

# Attachment C

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 106, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 2, ENTITLED "RESIDENTIAL PARKING PERMITS," BY AMENDING SECTION 106-79, ENTITLED "ISSUANCE OF PERMITS; PLACEMENT OF SIGNS;" TO ALLOW THE CITY MANAGER DISCRETION TO MODIFY ELIGIBILITY IN ESTABLISHED RESTRICTED RESIDENTIAL PARKING PERMIT ZONES; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, Article II, entitled " Metered Parking", of the City of Miami Beach ("City") Code, Section 106-78, entitled " Creation of residential permit parking area", states: Whenever the City Manager or his ( or hers) designee shall make a determination that a residential area is impacted by commuter vehicles in accordance with the criteria set forth inspections 106-76 and 106-77, he (or she) may initiate the creation of a residential permit parking area. A request for a determination by the City Manager or his (or her) designee may also be initiated through a petition of a majority of the bona fide residents of a residential area."; and

**WHEREAS**, from time to time the Administration reevaluates established zones and determines that certain modifications are beneficial; and

**WHEREAS**, this ordinance would amend the code to grant the City Manager discretion to make modifications to established restricted residential parking permit zones.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1.** Section 106-79 of the Miami Beach City Code, entitled "Issuance of Permits; Placement of Signs;" Article II thereof, entitled "Metered Parking"; Division II thereof, entitled "Residential Parking Permits"; Section 106-79, is hereby adding a new section 106-79 (F) (3) as follows:

Sec. 106-79 Issuance of Permits; Placement of Signs

- (a) Following city commission approval of the designation of a residential parking permit area, the city manager or his designee shall issue the appropriate permits and shall cause parking signs to be erected in the area, indicating the times and locations where permit parking shall be permitted, and clearly stating "Tow-Away Zones."

- (b) A permit shall be issued upon application and payment of fees, if any, only to the owner or the operator of a motor vehicle who resides on property within the designated residential permit area. Notwithstanding the foregoing, a permit to park in a residential parking permit area may be issued at the discretion of the city manager or their designee, subject to the following criteria: (1) that the resident resides immediately adjacent to a street or other location within the designated area or within 1500 feet of the outside boundary of the residential parking permit area; (2) that the original certificate of occupancy for the building was issued prior to October 1, 2024; (3) that there is no off-street parking on the property; and (4) that the issuance of the permit would not have a material impact on available parking within the residential parking permit area.
- (c) Permit fees, if any, shall be approved by resolution of the city commission. The city manager or his designee shall calculate the permit fees based on the actual cost of manufacture and installation of pertinent signs, applications, permits and administrative costs in connection with the issuance of permits and present recommended fees to the city commission for approval.
- (d) The application for a permit shall contain the name of the owner or operator of the motor vehicle, residential address, phone number, make and model of the motor vehicle, a copy of his driver's license, and a photostatic copy of the vehicle registration. Additionally, documentation established by the City of Miami Beach Parking Department will be required as proof of residency. The permittee shall apply in person for the initial permit and shall present all required documentation. Personal appearance shall not be required for permit renewals. Renewal of a permit shall be annually or semiannually and in accordance with the conditions and procedures as specified by the city manager or his designee and approved by the city commission.
- (e) The permit shall be displayed on the lower left corner of the front windshield (driver's side) of the vehicle.
- (f) The city manager or his designee is hereby authorized to make provisions for:
  - (1) The issuance and collection of fees, if any, for temporary permits to bona fide visitors to residences within designated residential permit parking areas; and
  - (2) The issuance of special permits to allow service and delivery vehicles to park in the area under extenuating circumstances.

## **SECTION 2. INCLUSION OF THE CITY CODE**

Is the intension of the Mayor and City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Miami Beach as amended.

**SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith 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. 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 a 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 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten (10) days following adoption.

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

**ATTEST:**

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

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

Underline denotes new language  
~~Strikethrough~~ denotes deleted language

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

11/12/2024  
\_\_\_\_\_  
Date