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## Staff Analysis and Recommendation

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**To:** Honorable Chair and Members of the Local Planning Agency  
**From:** Susana Alonso, AICP, Principal Planner  
**Subject:** Driveways and Curb Cuts in Lots Less Than 50 Feet Wide  
**Date:** March 3, 2020

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AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO DRIVEWAYS IN RESIDENTIAL DISTRICTS ; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE V, "ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS" PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE..

### **A. BACKGROUND**

At the January 21, 2020, Town Council meeting, a New Business item was introduced directing staff to explore the width of curb cuts in properties within the RU1-Z districts. The current Town code allows either a single 20-foot curb cut or a circular driveway with two curb cuts that add up to a maximum of 30 feet, with no single curb cut wider than 20 feet. The code also provides that a maximum 60% of the required front yard may be paved (including pavers set in sand). Zero-lot properties have the added complication that, although one side allows for zero setback, the other side is encumbered by plat with a four-foot maintenance and drainage easement, upon which no structure or paving may be built; the lots are also rather narrow (as narrow as 45 feet) which make circular driveways impractical. A few residents of zero-lot-line developments have expressed concerns regarding existing driveways that are larger than allowed by current code. Some neighbors have attempted to obtain building permits for new driveways, after improvements to the sidewalks in the area made new curb cuts necessary. During the permitting process they have learned that the previous configuration was not according to code. When an existing structure (such as a paved area) is found to be non-conforming, an attempt is made to establish whether the structure was allowed via site-plan, via a permit under a different code (like Miami-Dade County) or via a variance. Unfortunately, the legality of these paved areas cannot be established.

This report and attached ordinance reflect Town Council direction to staff to provide some regulatory relief to zero-lot line properties regarding driveways. Staff recommends expanding the regulation to all single-family properties with lots less than 50 feet in width.

## **B. PROPOSED CHANGES**

Increase maximum curb cut to 60% of the width of the lot for a single driveway, instead of the current 20 feet, for all lots narrower than 50 feet. This results in allowable curb cuts of 27 feet for 45-foot lots and 30 feet for 50-foot lots. This constitutes the same 30-foot allowance afforded to any single-family home with a circular driveway, which is currently divided into either a 10-foot plus a 20-foot curb cut, or two 15-foot curb cuts. The maximum, however, must be a percentage, as opposed to a fixed number, in order to ensure that the required maximum 60% impermeable area is maintained.

## **C. EVALUATION**

*Description of affected properties.* The Town's RU-1Z zoned properties are concentrated in the southwest quadrant of the Town in an area commonly referred to as West Lakes. Approximately 1,088 homes within the West Lakes neighborhood are zoned RU-1Z. Zero lot line developments are characterized by a type of housing configuration whereby one portion of the principal building is built to the property line with setbacks provided along the front, rear and the other side of the property. For interior lots, that side yard setback is typically ten (10) feet and includes a four (4) foot platted easement to the benefit of the adjacent neighbor for drainage and for maintenance access. In addition, there exist a number of 50 foot lots dispersed through other residential districts, that must comply with regular setbacks requirements or 5' from every interior property line.

*Intent of a limit on curb cut width.* The curb cut is the place of intersection between the driveway and the sidewalk where existent, or the road where no sidewalk exists. There is a public interest in maintaining and enforcing a maximum width to the curb cuts for safety, maintenance, drainage and aesthetic reasons. The current maximum width for all single-family residential curb cuts is 20 feet, and this maximum seems to be a typical standard across many municipalities.

*Safety considerations.* The possibility of conflict between vehicles entering and exiting a driveway and either pedestrians or other vehicles on the public right-of-way increases as the width of the curb cut is increased. A 20-foot curb allows for two vehicle access to parking areas. A 24-foot curb cut allows for three small vehicles. Safety issues are particularly acute for pedestrians transiting the sidewalk.

*Maintenance and Cost Considerations.* Portions of sidewalks within the curb cut must sustain a higher degree of wear and tear, as they must sustain the higher weight and the impact of the vehicle tires in addition to pedestrians. Furthermore, in order to endure the additional weight and impact, sidewalk slabs along the curb cut are required to be six (6) inches thick and therefore the wider the curb cut the higher the construction and replacement cost.

