

PARKING DISTRICT NO. 1

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 II "DISTRICTS; REQUIREMENTS", TO ALLOW OFF-STREET PARKING TO BE PROVIDED IN PARKING DISTRICT NO. 1 FOR USES THAT DO NOT HAVE REQUIRED PARKING AND FOR SUCH PROVIDED PARKING TO NOT COUNT TOWARDS THE CALCULATION OF THE FLOOR AREA RATIO; 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, the North Beach area has a general shortage of available parking spaces; and

WHEREAS, the City of Miami Beach promotes the renovation of structures to improve conditions of structures; and

WHEREAS, the City of Miami Beach seeks to encourage and incentivize such renovations of existing structures; and

WHEREAS, the availability of parking in the North Beach area impacts residents and business owners alike; and

WHEREAS, the City of Miami Beach is desirous of improving the parking conditions in the North Beach area, and the surrounding neighborhoods; and

WHEREAS, the City of Miami Beach desires to allow properties, which are not required to provide parking for on-site uses, to provide the necessary operational parking, on-site, without that parking counting against the Floor Area Ratio (FAR); 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. That Chapter 130, Article II entitled "Districts; Requirements", is hereby amended

as follows:

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**Sec. 130-32. - Off-street parking requirements for parking district no. 1.**

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

- (1) Adult booth, as defined in section 142-1271: One space per one adult booth.
- (2) Adult congregate living facility: One space per two beds.
- (2A) Alcoholic beverage establishment: One space per four seats and one space per 60 square feet of area not utilized for seating.
- (3) Alcoholic beverage establishment which permits partial nudity: One on-site space per three seats.
- (4) Amusement place, video arcade, dance hall, skating rink, auditorium or exhibition hall without fixed seats: One space per 60 feet of floor area available for seats where there is no seating.
- (5) Animal hospital: One space per 400 square feet of floor area.
- (6) Apartment building and apartment-hotel:
  - a. Apartment buildings on lots that are 50 feet in width or less: 1.5 spaces per unit.
  - b. Apartment buildings on lots wider than 50 feet:
    - 1.5 spaces per unit for units between 550 and 999 square feet;
    - 1.75 spaces per unit for units between 1,000 and 1,200 square feet;
    - 2.0 spaces per unit for units above 1,200 square feet.
  - c. Designated guest parking: Developments of 20 units or less shall have no designated guest parking requirements. Multi-family buildings and suites-hotels with more than 20 units shall be required to provide supplemental designated guest parking equal to ten percent of the required residential parking spaces.
  - d. For existing apartment and apartment-hotel buildings, which are classified as "contributing" are located within the Normandy Isles National Register District or the North Shore National Register District, and which are being substantially retained, preserved and restored, there shall be no parking requirement for the existing structure, and any addition up to a maximum of 2,500 square feet, whether attached or detached. The proposed addition

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.

(6A) *Housing for low and/or moderate income non-elderly and elderly persons.* For purposes of this regulation, the following definitions shall apply:

*Elderly person* shall be defined as a person who is at least 62 years of age.

*Non-elderly person* is a person who is of legal age but less than 62 years of age.

*Elderly household* means a one- or two-person household in which the head of the household or spouse is at least 62 years of age.

*Non-elderly household* means a one- or two-person household in which the head of the household or spouse is of legal age but less than 62 years of age.

*Housing for the elderly* shall not be construed as homes or institutions for the aged, which are primarily assisted living facilities, convalescent or nursing homes.

*Low income* means households whose incomes do not exceed 50 percent of the median income for the area as determined by the U.S. Department of Housing and Urban Development.

*Moderate income* means households whose incomes are between 51 percent and 80 percent of the median income for the area as determined by the U.S. Department of Housing and Urban Development.

Parking requirements for housing for low and/or moderate income non-elderly and elderly persons:

- a. 0.5 parking space per dwelling unit for elderly housing.
- b. 1.00 parking space per dwelling unit of 800 square feet or less for non-elderly low and/or moderate income housing. Units larger than 800 square feet shall meet the required parking as provided in (6)a., b., and c., as applicable.
- c. For the purposes of this section only, housing for low and/or moderate income non-elderly and elderly persons shall be publicly owned or nonprofit sponsored and owned, or developed by for-profit organizations.
- d. The applicant shall submit written certification from the corresponding state or federal agency in charge of the program.

