

## **ENCLOSED SEATING AREAS - OFF-STREET PARKING REGULATIONS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 130, ENTITLED, "OFF-STREET PARKING," ARTICLE V, ENTITLED, "FEE IN LIEU OF PARKING PROGRAM," BY AMENDING STANDARDS AND PROCEDURES FOR OFF-STREET PARKING REQUIREMENTS IN THE ARCHITECTURAL DISTRICT; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; 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 Land Development Regulations ("LDRs") provides for the regulation of land within the City; and

**WHEREAS**, regulation of standards for off-street parking and an amendment to the fee in lieu of parking program to recognize outdoor seating being eligible to participate in the program, for outdoor seating in the Architectural District would assist the businesses in the area and have a beneficial effect on the area; and

**WHEREAS**, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved in the City.

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

**SECTION 1.** That Chapter 130, "Off-Street Parking", is hereby amended, as follows:

### **CHAPTER 130**

#### **OFF-STREET PARKING**

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#### **ARTICLE V. - FEE IN LIEU OF PARKING PROGRAM**

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#### **Sec. 130-131. - Generally.**

A fee in lieu of providing parking may be paid to the city in lieu of providing required parking on- site, or within 1,200 feet of the site in the architectural district or otherwise within 500 feet of the site, only in the following instances, except that parking requirements for accessory commercial uses in newly constructed buildings within the Collins Waterfront Historic District in an area in the RM-2 zoning district that is bounded by 41st Street on the south and 44th Street on the north, and for medical

cannabis treatment centers and pharmacy stores shall be satisfied by providing the required parking spaces, and may not be satisfied by paying a fee in lieu of providing parking:

- (1) New construction of commercial or residential development and commercial or residential additions to existing buildings whether attached or detached from the main structure within the architectural district or a local historic district.
- (2) When an alteration or rehabilitation within an existing structure results in an increased parking requirement pursuant to subsection 130-132(b).
- (3) New construction of 1,000 square feet or less, or additions of 1,000 square feet or less to existing buildings whether attached or detached from the main structure may fully satisfy the parking requirement by participation in the fee in lieu of providing parking program pursuant to subsection 130-132(a).
- (4) The creation or expansion of an outdoor cafe (except for those which are an accessory use to buildings described in subsection 130-31(b)).
- (5) Commercial or residential additions to existing contributing buildings, whether attached to or detached from the main structure, within the Normandy Isles National Register District or the North Shore National Register District, provided the existing contributing structure is substantially retained, preserved and restored. The proposed commercial or residential additions to the existing structure shall be subject to the review and approval of the design review board or historic preservation board, whichever has jurisdiction, and shall include a renovation plan for the existing structure that is fully consistent with the Secretary of the Interior Guidelines and Standards for the Rehabilitation of Historic Buildings.
- (6) The enclosure of existing outdoor seating areas, attached to a contributing building located within the Architectural District, may fully satisfy the parking requirement by participation in the fee in lieu of providing parking program pursuant to subsection 130-132(b), in accordance with the following:
  - (A) The outdoor seating area shall be located within a rear or interior side area of the lot, and shall not directly front a street.
  - (B) The outdoor seating area shall be adjacent to a residential use.

#### **Sec. 130-132. - Fee calculation.**

- (a) *New construction.* The fee in lieu of providing parking for new construction shall be satisfied by a one-time payment at the time of issuance of a building permit per parking space. The amount of such one-time fee is set forth in section 118-7.
- (b) *Existing structures, eligible indoor seating areas in the Architectural District and outdoor cafes.* When alteration or rehabilitation of a structure results in an increased parking requirement, or an outdoor cafe is created or expanded, the fee in lieu of providing parking shall be satisfied by one of the following:
  - (1) A one-time payment as set forth in subsection (a) of this section.
  - (2) A yearly payment in the amount set forth in 118-7, which shall continue as long as the use exists. (The amount of such payment may

vary from year to year in accordance with the determination set forth in subsection (d) of this section.) However, in lieu of continued yearly payments, a one-time redemption payment may be made at any time of the full amount due pursuant to subsection (a) of this section minus the amount of money already paid through yearly payments; such amount shall be based upon the latest determination made pursuant to subsection (d) of this section as of the time of the redemption payment rather than upon the amount which would have been due if the fee had been paid at the time of issuance of the building permit. However, when new floor area is added to the existing building, the fee in lieu shall be as set forth in subsection (a) of this section.

## **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 \_\_\_\_\_, 2019.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

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Rafael E. Granado, City Clerk

First Reading: January 16, 2019  
Second Reading: February 13, 2019

(Sponsored by John Elizabeth Alemán)

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director