

R5 C HEIGHT LIMITS FOR MAIN USE PARKING GARAGES - TERMINAL ISLAND  
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, AT 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 AND MODIFY  
PARKING SCREENING STANDARDS FOR MAIN USE PARKING GARAGES  
LOCATED ON TERMINAL ISLAND; AND PROVIDING FOR CODIFICATION,  
REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Rickelle Williams, Interim City Manager

DATE: July 24, 2024 10:25 a.m. Second Reading Public Hearing

TITLE: HEIGHT LIMITS FOR MAIN USE PARKING GARAGES - TERMINAL ISLAND  
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, AT 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 AND MODIFY PARKING SCREENING STANDARDS FOR MAIN USE PARKING GARAGES LOCATED ON TERMINAL ISLAND; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission (City Commission) adopt the ordinance.

### **BACKGROUND/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 of the City Code (LDRs). Specifically, the application is to increase the maximum allowable building height for main use parking structures in the I-1 zoning district on Terminal Island.

The item was scheduled to be considered by the Planning Board (PB) on December 19, 2023, but the meeting was canceled 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, also at the request of the applicant.

The existing parking garage on the east side of Terminal Island, which provides parking for employees of Fisher Island, previously obtained the following development approvals:

- On April 30, 2013, the PB issued a Conditional Use Permit (CUP) 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 (DRB) 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 PB 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 (BOA) 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 proposed ordinance would allow for a main use parking structure located within the I-1 zoning district, only on Terminal Island, to have a maximum building 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 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 U.S. Coast Guard Base Miami and the City of Miami Beach Facilities and Fleet Management Department vehicle maintenance facility and Public Works Sanitation Division offices during morning peak hours.

According to the traffic analysis prepared by the applicant, and reviewed by the Planning Board, the proposed increase in parking spaces that will result from the increase in allowable building height is not expected to result in an increase in vehicle trips and congestion within Terminal Island. The Transportation and Mobility 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 future construction of the additional levels proposed for the garage, 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 satellite parking 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, subsequent applications to the Design Review Board and Planning Board would be required for approval of the proposed vertical expansion of the existing garage. The Planning Board would have to approve a modification to the garage's Conditional Use Permit and the details of the satellite parking plan could be refined as part of the CUP process. It is anticipated 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 DRB, there will be an opportunity to improve the architectural screening on the garage and upgrade its aesthetics.

**PLANNING BOARD REVIEW**

On March 26, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (5-1).

**UPDATE**

The subject ordinance was approved at First Reading on May 15, 2024 by the City Commission.

**FISCAL IMPACT STATEMENT**

N/A

**Does this Ordinance require a Business Impact Estimate?** No  
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on 7/5/2024. See BIE at:  
<https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

**FINANCIAL INFORMATION**

N/A

**CONCLUSION**

The Administration recommends that the City Commission adopt the ordinance.

**Applicable Area**

South Beach

**Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

Planning

**Sponsor(s)**

Private Applicant

**Co-sponsor(s)**

**Condensed Title**

10:25 a.m. 2nd Rdg, Height Limits for Main Use Parking Garages - Terminal Island. (Private Applicant) PL

**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, AT 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 SUBJECT TO CERTAIN CONDITIONS AND MODIFY PARKING SCREENING STANDARDS 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; and

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

**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; and

**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; and

**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; and

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

**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; and

**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"; and

**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; and

**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," is hereby amended as follows:

**CHAPTER 5  
OFF-STREET PARKING**

\* \* \*

**ARTICLE III. DESIGN STANDARDS**

\* \* \*

**5.3.10 Parking Garage Design Standards.**

\* \* \*

a. General standards

\* \* \*

2. Design standards: additional regulations:

1. Parking garages within the CD-3 district may be 75 feet in height.

2. Parking garages within the I-1 district on Terminal Island may be 75 feet in height provided that:

(i) The top floor of the parking garage is not used for events;

(ii) The parking garage facade is screened in a manner to be reviewed and approved by the Design Review Board; and

(iii) There is no noise that emanates from the parking garage that is plainly audible from any property in a residential zoning district.

23. 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.

\* \* \*

**SECTION 2.** Chapter 7, "Zoning Districts and Regulations," Article I, "General to All Zoning Districts," Division 6, "Parking Screening Standards," is hereby amended as follows:

**CHAPTER 7  
ZONING DISTRICTS AND REGULATIONS**

**ARTICLE 1. GENERAL TO ALL ZONING DISTRICTS**

\* \* \*

**DIVISION 6. PARKING SCREENING STANDARDS**

\* \* \*

**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.

1. 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.

2. 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.

3. 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.

4. 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 facade facing a waterway, but may be screened.

**SECTION 3. 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 4. REPEALER.**

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

**SECTION 5. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

**ATTEST:**

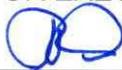
\_\_\_\_\_  
Rafael E. Granado, City Clerk

First Reading: May 15, 2024  
Second Reading: July 24, 2024

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

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

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

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

7/18/2024  
Date



Akerman LLP  
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## Memorandum

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From: Neisen Kasdin, on behalf of Fisher Island Community Association  
To: Thomas Mooney, City of Miami Beach Planning Director  
Date: July 18, 2024  
Subject: PB23-0634 Proposed Amendments

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Akerman LLP represents Fisher Island Community Association, Inc. ("Applicant") in connection with the application to amend the City of Miami Beach's ("City") Resiliency Code to increase the maximum allowable building height to 75 feet for main use parking structures in the I-1 zoning district on Terminal Island (the "Application"). The Application was heard by the Planning Board on March 26, 2024 and then considered by the City Commission for first reading on May 15, 2024.

Pursuant to the comments provided by members of the City Commission on first reading, Applicant is proposing certain changes to the ordinance to address the screening of parking facilities, noise, and use of the top floor as event space. Therefore, the proposed amendments would allow parking garages in the I-1 district on Terminal Island to be 75 feet in height provided that: (i) The top floor of the parking garage is not used for events; (ii) The parking garage facade is screened in a manner to be reviewed and approved by the Design Review Board; and (iii) There is no noise that emanates from the parking garage that is plainly audible from any property in a residential zoning district.