

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: October 27, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **Ordinance Amendment**
File No. 2288 – Off Street Loading Spaces Ordinance

REQUEST

File No. 2288. REQUIRED OFF STREET LOADING SPACES. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 130 "OFF STREET PARKING", ARTICLE IV, "OFF-STREET LOADING", BY MODIFYING THE REQUIREMENTS FOR CALCULATING AND PROVIDING REQUIRED LOADING SPACES FOR EXISTING BUILDINGS, CHANGES IN USE AND NEW CONSTRUCTION, INCLUDING ENCLOSED STRUCTURES USED FOR THE STORAGE AND PARKING OF VEHICLES; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

RECOMMENDATION

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

HISTORY/ BACKGROUND

On June 10, 2015, at the request of Commissioner Deede Weithorn, the City Commission referred this item to the Land Use and Development Committee (Item C4J). On June 17, 2015, the Land Use Committee discussed the item and directed the Administration to prepare a draft Ordinance for the July 29, 2015 Land Use Committee meeting.

On July 29, 2015, the Land Use Committee discussed the item and recommended that the attached Ordinance Amendment be referred to the Planning Board. Commissioner Joy Malakoff agreed to sponsor the proposed Ordinance.

On September 2, 2015, the City Commission referred the attached Ordinance Amendment to the Planning Board (Item C4A).

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

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

Consistent – The proposed ordinance is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

The amendment is consistent with *Future Land Use Element Policy 1.1* of the *City of Miami Beach 2025 Comprehensive Plan* which states the following:

7. *Ensure safe and convenient traffic flow and vehicle parking needs.*

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 does not affect the scale of development.

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

Consistent – The proposed ordinance will not increase the level of intensity of development and will not affect the load on public facilities.

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

Not applicable – The proposed change does not modify existing district boundaries.

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

Consistent – Increases in congestion which are partially caused by vehicles loading and unloading goods in thru lanes of traffic makes passage of the proposed change necessary.

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 create or increase traffic congestion.

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

Consistent – The proposed ordinance will not reduce light and air to adjacent areas.

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 proposed change should not be a deterrent to the improvement or development of properties in the City.

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 Ordinance would modify the current regulations pertaining to off-street loading requirements, as provided for under Chapter 130, Article IV of the Land Development Regulations of the City Code. These requirements are designed to provide adequate facilities for loading and unloading as it relates to multi-family and commercial properties. The current regulations establish specific loading space requirements based upon use, as well as design standards.

Since these standards were adopted, staff has taken note of certain functional and practical problems associated with both the wording of the code, as well as the ability to provide off-street loading spaces. In this regard, the following is noted:

- The current language does not provide any latitude for changes in use within existing buildings, which may not be physically capable of providing a code compliant off-street loading space(s). These would include historic buildings.
- The current regulations do not create a separate standard for new construction that can more easily accommodate loading spaces within a parking garage. Such a minimum requirement has been suggested as a part of this larger discussion.

In order to address the pressing issue of existing buildings and changes in use, the following modifications are proposed to Sec 130-131:

1. Clarify that minimum off-street loading requirements are applicable to new construction, including any physical expansion of a structure or use.
2. For multi-family and commercial buildings utilizing enclosed structures for the storage and/or parking of vehicles, all required loading spaces must be provided internally.
3. For a change of use in an existing building, required loading must either be provided in

accordance with the existing off-street loading schedule or a detailed plan delineating on-street loading shall be approved by the parking department.

4. For properties located within a locally designated historic district, or historic site, the historic preservation board may waive the requirements for off-street loading spaces for properties containing a contributing structure, provided that a detailed plan delineating on-street loading is approved by the parking department.

The Administration believes that the modifications proposed herein are consistent with the direction of the Commission as it pertains to improving loading areas in the City. The proposed changes also clean-up the existing code language pertaining to existing buildings.

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/RAM

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Required Off Street Loading Spaces

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 130 "OFF STREET PARKING", ARTICLE IV, "OFF-STREET LOADING", BY MODIFYING THE REQUIREMENTS FOR CALCULATING AND PROVIDING REQUIRED LOADING SPACES FOR EXISTING BUILDINGS, CHANGES IN USE AND NEW CONSTRUCTION, INCLUDING ENCLOSED STRUCTURES USED FOR THE STORAGE AND PARKING OF VEHICLES; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 130 of the City Code, entitled "Off Street Parking," includes a separate Article pertaining to Off-Street Loading Spaces; and

WHEREAS, Chapter 130 is proposed to be amended to modify loading space requirements for existing buildings and new, enclosed structures used for the parking and storage of vehicles; and

WHEREAS, the amendment set forth below is necessary to accomplish the objectives identified above.

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," Article IV, "Off-Street Loading," is amended, as follows:

Sec. 130-101. - Space requirements and location.

A. When any new building or structure is erected, ~~structurally altered, or converted in use, or an existing building is modified resulting in an increase in FAR,~~ accessory off-street loading spaces shall be provided for the new building, new structure, or additional increase in floor area or new use in accordance with the following schedule:

- (1) For each retail store, department store, restaurant, wholesale house, warehouse, repair, general service, manufacturing or industrial establishment, or similar use, which has an aggregate floor area in square feet of:
 - a. Over 2,000 but not over 10,000: one (1) space.
 - b. Over 10,000 but not over 20,000: two (2) spaces.
 - c. Over 20,000 but not over 40,000: three (3) spaces.
 - d. Over 40,000 but not over 60,000: four (4) spaces.
 - e. For each additional 50,000 over 60,000: one (1) space.
- (2) For each office building, hospital or similar institutions, places of public assembly, or similar use, which has an aggregate floor area in square feet of:
 - a. Over 5,000 but not over 10,000: one (1) space.
 - b. Over 10,000 but not over 100,000: two (2) spaces.
 - c. Over 100,000 but not over 200,000: three (3) spaces.
 - d. For each additional 100,000 over 200,000: one (1) space.
- (3) For any residential building or hotel building:
 - a. Over 36 units but not more than 50 units: one (1) space.
 - b. Over 50 units but not more than 100 units: two (2) spaces.

- c. Over 100 units but not more than 200 units: three (3) spaces.
 - d. For each additional 100 units or fraction thereof over 200 units: one (1) space.
- B. For multi-family, hotel, and commercial buildings utilizing enclosed structures for the storage and/or parking of vehicles, all required loading spaces shall be located internally.
- C. For a change of use in an existing building, required loading shall either be provided in accordance with the off-street loading schedule above, or a detailed plan delineating on-street loading, as approved by the parking department.
- D. For properties located within a locally designated historic district, or historic site, the historic preservation board may waive the requirements for off-street loading spaces for properties containing a contributing structure, provided that a detailed plan delineating on-street loading is approved by the parking department. To obtain the waiver the applicant must provide rehabilitation or historic enhancements to the contributing structure on-site.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney _____
Date

First Reading: December 9, 2015
Second Reading: January ____, 2016

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

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

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