- e. Off-street parking, pursuant to this section, shall be permitted only after a finding by the planning director that, in view of the location of such housing and the economic status of anticipated occupants, the proposed parking will be adequate to serve proposed occupants, visitors and employees, including the proposed unit size and likelihood that the occupants will have a need for parking.
  - f. A covenant running with the land restricting the use of the property for housing for low and/or moderate income non-elderly and elderly persons for a period of no less than 30 years shall be executed by the owner of the property, approved as to form by the city attorney, recorded in the public records of the county and shall be submitted prior to the issuance of a building permit. The declarations within the covenant are not severable. If a subsequent judicial determination invalidates the age restriction in this section, or the covenant, the city shall not issue a certificate of use and occupancy for a new use until the property owner satisfies the then applicable parking requirements under this Code. The property owner may satisfy the parking requirements by actually providing the additional parking spaces or by reducing the number of residential units. However, a property owner shall not be able to satisfy the parking requirements by the payment of a fee in lieu of providing parking. At the time of development review, the property owner shall submit a statement of intent to construct housing for low and/or moderate income non-elderly and elderly persons in accordance with this section.
  - g. After approval of the decrease in parking spaces, the premises shall not be used other than as housing for the non-elderly and elderly persons unless and until any parking requirements and all other requirements or limitations of this Code for the district involved and applying to the new use shall have been met.
- (7) Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly: One space per four seats or one space per 60 square feet of floor area available for seats.
  - (8) Bar: One space per four seats and one space per 60 square feet of area not utilized for seating.
  - (9) Bowling alley or pool room: One space for each alley or per billiard or pool table.
  - (10) Bus station: One space per 60 square feet of floor area.
  - (11) Cabana: One space per two cabanas.
  - (12) Cafe, beachfront: Shall have no parking requirement.
  - (13) Cafe, outdoor: One space per four seats.

- (14) Cafes, sidewalk: Shall have no parking requirement.
- (15) Church, synagogue or temple: One space per six seats or bench seating spaces in main auditorium.
- (16) College: One space per five seats in the main auditorium or one space per three seats per classroom, whichever is greater.
- (16A) Dance hall: One space per four seats and one space per 60 square feet of area not utilized for seating.
- (17) Dormitory: One space per two beds or one space per 150 square feet of floor area, whichever is greater.
- (17A) Entertainment establishment: One space per four seats and one space per 60 square feet of area not utilized for seating.
- (18) Financial institutions: One space per 300 square feet of floor area.
- (19) Funeral home: One space per six seats or bench seating spaces in chambers and chapels.
- (20) Furniture store, hardware, machinery, equipment and automobile and boat sales and service: One space per 400 feet of floor area.
- (21) General service or repair establishment, printing, publishing, plumbing, heating, broadcasting: One space per 1,000 square feet of floor area.
- (22) Grocery stores, supermarket, fresh fruit, fish, meat, poultry: One space per 250 square feet of floor area.
- (23) High school: One space per 12 seats in the main auditorium or one space per six seats in a classroom, whichever is greater.
- (24) HD hospital districts: The following parking regulations shall apply to structures situated in the HD hospital district. The number of off-street parking spaces required for any structure shall be determined by the primary use of the structure in accordance with the requirements as follows:
  - a. Hospital: 1½ spaces per hospital bed.
  - b. Educational facility: One space per five seats in the main auditorium or one space per three seats per classroom, whichever is greater.
  - c. Offices and clinics as identified in subsections 142-452(2)g and h: One space per 400 square feet of floor area.
  - d. Hospital staff offices as identified in subsection 142-452(2)i: One space per 350 square feet of floor area.
  - e. Research facility: One space per 1,000 square feet of floor area.
  - f. When not listed above, the parking requirement for uses listed in this section shall apply.

