

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES PROVIDING FOR TEXT AMENDMENTS TO THE CODE OF THE CITY OF CORAL GABLES, CHAPTER 74, ARTICLE III, DIVISION 1, 2, 3, AND 4 ENTITLED “STOPPING, STANDING AND PARKING,” PROVIDING FOR UPDATES TO THE PARKING PROVISIONS AND PROCEDURES, CHANGES TO VALET PARKING PROVISIONS, ENACTMENT OF A NEW DIVISION 5 TO PROVIDE FOR A “PARKING REPLACEMENT ASSESSMENT,” A NEW DIVISION 6 TO PROVIDE FOR OVERSIGHT OF PUBLIC USE PARKING WITHIN A PRIVATE DEVELOPMENT, AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, much of the existing parking code was originally drafted in 1958 and has not been updated since 1991;

WHEREAS, current technologies, equipment and operating systems within the Coral Gables parking system have changed significantly since the original codification of the existing parking code;

WHEREAS, much of the language found in the parking code no longer applies to current operating systems within the Coral Gables parking system;

WHEREAS, there are private parking facilities within Coral Gables that are significantly underutilized during certain hours of the day;

WHEREAS, allowing valet parking providers to use underutilized private parking facilities will lead to better efficiency and utilization of the private parking facilities that will benefit the overall parking system within Coral Gables;

WHEREAS, commercial development within Coral Gables impacts traffic volume and occupancy within public parking facilities;

WHEREAS, private investment in public parking facilities will enable the development of additional public parking facilities and increase the overall efficiency of the parking system within Coral Gables;

WHEREAS, the Parking Department has taken this opportunity to provide necessary updates to the existing parking code to make it consistent with the current technologies and equipment being utilized within the Coral Gables parking system; and

WHEREAS, the Parking Advisory Board discussed these amendments and a new division within the parking code providing for a “Parking Replacement Assessment” and unanimously recommends approval.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

Section 1. The recitals and findings contained in the preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Chapter 74 of the Code of the City of Coral Gables, Florida, as amended, entitled “Stopping, Standing and Parking” is amended as follows:

**CHAPTER 74
TRAFFIC AND VEHICLES
ARTICLE III. STOPPING, STANDING AND PARKING***

DIVISION 1. GENERALLY

Sec. 74-100. Parking on private or public property.

- (a) *Parking without permission.* It shall be unlawful for any person to park any motor vehicle, including trucks, passenger automobile, motorcycle, motorbike, motor scooter, or any other motor propelled vehicle upon any privately-owned property, parking lot or driveway, or any publicly-owned property, parking lot or driveway, without the consent of the owner, lessee, tenant or other person entitled to ~~the manage or~~ possession ~~and use of~~ such premises, and, in the case of publicly-owned property, without the consent and permission of the ~~Ceity~~ Manager or ~~designee the chief of police of the city.~~
- (b) *Penalty.* Any person convicted of the violation of this section shall be fined not more than \$~~2~~50.00, or sentenced to serve not less than one day, nor more than ten days, or by both such fine and imprisonment.
- (c) *Impounding.* It shall be the duty of any police officer of the ~~Ceity~~, in the case of publicly-owned property, to impound any vehicle parked in violation of the terms of this section and store the same. Upon conviction of the person violating this section, such person shall, in addition to the fine or sentence imposed, as hereinabove provided for, be required to pay the costs of impounding, transporting and storing such vehicle so parked in violation of this section.
- (d) *Presumption of operation.* Proof of ownership of a vehicle shall be presumptive evidence in any action for enforcement of this section that the owner parked or caused the vehicle to be parked on such premises.

DIVISION 2. PARKING METERS AND PARKING AREAS

Sec. 74-127. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

General public use parking means any parking space(s) developed by the City or privately developed pursuant to an approved entitlement with the City where the space(s) are in excess of minimum parking requirements found in the Zoning Code (Section 5-1409).

Operator means and includes every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner.

Parking area means any on-street parking lane, Ceity-owned parking lot or parking garage, located in the Ceity and established dedicated to ~~for~~ the use of parking vehicles.

Parking Meter means any mechanical or electronic device used to regulate parking by collecting revenue in exchange for the right to park a vehicle in a particular place for a limited amount of time.

Vehicle means any device in, upon or by which any person or property is or may be transported into a parking area.

Sec. 74-128. Authority of Ceity Manager to establish zones.

