

Off-Street Parking 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, FLORIDA, BY AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE I, "IN GENERAL," ARTICLE III, "DESIGN STANDARDS," ARTICLE V, "FEE IN LIEU OF PARKING PROGRAM," ARTICLE VI, "PARKING CREDIT SYSTEM," ARTICLE VII, "SURPLUS AND UNDER-UTILIZED PARKING SPACES," AND ARTICLE IX, "VALET AND TANDEM PARKING", BY AMENDING AND CLARIFYING STANDARDS AND PROCEDURES FOR OFF-STREET PARKING REQUIREMENTS; 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 improves the health, safety, and welfare of the City's residents; 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

ARTICLE I. - IN GENERAL

Secs. 130-1—130-29. – Reserved.

Sec. 130-30. - Variances for off-street parking requirements.

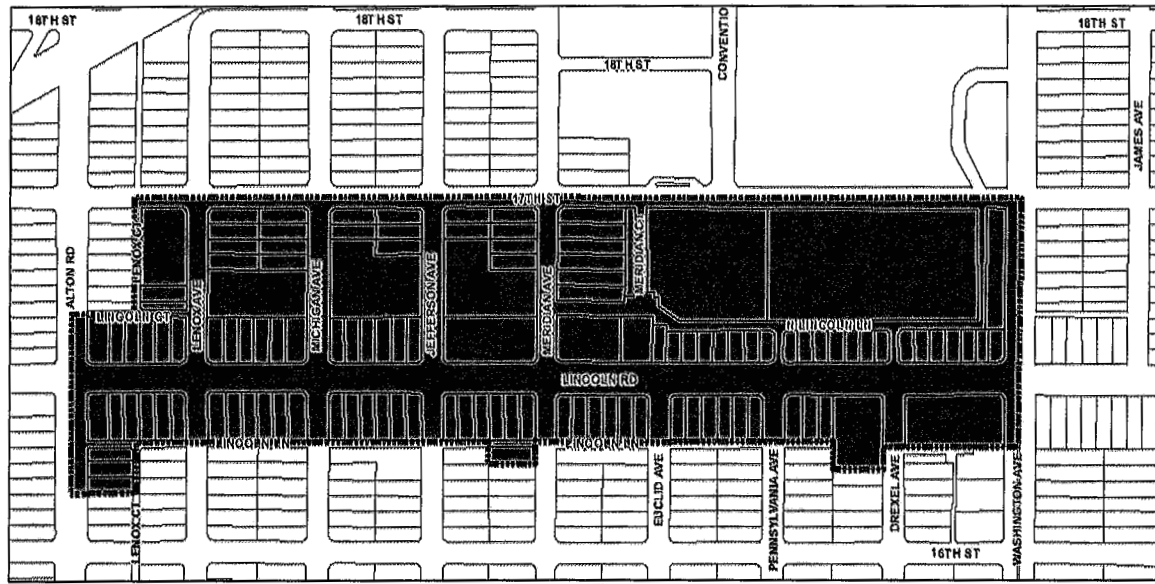
Variances for off-street parking requirements shall be prohibited unless explicitly authorized in this chapter.

ARTICLE II. - DISTRICTS; REQUIREMENTS

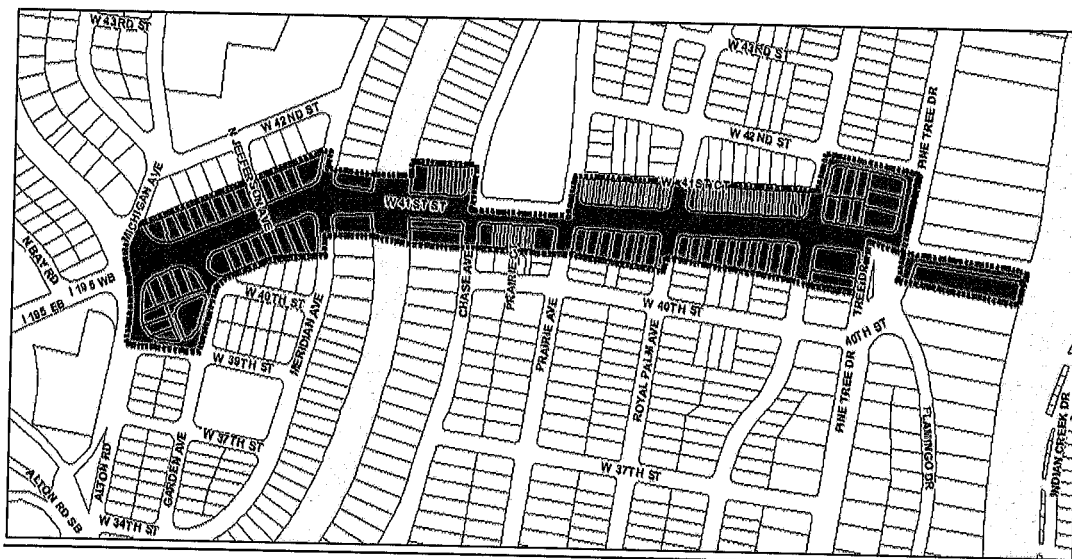
Sec. 130-31. - Parking districts established.

(a) For the purposes of establishing off-street parking requirements, the city shall be divided into ~~six~~ the following parking districts.

