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## Staff Analysis and Recommendation

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**To:** Honorable Mayor and Members of the Council  
**From:** Edward Pidermann, Town Manager  
**Subject:** Parking of Commercial Vehicles in rights-of-ways  
**Date:** July 16, 2019

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**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PARKING OF COMMERCIAL VEHICLES; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE VI, "SUPPLEMENTARY REGULATIONS", PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR PARKING REGULATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **A. BACKGROUND**

On February 5<sup>th</sup>, 2019, Town Council directed the Town Manager to explore the possibility of an ordinance to address street parking of commercial vehicles within the Town's rights-of-way. The Council was concerned that large commercial vehicles were parking with regularity in several streets adjacent to parks or residential areas, blocking visibility, encroaching onto travel lanes, sidewalks and swales, and creating potentially hazardous conditions. Additionally, staff found the current code lacking in adequate provisions for violations of parking regulations. The proposed ordinance seeks to clarify provisions for street parking of commercial vehicles within rights-of-way, and to provide for fees and procedures regarding any violations of parking regulations.

On April 17, 2019, the Town Planning Board heard the item and voted to recommend approval by the council recommendations.

On May 22, 2019, the Town Planning Board heard the item again in its current form, which includes modifications added to address prior recommendations of the planning board and voted to recommend approval by the council.

On June 4, 2019 the Town Council approved the item on first reading.

## **B. PROPOSED CHANGES**

The following described elements are presented in the same order that they appear in the proposed ordinance.

*13-1607 (a)* – added definitions for different categories of commercial vehicles.

*13-1607 (b)* – added language clarifying that category 1 commercial vehicles shall not be allowed to park in any right of way abutting either a residential district or a Government Facility that contains a park, a public playground, a public library, a fire station, a police station, or any other public use building. In addition, added language specifying that no commercial vehicles of any category may be parked overnight within the Town Center District.

*13-1607 (c)* – added language prohibiting parking of category 2 and 3 vehicles within any rights-of-way outside of industrial districts.

*13-1607 (d)* – added language clarifying that commercial vehicles of any category are allowed to be stored or parked within private property in commercial, office, and industrial districts, including within any property of residential use that is located within those districts.

*13-1607(e) – Violations.* Provides for civil fines of \$500 for violations, as well as towing or immobilization of repeat violators.

## **C. STAFF RECOMMENDATION**

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending Section 13-1607 as it relates to parking of commercial vehicles within the Town’s rights-of-way.

## **E. ANALYSIS**

The Land Development Code provides that all proposed amendments to the LDC shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council, and that, in evaluating the proposed amendment, the criteria in Subsection 13-306(b) shall be considered. All portions of this report are hereby incorporated into all portions of this analysis. The following is a staff analysis of the criteria as applied to this ordinance.

### **1. Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.**

*Analysis:* See Sections “A”, Background; and “B”, Proposed Changes, of this report. The ordinance provides for ensuring that rights-of-way remain free of any obstruction created by large commercial vehicles stationed in street parking spaces meant for personal private vehicles, as well as maintain the civic and/or residential character of the areas where

parking of commercial vehicles is prohibited. As proposed, and presented in Section “A”, and “B”, above, the amendment conforms to the following objectives of CDMP below.

**Objective 2.3: RIGHT-OF-WAY PRESERVATION** - Protect and reserve existing and future rights-of-way, for automobile, truck, transit, bicycle and pedestrian travel needs, to prevent structural encroachments and ensure adequate widths for maintenance of infrastructure identified in this Comprehensive Plan.

**Objective 10A.5: RESIDENTIAL IDENTITY** - Promote residential identity throughout the Town by encouraging individual design themes for residential neighborhoods.

**Objective 10A.9: CIVIC FACILITIES** - Establish community design standards to encourage positive community design elements for civic facilities.

**Objective 10B.2: PARKS and OPEN SPACE** - Protect and enhance the Town of Miami Lakes parks to provide opportunities for recreation and social gathering.

*Finding:* Complies

**2. Whether the proposal is in conformance with all applicable requirements of this Code of Ordinances, including this chapter.**

*Analysis:* See Sections “A”, Background; and “B”, Proposed Changes, of this report. The proposed ordinance seeks to clarify and extend existing regulations prohibiting parking of commercial vehicles in residential districts as well as to add provisions and procedures to deal with violations. The proposed amendment does not conflict with any of the Town’s existing provisions.

*Finding:* Complies.

**3. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.**

*Analysis* See Sections “A”, Background; and “B”, Proposed Changes, of this report. The existing regulations prohibit parking of commercial vehicles in residential districts, but in cases where a residential district abuts a commercial or industrial district, they are interpreted to apply only to the side of the street that is immediately adjacent to the residential district, but not to the opposite side. As a result, several instances of large commercial vehicles parking on a long-term basis on several right-of-way have occurred. In addition, current regulations contain no language regarding violations and fines. This provision tries to remedy these challenges by establishing three categories of commercial vehicles, clarifying the language regarding residential districts, adding governmental facilities to the areas where category 1 commercial vehicle parking is prohibited, adding language to prohibit parking of commercial vehicles of categories 2 and 3 in any right-of-way outside of industrial districts, and establishing provisions for fees and impoundment in case of violations.

*Finding:* Complies.

**4. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or**

**neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.**

*Analysis:* See Sections “A”, Background; and “B”, Proposed Changes, of this report. The proposed amendment seeks to remedy existing de-facto incompatibilities between parking of commercial vehicles and residential, parks and civic uses.

*Finding:* Complies.

- 5. Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including schools, transportation, water and wastewater services, solid waste disposal, drainage, water supply, recreation, education, emergency services, and similar necessary facilities and services.**

*Analysis:* See Sections “A”, Background; and “B”, Proposed Changes, of this report. The proposed ordinance does not impact the above systems.

*Finding:* Complies.

- 6. Whether, and the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of any groundwater aquifers, wildlife habitats, and vegetative communities.**

*Analysis:* See Sections “A”, Background; and “B”, Proposed Changes, of this report. The proposed ordinance does not impact the above systems.

*Finding:* Complies.

- 7. Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.**

*Analysis:* See Sections “A”, Background; and “B”, Proposed Changes, of this report. Long term parking for large commercial vehicles should be accomplished mostly within private storage and parking areas inside industrial and commercial developments. Street parking in right of ways is inadequate and creates safety hazards as well as visual clutter and thus should be rarely used and only in cases where the commercial vehicle is actively rendering a service to a residence or other facility nearby. In residential, parks and civic areas, parking of large commercial vehicles can be detrimental to property values as it creates visual clutter and a general unkempt appearance. As such, the proposed ordinance is in the interest of the general welfare of the Town and its residents.

*Finding:* Complies.

- 8. Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.**

*Analysis:* See Sections “A”, Background; and “B”, Proposed Changes; and Criteria 1, 2, 4, and 7 of this report.

*Finding:* Complies.

**9. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this chapter.**

*Analysis:* See Sections “A”, Background; and “B”, Proposed Changes; and Criteria 1, 2, 4, 6, and 7 of this report.

*Finding:* Complies.

**10. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.**

*Analysis:* See all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed amendment is appropriate and consistent with the public interest.

*Finding:* As determined by the Town Council.