

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 17-0177. Religious Institutions Parking 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, ENTITLED "OFF-STREET PARKING," ARTICLE II "DISTRICTS; REQUIREMENTS," AT SECTION 130-32, ENTITLED "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," TO MODIFY THE REQUIREMENTS FOR PARKING DISTRICT NO. 1, TO ALLOW THE PLANNING BOARD, THROUGH THE CONDITIONAL USE PROCESS, TO WAIVE ALL REQUIRED PARKING FOR NEW CONSTRUCTION FOR RELIGIOUS INSTITUTIONS IN THE RM-1 DISTRICT, PROVIDED THE PROPERTY IS LESS THAN 8,000 SQUARE FEET AND THE CONDITIONAL USE APPLICATION INCLUDES A TRAFFIC OPERATIONS PLAN; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

RECOMMENDATION:

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

HISTORY

On September 13, 2017, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission approved a dual referral of the subject Ordinance to the Land Use and Development Committee (LUDC) and the Planning Board for consideration and recommendation (Item C4J.)

On October 30, 2017, the LUDC discussed the proposed Ordinance, 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 decline or absence of vehicular traffic to religious institutions may make the proposed change 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 newly constructed religious institutions zoned RM-1. Specifically, for religious institutions located on properties with an area of less than 8,000 square feet, the Planning Board would be able to waive the required off-street parking through the conditional use process.

Currently, the City Code requires that a religious institution or similar place of assembly provide one parking space per six seats or bench seating spaces in a main auditorium. This creates a need for a substantial amount of parking that usually remains unused for most of the week while services are not being held. Urbanistically, a building setback from the sidewalk and surrounded by surface parking is not ideal, especially if the parking spaces go unused for the majority of the time.

In many cases, some religious institutions are attended by individuals and families that are mostly pedestrians. As proposed, through the conditional use process, a new religious institution would be able to present a traffic study to demonstrate the use of vehicles for similar uses at other locations. Clearly, the elimination of all parking may not be warranted since there are administrative duties and employees that may need parking. In this regard, the operational needs of the individual establishments would be evaluated through the conditional use process, and a determination would be made by the Planning Board as to whether some or all of the required parking may be waived.

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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RM-1 RELIGIOUS INSTITUTIONS PARKING 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," AT SECTION 130-32, ENTITLED "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," TO MODIFY THE REQUIREMENTS FOR PARKING DISTRICT NO. 1, TO ALLOW THE PLANNING BOARD, THROUGH THE CONDITIONAL USE PROCESS, TO WAIVE ALL REQUIRED PARKING FOR NEW CONSTRUCTION FOR RELIGIOUS INSTITUTIONS IN THE RM-1 DISTRICT, PROVIDED THE PROPERTY IS LESS THAN 8,000 SQUARE FEET AND THE CONDITIONAL USE APPLICATION INCLUDES A TRAFFIC OPERATIONS PLAN; 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 promote community based religious institutions in the RM-1 Districts providing services to the local community; and

WHEREAS, the City seeks to encourage construction practices that minimize the impact of off-street parking on the surrounding community; and

WHEREAS, the City seeks to ensure that the construction of such religious institutions shall not impact neighborhoods, the applicant shall be required to obtain conditional use approval from the Planning Board, and provide a traffic operation plan to substantiate the removal of the parking requirement; and

WHEREAS, the City of Miami Beach is desirous of improving the parking conditions in the RM-1 Districts, and the surrounding neighborhoods, by modifying the parking regulations as set forth hereinafter; 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, entitled "Off-Street Parking," Article II entitled "Districts; Requirements" at Section 130-32 entitled "Off-street parking requirements for parking district no 1," is hereby amended as follows:

CHAPTER 130

OFF-STREET PARKING

ARTICLE II - DISTRICTS; REQUIREMENTS

* * *

Sec. 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:

* * *

- (15) Church, synagogue or temple: One space per six seats or bench seating spaces in main auditorium. The Planning Board, through the conditional use process, may waive some or all required parking for new construction for religious institutions in the RM-1 district, provided the property is less than 8,000 square feet. Said conditional use application shall include a traffic operations plan.

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: December 13, 2017
Second Reading: January __, 2018

Verified by:_____
Thomas Mooney, AICP
Planning Director

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