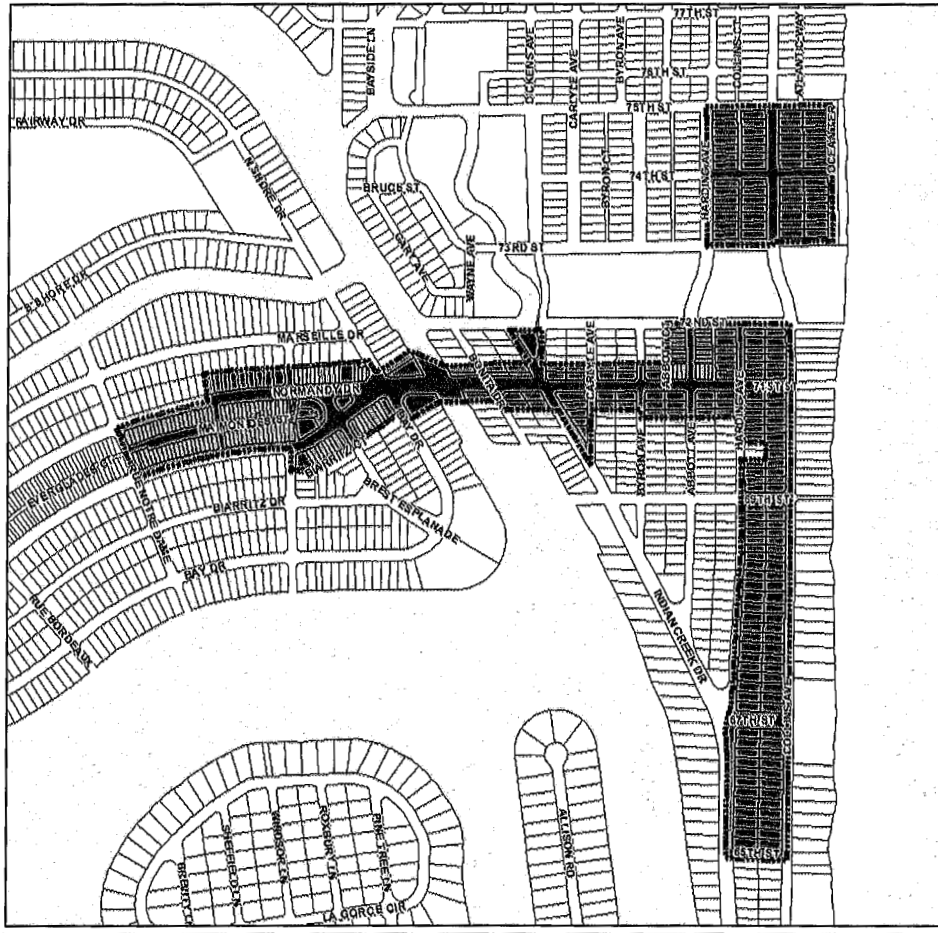
- (1) *Parking district no. 1.* Parking district no. 1 is that area not included in parking districts nos. 2, 3, 4, 5, 6, and 7.
- (2) *Parking district no. 2.* Parking district no. 2 includes those properties with a lot line on Lincoln Road from the west side of Washington Avenue to the east side of Alton Road and those properties north of Lincoln Road and south of 17th Street from the west side of Washington Avenue to the east side of Lenox Court, as depicted in the map below:-



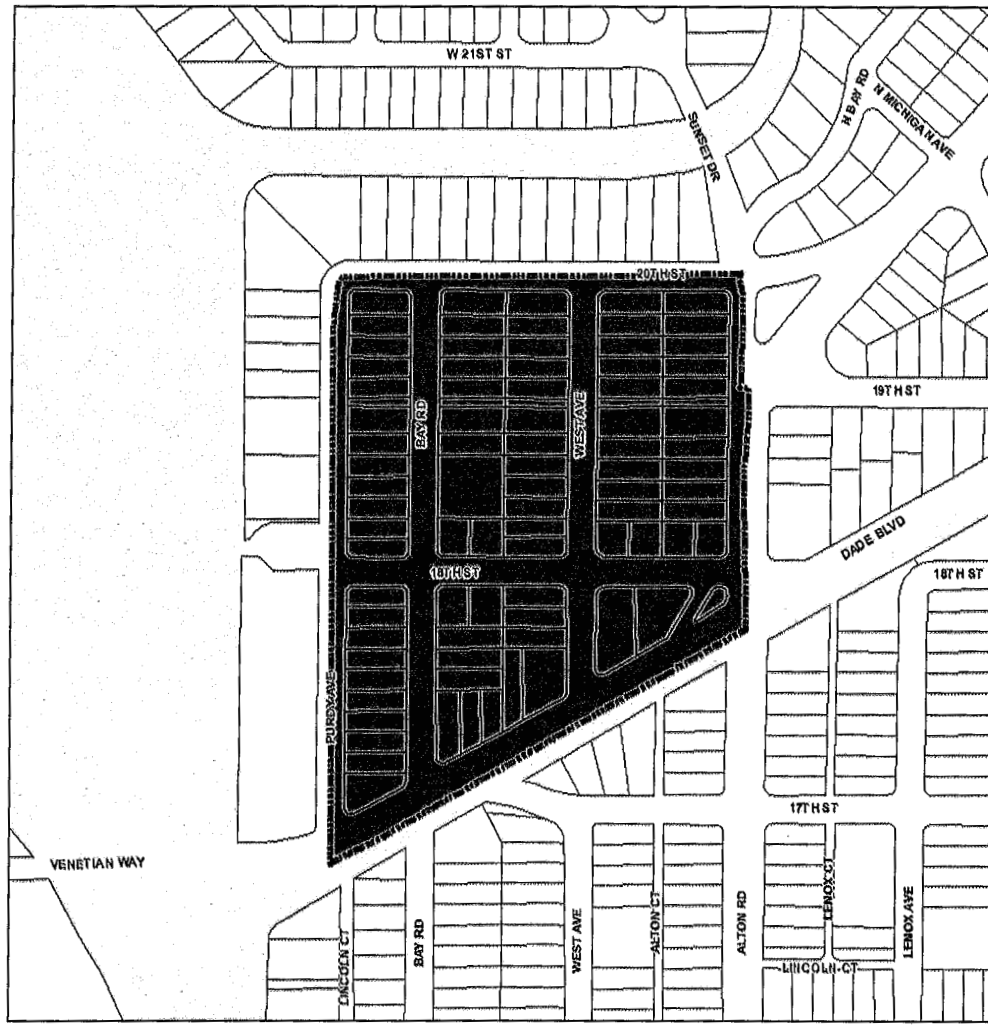
- (3) *Parking district no. 3.* Parking district no. 3 includes those properties in the CD-3 commercial high density zoning district within one block north or south of Arthur Godfrey Road from the east side of Alton Road to west side of Indian Creek Waterway, as depicted in the map below:-



