



**City of Coral Gables
CITY COMMISSION MEETING
July 22, 2014**

AGENDA ITEM NO. _____

ITEM TITLE:

Ordinance on First Reading. Remote Parking Zoning Code Text Amendment.

1. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code: amending Article 5, "Development Standards", Section 5-1408, "Common Driveways and Remote Off-Street Parking", by providing regulations, restrictions and procedures for the use of remote parking in and near the Central Business District ("CBD"); amending the reference to remote parking in Article 5, "Development Standards", Section 5-1409, "Amount of Required Parking" to match the changes to Section 5-1408; providing for severability, repealer, codification and an effective date.

Resolution. Remote Parking Fee. The following resolution provides for a remote parking application fee for reference purposes, and not for consideration at this time. This resolution shall be included with the above ordinance on Second Reading, if the ordinance is approved on First Reading:

2. Resolution of the City Commission of Coral Gables amending Resolution No. 2013-89, known as the fee ordinance, by adding a remote parking fee in accordance with Zoning Code Article 5, "Development Standards", Section 5-1408, "Common Driveways and Remote Off-Street Parking"; and providing for an effective date.

DEPARTMENT HEAD RECOMMENDATION:

Approval.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board at their 05.14.14 meeting recommended approval (vote: 4-2).

BRIEF HISTORY:

At their 05.14.14 meeting, the Planning and Zoning Board (P&Z) recommended approval of the proposed Zoning Code text amendment (vote: 4-2). The proposed amendments are provided in the draft Ordinance in ~~strike-through~~/underline format provided as Exhibit A, and a draft Resolution approving the associated application fee as Exhibit B. The 05.14.14 Staff report and the excerpt from the 05.14.14 P&Z meeting minutes are provided as Exhibits C and D, respectively.

Section 5-1408 of the Zoning Code creates the concept of remote off-street parking, a mechanism to provide Code-required parking off the premises of the use being served by the parking. It states that remote parking may be used when the off-street parking facilities are located within 500 feet of the perimeter of the building site and are not located in a single family zoning district, and when a restrictive covenant or parking easement is provided. Other than capping the use of remote parking at 50% of required parking spaces for residential uses in the Central Business District (CBD), there is no restriction on the amount of parking which may be provided remotely. Other than these few general requirements, there is no additional detail provided regarding the requirements, procedure, or preservation of the City's interests in the provision of remote parking spaces. To date, staff has no official documentation of any

projects that have formally utilized remote parking per this code section, which has been in existence since 1968.

City Staff offers the proposed text amendment to clarify and improve the remote off-street parking provisions, and recommends that the procedure should only be used in conformance with the amendment. There were numerous discussions and a number of public comments at the three (3) public hearings with the P&Z. As a result, staff has provided, in separate comment boxes in this staff report, a summary of how these comments inform the different iterations of the ordinance drafts, which ultimately led to this final version that was voted on by the P&Z. The purpose is to demonstrate that staff extensively incorporated public and P&Z input, while still meeting the spirit and intent of the parking regulations, and trying to prevent any unintended consequences resulting from these new regulations.

The proposed amendment allows proposals to change or expand an existing use to provide required parking through the use of remote parking if both of the following are met:

- The project using the remote spaces must be located in the CBD or within 1,000 feet of the CBD; and
- The Director of Development Services determines that the physical layout of the proposal cannot reasonably be altered to provide the Zoning Code-required parking onsite as part of the proposed expansion or change of use.

Once a remote parking arrangement has been approved, the City may not base any enforcement action on the above requirements.

The remote parking spaces must:

- be located within 1,000 feet of the use (the 1,000 foot distance may be waived by the Commission as noted below);
- be located within the City inside or outside the CBD (location in the City may be waived by the Commission);
- not be located within a single family zoning district; and
- be owned or leased by the party who owns the use being served by the remote parking. Documentation of any remote parking lease arrangement must be acceptable to the City Attorney and Development Services Director, and recorded in the public records of Miami-Dade County against both the applicant's

The first ordinance version required remote parking location within the CBD and use of remote parking only up to 50% of the parking requirement for properties less than 20,000 sf and structures no taller than four (4) stories. These limits were removed in the second version based on public and P&Z feedback to expand the eligible structures and allow remote parking 1,000 feet outside the CBD. The ordinance originally called remote parking "exceptional relief," which was also deleted. The requirement that the Director's approval must be "reasonable" was added.

