

Chapter 106 – Space Removal Fees for Affordable Housing

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, BY AMENDING CHAPTER 106, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 1, ENTITLED "GENERALLY" BY AMENDING SECTION 106-55, ENTITLED "PARKING RATES, FEES, AND PENALTIES; EXCEPTIONS," TO AMEND THE FEE FOR THE PERMANENT REMOVAL OF ON-STREET PARKING SPACES WHEN SUCH REMOVAL IS ASSOCIATED WITH AFFORDABLE HOUSING DEVELOPMENT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, incentivizing the construction of new affordable housing projects is in the best interest of the City; and

WHEREAS, the Mayor and City Commission now desire to reduce the fees associated with the removal of on-street parking spaces associated with affordable housing projects; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

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

SECTION 1. Chapter 106, "Traffic and Vehicles," Article II, "Metered Parking," Division 1, "Generally," Section 106-55, "Parking rates, fees, and penalties; exceptions" of the Code of the City of Miami Beach, Florida, is hereby amended as follows:

CHAPTER 106
TRAFFIC AND VEHICLES
* * *
ARTICLE II. – METERED PARKING
* * *
DIVISION 1. – GENERALLY
* * *

Sec. 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. The fee for the removal of any post shall be \$50.00 per space. The cost for reinstallation of the post shall be \$50.00 per space. Space removal and replacement shall be paid to the parking department in advance at a rate of \$100.00 per space. 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, or \$40,000.00 per space, whichever is greater, except for the following:

a. that sSingle family uses seeking to provide access to off-street parking shall be exempt from paying this fee for the removal of one parking space.

b. 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 and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, 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 as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

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. EFFECTIVE DATE.

This Ordinance shall take effect this _____ day of _____, 2021.

PASSED and **ADOPTED** this _____ day of _____, 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Michael Gongora)

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

9-27-21

Date

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