

Condensed Title:

An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida Amending Section 130-70(7), of the City Code, "Off Street Parking", To Allow For Additional Extensions Of Time For Temporary Parking Lots.

Key Intended Outcome Supported:

Increasing parking availability across the City.

Supporting Data (Surveys, Environmental Scan, etc

Three-quarters of all residential respondents, 77.2%, reported "too little" parking is currently available throughout the City. An increased percentage of respondents indicated "they (customers and/or employees) are almost never able to find a (parking) place nearby" (moving to 52.6% in 2009 from 40.0% in 2007).

Issue:

Should the City Commission adopt the proposed ordinance that would extend the time period for temporary parking lots for potentially 5 more years.

Item Summary/Recommendation:

FIRST READING

Currently the Land Development Regulations (LDRs) of the City Code permit temporary parking lots to exist for a period of three years, but allows an applicant to seek an extension at the end of this period from the Planning Board, at a public hearing, an extension of time not to exceed two years. The Planning Board must consider whether the applicant has complied with all of the applicable requirements of the LDRs, inclusive of existing landscaping. After the initial extension of time by the Planning Board, the applicant may request from the Planning Director five extensions of time for periods not to exceed one year each. An exception exists for existing temporary parking lots in the MXE district facing Collins Avenue which was adopted by the City Commission in December 2004, which allows an applicant to request a further extension of time for a period not to exceed two years from the Planning Board. The Planning Board, as well as with prior extensions of time, must consider the extent to which the existing or proposed landscaping on the property satisfies the landscaping review criteria. After this two-year extension, no more than three one-year extensions may be requested from the Planning Director. An applicant may request from the planning board a further extension of time for a period not to exceed two years for approved temporary parking lots that have held a Temporary Parking Lot License (n/k/a Business Tax Receipt), and which have availed themselves of all applicable extensions of time, and three one-year extensions from the Planning Director.

The Administration recommends that the City Commission approve the proposed ordinance on first reading and set a second reading public hearing for the October 14, 2009 meeting.

Advisory Board Recommendation:

At the February 24, 2009 meeting, the Planning Board also reviewed an ordinance that would permit the proposed five-year exception on a citywide basis and by a vote of 5-2, recommended approval, but only for those temporary parking lots that currently exist.

Financial Information:

Source of Funds:		Amount	Account
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	2		
	3		
	Total		

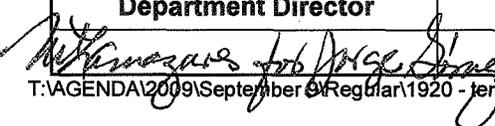
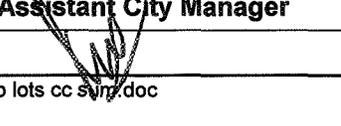
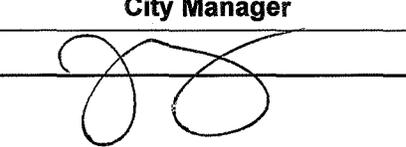
Financial Impact Summary:

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 the proposed Ordinance may increase the potential fees collected via Business Tax Receipt as the ordinance would extend the time certain existing parking lots may operate.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Mercy Lamazares

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 Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 9, 2009

SUBJECT: Temporary parking lots – amendment to the 10-year limit

First Reading

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 III, "DESIGN STANDARDS", BY AMENDING SECTION 130-70(7), TO ALLOW FOR ADDITIONAL EXTENSIONS OF TIME FOR TEMPORARY PARKING LOTS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the proposed ordinance on first reading and set a second reading public hearing for the October 14, 2009 meeting.

BACKGROUND

At the January 27, 2009 meeting the Planning Board reviewed an application submitted by South Beach Heights I, LLC requesting to amend Section 130-70(7) of the Land Development Regulations of the City Code extending the maximum time period where a Temporary Parking Lot is permitted to exist in the CD-2, Commercial Medium Intensity Zoning District on Alton Road between 5th Street and Lincoln Road.

At the same meeting, the Planning Board requested that an ordinance that would apply citywide should be drafted for their review and recommendation.

ANALYSIS

Currently the Land Development Regulations (LDRs) of the City Code permit temporary parking lots to exist for a period of time no greater than three years. At the end of this period, but prior to expiration, an applicant may request from the Planning Board, at a public hearing, one initial extension of time for a period not exceeding two years. In granting the initial extension of time, the Planning Board considers, among other things, whether the applicant has complied with all of the applicable requirements of the LDRs during its period of operation, as well as any landscaping on the property that may not be in compliance with the requirements of the Code. After the initial extension of time by the Planning Board, the

applicant may request from the Planning Director not more than five extensions of time for periods not to exceed one year each. The total period of time a temporary parking lot can exist, including all extensions of time, is ten years.