The Ceity Manager or designee is authorized and directed to establish ~~immediately, and from time to time hereafter as traffic conditions require,~~ zones to be known as parking meter zones upon any such streets, parking lot or garage as traffic conditions require. ~~or parking areas of the city as are selected for the location of such zones, and, in the parking meter zones,~~ The Ceity Manager or ~~his~~ designee ~~shall cause parking meters to be installed and~~ shall cause parking meter zones spaces to be designated as hereinafter provided, and shall fix the time limitations for legal parking in ~~each such~~ zones.

Sec. 74-129. Disposition of proceeds.

~~The e~~Coins, bills and any other forms of payment received for use of any required to be deposited in parking spaces ~~meters~~ as provided herein are hereby levied and assessed as fees to provided for the proper regulation and control of

traffic upon the public streets and parking areas, and to cover the cost of the supervision, regulation, inspection, protection, installation, operation, maintenance, control and use of the parking spaces and parking meters described herein and also the cost of supervising and regulating ~~on~~ the parking of vehicles in the parking meter zones created hereby.

Sec. 74-130. Installation, control, operation; contract to purchase, etc.; authority of ~~Ceity~~ Manager

(a) The ~~Ceity~~ Manager or ~~his~~ designee is hereby directed to provide for the installation, regulation, control, operation and use of the parking meters provided for in this article and to maintain the meters in good workable condition, and is hereby invested with power and authority to enter into a contract, after approval of the terms and conditions thereof by the commission, for the purchase or installation of parking meters, the payment for such meters or installation to be provided for from the receipts, funds and revenues obtained by the ~~Ceity~~ from the operation of the parking meters, provided that such purchase or installation cost may be amortized using other city funds, if approved by the commission, over a period of not more than three years from the date of such purchase or installation. The ~~Ceity~~ Manager is further authorized and empowered to enter into a contract or contracts, after approval of the terms and conditions thereof by this commission, for such parts and maintenance of the parking meters as maybe necessary to maintain the same in good operating condition, and to pay for such parts and maintenance exclusively from the receipts, funds and revenues received from the operation of the parking meters.

(b) The City Manager or designee may provide for parking by permit within any meter zone established as provided in section 74-128. Permits within meter zones may be paid through an annual or monthly fee or may be paid based on hours of use through an account activated by phone or online authorization. Fees charged for such permits must be consistent with rate schedules approved by the City Commission.

Sec. 74-131. Location, operation, etc.

Parking meters installed in ~~the~~ parking meter zones established as provided in section 74-128 ~~shall may~~ be placed ~~upon the curb immediately adjacent to the individual parking places hereinafter described on-street parking lanes, within City owned parking lots or within City owned garages.~~ Each parking meter shall ~~be placed or set in such manner as to show or either~~ display by signal that the parking space(s) adjacent to such meter is or is not legally in use or provide a printed receipt showing the authorized parking time to be displayed on the vehicle's dash board. Each parking meter shall ~~b e installed and set to~~ display

~~upon the deposit of one or more coins of the United States therein, a signal or provide a receipt~~ indicating legal parking for up to that period of time conforming to the limit of parking time which has been or may be established for that parking area or zone, ~~of the street upon which the parking meter is installed and shall continue to operate from the time of the deposit of such coin therein until the expiration of the time fixed as the parking limit for the part of the street or parking area upon which the meter is placed.~~ Each meter or receipt provided shall ~~also~~ be so arranged or displayed that upon the expiration of the legal parking time, it will indicate ~~by a mechanical operation and the display of proper signal~~ that the lawful parking period has expired.

Sec. 74-132. Parking space markings.

The ~~Ceity~~ Manager ~~or designee~~ shall have lines or markings painted or placed ~~upon the curb or upon the street or in the parking areas adjacent to each parking meter or parking space in all parking areas~~ for the purpose of designating the parking space(s) for which the meter is to be used. ~~and e~~ Each vehicle parked alongside of or within the area covered by ~~next to~~ any parking meter shall park within the lines or markings so established. It shall be unlawful and a violation of this article to park any vehicle across any such line or marking or to park any vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings.

~~Sec. 74-133. Parking of vehicles in spaces.~~

~~When a parking space in any parking meter or parking area zone is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of such vehicle shall be alongside of and nearest to the parking meter or parking line marked on the street. When a parking space in any parking space in any parking meter or parking area zone is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle directed at and nearest to such meter or curb or sidewalk.~~

Sec. 74-134. Parking illegally, use of space, depositing slugs, tampering with meter.