*Drainage considerations.* As a functional matter, pervious open space is essential to promote infiltration and to reduce overall site runoff. Even with onsite pervious areas, the natural slope of a property may result in some runoff onto the adjacent rights-of-way. A

property without pervious area will drain all stormwater onto the neighbor's property and onto the rights-of-way. Portions of the West Lake neighborhood have drainage issues that the Town is actively addressing. The neighborhood is identified in the Town's Storm Water Master Plan (originally adopted in 2003 and lastly updated in 2019 by Kimley-Horn) for needed upgrades to the storm water system. A Marlin Engineering study complete in 2012, as precursor to reconstruction of the drainage system designs, found that the existing drainage system is a disjointed-unconnected network, that there are poor drainage soil types (Plantation Muck) within the area, and that very little area of the rights-of-way are pervious. Aside from the fact that larger spans of pavement generate a larger volume of run-off water that must be either absorbed by the adjacent soil or managed by the Town's storm water system, wider curb cuts also mean less areas for swales, and therefore a higher demand on the storm water system.

*Aesthetic considerations.* Swales provide the opportunity for the planting of shade trees that contribute to the overall tree canopy, which is a hallmark of the Town of Miami Lakes. The visual effect on the Town's streets of long rows of parked vehicles adjacent to the sidewalk, and the lack of swales and therefore street trees will have a detrimental effect on the appearance of the neighborhood.

*Summary.* Any increase in impervious areas will likely have an impact on the West Lake neighborhood. Nevertheless, the narrowness of the lots present challenges in providing for parking while maintaining required pervious areas. In 2018, the Town Council increased the amount of impermeable area in the neighborhood, when it approved an ordinance allowing corner lots to pave up to three feet from the property line. At just 16% of the homes in the neighborhood, the impact of the 2018 ordinance was likely to be relatively small because it was limited corner lots. The cautionary tale, however, is affording the same accommodations to interior lots. This scenario will most certainly have a greater impact that could increase flooding in the community and hamper the effectiveness of the current drainage project. Therefore, any decision to increase impervious area should be limited in its applicability. For this reason, staff's recommendations do not include an increase of the 60 % impervious area allowed in the required front yard, only a consolidation into a single slab and curb cut.

#### **D. STAFF RECOMMENDATION**

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending the maximum curb cut for all lots narrower than 50 feet.

#### **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; “B”, Proposed Changes, and Section “C”, Evaluation of this report. As proposed, and presented in Section “A”, “B”, and “C” above, the amendment conforms to the following policy of CDMP below. The proposal does not appear to significantly impact the ongoing drainage projects within the West Lake neighborhood.

Policy 4C.1.2: Utilizing funding obtained from its newly-established Stormwater Utility, the Town will allocate sufficient funds in to address existing stormwater deficiencies identified in the Stormwater Master Plan.

*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; “B”, Proposed Changes, and Section “C”, Evaluation and Study; of this report. The amendment attempts to address narrower lots in single family districts affording them the same length of curb cut otherwise allowed for circular driveways, but in a single cut. In this light, the proposed ordinance conforms with the Town’s LDC’s. A review of the LDC’s found no conflicts.

*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; “B”, Proposed Changes, and Section “C”, Evaluation of this report. Many lots with the West Lakes neighborhood have larger driveways and curb cuts than allowed by code. It is difficult to tell how many of those properties did so with the benefit of a permit. Regardless, an appropriate remedy may be to permit some decking to occur, while still providing for pervious and landscaping areas. This ordinance attempts to strike that balance. The proposal appears to have only a minimal impact regarding on site drainage and the ongoing storm water drainage program pursued by the Town appears to implement conservative calculations in designing for storm water runoff capture.

*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; “B”, Proposed Changes, and Section “C”, Evaluation and Study; of this report. The proposed ordinance does not change the main permitted use of the property; however, it does provide some consideration regarding curb cut for all lots narrower than 50 feet. There exists driveways in the West Lake neighborhood that may or may not have been built with the benefit of permits. The ordinance seeks to find a remedy with the least amount of impact.

*Finding:* As determined by the Town Council.

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; “B”, Proposed Changes, and Section “C”, Evaluation and Criteria 1, 2, and 4, of this report. If the approval is limited to not increasing the percentage of impervious area allowed, the impact will likely be minimal to the neighborhoods storm drainage system.

*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:* 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; “B”, Proposed Changes, and Section “C”, Evaluation and Criteria 1, 2, and 4, of this report. If the approval is limited to only corner lots, the impact will likely be minimal to the neighborhoods storm drainage system.

*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; “B”, Proposed Changes, and Section “C”, Evaluation and Study and Criteria 1, 2, and 4, of this report. Section “B” provides a full description of the positive and negative effects of the proposal. In summary, if the approval is limited to only corner lots, the impact will likely be minimal to the neighborhoods storm drainage system.

*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; “B”, Proposed Changes, and Section “C”, Evaluation and Study and Criteria 1, 2, and 4, of this report. If approved, it will provide relief to bring properties that installed driveways without permits to come into compliance.

*Finding:* Complies.

