

ORDINANCE NO. 20_____

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.

WHEREAS, on January 21, 2020, the Town Council of the Town of Miami Lakes directed the Town Manager to explore the feasibility of expanding the width of curb cuts in properties within the RU1-Z districts; and

WHEREAS, Town Staff’s study regarding curb cuts in properties within the RU1-Z districts found that, in the interest of fairness, the evaluation should expand to all properties, including those outside the RU1-Z district that are 50 feet or less in width; and

WHEREAS, this proposed ordinance is reflective of the Town Council’s request and will modify the existing code by allowing driveways and continuous curb cuts to encompass up to 60% of the lot width, for all single-family homes that are less than 50 feet in width, provided that the impervious area of the street side yard does not exceed 60% of the lot width, and the impervious area of all the yards combined does not exceed 60% of the lot size; and

WHEREAS, on _____, the Planning and Zoning Board, acting in its 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, on _____, the Town Council at a duly noticed public hearing, moved the item on First Reading; and

WHEREAS, on _____, the Town Council considered the ordinance at a duly advertised public hearing; and

WHEREAS, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is 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 is true and correct and is incorporated herein by this reference.

Section 2. Amendment. Section 13-1508 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 Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of _____, 2020.

[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 Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this ____ day of _____, 2020.

Manny Cid
Mayor

Attest:

Gina M. Inganzo
Town Clerk

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
Town Attorney

EXHIBIT A

ORDINANCE

CHAPTER 13 – LAND DEVELOPMENT CODE

* * *

ARTICLE V. ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS

* * *

Sec. 13-1508. - Driveways and parking spaces.

This section applies to single-family and two-family residences.

(1) Driveways and parking spaces shall be graveled or hard-surfaced. Parking shall not be permitted on sand, lawns, common access areas, rights-of-way, across sidewalks, center islands of culs-de-sac and other nonpaved areas not approved for parking. Overnight parking, any time between the hours of 12:00 midnight and 6:00 a.m., shall not be permitted on swale areas; however overnight parking shall be permitted on driveway approach areas if the vehicle does not block the sidewalk. Unlicensed vehicles and inoperable vehicles may only be placed and kept on a lot in a closed garage.

a. Emergency exceptions to overnight parking for a single vehicle per residence on swale areas may be granted for the temporary parking, no more than 48 hours, under the following circumstances:

1. Automobile maintenance failure; and
2. Parking for a home health care professional engaged in the care of a resident of the property.

b. Upon application to the Town, a hardship waiver to extend overnight parking for a single vehicle per residence on swale areas may be granted by the Administrative Official in compliance with the following provisions:

1. Health care professional. Extended overnight parking (more than 48 hours) may be granted for a home health care professional engaged in the care of a resident of the property upon the provision of a medical prescription for home health care services or other affidavit from a licensed medical professional documenting the need for home health care for a resident of the property.

2. Direct family member. Extended overnight parking (more than 48 hours) may be granted for a person living in the household and interrelated by blood, marriage or legal adoption, occupying a dwelling unit designed as a single-family use.

3. No extended overnight parking hardship waiver may be issued unless all other available parking spaces including the garage and driveway approach are already utilized for parking.

4. Upon provision of an extended overnight parking hardship waiver for parking on the swale, the overnight parking of the vehicle shall be limited to the swale area directly in front of the principal residence.

(2) The maximum driveway approach width shall be 20 feet, measured at the property line. In the case of a circular driveway, the total combined width of both approaches shall not exceed 30 feet, measured at the property line. In case of single-family lots that are 50 feet or less in width, the maximum driveway approach for a single driveway configuration, shall be calculated as 60 percent of the width of the lot. Where there is a sidewalk and/or swale present between the property line and the roadway pavement, an approach may also include an additional flare area between the property line and the paved roadway area. If utilized, each flare shall be no wider than two and one-half feet where it meets the roadway pavement, and shall be curved. The curve shall begin no more than half of the distance between the sidewalk (or property line if either the swale or sidewalk is not present) and the roadway pavement, and shall be a constant, gradual curve. Where a flare is utilized, the maximum driveway approach width shall be 25 feet at the paved roadway and 20 feet at the property line. Where a flare is utilized in the case of a circular driveway, the total combined width of both approaches shall not exceed 40 feet at the paved roadway and 30 feet at the property line. In cases of atypical configurations, the Administrative Official may interpret this subsection to achieve the intended result. However, a driveway approach shall be no closer than ten feet to the base of a swale area tree that is existing or scheduled to be planted, unless the Town Arborist determines that in his professional opinion, the particular tree can grow properly with a smaller separation. Paved driveway areas (excluding approaches) for any garage, including three-car garages, shall not exceed 30 feet in width.

(3) Driveways and parking spaces in the front or side yard shall be set back a minimum of five feet from an interior side property line. For zero lot line developments the driveways and parking spaces shall be set back a minimum of zero feet from the zero-lot line side and a minimum of four feet from the opposite side property line. For all corner lots, the driveways and parking spaces located in the front or side yard shall comply with the required street side setbacks for the main structure, except to cross the setback as needed to provide direct access from the street to the garage. Driveways are not permitted in the side yard except as needed to provide access to a functioning side yard facing garage.

(4) On corner properties when a driveway is located perpendicular to a side facing the street, the driveway or parking space shall be set back 20 feet from the rear property line and 20 feet from the front property line.

(5) Driveways and parking spaces parallel to a front property line or side property line facing a street shall be set back five feet from the front or side street property line.

(6) The maximum impervious area permitted for driveways, walkways, porches, decks, etc. (including brick pavers set in sand), in the required front and side yards facing a street shall be 60 percent for each yard.