

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: March 26, 2024

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB23-0634 Height Limits for Main Use Parking Garages – Terminal Island.**

#### **RECOMMENDATION**

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

#### **HISTORY**

On September 29, 2023, the applicant, Fisher Island Community Association, Inc. submitted a private application to the Planning Department for an amendment to the Land Development Regulations.

The item was scheduled to be considered by the Planning Board on December 19, 2023, but the meeting was cancelled due to a lack of quorum. On January 30, 2024, the Planning Board continued the item to the February 27, 2024 hearing at the request of the applicant. On February 27, 2024, the Planning Board continued the item to the March 26, 2024 meeting.

#### **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 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) or density 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** – Increases in vehicle queuing and 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.**

**Partially Consistent** – The proposed change may reduce light and air on adjacent areas; however, given that this affects an I-1 district, it should not impact the quality of life of any residents.

**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 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 certain 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.**

**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.**

**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.**

**Consistent** – The proposal will not impact 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.

#### **BACKGROUND**

The existing parking garage on the west side of Terminal Island previously obtained the following development approvals:

- On April 30, 2013, the Planning Board issued a Conditional Use Permit for the new construction of a parking garage at the subject property, which is over 50,000 square feet (PB File No. 2100).

- On June 4, 2013, the Design Review Board approved the construction of the parking garage in connection with a commercial ferry service terminal to and from Fisher Island (DRB File No. 22974).
- On December 17, 2013, the Planning Board approved a Modification to the Conditional Use Permit office space on the north end of the fourth floor of the Parking Garage (PB File No. 2100).
- On January 10, 2014, the Board of Adjustment approved a variance to waive the requirement to incorporate residential or commercial uses at the first level, a variance to waive the requirement to incorporate residential or commercial uses at every level facing a waterway, and a variance to exceed the maximum permitted building height (BOA File No. 3677). The variance allows the garage to be 43 feet, which is 3 feet above the permitted height in the LDRs.

### **ANALYSIS**

The subject Ordinance would allow for a main use parking structure located within the I-1 zoning district, only on Terminal Island, to have a maximum height of 75 feet. Currently the maximum height limit is 40 feet for main use parking structures in the I-1 district. For comparison purposes, under the provisions of section 5.3.10 of the Land Development Regulations of the City Code (LDRs), main use parking structures located in the Commercial High Intensity (CD-3) district have a maximum height limit of 75 feet.

The subject proposal would allow for new parking levels to be added to the existing parking structure on the east side of Terminal Island. The subject garage serves the Fisher Island employee ferry terminal; residents of Fisher Island use the ferry terminal on the west side of Terminal Island.

The ferry terminal currently experiences significant queuing due to high usage from employees and construction vehicles. These queues have caused back-ups off the garage property and onto the Terminal Island access road. Sometimes this impedes access to the US Coast Guard Base Miami and the City of Miami Beach vehicle maintenance facility during morning peak hours.

According to the attached traffic analysis, prepared by the applicant, the proposed increase in parking spaces that will result from the increase in allowable height is not expected to result in an increase in vehicle trips and congestion within Terminal Island. The Transportation Department has reviewed the applicants' analysis and agrees with its conclusions. 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, allowing employees to walk onto the ferry, thereby minimizing the vehicle queue to get on the ferry.

Staff does have concerns with the queuing that would take place during the construction process, as it is likely that portions of the existing garage would have to close for the construction to take place safely. To this end, the applicant has indicated that spaces will be leased in downtown Miami or Miami Beach and employees would be brought to the ferry via shuttle vans.

If the proposed amendment is adopted by the City Commission, the Planning Board would have to approve a modification to the garage's conditional use permit (CUP). The details of the satellite parking plan could be refined as part of the CUP process. Staff also anticipates that operating conditions will be incorporated into the CUP to minimize traffic impacts to the MacArthur Causeway during peak hours.

From a design perspective, the proposal would allow main use garages to have a height limit that is equivalent to the allowable height for commercial and office buildings on Terminal Island. There is an approved development on the adjacent site to the west that is similar in scale. Staff does have concerns with the aesthetics of the existing garage and the visual impact to surrounding areas due to the minimal architectural screening. Since a modification to the structure would require the review and approval of the Design Review Board (DRB), there will be an opportunity to improve the architectural screening on the garage and upgrade its aesthetics.

Overall, 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 DRB and operations details will be subject to the review and approval of the Planning Board.