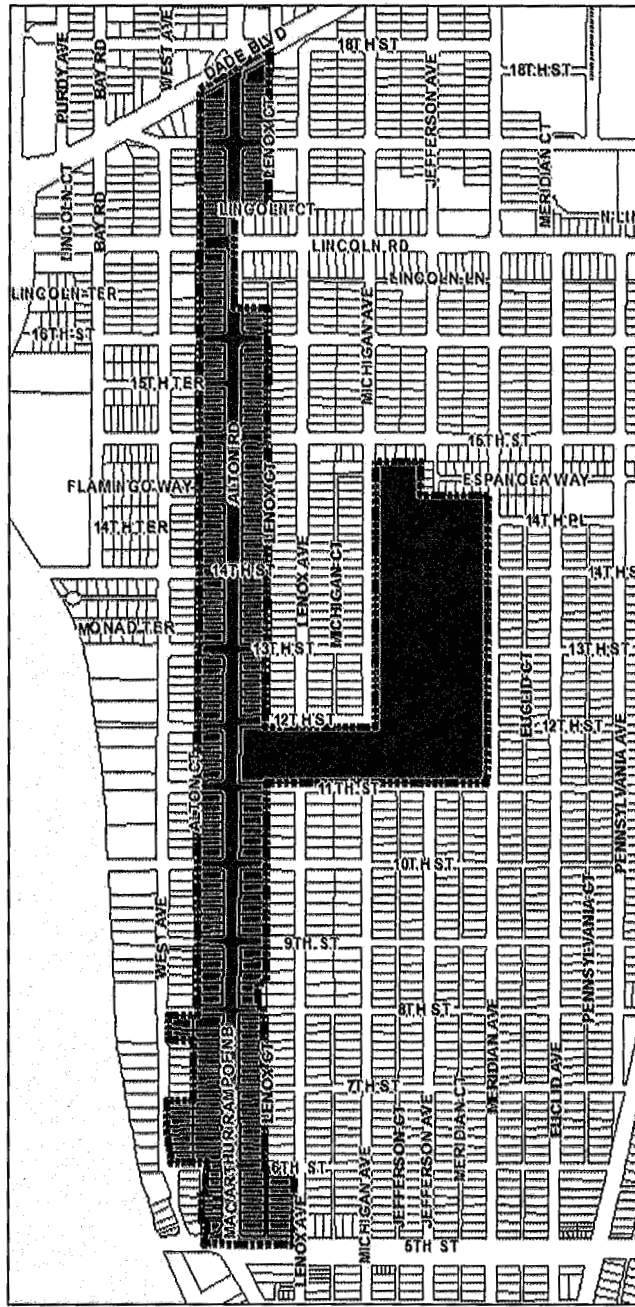
- (4) *Parking district no. 4.* Parking district no. 4 includes those properties within the TC-1 and TC-2 commercial district in the North Beach Town Center and those properties in CD-2 districts with a lot line on 71st Street, or between 67th Street and 72nd Street, from the west side of Collins Avenue to the east side of Rue Notre Dame, and those properties with a lot line on Normandy Drive from the west side of the Indian Creek Waterway to the east side of Rue Notre Dame, and those properties in the CD-2 and MXE districts between 73rd Street and 75th Street, as depicted in the map below:-



