

ORDINANCE NO. 2014-3873

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 II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 2, ENTITLED "GENERALLY," BY AMENDING SECTION 106-47, ENTITLED "FREIGHT, COMMERCIAL, AND PASSENGER CURB LOADING ZONES; HOURS, DELIVERIES"; BY CREATING SUBSECTIONS 106-47(F) THROUGH 106-47(N) THAT ESTABLISHES STRICT REGULATIONS FOR PARKING IN FREIGHT LOADING ZONES; AUTHORIZING FREIGHT VEHICLE PARKING; IMPLEMENTING A PERMIT APPLICATION REQUIREMENT AND SETTING FORTH TYPES OF PERMITS APPLICABLE TO COMMERCIAL VEHICLES; IMPOSING A REQUIREMENT FOR THE DISPLAY OF A PERMIT AND/OR ELECTRONIC (LICENSE PLATE) PERMIT; PROVIDING AN ALTERNATIVE TO THE PERMIT REQUIREMENT BY UTILIZING PARKING METERS; MANDATING COMPLIANCE WITH OTHER LAWS; ESTABLISHING PERMIT FEES; FURTHER AMENDING SECTION 106-55; BY CREATING SUBSECTION (P), ENTITLED, "FREIGHT LOADING ZONE (FLZ) PERMIT"; AND CREATING SUBSECTION (Q), ENTITLED, "ALLEY LOADING (AL) PERMIT"; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, on March 5, 2014, the Mayor and Commission held discussion Item No. R9H related to commercial vehicles blocking lanes on Washington Avenue, Collins Avenue; Ocean Drive, and West Avenue, including enforcement and long term solutions; and

**WHEREAS**, commercial and freight loading zones are placed along major commercial corridors throughout the city with posted regulations from 7:00 a.m. to 6:00 p.m., and in South Beach where metered parking is enforced until 3:00 a.m., commercial loading zones are flex zones that transition to metered parking from 6:00 p.m. to 3:00 a.m., and certain areas along Ocean Drive have designated freight loading zones; and

**WHEREAS**, the existing commercial and freight loading zone regulations provide significant latitude for any type of vehicle to use existing commercial and freight loading zones, leaving very limited opportunities for purveyors with larger trucks to conduct their deliveries and exacerbating double parking; and

**WHEREAS**, the Administration conducted research of loading zone regulations in other jurisdictions, including Chicago, Houston, New York, Orlando, Pensacola, Portland (Oregon), Salt Lake City, San Jose, and Seattle; and all of these jurisdictions have variations of permitted commercial or freight loading zones with permit fees, restricted hours, and maximum time limits; and

**WHEREAS**, an amendment to the City Code is necessary to establish regulations and permit fees for commercial and freight loading zones; and

**WHEREAS**, on April 23, 2014, the Mayor and Commission held a discussion regarding this item and approved the proposed ordinance on first reading.

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

**SECTION 1.** That Chapter 106, "Traffic and Vehicles," Article II, "Metered Parking," Division 1, "Generally," Section 106-47, entitled, "Freight, Commercial, and Passenger Curb Loading Zones; Hours, Deliveries"; and Section 106-55, entitled, "Parking Rate Fees, and Penalties," Subsection (o), entitled, "Freight Loading Zone Permit" and Subsection (p), entitled, "Alley Loading (AL) Permit" of the Code of the City of Miami Beach, Florida, is hereby established, as follows:

**Chapter 106. Traffic and Vehicles**

\* \* \*

**Article II. Metered Parking Division. 1 Generally**

\* \* \*

**Sec. 106-47. Freight, commercial, and passenger curb loading zones; hours, deliveries.**

(f) Parking in Freight Loading Zones. It shall be unlawful for any person during the posted hours of a freight loading zone to:

- (1) Park a vehicle other than a commercial motor vehicle, as defined in Section 106-1, in a Freight Loading Zone designated throughout the City of Miami Beach;
- (2) Utilize a Freight Loading Zone for any purpose, except the active engagement of loading or unloading of property, goods or merchandise from a commercial motor vehicle;
- (3) Park a commercial motor vehicle in a Freight Loading Zone without:
  - a. Obtaining a current and valid Freight Loading Zone (FLZ) Permit issued for the commercial motor vehicle pursuant to this Article; or
  - b. Paying the applicable parking meter fee as provided in Section 106-55 of this code.
- (4) Park any commercial motor vehicle in any Freight Loading Zone for a period in excess of that time permitted on posted signs or in excess of the maximum time limit allowed by the parking meter.

A vehicle parked in violation of this section shall be subject to being towed at the direction of any law enforcement officer or parking enforcement specialist, and the imposition of any applicable fines or penalties.

(g) Freight vehicle parking. The operator of a commercial motor vehicle must utilize a Freight Loading Zone during those posted hours for the designated Permit zone pursuant to the Permit issued under this Article. The Zone Permit must be obtained by payment of the applicable parking meter fee or by payment of the parking meter fee via pay by phone service, as provided in section 106-55 of this Code.

Beginning July 1, 2014, the City shall provide for a one-month warning period, through and including July 31, 2014, in which warning violations shall be issued to commercial motor vehicle or commercial vehicle operators who fail to comply with Sections 106-47(f) and (g), regardless of knowledge or intent.

Beginning August 1, 2014, Sections 106-47(f) and (g) shall be enforced and penalties shall be applied and imposed for violations of those provisions, as provided herein.

(h) Permit application; issuance.

