

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: June 21, 2022

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB22-0524. Terminal Island Parking Garage Heights Ordinance.**

RECOMMENDATION

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

HISTORY

On May 4, 2022 at the request of Commissioner David Richardson, the City Commission referred the proposed ordinance to the Land Use and Sustainability Committee (LUSC) and Planning Board for review and recommendation (item C4 T).

On June 6, 2022, the LUSC recommended that the Planning Board transmit the ordinance to the City Commission with a favorable recommendation.

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, 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 ordinance 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 create an isolated district unrelated to adjacent or nearby districts.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent - The proposed ordinance amendment does modify the scale of main use

parking garages; however, since the amendment is limited to the I-1 district located on Terminal Island, the amendment is not out of scale with the needs of the neighborhood or the city.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

Consistent – The proposed ordinance will not affect the load on public facilities and infrastructure as the maximum floor area ratio (FAR) is not modified.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Not applicable – The proposed amendment does not modify district boundaries.

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Consistent – The need to reduce demands on the Fisher Island Ferry makes passage of the proposed change necessary.

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.

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 create or increase traffic congestion from what is currently permitted, as the FAR is not being modified by this ordinance and the additional parking is not expected to result in additional trips.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Consistent – The proposed change would not affect light and air to adjacent areas.

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

Consistent – The proposed change will not adversely affect property values in the adjacent areas.

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 properties in the City.

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.**

Consistent – The only location where the Fisher Island Ferry operates is on Terminal Island, and the parking garage is intended to serve workers on Fisher Island.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(b) of the Land Development Regulations 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.**

Partially 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.**

Partially Consistent – The proposal should not affect the resiliency of the City with respect to sea level rise.

- (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

Currently, under the provisions of Chapter 130, main use parking structures in the CD-3 district, which are located outside of a local historic district, have a maximum building height of 75 feet. The subject Ordinance would allow for a main use parking structure located within the I-1 zoning district, only on Terminal Island, to also have a maximum height of 75 feet.

The subject proposal has been made on behalf of Fisher Island, to add to an existing parking structure on the east side of Terminal Island. According to the attached traffic analysis, the proposed increase in parking spaces that will result from the increase in allowable height, will not result in an increase in vehicle trips and congestion within Terminal Island. In this regard, the additional parking will be for employees who currently take their vehicles onto the ferry and park on Fisher Island. With an increase in parking spaces on Terminal Island, these same vehicles would park in the garage, as opposed to getting on the ferry.

Staff is supportive of the proposal, as it should not negatively impact congestion on Terminal Island. Additionally, the design and massing associated with the proposed increase in building height for the garage will be subject to the review and approval of the Design Review Board (DRB).

RECOMMENDATION

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

Parking Garage Heights on Terminal Island

ORDINANCE NO. ____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE III, "DESIGN STANDARDS," SECTION 130-68, "COMMERCIAL AND NONCOMMERCIAL PARKING GARAGES," BY AMENDING THE MAXIMUM HEIGHT OF MAIN USE PARKING GARAGES LOCATED WITHIN THE I-1 ZONING DISTRICT AT TERMINAL ISLAND; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, on January 13, 2021, the City adopted Ordinance No. 2021-4391 increasing height for commercial and office buildings in the I-1 zoning district on Terminal Island to 75 feet; and

WHEREAS, Section 130-68(4) of the Code currently restricts main use parking garages to 50 feet citywide, except in the CD-3 district; and

WHEREAS, the addition of off street parking facilities within Terminal Island is necessary and desired in order to reduce the number of vehicles that must be ferried to Fisher Island, and also to facilitate better traffic flow on Terminal Island; and

WHEREAS, the City desires to increase the allowable heights for main-use parking garages within the I-1 zoning district at Terminal Island to 75 feet, consistent with Ordinance No. 2021-4391; 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. Chapter 130, entitled "Off-Street Parking," Article III, entitled "Design Standards," is hereby amended as follows:

Sec. 130-68. Commercial and noncommercial parking garages.

Commercial and noncommercial parking garages (hereinafter, "parking garages") as a main use ("main use parking garage"), shall be located on a separate lot (not considered as part of a unified development site), shall comply with section 142-1107, entitled "Parking lots or garages on certain lots," and shall be subject to the following regulations contained in this article:

- (1) A parking garage located in the CD-1, CD-2, CD-3, C-PS1, C-PS2, C-PS3, C-PS4, MXE and I-1 districts, and in GU districts adjacent to commercial districts, shall comply with the following additional regulations:
 - a. Residential (when permitted) or commercial uses shall be incorporated at the first level along every facade facing a street, sidewalk, waterway or the ocean. For properties not having access to an alley, the required residential or commercial space shall accommodate entrance and exit drives.

- b. Residential (when permitted) or commercial uses shall be incorporated above the first level along every facade facing a waterway or the ocean.
- c. All façades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.

However, except as may be provided for in subsection (10), the above described residential (when permitted) or commercial square footage shall not exceed 25 percent of the total square footage of the structure. Additionally, in no instance shall the amount of square footage of the structure used for parking, exclusive of the required parking for the above described residential or commercial square footage, be less than 50 percent of the total square footage of the structure, so as to ensure that the structure's main use is as a parking garage.

