

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 106 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 2, ENTITLED "RESIDENTIAL PARKING PERMITS," BY AMENDING SECTION 106-84 THEREOF, ENTITLED "EXEMPTIONS," BY EXEMPTING MOTOR VEHICLE OWNERS OR OPERATORS WITH VALID DISABLED PERSON OR DISABLED VETERAN LICENSE PLATES, OR DISABLED PERSON PARKING PERMITS, FROM THE FEE REQUIREMENTS ASSOCIATED WITH THE APPLICATION AND ISSUANCE OF RESIDENTIAL PARKING AREA PERMITS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach is a small barrier island nestled between Biscayne Bay (on the west) and the Atlantic Ocean (on the east); and

**WHEREAS**, the City only has approximately 90,000 residents and fifteen (15) square miles of land within its territorial jurisdiction; and

**WHEREAS**, despite its small size, the City of Miami Beach is an internationally-renowned tourist destination; and

**WHEREAS**, due to its domestic and international popularity as an art and cultural, resort, shopping, and entertainment destination, the City hosts thousands of visitors (including many "day-trippers") each and every day of the year; and

**WHEREAS**, due to its density and small geographic area, there is limited residential parking within the City; and

**WHEREAS**, the Miami Beach City Commission previously created residential parking permit areas (meant for the benefit of City residents who reside in such areas), and there are presently twenty (20) such residential parking permit areas (or "zones") in the City; and

**WHEREAS**, there is a statewide (and national) problem concerning the fraudulent and illegal acquisition and usage of disabled person license plates and parking permits; and

**WHEREAS**, the rampant use (and misuse) of disabled person license plates and parking permits within the City's residential parking permit areas (by individuals not residing in such residential parking permit areas) has directly led to many City residents often being unable to find any available parking space within their designated residential parking zone; and

**WHEREAS**, on January 10, 2022, the topic of disabled parking permit abuse in the City was discussed at the Transportation, Parking and Bicycle-Pedestrian Facilities Committee (the "TPBPF Committee") meeting, and the TPBPF Committee unanimously

passed a motion strongly recommending that the City issue zone-specific residential parking permits to those City residents possessing a valid, disabled person license plate or permit; and

**WHEREAS**, at the Disability Access Committee (“DAC”) meeting held on January 18, 2022, the DAC discussed the disabled parking permit issue and, although no formal vote was taken due to lack of quorum based upon pending appointment/re-appointment paperwork, the DAC members present verbally communicated their support for this initiative and the proposed Ordinance amendment; and

**WHEREAS**, the Mayor and City Commission find that this issue concerning the lack of available parking for City residents within their respective residential parking permit areas is caused, in substantial part, by vehicle owners or operators parking vehicles in residential parking permit areas (in which they do not live) throughout the City merely by virtue of displaying a disabled person license plate or parking permit, or a disabled veteran license plate; and

**WHEREAS**, the Mayor and City Commission desire to adopt the following amendment (which has been recommended by the City’s Parking Department) to address, and hopefully remediate, the ongoing issue concerning the lack of available parking for City residents, and especially residents with disabilities, within their respective residential parking permit areas/zones.

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

**SECTION 1.** That the section of the City's Exemptions to Residential Parking Permits, as such Ordinance is codified in section 106-84 of the City Code, be amended as follows and as hereinafter set forth below:

**CHAPTER 106  
TRAFFIC AND VEHICLES**

\* \* \*

**ARTICLE II. METERED PARKING**

\* \* \*

**DIVISION 2, RESIDENTIAL PARKING PERMITS**

\* \* \*

**Sec. 106-84. Exemptions.**

~~Vehicles~~ Motor vehicle owners or operators with valid handicapped disabled person license plates issued by the department of motor vehicles and displaying the internationally accepted wheelchair symbol, handicapped disabled person parking permits, or disabled veteran motor vehicle license plates shall be ~~are~~ exempt from the fee requirements associated with the application and issuance of residential parking area permits, as set forth in subsections 106-79(b) and 106-79(c) of this division.

**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 remaindershall 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 Miami Beach City Code. The sections of this ordinance may be renumbered or relettered 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 \_\_\_\_\_, 2022

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

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

(Sponsored by Commissioner Mark Samuelian and co-sponsored by Commissioner Kristen Rosen Gonzalez)

Underline denotes additions  
~~Strikethrough~~ denotes deletions

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

MAF 1-27-22  
City Attorney Date