- (1) A person must apply for a Freight Vehicle Loading Permit by submitting an application in the form prescribed by the Director of Parking, with the appropriate permit fee.
- (2) The Parking Director may issue a permit, unless he/she determines that:
  - a. The application is incomplete or materially deficient; or
  - b. The Applicant has any unresolved parking citations for any vehicle owned by the Applicant or any agent of the Applicant, and any unresolved debt with the City by the applicant or any agent of the applicant.
- (3) Commercial Fleet Operators with ten (10) or more commercial motor vehicles are eligible to purchase one (1) transferable permit for every five (5) nontransferable permits. The transferable permit must be used for those commercial motor vehicles in the operator's fleet in which a commercial motor vehicle with a non-transferable permit has been temporarily out of service. A transferable permit must be affixed to a commercial motor vehicle of the fleet operator, and shall not be placed on any vehicle other than a commercial vehicle

(i) Permit; required.

- (1) FLZ (Freight Loading Zone) Permit. An FLZ permit will be valid until September 30<sup>th</sup> of each year, and shall be transferable to any other commercial motor vehicle operated by the Permittee upon, prior written notice to the Parking Department, in a manner prescribed by the Parking Director. A commercial motor vehicle with an FLZ permit may be parked in a freight loading zone or, where such zones are unavailable or occupied, parking is permitted at one to two metered automobile parking spaces without payment of the usual meter fee as required elsewhere in this chapter for such spaces. A commercial motor vehicle with an FLZ permit shall not be parked for a period to exceed thirty (30) minutes.
- (2) AL (Alley Loading) Permit. Any commercial vehicle which does not qualify as a commercial motor vehicle shall be required to obtain an AL Permit, except FLZ permits issued to mail/parcel commercial motor vehicles, are permitted to utilize those zones designated for AL Permit parking. An AL permit will be valid until September 30<sup>th</sup> of each year, and shall be transferable to any other commercial vehicle operated by the Permittee upon, prior written notice to the Parking Department, in a manner prescribed by the Parking Director. A commercial vehicle with an AL permit shall not be parked for a period to exceed twenty (20) minutes, in those areas designated by the Parking Director.

(i) Permit specific to commercial vehicle.

The applicable Permit issued pursuant to this Article must be registered to a specific commercial motor vehicle or commercial vehicle, and shall be transferable to another vehicle meeting the applicable Permit requirements set forth by the Parking Director, as authorized in this Article.

(k) Display of permit and/or electronic (license plate) permit.

A Permit must be conspicuously displayed upon the vehicle for which it is issued, and shall be easily visible to any person passing such a vehicle, on the street or sidewalk while the vehicle is parked in any authorized Freight Loading Zone, or area designated by the Parking Director. The failure to display a Permit shall create a rebuttable presumption that no Permit has been issued for the vehicle. An Electronic (license plate) Permit may be utilized in lieu of the display of a physical permit.

(l) Use of parking meters.

Those commercial operators conducting either infrequent or transient commercial deliveries may park the commercial motor vehicle or commercial vehicle in a Freight Loading Zone space or spaces during posted hours for the Zone by paying the applicable parking meter fee, or utilizing the City's pay by phone service for each space utilized in whole or in part for parking the commercial motor vehicle or commercial vehicle in that Zone, provided that:

- (1) The vehicle is actively engaged in loading or unloading; and
- (2) The parking meter, meters, or pay by phone service are not allowed to expire; and
- (3) The vehicle may not be parked in excess of the maximum time allowed as posted on the parking meter or as authorized by a Permit as provided in this article; however, an unpermitted commercial motor vehicle may utilize one (1) to two (2) metered spaces, or portions of such spaces, within the same block face, by paying the parking meter fee or pay by phone service for each space wholly or partially occupied by such vehicle.

(m) Compliance with other laws.

A Permit issued under this article shall not excuse compliance with all other applicable laws and regulations, and a commercial motor vehicle or commercial vehicle parked in any metered automobile parking space remains subject to any "no parking" and "tow-away zone" restrictions applicable to the parking space. A Permit does not authorize the commercial motor vehicle or commercial vehicle to remain parked at the Freight Loading Zone without being actively engaged in loading or unloading at all times while parked under this article.

(n) Fees.

Fees for Freight Loading Zone Permits are set forth within Section 106-55. A permit or license plate may be replaced during its valid term for the fee stated in Section 106-55, provided the parking official receives the police report for the stolen permit or license plate, or an affidavit for a lost permit or license plate. The permit shall be valid only for the remainder of the original term.

\* \* \*

**Sec. 106-55. Parking rates, fees, and penalties.**

(p) Freight Loading Zone (FLZ) Permit.

An FLZ permit will allow the use of Freight Loading Zones by permitted commercial motor vehicles. Qualifying commercial motor vehicles must register and purchase an annual permit. The permit fee for each vehicle is \$364.00, annually or \$182.00 semi-annually. A Permittee that operates a fleet of over ten (10) vehicles may purchase up to five (5) vehicle permits for \$1,500, annually or \$750, semi-annually. One (1) of every five (5) non-transferable permits shall authorize the Permittee to purchase a transferable Permit. Permits are transferable to other qualifying commercial motor vehicles, as described in herein, and shall expire annually. The permit must be in good standing and the commercial motor vehicle must be actively engaged in loading activities when stopping, standing, or parked in a Freight Loading Zone. Freight loading locations, regulations, including maximum time limits, and permitted days/hours shall be determined by the City Manager or his designee.

(q) Alley Loading (AL) Permit.