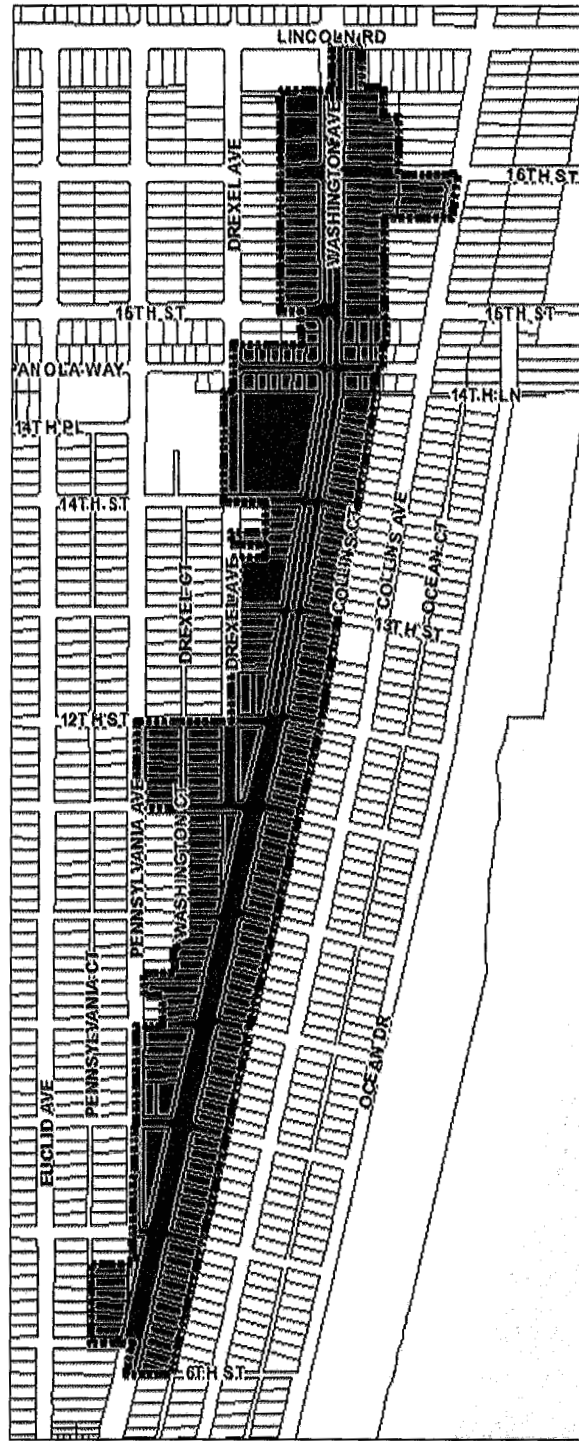
- (5) *Parking district no. 5 - Sunset Harbour Neighborhood.* Parking district no. 5 includes those properties generally bounded by Purdy Avenue on the west, 20th Street on the north, Alton Road on the east and Dade Boulevard on the south, as depicted in the map below:-



- (6) *Parking district no. 6.* Parking district no. 6 includes those properties between Alton Court (alley) and Lenox Court (alley), or with a lot line on Alton Road, where an alley does not exist, from 5 Street on the south to Dade Boulevard on the north, with the exception of properties included in parking district no. 2, as depicted in the map below:-



- (7) *Parking district no. 7.* Parking district no. 7 includes those properties with a lot line on Washington Avenue from 6th Street to Lincoln Road, excluding those properties in parking district no. 2, as depicted in the map below:-



- (b) There shall be no off-street parking requirement for main or accessory uses associated with buildings that existed prior to October 1, 1993, which are (i) located within the architectural district, (ii) a contributing building within a local historic district, or (iii) individually designated historic building. This provision shall not apply to renovations and new additions to existing buildings which create or add floor area, or to new construction which has a parking requirement.

* * *

Sec. 130-35. - Removal of existing parking spaces.

Except as provided for within subsection 130-132(c), no existing required parking space, which is legally conforming, may be eliminated for any use. However, notwithstanding the forgoing, the elimination of any such legal conforming, required parking space for the purposes of addressing Americans with Disabilities Act (ADA) compliance or for the creation of an enclosed dumpster/trash area when there has been a determination by the planning and zoning director of no feasible alternate location shall be permitted without the need to replace such space or payment of an impact fee in lieu of required parking.

Sec. 130-36. - Off-site parking facilities.

- (a) All parking spaces required in this article shall, shall be provided on a self-park basis or valet parking basis in accordance with section 130-251, and shall be located on the same lot with the building or use served, or offsite if one of the following conditions is met: within a distance not to exceed 500 feet from such lot, or 1,200 feet (i) if located in the architectural district or a local historic district, or (ii) the parking lot is operated on a valet basis as per section 130-35. The distance separation shall be measured by following a straight line from the lot on which the main permitted use is located to the lot where the parking lot or garage is located.

(1) The parking is within a distance not to exceed 1,200 feet of the property with the use(s), if located in the architectural district or a local historic district.

(2) The parking is within a distance not to exceed 500 feet of the property with the use(s), when the use is not located in the architectural district or a local historic district.

The foregoing distance separation shall be measured by following a straight line from the property line of the lot on which the main permitted use is located to the property line of the lot where the parking lot or garage is located.

- (b) Where the required parking spaces are not located on the same lot with the building or use served and used as allowed in section 130-32, a unity of title or for nonadjacent lots, either a unity of title or a restrictive covenant in lieu of unity of title for parking unification shall be prepared required for the purpose of insuring that the required parking is provided. Such unity of title or restrictive covenant shall be executed by owners of the properties concerned, approved as to form by the city attorney, recorded in the public records of the county as a covenant running with the land and shall be filed with the application for a building permit.

- ~~(c) Temporary parking lot facilities shall be pursuant to section 130-68~~

Sec. 130-37. - Interpretation of off-street parking requirements.

