



## **Town of Miami Lakes Memorandum**

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**To: Chairman Rodriguez and Board Members**

**From: Darby DelSalle, Planning Director**

**Subject: Sidewalk Ordinance**

**Date: June 20, 2017**

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### **Recommendation:**

Staff recommends approval of the proposed ordinance to facilitate the complete build-out of the Town's sidewalk network by requiring certain developments to construct new sidewalks, repair existing sidewalks or pay into a mitigation program to offset the Town's cost of performing the work.

### **Background:**

The aim of the proposed ordinance is to provide a tool that ensures the complete build-out of the Town's sidewalk network. It is pursued as part of a broader initiative identified in both the Town's Strategic Plan, and the Comprehensive Development Master Plan's (Comp Plan) Mobility Program, to adopt provisions that enable improved sidewalk inter-connectivity throughout the Town. More specifically, Policy 2.2.4 of the Town's Comp Plan and Initiative 1.5.2 of the Strategic Plan specifically call for a code provision that achieves that objective. The ordinance provides for the inclusion of sidewalks in most development plans and the establishment of a sidewalk mitigation program for those projects that have particular challenges in complying with sidewalk construction requirements. The program also provides for projects to repair existing sidewalk facilities adjacent to their properties. Exemptions are provided for smaller scaled projects as well as those related to roof repairs for single family homes.

### **Attachments:**

[Ordinance](#)

ORDINANCE NO. 17-\_\_\_\_\_

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO THE TOWN'S SIDEWALK NETWORK; ADOPTING RECITALS; AMENDING CHAPTER 35, ENTITLED 'STREETS, SIDEWALKS AND OTHER PUBLIC PLACES', ESTABLISHING PROVISIONS FOR THE COMPLETE BUILD-OUT OF THE TOWN'S SIDEWALK NETWORK; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on July 26, 2016, the Town Council of the Town of Miami Lakes adopted Ordinance No. 16-194, amending the Town's Comprehensive Master Development Plan, incorporating language at Policies 2.1.6, 2.2.4, 2.6.8, and 2.6.9, among others, which support interconnectivity of the Town's sidewalk network; and

**WHEREAS**, Chapter 35 of the Town of Miami Lakes (the "Town") Code, entitled "Streets, Sidewalks and Other Public Spaces" is intended to provide standards to address sidewalks within the Town's right-of-way, however it does not provide for the completion of the Town's desire to have complete sidewalk interconnectivity; and

**WHEREAS**, to fulfill the Town's vision of achieving multimodal interconnectivity throughout the Town, the Town Council desires to establish rules which will further that goal; and

**WHEREAS**, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN  
OF MIAMI LAKES AS FOLLOWS:**

**Section 1. Recitals.** Each of the above stated recitals are true and correct and are incorporated herein by this reference.

**Section 2. Amendment.** Chapter 35, Streets, Sidewalks and Other Public Spaces, of the Town's Land Development Code is hereby amended as provided at Exhibit A:

**Section 3. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Inclusion in the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article", "Division" or other appropriate word.

**Section 6. Effective Date.** That this Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember \_\_\_\_\_, who moved its adoption on first reading. The motion was seconded by Councilmember \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

### FIRST READING

The foregoing ordinance was offered by Councilmember \_\_\_\_\_ who moved its adoption on first reading. The motion was seconded by Councilmember \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Tony Lama	_____
Councilmember Tim Daubert	_____
Councilmember Luis Collazo	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

[THIS SPACE INTENTIONALLY LEFT BLANK]

## SECOND READING

The foregoing ordinance was offered by Councilmember \_\_\_\_\_ who moved its adoption on second reading. The motion was seconded by Councilmember \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Tony Lama	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Passed and adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Manny Cid  
MAYOR

Attest:

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Gina Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:

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Raul Gastesi, Jr.  
Gastesi & Associates, P.A.  
TOWN ATTORNEY

EXHIBIT A  
ORDINANCE

## Chapter 35 – STREETS, SIDEWALKS AND OTHER PUBLIC SPACES

### ARTICLE I. – IN GENERAL

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#### Sec. 35-3 SIDEWALKS.