An AL permit will allow for the use of alleys by permitted vehicles. Qualifying vehicles must register and purchase an annual permit. The permit fee for each vehicle is \$182.00, annually or \$91.00, semi-annually. A Permittee that operates a fleet of over ten (10) vehicles may purchase up to five (5) vehicle Permits for \$750, annually or \$375, semi-annually. One (1) of every five (5) non-transferable permits shall authorize the Permittee to purchase a transferable Permit. Permits are transferable to other qualifying vehicles, as described herein, and shall expire on annually. The permit must be in good standing, prominently displayed, and the vehicle must be actively engaged in loading activities when stopping, standing, or parked in an alley. Alley regulations, including maximum time limits and permitted days/hours shall be determined by the City Manager or his designee.

\* \* \*

**SECTION 2. 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 Code of the City of Miami Beach, Florida. 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 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**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.

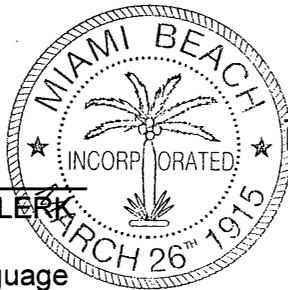
**SECTION 5. EFFECTIVE DATE.**

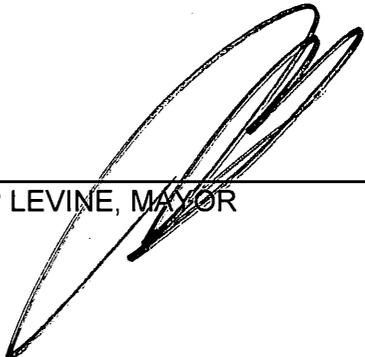
This Ordinance shall take effect on July 1, 2014.

**PASSED AND ADOPTED** this 28 day of May, 2014.

**ATTEST:**

  
\_\_\_\_\_  
RAFAEL GRANADO, CITY CLERK



  
\_\_\_\_\_  
PHILIP LEVINE, MAYOR

Underscore denotes new language  
~~Strike-through~~ denotes deleted language

(Sponsored by Commissioner Michael Grieco)

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney **AB**

6/3/14  
\_\_\_\_\_  
Date

**Condensed Title:**

An Ordinance amending Chapter 106, "Traffic and Vehicles" Section 106-47, entitled, "Freight, Commercial, and Passenger curb loading zones; hours, deliveries"; creating Subsection 106-47(F) through 106-47(N), Permit Required; further amending Section 106-55; establishing Subsection (P), entitled, "Freight/Commercial Loading Zone Permit Fees"; Subsection (Q), entitled, "Alley Loading Permit Fees"; providing for codification, repealer, severability, and an effective date.

**Key Intended Outcome Supported:**

Commission A Comprehensive Mobility Plan Which Gives Priority Recommendations (From Non-Vehicular to Vehicular And Including Parking).

**Supporting Data (Surveys, Environmental Scan, etc**

In FY 12/13, the Parking Department issued a total of 14,721 parking citations for obstruction of traffic and loading zone violations. In Q1 and 2 of FY 13/14, 8,458 parking citations have been issued, which extrapolated annually equates to 16,916, an increase of 13%.

**Item Summary/Recommendation:**

On March 5, 2014, the City Commission held discussion Item No. R9H related to traffic congestion and commercial vehicles blocking lanes. The relevant city Departments support and recommend the programs detailed below to address traffic congestion. These programs are intended to address freight loading regulations and enforcement. The following multi-pronged strategy is recommended: (1) expanded freight loading opportunities for trucks with a gross vehicle weight over 10K lbs, regulated by permit, for shorter time frames and prohibited at all other times; (2) all other vehicles under 10K lbs. will be required to use alleys furnished with new and more informative signs; (3) enforcement shall take place as follows: (a) The Police Department, with a zero tolerance for obstruction of traffic, will issue moving violations, resulting in points to the driver's Commercial Driver's License; increased insurance costs; and higher fines (\$129.00); (b) The Parking Enforcement Unit will enforce the freight loading zone regulations by citing and towing vehicles that do not display the required permit; and (c) The Code Enforcement Department will enforce the prohibition of deliveries during posted hours pursuant to City Code. This will be critical in holding both purveyors and businesses accountable.

On April 23, 2014, the Mayor and Commission held a discussion and approved the proposed ordinance on first reading with the inclusion of a provision for operators to provide either infrequent or transient commercial deliveries without obtaining a permit. This may be accomplished by allowing operators to use freight loading zones via meter payment or payment via pay by phone service. A Fleet permit; extended hours in strategic locations, and honoring of mail/parcel services in alleys was incorporated into the proposed ordinance between first and second reading. **The Administration recommends that the City Commission approve the Ordinance on second and final public hearing with an effective date of July 1, 2014, allowing a transitional phase from current to the proposed regulations.**

**Advisory Board Recommendation:**

On 3/3/14 and 5/5/14, the Transportation and Parking Committee endorsed a freight loading zone program for Wash Ave between 5<sup>th</sup> and 17<sup>th</sup> Sts and Collins Ave between 63<sup>rd</sup> and 75<sup>th</sup> Sts.