(25) Hotel, convention: For structures of less than 250 units, one space per unit; for structures with 250—499 units, 0.75 space per unit; for structures with 500 units or more, 0.50 space per unit. Required parking for convention hotel accessory uses shall be as follows:

- a. Retail: Required parking shall be computed at one space per 500 square feet, minus 7.5 square feet per unit.
- b. Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly: Required parking shall be one space per seven seats or one space per 105 square feet of floor area where there is no seating, minus one seat or 15 square feet per unit.
- c. Restaurant or other establishment for consumption of food or beverages on the premises: Required parking shall be one space per seven seats or one space per 105 square feet of floor area where there is no seating, minus one seat or 15 square feet per two units.
- d. Required parking for all other uses shall be as set forth in this section.

The zoning board of adjustment may grant a variance for the total amount of parking required for a hotel and related accessory uses by up to ten percent.

(25A) CCC civic and convention center district: The following parking regulations shall apply to structures situated in the CCC civic and convention center district. The number of off-street parking spaces required for any structure shall be determined by the primary use of the structure in accordance with the requirements as follows:

- i. Auditorium, convention hall or meeting rooms: One space per 1,000 square feet of floor area available for seats.
- ii. Hotel, convention: 0.4 spaces per unit.
- iii. When not listed above, the parking requirement for primary uses listed in this section shall apply.

The city commission may waive the total amount of required parking for uses in the CCC district by up to 20 percent.

(26) Hotel, suites hotel, motel, or motor lodge: 1 space per unit, except as follows:

Properties located within a local historic district or National Register Historic District	
New floor area for hotel rooms, associated with retaining, preserving and restoring a building or structure that is classified as "contributing" as of March	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in

13, 2013, as defined below	excess of 100 units
Other (e.g., new construction or substantial demolition of contributing building)	1 space per unit
Properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units
Properties located south of Fifth Street and properties zoned residential and located south of 17th Street, west of Alton Court, east of Biscayne Bay and north of 6th Street	1 space per unit
Properties not listed above:	
Hotels, limited by covenant to no restaurants or pools open to the public, no outdoor bar counters, entertainment or special events, and located in a commercial zoning district within 1,000 feet of the boundary of an area that is (1) zoned CD-3 and (2) part of an historic district	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units, up to a maximum cap of 150 rooms total
Within 150 feet of a single-family district or RM-1 district, notwithstanding the above	1 space per unit
Other	1 space per unit

;adv=1;For purposes of this section, "retaining, preserving and restoring a building or structure that is classified as 'contributing'" means that the following portions of such building or structure must remain substantially intact:

- i. At least 75 percent of the front and street side facades;
- ii. At least 75 percent of the original first floor slab;
- iii. For structures that are set back two or more feet from interior side property line, at least 66 percent of the remaining interior side walls; and

iv. All architecturally significant public interiors;

or if approved by the historic preservation board, pursuant to section 118-395(b)(2)d.2.

In addition to the above, in order for any hotel to receive the reduced rate of .5 spaces per unit, a hotel guest shuttle service shall be provided and maintained, and a hotel employee parking plan is required, which shall be subject to the review and approval of the planning department. Such hotel employee parking plan shall include mandatory measures to address employee parking, including, but not limited to, provision of transit passes, carpool or vanpool programs, off-site parking when available, monthly city parking passes, and/or other measures intended to limit the impact of employee parking on surrounding neighborhoods.

However, suites hotel units as defined in section 142-1104 that are greater than 550 square feet and that contain full cooking facilities on lots that are greater than 50 feet in width, shall have the same parking requirement as apartment buildings in [subsections] (6) b. and c. above. Required parking for hotel accessory uses shall be as follows:

- a. Retail – Required parking shall be computed at 1 space per 400 square feet, minus 7.5 square feet per unit.
- b. Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly – Required parking shall be 1 space per 4 seats or 1 space per 60 square feet of floor area where there is no seating, minus 1 seat or 15 square feet per unit.
- c. Restaurant or other establishment for consumption of food or beverages on the premises – Required parking shall be 1 space per 4 seats minus 1 seat for every 2 units.
- d. Required parking for all other uses shall be as set forth in this section.

These parking requirements for hotel accessory uses are only applicable to structures that are being newly constructed or substantially rehabilitated as hotels.