- (a) When parking meters are erected giving notice thereof, no person shall stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by such parking meters. ~~u~~ Upon the deposit of ~~a coin~~ a vehicle may remain parked in a designated meter zone for a period up to the time limit established for that zone. ~~on any day except Sundays and holidays as established by Section 1-2 of the City Code, unless otherwise posted, upon any of the streets or parking areas.~~

(b) Every vehicle shall be parked wholly within the metered parking space or zone ~~for which the meter controls, shows parking privilege has been granted, and with the front end of such vehicle immediately opposite the parking meter for such space. Where there is no meter in a parking the vehicle shall be parked facing into the parking space.~~

(c) No person shall willfully manipulate any parking meter or meter receipt in such a manner that the meter or receipt indicator ~~will fail to show the correct amount of unexpired time of expiration~~ before a violation occurs.

Sec. 74-135. Deposit of fundseoins, violations of time limits.

When any vehicle shall be parked in any space alongside of or within a zone next to ~~to~~ which a parking meter is located in accordance with to ~~in accordance with to~~ the provisions of this article, the operator of such vehicle shall upon entering the parking space, immediately deposit or cause to be deposited one or more five-, ten-, or 25-cent coins of appropriate currency of ~~one or more five-, ten-, or 25-cent coins of appropriate currency of~~ the United States in such parking meter or display a valid and activated permit issued by the Parking Department, and ~~and~~ The parking space may then be lawfully occupied by such vehicle for during ~~for~~ the period of parking time which has been ~~parking time~~ prescribed for that meter zone or permit. ~~the part of the street or parking area in which the parking space is located.~~ If the vehicle shall remain parked in any such parking space beyond the parking time limit fixed for such parking space, the parking meter shall display a sign or signal showing illegal parking, and in that event, ~~for such parking space, the parking meter shall display a sign or signal showing illegal parking, and in that event,~~ such vehicle shall be considered as parked overtime and beyond the period of legal parking time in any such part of a street where any such meter is located and shall be an ~~a~~ violation of this article, and ~~and~~ punished as herein after set out.

Sec. 74-136. Allowing vehicle to violate time limits.

It shall be unlawful for any person to cause, allow, ~~or~~ permit or suffer any vehicle registered in the name of such person to be parked overtime or beyond the period of legal parking time established for any parking meter zone or permit program ~~parking areas~~.

Sec. 74-137. Extending time, prohibited.

It shall be unlawful and a violation of the provisions of this article for any person to deposit or cause to be deposited in a parking meter currency one or more of the following: five-, ten-, or 25-cent coins ~~currency one or more of the following: five-, ten-, or 25-cent coins~~ of the United State for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space adjacent to which the parking meter is placed. It shall also be unlawful and a violation of the provision of this article for any person to allow a vehicle to remain in a parking area beyond the legal parking time established for the parking area. ~~It shall also be unlawful and a violation of the provision of this article for any person to allow a vehicle to remain in a parking area beyond the legal parking time established for the parking area.~~

Sec. 74-138. Entering or remaining in permit parking area space.

It shall be unlawful and a violation of the provisions of this article for any person to permit a vehicle to remain or be placed in any parking space or a parking area dedicated to permit parking, unless such vehicle clearly is displaying a permit sticker indicating that the owner has paid for and secured a permit authorizing the parking of such vehicle in the parking area.

Sec. 74-139. Notice of violation, payment of penalty.

- (a) It shall be the duty of parking enforcement specialists of the Ceity, acting in accordance with instructions issued by the Pparking Ddirector, to issue citations for violations of this article that include the following informationreport:
- (1) The location of the vehicle or the number of each parking meter indicating that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions of this article.
 - (2) The state and license number of such vehicle.
 - (3) The date and time at which such vehicle was found parked in violation of any of the provisions of this article.
 - (4) Any other facts, acknowledgement of which is necessary to a thorough understanding of the circumstances attending such violation.
- (b) Each parking enforcement specialist shall also attach to such vehicle a notice to the owner thereof that such vehicle has been parked in violation of a provision of this article.
- (c) The City Manager or designee may in their sole discretion administratively void a parking violation upon a showing of good cause. Good cause may include but is not limited to confirmation of a meter malfunction, medical emergency, mechanical breakdown, vehicle exemption.

Sec. 74-140. Parking meter bagsremoval.

- (a) ~~All requests for parking meter removals or replacements by restrictive signage, where approved by the city manager or his designee, will be fully compensated through reimbursement to the city, of revenues that would~~

~~otherwise be generated by the parking meters~~The City Manager or designee shall promulgate policies and procedures authorizing the issuance of parking meter bags or permits for the purpose of temporarily closing or restricting use of public metered spaces. The policy and procedures will define the process for application, administration and distribution.