- (a) Intent. It is the stated intent of the town, as part of its broader mobility plan, to provide for sidewalk interconnectivity throughout the town. This Section seeks to achieve this intent by providing provisions that ensure sidewalk infrastructure, where missing, inadequate or in need of repair, is therefore planned and constructed.
- (b) Sidewalk plans shown. All plans submitted to the town in connection with any development permit application, including a building permit or development order pursuant to Chapter 13, Article 3, of the Land Development Code, upon any parcel of land in the town abutting a public right-of-way, shall show the location of any existing sidewalks.
- (c) All permits for construction, regardless of applicability or exemptions as provided below, shall provide for repair of existing sidewalks adjacent to the subject property. No final certificate of completion or occupancy shall be issued until such repair work is completed with inspection approvals.
- (d) Applicability. All new construction on unimproved land and any renovation or remodeling of existing building and facilities shall provide sidewalks along all street frontages, as part of that development plan except as may be otherwise provided for or exempted by these provisions.
- (e) Exemptions. The following projects are exempt from the Sidewalk Mitigation program requirements, but shall continue to be subject to the provisions of Section 202, Florida Building Code, relating to existing buildings and facilities:
  - 1. Residential renovations/additions under \$30,000;
  - 2. Single family residential roof repairs;
- (f) Permitting. No building permit shall be issued for the construction of improvements for the projects required to provide sidewalk interconnectivity as provided above, unless the proposed plans include the location of sidewalks, and said sidewalks are to be constructed or repaired as needed by the applicant in accordance with the requirements imposed by the town, and no certificate of completion or occupancy shall be granted unless such sidewalks are completed in accordance with the proposed plans.
- (g) Sidewalk Mitigation Program. The Town Council of the Town of Miami Lakes hereby creates the Sidewalk Mitigation program. The program is established to provide a compliance alternative for those properties that may otherwise be unable to conform to these provisions. Eligible properties may contribute to the program that amount that would have otherwise been spent providing the required sidewalk facility had they built it themselves.

Any allocation received by the fund shall be applied towards the town's efforts to complete an interconnected sidewalk system within the town.

(1) The Administrative Official shall grant eligibility into the Sidewalk Mitigation program by a showing of the property owner that the construction of sidewalks on the subject property is:

a. impossible due to the existence of permanent obstructions; or

b. would create an urgent safety hazard; or

c. would create a severe drainage obstruction; or

d. the result of a single tenant in a mixed use commercial property that occupies less than 50% of the leasable commercial space, and it is so determined that requiring that single tenant improvement would be an unreasonable application of the law; or

e. at the Town's request.

(2) Properties eligible to participate in the program shall be required to pay a minimum of \$40 per square yard or the Town's prevailing cost per square yard, whichever is higher, of sidewalk required to be constructed, replaced or repaired. For participants in a multitenant commercial building, payment shall be prorated based on the percentage of leasable space occupied by the applicant within the building(s).

(3) Any property owner aggrieved by a decision of the Administrative Official either allowing or disallowing the eligibility into the Sidewalk Mitigation program, shall have the right, upon payment of applicable fee, to file a written appeal to the Town Manager within ten days of the date of written notification of said decision. Any appeal of the Town Manager's decision shall be made to the Council. Final determination of any appeal shall be made pursuant to the standards set forth in division (g)(1) above.

(h) At no time shall the cost of providing required sidewalks or contribution into the Sidewalk Mitigation program exceed 20% of the construction cost of the project.





## **Town of Miami Lakes Memorandum**

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**To:** Chairman Rodriguez and Board Members

**From:** Darby DelSalle, Planning Director

**Subject:** Construction Sites and Abandoned Properties

**Date:** June 20, 2017

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### **Recommendation:**

Staff recommends approval of the proposed ordinance that improves the aesthetics and mitigates the impact of construction sites and abandoned properties to preserve property values and quality of life by requiring a site management plan, temporary fencing and establishing property standards that shall apply to construction sites and vacant/unoccupied properties.

### **Background:**

The aim of the proposed ordinance is to respond to concerns raised by the residents of the Town as reflected in separate motions of the Town Council on October 4, 2016 and December 6, 2016, as they relate to construction sites and abandoned/vacant/unoccupied properties. The proposed ordinance provides measures that seek to manage potential impacts of a construction sites such as securing the perimeter of the site with fencing, dust control, site access, construction phasing, and staging of equipment. The ordinance requires development projects to provide a detailed construction staging and management plan prior to issuance of building permits including the erection of fencing prior to the commencement of any construction activity. The ordinance also provides for the securing and screening of abandoned properties to mitigate against any deleterious impact that may result from their abandonment.