- (2) A parking garage located in the RM-1, RM-2, RM-3, R-PS1, R-PS2, R-PS3 and R-PS4 districts, and the GU districts adjacent to residential districts, shall comply with the following additional regulations:

- a. Parking garages shall incorporate the following:
 - 1. Residential or commercial uses, as applicable, shall be provided at the first level along every facade facing a street, sidewalk, waterway or the ocean. For properties not having access to an alley, the required residential or commercial space shall accommodate entrance and exit drives.
 - 2. Residential uses shall be provided above the first level along every facade facing a waterway or the ocean. For main use garages located within the Collins Waterfront Local Historic District, with frontage on both Indian Creek Drive and Collins Avenue, either residential or office uses shall be permitted facing Indian Creek Drive. Additionally, the historic preservation board may approve a lesser amount of residential or office uses along every facade above the first floor facing Indian Creek Drive, provided the board determines that the design of the facade satisfies the certificate of appropriateness criteria in chapter 118, article X of the city Code.
 - 3. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; however, the total amount of residential space shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.
- b. In addition, the following additional requirements shall apply:
 - 1. A parking garage located in the (i) RM-3 district, (ii) R-PS4 districts, (iii) on Collins Avenue between 25th and 44th Streets, or (iv) on West Avenue, south of 11th Street, in an RM-2 district where the subject site is located adjacent to an RM-3 district, may also have first floor frontage with commercial uses facing the RM-3 area.
 - 2. A parking garage located in an RM-1 district, where the subject site is abutting a property line or separated by an alley from a CD-3 district, may provide parking spaces for adjacent commercial uses.
 - 3. A parking garage located in an RM-2 district, where the subject site is fronting on or separated by a street, but not fronting on nor separated by an alley, nor fronting on a property boundary of a property located in a CD-2 or CD-3 district, may also have first floor frontage with commercial uses facing CD-2 or CD-3 area, and also may provide parking spaces for adjacent commercial uses.

4. Any parking structure permitted under subsections (2)b.2. and 3. that may provide parking spaces for adjacent commercial uses shall be restricted to self-parking only. No valet parking shall be allowed.
5. At least one-third of the parking spaces in any parking structures permitted under subsections (2)b.2. and 3., shall be dedicated for residential uses at all times. The planning board may, based upon the projected neighborhood demand, increase or decrease the percentage of residential parking through the conditional use approval process.
6. The following uses shall be prohibited uses within the parking garages regulated by this subsection (2): Dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments or open-air entertainment establishments.

Except as provided for in subsection (10), below, the above described combined residential and/or commercial space shall not exceed 25 percent of the total square footage of the structure, with the commercial space not exceeding ten percent of the total square footage of the structure; nor shall any accessory commercial space exceed 40 feet in depth. Additionally, in no instance shall the amount of square footage of the structure used for parking, exclusive of the required parking for the above described residential or commercial space, be less than 50 percent of the total square footage of the structure, so as to ensure that the structure's main use is as a parking garage.

- (3) Except as provided in subsection (2), above, a parking garage located in a residential district shall serve only residential uses. If commercial uses are allowed on the first floor of the parking garage then the garage shall be required to provide the required parking for that commercial use.
- (4) Parking garages within the CD-3 district and within the I-1 district at Terminal Island may be 75 feet in height. In all other districts, the height of parking garages shall be 50 feet, unless the underlying district zoning regulations dictate a lesser height for all structures.
- (5) Setbacks shall be the same as the pedestal setbacks for the underlying zoning district. For parking garages located on non-oceanfront lots within the Collins Waterfront Historic District, with frontage on both Indian Creek Drive and Collins Avenue, the required pedestal setbacks may extend up to a maximum height of eight stories and 75 feet.
- (6) The volume of such commercial and noncommercial parking garages shall be limited by the required setbacks and heights described within this section and shall not be subject to the floor area ratios prescribed for in the underlying zoning district.
- (7) Parking garages that are built solely with public funds may be exempt from the requirements of subsections (1) and (2), above, if meeting the requirement would affect the tax exempt status of the project. The foregoing sentence shall not be construed to limit the city commission's ability to waive development regulations for GU properties pursuant to section 142-425.
- (8) For main use parking garages within the GU and CCC districts. Robotic parking systems may be used, notwithstanding the provisions of article III, "design standards," referencing minimum parking space dimensions, drive width, interior aisle width, and required markings. Robotic parking system means a mechanical garage using elevator systems to hoist individual vehicles from receiving areas to separate auto storage areas.
- (9) Parking garages located in the TC-3 and GU districts of the North Beach Town Center Overlay area shall comply with the following additional regulations:
 - a. A garage may have first floor space occupied for commercial uses, subject to conditional use approval.