**Financial Information:**

Source of Funds:		Amount	Account
OBPI	Total		

**Financial Impact Summary:**

Revenues generated by these programs are estimated to be \$90,000 in permit fees and \$100,000 in fine revenues, for total annual revenues of \$190,000 or \$950,000 over five years. However, if successful, these revenues should decline over time. Expenses for the permitting component consist largely of replacement of existing signs, many of which are planned replacements, resulting in a negligible expense. The expense for police enforcement is estimated at \$750,000 over five years. In addition, as a component of the fiscal impact analysis, an expense of \$55,000 is identified for the processing and administration of the program by City's Service Center. It is estimated that one (1) additional position will be needed to qualify, process, and manage both programs.

**City Clerk's Office Legislative Tracking:**

Saul Frances, extension 6483

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
SF <i>[Signature]</i> HC <i>[Signature]</i> DO <i>[Signature]</i>	KGB <i>[Signature]</i> JJ <i>[Signature]</i>	JLM <i>[Signature]</i>

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# MIAMI BEACH

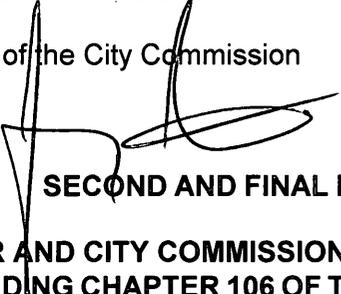
City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: May 28, 2014

  
SECOND AND FINAL PUBLIC HEARING

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 II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 2, ENTITLED "GENERALLY," BY AMENDING SECTION 106-47, ENTITLED "FREIGHT, COMMERCIAL, AND PASSENGER CURB LOADING ZONES; HOURS, DELIVERIES"; BY CREATING SUBSECTIONS 106-47(F) THROUGH 106-47(N) THAT ESTABLISHES STRICT REGULATIONS FOR PARKING IN FREIGHT LOADING ZONES; AUTHORIZING FREIGHT VEHICLE PARKING; IMPLEMENTING A PERMIT APPLICATION REQUIREMENT AND SETTING FORTH TYPES OF PERMITS APPLICABLE TO COMMERCIAL VEHICLES; IMPOSING A REQUIREMENT FOR THE DISPLAY OF A PERMIT AND/OR ELECTRONIC (LICENSE PLATE) PERMIT; PROVIDING AN ALTERNATIVE TO THE PERMIT REQUIREMENT BY UTILIZING PARKING METERS; MANDATING COMPLIANCE WITH OTHER LAWS; ESTABLISHING PERMIT FEES; FURTHER AMENDING SECTION 106-55; BY CREATING SUBSECTION (P), ENTITLED, "FREIGHT LOADING ZONE (FLZ) PERMIT"; AND CREATING SUBSECTION (Q), ENTITLED, "ALLEY LOADING (AL) PERMIT"; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends that the Mayor and Commission approve the ordinance on second and final public hearing.

### **First Reading (April 23, 2014) Actions and Follow-up**

On April 23, 2014, the Mayor and Commission held the first reading of this proposed ordinance and directed the Administration to include an alternative to the annual/semi-annual permit option to accommodate transient (or infrequent) delivery service. The Administration recommends the following:

- Meter payment option, including pay by phone service (Parkmobile) to accommodate transient (or infrequent) deliveries.

Additionally, the following is also recommended:

- “Fleet Permit” for permittees with a fleet of ten (10) or more vehicles in order to provide added flexibility and a reduced cost for purveyors with multiple commercial motor vehicles.

### **Additional Information**

The following information was identified between first and second reading and included herein for informational purposes:

- As a component of the fiscal impact analysis, an expense of \$55,000 is identified for the processing and administration of the program by City’s Service Center. It is estimated that one (1) additional position will be needed qualify, process, and manage both programs.
- The City Code, Section 106-41, entitled, “Authority of the city manager” provides the City Manager with the authority to set the days, hours, and time limits for metered parking.
- Outreach to purveyors and businesses commenced between first and second reading, including a national parcel service provider, business association, and others. This resulted in valuable insight regarding their needs and challenges in serving our business community. The following provisions were identified: (1) extended FLZ hours at strategic locations and (2) honoring mail/parcel service in alleys. Additional meetings are scheduled with a variety of other purveyors to gain further insight in order to establish effective regulations that will lead to meaningful results.

The following amendments were developed between first and second reading and have been incorporated in the proposed ordinance:

Section 106-47. Freight, commercial, and passenger curb loading zones; hours, deliveries.

(g) Freight vehicle parking. The operator of a commercial motor vehicle must utilize a Freight Loading Zone during those posted hours for the designated Permit zone pursuant to the Permit issued under this Article. The Zone Permit must be obtained by payment of the applicable parking meter fee or by payment of the parking meter fee via pay by phone service, as provided in section 106-55 of this Code.

(i) *Permit; required.*

(2) AL (Alley Loading) Permit. Any commercial vehicle which does not qualify as a commercial motor vehicle shall be required to obtain an AL Permit, except FLZ permits issued to mail/parcel commercial motor vehicles, which are permitted to utilize those zones designated for AL Permit parking. An AL permit will be valid until September 30th of each year, and shall be transferable to any other commercial vehicle operated by the Permittee upon, prior written notice to the Parking Department, in a manner prescribed by the Parking Director. A commercial vehicle with an AL permit shall not be parked for a period to exceed twenty (20) minutes, in those areas designated by the Parking Director.

Sec. 106-55. Parking rates, fees, and penalties.

