

Parking Garage Height 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 ON TERMINAL ISLAND; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on January 13, 2021, the City adopted Ordinance No. 2021-4391, increasing the maximum 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 throughout the City to a maximum height of 50 feet, except in the CD-3 district; and

WHEREAS, the construction of off-street parking facilities within Terminal Island is necessary to reduce the number of vehicles that must be ferried to Fisher Island, and also to improve traffic flow on Terminal Island; and

WHEREAS, the City Commission now desires to increase the allowable height for main-use parking garages within the I-1 zoning district on Terminal Island to 75 feet, consistent with the maximum height established under Ordinance No. 2021-4391 for commercial and office development; 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:

**CHAPTER 130
OFF-STREET PARKING**

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ARTICLE III. – DESIGN STANDARDS

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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 on 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)

Variations 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

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

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



City Attorney

6-2-22

Date

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