### **Attachments:**

[Ordinance](#)

ORDINANCE NO. 17- \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO CONSTRUCTION SITES AND VACATED/UNOCCUPIED PROPERTY; CREATING ARTICLE 3, CONSTRUCTION SITES AND ABANDONED PROPERTY, IN CHAPTER 16, NUISANCES; CREATING SITE MANAGEMENT PROVISIONS FOR SAME; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on October 4, 2016, the Town Council directed the Town Manager to prepare an ordinance that would properly address the screening of abandoned “eye sore” properties that, as a result of their neglect and abandonment, may harm the property values of property owners in the Town of Miami Lakes; and

**WHEREAS**, on December 6, 2016; the Town Council directed the Town Manager to prepare an ordinance that would properly address the screening of properties under construction, the impact of which may have a negative impact on adjacent properties; and

**WHEREAS**, in fulfillment of those two directives, this ordinance provides for screening of such properties described herein and provides for other operational standards which further the Town Council’s intent; and

**WHEREAS**, on June \_\_\_\_\_, 2017, the Planning and Zoning Board, acting in their capacity as the Local Planning Agency, heard the item at a duly noticed public hearing and forwarded a recommendation of approval to the Miami Lakes Town Council; and

**WHEREAS**, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN  
OF MIAMI LAKES AS FOLLOWS:**

**Section 1. Recitals.** Each of the above stated recitals are true and correct and are incorporated herein by this reference.

**Section 2. Amendment.** Article III, Construction Sites and Abandoned Properties, in Chapter 16, Nuisances, is hereby created as provided at Attachment “A.”

**Section 3. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Inclusion in the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

**Section 6. Effective Date.** That this Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember \_\_\_\_\_, who moved its adoption on first reading. The motion was seconded by Councilmember \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

## FIRST READING

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Mayor Manny Cid	_____
Vice Mayor Tony Lama	_____
Councilmember Tim Daubert	_____
Councilmember Luis Collazo	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

## SECOND READING

The foregoing ordinance was offered by Councilmember \_\_\_\_\_ who moved its adoption on second reading. The motion was seconded by Councilmember \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Tony Lama	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Passed and adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Manny Cid  
MAYOR

Attest:

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Gina Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:

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Raul Gastesi, Jr.  
Gastesi & Associates, P.A.  
TOWN ATTORNEY

## EXHIBIT A

### PROPOSED ORDINANCE

#### CHAPTER 16 – NUISANCES

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#### ARTICLE III. - CONSTRUCTION SITES AND VACATED/UNOCCUPIED PROPERTIES

16-30 Definitions. For the purpose of this section, the following definitions shall apply:

Construction shall be defined to include new construction of structures, additions to existing structures, renovation of existing structures, and any construction that shall include excavation or exposure of the interior of an existing structure. Construction shall not include paving or repaving of a driveway, or other re-surfacing and/or minor interior renovations or construction which is not exposed to the elements.

Vacated/unoccupied property shall mean lands improved with a structure or building that have otherwise gone unoccupied for a period of six (6) months or more. Any determination of vacant/unoccupied property shall be evaluated separate from any determination or review of conforming status.

Permanent perimeter fence shall mean any fencing required at or around the perimeter of a property pursuant to the Town's Land Development Code or as part of a development order, for a residential subdivision or nonresidential property.

Property shall mean all lands within the perimeter of a residential subdivision, or vacant unoccupied property, or that portion of a vacant commercial or mixed-use property subject to construction.

Temporary perimeter fence shall mean any fencing other than that which is defined as permanent perimeter fence, which is otherwise required to be installed pursuant to this Division. Temporary perimeter fences shall be required to comply with all applicable standards of the *Florida Building Code* as may be amended from time to time.

16-31 Site Management Plan.

No permit for construction shall be issued within the town without an approved site management plan that shall be submitted to the town's building department for review and approval prior to issuance of the construction permit. The site management plan shall include a site plan of the structure to be constructed, location of utilities, material storage location, location of dumpsters and method of securing trash during hurricane season, and measures to control pedestrian access around the site, runoff control, weed control, fencing or screening, and a construction schedule.

16-32 Fencing.