(p) Freight Loading Zone (FLZ) Permit

An FLZ permit will allow for the use of freight loading zones by permitted vehicles only. Qualifying vehicles must register and purchase an annual permit. The permit fee for each vehicle is \$364.00, annually or \$182.00 semi-annually. A Permittee that operates a fleet of over ten (10) vehicles may purchase a fleet permit for up to five (5) vehicles for \$1,500, annually or \$750, semi-annually. One (1) of every five (5) non-transferable fleet permits shall be transferable. Permits are transferable to other qualifying vehicles, as described herein, and shall expire annually. The permit must be in good standing, prominently displayed, and the vehicle must be actively engaged in loading activities when stopping, standing, or parked in a freight loading zone. Freight loading locations, regulations, including maximum time limits, and permitted days/hours shall be determined by the City Manager or his designee.

(q) Alley Loading (AL) Permit

An AL permit will allow for the use of alleys by permitted vehicles only. Qualifying vehicles must register and purchase an annual permit. The permit fee for each vehicle is \$182.00, annually or \$91.00, semi-annually. A Permittee that operates a fleet of over ten (10) vehicles may purchase a fleet permit for up to five (5) vehicles for \$750, annually or \$375, semi-annually. One (1) of every five (5) non-transferable fleet permits shall be transferable. Permits are transferable to other qualifying vehicles as described herein, and shall expire on annually. The permit must be in good standing, prominently displayed, and the vehicle must be actively engaged in loading activities when stopping, standing, or parked in an alley. Alley regulations, including maximum time limit, and permitted days/hours shall be determined by the City Manager or his designee.

## **ANALYSIS**

On March 5, 2014, the Mayor and Commission held discussion Item No. R9H related to commercial vehicles blocking lanes; on the following streets: Washington Avenue, Collins Avenue; Ocean Drive, and West Avenue; enforcement and long term solutions.

### **Existing Commercial Loading Regulations and Enforcement**

Commercial and freight loading zones are placed along major commercial corridors throughout the city. Typical posted regulations are commercial loading zones from 7AM to 6PM and in South Beach where metered parking is enforced until 3AM, commercial loading zones are flex zones and transition to metered parking from 6PM to 3AM. Certain areas along the 100 blocks (Ocean Drive to Collins Avenue) have designated freight loading zones. These encompass a quadrant of a city block (approximately four to six parking spaces) between Ocean Drive and Collins Avenue and are operational between 7AM and 11AM. These are designated to accommodate larger trucks and encourage deliveries in the morning hours. Alleys are available for commercial loading activities with two requirements: (1) expeditious loading and unloading for a maximum of 20 minutes and emergency vehicle access must be maintained at all times.

These loading zones are currently regulated through time limit and hours; however, not by vehicle class. The following is the pertinent section of the Miami-Dade County Code Chapter 30-388.24, entitled, "Freight curb loading zones; time limit; passenger use.

- (a) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during the hours when the provisions applicable to such zones are in effect. The stop for loading and unloading materials shall not exceed twenty (20) minutes except in specially marked "parcel truck" loading zones where the stop shall not exceed one (1) hour.
- (b) The driver of a vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.

The current regulation provides significant latitude for any driver of any vehicle to use existing commercial loading zones, leaving very limited opportunities for purveyors with larger trucks to conduct their deliveries. This, in turn, exacerbates double parking.

### **Enforcement**

Enforcement of commercial loading violations and traffic obstruction is done almost exclusively by PES (parking enforcement specialists). This classification was developed in the early 1980s for the enforcement of parking related violations allowing law enforcement officers to address more serious crimes. PESs issue non-moving violations with fine schedules ranging between \$18 and \$34, contingent upon the type of violation, excluding disabled parking violations which range between \$103 and \$250.

One major challenge has been the low (and outdated) parking violation fine schedule for Miami-Dade County which was last increased in 1996. Over the last decade, the City has pursued increases to the fine schedule. Most recently, in 2010, the City urged the Miami-Dade Board of County Commissioners, State of Florida, and League of Cities to increase the fine schedule as a deterrent to parking violations. Many violators see the current fine schedule as either cost of doing business for commercial uses and in many circumstances an \$18 fine for overtime parking at a metered parking space is lower than parking rates at many private parking facilities and competitive with the City's own flat parking rate of \$15.

### **Proposed Freight Loading Zones/Alleys and Enforcement Strategies**

The Administration conducted research of loading zone regulations in other jurisdictions, including Chicago, Houston, New York, Orlando, Pensacola, Portland (Oregon), Salt Lake City, San Jose, and Seattle. All of these jurisdictions have variations of permitted commercial or freight loading zones, most provide for a permit fee, restricted hours, and maximum time limits. Please refer to the chart below:

CITY	LOADING ZONE REGULATION	OPERATIONAL HOURS/MAX TIME LIMITS	ANNUAL FEES
CHICAGO, ILL.	PERMIT	30 MIN. MAX	N/A
HOUSTON, TX.	PERMIT	30 MINS. TO 2 HRS.	CLASS "A": \$1200; CLASS "B": \$300; CLASS "C": \$150; CLASS "D": \$25;
NEW YORK, NY	POSTED SIGN	3 HRS. MAX	Meter Payment Required
ORLANDO, FL.	PERMIT	30 MIN. MAX	\$70 + TAX; \$30 + TAX ADD'L PERMITS
PENSACOLA, FL.	CLZ/COMMERCIAL VEHICLE ONLY	CLZ: NO TIME LIMIT CLZ; GENERAL LZ 15 MIN.	N/A
PORTLAND, OR.	PERMIT	30 MIN. MAX	\$595
SALT LAKE CITY, UT.	FREIGHT PARKING PERMIT	30 MIN. MAX	OUTSIDE CITY: \$150.37; WITHIN CITY: \$36.30
SAN JOSE, CA.	PERMIT	1 HR	\$17
SEATTLE, WA.	PERMIT	30 MIN. MAX	\$195

