

MIAMI BEACH

PLANNING DEPARTMENT

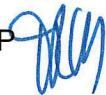
Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: February 26, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 19-0261. Temporary Parking Lot Standards.**

REQUEST

PB 19-0261. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDRs) OF THE CITY CODE; BY AMENDING CHAPTER 126, ENTITLED, "LANDSCAPE REQUIREMENTS", TO MODIFY THE REQUIREMENTS FOR TEMPORARY PARKING LOTS; BY AMENDING CHAPTER 130, ENTITLED "OFF-STREET PARKING," ARTICLE III "DESIGN STANDARDS", TO MODIFY THE REQUIREMENTS FOR TEMPORARY PARKING LOTS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

RECOMMENDATION

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

HISTORY/BACKGROUND

On June 6, 2018, at the request of Commissioner Micky Steinberg, the City Commission referred a discussion item to the Sustainability and Resiliency Committee (SRC) pertaining to landscape and surface finish requirements, tree mitigation and timeframes for temporary parking lots. On July 11, 2018, the SRC discussed the item and directed the Administration to draft an ordinance amending the temporary parking lot standards and continued the item to the October SRC meeting. The item was continued from the October SRC to the November 28, 2018 meeting. On November 28, 2018, The Sustainability and Resiliency Committee discussed the draft Ordinance prepared by staff and recommended that the City Commission refer the proposed LDR amendment to the Planning Board. On January 16, 2019, at the request of Commissioner Micky Steinberg, the City Commission referred the attached Ordinance to the Planning Board (Item C4V).

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

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

Consistent – The proposed ordinance is 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.**

Consistent - The proposed ordinance amendment is not out of scale with the surrounding neighborhood.

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

Consistent – The proposed ordinance will not affect the 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 amendment does not modify district boundaries.

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

Consistent – The proposed ordinance is necessary to clarify the requirements for temporary parking lots, and ensure that they are constructed of more sustainable materials and environmentally appropriate hardscaping and landscaping.

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

Consistent – The proposed ordinance amendment 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 create or increase traffic congestion from what is currently permitted.

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

Consistent – The proposed change 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 will not adversely affect property values in the adjacent areas, and should enhance values compared to current requirements.

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

Consistent – The proposed change should not be a deterrent to the improvement or development of properties in the City.

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 – The proposed amendment does not affect permitted uses in the district.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

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

Partially Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise.

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

Consistent – The proposal will increase the resiliency of the City with respect to sea level rise by requiring minimum landscape standards and semi pervious materials for the parking surface.

- (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; the Ordinance was reviewed by the Sustainability and Resiliency Committee (SRC).

ANALYSIS

Pursuant to the direction of the SRC, the draft Ordinance amends the temporary parking lot requirements and procedures in Chapter 130, as well as the minimum Landscape requirements in Chapter 126. The following is a summary of the main changes proposed:

- The procedures and requirements for temporary lots have been further refined and clarified, as well as re-ordered for ease of reading.
- The timeframe for operating a Temporary Parking Lot is proposed to be increased from the current limit of three years to five years.
- Planning Board would have the authority to grant an extension of time for up to five years. Currently the maximum extension is two years.
- All extensions of time approved for temporary parking lots shall be subject to a recurring annual payment into the tree trust fund of \$500 dollars per lot tree as shown on the approved landscape plan, until the temporary lot ceases; such annual payment shall be required at the time of the renewal of the business tax receipt (BTR).
- All surfaces over the required lime-rock base, including, but not limited to, driveways, drive aisles, parking spaces and walkways, would now be required to consist of pavers set in sand, grass pavers, or similar semi-pervious material.
- All required landscape areas along the perimeter of the property shall be planted with one native canopy tree for every 20 feet of the landscape areas adjacent to the perimeter and within the interior of the property. The minimum tree size shall be in accordance with the standards specified in Sec. 126-6:

Tree size: All trees except street trees, shall be a minimum of 12 feet high with a minimum crown spread of six feet and have a minimum caliper of two inches at time of planting, except that 30 percent of the tree requirement may be met by native species with a minimum height of ten feet and a minimum caliper of one and a half inches at time of planting.

Optional smaller native tree species may be considered at no less than eight (8') feet in height and one inch diameter at breast height (DBH) at time of planting. A payment of five hundred dollars (\$500.00) shall be made into the tree trust fund for each optional smaller lot tree.

- Palms may be planted in addition to the minimum number of required lot trees. However, palms would not count towards the minimum number of lot trees.

The Sustainability and Resiliency Committee discussed the item on November 28, 2018 and recommended that the City Commission refer the proposed LDR amendment to the Planning Board. The Sustainability and Resiliency Committee also recommended the following, all of which are included in the draft ordinance:

1. There should be no temporary allowance for the use of asphalt within a temporary parking lot, even for 1 year or less.
2. The ordinance should be modified to include a limited allowance for the use of 'concrete ribbons' as part of a temporary parking lot.

SUMMARY

Staff is supportive of the proposed ordinance as it will help to mitigate the impacts of a temporary parking lots on the immediate site and surrounding neighborhood, and will reduce

solar gain on the parking lot site.

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/AG

TEMPORARY PARKING LOT STANDARDS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 126 OF THE CITY CODE, ENTITLED "LANDSCAPE REQUIREMENTS," SECTION 126-12, ENTITLED "TEMPORARY PARKING LOT STANDARDS," TO MODIFY THE REGULATIONS APPLICABLE TO TEMPORARY PARKING LOTS; AND AMENDING CHAPTER 130, ENTITLED "OFF-STREET PARKING," ARTICLE III "DESIGN STANDARDS," SECTION 130-70, "TEMPORARY PARKING LOT STANDARDS," TO MODIFY THE REQUIREMENTS FOR TEMPORARY PARKING LOTS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") 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 are 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 126, entitled "Landscape Requirements," is hereby amended as follows:

CHAPTER 126 LANDSCAPE REQUIREMENTS

* * *

Sec. 126-12. - Temporary parking lot standards.

