

R5 D AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A, OF THE MIAMI BEACH CITY CODE ENTITLED "GENERAL ORDINANCES," BY AMENDING CHAPTER 106, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 106-8, TO BE ENTITLED "PERMITTED PARKING BLOCKING A DRIVEWAY OR PARKING SPACE"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: November 20, 2024 9:30 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A, OF THE MIAMI BEACH CITY CODE ENTITLED "GENERAL ORDINANCES," BY AMENDING CHAPTER 106, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 106-8, TO BE ENTITLED "PERMITTED PARKING BLOCKING A DRIVEWAY OR PARKING SPACE"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

The proposed Ordinance was approved on First Reading at the October 30, 2024 City Commission meeting. No changes have been made between First and Second Reading.

### **ANALYSIS**

Residential parking in the City of Miami Beach is extremely limited.

The City's Parking Department has long maintained an informal policy that allows residents to park blocking access to their own driveways in single family residences.

If enacted the proposed ordinance would potentially increase residential parking availability by codifying this informal policy and extending it to residents of multi-family dwellings of up to four units.

Specifically, the proposed ordinance provides that:

A resident or his or her invited guest(s) may park in such a fashion as to block his or her own:

- (1) Driveway (in a single-family residence); or
- (2) Assigned parking space (in a multi-family dwelling of up to four residences) by parking a vehicle or vehicles one behind the other so long as the building does not prohibit such parking.

In no event shall any vehicle so parked:

- (a) extend into a lane of travel on a public street;
- (b) obstruct any portion of any public sidewalk;
- (c) block the line of sight for any adjacent property owner to safely enter or exit his or her driveway or parking space at his or her own residence;
- (d) obstruct in any manner the use of any fire hydrant, or have or place or cause to be placed any

material within fifteen (15) feet from either side thereof; or  
(e) obstruct fire exit discharge.

### **FISCAL IMPACT STATEMENT**

N/A

**Does this Ordinance require a Business Impact Estimate?** Yes  
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 11/7/2024.  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

### **FINANCIAL INFORMATION**

### **CONCLUSION**

#### **Applicable Area**

Citywide

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

No

**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**

City Attorney

#### **Sponsor(s)**

Commissioner Tanya K. Bhatt

#### **Co-sponsor(s)**

Commissioner Joseph Magazine

#### **Condensed Title**

9:30 a.m. 2nd Rdg, Permitted Parking Blocking a Driveway or Parking Space. (Bhatt/Magazine)  
CA

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

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A, OF THE MIAMI BEACH CITY CODE ENTITLED "GENERAL ORDINANCES," BY AMENDING CHAPTER 106, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 106-8, TO BE ENTITLED "PERMITTED PARKING BLOCKING A DRIVEWAY OR PARKING SPACE"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS** residential parking in the City of Miami Beach is extremely limited; and

**WHEREAS**, the City's Parking Department has long maintained an informal policy that allows residents to park blocking access to their own driveways in single family residences; and

**WHEREAS** the Mayor and City Commission desire to increase residential parking availability by codifying this informal policy and extending it to residents of multi-family dwellings of up to four units.

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

**SECTION 1.** Section 106-8 of Chapter 106 of the City Code is amended and created as follows:

**CHAPTER 106**

**TRAFFIC AND VEHICLES**

**ARTICLE I. IN GENERAL**

\* \* \*

**Sec. 106-8, ~~Reserved~~, Permitted Parking Blocking a Driveway or Parking Space.**

A resident or his or her invited guest(s) may park in such a fashion as to block his or her own

(1) Driveway (in a single-family residence); or

(2) Assigned parking space (in a multi-family dwelling of up to four residences) by parking a vehicle or vehicles one behind the other so long as the building does not prohibit such parking.

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(b) obstruct any portion of any public sidewalk;

(c) block the line of sight for any adjacent property owner to safely enter or exit his or her driveway or parking space at his or her own residence;

(d) obstruct in any manner the use of any fire hydrant, or have or place or cause to be placed any material within fifteen (15) feet from either side thereof; or

(e) obstruct fire exit discharge.

## **SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

## **SECTION 3. SEVERABILITY.**

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

## **SECTION 4. 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 5. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

**ATTEST:**

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

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

(Sponsored by Commissioner Tanya K. Bhatt)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

10/21/2021  
\_\_\_\_\_  
Date