise.

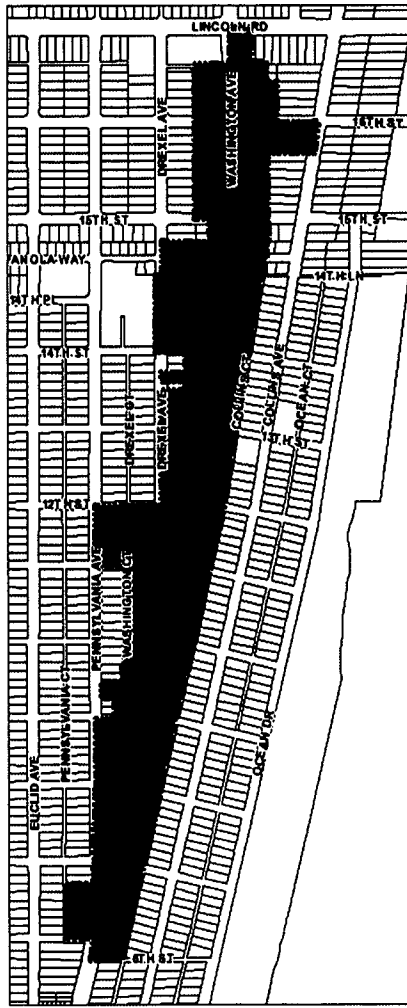
**(3) Whether the proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.

**ANALYSIS**

The attached ordinance would amend Sec. 130-33(d) of the City Code, by extending the boundaries of Parking District No. 7 north to 17<sup>th</sup> Street. Currently parking district No. 7 applies to properties on Washington Avenue from 6th Street to Lincoln Road, as more specifically defined hereto:

*Parking district no. 7. Parking district no. 7 includes those properties with a lot line on Washington Avenue from 5th Street to Lincoln Road, excluding those properties in parking district no. 2, as depicted in the map below:*



The current off-street parking requirements for Parking District No. 7 are as follows (for uses not listed below, the off-street parking requirement shall be the same as for parking district no. 1 or parking district no. 2, as applicable):

- (1) Hotel: No parking requirement. For accessory uses to a hotel, the minimum parking is as set-forth in parking district no. 1.
- (2) Office: One space per 500 square feet of floor area.
- (3) Retail: Retail existing as of the date of adoption of parking district no. 7 shall have no parking requirement. For new retail construction, one space per 300 square feet of floor area.
- (4) Cafe, outdoor: No parking requirement.
- (5) Approved parklets shall have no parking requirement.
- (6) Any building or structure erected in parking district no. 7 may provide required parking on site as specified in parking district no. 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in chapter 114 of these land development regulations.

The above noted parking requirements pertaining to Parking District No. 7 will sunset on September 1, 2020.

As noted above, Parking District No. 7 has reduced parking requirements for hotel and office uses. The proposal herein would only allow for the reduced hotel and office parking requirements to be part of the proposed northward extension of Parking District No. 7. The owner of the property at the southeast corner of Washington Avenue and 17<sup>th</sup> Street is requesting the proposed amendment pertaining to Parking District No. 7, so as to reduce the number of required parking spaces that have to be provided on site for a new hotel development.

Recently, a separate draft amendment for Parking District No. 7, pertaining to office uses, was referred to the Planning Board. Offices in Parking District No. 7 have a minimum parking requirement of 1 space per 500 square feet of floor area. As recommended by the Land Use Committee, the Planning Board considered 2 separate options for incentivizing office uses in Parking District No. 7, as follows:

**OPTION A:** Office: No parking requirement.

**OPTION B:** Office: No parking requirement provided a facility with publicly accessible parking spaces is located within 500 feet.

On June 27, 2017, the Planning Board recommended that the City Commission consider Option A above. On July 26, 2017, the City Commission adopted Option B on First Reading. Second Reading is scheduled for September 25, 2017.

In addition to the proposed amendment to Parking District 7, the owner of property on Alton Road has requested that the recently proposed apartment use parking requirements for RM-1 and RM-2 districts also be applied to apartment uses in commercial zoning districts located on Alton Road, in Parking District No. 6. This particular parking district, which is located along Alton Road from 5<sup>th</sup> Street to Dade Boulevard, includes a number of commercially zoned properties directly adjacent to and abutting RM-1 and RM-2 zoned properties. Since apartment uses are permitted in commercial districts, this proposal would be an extension of the revised parking requirements proposed for apartment uses in the RM-1 and RM-2 districts.

Finally, the subject Ordinance also includes some minor clean-up changes to Parking District 5 and Parking District 6, to correct previous drafting errors.