- (a) The parking required herein is in addition to space for storage of trucks or other vehicles used in connection with a business, commercial, or industrial use.
- (b) Where fractional spaces result, the number of required parking spaces required shall be rounded up to the nearest whole number.
- (c) The parking space requirements for a use not specifically listed in this section shall be the same as for a listed use which generates a similar level of parking demand.
- (d) In the case of mixed uses, uses with different parking requirements occupying the same building or premises, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except when the amount of required parking spaces is computed under the shared parking provisions as set forth in section 130-221
- (e) Whenever a building or use, constructed or established after the effective date of these land development regulations, is changed or enlarged in floor area, number of apartment or hotel units, seating capacity or otherwise, to create a requirement for an increase in the number of required parking spaces, such spaces shall be provided, or the impact fee paid, whichever is permitted under these land development regulations, on the basis of the enlargement or change, pursuant to the procedures for establishing parking credits described in section 130-161.
- (f) Whenever a proposed use does not indicate the specific number of persons to occupy such area, the required parking shall be computed on the basis of one person per 15 square feet of floor area, the parking requirement shall then be calculated as listed in sections 130-32 through 130-34.
- (g) ~~Handicapped-Accessible~~ parking facilities shall be provided as required by the South Florida Building Code. These spaces shall be included within the amount of parking that is required under these land development regulations.
- (h) For nonresidential uses, the parking calculation shall be the gross floor area of the building.
- (i) When multiple reductions can be applied to the required parking calculation, they shall be applied in the order in which they appear in the land development regulations.
- (j) When applying parking credits or reductions, any fractional spaces shall be rounded down to the nearest whole number.

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ARTICLE III. - DESIGN STANDARDS

Sec. 130-61. - Off-street parking space dimensions.

With the exception of parking spaces that are permitted in sections 130-101, 130-251, and 130-281, a standard off-street parking space shall be an all-weather surfaced area, not in a street or alley according to the following standards: ~~and having a width of not less than eight and one-half feet and a length of not less than 18 feet, or when located outdoors, 16 feet with two feet of pervious area overhang, in place of wheel stops and defined by continuous concrete curb, for a total length of 18 feet. The provision of having a two-foot pervious area overhang in standard parking spaces may be waived at the discretion of the planning and zoning director in those instances where said overhang is not practical. In no instance, however, shall the length of any standard off-street parking space be less than 18 feet, unless indicated in sections 130-101, 130-251, and 130-281 herein. A standard parallel parking space shall be an all-weather~~

surfaced area, 21 feet in length and eight and one-half feet wide. The length required shall be measured on an axis parallel with the vehicle after it is parked. The width required is to be column-free clear space, except for those standard off-street parking spaces immediately adjacent to a structural column within an enclosed parking structure which may have a width of eight feet. The required area is to be exclusive of a parking aisle or drive and permanently maintained for the temporary parking of one automobile. See section 130-251 for valet parking standards.

- (1) A standard perpendicular parking space shall have a width of not less than 8.5 feet and a length of not less than 18 feet, or when located outdoors, 16 feet with two feet of pervious area overhang, in place of wheel stops and defined by continuous concrete curb, for a total length of 18 feet. The provision of having a two-foot pervious area overhang in standard parking spaces may be waived at the discretion of the planning and zoning director in those instances where said overhang is not practical. In no instance, however, shall the length of any standard off-street parking space be less than 18 feet, unless otherwise provided for under sections 130-101, 130-251, 130-281, 130-69 and 130-61 (2) herein.
- (2) A standard parallel parking space shall have a width of not less than 8.5 feet and a length of not less than 21 feet.
- (3) The length required for all parking spaces shall be measured on an axis parallel with the vehicle after it is parked. The width required for all parking spaces is to be column-free clear space, except for those standard perpendicular off-street parking spaces immediately adjacent to a structural column within an enclosed parking structure which may have a width of eight feet. The required area for all parking spaces is to be exclusive of a parking aisle or drive and permanently maintained for the temporary parking of one automobile.
- (4) See section 130-251 for valet parking standards.
- (5) Lots which are 55 feet wide or less may have 90° parking stalls measuring 8.5 feet by 16 feet.

Sec. 130-67. - Screening and landscaping.

At-grade parking lots and parking garages shall conform to the minimum landscape standards as set forth in ~~section 126-6~~ Chapter 126.

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:

* * *

- (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:

* * *

- b. In addition, the following shall apply:

* * *

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. ~~Signage for commercial uses allowable under this provision are limited to one nonilluminated sign no greater than ten square feet in area per business.~~

Sec. 130-69. - Commercial and noncommercial parking lots.

Commercial and noncommercial parking lots 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) The required front and rear yards shall be those of the underlying district.
- (2) The required side yards shall be as follows:

Lot Width	Side Yard Setbacks
55 feet wide or less	Two feet
Between 56 and 100 feet, inclusive	Five feet
Greater than 100 feet	Ten feet

- ~~(3) Lots which are 55 feet wide or less may have 90° parking stalls measuring 8½ feet by 16 feet.~~

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

- (1) 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. 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) 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) Should the city manager find that the operation of a temporary parking lot has an adverse effect on the welfare of surrounding properties, he may revoke the license pursuant to the procedures set forth in section 102-383 upon 48-hour written notification to the applicant.
- (4) Use of temporary parking lots shall not be for parking which is required by these land development regulations.
- (5) All lots considered under this article shall be reviewed pursuant to the design review regulations.
- (6) 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) Temporary parking lots shall not be permitted to exist for a period of time greater than three 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.; ~~however, p~~Prior to the expiration of an approved temporary parking lot, or not later than 90 calendar days after the expiration of such approval approved temporary parking lot, an applicant may request from the planning board ~~one initial an~~ extension of time for a period not exceeding two years. In granting reviewing the initial extension of time request or subsequent progress reports as may be required, ~~or considering an appeal from the planning director's decision regarding an extension of time (as provided below)~~, 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 listed below. The notice of public hearing requirements shall be as set forth in chapter 118, article IV.

