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WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provides municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the City Commission of the City of South Miami (“City”) finds it periodically necessary to amend its Code of Ordinances (the “Code”) to update regulations and procedures to maintain consistency with state law, implement municipal goals and objectives, clarify regulations, and address specific issues and needs that may arise; and

WHEREAS, the City maintains an inventory of on-street parking spaces within the right-of-way in and around several commercial areas of the City, including the SoMi District area, to provide easy-to-access parking to residents and visitors; and

WHEREAS, due to myriad factors including but not limited right-of-way configuration, clearance requirements at intersections, driveways, signage requirements, loading zones, and proximity to businesses, the on-street parking inventory is a near-finite resource; and

WHEREAS, the City derives significant revenue from on-street parking spaces and enforcement operations in connection with such spaces; and

WHEREAS, new development in and around commercial areas of the City has the potential to adversely impact, and benefits from the loss of, existing on-street parking spaces by, among other development activity, modifying right-of-way configuration, adding new driveways or relocating existing driveways, providing on-street loading spaces, and providing sufficient turning radii for oversized vehicles; and

WHEREAS, the City Code does not currently provide regulations addressing the impact of new development on on-street parking spaces or a process for seeking permanent closure of existing on-street parking spaces; and

WHEREAS, the City Commission finds it necessary and appropriate to amend the Code to provide procedures for seeking permanent closure of on-street parking spaces, including

44 providing a system of compensation to the City for the loss of revenues and convenience to
45 residents and visitors associated with each permanently closed parking space; and

46
47 **WHEREAS**, the City Commission finds that this Ordinance is in the best interest and
48 welfare of the City and approved it on first reading on _____, 2025; and

49
50 **WHEREAS**, on _____, 2025, the Mayor and City Commission conducted a duly
51 noticed public hearing as required by law and approved the ordinance.

52
53 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY**
54 **COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AS FOLLOWS:**

55
56 **Section 1. Recitals.** The above-stated recitals are true and correct and are incorporated
57 herein by this reference.

58
59 **Section 2. Amending Section 15A-17 of the Code.** Chapter 15A “Parking”, Section
60 15A-17 “Reserved,” of the Code, is hereby amended to read as follows:

61
62 **Sec. 15A-17. ~~Reserved~~ Permanent Removal of On-street Parking.**

63 (a) Permanent removal of on-street parking. A party seeking permanent removal of one or
64 more on-street parking spaces shall petition the City Manager on or before obtaining a
65 master building permit, stating the reasons for such removal, the impact to the
66 development of the on-street parking spaces cannot be removed, and providing plans
67 showing the existing and proposed configurations of the right-of-way. Permanent
68 removal of on-street parking space(s) is strongly discouraged, and petitions for such
69 removal are granted at the sole discretion of the City Manager, which analysis and
70 determination may include consistency with the parking and revenue needs of the City,
71 impacts to the right-of-way and surrounding area, parking and traffic impacts, location
72 of the parking space(s) proposed for removal, the needs of the development seeking
73 removal, and potential alternatives to removal, including but not limited to, feasibility
74 of design changes to development sought by the petitioner. Each parking space
75 approved for removal shall be subject to a Removal Fee. The fee will be calculated by
76 taking the total revenue collected during the previous twelve full months for the Zone
77 in which the on-street parking space is located and dividing that amount by the number
78 of parking spaces within that Zone multiplied by 10. The resulting figure, or a minimum
79 fee of \$40,000, whichever is greater, will serve as the Removal Fee. The minimum
80 Removal Fee of \$40,000 shall increase by five percent each calendar year following
81 adoption of this ordinance. All fees for the removal of a parking space shall be paid in
82 advance in a single lump sum fee on or before the issuance of a Master Building Permit
83 for the development activity associated with the petition for the removal.

84 (b) If the petitioner anticipates the creation of additional, new or replacement on-street
85 parking spaces, for the City to utilize and manage at its sole-discretion, it shall provide
86 the City Manager with the number, location and whether the replacement space is
87 located on the same or nearby right-of-way, whether the replacement space is expected

to generate the same or similar revenue as the removed space, dimensions, and proposed right-of-way configuration of new on-street parking spaces as part of the petition for removal. Each new City-utilized and managed on-street parking space that is approved by the City Manager in connection with a request for removal will be offset against the number of on-street parking spaces approved for removal, with the resulting figure multiplied by the Removal Fee to calculate the total fee owed. In no event shall a petitioner be entitled to a payment from the City pursuant to this section.

Section 3. Corrections. Conforming language or technical scrivener-type corrections may be made by the City Attorney for any conforming amendments to be incorporated into the final Ordinance for signature.

Section 4. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Implementation. The City Manager is hereby authorized to take any and all necessary action to implement the purposes of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED on first reading on the ____ day of _____, 2025.

PASSED AND ADOPTED on second reading on the ____ day of _____, 2025.

ATTEST:

APPROVED:

CITY CLERK

MAYOR

READ AND APPROVED AS TO FORM,
LANGUAGE, LEGALITY AND
EXECUTION THEREOF

COMMISSION VOTE:
Mayor Javier Fernández:
Vice Mayor Brian Corey:
Commissioner Lisa Bonich:
Commissioner Steve Calle:
Commissioner Danny Rodriguez:

WEISS SEROTA HELFMAN COLE
& BIERMAN, P.L.
CITY ATTORNEY

First Reading:
Moved By: _____

133
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Seconded By: _____

Second Reading:

Moved By: _____

Seconded By: _____