- (a) *Temporary parking lot: Required landscaping.* A landscape plan that specifies and quantifies the existing and/or proposed plant material inclusive of mature shade trees, hedge material, ground cover and in-ground irrigation shall be submitted for review and approval by the planning department, according to the following criteria:
- (1) At a minimum, the plan shall indicate a five-foot wide, landscaped area bordering the surface area along a property line, street, alley or sidewalk. All landscape areas along the perimeter of the property shall be planted with one native canopy tree for every 20 feet of the landscape areas adjacent to the perimeter and within the interior of the property, subject to the minimum tree size standards specified in section 126-6. Optional smaller native tree species may be considered at a height of no less than eight (8) feet, and a diameter at breast height (DBH) of no less than one (1) inch at the time of planting. A payment of five hundred dollars (\$500.00) shall be made into the tree trust fund for each optional smaller lot tree. Palms may be planted in addition to the minimum number of required lot trees. Palms do not count towards the minimum number of lot trees. The areas fronting a street or an alley shall be landscaped with a

grouping of three palms at every 15 linear feet of frontage, or one native canopy tree every 20 feet of frontage. All landscaped areas shall utilize St. Augustine grass or natural planted material, ~~acceptable to~~ subject to the review and approval of the planning department.

- (2) A hedge that is at least 36 inches (three feet) in height at the time of planting shall be installed on the entire perimeter of the lot; hedges on street or alley frontages shall not exceed 42 inches (three feet, six inches) in height at maturity. The hedge material planted on any side of the lot that abuts the lot line of another property shall be at least 48 inches (four feet) in height at time of planting and shall not exceed 60 inches (five feet) at maturity.
- (3) For temporary parking lots seeking an extension of time from the planning board, the interior landscaping of lots exceeding 55 feet in width, shall be a minimum of five percent of net interior area. One ~~shade tree or grouping of three palms with a clear trunk of at least six feet shall be provided~~ native canopy tree shall be planted for each 100 square feet or fraction thereof of required landscaped area. Such landscaped areas shall be located and designed in such a manner as to divide and break up the expanse of paving. Parking lots that are 55 feet wide or less shall not be required to provide interior landscaping.
- (4) Landscaped areas shall require protection from vehicular encroachment. Car stops, bollards, or similar barriers, as approved by the planning department, shall be placed at least two feet, six inches from the edge of the paved area. A continuous concrete curb may also be considered as permitted by section 130-61(1).
- (5) Notwithstanding the dimensions of a parking lot, an in-ground irrigation system that covers 100 percent of the landscaped areas shall be required and shown on the landscape plan. Such irrigation system shall include an automatic rain sensor that is compatible with the water requirements of the proposed plantings, and shall be subject to the review and approval of the planning department.
- (6) All landscaping that is placed on the lot shall be maintained in good condition so as to present a healthy, neat and orderly appearance. Prior to the issuance of an occupational license for a temporary parking lot, the applicant shall submit 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. This maintenance plan shall be approved by the planning department.

* * *

SECTION 2. Chapter 130, Article III entitled "Design Standards," is hereby amended as follows:

Sec. 130-70. - Temporary parking lot standards.

- (1) Location. 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.

- (2) Signage. 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) (3) Sub-base and drainage. 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) (4) Revocation. Should the city manager find that the operation of a temporary parking lot has an adverse effect on the welfare of surrounding properties, he the city manager may revoke the license pursuant to the procedures set forth in section 102-383 upon 48-hour written notification to the applicant.
- (4) (5) Required Parking. Use of temporary parking lots shall not be for parking which is required by these land development regulations.
- (5) (6) Design. The design, circulation and access points for temporary parking lots shall be subject to the review and approval of the planning department, in accordance with the applicable certificate of appropriateness or design review criteria. ~~All lots considered under this article shall be reviewed pursuant to the design review regulations.~~
- (6) (7) Conditional use review. 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) (8) Timeframe. Temporary parking lots shall not be permitted to exist for a period of time greater than three five 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.

All extensions of time approved for temporary parking lots shall be subject to recurring annual payment into the tree trust fund of \$500 dollars per lot tree as shown on the

approved landscape plan, until the temporary lot ceases; such annual payment shall be required at the time of the renewal of the business tax receipt.

At the end of all applicable extensions of time for a temporary parking lot, unless a permanent lot is constructed in conformity with these land development regulations the lot shall cease to be used for parking and the asphalt surfaces and rock base shall be removed and replaced with soil, and landscaping and irrigation, 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~~ Additionally, 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)~~ (9) *Landscape.* Landscaping requirements shall be pursuant to the requirements of chapter 126.

(10) *Hardscape Materials.* All surfaces over the required lime-rock base, including, but not limited to, driveways, drive aisles, parking spaces and walkways, shall consist of pavers set in sand, grass pavers, or similar semi-pervious material. The use of asphalt, concrete or similar impervious surfaces shall be prohibited. However, concrete ribbons, in conjunction with a paver and landscape system, may be utilized to delineate drive aisles, parking spaces, or to contain paver fields, subject to the review and approval of the planning department. In no instance shall the use of concrete ribbons exceed 20% of the lot area.

~~(9)~~ (11) *Wheel stops and site markings.* 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)~~ (12) *Planning department review.* 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)~~ (13) *Non-conforming temporary parking.* 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.

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 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 _____, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado City Clerk

First Reading: _____, 2019

Second Reading: _____, 2019

Verified by: _____
Thomas Mooney, AICP
Planning Director