

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: October 24, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0165. Provisional Parking Lots Amendment**

REQUEST

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 130, OF THE LAND DEVELOPMENT REGULATIONS (LDRs), ENTITLED "OFF-STREET PARKING," ARTICLE III "DESIGN STANDARDS", TO MODIFY THE REQUIREMENTS FOR TEMPORARY PARKING LOTS AND DELETING THE PROVISIONS OF SECTION 130-70 IN ORDER TO REMOVE THE STANDARDS FOR PROVISIONAL PARKING LOTS FROM THE LDRs; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

RECOMMENDATION:

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

HISTORY

On July 26, 2017, at the request of Commissioner John Elizabeth Aleman, the City Commission approved a dual referral to the Land Use and Development Committee and the Planning Board, to amend Chapters 114 (Definitions) and 130 (Off-Street Parking) of the Land Development Regulations of the City Code (item C4B) to remove all provisions pertaining to provisional parking lots.

On October 11, 2017, the Land Use and Development Committee (LUDC) discussed the item and recommended that the Planning Board transmit the ordinances 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 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 Ordinance does not affect zoning district boundaries.

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

Consistent – The proposed Ordinance is not out of scale with needs of the neighborhood.

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

Consistent – The proposed amendment would not further tax the existing load on public facilities and infrastructure.

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

Not Applicable –. The proposed Ordinance does not affect zoning district boundaries.

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

Consistent – The Florida Building Code does not permit gravel or lime rock parking lots, even on a "provisional" basis.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed change should 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 should not substantially 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 reduce light and air to adjacent properties compared to the current parking regulations.

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 should 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.

Consistent – The Florida Building Code does not permit gravel or lime rock parking lots, even on a "provisional" basis.

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

The attached draft amendment proposes to remove all provisions related to "Provisional Parking Lots." Provisional Parking Lots, unlike "Temporary Parking Lots", have a lesser requirement for minimum landscaping, and do not require a paved surface. It has come to the attention of the staff, that under the Florida Building Code, gravel or lime rock parking lots, even on a "provisional" basis, are not permitted. As such, the amendment proposed would bring the City's LDRs into compliance with the requirements of the Florida Building Code and create less confusion for property owners seeking temporary parking lot approval.

The primary difference between Provisional and Temporary Parking Lots is the paving and landscape standards. Provisional lots, under the current City Code, can utilize a lime rock base, as opposed to an all-weather surface such as pavers or asphalt, which is required for Temporary Lots. The minimum landscape requirements for Provisional and Temporary Parking Lots are listed in Section 126-12 of the City Code; the primary differences in minimum landscape standards are as follows:

Temporary Parking Lot Minimum Landscape Standards:

- A five-foot (5') wide, landscaped area bordering the surface area along a property line, street, alley or sidewalk.
- The areas fronting a street or alley shall be landscaped with a grouping of three palms every 15 linear feet of frontage or one canopy tree every 20 feet of frontage.

Provisional Parking Lot Minimum Landscape Standards:

- A two feet, six inches wide landscaped area bordering the surfaced area along all property lines.
- The areas fronting a right-of-way or an alley shall be landscaped with a grouping of three palms every 20 linear feet of frontage or one canopy tree every 25 feet of frontage.

The biggest difference in landscape standards is the minimum required border (2'-6" for Provisional Lots and 5'-0" for Temporary Lots). If a Provisional Lot, utilizing a lime rock surface, converts to a Temporary Lot, it is pretty simple to apply asphalt or pavers over the lime rock, and meet the required 5'-0" border. However, if a Provisional Lot were to be paved, it would be much more difficult to remove 2'-6" of asphalt or pavers, if the lot were to convert to Temporary status.

While the Provisional Lot standards could be modified to require paved surfaces, this would create future problems for the lot owner within 18 months, as the lot would need to be significantly modified in order to be converted to a Temporary Lot. As such the Staff recommends that Sec. 130-71, pertaining to 'Provisional Parking Lots' be stricken entirely.

RECOMMENDATION

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

TRM/MAB/TUI

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PROVISIONAL PARKING LOT 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 (LDRs), ENTITLED "OFF-STREET PARKING," ARTICLE III "DESIGN STANDARDS", TO MODIFY THE REQUIREMENTS FOR TEMPORARY PARKING LOTS AND DELETING THE PROVISIONS OF SECTION 130-70 IN ORDER TO REMOVE THE STANDARDS FOR PROVISIONAL PARKING LOTS FROM THE LDRs; 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 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. 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. 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.
- (2) 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.