Based on public input, a provision was added that the judgment that a property is eligible to use remote parking cannot be revisited if conditions remain the same.

The first version expanded the remote parking distance from 500 feet to 1,000 feet; required the project seeking remote parking to be located within the CBD; required the remote parking be within City limits; required the remote parking to be owned (not leased) by the intended user; and prohibited the use of remote parking for retail or restaurant customer parking.

The second version retained the ownership requirement, and expanded remote parking up to 1,000 feet outside CBD; allowed restaurant and retail customer uses if located within 500 feet; and only capped post-1964 structures to 50% remote parking spaces, with all these limits waivable by the Commission. The remote parking must be within City limits. Pre-1964 structures were allowed to use up to 100% remote parking for expansion or change of use, as 1964 was the year when the city adopted its parking regulations.

The current version now allows Commission waiver, on a case by case basis, of the 1000' maximum distance to the remote parking, and of the requirement to be inside the City limits. The ownership requirement for the remote parking was also removed, so leasing is now allowed. Both pre- and post- 1964 structures are eligible to use 100% remote parking. The notification requirement upon lease termination was reduced from 180 to 90 days.

project site and the property housing the remote parking spaces. The lease for the remote parking spaces can be terminated on no less than 90 days advance notice, which shall be provided to the Development Services Director.

Projects involving an expansion or change of use under the Zoning Code may apply to use remote parking spaces for all of their required parking.

As proposed, the distance calculation (which is undefined in the current Code) will be measured property line to property line based on airline measurement.

The proposed ordinance requires the following as part of the application for remote parking:

- Survey showing exact location, traffic flow and current physical layout of the remote parking spaces;
- Documentation demonstrating ownership of -- or an annual lease for -- the remote parking spaces, and the availability of the remote parking spaces (i.e. they are not being used to support other uses);
- Copies of approved plans for the remote parking spaces;
- Sworn affidavits from the owner of the remote parking spaces establishing that no leases, approved plans or other commitments exist or will be entered into for the life of the remote parking approval that would interfere with the proposed use of the remote parking spaces for remote parking;
- An application fee (separate action via Resolution required); and
- A covenant with declaration of restrictions.

The covenant is proposed to protect the City's interest in the maintenance and availability of the remote parking spaces in order to meet the Zoning Code requirements. The covenant must:

- Provide assurances for the continued right to use the remote parking spaces until such time as the City Manager (or designee) releases the obligation, and ability to access the remote parking spaces for inspections if leased;
- Acknowledge that a planned amendment of the remote parking approval is subject to the same application requirements, procedure, and fee as a new application, and shall be implemented in a manner that assures the continuous availability of the remote parking;
- Acknowledge the applicant's duty to report any unplanned changes related to the remote parking, application, approval or compliance with the recorded agreement within five (5) business days of the occurrence of the change;
- Provide a remedial plan to the Development Services Director within 10 business days of the occurrence of the unplanned change;
- Authorize the City to inspect the premises of the parking facilities during hours of operation of the use that is being served by the remote parking to assure continued compliance;
- Provide renewed documentation upon a new lease arrangement or renewal of an existing lease; and
- Acknowledge that an uncured failure to comply with the related Code requirements and agreements will subject the applicant to the original and full parking requirements of the Zoning Code.

The allowed time to report unplanned changes to the remote parking arrangement to the City has been expanded from two (2) to five (5) days. The provision that remote parking is a "revocable privilege and not a right" was deleted due to objection during public comment. The staff inspection hours of the remote parking was clarified to be during normal operation hours of the use be served by the remote parking. The requirement to waive the right to appeal final City action was removed.

All of the reporting and plan submittal deadlines detailed above may be extended by the Director for good cause. Applicants can appeal any administrative decisions related to remote parking to the Board of

Adjustment and ultimately to the City Commission, pursuant to the procedures of the Zoning Code.

The remedial plan provisions and the timing of their implementation may be approved at the sole discretion of the Director, and may include any or all of the following options:

- Provide a payment in lieu of required parking (which, pursuant to City Code Section 74-201(d), can only be used when the applicant's property is located in the CBD or within 100 feet of the Ponce de Leon right-of-way);
- Modify the use of the applicant's property so that the remote parking spaces are no longer required (such as change of use, reduction in square footage);
- Secure alternate remote parking spaces meeting all the code requirements, including execution of any new agreements; or
- Provide additional onsite parking spaces.

The proposed ordinance also provides for annual renewal of the remote parking as a condition of the renewal of the Certificate of Use for the applicant's property.

This provision evolved from required ownership of the remote spaces with a Unity of Title (first version) to a minimum 5-year lease if ownership was waived by the Commission (second version) to permitted use of an annual lease with a Covenant (current version).

The proposed ordinance provides procedures in the event of noncompliance, which include notice of noncompliance, an opportunity to cure through development and implementation of a remedial plan approved by the Development Services Director, and for the remote parking approval to be deemed void in the event the applicant is determined by the Director to have failed to:

- notify the City of changes to the remote parking, application, or agreement;
- submit a remedial plan by any deadline set or extended by the Director;
- implement the remedial plan according to the implementation schedule approved or extended by the Director; or
- comply in any other material regard with all of the related requirements of the Zoning Code, including failure to comply with the recorded covenants required as part of the approval.

An applicant may not reapply for the use of remote parking for a period of six (6) months after the remote parking approval is deemed void.

In response to public comment, noncompliance applies only to "material" matters, and the Director's review and approval must be at his or her "reasonable" discretion.

Finally, if the Development Services Director reviews and rejects an application for remote parking on any of the following criteria:

- the 1,000 foot maximum distance between the remote parking spaces and the applicant's project; or
- the requirement that the remote parking be located in the City,

The proposed ordinance allows Commission waiver to expand remote parking farther than 1,000 feet from the use, or outside the City, on a case by case basis, based on public comment and P&Z feedback.

then the applicant may ask the City Commission to waive one (1) or more of these requirements. The standard for approval of such a waiver is that the waiver will not harm the public interest or create parking problems in the area surrounding the project site.

The proposed ordinance also revises Section 5-1409. "Amount of Required Parking," Subsection E. "Calculation of compliance with parking requirement," to match the amendment to Section 5-1408.

Application of Remote Parking City-wide:

Part of the P&Z's initial direction to staff was to allow the ability to request the remote parking, currently drafted to be within the CBD or within 1,000 feet of the CBD, to apply to any property city-wide. Staff provided the following analysis for P&Z's consideration, and this direction was ultimately not included in the P&Z's recommended motion of approval.

- The properties eligible to request remote parking have already been expanded to include 1,000 feet outside CBD, which is about double the size of the CBD. Thus, properties between Mendoza and Malaga Avenues, including an additional four (4) city blocks both north and south of the CBD, are eligible to request remote parking. The proposed ordinance allows the remote parking serving these properties to be located 1,000 feet from the property, which means that the area within which remote parking can be located stretches up to another four (4) city blocks north and south, between Sidonia and Romano Avenues. Staff believes that the proposed ordinance adequately addresses the remote parking needs of the downtown, and the P&Z agreed.
- The other major commercial corridor within the City is along Dixie Highway and Ponce de Leon Blvd. This area is immediately adjacent to and within 1,000 feet of residential areas that already have significant challenges due to high intensity commercial activity and extremely high traffic volume on those major arterials. There is no public parking facilities in the near vicinity other than on-street parking, which serves the residential neighborhoods. The introduction of remote parking outside of the boundaries of the commercially zoned areas will have a negative impact on the peaceful enjoyment of the residential neighborhood to the rear and could possibly cause a destabilizing effect on the already stressed neighborhoods.

Since the City does not have any documentation on remote parking approvals since its original inception in 1968, staff believes that the proposed ordinance provides sufficient flexibility for such consideration. If in the future there is an overwhelming need for property owners seeking remote parking beyond the limits of the proposed ordinance, and such requests will not negatively impact the residential neighborhoods, staff will bring forth future changes to the ordinance for consideration.

Payment-in-Lieu of Required Parking:

The present cost for a payment-in-lieu of a parking space is \$42,000, which was approved by the City Commission on 10.01.13 (Res. # 2013-256). The amount was based on a study by Fishkind & Associates and factored in the cost of land and garage construction. The purpose of such funds is to "acquire property or pay for capital improvement, development and construction costs for any public parking facility." (Sec. 74-203 of the City Code) There has not been a payment to date as this fee has been recently established.

Location of Remote Parking:

The requirement to provide adequate on-site parking is an important feature of any development project. The convenient location of the parking facility and easy access to the motorist's final destination all play a key role in the success of the project's parking strategy. The Zoning Code currently requires parking to

be provided on-site, with an avenue to provide parking off-site within 500 feet of the project site. The proposed ordinance limits the location of the remote parking to be within the City limits, with an option for Commission waiver. There are planning concerns with allowing remote parking outside the city as follows.

- Staff has no ability to verify whether the parking facility housing the remote parking meets the parking needs of the approved use, as staff has no authority to enforce the Zoning Code of another jurisdiction and no specifics on the various uses and their corresponding parking ratios. If the Commission were to consider granting a waiver, the City should consider seeking an interlocal agreement with the City of Miami to aid in the enforcement of this section.
- As uses change for the structure serving as the remote parking facility, staff will have no information as to how such change further impacts any approved remote parking leases. Typically, when the remote parking is located in the City, such a change of use requires Certificate of Use review, which may or may not involve any interior change-out construction. Another jurisdiction may not require further parking analysis for the new use, which could place additional demand on the parking facility, negatively affecting the availability of the remote parking spaces for the use in Coral Gables, and thereby potentially resulting in reliance on on-street parking, illegal parking, and use of the City's parking garage system to meet the Zoning Code's required parking standard.
- With the lack of a comprehensive overview of all leases related to the remote parking facility, staff will have no knowledge if parking spaces are over-committed to serve different projects and uses outside the City. Staff will only be able to rely on the affidavit from the owner of that facility under the Ordinance as drafted.
- It is more difficult for staff to conduct site visits to verify whether there are changes made to the remote parking facility that would affect the approval.
- The effectiveness of the remote parking being used for its intended use may be reduced due to its location and distance separation. The relevant City limit is Douglas Road, so proposals to use remote parking spaces in Miami will require pedestrians to cross an extremely busy and wide street in order to reach those spaces, not a particularly desirable solution to meet required parking needs. Particularly in inclement weather or during the hot summer months, it is likely that patrons will choose to park closer, thereby taxing the city's public parking facilities for required parking purposes.

In summary, staff has concerns about the effectiveness of any remote parking permit if the distance and location are waived to the degree that the remote parking cannot practically be used as originally intended. As a result, staff proposes to allow a City Commission waiver to consider remote parking outside the City limits. This gives staff an opportunity to evaluate such requests on a case-by-case basis, and to recommend conditions of approval to ensure the spirit and intent of the proposed ordinance is followed.

Remote Parking Fee:

The attached resolution for a remote parking application fee of \$1,000 is provided for reference, and not for consideration at this time. This resolution shall be included with the above ordinance on Second Reading, if the ordinance is approved on First Reading.

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments
N/A		

OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
05.14.14	Planning and Zoning Board	Recommended approval (vote: 4-2).

PUBLIC NOTIFICATION(S):

Date	Form of Notification
05.02.14	Legal advertisement.
05.09.14	Posted agenda at City Hall.
05.09.14	Posted agenda, staff report, legal notice and all attachments on City web page.

APPROVED BY:

Department Director	City Attorney (If Applicable)	City Manager

EXHIBIT(S):

- A. Draft Ordinance (with provisions in ~~strike thru~~/underline format).
- B. Draft Resolution.
- C. 05.14.14 Staff report.
- D. Excerpt of 05.14.14 Planning and Zoning Board meeting minutes.
- E. Commission meeting PowerPoint presentation.