- ~~(b) All payments will be made by the abutting property owner in an amount equal to the revenue loss and in the case of permanent removal, an annual payment; one year in advance will be required~~Fees for use of the metered spaces shall be established in a by resolution adopted by the City Commission.
- ~~(c) Revenue loss will be determined on the actual accounting of coin revenue generated per meter, based on a one week period, and multiplied by actual weeks parking meters are removed~~Any person who violates the terms and conditions under which a parking meter bag or permit is issued will be subject to fines for improper parking in a meter zone.
- ~~(d) Revenue loss payments will be declared to be a debt due to the city, and such amount shall constitute a lien against the property abutting the removed meters to the same extent and character as a lien for special assessment, and with the same penalties and same rights of collection, foreclosure, sale and forfeiture, as obtained for special assessment liens~~No person may fraudulently procure, alter or wrongfully utilize a bag or permit issued pursuant to the policies and procedures promulgated under this section..
- ~~(e) A waiver of the payment will be reviewed in such cases where the feasible use of abutting property requires the elimination of parking metered stalls to establish essential ingress and/or egress.~~
- ~~(f) A request for a waiver of payment for any other condition shall be made directly to the commission.~~

DIVISION 3. VALET PARKING

Sec. 74-164. Regulations; limitations.

- (a) It shall be unlawful for any person or company to provide, on a continuing basis, a parking service which uses public right-of-way, public or private parking spaces either for pick-up, delivery or storage of automobiles without first obtaining a valet parking permit pursuant to the regulations herein. Any vehicles valet parked outside of their assigned parking zone in any other on or off-street parking stalls or private property without property owner's written authorization will be cited.
- (b) Valet parking permits may be obtained for the operation of valet parking services at any city licensed hotel, motel or restaurant.

- (c) Valet parking spaces cannot substitute for or be counted as off-street parking spaces as required by the zoning code or other applicable city codes.

Sec. 74-165. Application and review procedures for permit.

- (a) Applications for a valet parking permit shall be made by the owner of the business for which valet parking services are to be provided or by that valet parking company providing the service. The application shall be submitted to the ~~P~~arking ~~D~~epartment on forms provided by the same department. Traffic plan must be submitted with original application detailing route to be followed between the pick up and delivery zones and the storage area.
- (b) If the operator of the valet parking service is a separate company from the business owner, the submitted application must include the valet company's city occupational license.
- (c) The application shall include the required information and fees as specified in section 74-166.
- (d) The city will require a certificate of insurance from each valet parking company (i.e. restaurant) requesting inclusion in the valet parking program.
 - (1) The required certificate of insurance is to be made available to Insurance and Safety Division of the Employee Relations Department located at 2801 Salzedo Street, 2nd floor.
 - (2) The insurance coverage shall include:
 - a. Garage liability with limits of \$1,000,000.00 per occurrence naming the city as an additional insured.
 - b. Garage keepers' legal liability of no less than \$50,000.00 each auto and \$250,000.00 aggregate.
 - c. Workers compensation: Florida statutory limits plus employers' liability limit no less than \$100,000.00 for death or injury to any one person, \$500,000.00 for personal injuries or deaths per occurrence and \$100,000.00 for damage or destruction of property.
 - d. Any other requirements as determined by the ~~C~~eity ~~A~~ttorney, or other city department.

Each permit holder must agree to keep this minimum liability coverage in effect for the duration of this agreement, as well as to provide the city with a new certificate 15 days before their policy renewal date.

- (e) The ~~P~~arking ~~D~~irector shall review the application and may approve, approve with conditions, or deny the subject application. Permits shall be granted upon a showing that there will be compliance with the provisions of this article.
- (f) An appeal from the decision of the ~~P~~arking ~~D~~irector on a valet parking application may be taken to the parking advisory board. The board shall have the authority to uphold or overrule the parking director's decision.

Sec. 74-166. Standards for service.