~~After the first extension of time, and prior to expiration, or not later than 90 calendar days after the expiration of such approval, an applicant may request from the planning director not more than five extensions of time for periods not to exceed one year each. In considering a request for an extension of time, the director shall consider the same criteria considered by the planning board as specified above.~~

~~An applicant may request from the planning board a further extension of time for a period not to exceed two years for approved temporary parking lots that have held a temporary parking lot license (n/k/a business tax receipt), if they have availed~~

~~themselves of all applicable extensions of time, and are expiring no later than July 31, 2011, inclusive of parking lots in the MXE (east side of Collins Avenue) district. When requesting the additional two-year extension of time from the planning board, the applicant shall comply with the setback requirements for parking lots in the underlying zoning district, as determined by the planning director, and satisfy the landscaping requirements for permanent parking lots. After this two-year extension, no more than three one-year extensions may be requested from the planning director.~~

At the end of all applicable extensions of time for a temporary parking lot, unless a permanent is constructed in conformity with these land development regulations the lot shall cease to be used for parking and the asphalt and rock base shall be removed and replaced with soil and landscaping, 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 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.

~~The decision of the director with respect to an extension of time may be appealed by the applicant to the planning board. The appeal shall be in writing and shall be submitted to the planning director on or before the 20th day after the date of the decision of the planning director. Review of the decision of the planning board shall be to a court of competent jurisdiction by petition for writ of certiorari.~~

(8) Landscaping requirements shall be pursuant to the requirements of Chapter 126.

~~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:~~

- ~~a. 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. The areas fronting a street or alley shall be landscaped with a grouping of three palms every 15 linear feet of frontage or one canopy tree every 20 feet of frontage. All landscaped areas shall utilize St. Augustine grass or planted material acceptable to the planning department.~~
- ~~b. A hedge that is at least 36 inches 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 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.~~
- ~~c. 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 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.~~
- ~~d. Landscaped areas shall require protection from vehicular encroachment. Car stops shall be placed at least 2½ feet from the edge of the paved area.~~

- e. ~~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.~~
 - f. ~~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.~~
- (9) 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) 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) 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.

Sec. 130-71. - Provisional parking lot standards.

When permitted, the following standards are established for provisional parking lots:

- (1) Provisional commercial or noncommercial parking lots may be operated in the CD1-3 (commercial, low to high intensity) districts, CPS-1 and 2 (commercial performance standards districts), I-1 (urban light industrial) district, and MXE (mixed use entertainment) district. These lots may be operated independent of a primary use. One sign per street frontage is permitted. The maximum size of each sign shall be five square feet per 50 feet of street frontage, not to exceed 20 square feet. This sign shall also include copy that indicates the name of the operator, the phone number of operator to report complaints, the phone number for Code Compliance, and who can use the parking facility; i.e., whether it is open to the general public, private, valet or self-parking.
- (2) Provisional parking lots shall be brought to grade with a dust-free surface of no less than two inches of crushed rock. Prior to the issuance of an occupational license for a provisional parking lot, the applicant shall submit a plan which addresses the regular maintenance and watering of the parking and landscaped surfaces; such plan shall be approved by the planning department and monitored for compliance. Surface stormwater drainage shall be approved by the public works department.

- (3) Should the city manager find that the operation of a provisional parking lot has an adverse effect on the welfare of surrounding properties, he the manager may revoke the license pursuant to the procedures set forth in section 102-383 upon 48-hour written notification to the applicant.
- (4) Use of provisional parking lots shall not be for parking which is required by these land development regulations.
- (5) Provisional parking lots shall not be permitted to exist for a period of time greater than one year from the date of certificate of occupancy, or occupational license issuance, whichever occurs first, regardless of ownership. At the end of this period, if the lot continues to be used for the purposes of parking, a temporary or permanent lot shall be constructed in conformity with these land development regulations; however, an applicant may request one extension of time for a period not exceeding six months from the planning director. Any further extension of time shall be prohibited.
- (6) Landscaping requirements shall be pursuant to the requirements of Chapter 126:
- ~~a. A landscape plan that specifies and quantifies the proposed and/or existing plant material inclusive of mature shade trees, hedge material and ground cover shall be submitted for review and approval by the planning department.~~
~~At a minimum, the plan shall indicate a two feet six inches (2½ feet) wide, landscaped area bordering the surfaced area along all property lines. All landscaped areas shall utilize St. Augustine grass or planted material acceptable to the planning department. A hedge that is at least 36 inches in height at the time of planting shall be installed on the entire perimeter of the lot; the side or sides of the lot that face a street or an alley shall not exceed 42 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 60 inches (five feet) at maturity.~~
 - ~~b. The areas fronting a right-of-way or an alley shall be landscaped with a grouping of three palms every 20 linear feet of frontage or one canopy tree every 25 feet of frontage.~~
 - ~~c. An in-ground irrigation system that covers 100 percent of the landscaped areas shall be required.~~
 - ~~d. 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 provisional 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.~~
- (7) All lots considered under this article shall be reviewed pursuant to the design review process.
- (8) If the lot is not operated on a valet basis, 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 through 130-64. Lots operated on a valet basis shall have wheel stops at the edge of the parking surface. All wheel stops required in this subsection shall be placed no less than four feet away from each other.