- b. Residential or commercial uses shall be incorporated at the first level along every facade facing a street, sidewalk or waterway. The required residential or commercial space may accommodate entrance and exit drives for vehicles, inclusive of ramping running parallel to the street.
 - c. When a garage on a GU site is abutting or separated by an alley from a TC-1 district, the garage may also serve commercial uses.
 - d. In no instance shall the above-described combined residential and/or commercial space exceed 35 percent of the total square footage of the structure.
 - e. Additionally, in no instance shall the amount of square footage of the structure used for parking, exclusive of the required parking for the above-described residential or commercial space, be less than 50 percent of the total square footage of the structure.
 - f. Maximum height: 50 feet.
 - g. Setbacks shall be the same as the setbacks for the TC-3 zoning district, except that parking garages on lots with a front yard facing a street right-of-way greater than 50 feet in width, shall have a minimum front yard setback of ten feet.
 - h. Signage for commercial uses allowable under this provision shall be governed by the TC-3 district regulations.
- (10) For main use garages that incorporate one or more of the alternative parking incentives provided for in section 130-40, entitled "Alternative parking incentives," which results in an overall reduction in the number of traditional parking spaces for the accessory uses, and a reduction in the overall gross square footage of the project, then the percentage of the project that may be used for allowable residential (when permitted) or commercial uses shall be as follows:

Percentage reduction in traditional parking for accessory uses utilizing alternative parking incentives	Percent of square footage that can be used for non-parking uses on site
15 percent	30 percent for commercial and/or residential uses (when permitted);
20 percent	35 percent for commercial and/or residential uses (when permitted)

Variances from the provisions of this subsection (10) shall not be permitted.

- (11) For main use parking garages that provide workforce housing units, the percentage of square footage that can be used for non-parking uses on site shall be 35 percent of the total square footage.

SECTION 2. 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.

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. 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 _____, 2022.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

First Reading: June 22, 2022

Second Reading: July 20, 2022

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

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May 6, 2022

Mr. Michael Posey
Director of Development
Fisher Island Community Association, Inc.
One Fisher Island Drive
Fisher Island, Florida 33109

***Re: Fisher Island Ferry - Terminal East
Parking Garage Expansion - Miami Beach, Florida
Trip Generation Statement***

The purpose of this letter is to summarize the trip generation/traffic operations impacts associated with the proposed increase in capacity/height of the Terminal East parking garage located at 112 MacArthur Causeway. The following sections summarize the existing conditions, proposed conditions, and conclusion.

EXISTING CONDITIONS

Fisher Island Community Association (FICA) currently operates two (2) ferry terminals on Terminal Isle. Terminal West, located on the west side of Terminal Isle, is utilized primarily for residents and guests of Fisher Island. Terminal East, located on the east side of Terminal Isle, serves FICA employees, contractors, and all commercial vehicles. A portion of FICA employees and contractors park vehicles in the existing 461-space parking garage located at Terminal East and walk on/off the ferry vessels to arrive to/depart from Fisher Island. These vehicles enter/exit the garage from the west side of the facility while vehicles destined for Fisher Island either (1) travel directly onto a waiting vessel or (2) travel clockwise around the garage into designated queueing lanes on the ground level of the parking structure. Refer to Attachment A for the current operational schematic plan.

PROPOSED CONDITIONS

In order to reduce the operational demand on the Terminal East ferry vessels, it is proposed to increase the parking capacity of the existing garage by adding levels to the facility. In addition, it is proposed to relocate a portion of the existing FICA support operations currently located on Fisher Island to Terminal East by constructing new office space as part of the parking garage expansion. These proposed changes are not expected to impact the total number of vehicles entering/exiting the east side of Terminal Isle (Terminal East) as the proposed expansion will result in more vehicles parking within the garage rather than traveling to/from Fisher Island on vessels using the adjacent ferry terminal.

CONCLUSION

FICA is proposing to expand the existing Terminal East parking garage to (1) provide additional parking capacity and (2) relocate some support operations from Fisher Island to Terminal East. The proposed expansion is not expected to impact the number of trips traveling to/from the east side of Terminal Isle as the proposed expansion/relocation will only shift traffic volumes from traveling onto the

ferry to parking in the expanded garage. Therefore, no new traffic impacts are expected as a result of the proposed modifications.

It should be noted that vehicles departing the ferry at Terminal East from Fisher Island travel to the signalized intersection at SR A1A/MacArthur Causeway in grouped platoons immediately after the ferry docks. Conversely, employees and contractors who depart the ferry on foot walk to the garage, travel to the level their individual vehicle is parked, and leave Terminal Isle, resulting in a more dispersed traffic volume pattern leaving Terminal East. Therefore, the proposed increase in parking supply is likely to positively impact traffic conditions on Terminal Isle.

Please contact me if you have any questions

KIMLEY-HORN AND ASSOCIATES, INC.



John J. McWilliams, P.E.

Attachment



This document has been digitally signed and sealed by John Joseph McWilliams, P.E. on the date adjacent to the seal.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

John J. McWilliams, P.E.
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Registry # 00000696

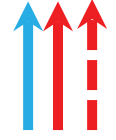
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Attachment A

Existing Terminal East Operational Plan



LEGEND



Parking Garage Ingress
Ferry Ingress
Ferry Stacking Route/Ingress

Kimley»Horn