

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: May 23, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0120. Parking District No. 1 Amendments**

REQUEST

PB 17-0120. PARKING DISTRICT NO. 1 AMENDMENT. 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; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

RECOMMENDATION:

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

HISTORY

On March 1, 2017, at the request of Commissioner Joy Malakoff, the City Commission referred the subject ordinance to the Land Use and Development Committee for discussion and recommendation (item C4M).

On March 8, 2017, the Land Use Committee discussed the proposal and recommended that the City Commission refer the Ordinance to the Planning Board.

On April 26, 2017, the Mayor and City Commission referred this item to the Planning Board for consideration (item C4J.)

REVIEW CRITERIA

In accordance with Section 118-163 (3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed modifications are consistent with the Goals, Objectives, and

Policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not Applicable – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent – The proposed Ordinance is not out of scale with the needs of the city.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed will not modify the intensity of development.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not Applicable – The existing boundaries are not proposed to be modified by the proposed Ordinance.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The City promotes the renovation of contributing structures to improve conditions of structures and seeks to encourage and incentivize such renovations, including not penalizing a property owner that may wish to provide non-required parking on site.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed change will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change will not impact the levels of service set forth in the Comprehensive Plan.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Partially Consistent – The proposal does not directly modify the scale of development, however the inclusion of non-required parking into a building site will

likely increase the scale and mass of such development in the subject area for properties containing existing contributing buildings. However, the scale of such development will not be any greater than that which would be required on sites developed with all new construction.

10. Whether the proposed change will adversely affect property values in the adjacent area.

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Consistent – The proposal will not be a deterrent to the improvement or development of adjacent property.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Not applicable.

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not applicable.

ANALYSIS

The proposed draft ordinance would amend Chapter 130 of the Land Development Regulations of the City Code, pertaining to Off-Street Parking. Specifically, the amendment would allow a contributing building located within a local historic district, or individually designated historic site in Parking District No. 1 to provide parking on the site as required parking. Parking District No. 1 is comprises all areas of the City that are not included in parking district nos. 2, 3, 4, 5, 6, and 7.

Such parking, if provided, would be exempt from FAR, in accordance with the regulations specified in Chapter 114 of the Land Development Regulations. Absent this code amendment, non-required enclosed parking must be included as floor area. Although the proposed ordinance does exempt non-required parking from inclusion as floor area, it does so only to the extent of that which is required for new construction.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

TRM/MAB

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; 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, North Beach has a shortage of available off-street parking spaces in certain areas; and

WHEREAS, the City of Miami Beach promotes the renovation of contributing structures to improve conditions of structures and seeks to encourage and incentivize such renovations; and

WHEREAS, the City of Miami Beach is desirous of improving the parking conditions in the North Beach area, and the surrounding neighborhoods, by modifying parking regulations; 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. Chapter 130, Article II entitled "Districts; Requirements", is hereby amended as follows:

* * *

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 (1) space per one (1) adult booth.
- (2) Adult congregate living facility: One (1) space per two (2) beds.
- (2A) Alcoholic beverage establishment: One (1) space per four (4) seats, and one (1) space per every 60 square feet of area not utilized for seating.
- (3) Alcoholic beverage establishment which permits partial nudity: One (1) on-site space per every three (3) seats.
- (4) Amusement place, video arcade, dance hall, skating rink, auditorium or exhibition hall without fixed seats: One (1) space per every 60 feet of floor area available for seats where there is no seating.
- (5) Animal hospital: One (1) space per every 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. One (1) 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 (1) space per every four (4) seats or one (1) space per every 60 square feet of floor area available for seats.
 - (8) Bar: One (1) space per every four (4) seats, and one (1) space per every 60 square feet of area not utilized for seating.
 - (9) Bowling alley or pool room: One (1) space per every ~~for each~~ alley, ~~or per~~ billiard or pool table.
 - (10) Bus station: One (1) space per 60 square feet of floor area.
 - (11) Cabana: One (1) space per every two (2) cabanas.
 - (12) Cafe, beachfront: Shall have no parking requirement.
 - (13) Cafe, outdoor: One (1) space per every four (4) seats.
 - (14) Cafes, sidewalk: Shall have no parking requirement.
 - (15) Church, synagogue or temple: One (1) space per ever six (6) seats or bench seating spaces in main auditorium.

