



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: April 9, 2014

SUBJECT: **DISCUSSION: AMENDING SECTION 106-55 OF THE CITY CODE TO EXEMPT SINGLE FAMILY HOMES FROM PARKING REMOVAL FEES**

HISTORY

On March 5, 2014, at the request of Commissioner Micky Steinberg, the City Commission referred a potential change to Section 106-55 (h) of the City Code to the Land Use and Development Committee. Specifically, the Commission is seeking input from the Committee on whether single family uses should be exempt from the fee required to remove existing, on-street parking spaces, in order to provide parking on the property.

ANALYSIS

Pursuant to Section 106-55(h)(2) of the City Code, requests by property owners to remove an adjacent, on-street parking space are permitted, provided such request is for the purpose of creating access to an off-street parking space on the property. Additionally a fee of \$35,000 per removed on-street space is set forth in this subsection.

Recently, the owner of a single family home within the Espanola Way Local Historic District was seeking approval to have an existing, on-street space removed, in order to access an original drive-way on the property. However, because the code, as currently written, does not provide any exemptions for single family home owners, the Parking Department had no legal avenue to waive the required \$35,000 fee.

The subject fee, while typically not problematic for commercial and multi-family development projects, does present a hardship for single family property owners, particularly those home owners restoring smaller homes, on smaller lots. The Administration believes that creating an exemption to the current fee for single family uses would make sense, as there would be no net decrease in the number of available parking spaces for the larger area. Additionally, it would eliminate an excessive and onerous cost for providing 1 or more dedicated parking spaces on an existing single family property. Attached is a draft Ordinance that addresses the issues and concerns discussed herein.

CONCLUSION

The Administration recommends that the Land Use Committee refer the attached Ordinance to the City Commission with a favorable recommendation.

Attachment

JLM/JMJ/TRM

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LUDC#77

Single Family Parking Removal

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 106, "TRAFFIC AND VEHICLES," ARTICLE II, "METERED PARKING," DIVISION 1, "GENERALLY," SECTION 106-55, "PARKING RATES, FEES AND PENALTIES," TO MODIFY ON-STREET PARKING SPACE REMOVAL REQUIREMENTS FOR SINGLE FAMILY USES; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City Code contains provisions for the removal of on-street parking spaces; and

WHEREAS, the City of Miami Beach desires to amend existing regulations pertaining to the fees paid by single family uses for the removal of existing on-street parking spaces; and

WHEREAS, the amendment set forth below is 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. That Chapter 106, entitled "Traffic and Vehicles," Article II entitled "Metered Parking," Division 1 entitled "Generally", of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 106-55. Parking rates, fees, and penalties.

* * *

(h) *Parking space removal.*

(1) Temporary parking meter removal: The city may provide for the temporary removal of parking meters to accommodate construction and other limited needs. The fee for the removal of any post shall be \$50.00 per space. The cost for reinstallation of the post shall be \$50.00 per space. Space removal and replacement shall be paid to the parking department in advance at a rate of \$100.00 per space. Additionally, the applicable bagged space rental rate shall be assessed on a per space, per day basis, payable in advance, until such time as the parking post is reinstalled.

(2) Private requests for permanent parking space or loading zone removal prohibited: Private requests for permanent parking space or loading zone removal shall only be allowed for the purpose of creating access to an off-street parking facility or other vehicular access to the property. Private requests for the permanent removal of a parking space or loading zone for any other reason shall be prohibited. When permitted, the fee for the private permanent removal of a parking space or loading zone shall be the same rate as the fee in lieu of required parking, or \$35,000.00 per space, whichever

is greater. However, single family uses seeking to provide access to one or more off-street parking spaces shall be exempt from paying the aforementioned fee for the removal of a single permanent space.

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 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 _____, 2014.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney Date

First Reading: May 21, 2014
Second Reading: June 11, 2014

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

Underline = new language
~~Strikethrough~~ = deleted language