

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: September 2, 2015

SUBJECT: **REFERRAL TO THE PLANNING BOARD – PROPOSED ORDINANCE AMENDING CHAPTER 130 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE PERTAINING TO OFF-STREET LOADING SPACE REQUIREMENTS**

### **ADMINISTRATION RECOMMENDATION**

Refer the proposed Ordinance Amendment to the Planning Board for consideration and recommendation.

### **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.

### **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

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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.

#### **CONCLUSION**

In accordance with the July 29, 2015 recommendation of the Land Use and Development Committee, the Administration recommends that the Mayor and the City Commission refer the attached Ordinance Amendment to the Planning Board.

  
JLM/TRM

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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 increased 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: 1 space.
    - b. Over 10,000 but not over 20,000: 2 spaces.
    - c. Over 20,000 but not over 40,000: 3 spaces.
    - d. Over 40,000 but not over 60,000: 4 spaces.
    - e. For each additional 50,000 over 60,000: 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: 1 space.
    - b. Over 10,000 but not over 100,000: 2 spaces.
    - c. Over 100,000 but not over 200,000: 3 spaces.
    - d. For each additional 100,000 over 200,000: 1 space.
  - (3) For any residential building or hotel building:
    - a. Over 36 units but not more than 50 units: 1 space.
    - b. Over 50 units but not more than 100 units: 2 spaces.

- c. Over 100 units but not more than 200 units: 3 spaces.
  - d. For each additional 100 units or fraction thereof over 200 units: 1 space.
- B. For multi-family 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 shall be 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.

**Sec. 130-102. - Spaces not to be included as required parking spaces.**

Required off-street loading spaces are not to be included as off-street parking spaces in the computation of required off-street parking spaces.

**Sec. 130-103. - Design standards.**

Off-street loading design standards shall be as follows:

- (1) Size and location. For the purpose of these regulations a loading space is a space within the main building or on the same lot, logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used but not less than ten feet by 20 feet, and accessible to such vehicles when required off-street parking spaces are filled.
- (2) Drainage and maintenance. Off-street loading facilities shall be drained to prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable city specifications. Off-street loading areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee and shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.
- (3) Entrances and exits. The location and design of entrances and exits shall be in accordance with applicable traffic regulations and standards as designed for truck loading and unloading, such entrance or exit shall be designed to provide at least one off-street loading space. However, no such loading space shall be located in the required front yard setback.

**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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