- (16) College: One (1) space per every five (5) seats in the main auditorium, or one (1) space per every three (3) seats per classroom, whichever is greater.
- (16A) Dance hall: One (1) space per every four (4) seats, and one (1) space per every 60 square feet of area not utilized for seating.
- (17) Dormitory: One (1) space per every two (2) beds, or one (1) space per every 150 square feet of floor area, whichever is greater.
- (17A) Entertainment establishment: One (1) space per every four (4) seats and one (1) space per every 60 square feet of area not utilized for seating.
- (18) Financial institutions: One (1) space per 300 square feet of floor area.
- (19) Funeral home: One (1) space per every six (6) seats or bench seating spaces in chambers and chapels.
- (20) Furniture store, hardware, machinery, equipment and automobile and boat sales and service: One (1) space per every 400 feet of floor area.
- (21) General service or repair establishment, printing, publishing, plumbing, heating, broadcasting: One (1) space per every 1,000 square feet of floor area.
- (22) Grocery stores, supermarket, fresh fruit, fish, meat, poultry: One (1) space per every 250 square feet of floor area.
- (23) High school: One (1) space per every 12 seats in the main auditorium, or one (1) space per every six (6) 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 (1) space per every five (5) seats in the main auditorium or one (1) space per every three (3) seats per classroom, whichever is greater.
 - c. Offices and clinics as identified in subsections 142-452(2)g and h: One (1) space per every 400 square feet of floor area.
 - d. Hospital staff offices as identified in subsection 142-452(2)i: One (1) space per every 350 square feet of floor area.
 - e. Research facility: One (1) space per every 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 (1) 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 (1) space per every seven (7) seats or one (1) space per every 105 square feet of floor area where there is no seating, minus one (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 one (1) space per every seven (7) seats or one (1)

space per every 105 square feet of floor area where there is no seating, minus one (1) seat or 15 square feet per every 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 (1) space per every 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: one (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 13, 2013, as defined below	.5 spaces per unit, up to a maximum of 100 units and <u>one</u> (1) space per unit for all units in excess of 100 units
Other (e.g., new construction or substantial demolition of contributing building)	<u>One</u> (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 <u>one</u> (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	<u>One</u> (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 <u>one</u> (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	<u>One (1)</u> space per unit
Other	<u>One (1)</u> space per unit

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 (2) 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 one (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 one (1) space per every four (4) seats or one (1) space per 60 square feet of floor area where there is no seating, minus one (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 one (1) space per four (4) seats, minus one (1) seat for every two (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: one (1) space per 15 seats in main assembly room, plus one (1) space per classroom.
- (28) Laundry: one (1) space per 500 square feet of floor area.
- (29) Major cultural dormitory facility: one (1) space per unit.
- (30) Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale, warehouse or similar establishment: one (1) space per 1,000 square feet of floor area.
- (31) Marina: one (1) space per every two (2) wet slips; one (1) space per every 10 slips in dry dock storage facility.
- (32) Reserved.
- (33) Nursing homes: one (1) space for each every two (2) beds.
- (34) Office or office building: one (1) space per every 400 square feet of floor area; however, medical offices and clinics or offices located on the ground floor shall provide one (1) space per every 300 square feet.
- (35) Private clubs, country clubs, fraternities, sororities and lodges: one (1) space per every 250 square feet of floor area.
- (36) Restaurants or other establishment for consumption of food or beverages on the premises: one (1) space per every four (4) seats; take out restaurant with no seats: one (1) space per every 300 square feet of floor area; take out restaurant and home delivery with no seats: one (1) space per every 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: one (1) space per every 300 square feet of floor area.
- (38) Roominghouse, boardinghouse or lodginghouse: one (1) space per every hotel unit, plus two (2) additional spaces for the building.
- (39) Single-family detached dwelling: two (2) spaces.
- (40) Shopping center: one (1) space per every 300 square feet; however, the parking requirements for eating and drinking uses shall be as established under subsection (32) of this section.
- (41) Theatre: one (1) space per every four (4) seats.
- (42) Telephone exchanges or equipment buildings: one (1) space per every 1,500 square feet of floor area.
- (43) Townhouse: two (2) spaces for each unit, plus one (1) designated guest space per every five (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 (2A), (6), (7), (8), (9), (11), (12), (13), (16A), (17), (17A), (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 (2A), (6), (7), (8), (9), (11), (12), (13), (16A), (17), (17A), (22), (26), (28), (31), (36), (37), and (41), above.

* * *

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.

Mayor Philip Levine

ATTEST:

Rafael Granado, City Clerk

First Reading: _____, 2017

Second Reading: _____, 2017

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