(a) *Evening time period valet parking.*

- (1) *Time provided.* Valet parking services will only be provided after ~~5~~6:00 p.m. Monday through Saturday, and at any time on Sunday.
- (2) *Signage.* A temporary pole mounted valet parking information sign may be located in front of the business providing valet service only during the time the valet service is in operation. The parking department shall provide standards for valet parking signage including material used, height, size, color, lettering and categories of information to be displayed. No other signage shall be permitted in relation to valet parking.
- (3) *Pick-up/deliver zones.* A valet parking service may only pick up and deliver vehicles in the curb lane closet to the entrance to the establishment. The service may reserve on-street public metered parking spaces for the delivery and pick-up of vehicles if an adequate number of metered spaces are available. The maximum number of reserved parking spaces used for a pick-up/delivery zone shall be determined by the parking director. The valet parking permit application shall indicate the location of the reserved parking spaces. In no case may any vehicle be parked in excess of 15 minutes in any pick up and delivery zone-parking stall.
- (4) *Parking storage spaces.* The number and location of reserved off-site parking storage spaces must be identified as part of the application for a valet parking permit. The number and location of reserved off-site spaces shall be appropriate to serve the establishment. ~~When~~If the off-site parking spaces are located in a private parking facility a written agreement shall be submitted authorizing the use of the parking spaces from the property owner and must be submitted with the application. Parking spaces located in a private parking facility that are counted toward minimum parking requirements for another development may be used for storage upon a finding by the Parking

Director that there is adequate capacity for valet storage. Public off street parking spaces may also be reserved for parking storage wherever public access is not compromised and subject to approval of the ~~P~~arking ~~D~~irector.

(b) *Lunch time period valet parking.*

- (1) *Permit.* Valet parking permits for the lunch time defined as Monday through Saturday may be obtained in order to provide valet parking which uses public parking spaces as a pick-up or delivery zone for customer cars. The permittee must demonstrate and have a sufficient number of ~~private~~ parking stalls are available to meet their vehicle storage requirements before a permit is issued. A restaurant can provide valet parking at any time without a permit if the pick-up and storage of cars is accomplished on their own property.
- (2) *Where available.* A lunchtime (Monday--Saturday) valet parking permit will be available from the city Parking Department.
- (3) *Regulations governing.* All regulations currently obtained in the City Code (Chapter 25, Article VIII) will govern the provision of valet parking during the lunch time period with the following exceptions: Applicants must file an application and a certificate or letter specifically indicating the location and number of spaces available for storage of valet parked vehicles during the lunch time period. These spaces cannot include any on-street public parking spaces and may only include off-street public parking spaces where the Parking Director has determined public access will not be compromised. Parking spaces located in a private parking facility that are counted toward minimum parking requirements for another development may be used for storage upon a finding by the parking director that there is adequate capacity for valet storage. The approval of the application is at the discretion of the ~~P~~arking ~~D~~irector.

(c) *Valet parking permit fees.* Fees in the amount established by the ~~C~~eity ~~C~~ommission shall be paid to the parking department for valet parking permits.

- (1) *Security deposit.* A security deposit equal to the monthly cost for reserved spaces shall be paid at the time the parking permit is obtained.
- (2) *Failure to pay monthly fee.* Failure to pay the monthly fee to the parking department by the tenth day after the end of the previous month may result in immediate suspension or revocation of the valet parking permit.

Sec. 74-167. Procedures and penalties for violation.

The parking director or his designee may inspect the operation of any valet parking service and may issue warnings to the establishment that the service is in violation of the regulations contained herein or is in violation of other provisions of the zoning code. Failure to correct violations may result in the ~~P~~parking ~~D~~irector suspending or terminating a valet parking service permit. The ~~P~~parking ~~D~~irector shall have the authority to review, modify and/or suspend a previously issued valet parking permit if there is evidence that the operation is in violation of city code provisions or has caused a hardship in the vicinity.

- (1) *First violation or violations.* The ~~P~~parking ~~D~~irector or ~~his~~ designee, or the appropriate department, including police department, may issue a citation to the restaurant owner and/or the valet parking operator, detailing the violations, citation number or numbers, and the license plate or plates of vehicles parking in violation, and the amount of the fine, and a warning that a second date of violation within a six month period will result in the owner and valet parking operator being required to make an appearance before the parking advisory board, which shall act in accordance with the provisions provided herein.
- (2) *Second violation and/or violations occurring within a six-month period.* A citation or citations will be issued via a certified letter to the owner and the valet parking operator detailing the violations, citation numbers, and the license plates of vehicles parking in violation, and amount of fine. The owner and valet parking operator shall be required to appear before the parking advisory board at the next regularly scheduled meeting, and may be subject to suspension or further conditions of valet parking privileges for a period deemed appropriate by the board, with the understanding that the owner, operator or their designees failure to appear may result in the restaurants being terminated, removed or suspended from participation in the valet parking program. Once suspended under the provision of this section, the owner and operator shall be prohibited from further valet parking from any location unless approved by the parking advisory board upon applying for reinstatement.
- (3) *Third violation and/or violations occurring within a six-month period.* A citation or citations will be issued via certified letter to the owner and the valet parking operator, detailing the violations, citation numbers, license plates of vehicles parking in violation and amount of fine. The owner and valet parking operator are required to make an appearance before the parking advisory board at their next regularly scheduled meeting, and may be subject to suspension, removal or termination from the valet parking program for a period deemed appropriate by the board with the understanding that the owner and/or valet parking operators or his designee's failure to appear may

result in complete termination of privileges to participate in the valet parking program. Any valet parking participant suspended for a period longer than 30 days may reapply for valet parking participation through the parking advisory board at the next regularly scheduled meeting.