At the March 5, 2014, City Commission meeting, it was specifically requested that the Administration review the loading provisions for New York City. New York City is regulated similarly to the other jurisdictions; however, it provides for opportunities for “double parking” under certain conditions. The conditions are as follows:

*Double Parking – Under the New York City Traffic Rules double parking is when the driver of a vehicle stands or parks that vehicle on the roadway side of another vehicle that is stopped, standing, or parked at the curb. In most situations, a driver may stand a commercial vehicle alongside a vehicle parked at the curb at such locations and during such hours that stopping, standing, or parking is not prohibited, while expeditiously making pickups, deliveries or service calls, provided that (1) there is no occupied curb space within 100 feet on either side of the street that can be used for standing, and (2) that the standing is in compliance with instructions from police officers and flag persons.*

For anyone who has navigated the one-way street pairs in New York City during peak traffic hours in the mornings and afternoons, the aforementioned provisions, more often than not, result in double parking.

### **Proposed Freight Loading Zone Regulations and Enforcement**

The City’s Parking Department, Public Works Department, Transportation Department, Code Enforcement Department, Fire Department, and Police Department all support and recommend the programs detailed below to address traffic congestion. These programs are intended to address freight loading regulations and enforcement. Segments of these plans require an amendment to the City Code, requiring two readings, one of which shall be a public hearing. The following multi-pronged strategy is recommended:

- Expanded freight loading opportunities for larger trucks with a gross vehicle weight (GVW over 10,000 lbs), regulated by permit, for shorter time frames and prohibited at all other times.
- All other vehicles (GVW under 10,000 lbs.) will be permitted to use other city right-of-ways, including alleys furnished with new and more informative signs noticing permitted uses.
- Commercial vehicles, such as charter tour buses, may also attain a Freight Loading Zone (FLZ) permit and utilize freight loading zones, for a period not to exceed thirty (30) minutes, at one time. Other open and closed loop sightseeing buses and vehicles, are being addressed on a parallel course through the Neighborhoods and Community Affairs Committee (NCAC) with direction to pursue a concession agreement via a formal competitive process. An item regarding this matter will be presented to the NCAC in May 2014.
- Enforcement shall take place as follows:
  - The Police Department, with a zero tolerance for obstruction of traffic will issue moving violations, resulting in points to the driver's CDL (Commercial Driver's License); increased insurance costs; and higher fines than non-moving violation (\$129.00).
  - The Parking Enforcement Unit will enforce the freight loading zone regulations by citing and towing vehicles that do not display the required permit and/or violate the provisions of the program.
  - The Code Enforcement Department is empowered to enforce the prohibition of deliveries during posted hours pursuant to City Code, Section 106-47, "Freight, commercial, and passenger curb loading zones; hours, deliveries". This will be critical in holding both purveyors and businesses accountable.

### **Freight Loading Zones (FLZ) Program**

Establish permitted freight loading zones (no other use during these hours) which are comprised of up to four contiguous parking spaces between the hours of 7AM and 11AM and/or 1PM and 3PM. The City Code, Section 106-41, entitled, "Authority of the city manager" provides the City Manager with the authority to set the days, hours, and time limits for metered parking. The City Code states the following, "*The city manager is authorized and directed to establish, as traffic conditions may require, zones to be known as parking meter zones upon such streets in the city as he shall select for the location of such zones, and to cause parking meters to be installed and parking meter spaces to be designated as provided in this article. He shall fix the time limitation for legal parking in such zones and spaces. The city manager, from time to time, may add to, change or abandon such parking meter zones. In selecting, changing or abandoning such parking meter zones, the city manager shall be guided and governed by location, amount of traffic, the demand for parking space, the congestion of traffic, the use of the street, and any other conditions which may be existent.*"

Permitted vehicles shall be those having a gross vehicle weight of 10,000 lbs or more, as defined by the City Code, Section 106-1, Definitions, as follows: *Commercial motor vehicle* means any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle:

- (1) Has a gross vehicle weight rating of 10,000 pounds or more;
- (2) Is designed to transport more than 15 passengers, including the driver; or
- (3) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 USC 1801 et seq.).

FLZ will allow for the use of freight loading zones by permitted vehicles only. Non-permitted vehicles will be cited and towed in order to make way for those authorized vehicles. Permitted vehicles will register at the City's Service Center and purchase an annual permit. The annual permit fee for each vehicle is recommended to be \$364.00, annually or \$182.00 after April 1st. Permits are transferable to other qualifying vehicles in their fleet, limited to two (2) transfers, semi-annually, and shall expire on September 30<sup>th</sup> each year. The permit must be in good standing, prominently displayed, and the vehicle must be actively engaged in loading activities when stopping, standing, or parked in a freight loading zone. Freight loading locations, regulations, including maximum time limits, and permitted days/hours shall be determined by the City Manager or his designee.

