

## **NORTH BEACH TOWN CENTER DISTRICT - PARKING GARAGE REGULATIONS**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE III "DESIGN STANDARDS", AT SECTION 130-68, ENTITLED "COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES," TO MODIFY THE DEVELOPMENT REGULATIONS FOR COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES SO AS TO AUTHORIZE PARKING GARAGES AS A MAIN PERMITTED USE WITHIN ALL IN (TC) TOWN CENTER DISTRICTS; AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 20, "TC NORTH BEACH TOWN CENTER DISTRICTS," AT SECTION 142-737, ENTITLED "DEVELOPMENT REGULATIONS," TO INCREASE THE MAXIMUM NUMBER OF STORIES PERMISSIBLE FOR MAIN USE COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES; 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**, there is generally a shortage of available parking spaces in the North Beach Town Center area of the City; and

**WHEREAS**, the North Beach Town Center area has seen limited improvement over the years and has faced financial constraints and neighborhood adjustments that have diminished the general condition of the neighborhood; and

**WHEREAS**, the City of Miami Beach seeks to encourage and incentivize new development within the North Beach Town Center area; and

**WHEREAS**, additional parking in the North Beach Town Center area will improve the overall economic viability of the North Beach Town Center area; and

**WHEREAS**, the amendment 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.** That Chapter 130, entitled "Office Street Parking," Article III entitled "Design Standards", is hereby amended as follows:

### **CHAPTER 130**

### **OFF-STREET PARKING**

## ARTICLE III - DESIGN STANDARDS-

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### **Sec. 130-68. - Commercial and noncommercial parking garages.**

Commercial and noncommercial parking garages as a main use on a separate lot shall be subject to the following regulations, in addition to section 142-1107, parking lots or garages on certain lots and the other regulations of this article:

(1) When located in the CD-1, CD-2, CD-3, C-PS1, C-PS2, C-PS3, C-PS4, MXE and I-1 districts and in GU districts adjacent to commercial districts, a commercial or noncommercial parking garage shall incorporate the following:

a. Residential (when permitted) or commercial uses at the first level along every facade facing a street, sidewalk, waterway or the ocean. For properties not having access to an alley, the required residential or commercial space shall accommodate entrance and exit drives.

b. Residential (when permitted) or commercial uses above the first level along every facade facing a waterway or the ocean.

c. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.

However, in no instance shall the above described residential (when permitted) or commercial space exceed 25 percent of the total floor area of the structure. Additionally, in no instance shall the amount of floor area of the structure used for parking, exclusive of the required parking for the above described residential or commercial space, be less than 50 percent of the total floor area of the structure, so as to insure that the structure's main use is as a parking garage.

(2) When located in the RM-1, RM-2, RM-3, R-PS1, R-PS2, R-PS3 and R-PS4 districts and the GU districts adjacent to residential districts, the following regulations shall apply:

a. Commercial or noncommercial parking garages shall incorporate the following:

1. Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk, waterway or the ocean. For properties not having access to an alley, the required residential or commercial space shall accommodate entrance and exit drives.

2. Residential uses above the first level along every facade facing a waterway or the ocean. For main use garages located within the Collins Waterfront Local Historic District, with frontage on both Indian Creek Drive and Collins Avenue, either residential or office uses shall be permitted facing Indian Creek Drive. Additionally, the historic preservation board may approve a lesser amount of residential or office uses along every facade above the first floor facing Indian Creek Drive, provided the board determines that the design of the facade satisfies the certificate of appropriateness criteria in chapter 118, article X of the land development regulations.

3. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; the total amount of residential space

shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.

b. In addition, the following shall apply:

1. When a parking garage is located in the RM-3 or R-PS4 districts, or on Collins Avenue from 25th to 44th Streets, or on West Avenue, south of 11th Street, in an RM-2 district where the subject site is located adjacent to an RM-3 district, such garage may also have first floor frontage with space occupied for commercial uses facing the subject RM-3 area.
2. When a parking garage is located in an RM-1 district, where the subject site is abutting a property line or separated by an alley from a CD-3 district, the garage may also serve commercial uses.
3. When a parking garage is located in an RM-2 district, where the subject site is fronting on or separated by a street but not an alley or property line from a CD-2 or CD-3 district, such garage may also have first floor frontage with space occupied for commercial uses facing the subject CD-2 or CD-3 area, and also serve commercial uses.
4. Any parking structure permitted under subsections (2)b.2. and 3. that serve commercial uses shall be restricted to self-parking only. No valet parking shall be allowed.
5. At least one third of the parking spaces in any parking structures permitted under (2)b.2. and 3., shall be dedicated for residential uses at all times. The planning board may, based upon the projected neighborhood demand, increase or decrease the percentage of residential parking as part of the conditional use process.
6. When commercial uses are permitted in the ground floor of parking structures under this subsection (2) dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments or open-air entertainment establishments shall be prohibited uses in the garage structure.

In no instance shall the above described combined residential and/or commercial space exceed 25 percent of the total floor area of the structure, with the commercial space not exceeding ten percent of the total floor area of the structure, nor shall any accessory commercial space exceed 40 feet in depth. Additionally, in no instance shall the amount of floor area of the structure used for parking, exclusive of the required parking for the above described residential or commercial space, be less than 50 percent of the total floor area of the structure, so as to insure that the structure's main use is as a parking garage.

(3) When located in residential districts, a commercial or noncommercial parking garage shall serve only residential uses except as provided in subsection (2). A commercial or noncommercial parking garage shall provide required parking for any commercial use located within the garage.

(4) The height limit shall be 75 feet in the CD-3 district, excluding parking garages within a local historic district and in the GU district; for all other districts (including local historic districts), the height limit shall be the lesser of 50 feet or the maximum height specified in the underlying zoning district, unless otherwise noted in this section; however, the maximum permitted height for residential uses accessory to a garage shall be as specified in the underlying zoning district, unless otherwise noted in this section. Notwithstanding the foregoing, for main use parking garages located on non-

oceanfront lots within the Collins Waterfront Local Historic District, with frontage on both Indian Creek Drive and Collins Avenue, the maximum height shall be as specified in the underlying zoning district, not to exceed eight stories and 75 feet.

(5) Setbacks shall be the same as the pedestal setbacks for the underlying zoning district. For main use parking garages located on non-oceanfront lots within the Collins Waterfront Historic District, with frontage on both Indian Creek Drive and Collins Avenue, the required pedestal setbacks may extend up to a maximum height of eight stories and 75 feet.

(6) The volume of such commercial and noncommercial parking garages shall be limited by the required setbacks and heights described within this section and shall not be subject to the floor area ratios prescribed for in the underlying zoning district.

(7) Parking garages that are built solely with public funds may be exempt from the requirements of subsections (1) and (2), above, if meeting the requirement would affect the tax exempt status of the project. The forgoing does not limit the city commission's ability to waive development regulations for GU properties as per section 142-425.

(8) For main use parking garages within the GU and CCC districts. Robotic parking systems may be used, notwithstanding the provisions of article III, "Design Standards," referencing minimum parking space dimensions, drive width, interior aisle width, and required markings. Robotic parking system means a mechanical garage using elevator systems to hoist individual vehicles from receiving areas to separate auto storage areas. Under this provision, accessory off-street parking spaces requirements may not be satisfied through the use of robotic parking systems.