- (9) 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 division shall approve the placement of landscaping.
- (10) The applicant for a provisional parking lot must provide a written statement from the property owner as part of the required submission for the lot, acknowledging that the owner is fully and solely responsible for eliminating any contamination resulting from lack of a drainage system on the unpaved lot and indemnifying and holding the city harmless from loss or damage arising from any contamination on the lot, in a form approved by the city attorney's office.
- (11) No variances shall be granted from the requirements of this section.
- (12) At the time the provisional parking lot ceases to exist, all crushed rock material shall be removed within 30 days and replaced with sod and/or landscaping as determined acceptable by the planning, design and historic preservation division. This provision shall not apply to existing lots where crushed rock was legally in place at the time of the passage of these land development regulations.

ARTICLE V. - FEE IN LIEU OF PARKING PROGRAM

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 of ~~\$35,000.00 per parking space. The amount of such one-time fee may be changed in accordance with subsection (d) of this section is set forth section 118-7.~~
- (b) *Existing structures 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 of ~~two percent of the payment required by subsection (a) of this section 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 impact fee in lieu shall be as set forth in subsection (a) of this section.

- (c) *Removal of existing parking spaces in a historic district.* Whenever an existing required parking space is removed or eliminated for any building that existed prior to October 1, 1993, which are located within the architectural district, a contributing building within a local historic district, or any individually designated historic building, a fee in lieu of providing parking shall be required if a replacement parking space is not provided pursuant to section 130-36 on site or within 500 feet of the site or within 1,200 feet of the site if in the architectural district. Such fee shall be satisfied as set forth in subsection (b), above. In no case shall the removal of parking spaces result in less than one parking space per residential unit or 50 percent of the required parking for commercial uses. This subsection shall not prohibit the removal of grade level parking spaces located within the front, side street or interior side yards of a lot which ~~has a designated contributing building within a designated historic district, should those parking spaces be nonconforming.~~ This subsection shall not prohibit the removal of grade level parking spaces located within the front yard or side yard facing a street of a lot which ~~has a noncontributing building within a designated historic district, should those parking spaces be nonconforming.~~ Any request for the removal of parking spaces under this subsection shall only be approved with the applicant's consent. The parking department shall advise the planning department and the joint design review/historic preservation board of the impact of the removal of any parking spaces. Notwithstanding the foregoing, an owner shall be permitted to remove parking spaces required for a building in the architectural district or a local historic district constructed after October 1, 1993, if a change in said building results in a net reduction of required parking spaces. No fee in lieu of providing parking or the replacement of parking spaces pursuant to section 130-36 shall be required to remove such spaces, unless the number of parking spaces being removed is greater than the net reduction of required parking spaces.
- (d) *Annual evaluation.* The amount determined to be the city's total average cost for land acquisition and construction of one parking space shall be evaluated yearly ~~each May~~ by the city commission ~~planning director~~ based upon the Consumer Price Index (CPI). If determined appropriate, the city commission may amend the fee structure in this section by resolution.

Sec. 130-133. - Fee collection.

(a) *New construction.*

- (1) *One time payment.* For new construction the fee in lieu of providing parking shall be paid in full ~~at the time of application for the~~ prior to obtaining a full building permit. Such fee shall be refunded, upon the request of the applicant, if construction does not commence prior to expiration of the building permit.
- (2) *Yearly fee.* For those projects which are eligible for and elect a yearly payment plan, the first fee-in-lieu payment shall be paid ~~prior to the issuance of a building permit and shall be applied at the time the certificate of use is issued.~~ If no building permit is needed, the first payment shall be due at the time the occupational license or certificate of use, whichever is earlier, is issued. The amount due shall be prorated from September 30. The second payment shall be due Jun 1 following the issuance of the occupational license or certificate of use, whichever is earlier, and the amount due

~~shall be prorated. Subsequent annual payments shall be paid in full by June 1 as long as the use exists.~~ ~~§~~The amount of the payment is set forth in subsection 130-132(b)(2).

- (b) *Existing structures.* For existing structures and those which elect a yearly payment plan, the first fee-in-lieu payment shall be ~~paid prior to the issuance of a building permit and shall be applied at the time the certificate of use is issued. If no building permit is needed, the first payment shall be due at the time the occupational license or certificate of use, whichever is earlier, is issued. The second payment shall be due June 1 following the issuance of the occupational license or certificate of use, whichever is earlier, and~~ ~~§~~The amount due shall be prorated ~~from September 30.~~ Subsequent annual payments shall be paid in full by June 1 as long as the use exists. ~~§~~The amount of the payment is set forth in subsection 130-132(b)(2).
- (c) *Existing structures; one time redemption payment.* For existing structures, a one time redemption payment may be made at any time and shall be in the amount determined by application of the formula for a one time payment as set forth in subsection 130-132(b)(2).
- (d) *Late payments.* For late payments, monthly interest shall accrue on unpaid funds due to the city under the fee-in-lieu program at the maximum rate permitted by law. Additionally, a fee in the amount of two percent of the total due shall be imposed monthly to cover the city's costs in administering collection procedures.
- (e) *Failure to pay.* Any participant in the fee-in-lieu program who has failed to pay the required fee within three months of the date on which it is due shall be regarded as having withdrawn from the program and shall be required to provide all parking spaces required by these land development regulations or cease the use for which such spaces were required. Failure to comply shall subject such participant to enforcement procedures by the city and may result in fines of up to \$250.00 per day and liens as provided by law.

ARTICLE VI. - PARKING CREDIT SYSTEM

Sec. 130-161. - Regulations.