- (3) Should the city manager find that the operation of a temporary parking lot has an adverse effect on the welfare of surrounding properties, he may revoke the license pursuant to the procedures set forth in section 102-383 upon 48-hour written notification to the applicant.
- (4) Use of temporary parking lots shall not be for parking which is required by these land development regulations.
- (5) All lots considered under this article shall be reviewed pursuant to the design review regulations.
- (6) 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.
- (7) Temporary parking lots shall not be permitted to exist for a period of time greater than three 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 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.

At the end of all applicable extensions of time for a temporary parking lot, unless a permanent is constructed in conformity with these land development regulations the lot shall cease to be used for parking and the asphalt and rock base shall be removed and replaced with soil and landscaping, 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. 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.

- (8) Landscaping requirements shall be pursuant to the requirements of chapter 126.
- (9) 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.

- (10) 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.
- (11) 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.

Sec. 130-71. – Reserved.

~~Sec. 130-71. – Provisional parking lot standards.~~

~~When permitted, the following standards are established for provisional parking lots:~~

- ~~(1) Provisional commercial or noncommercial parking lots may be operated in the CD1-3 (commercial, low to high intensity) districts, CPS-1 and 2 (commercial performance standards districts), I-1 (urban light industrial) district, and MXE (mixed use entertainment) district. These lots may be operated independent of a primary use. One sign per street frontage is permitted. The maximum size of each sign shall be five square feet per 50 feet of street frontage, not to exceed 20 square feet. This sign shall also include copy that indicates the name of the operator, the phone number of operator to report complaints, the phone number for code compliance, and who can use the parking facility; i.e., whether it is open to the general public, private, valet or self-parking.~~
- ~~(2) Provisional parking lots shall be brought to grade with a dust-free surface of no less than two inches of crushed rock. Prior to the issuance of an occupational license for a provisional parking lot, the applicant shall submit a plan which addresses the regular maintenance and watering of the parking and landscaped surfaces; such plan shall be approved by the planning department and monitored for compliance. Surface stormwater drainage shall be approved by the public works department.~~
- ~~(3) Should the city manager find that the operation of a provisional parking lot has an adverse effect on the welfare of surrounding properties, the manager may revoke the license pursuant to the procedures set forth in section 102-383 upon 48-hour written notification to the applicant.~~
- ~~(4) Use of provisional parking lots shall not be for parking which is required by these land development regulations.~~
- ~~(5) Provisional parking lots shall not be permitted to exist for a period of time greater than one year from the date of certificate of occupancy, or occupational license issuance, whichever occurs first, regardless of ownership. At the end of this period, if the lot continues to be used for the purposes of parking, a temporary or permanent lot shall be constructed in conformity with these land development regulations; however, an applicant may request one extension of time for a period not exceeding six months from the planning director. Any further extension of time shall be prohibited.~~
- ~~(6) Landscaping requirements shall be pursuant to the requirements of chapter 126.~~
- ~~(7) All lots considered under this article shall be reviewed pursuant to the design review process.~~
- ~~(8) If the lot is not operated on a valet basis, 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 through 130-64. Lots operated on a valet basis shall have~~

~~wheel stops at the edge of the parking surface. All wheel stops required in this subsection shall be placed no less than four feet away from each other.~~

~~(9) 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 division shall approve the placement of landscaping.~~

~~(10) The applicant for a provisional parking lot must provide a written statement from the property owner as part of the required submission for the lot, acknowledging that the owner is fully and solely responsible for eliminating any contamination resulting from lack of a drainage system on the unpaved lot and indemnifying and holding the city harmless from loss or damage arising from any contamination on the lot, in a form approved by the city attorney's office.~~

~~(11) No variances shall be granted from the requirements of this section.~~

~~(12) At the time the provisional parking lot ceases to exist, all crushed rock material shall be removed within 30 days and replaced with sod and/or landscaping as determined acceptable by the planning, design and historic preservation division. This provision shall not apply to existing lots where crushed rock was legally in place at the time of the passage of these land development regulations.~~

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 _____, 2018.

ATTEST:

Mayor

Rafael E. Granado City Clerk

First Reading: _____, 2018

Second Reading: _____, 2018

Verified by: _____
Thomas Mooney, AICP
Planning Director