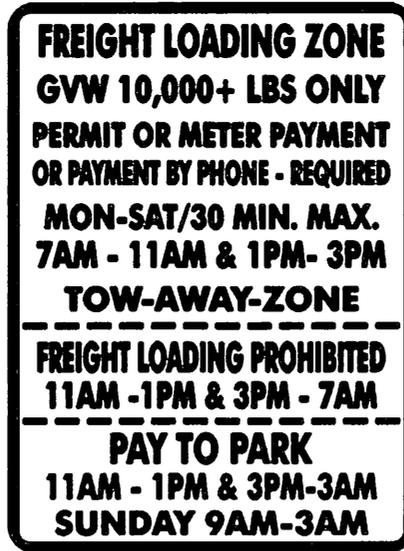
The following factors shall be utilized to determine applicable regulations for each corridor:

- Freight loading demand
- Traffic volume, including peak periods
- On-street parking inventory

The following regulations are proposed for immediate implementation in two (2) major corridors in the City, experiencing high levels of traffic congestion, these are: (1) Washington Avenue between 5<sup>th</sup> Street and 17<sup>th</sup> Street and (2) Collins Avenue between 63<sup>rd</sup> Street and 75<sup>th</sup> Street. Other corridors, including Alton Road between 6<sup>th</sup> Street and Dade Boulevard and Collins Avenue between 5<sup>th</sup> Street and Espanola Way, will be coordinated with FDOT for appropriate signage and pavement markings.

The following regulation is recommended for Washington Avenue between 5<sup>th</sup> Street and 17<sup>th</sup> Street and Collins Avenue between 63<sup>rd</sup> Street and 75<sup>th</sup> Street:

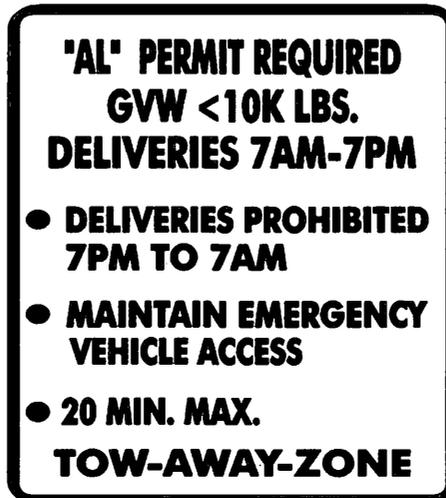
- Transition existing Commercial Loading Zones to Freight Loading Zones with an "FLZ" permit required.
- FLZ days and hours are Monday to Saturday, 7AM to 11AM and 1PM to 3PM.
- Freight loading is prohibited at all other times. Establishments accepting deliveries outside of posted hours shall be subject to code violations, pursuant to the City Code.
- FLZ permits will also be honored at up to two (2) metered spaces without having to pay the meter during the posted FLZ days/hours.
- FLZ will transition to "Pay to Park" for the general public during non-freight loading zone hours that are metered operational hours).
- Deliveries may also take place in designated alleys 7AM to 7PM, Monday to Saturday, contingent upon meeting alley loading regulations.



### Alley Loading Regulations

All alleys in commercial districts will be posted with signs giving notice of the following regulations:

- Transition existing alley regulations to Alley Loading (AL) permit required.
- Permit Fee: \$182.00, annually or \$91.00 semi-annually,
- Deliveries 7AM to 7PM
- Deliveries prohibited 7PM to 7AM
- Maintain Emergency Vehicle Access
- 20 Minute Maximum



## **Traffic Obstruction Enforcement Program**

Police officers will be assigned to dedicated enforcement (moving violations) for obstruction of traffic (double parking) on major thoroughfares. Moving violations are an effective deterrent of double parking, as it: (1) assesses points to the operator's driver's license, (2) increases insurance premiums, and (3) moving violations carry higher penalties than non-moving citations issued by parking enforcement specialists. This assignment will be proposed as an enhancement for the FY 2013/14 Budget, subject to budget approval process and may be funded in the current year, subject to a budget amendment.

## **Proposed Amendments to the City Code:**

The following amendments to the City Code are recommended:

### **Parking in freight loading zones.**

It shall be unlawful for any person during the posted hours of operation of a freight loading zone to:

- (1) Park any vehicle other than a commercial vehicle, as defined in Section 106-1, in any freight loading zone designated by the city;
- (2) Utilize a freight loading zone for any purpose other than the expeditious loading or unloading of property, goods or merchandise from a commercial vehicle;
- (3) Park any commercial vehicle in any freight loading zone without either:
  - a. Displaying a current and valid freight (FLZ) vehicle parking permit issued and utilized pursuant to this article; or
  - b. Paying the meter fee as provided in Section 106-55 of this code; or
- (4) Park any commercial vehicle in any freight loading zone for a period in excess of that time allowed on posted signs or in excess of the maximum time limit allowed by the meter.

In addition to any applicable fine or penalty, any vehicle parked in violation of this section shall be subject to being towed at the direction of any law enforcement officer or parking enforcement specialist.

### **Freight vehicle parking.**

The operator of a commercial vehicle may utilize a freight loading zone during the posted hours of operation of the zone pursuant to a permit issued under this article or by payment of the meter fee as provided in section 106-55 of this Code.

### **Permit application; issuance.**

- (a) A person may apply for a freight vehicle loading permit by submitting an application in the form prescribed by the director, along with the appropriate permit fee.
- (b) The parking official shall issue a permit, unless he/she determines that:
  - (1) The application is incomplete or materially untruthful; or
  - (2) There exist any unresolved parking citations for any vehicle owned by the applicant or any agent of the applicant; and any unresolved debt with the City by the applicant or any agent of the applicant.