Sec. 74-168. Violations appeal procedures; rights and remedies; supplemental provisions.

The decision of the ~~P~~arking ~~D~~irector or ~~his~~ designee to suspend, review or modify previously issued valet parking permits may be appealed to the parking advisory board within ten days of the issuance of a written decision by the parking director or his designee. If the parking director or his designee finds a violation of this article:

- (1) The ~~P~~arking ~~D~~irector or ~~his~~ designee may issue a notice of violation to the violator (valet company operator in violation of the article) as provided herein, and as this article may be amended from time to time. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator may be liable, instructions and due date for paying the fine, notice that the violation may be appealed by requesting an administrative hearing within 20 days after service of the notice of violation, and that failure to appeal the violation within the 20 days shall constitute an admission of the violation and a waiver of the right to a hearing.
- (2) Civil fines shall be established by resolution of the City Commission.
- (3) A violator who has been served with a notice of violation shall elect either to:
 - a. Pay the civil penalty in the manner indicated on the notice, and correct the violation within the time specified; or
 - b. Request an administrative hearing before a hearing officer to appeal the determination of the ~~D~~irector or his designee that resulted in the issuance of the notice of violation.
- (4) An appeal for administrative hearing shall be accomplished by filing a request in writing to set the hearing before the hearing officer for review and mailed to the parking director or his designee or to the address indicated on the notice, not later than 20 days after the service of notice. The hearing shall be conducted in the same manner as provided in chapter 18.
- (5) If the named violator, after notice, fails to pay the civil penalty and correct the violation (within the time specified), or to request, in a timely manner, an administrative hearing before the hearing officer, such failure shall constitute a waiver of the violator's right to an administrative hearing before a hearing

officer. A waiver of the right to an administrative hearing shall be treated as an admission of the violation and penalties may be assessed accordingly.

Sec. 74-169. Vehicle removal.

- (a) Whenever appropriately ascertained that a vehicle is unlawfully parked in a properly bagged or decaled valet designated pick up and delivery zone said vehicle may be removed through tow and stored at owner's expense.
- (b) Only the vendor "tow company" selected by the ~~C~~city to provide a tow service from on-street and off-street city parking stalls is authorized to be used by any users including valet parking companies. The use of any other tow company to service these locations will constitute a violation of this article.
- (d) Responsibility and liability for vehicle removal and storage shall be the sole province of the valet parking company requesting such removal.

Sec. 74-170. Parking advisory board.

In addition to the responsibility specified in section 74-165(f), the parking advisory board, upon the request of the parking director, may review and advise upon general standards for valet parking signage, key storage, as well as number and location of reserved off-site parking storage spaces.

Sec. 74-171. General standards; appeals.

- (a) The ~~P~~parking ~~A~~advisory ~~B~~board, upon the request of the ~~P~~parking ~~D~~director, may review and advise upon general standards for valet parking, signage, and key storage, as well as number and location of reserved off-site parking storage spaces.
- (b) An appeal from the decision of the ~~P~~parking ~~D~~director on a valet parking application may be taken to the ~~P~~parking ~~A~~advisory ~~B~~board by the applicant. The board shall have the authority to uphold or overrule the parking director's decision.
- (c) The decision of the ~~P~~parking ~~D~~director or ~~his~~ designee to suspend, review or modify previously issued valet parking permits may be appealed to the parking advisory board within ten days of the issuance of a written decision by the parking director or his designee.

DIVISION 4. PARKING BY PERMIT ONLY

Sec. 74-194. Signs.

When signs authorized by the ~~P~~arking ~~D~~irector are erected prohibiting parking in a place designated by permit only, it shall be a violation for any person to stop, stand or park a vehicle in such designated area without a proper permit.

Sec. 74-195. Residential decal parking program.