#### **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.

### Zoning/Site Map



**Height Limits for Main Use Parking Garages -  
Terminal Island**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH CHAPTER 5, "OFF STREET PARKING." ARTICLE III, "DESIGN STANDARDS," AT DIVISION 10, "PARKING GARAGE DESIGN STANDARDS," SECTION 5.3.10(a), "GENERAL STANDARDS," AND CHAPTER 7, "ZONING DISTRICTS AND REGULATIONS," ARTICLE I, "GENERAL TO ALL ZONING DISTRICTS," AT DIVISION 6, "PARKING SCREENING STANDARDS," SECTION 7.1.6.2, "STANDARDS," TO ALLOW FOR ADDITIONAL HEIGHT FOR MAIN USE PARKING GARAGES LOCATED ON TERMINAL ISLAND; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the ferries for passengers and vehicles to Fisher Island operate from Terminal Island on the MacArthur Causeway;

**WHEREAS**, virtually everyone who lives or works on Fisher Island must use the ferries to access the Island;

**WHEREAS**, the ferry terminal and parking garage located at 112 MacArthur Causeway, across from the Coast Guard base, is used by employees and contractors who work on Fisher Island to access the Island;

**WHEREAS**, MacArthur Causeway is often congested with traffic as a result of vehicles going to Terminal Island in order to transit to Fisher Island via ferry services;

**WHEREAS**, to reduce the number of vehicles that must be transported to Fisher Island and reduce backups of vehicles that must load onto the ferries, the Fisher Island Community Association, Inc. ("FICA") built a garage to park vehicles that would have otherwise required transport to the Island;

**WHEREAS**, the garage is currently utilized to its full capacity;

**WHEREAS**, by increasing the size of the garage and moving FICA administrative offices from the Island to the expanded garage, significantly fewer vehicles will need to queue to gain access to the ferry thereby reducing traffic backup which sometimes extends to and on the MacArthur Causeway causing backup on the Causeway;

**WHEREAS**, the United States Coast Guard has recognized that "the initial parking garage construction...mitigated the impact of...vehicles accessing Terminal Island" and further, "However, on occasion, traffic entering the Fisher Island Terminal East facility to stage for ferry boarding, backs up and blocks ingress/egress from Base Miami Beach. Further modification to the parking garage should make necessary adjustments to improve...traffic flow at the entrance to Base Miami Beach";

**WHEREAS**, the height increase for main use parking garages would allow for the Terminal Island Parking Garage to increase its parking capacity and alleviate the need for queuing along MacArthur Causeway and therefore alleviate congestion;

**WHEREAS**, the height increase for main use parking garages would match the allowable height for office and commercial buildings on Terminal Island and therefore allow for consistent development in the area; 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 5, "Off Street Parking," Article III, "Design Standards," Division 10, "Parking Garage Design Standards," and Chapter 7, "Zoning Districts and Regulations," Article I, "General to All Zoning Districts," Division 6, "Parking Screening Standards," are hereby amended as follows:

### **5.3.10 Parking Garage Design Standards**

ii. Design standards: additional regulations:

1. Parking garages within the CD-3 district and I-1 district on Terminal Island may be 75 feet in height.
2. 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

### **7.1.6.2 Standards**

a. Parking at the Understory Level (below the First Habitable Level). Parking at the Understory Level shall be lined along a minimum of 50 percent (50%) of the built frontage with non-residential uses, lobbies or stoops that provide access to the First Habitable Level (FHL).

b. All floors at the first habitable level (FHL) and above of a building containing parking spaces shall incorporate the following as applicable.

i. Habitable space, as applicable, at the first habitable level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required habitable space may accommodate entrance and exit drives. The total width of the entrance and exit drives shall not exceed 22 feet. For habitable space that screen parking and that are also located below DFE, these shall have floodproofing for all facades below DFE extending 36 inches above DFE.

ii. Habitable space above the first habitable level along every façade facing a waterway. In RM-2 and RM-3 Residential uses are required facing a waterway.



iii. For properties less than 60 feet in width, the total amount of habitable space at the first habitable level along a street side shall be determined by the design review or historic preservation board, as applicable. All facades above the first habitable level, facing a street or sidewalk, shall include a substantial portion of habitable space; the total amount of habitable space shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.

iv. Where parking is not lined with habitable space it should be screened by fenestration, vegetation or other such treatment.

c. Notwithstanding the provisions of Section 5.3.10 Parking Garage Design Standards, main use parking garages within the I-1 district on Terminal Island are not required to be lined with habitable space along every façade facing a waterway, but may be screened.

## **SECTION 2. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Resiliency Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

## **SECTION 3. REPEALER.**

All ordinances or parts of ordinances 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 \_\_\_\_\_, 2024.

\_\_\_\_\_  
Steven Meiner, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado  
City Clerk

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading:  
Second Reading:

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

Underscore denotes new language  
~~Strikethrough~~ denotes removed language

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