Currently an exception exists for existing temporary parking lots in the MXE district facing Collins Avenue which was adopted by the City Commission in December 2004. This exception allows an applicant to request from the Planning Board a further extension of time for a period not to exceed two years. The Planning Board, as well as with prior extensions of time, must consider the extent to which the existing or proposed landscaping on the property satisfies the landscaping review criteria. If existing or proposed landscaping is below the specified criteria, the Planning Board may impose conditions to satisfy the landscaping deficiencies. After this two-year extension, no more than three one-year extensions may be requested from the Planning Director. Pursuant to this exception, the total time of temporary parking lots in the MXE district fronting including all extensions of time is 15 years. Two temporary parking lots – 1155 and 1201 Collins Avenue - benefited from this exception; their time for operating the lots will expire in October 2009.

With regard to the two parking lots located in the MXE district, development projects were proposed within the last two years. One of the projects was a hotel with accessory uses and the other project was a mechanical parking garage that would provide the required parking for the hotel and for general public use. Due to the general state of the economy and depressed financial markets, these projects are not going forward.

The owner of 650 Alton Road made application to the Planning Board to amend the Code to enable the temporary parking facility, which expired in 2008 after a ten-year existence to continue operating. An affiliate of the applicant also owns the property across the street, 663 Alton Road, which was licensed as a temporary parking lot, but has since expired. The two other temporary parking facilities - 721 Alton Road and 824 Alton Road – are due to expire within the next two years.

The elimination of parking spaces is a concern because of the already existing shortage. As existing temporary parking lots come to an end, the removal of these surface parking lots from the inventory creates a shortage of spaces. Although there is also a concern that proposed change may be a deterrent to the improvement or development of such properties, the uncertainty of the economy at this time and depressed financial markets may delay construction of any new projects.

The proposed amendment would extend the life of Temporary Parking Lots for five more years beyond what is currently permitted. In this sense, the Administration believes the amendment balances the needs of the City as a whole and the needs of the property owner for a short period of time. Attached to this memorandum is a list of previously and currently licensed temporary parking lots and a map showing their location.

LAND USE AND DEVELOPMENT COMMITTEE

The Land Use and Development Committee reviewed the proposed ordinance at its July 1, 2009 meeting and recommended that the Administration bring forth the Citywide version of the ordinance and allow the further extension of time for temporary parking lots provided the lots comply with the setback and landscaping standards for permanent parking lots.

PLANNING BOARD ACTION

At the February 24, 2009 meeting, the Planning Board also reviewed an ordinance that would permit the proposed five-year exception on a citywide basis and by a vote of 5-2, recommended approval, but only for those temporary parking lots that currently exist.

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 evaluated the long term economic impact (at least 5 years) of this proposed legislative action and determined that the proposed Ordinance may increase the potential fees collected via Business Tax Receipt as the ordinance would extend the time certain existing parking lots may operate.

CONCLUSION

The Administration recommends that the City Commission approve the proposed ordinance on first reading and set a second reading public hearing for the October 14, 2009 meeting.

Pursuant to Section 118-164(3) of the City Code, when a request to amend these land development regulations does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least two separate days and shall, at least ten days prior to adoption, be noticed once in a newspaper of general circulation in the city. The notice of proposed enactment shall state the date, time and place of the meeting; the title or titles of proposed ordinances; and the place or places within the city where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

Immediately following the public hearing at the second reading, the city commission may adopt the ordinance by an affirmative vote of five-sevenths of all members of the city commission.

The required advertisements shall be no less than two columns wide by ten inches long in a standard size or tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point.

JMG/TH/JGG/ML

Attachments

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TEMPORARY PARKING LOTS

Address	File No.	Original approval	2-yr extension	Due to expire	Comments
340 23 rd Street	1422	1999	2003 to 2005	January 2010	
633 Alton Road	1648		2004 to 2006	February 2010	
650 Alton Road	RL99000280 issued 12/11/1998 to hospital. Renewed by VIP Parking under RL10001043 10/1/2007. In CD-2, not within 100 feet of residential; therefore CUP not required. Expired 12/1/2008.				
653 Alton Road	1615	1999	2002 to 2004	May 2009	
721 Alton Road	1680	2001	2004 to 2006	July 2011	
824 Alton Road	1596	1999	2002 to 2004	January 2009	
801-869 Biscayne Street	1118	1992			
801 Biscayne Street					License RL89124163 closed 1/1/90
821 Biscayne street					Permit #SB880294 asphalt parking lot for 817, 821, 855, 859 issued 11-28-1988
400 Collins Ave	1790, 1821	2003	2006 to 2008	2013	
1155 Collins Ave	1181, 1290, 1711	1994	1997 to 1999. Code amended in 2004 - additional 2 yr. to 2006	October 2009	
1201 Collins Ave	1180, 1289, 1712	1994	1997 (to 1999) Code amended in 2004 - additional 2 yr. to 2006	October 2009	
6372-82 Collins Ave	1789	2006			Void – Building permit never issued
826-846 Commerce St.	1516	July 31, 2001.	None requested		32-space temporary parking lot as per a "Parking License" agreement among the Portofino Entities, the City of Miami Beach and the Miami Beach Redevelopment Agency, dated May 24, 1999 to substitute temporarily some of the Miami Beach Marina employee parking spaces that may be eliminated while the SSDI North project is under construction. Permit No. B0103621 to build a temporary parking lot. Final CO issued October 3, 2001, but no license found.