The zoning board of adjustment may grant a variance for the total amount of parking required for a hotel and related accessory uses by up to 20 percent.

- (27) Junior high, elementary or nursery school: 1 space per 15 seats in main assembly room plus 1 space per classroom.
- (28) Laundry: 1 space per 500 square feet of floor area.
- (29) Major cultural dormitory facility: 1 space per unit.



- (30) Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale, warehouse or similar establishment: 1 space per 1,000 square feet of floor area.
- (31) Marina: 1 space per 2 wet slips; 1 space per 10 slips in dry dock storage facility.
- (32) Reserved.
- (33) Nursing homes: 1 space for each 2 beds.
- (34) Office or office building: 1 space per 400 square feet of floor area; however, medical offices and clinics or offices located on the ground floor shall provide 1 space per 300 square feet.
- (35) Private clubs, country clubs, fraternities, sororities and lodges: 1 space per 250 square feet of floor area.
- (36) Restaurants or other establishment for consumption of food or beverages on the premises: 1 space per 4 seats; take out restaurant with no seats: 1 space per 300 square feet of floor area; take out restaurant and home delivery with no seats: 1 space per 200 square feet of floor area. Parking requirements for restaurants offering a combination of services shall be cumulative. Restaurants that have an occupational license for an alcoholic beverage establishment, dance hall or entertainment establishment shall meet the parking requirement indicated for those uses.
- (37) Retail store, coin laundry, dry cleaning receiving station, stock brokerage or personal service establishment: 1 space per 300 square feet of floor area.
- (38) Roominghouse, boardinghouse or lodginghouse: 1 space per hotel unit plus 2 spaces for the building.
- (39) Single-family detached dwelling: 2 spaces.
- (40) Shopping center: 1 space per 300 square feet; however, the parking requirements for eating and drinking uses shall be as established under subsection (32) of this section.
- (41) Theatre: 1 space per 4 seats.
- (42) Telephone exchanges or equipment buildings: 1 space per 1,500 square feet of floor area.
- (43) Townhouse: 2 spaces for each unit plus 1 designated guest space per 5 units.
- (44) Any contributing building located within a local historic district, or individually designated historic site, which is erected or altered in parking district no. 1, may provide parking on the site for any use listed in subsections 2(A), 6,7,8,9, 11, 12, 13, 16(A), 17, 17 (A), 22 26, 28, 31, 36, 37, and 41, above. Such parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in Chapter 114 of these land development regulations.

Any such parking shall be for the exclusive use of the contributing building or designated site and shall not be in excess of the parking required under the provisions of paragraphs 2(A), 6,7,8,9, 11, 12, 13, 16(A), 17, 17 (A), 22 26, 28, 31, 36, 37, and 41, above.

(Ord. No. 89-2665, § 7-2(A), eff. 10-1-89; Ord. No. 90-2684, eff. 3-3-90; Ord. No. 90-2685, eff. 3-3-90; Ord. No. 90-2718, eff. 11-6-90; Ord. No. 91-2767, eff. 11-2-91; Ord. No. 92-2778, eff. 3-28-92; Ord. No. 93-2882, eff. 10-1-93; Ord. No. 94-2934, eff. 8-7-94; Ord. No. 98-3108, § 5(A), 1-21-98; Ord. No. 99-3222, § 3, 12-15-99; Ord. No. 2003-3410, § 1, 5-21-03; Ord. No. 2006-3503, § 2, 2-8-06; Ord. No. 2007-3567, § 1, 9-5-07; Ord. No. 2011-3744, § 1, 10-19-11; Ord. No. 2013-3795, § 1, 3-13-13; Ord. No. 2014-3878, § 1, 6-11-14; Ord. No. 2015-3919, § 1, 1-14-15)

#### SECTION 2. REPEALER.

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

#### SECTION 3. SEVERABILITY.

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

#### 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. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2017.

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Mayor Philip Levine

ATTEST:

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Rafael Granado, City Clerk

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

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Raul Aguila, City Attorney  
Date

First Reading/Transmittal: \_\_, 2017  
Second Reading/Adoption: \_\_, 2017

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

Underline = new language

~~Strikethrough~~ = deleted language