

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: May 8, 2019

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE -
DISCUSSION ON A PROPOSED BALLOT QUESTION PERTAINING TO AN
INCREASE IN FAR WITHIN EXISTING PARKING GARAGES.

RECOMMENDATION

The administration recommends that the City Commission refer the item to the Land Use and Development Committee for its review and recommendation.

ANALYSIS

BACKGROUND

Under the current code, required parking that is enclosed within a structure is exempt from floor area ratio (FAR) calculations. The Administration has observed increasing instances where required parking, or portions of required parking, are no longer needed due to changes in use or intensity within a particular building. As such, if existing parking spaces within an enclosed structure are no longer 'required parking', these spaces could, potentially, be converted to other uses, provided the building site on which the spaces are located has available FAR. However, should the existing building site meet or exceed the maximum zoned FAR, the now excess (non-required) parking spaces would become legal non-conforming FAR.

Under Chapter 118, Article IX of the Land Development Regulations (LDRs) of the City Code, governing nonconformances, a nonconforming building or use cannot be expanded. Accordingly, when enclosed parking spaces within a structure become nonconforming FAR, because they are no longer needed but still per code 'required' parking spaces, those spaces cannot be converted, modified or expanded. This creates a situation where the building then has essentially abandoned underutilized space.

In order to allow enclosed parking spaces that are legal nonconforming as to FAR to be converted to another use, an amendment to Chapter 118, Article IX of the LDRs would be required. Pursuant to City Charter Section 1.03(c), such amendment would require the approval of the City's voters:

The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zoned floor area ratio . . .

unless any such increase in zoned floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach.

The amendment proposed would allow a property to convert, modify, or expand nonconforming FAR, which would result in an increase in zoned FAR “by zoning, transfer, or any other means” pursuant to City Charter Section 1.03(c).

ANALYSIS

Over the last five years, the data has shown that the demand for off-street parking in the City has steadily declined, both within public and private parking facilities. There are myriad reasons for this decline, including the proliferation of ride share services, such as Uber and Lyft, as well as an increase in the use of alternative modes of transportation, including busses, trolleys, bicycles and now electric scooters. Additionally, within urban areas such as Miami Beach, car ownership and usage has also declined, particularly among millennials.

In order to better utilize and adaptively re-use the increasing amount of vacant parking spaces within existing structures, the conversion of nonconforming FAR associated with non-required parking spaces is highly practical and desirable. This will allow more flexibility for existing buildings, particularly with regard to accessory uses.

If this discussion is referred to the Land Use and Development Committee, the City Attorney’s Office will draft a ballot question, which the Administration is proposing to place on the November 5, 2019 ballot. The Administration recommends that the item be discussed by the Land Use and Development Committee, prior to consideration of the ballot question by the full City Commission.

CONCLUSION

The Administration recommends that the City Commission refer the item to the Land Use and Development Committee for its review and recommendation for placement on the November 5, 2019 ballot.

Legislative Tracking

Planning