

MIAMI BEACH

Rafael A. Paz, City Attorney

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

COMMISSION MEMORANDUM

TO: Mayor Steven Meiner and Members of the City Commission
Alina T. Hudak, City Manager

FROM: Rafael A. Paz, City Attorney



FIRST READING

DATE: December 13, 2023

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 106 OF THE MIAMI BEACH CITY CODE, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 106-6, ENTITLED "PARKING IN CERTAIN AREA," BY ESTABLISHING DUTIES OF PROPERTY OWNERS WITH RESPECT TO THE PROHIBITION ON PARKING ON THE OUTLOTS OF INDIAN CREEK LOCATED WEST OF COLLINS AVENUE, NORTH OF 41ST STREET, AND UPDATING PENALTIES FOR VIOLATIONS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The attached Ordinance was prepared at the request of Commissioner David Suarez for consideration at the December 13, 2023 City Commission meeting.

Pursuant to Chapter 5 ("Off-Street Parking"), Article III ("Design Standards") of the City of Miami Beach ("the City") Resiliency Code, it is unlawful to use the outlots of Indian Creek, the same being that area bounded on the east by the westerly line of Collins Avenue, on the west by the easterly bulkhead line of Indian Creek, on the north by the southerly line of 55th Street extended, and on the south by the northerly line of 41st Street ("the Outlots"), as a parking lot without meeting specified design standards.

The Outlots do not meet the design standards set forth in City law. The use of the Outlots for parking of vehicles in this area creates a danger to pedestrians and motor vehicles, as well as a disruption to the flow of traffic, as individuals must drive over a curb in order to access this area, not designed for parking of vehicles.

The proposed Ordinance would require property owners of any portion of the Outlots to (1) prohibit any vehicle from parking, stopping, or standing at any time on the Outlots; (2) enter into a contract with a private towing company to remove violators when observed by tow truck drivers, City staff, or the property owners' staff; (3) monitor the Outlots for illegally parked vehicles and have them removed within thirty (30) minutes; and (4) post required signage to authorize towing.

Any property owner that failed to comply with the requirements of this Ordinance would be cited by the City's Code Compliance Department and fined \$1,000 per day for a first violation and \$5000 per day for each subsequent violation.

RAP/FA/ag