

Condensed Title:

An Ordinance amending Chapter 130 of the City Code 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.

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character. Increase satisfaction with development and growth management across the City.

Supporting Data (Surveys, Environmental Scan, etc 48% of residential respondents and 55% of businesses rate the effort put forth by the City to regulate development is "about the right amount."

Item Summary/Recommendation:

FIRST READING

The subject Ordinance would clarify that minimum off-street loading requirements are applicable to new construction; for buildings utilizing enclosed structures for parking, required loading must be provided internally; for a change of use, required loading must 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; and for new construction, the DRB or HPB, as applicable, may waive the requirements for off-street loading spaces, provided that a detailed plan delineating on-street loading is approved by the parking department.

On July 29, 2015, the Land Use and Development Committee discussed the item and recommended that the attached Ordinance Amendment be referred to the Planning Board.

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

The Administration recommends that the City Commission: 1) accept the recommendation of the Land Use and Development Committee via separate motion; 2) approve the attached Ordinance at First Reading; and 3) schedule a Second Reading Public Hearing for February 10, 2016.

Advisory Board Recommendation:

On October 27, 2015, the Planning Board transmitted the proposed ordinance amendment with a favorable recommendation. (Vote 7-0)

Financial Information:

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div> OBPI	1		
	2		
	3		
	Total		


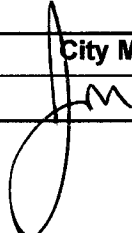
Financial Impact Summary:

In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at least 5 years) of this proposed legislative action, and determined that there will be no measurable impact on the City's budget.

City Clerk's Office Legislative Tracking:

Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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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: January 13, 2016

FIRST READING

SUBJECT: **Ordinance Amendment – Off Street Loading Spaces Ordinance**

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.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission 1) accept the recommendation of the Land Use and Development Committee via separate motion; and 2) approve the attached Ordinance at First Reading and set a Second Reading Public Hearing for February 10, 2016.

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 and Development 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 and Development 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).

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, certain functional and practical problems associated with both the wording of this section of the code, as well as the ability to provide off-street loading spaces, have been identified. 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 were originally 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.

PLANNING BOARD REVIEW

On October 27, 2015, the Planning Board transmitted the proposed ordinance amendment with a favorable recommendation. The Planning Board also recommended that the proposed waiver provision be applicable to all properties, and not just certain types of properties located in historic districts. The recommendation of the Planning Board has been incorporated into the text of the attached Ordinance.

FISCAL IMPACT

In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration City Administration evaluated the long term economic

impact (at least 5 years) of this proposed legislative action. The proposed Ordinance is not expected to have a negative fiscal impact upon the City.

CONCLUSION

The Administration recommends that the City Commission 1) accept the recommendation of the Land Use and Development Committee via separate motion; and 2) approve the attached Ordinance at First Reading and set a Second Reading Public Hearing for February 10, 2016.

JLM/SMT/TRM/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 the new construction of 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 new construction, the historic preservation board or design review board, as applicable, may waive the requirements for off-street loading spaces, provided that a detailed plan delineating on-street loading is approved by the parking department.

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.

ATTEST:

Rafael E. Granado, City Clerk

Philip Levine, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael Granado

City Attorney

12/29/15

Date

First Reading: January 13, 2016
Second Reading: February 10, 2016

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

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

(Sponsored by Commissioner Joy Malakoff)

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