(1) Temporary Perimeter Fencing Required. All construction sites, other than those explicitly exempted, shall provide, at a minimum, six (6) foot chain link fencing with green nylon mesh or silk material running the full height and length of the fence, around the entire perimeter of the property prior to, and during all phases of, the construction. A building permit for the perimeter fencing is required, and the temporary perimeter fence must be installed, inspected, and permit finalized by the building department prior to initiating all other construction. Such fencing, as described in this subsection, shall not be required at those portions of the property where a

permanent perimeter fence was issued a building permit, was installed, and received final inspection.

- a. All screening shall be maintained in good condition and free of tears, graffiti, stains, soiling, or any other degradation that may occur to it.
  - b. Graphic designs reflective of an approved development project and/or the Town's logo and tag line "Miami Lakes, Growing Beautifully" may be permitted as authorized by the Town Manager or his/her designee. Garish and neon colors of any proposed graphics, and any associated lighting thereto shall be prohibited.
- (2) Permanent perimeter fencing. All projects required to provide permanent fencing around the perimeter of a residential subdivision or other nonresidential development, pursuant to the Town's Land Development Code, or as otherwise required by development order, shall secure the necessary permits, install the perimeter fence and receive approved final inspections prior to the issuance of any other permit for construction.
  - (3) Demolition permits. All properties subject to demolition permits must be secured by fencing as described in Section 13-1702 above and additionally comply with any applicable provisions of the *Florida Building Code*, as it relates to demolition permit requirements. The required perimeter fence shall be installed on the front, sides and rear lot lines.
  - (4) Vacant/unoccupied property. Vacant/unoccupied property shall be enclosed with a temporary six (6) foot fence if it is determined by the Town Manager or his/her designee that in so doing, the best interests of the Town are served. This provision does not preclude a property owner from voluntarily erecting a perimeter fence during such time the property is vacant/unoccupied. The fencing shall include a green mesh or silk covering the full height and length of the temporary constructions fence. A Building Permit is required.
  - (5) Condition. All fencing required pursuant to this Division shall be maintained in good condition throughout the duration that such fencing is required to be installed and maintained. The fence shall be installed so as not to create a public hazard and the fence gate shall be locked during nonworking hours.
  - (6) Perimeter fencing shall not block site visibility triangles at intersections and driveway entrances.
  - (7) Except as may be provided for by Chapter 13 of the Town's Land Development Code, all fencing regulated by this Division shall be free and clear of any graphic designs or advertising except as permitted by the Town Manager pursuant to paragraph (1)b above.
  - (8) Term. Any fencing required by this section shall fully comply with all provisions of the *Florida Building Code*, and remain in place through completion of construction, or until re-occupancy of a vacant/unoccupied property, unless otherwise exempted by the town's building official. Additional protective safeguards may be required where the town identifies a nuisance.

#### 16-33 Property conditions.

The following standards shall apply to construction sites and vacant/unoccupied properties as regulated by this Division.

- (1) Debris and scrap materials. All construction sites and vacant/unoccupied properties shall be maintained free of debris and scrap materials.
- (2) Dust, dirt, and particulate matter. All construction sites shall be controlled for dust, dirt, and particulate matter. The methodology used shall be sufficient to ensure prompt and efficient maintenance of the site in order to control of the dust, dirt and particulate matter.
- (3) Restoration. All pavement, surfacing, driveways, curbs, walks, buildings, utility poles, fences, and other surface structures affected by the construction operations, together with all sod and shrubs in yards, parkways, and medians shall be restored to their original conditions, whether within or outside the easement right-of-way. All replacements shall be made with new materials.

16-34      Construction operations.

All construction sites unless otherwise exempted by the Building Official, shall conform to the following:

- (1) Construction access. Access points by construction vehicles shall be identified as part of the construction staging plan for town approval at the time a permit is issued for construction. Access points shall be from major collector streets rather than local roads/streets in neighborhoods whenever possible.
- (2) Staging. Construction staging shall take place towards the center of the property, away from all property lines, where possible. Construction staging shall not be permitted in the buffer areas.
- (3) Construction trailers. Building permit required. Construction trailers for staging area shall be permitted solely during construction and shall be removed prior to the issuance of the final certificate of occupancy.
- (4) Materials. Materials or vehicles shall not be parked, placed, or stored on public right-of-way under the jurisdiction of the town except under the following conditions: mobile equipment may be parked during the permitted hours of construction. Materials may only be stored on right-of-way with permission of the appropriate public works department, with a time limit reported to council and public.