### **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/RAM

**PARKING DISTRICTS NO. 6 & 7 – APARTMENT AND HOTEL USE AMENDMENT**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 130, OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED "OFF-STREET PARKING," ARTICLE II "DISTRICTS; REQUIREMENTS," TO MODIFY THE REQUIREMENTS FOR PARKING DISTRICT NO. 6, TO EXTEND THE BOUNDARIES OF PARKING DISTRICT NO. 7 AND TO MODIFY THE REQUIREMENTS FOR PARKING DISTRICT NO. 7; 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 encourage and incentivize new hotel development within the Washington Avenue area; and

**WHEREAS**, the City of Miami Beach seeks to encourage and incentivize rental apartment development within the Alton Road area; and

**WHEREAS**, Parking District No. 7 is the parking district that covers a portion of Washington Avenue; and

**WHEREAS**, Parking District No. 6 is the parking district that covers a portion of Alton Road; 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.** That Chapter 130, Article II entitled "Districts; Requirements", is hereby amended as follows:

**Sec. 130-31. - Parking districts established.**

(a) For the purposes of establishing off-street parking requirements, the city shall be divided into the following parking districts:

\* \* \*

(7) *Parking district no. 7.* Parking district no. 7 includes those properties with a lot line on Washington Avenue from 5th Street to ~~Lincoln Road~~ 17<sup>th</sup> Street, excluding those properties in parking district no. 2, as depicted in the map below:



\* \* \*

**Sec. 130-33. - Off-street parking requirements for parking districts nos. 2, 3, 4, 5, 6, and 7.**

- (a) Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking districts nos. 2, 3, and 4 and 5 accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows. There shall be no off-street parking requirement for uses in this parking district except for those listed below:

\* \* \*

- (c) Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 6, off-street automobile 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 district no. 1 in section 130-32.

- (1) *Apartment building and apartment-hotel:*
  - a. 1.0 spaces per unit for units between 550 and 799 square feet;
  - b. 1.25 spaces per unit for units between 800 and 999 square feet;



- ~~c. 1.5 spaces per unit for units between 1,000 and 1,199 square feet;~~
- ~~d. 1.75 spaces per unit for units between 1,200 and 1,399 square feet;~~
- ~~e. 2.0 spaces per unit for units between 1,400 and 1,599 square feet;~~
- ~~f. 2.25 spaces per unit for units above 1,600 square feet.~~
- a. On lots that are 65 feet in width or less: There shall be no parking requirement, provided secure storage for alternative transportation such as scooters, bicycles, and motorcycles, is provided.
- b. On lots wider than 65 feet:
  - 1 (one) space per unit for units between 550 and 1,600 square feet;
  - 2.0 (two) spaces per unit for units above 1,600 square feet.

g.c. 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.

h.d. Car sharing: The minimum parking requirements listed in a.—g. above may be reduced by four parking spaces for every one parking space reserved for a vehicle owned and operated by an official car-share program sanctioned by the City of Miami Beach, not to exceed a total of four car-share parking spaces or 20 percent of the total number of required residential parking spaces, whichever is less.

\* \* \*

(3) *Restaurant, outdoor cafe or bar:* There shall be no parking requirement for individual establishments of 60 seats or less, or 1,500 square feet or less of eating and/or drinking areas, whichever is greater, up to a total aggregate square footage of 5,000 square feet per development site. For individual establishments over 60 seats or 1,500 square feet of eating and/or drinking areas, whichever is greater, or for development sites with a total aggregate square footage of more than 5,000 square feet of these uses, 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 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.

\* \* \*

(d) Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 7, off-street automobile 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 district no. 1 or parking district no. 2, as applicable.

- (1) Hotel: No parking requirement. For accessory uses to a hotel, the minimum parking is as set-forth in parking district no. 1.
- (2) Office: One space per 500 square feet of floor area.
- (3) Retail: Retail existing as of the date of adoption of parking district no. 7 shall have no parking requirement. For new retail construction located south of Lincoln Road: one space, per 300 square feet of floor area.

- (4) Cafe, outdoor located south of Lincoln Road: No parking requirement.
- (5) Approved parklets shall have no parking requirement.
- (6) Any building or structure erected in parking district no. 7 may provide required parking on site as specified in parking district no. 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in chapter 114 of these land development regulations.

The parking requirements in this subsection 130-33(d)(1), (2), (3), (4), and (5) shall only apply to projects that have obtained a full building permit or business tax receipt by September 1, 2020.

**SECTION 2. 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 3. REPEALER.**

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

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**ATTEST:**

\_\_\_\_\_  
Phillip Levine Mayor

\_\_\_\_\_  
Rafael E. Granado City Clerk

First Reading: \_\_\_\_\_, 2017

Second Reading: \_\_\_\_\_, 2017

Verified by: \_\_\_\_\_  
Thomas Mooney, AICP  
Planning Director