

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: November 21, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0172. RM-3 Architectural District Parking.**

REQUEST

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 130 "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," BY AMENDING THE OFF-STREET PARKING REQUIREMENTS FOR OCEANFRONT HOTELS ZONED RM-3 IN THE ARCHITECTURAL DISTRICT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

RECOMMENDATION:

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

HISTORY

On September 25, 2017, at the request of Commissioner Joy Malakoff, the subject ordinance was referred to the Land Use and Development Committee (LUDC) for consideration and recommendation (Item C4M.)

On October 11, 2017, the LUDC discussed the proposed Ordinance, as well as a companion Ordinance referred by the City Commission on September 25, 2017 (Item C4X, sponsored by Commissioner Malakoff). The Land Use Committee recommended that the two Ordinances be combined into a single Ordinance and that the City Commission refer the item to the Planning Board. Commissioner John Elizabeth Aleman is the co-sponsor of the proposed Ordinance.

On October 18, 2017, the City Commission referred the combined item to the Planning Board (Item C4Q.)

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 – In light of new technologies such as ridesharing and improved transit services, the proposed change may be necessary.

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.

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.

13. Not Consistent – There are not substantial reasons why the property cannot be used in accordance with existing zoning.

14. 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 ordinance, would modify Sec. 130-32 of the City Code, pertaining to off-street parking requirements for oceanfront lots zoned RM-3 in the architectural district. Specifically, for oceanfront properties located between 15th Street and 23rd Street on the east side of Collins Avenue, which contains a contributing structure and where the primary use is a hotel, the following revised parking requirements would apply to new construction:

- *Hotel Units:* No parking requirement for new construction containing hotel units where the total number of hotel units is not increased from the existing business tax receipt.
- *Retail, Meeting rooms or other places of assembly:* No parking requirement for individual accessory use establishments of 5,000 square feet or less. For individual accessory use establishments over 5,000 square feet, there shall be one space for every 300 square feet of floor area. A covenant running with the land, approved by the City Attorney, shall be recorded to ensure that individual accessory use establishments 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. Notwithstanding the above, when the total aggregate square footage of the above-mentioned accessory uses in this subsection (2) exceeds 10% of the gross floor area on the property, then parking shall be required for all of the uses.
- *Restaurant, dining area, lounge, outdoor cafe or bar:* No parking requirement for individual accessory establishments of 5,000 square feet per hotel. For individual

accessory establishments over 5,000 square feet 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 accessory establishments 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. Notwithstanding the above, when the total aggregate square footage of the above-mentioned accessory uses in this subsection (2) exceeds 20% of the gross floor area on the property, then parking shall be required for all of the uses.

- *Gymnasiums, Spas or Saunas:* No parking requirement for accessory gymnasiums, spas or saunas.

The Ordinance would further facilitate the renovation of existing hotels within the affected area, to include minor new construction up to the threshold limitations noted above, without a parking requirement.

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

RM-3 HOTELS – ARCHITECTURAL DISTRICT PARKING

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 130 "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," BY AMENDING THE OFF-STREET PARKING REQUIREMENTS FOR OCEANFRONT HOTELS ZONED RM-3 IN THE ARCHITECTURAL DISTRICT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, current parking requirements for hotels, and for convention hotels contain a requirement for parking spaces based upon the number of rooms within the hotel and additional parking requirements for accessory uses within hotels; and

WHEREAS, changes in patterns and norms regarding the use of automobiles in urban areas such as Miami Beach, has changed the need for excessive parking in hotels; and

WHEREAS, existing parking requirements for hotels have not kept up with these aforementioned changes in automobile usage; and

WHEREAS, the proposed changes are necessary in order to promote good hotel development and the preservation of certain contributing hotels in the Architectural District.

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

Section 1. Section 130-32, "Off Street parking requirements for Parking District No. 1," is hereby amended as follows:

Section 130-32 - Off-street parking requirements for parking district no. 1

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

*

*

*

(26)(A) For oceanfront lots zoned RM-3 in the architectural district, between 15th Street and 23rd Street, containing a contributing structure, where the primary use is a hotel, the following shall apply to new construction:

- (1) Hotel Units. There shall be no parking requirement for new construction containing hotel units where the total number of hotel units is not increased from the existing business tax receipt (BTR).

- (2) Retail, Meeting rooms or other places of assembly. There shall be no parking requirement for individual accessory use establishments of 5,000 square feet or less. For individual accessory use establishments over 5,000 square feet, there shall be one space for every 300 square feet of floor area. A covenant running with the land, approved by the City Attorney, shall be recorded to ensure that individual accessory use establishments 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. Notwithstanding the above, when the total aggregate square footage of the above-mentioned accessory uses in this subsection (2) exceeds 10% of the gross floor area on the property, then parking shall be required for all of the uses.
- (3) Restaurant, dining area, lounge, outdoor cafe or bar: There shall be no parking requirement for individual accessory establishments of 5,000 square feet per hotel. For individual accessory establishments over 5,000 square feet 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 accessory establishments 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. Notwithstanding the above, when the total aggregate square footage of the above-mentioned accessory uses in this subsection (2) exceeds 20% of the gross floor area on the property, then parking shall be required for all of the uses.
- (4) Gymnasiums, Spas or Saunas: There shall be no parking requirement for accessory gymnasiums, spas or saunas.

* * *

SECTION 2. Repealer.

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

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, as amended. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. Severability.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the ____ day of _____, 2018.

PASSED and ADOPTED this ____ day of _____, 2018.

Mayor

ATTEST:

Rafael E. Granado City Clerk

First Reading: _____, 2017
Second Reading: _____, 2018

Verified by: _____
Thomas Mooney, AICP
Planning Director

F:\PLAN\SPLB\2017\11-21-17\PB 17-0172 - ORD - RM-3 Architectural District Parking\Ref to PB - Parking Ordinance Oceanfront
Hotels in the RM-3 Architectural District - DRAFT ORD.docx