(9) When located in the TC-1, TC-2, and TC-3 districts, and GU districts located within the ~~TC-3 districts in the North Beach Town Center area~~, the following regulations shall apply:

a. When a parking garage is located in the TC-3 district, such garage may also have first floor space occupied for commercial uses, subject to conditional use approval.

b. Residential or commercial uses shall be incorporated at the first level along every facade facing a street, sidewalk or waterway. The required residential or commercial space may accommodate entrance and exit drives for vehicles, inclusive of ramping running parallel to the street.

c. When the subject site is abutting or separated by an alley from a TC-1 district, the garage may also serve commercial uses.

d. In no instance shall the above-described combined residential and/or commercial space exceed 35 percent of the total floor area of the structure. The allowable residential space may exceed 35 percent of the total floor area of the structure, not to exceed 49 percent of the total floor area of the structure, provided such space in excess of 35 percent of the floor area of the structure consists solely of workforce and/or affordable housing.

e. Additionally, in no instance shall the amount of floor area of the structure used for parking, exclusive of the required parking for the above-described residential or commercial space, be less than 50 percent of the total floor area of the structure, so as to insure that the structure's main use is as a parking garage.

f. The height limit shall be ~~50~~ 60 feet, and up to 75 feet for those portions of the structure that contain workforce and/or affordable housing.

- g. Setbacks shall be the same as the setbacks for the ~~TC-3~~ underlying zoning district, except that parking garages on lots with a front yard facing a street right-of-way greater than 50 feet in width, shall have a minimum front yard setback of ten feet.
- h. The volume of such commercial and noncommercial parking garages shall be limited by the required setbacks and heights described within this section and shall not be subject to the floor area ratios prescribed for in the underlying zoning district.
- i. Signage for commercial uses allowable under this provision shall be pursuant to chapter 138 ~~governed by the TC-3 district regulations.~~

**SECTION 2.** That Chapter 142, “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 20, “TC North Beach Town Center Districts,” at Section 142-737, entitled “Development Regulations” is hereby amended as follows:

## CHAPTER 142

### ZONING DISTRICTS AND REGULATIONS

#### ARTICLE II - DISTRICT REGULATIONS –

#### DIVISION 20 - TC NORTH BEACH TOWN CENTER DISTRICTS

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#### **Sec. 142-737. - Development regulations.**

(a) The development regulations in the TC-1, TC-2 and TC-3 town center districts are as follows:

District	Maximum Floor Area Ratio (FAR)	Maximum Building Height	Maximum Number of Stories
TC-1 Town Center Core	For lots equal to or less than 45,000 sq. ft.—2.25 For lots greater than 45,000 sq. ft.—2.75	125 feet. Buildings fronting on 71st Street shall be subject to the additional setbacks as follows: stories 1—4 shall be setback 10 feet and above the fourth story the building shall be setback 25 feet.  <del>Parking garages as a main use—</del> <u>See subsection 130-68(9).</u>	12 stories.  <u>Parking garages as a main use shall not be subject to maximum number of stories requirement—See subsection 130-68(9) for maximum building height.</u>
TC-2 Town Center	1.5; except for mixed-use buildings	50 feet	5 stories

Mixed-use	where more than 25 percent of the total area of a building is used for residential or hotel units, the maximum FAR shall be 2.0.	<u>Parking garages as a main use—</u> <u>See subsection 130-68(9).</u>	<u>Parking garages as a main use shall not be subject to maximum number of stories requirement—See subsection 130-68(9) for maximum building height.</u>
TC-3 Town Center Residential Office	1.25	45 feet Waterfront lots—50 feet Parking garages as a main use— See subsection 130-68(9). The facade of buildings facing the lot front adjacent to streets shall not exceed 23 feet in height to the top of the roof deck. Any portion of the building above 23 feet shall be set back an additional 1 foot for every 1 foot in height above 23 feet. The rear facade of buildings shall be set back an additional 1 foot for every 1 foot in height above 33 feet.	4 stories Waterfront lots—5 stories  <u>Parking garages as a main use shall not be subject to maximum number of stories requirement—See subsection 130-68(9) for maximum building height.</u>

### **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 be and the same 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 \_\_\_\_\_, 2017.

**ATTEST:**

\_\_\_\_\_  
Philip Levine, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

First Reading: September 13, 2017

Second Reading: October 18, 2017

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