

R5 AE AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 106 OF THE CITY CODE, ENTITLED "TRAFFIC AND VEHICLES," ARTICLE II, ENTITLED "METERED PARKING," DIVISION 1, ENTITLED "GENERALLY," SECTION 106-55 ENTITLED "PARKING RATES, FEES, AND PENALTIES; EXCEPTIONS," TO EXPAND THE EXISTING EXEMPTION FROM THE REQUIREMENT TO PAY A FEE FOR THE PERMANENT REMOVAL OF A PARKING SPACE WHEN THE REMOVAL IS NECESSARY TO PROVIDE ACCESS TO OFF-STREET PARKING (A) TO ALLOW FOR THE REMOVAL OF UP TO TWO SPACES AND (B) TO ENABLE DUPLEXES AND TRIPLEXES TO QUALIFY FOR THE EXEMPTION; 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: City Attorney Ricardo J. Dopico

DATE: June 25, 2025 1:55 p.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 106 OF THE CITY CODE, ENTITLED "TRAFFIC AND VEHICLES," ARTICLE II, ENTITLED "METERED PARKING," DIVISION 1, ENTITLED "GENERALLY," SECTION 106-55 ENTITLED "PARKING RATES, FEES, AND PENALTIES; EXCEPTIONS," TO EXPAND THE EXISTING EXEMPTION FROM THE REQUIREMENT TO PAY A FEE FOR THE PERMANENT REMOVAL OF A PARKING SPACE WHEN THE REMOVAL IS NECESSARY TO PROVIDE ACCESS TO OFF-STREET PARKING (A) TO ALLOW FOR THE REMOVAL OF UP TO TWO SPACES AND (B) TO ENABLE DUPLEXES AND TRIPLEXES TO QUALIFY FOR THE EXEMPTION; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The proposed Ordinance was prepared at the request of the sponsor, Mayor Steven Meiner.

Section 106-55 of the Code of Ordinances currently allows single-family uses to be exempt from paying the fee for the permanent removal of one parking space when creating access to off-street parking. Duplex and triplex uses should be afforded similar exemptions to allow driveway access and promote equitable treatment of residential properties. The proposed amendment to Section 106-55 would allow duplex and triplex uses to be exempt from paying the fee for the removal of up to two parking spaces, provided that the off-street parking created is equal to or greater than the number of on-street spaces removed. The amendment, if adopted, will encourage the development of off-street parking and, potentially, reduce the demand for on-street parking.

### **FISCAL IMPACT STATEMENT**

N/A

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

If applicable, the Business Impact Estimate (BIE) was published on:  
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)**

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

### **Condensed Title**

1:55 p.m. 1st Rdg PH, Expand Exemption from Fees, Removal of Spaces Creating Access to Off-street Parking. (Meiner) CA

### **Previous Action (For City Clerk Use Only)**

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

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 106 OF THE CITY CODE, ENTITLED "TRAFFIC AND VEHICLES," ARTICLE II, ENTITLED "METERED PARKING," DIVISION 1, ENTITLED "GENERALLY," SECTION 106-55 ENTITLED "PARKING RATES, FEES, AND PENALTIES; EXCEPTIONS" TO EXPAND THE EXEMPTION FROM THE REQUIREMENT TO PAY A FEE FOR THE PERMANENT REMOVAL OF A PARKING SPACE WHEN REMOVAL IS NECESSARY TO PROVIDE ACCESS TO OFF-STREET PARKING (A) TO ALLOW FOR THE REMOVAL OF UP TO TWO SPACES AND (B) TO ENABLE DUPLEXES AND TRIPLEXES TO QUALIFY FOR THE EXEMPTION; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

**WHEREAS**, the City of Miami Beach is committed to promoting efficient land use and ensuring adequate access to off-street parking for all types of residential properties; and

**WHEREAS**, Section 106-55 of the Code of Ordinances currently allows single family uses to be exempt from paying the fee for the permanent removal of one parking space when creating access to off-street parking; and

**WHEREAS**, duplex and triplex uses should be afforded similar exemptions to allow driveway access and promote equitable treatment of residential properties; and

**WHEREAS**, allowing duplex and triplex uses to be exempt from paying the fee for the removal of up to two parking spaces, provided that the off-street parking created is equal to or greater than the number of on-street spaces removed, will encourage the development of off-street parking and, potentially, reduce the demand for on-street parking; and

**WHEREAS**, this amendment will support the City's goals of enhancing neighborhood livability, reducing parking congestion, and promoting sustainable urban development.

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

**SECTION 1.** That Chapter 106 of the Miami Beach City Code entitled "Traffic and Vehicles," Article II, entitled "Metered Parking," Division 1, entitled "Generally," at Section 106-55, entitled "Parking Rates, Fees, and Penalties; Exceptions," is hereby amended as follows:

**CHAPTER 106  
TRAFFIC AND VEHICLES**

\* \* \*

## ARTICLE II. METERED PARKING

\* \* \*

### DIVISION 1. - GENERALLY

\* \* \*

#### Section 106-55. Parking rates, fees, and penalties; exceptions.

\* \* \*

(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. There is a fee for the removal and a fee for the re-installation of the post. Space removal and replacement shall be paid to the parking department in advance. 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, except for the following:
  - a. Single family uses seeking to provide access to off-street parking shall be exempt from paying this fee for the removal of one (1) parking space.
  - b. Duplex and triplex uses seeking to provide access to off-street parking shall be exempt from paying this fee for the removal of up to two (2) parking spaces so long as the number of off-street parking spaces created is equal to or greater than the number of on-street spaces for which the parking space removal is requested.
  - c. Housing for low and/or moderate income non-elderly and elderly persons pursuant to the requirements of chapter 58 of the City Code, and certified by the Housing and Community Services Department, shall be exempt from paying this fee for the removal of up to two (2) parking spaces. If more than two (2) parking spaces are proposed to be removed for the types of development identified in this paragraph, the City Commission may, by resolution, waive the one-time removal fee for up to five (5) parking spaces.

#### SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same 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 a part of the Miami Beach City Code. 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 upon approval and the revised impact fee rates shall be applied to all bills rendered on or after the effective date.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**ATTEST:**

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

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

Underline denotes additions

~~Strikethrough~~ denotes deletions

(Sponsored by Mayor Steven Meiner)

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney NK Date 6/17/2025