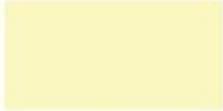
**10. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.**

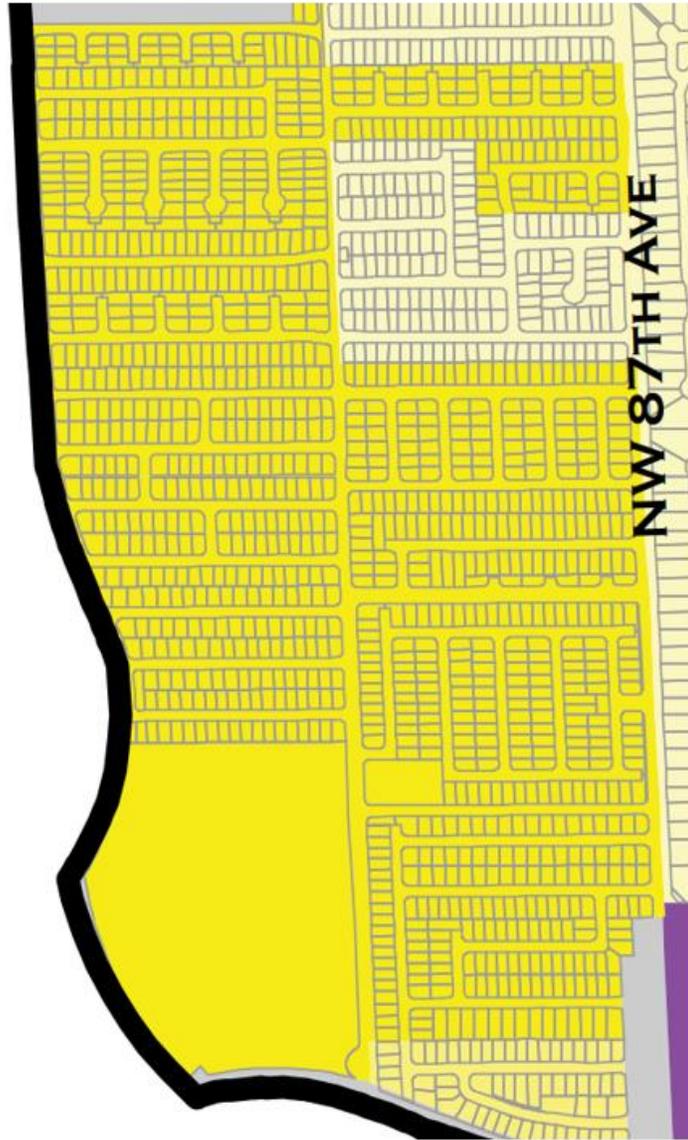
*Analysis:* See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed ordinance amendment is appropriate and consistent with the public interest. The Analysis Section addressed the conditions suggested by the Planning and Zoning Board.

*Finding:* As determined by the Town Council.