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 III, "DESIGN STANDARDS", BY AMENDING SECTION 130-70(7), TO ALLOW FOR ADDITIONAL EXTENSIONS OF TIME FOR TEMPORARY PARKING LOTS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach continually seeks to update the requirements of the Land Development Regulations of the Code of the City of Miami; and

WHEREAS, the City of Miami Beach has adopted regulations pertaining to the design and permitted duration of temporary parking lots; and

WHEREAS, the City of Miami Beach desires to refine, clarify, expand and enhance existing procedures and requirements to allow for the development of parking opportunities in those areas where public and private opportunities are hindered by existing conditions; 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 Section 130-70(7) of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 130-70. Temporary parking lot standards.

* * *

- (7) Temporary parking lots shall not be permitted to exist for a period of time greater than three years from the date of certificate of occupancy or occupational license (Business Tax Receipt), whichever occurs first, regardless of ownership. At the end of this period, or such extensions that may be granted as contemplated herein, if the lot continues to be used for the purposes of parking, a permanent lot shall be constructed in conformity with these land development regulations; however, prior to expiration, or not later than 90 calendar days after the expiration of such approval, an applicant may request from the planning board one initial extension of time for a period not exceeding two years.

In granting the initial extension of time, or considering an appeal from the planning director's decision regarding an extension of time (as provided below), the board

shall consider, among other things, whether the applicant has complied with all of the applicable requirements of these land development regulations, and any conditions imposed by the planning board, if any, during its period of operation, as well as any landscaping on the property that may not be in compliance with the requirements listed below. The notice of public hearing requirements shall be as set forth in chapter 118, article IV.

~~After the initial extension of time, and prior to expiration, the applicant may request from the planning director not more than five extensions of time for periods not to exceed one year each. In considering a request for an extension of time, the director shall consider the same criteria considered by the planning board as specified above. After the initial first extension of time, and prior to expiration, or not later than 90 calendar days after the expiration of such approval, the an applicant may request from the planning director not more than five extensions of time for periods not to exceed one year each. In considering a request for an extension of time, the director shall consider the same criteria considered by the planning board as specified above. Except that in the MXE district, for approved temporary parking lots existing as of September 28, 2004, that face Collins Avenue,~~

An applicant may request from the planning board, a further extension of time for a period not to exceed two years for approved temporary parking lots that have held a Temporary Parking Lot License (n/k/a Business Tax Receipt), and which have availed themselves of all applicable extensions of time. When requesting the additional two-year extension of time from the Planning Board, the applicant shall comply with the setback requirements for parking lots in the underlying zoning district, as determined by the Planning Director, and satisfy the landscaping review criteria. After this two-year extension, no more than three one-year extensions may be requested from the planning director.

~~The review by the planning board shall consider the extent to which the existing or proposed landscaping on the property satisfies the landscaping review criteria. If existing or proposed landscaping is below the specified criteria, the planning board may determine whether such landscaping is sufficient based upon the characteristics of the property.~~

At the end of all applicable extensions of time for a temporary parking lot, the lot shall cease to be used for parking and the asphalt and rock base shall be removed and replaced with soil and landscaping, which shall be maintained until the property is developed for a use permitted in the zoning district. The owner of the property shall be responsible for maintaining such property and the landscaping. A plan for a recurring maintenance schedule that includes, but is not limited to, cleaning the lot, clipping of hedge material, removing and replacement of dead plant material, fertilization and irrigation shall be submitted to, and approved by the planning department as part of the last administrative request for extension of time.

The decision of the director with respect to an extension of time may be appealed by the applicant to the planning board. The appeal shall be in writing and shall be submitted to the planning director on or before the 20th day after the date of the decision of the planning director. Review of the decision of the planning board shall be to a court of competent jurisdiction by petition for writ of certiorari.

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 relettered 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 _____, 2009.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *JH* 9/1/09
Date

First Reading:
Second Reading:

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language

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