

MIAMI BEACH

City Commission Meeting SUPPLEMENTAL MATERIAL 2

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
February 10, 2016

Mayor Philip Levine
Commissioner John Elizabeth Alemán
Commissioner Ricky Arriola
Commissioner Kristen Rosen Gonzalez
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

SUPPLEMENTAL AGENDA

R5 - Ordinances

- R5B Required Off Street Loading Spaces
An Ordinance 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. **10:05 a.m. Second Reading Public Hearing**
(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Planning)
(First Reading on January 13, 2016 - R5L)
(Memorandum & Ordinance)

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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:

SECOND READING – PUBLIC HEARING

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 HPB 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).

On January 13, 2016, the City Commission: 1) accepted the recommendation of the Land Use and Development Committee via separate motion; 2) approved the attached Ordinance at First Reading; and 3) scheduled a Second Reading Public Hearing for February 10, 2016.

The Administration recommends that the City Commission adopt the Ordinance.

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; display: flex; align-items: center; justify-content: center;"> OBPI </div>	1		
	2		
	3		
	Total		

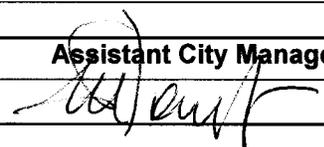
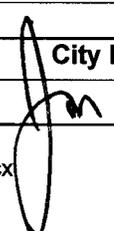
Financial Impact Summary:

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: February 10, 2016

SECOND READING – PUBLIC HEARING

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 adopt the Ordinance.

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.

SUMMARY / UPDATE

The subject Ordinance was approved at First Reading on January 13, 2016. The Commission requested that the provision pertaining to waivers from Land Use Boards be limited to the historic preservation board, and to properties with a 'contributing' structure. This change has been incorporated into the text of the Ordinance for Second Reading.

CONCLUSION

The Administration recommends that the City Commission adopt the Ordinance.

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 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.

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.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney

1-20-16
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
Double Underscore denotes language added at First Reading

(Sponsored by Commissioner Joy Malakoff)

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MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

February 10, 2016

NOTICE IS HEREBY given that the following public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **February 10, 2016**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.
An Ordinance Amending The Land Development Regulations (LDRs) Of The City Code, By Establishing Chapter 133, Entitled "Sustainability And Resiliency;" Establishing Requirements For Green Building Certification As A Requirement During Zoning Review Of New Projects Over A Certain Size ("Eligible Project(s)"); Establishing A Sustainability Fee Program For Projects That Do Not Achieve The Required Green Building Certification Level; Authorizing Property Owners And Developers To Pay A Sustainability Fee, Or, In The Alternative, Post A Bond, In The Amount Of Five Percent (5%) Of The Total Construction Cost For The Eligible Project(s); Into The City's Sustainability Fund, Which Bond Or Funds Are Reimbursable To The Property Owner Or Developer Pursuant To The Level Of Green Building Compliance Achieved By The "Eligible Project"; Establishing A Sustainability And Resiliency Fund For The Deposit Of The Sustainability Fees Generated Through The Sustainability Fee Program, And Providing The Uses For Which The Fees Deposited In The Sustainability And Resiliency Fund Can Be Used; And Repealing Chapter 100, Entitled "Sustainability" As Duplicative And Contradictory To The Sustainability And Resiliency Revisions Of Chapter 133; Providing For Review; Applicability; Codification; Repealer; Severability; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:05 a.m.
An Ordinance 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. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:10 a.m.
An Ordinance Amending Chapter 30 Of The Miami Beach City Code, Entitled "Code Enforcement;" By Amending Article II, Entitled "Special Master;" By Amending Section 30-37, Entitled "Terms Of Office; Compensation"; By Amending The Compensation Of The Special Master(s); Providing For Codification, Repealer, Severability, And An Effective Date. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:15 a.m.
An Ordinance Amending Chapter 78 Of The City Of Miami Beach, Entitled "Personnel;" By Amending Section 78-2, Entitled "Reserved;" To Codify Requirements For Criminal History Record Checks For Certain Municipal Employees, Appointees, Contractors, Employees Of Contractors, And Vendors, In Accordance With State Law; Providing For Repealer, Severability, Codification, And An Effective Date. *Inquiries may be directed to the Human Resources Department at 305.673.7524.*

10:20 a.m.
An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration;" By Amending Article IV Entitled "Officers And Employees;" By Amending Section 2-191 Entitled "Enumeration Of Organizational Units;" By Creating The Environment And Sustainability Department; And Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. *Inquiries may be directed to the Human Resources Department at 305.673.7524.*

10:25 a.m. First Reading, Public Hearing
An Ordinance Amending Subpart A - General Ordinances, Chapter 6 "Alcoholic Beverages" Of The Code Of The City Of Miami Beach, By Amending Article I, "General Provisions;" To Consolidate All Provisions Relating To Alcohol Regulation In One Chapter Of The City Code By Relocating Certain Alcoholic Beverage Establishment Regulations From Chapter 142 And Placing These Provisions In Chapter 6; Providing For Hours Of Operation; Location And Use Restrictions; Patron Age Restrictions; Minimum Seats And Hotel Rooms Requirements; By Amending Article II, "Conduct;" By Modifying And Creating Definitions; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:26 a.m. First Reading Public Hearing
An Ordinance Amending Chapter 142 "Zoning Districts And Regulations;" Article II, "District Regulations;" Division 3, "Residential Multifamily Districts" Division 4, "CD-1 Commercial, Low Intensity District" Division 5, "CD-2 Commercial, Medium Intensity District" Division 6, "CD-3 Commercial, High Intensity District" Division 7, "CC-Civic And Convention Center District" Division 8, "GC Golf Course District" Division 9, "GU Government Use District" Division 10, "HD Hospital District" Division 11, "I-1 Light Industrial District" Division 12, "MR Marine Recreation District;" Division 13, "MXE Mixed Use Entertainment District;" Division 16, "WD-1 Waterway District" Division 17, "WD-2 Waterway District" Division 18, "PS Performance Standard District" Division 20 "TC North Beach Town Center District;" To Delineate All Alcoholic Beverage Establishments As Related Main Permitted, Conditional, And Prohibited Uses By Zoning District; Modifying Chapter 142, Article IV, "Supplementary District Regulations" Division 2, "Accessory Uses;" Article V, "Specialized Use Regulations;" To Delete Division 4, And Section 142-1301, Entitled "Permitted Districts; Striking Alcohol Regulations Relating To Hours Of Operation, Minimum Seat And Hotel Rooms From Chapter 142 "Zoning Districts And Regulations;" Article II "District Regulations;" And Modifying Chapter 142, Article V "Special Use Regulations;" At Division 4 "Alcoholic Beverages;" By Striking Sections 142-1302 And 142-1303; Providing For Repealer; Severability; Codification; Exceptions; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:30 a.m.
A Resolution Adopting The Third Amendment To The Capital Budget For Fiscal Year 2015/16. *Inquiries may be directed to the Budget & Performance Improvement Department at 305.673.7510.*

Dr. Stanley Sunick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sunick Citizen's Forum are 8:30 a.m. and 1:00 p.m., or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2488 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Rafael E. Granado, City Clerk
City of Miami Beach