Whenever a lawfully permitted building or use that was established prior to October 1, 1989, is changed in a manner that results in an increase in the number of required parking spaces, the following regulations shall apply. Any building or use that lawfully existed on October 1, 1989, shall receive a parking space credit equal to the number of parking spaces required prior to the adoption of these land development regulations. Such building or use shall receive a parking credit equivalent to the adopted parking requirement for the building or uses in existence at the time of application for a building permit or change of use. The most recent available certificate of use or certificate of occupancy shall be utilized to determine the credit. If a building or use was established prior to the adoption of a parking district that reduces the parking requirement, the parking credit shall be calculated pursuant to the parking requirements of parking district no 1. The parking credit shall be calculated at the time of building permit or change of use application and run with the land and shall be applied toward the required parking as follows:

- (1) The parking credit shall only be applied to the area within the existing shell of the building, unless otherwise specifically provided in Chapter 118, Article IX, of these land development regulations.

- (2) Parking credits shall not be applicable to buildings or portions of a building that have been demolished, unless otherwise specifically exempted in Chapter 118, Article IX, of these land development regulations.
- (3) ~~Parking credits in the MXE mixed use entertainment district shall only be applied as of November 5, 1990. Parking credits in the redevelopment area shall only be applied as of the effective date of these land development regulations. Any existing use in the MXE mixed use entertainment district or redevelopment area which has satisfied the parking requirement through participation in the parking impact fee program may have its parking impact fee adjusted for parking credits at the next due date for payment. No reimbursement or prorating shall be allowed. In order to calculate the parking requirement of a proposed use, the parking credit shall be subtracted from the total parking requirement of the proposed use. The additional required parking shall be provided pursuant to the requirements of section 130-36 or if eligible, the fee in lieu of parking program described in Article V of this chapter.~~
- (4) Existing required parking spaces, inclusive of spaces for which a complete fee in lieu of required parking was made, for a building or use shall not count towards meeting additional required parking for a proposed use, unless the total number of existing required parking spaces exceeds the total number of required parking spaces of the proposed use.

ARTICLE VII. - SURPLUS AND UNDER-UTILIZED PARKING SPACES

Sec. 130-191. - Surplus parking spaces.

When a development contains parking spaces in excess of the number required by these land development regulations, such spaces shall be considered as surplus parking. These surplus spaces may be leased to utilized by another property for use as required parking spaces, ~~if pursuant to the off-site parking requirements of section 130-36, the surplus spaces are within 500 feet of the development leasing such spaces or within 1,200 feet of the development leasing such spaces in the City of Miami Beach Architectural District. The lease agreement shall be approved by the planning and zoning director and the city attorney's office prior to its execution and it shall be recorded in the public records of the county, for each of the affected properties, prior to the issuance of a building permit or occupational license, whichever is earlier.~~ When the development that contains the surplus parking changes to a use that requires additional parking, such use shall not receive a building permit or occupational license until the city receives documentation that a parking shortfall has not been created for any other use that may have been utilizing the surplus parking.

Sec. 130-192. - Under-utilized parking spaces.

When a building or development contains required parking spaces that are being under-utilized, such spaces may be leased to utilized by another party. However such under-utilized spaces shall not be considered as required parking spaces of the lessee another party. In order to determine if a development has under-utilized spaces, the applicant shall submit an annual a report to the planning and zoning director substantiating this finding. The director shall may approve or deny the report request, and any subsequent request for modification based upon the report of the city department verifying the results of the annual report. An application fee

~~plus a fee per space as provided in appendix A shall be paid for purposes of offsetting the cost of administering this article.~~

ARTICLE IX. - VALET AND TANDEM PARKING

Sec. 130-251. - Requirements.

- (a) Commercial parking garages and lots may consist of 100 percent valet parking spaces. Required parking for commercial establishments, hotels, hotel accessory uses, multi-family residential buildings, residential accessory uses, and alcoholic beverage establishments may be satisfied by providing 100 percent valet parking spaces. If the parking spaces are located off-site, they shall comply with the requirements of section 130-36 in order to satisfy minimum parking requirements. However, in addition, any required parking valet spaces for a multi-family residential building shall be governed by a restrictive covenant, approved as to form by the city attorney's office and recorded in the public records of the county as a covenant running with the land, stipulating that a valet service or operator must be provided for such parking for so long as the use continues.
- (b) Dimensions for valet and tandem parking spaces shall be ~~eight and one-half feet~~ 8.5 feet ~~depth in width~~ by 16 feet ~~width in depth~~. Dimensions for tandem parking spaces shall be a minimum of 8.5 feet in width by 32 ~~thirty-two feet in depth~~, with a maximum stacking of two vehicles per space, ~~with a parking aisle of at least 22 feet.~~
- (c) Tandem parking spaces may be utilized for self-parking only in multi-family residential buildings and shall have a restrictive covenant, approved as to form by the city attorney's office and recorded in the public records of the county as a covenant running with the land, limiting the use of each pair of tandem parking spaces to the same unit owner.
- (d) Commercial parking garages and lots may utilize tandem parking spaces if they are operated exclusively by valet parking. A restrictive covenant, approved as to form by the city attorney's office and recorded in the public records of the county as a covenant running with the land, shall be required and shall affirm that a valet service or operator must be provided for such parking for so long as the tandem parking spaces exist.

SECTION 4. 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 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

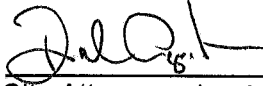
PASSED and **ADOPTED** this _____ day of _____, 2016.

MAYOR


ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney

 8/10/16

Date

First Reading: July 13, 2016
Second Reading: September 14, 2016

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes removed language