# ATTACHMENT A

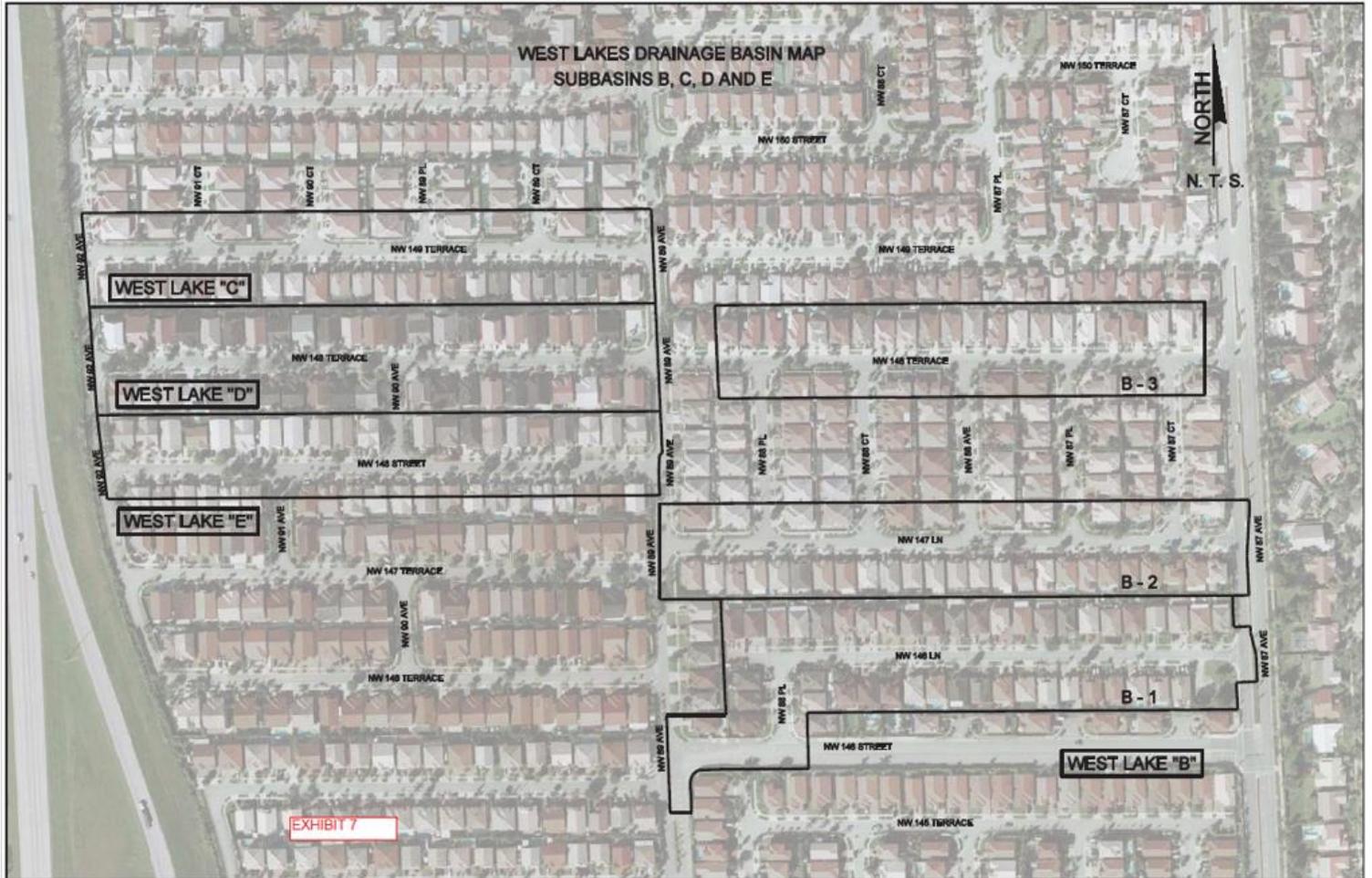
## ZONING MAP

-  RU-1
-  RU-1A
-  RU-1Z





# ATTACHMENT C UPCOMING DRAINAGE PROJECTS WEST LAKE



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<sup>1</sup> "Drainage Report for the design of Miami-Lakes, West" Marlin Engineering, Inc. January 2012.

# ATTACHMENT D

## WEST LAKE DRAINAGE SITE DATA

Site Development Data ( Miami Lakes, West): Part 1

TOWN OF MIAMI LAKES - WEST LAKES DRAINAGE IMPROVEMENTS						
	Pervious/Impervious Area of West Lakes B,C,D and E (ACRES)					
	B-1	B-2	B-3	E	D	C
Private Area	4.9	3.7	3.1	3.2	4.5	3.6
Pervious Private Area (15%)	0.9	0.7	0.6	0.6	0.8	0.6
Green Area	0.3	0.4	0.3	0.3	0.3	0.3
Asphalt Plus Concrete	2.0	1.8	1.3	1.5	1.5	1.6
R/W Area	2.3	2.2	1.6	1.8	1.8	2.0
Total Area	8.0	6.6	5.3	5.1	7.1	6.2
Total Pervious	1.2	1.1	0.9	0.8	1.1	1.0
% Previous	14.5	16.3	16.1	16.1	15.1	15.9
Average % Pervious					15.7	

Site Development Data ( Miami Lakes, West) Part: 2

TOWN OF MIAMI LAKES - WEST LAKES DRAINAGE IMPROVEMENTS						
	Elevation Analysis of West Lakes B,C,D and E					
	B-1	B-2	B-3	E	D	C
Ave. edeg of Pavement	6.50	6.94	6.93	6.88	7.28	6.65
Min. Road CL elevation	6.17	6.60	6.76	6.91	6.78	6.34
Avg. Road CL elevation	6.89	7.21	7.18	7.25	7.48	7.08
Max. Road CL elevation	7.39	7.80	7.75	7.85	8.02	7.67
Min. FFE elevation	6.84	7.27	7.43	7.58	7.45	7.01
Avg. FFE elevation	7.56	7.88	7.85	7.92	8.15	7.75
Max. FFE elevation	8.06	8.47	8.42	8.52	8.69	8.34

Note : It is assumed Finish Floor Elevation (FFE)= Road CL ele. +12"

<sup>2</sup> "Drainage Report for the design of Miami-Lakes, West" Marlin Engineering, Inc. January 2012.