

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

DATE: January 6, 2026

TO: Chairperson and Members
Planning Board

FROM: Thomas R. Mooney, AICP
Planning Director

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SUBJECT: PB25-0804, **Administrative Review of Temporary Surface Parking Lots.**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE V, ENTITLED "REZONINGS AND DEVELOPMENT APPROVALS," SECTION 2.5.3 ENTITLED "DESIGN REVIEW," SUBSECTION 2.5.3.3, ENTITLED "ADMINISTRATIVE DESIGN REVIEW," TO EXTEND THE PLANNING DIRECTOR'S AUTHORITY TO REVIEW ELIGIBLE TEMPORARY SURFACE PARKING LOTS; BY AMENDING ARTICLE XIII, ENTITLED "HISTORIC PRESERVATION," SECTION 2.13.7, ENTITLED "ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION," TO EXPAND ADMINISTRATIVE REVIEW AUTHORITY FOR TEMPORARY SURFACE PARKING LOTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

BACKGROUND

On July 23, 2025, at the request of Commissioner Alex Fernandez, the City Commission referred a discussion item pertaining to the administrative review of temporary surface parking lots (C4 K) to the Land Use and Sustainability Committee (LUSC). On September 11, 2025, the LUSC discussed the proposal and recommended that the City Commission refer an ordinance to the Planning Board, in accordance with the draft text in the LUSC memo, and the following amendments:

1. Areas outside of historic districts shall be included under staff level design review approval.
2. The proposed ordinance shall not apply to properties in historic districts where a contributing building was demolished after January 1, 2025.
3. The timeframe for the temporary parking lots shall be consistent with the timeframes set forth in Chapter 5 of the Resiliency Code (5 years with up to a 5 year extension).

On December 17, 2025, at the request of Commissioner Alex Fernandez, the City Commission referred the proposed ordinance to the Planning Board (C4B).

REVIEW CRITERIA

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.
Consistent
The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.
2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.
Consistent
The proposed amendment does not modify district boundaries.
3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.
Consistent
The proposed Ordinance does not affect the overall scale of development.
4. Whether the proposed change would tax the existing load on public facilities and infrastructure.
Consistent
The proposed amendment does not increase loads on public facilities or infrastructures.
5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
Not Applicable
The proposed change does not modify existing district boundaries.
6. Whether changed or changing conditions make the passage of the proposed change necessary.
Consistent
The proposed change is necessary in order to allow for a more streamlined review process for temporary surface lots and provide additional opportunities for off-street parking facilities in the City.
7. Whether the proposed change will adversely influence living conditions in the neighborhood.
Consistent
The proposed ordinance amendment will not adversely affect living conditions in the neighborhood. The proposed ordinance would allow for the administrative review of temporary surface parking lot design. Temporary parking lots proposed to be located within any residential zoning district will continue to require review of a CUP by the Planning Board.
8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.
Consistent
The proposed change will not increase traffic congestion.
9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Consistent

The proposed change will not reduce light and air to adjacent areas.

10. Whether the proposed change will adversely affect property values in the adjacent area.

Consistent

The proposed ordinance amendment will not adversely affect living conditions in the neighborhood. The proposed ordinance would allow for the administrative review of temporary surface parking lot design. Temporary parking lots proposed to be located within any residential zoning district will continue to require review of a CUP by the Planning Board.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Consistent

The proposed change will not be a deterrent to the improvement or development of adjacent properties.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Not Applicable

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not Applicable

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

1. Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.

Consistent

The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

2. Whether the proposal will increase the resiliency of the City with respect to sea level rise.

Consistent

The proposal does not affect the resiliency of the City.

3. Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

Consistent

The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

ANALYSIS

The attached draft ordinance amends Chapter 2 of the Land Development Regulations of the City Code (LDRs), in accordance with the recommendations of the LUSC, by establishing procedures for the administrative review of temporary surface parking lots. Currently, temporary parking lots require the review of the design review board or historic preservation board, depending on the location of the property. The following is a summary of the proposed amendments that are specific to administrative review of temporary surface parking lots:

- The proposed temporary parking lot must be consistent with all applicable requirements

set forth in Chapters 4 and 5 of the LDRs.

- The proposed temporary parking lot shall only be permitted for up to five years from the date a certificate of completion, temporary certificate of completion, certificate of occupancy or temporary certificate of occupancy, whichever occurs first, is issued.
- The historic preservation board or design review board, as applicable, may, at its sole discretion, allow up to an additional five years for the temporary parking lot to operate.
- The property owner shall be required to execute a restrictive covenant, in a form approved by the City Attorney, agreeing to all the temporary lot requirements set forth in the ordinance. The covenant would also require that the applicant agree not to invoke or utilize any preemptions from the State, both now and at any time in the future, that would allow for the use of the temporary parking lot beyond the allowable operation period set forth in the ordinance (maximum period of ten years if extensions are granted).
- Within local historic districts, temporary parking lots would only be permitted on a property that has been vacant prior to January 1, 2025 and temporary parking lots would not be permitted on a property where a contributing building was demolished after January 1, 2025.

From an urban design and appropriateness standpoint, surface parking lots are not the best use of a property, particularly over the long term. In this regard, surface parking lots, even those intended to be temporary in duration, often end up operating for extended periods of time, as they are an inexpensive way to monetize a property. Also, surface parking lots tend to multiply, which exacerbates the urban design shortcomings associated with the use. Over the long term, the storage of vehicles is better suited within enclosed structures, above the ground floor.

Notwithstanding these issues, surface parking lots are currently permissible in commercial zoning districts in the City, and the proposal herein would apply the same 5-year (with up to a 5-year extension) timeframe for temporary lots that currently exists for surface lots that require land use board review. Also, the landscape and surface finish requirements for temporary parking lots would still be applicable. Given these regulations and design standards, staff does not object to the proposal moving forward.

STAFF RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance to the City Commission with a favorable recommendation.

Administrative Review of Temporary Surface Parking Lots

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 2, ENTITLED “ADMINISTRATION AND REVIEW PROCEDURES,” ARTICLE V, ENTITLED “REZONINGS AND DEVELOPMENT APPROVALS,” SECTION 2.5.3 ENTITLED “DESIGN REVIEW,” SUBSECTION 2.5.3.3, ENTITLED “ADMINISTRATIVE DESIGN REVIEW,” TO EXTEND THE PLANNING DIRECTOR’S AUTHORITY TO REVIEW ELIGIBLE TEMPORARY SURFACE PARKING LOTS; BY AMENDING ARTICLE XIII, ENTITLED “HISTORIC PRESERVATION,” SECTION 2.13.7, ENTITLED “ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION,” TO EXPAND ADMINISTRATIVE REVIEW AUTHORITY FOR TEMPORARY SURFACE PARKING LOTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, temporary surface parking lots are subject to the applicable requirements set forth in the Land Development Regulations of the City Code (LDRs) and are a permitted use in commercial zoning districts within the City; and

WHEREAS, in response to recommendations from the Land Use and Sustainability Committee (LUSC), procedures have been developed for the administrative review of temporary surface parking lots; and

WHEREAS, the City Commission finds that the proposed ordinance will allow for a more streamlined review process for temporary surface lots and provide additional opportunities for off-street parking facilities in the City; and

WHEREAS, the amendments set forth below are necessary to achieve these objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 2, entitled “Administration and Review Procedures”, Article V, entitled “Rezoning and Development Approvals”, Section 2.5.3, entitled “Design Review”, is hereby amended as follows:

CHAPTER 2. ADMINISTRATION AND REVIEW PROCEDURES

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ARTICLE V. Rezoning and Development Approvals