- (a) The ~~C~~eity ~~M~~anager or ~~his~~ designee shall designate a residential decal program area and shall designate certain parking spaces therein as being subject to the provisions of the program. In carrying out the provisions of this article, the ~~C~~eity ~~M~~anager or ~~his~~ designee shall designate only those residential areas where the incursion of vehicles assimilating parking accommodation, and whose owners reside outside of said residential area, create an unacceptable shortage of parking availability for area residents and/or their guests or visitors. Residents within an area designated by the Parking Director may petition the Parking Department for creation of a Residential Parking Zone. If the petition is signed by a majority, one more than fifty percent of the property owners within the designated zone, the Parking Director will determine whether the designated area qualifies for inclusion in the residential decal program.
- (b) Where meters are installed in front of a mixed use development with residential units, multifamily residential properties, or on an arterial street that passes through a residential neighborhood; the City Manager or designee may create a residential permit program that allows residents to obtain permits to park at meters adjacent to such residential properties. The City Manager or designee may in their sole discretion create reasonable rules for use of such permits.
- (c) The Parking Director or his designee shall install signage in the program area. The signs shall indicate the parking restrictions for the designated space.
- (d) During the hours of enforcement, parking enforcement officers or police officers shall be authorized to issue parking citations to all vehicles parked in a designated space that do not display a proper program decal or hang tag.
- (e) During the hours of enforcement, no person shall park a vehicle in a program area designated space unless such vehicle displays a current program decal or hang tag.
- (f) Program decals and hang tags shall be purchased from the ~~P~~arking ~~D~~epartment for ~~thean~~ annual fee set for each residential permit program area by Commission resolution.

- (g) The residents of each dwelling unit located within a program area will be eligible to buy annual program decals. Program decals shall be purchased upon the presentation of: current motor vehicle registration, current driver's license, and either a current utility bill or a copy of a fully executed lease for property located within the program area, all of which shall be in the name of the person acquiring the program decal. All documentation listed herein shall reflect an address within the program area boundaries.
- (h) Visitor hang tags shall be available from the parking department for residential permit areas established under paragraph (a) above. Residents in a program area shall be entitled to four free visitor hang tags per year. Additional visitor hang tags shall be available for a maximum of 30 days per issuance for a fee, as established.
- (i) A contractor serving a residential address within ~~at~~the program area established under paragraph (a) above shall be eligible to obtain a free visitor hang tag from the parking department.

Sec. 74-196. Penalty.

All persons found in violation of this division shall be liable for a fine of \$23.00, and if paid after 30 days, a fine of \$42.00. This fine schedule is based on the County Code of Ordinance and is subject to future increase by ~~authority of the~~ County Code amendment.

DIVISION 5. PARKING REPLACEMENT ASSESSMENT.

Sec. 74- . Generally.

- (a) Purpose. The parking replacement assessment is established for the purpose of developing and maintaining adequate public parking within Coral Gables. Funds generated by this assessment shall be used to develop additional public parking owned and operated by the City of Coral Gables.
- (b) Lost spaces within the right-of-way. Any new construction, addition, alteration or rehabilitation that results in the loss of public parking within the right-of-way requires payment of replacement costs as established.
 - (1) Replacement costs must be paid for all parking spaces lost to provide ingress and egress to a development, restrictive signage for a development, streetscape improvements adjacent to a development and/or any other permitted use of the parking right-of-way.
 - a. Any development that provides parking on-site will be allowed up to twenty-two (22') feet, as established in Zoning Code

Section 5-1402(c)(2)(a), of curb space to provide ingress and egress to the parking facility without assessment..

- b. Any restrictive use of the parking right-of-way or signage must be approved by the Parking Director and the Public Works Director or their designees.
- (2) Development including attainable housing may be permitted a reduction in the parking assessment fee as provided in the Zoning Code or Fee Resolution approved by the City Commission.
- (3) When an on-street parking space abutting a development is lost solely to meet an established streetscape master plan or traffic improvement required by the City or other governmental entity, the parking replacement assessment for that space shall be reduced by fifty (50%) percent.
- (c) Existing annual payments. Where an abutting property owner is making an annual payment for lost parking meter revenue pursuant to prior ordinance, the property owner may terminate that payment at anytime by paying the parking replacement assessment provided for in this ordinance.
- (d) Payment in lieu. Any new construction, addition, alteration or rehabilitation on property within one-hundred (100') feet of the Ponce de Leon right-of-way or within the Central Business District (CBD) that creates or increases off-street parking requirements under Zoning Code Section 5-1409 may propose satisfying those requirements for off-street parking by providing a payment-in-lieu as established in the most current Fee Resolution approved by the City Commission as follows:
 - (1) Where the new construction, addition, alteration, or rehabilitation creates a demand for off-street parking of fifteen (15) or fewer parking spaces;
 - (2) For new construction, additions, alterations or rehabilitations that create an off-street parking demand greater than fifteen (15) spaces, a developer may propose a payment-in-lieu to satisfy the requirement for ten (10%) percent of the next five-hundred (500) off-street parking spaces required. Acceptance of payment-in-lieu to satisfy parking requirement is at the discretion of the City of Coral Gables Parking Director or designee. When reviewing development plans that propose a payment-in-lieu, the Parking Director or designee will consider any relevant information including: the existing supply of parking spaces within six hundred (600) feet of the project, current parking occupancies, plans for construction or expansion of public parking facilities and proposed use of public or alternative transportation; or

- (3) Where a development abuts a street served by the Coral Gables Trolley, any permitted payment-in-lieu shall be reduced by twenty-five (25%) percent.