**Permit; required.**

- (1) FLZ (Freight Loading Zone) Permit. An FLZ permit will be valid until September 30<sup>th</sup>, of each year and shall be transferable to any other commercial vehicle operated by the permittee upon prior notice in a manner prescribed by the parking official. A commercial vehicle with an FLZ permit may be parked in a freight loading zone or, where such zones are unavailable or occupied, parked utilizing one to two metered automobile parking spaces without payment of the usual meter fee as required elsewhere in this chapter for such spaces. A commercial vehicle with an FLZ permit may be parked for a period not to exceed thirty (30) minutes at one time.
- (2) AL Permit. An AL permit will be valid until September 30<sup>th</sup>, of each year and shall be transferable to any other commercial vehicle operated by the permittee upon prior notice in a manner prescribed by the parking official. A commercial vehicle with an AL permit may be parked in an alley for a period not to exceed twenty (20) minutes at one time.

**Permit specific to commercial vehicle.**

Each permit shall be registered to a specific commercial vehicle and shall be transferable only to another vehicle meeting permit requirements, as provided in this article.

**Display of permit.**

A permit must be conspicuously displayed upon the commercial vehicle for which it is issued so as to be easily visible to any person passing such commercial vehicle on the street or sidewalk while the commercial vehicle is parked in any freight loading zone. Any failure to display a permit shall create the presumption that no permit for the commercial vehicle exists. A license plate enabled platform shall shortly render the permit display requirement moot.

**Use of parking meters.**

As an alternative to obtaining a permit, the operator of a commercial vehicle may park the commercial vehicle in a freight loading zone space or spaces during posted hours of operation for the zone by paying the meter fee for each space utilized in whole or in part for parking the commercial vehicle in that zone, provided that:

- (1) The commercial vehicle is then being expeditiously loaded or unloaded; and
- (2) The meter or meters are not allowed to expire; and
- (3) The commercial vehicle may not be parked in excess of the maximum time allowed as posted on the meter or as authorized by a permit as provided in this article; however, an unpermitted commercial vehicle may utilize one (1) to two (2) metered spaces, or portions of such spaces, within the same block face, by paying the meter fee for each space wholly or partially occupied by such commercial vehicle.

### **Compliance with other laws.**

A permit issued under this article shall not excuse compliance with applicable laws, and a commercial vehicle or charter bus parked in any metered automobile parking space remains subject to any "no parking" and "tow-away zone" restrictions applicable to the parking space. Additionally, a permit does not excuse the requirement that the commercial vehicle must be expeditiously loaded or unloaded at all times while parked under this article.

### **Fees.**

Fees for freight loading zone permits are stated for this provision in the fee schedule. A permit may be replaced during its valid term for the fee stated for this provision in the city fee schedule, upon providing the parking official the police report for the stolen permit or an affidavit for a lost permit. The permit shall be valid only for the remainder of the original term.

### **Effective Date and Implementation Plan**

An effective date of July 1, 2014, for the ordinance is recommended. Initial outreach to purveyors and business communities has begun. In addition, new signs will need to be developed and installed as well revised pavement markings. Mobilization of this work is estimated to be completed within 30 days after the approval of the ordinance, at second reading.

### **FISCAL IMPACT**

Revenues generated by these programs are estimated to be \$90,000 in permit fees and \$100,000 in fine revenues, for total annual revenues of \$190,000 or \$950,000 over five years. However, if the program is successful, these revenues should decline over time.

Expenses for the permitting component consists largely of replacement of existing "commercial loading zone" and "no parking in alley" signs, many of which are planned replacements, resulting in a negligible expense. The expense for police enforcement is estimated at \$750,000 over five years.

As aforementioned, an additional expense of \$55,000 was identified between first and second reading. This consists of processing and administration of the program by City's Service Center. It is estimated that one (1) additional Financial Analyst (FA) position will be needed to support both programs.

### **CONCLUSION**

In conclusion, the Administration recommends that the Mayor and City Commission approve an amendment, on second and final public hearing, to Chapter 106, "Traffic and Vehicles" Article II, "Metered Parking" by amending Sections 106-55; establishing, Subsection (F), Permit Required; Further Amending Section 106-55; Establishing Subsection (O), entitled, "Freight and Commercial Loading Zone Permit Fees"; providing for codification, repealer, severability, and an effective date.

# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY** given that a public hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, May 28, 2014**, to consider the following:

**5:40 p.m.**

An Ordinance Amending Chapter 106 Of The Miami Beach City Code, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division 2, Entitled "Generally," By Amending Section 106-47, Entitled "Freight, Commercial, And Passenger Curb Loading Zones; Hours, Deliveries"; By Creating Subsections 106-47(F) Through 106-47(N) That Establishes Strict Regulations For Parking In Freight Loading Zones; Authorizing Freight Vehicle Parking; Implementing A Permit Application Requirement And Setting Forth Types Of Permits Applicable To Commercial Vehicles; Imposing A Requirement For The Display Of A Permit And/Or Electronic (License Plate) Permit; Providing An Alternative To The Permit Requirement By Utilizing Parking Meters; Mandating Compliance With Other Laws; Establishing Permit Fees; Further Amending Section 106-55; By Creating Subsection (P), Entitled, "Freight Loading Zone (FLZ) Permit"; And Creating Subsection (Q), Entitled, "Alley Loading (AL) Permit"; Providing For Codification, Repealer, Severability, And An Effective Date.

Inquiries may be directed to the Parking Department 305.673.7505.

Interested parties are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. A Copy of this item is available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities and/or any accommodation to review any document or participate in any City-sponsored proceeding, please contact us five days in advance at 305.673.7411(voice) or TTY users may also call the Florida Relay Service at 711.

Rafael E. Granado, City Clerk  
City of Miami Beach