* * *

2.5.3 Design Review

* * *

2.5.3.3 Administrative design review

* * *

- a. The planning director shall have the authority to approve, approve with conditions, or deny an application on behalf of the board, for the following:

* * *

13. Temporary surface parking lots, as more specifically defined in Chapter 5, provided such lots meet all of the following criteria:

- A. The proposed temporary parking lot shall meet all applicable requirements set forth in Chapters 4 and 5.
- B. The proposed temporary parking lot shall only be permitted for up to five years from the date a certificate of completion, temporary certificate of completion, certificate of occupancy or temporary certificate of occupancy, whichever occurs first, is issued. The design review board may, at its sole discretion, allow up to an additional five years for the temporary parking lot to operate. In no instance shall the temporary parking lot operate for more than ten years from the date a certificate of completion, temporary certificate of completion, certificate of occupancy or temporary certificate of occupancy, whichever occurs first, is issued.
- C. The property owner shall enter into a restrictive covenant, in a form approved by the City Attorney, agreeing to all of the conditions set forth herein and further agreeing not to invoke or utilize any preemptions from the State, both now and at any time in the future, that would allow for the use of the temporary parking lot beyond a period of ten years from the date a certificate of completion, temporary certificate of completion, certificate of occupancy or temporary certificate of occupancy, whichever occurs first, is issued.

SECTION 2. Chapter 2, entitled “Administration and Review Procedures”, Article XIII, entitled “Historic Preservation”, Section 2.13.7, entitled “Issuance of Certificate of Appropriateness/Certificate to Dig/Certificate of Appropriateness for Demolition”, is hereby amended as follows:

CHAPTER 2. ADMINISTRATION AND REVIEW PROCEDURES

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ARTICLE XIII. Historic Preservation

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2.13.7 Issuance of Certificate of Appropriateness/Certificate to Dig/Certificate of Appropriateness for Demolition

* * *

c. Review procedure

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4. Notwithstanding subsections 2.13.7(c)(1) through (3) above, all applications for certificates of appropriateness involving minor repairs, demolition, alterations and improvements (as defined below and by additional design guidelines to be adopted by the board in consultation with the planning director) shall be reviewed by the staff of the board. The staff shall approve, approve with conditions, or deny a certificate of appropriateness or a certificate to dig after the date of receipt of a completed application. For purposes of this paragraph, the application requirement of certificate of appropriateness review shall be satisfied by the submission of a corresponding building permit application, or such other permit application form required by the planning department. Such minor repairs, alterations and improvements include the following:

* * *

M. Temporary surface parking lots, as more specifically defined in Chapter 5, provided such lots meet all of the following criteria:

- I. The proposed temporary parking lot shall meet all applicable requirements set forth in Chapters 4 and 5.
- II. The proposed temporary parking lot shall only be permitted on a lot that has been vacant prior to January 1, 2025 and shall not be permitted on any lot where a contributing building was demolished after January 1, 2025.
- III. The proposed temporary parking lot shall only be permitted for up to five years from the date a certificate of completion, temporary certificate of completion, certificate of occupancy or temporary certificate of occupancy, whichever occurs first, is issued. The historic preservation board may, at its sole discretion, allow up to an additional five years for the temporary parking lot to operate. In no instance shall the temporary parking lot operate for more than ten years from the date a certificate of completion, temporary certificate of completion, certificate of occupancy or temporary certificate of occupancy, whichever occurs first, is issued.
- IV. The property owner shall enter into a restrictive covenant, in a form approved by the City Attorney, agreeing to all of the conditions set forth herein and further agreeing not to invoke or utilize any preemptions from the State, both now and at any time in the future, that would allow for the use of the temporary parking lot beyond a period of ten years from the date a certificate of completion, temporary certificate of completion, certificate of occupancy or temporary certificate of occupancy, whichever occurs first, is issued.

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 4. CODIFICATION.

It is the intention of the City Commission, 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 as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