Section 74- . Payment of Fee.

The parking replacement assessment of payment-in-lieu shall be satisfied by a one-time payment prior to the issuance of a building permit. The assessment will be paid in the amount established in the most current Fee Resolution approved by the City Commission.

Section 74- . Deposit of Funds.

Funds generated by the parking replacement assessment program shall be deposited into a City account specifically established for parking development reserves. The funds may be used to acquire property or pay for capital improvement, development and construction costs for any public parking facility.

DIVISION 6. PUBLIC USE SPACES WITHIN A PRIVATE DEVELOPMENT

Section 74- . General Public Use Parking.

Where a developer provides public parking within a private development in excess of Zoning Code (Section 5-1409) requirements pursuant to an agreement with the City, such parking spaces shall be dedicated to general public use as defined herein and managed pursuant to Title 74 of the City Code.

Section 74- . Allocation of Spaces.

Spaces within private developments dedicated to general public use pursuant to any agreement with the City must be managed and used as public parking spaces for the benefit of all surrounding uses and the general public. The City may allocate any dedicated spaces between short-term parking, permit parking and valet at its sole discretion. This allocation may be changed by the City at anytime upon ninety (90) days written notice.

Section 74- . Rates.

Where such public parking spaces are allocated to short-term parking, the hourly rate may not exceed the hourly rate in comparable public parking facilities within Coral Gables. Where such public parking spaces are allocated to permit parking, monthly permit rates may not exceed the maximum monthly rate that is charged in comparable public parking facilities within Coral Gables. Discounts are

allowed for permit bulk purchases but any discount program must be applied consistently.

Section 74- . Operating Standards.

Spaces within private developments dedicated to the use and benefit of the general public have a significant impact on the continued development and vitality of business districts within Coral Gables. The City has a vested interest in the management and operation of these spaces and requires the following minimum operating standards.

- (1) The exterior and interior of the facility must be identified with public parking signs that are consistent with signs in use by the City of Coral Gables to identify a public parking facility. In addition, the hours of operation and parking rates must be posted at the entrance.
- (2) Interior signage must provide patrons with clear indications of traffic patterns, ingress and egress locations, short-term parking, permit parking and restricted parking areas.
- (3) The minimum hours of operations are 7:00 a.m. to 12:00 a.m. Sunday through Saturday. During all hours of operation, staff must be provided to monitor the garage and assist patrons as needed.
- (4) To ensure such public parking spaces are well maintained, the parking facility manager must provide the City Parking Director with documentation of an ongoing preventative maintenance program for the public parking spaces. This maintenance program must provide for: daily cleaning schedules to remove trash and debris, to clean ingress and egress areas, and to ensure the overall cleanliness of the public parking spaces. In addition, the parking facility manager must provide inspection, preventative maintenance and repair schedules for fixtures, mechanical systems, lighting systems, equipment, finishes and structural systems pertaining to the public parking spaces.

In general, the public parking spaces must be managed in a commercially reasonable and responsible manner for the benefit of the general public. Patron comfort is greatly improved when a parking facility is clean, well lit and in good repair.

Section 74- . Audit Rights.

Any parking facility within a private development that contains spaces dedicated to general public use must provide to the City Parking Director revenue and traffic reports on a quarterly basis that summarize public parking space usage for both short-term and permit parking. These reports are to be submitted in a form acceptable to the City Parking Director or other staff assigned by the City. In

addition, the City may inspect the parking facility, review garage operations with the facility manger, review management records or any other documents related to the operation of the public parking spaces within the parking facility at any time during normal working hours.

Section 74- . Penalty.

All persons found in violation of this division shall be subject to a civil fine as established by resolution of the city commission.

Section 3. All ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are repealed.

Section 4. If any section, part of a section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 5. This ordinance shall become effective ten days from the date of its adoption by the City Commission.

**PASSED AND ADOPTED THIS _____ DAY OF
DECEMBER, 2010, A.D.**

APPROVED:

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY