



**City of Coral Gables
CITY COMMISSION MEETING
August 26, 2014**

AGENDA ITEM NO. _____

ITEM TITLE:

Ordinance on Second 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 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.

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:

On July 22, 2014, the City Commission heard staff's presentation and public comment on the First Reading of the proposed Ordinance, and after extensive discussion, directed staff to make changes to the Ordinance as follows (vote: 5-0):

1. If the applicant owns the structure, the applicant has to own the remote parking spaces. If the applicant leases the structure, the applicant has to lease the remote parking spaces with a minimum one-year lease. [First Reading Ordinance allowed leases in all cases.]
2. Require a Commission waiver if the applicant seeking the remote parking is located outside the Central Business District (CBD). [First Reading Ordinance allowed the applicant seeking the remote parking 1,000 feet outside the CBD without waiver.]
3. Require a Commission waiver if the remote parking is located outside the CBD. [First Reading Ordinance allowed remote parking up to 2,000 feet outside the CBD without waiver.]
4. The required remote parking must be located in the City, no waiver permitted. [First Reading Ordinance allowed Commission waiver outside the city.]

The proposed amendments are provided in the draft Ordinance with changes following first reading in ~~double strike-through~~, double-underline format as Exhibit A, and a draft Resolution approving the

associated application fee as Exhibit B. The 05.14.14 Planning and Zoning (P&Z) Staff report is attached as Exhibit C; excerpts from the 05.14.14 P&Z meeting minutes as Exhibit D; and the 07.22.14 Commission First Reading Staff Report and associated First Reading Draft Ordinance as Exhibit E. This staff report has been updated to reflect the draft Second Reading Ordinance.

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. Research indicates that remote parking has been applied outside the CBD (3301 Ponce de Leon) and outside the City limits (4119 Ponce de Leon).

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. Staff has 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 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 (waivable by the Commission);
- be located in the CBD (if waived by the Commission, must be located in the City);
- not be located within a single family zoning district;
- be owned if the applicant owns the structure containing the use requiring remote parking; and
- be leased if the applicant leases the structure containing the use requiring 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 project site and the property housing the remote parking spaces. The lease for the remote parking spaces shall be a minimum one-year lease and 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.

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.

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.

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;
- the requirement that the remote parking be located in the CBD; or
- the requirement the project site requesting remote parking be located in the CBD;

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.

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.

Remote Parking Fee:

Staff proposes the attached resolution for a remote parking application fee of \$1,000.

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments
07.22.14	Ordinance	Approved the Ordinance on First Reading with changes (Vote: 5-0).

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.
08.15.14	Advertisement of Ordinance and Resolution headings.

APPROVED BY:

Department Director	City Attorney (If Applicable)	City Manager

EXHIBIT(S):

- A. Draft Ordinance (with changes following First Reading in ~~double-strike-through~~, double-underline format).
- B. Draft Resolution.
- C. 05.14.14 Planning and Zoning Staff report.
- D. Excerpt of 05.14.14 Planning and Zoning Board meeting minutes.
- E. 07.22.14 Commission First Reading Memorandum and First Reading Ordinance
- F. Staff PowerPoint presentation.