

ORDINANCE NO. 21-281

AN ORDINANCE THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO LANDSCAPE REGULATIONS; AMENDING CHAPTER 13 “LAND DEVELOPMENT CODE”, ARTICLE V “ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS” , SECTION 13-1508 “DRIVEWAYS AND PARKING SPACES”e; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Fernandez)

WHEREAS, a large portion of the Town of Miami Lakes (hereafter referred to as the “Town”) is in an “AE Flood Zone” and is at a moderate to high risk of receiving 3 feet or more of flooding; and,

WHEREAS, the Federal Emergency Management Agency (hereafter referred to as “FEMA”) states that one inch of floodwater can cause damages of up to \$25,000; and,

WHEREAS, the Town participates in FEMA’s National Flood Program since 2006; and,

WHEREAS, the Town conducted a community survey to help determine long-range planning and investment priorities for the community and to help improve existing programs and services; and,

WHEREAS, the survey conducted demonstrated that 65 percent of surveyed residents agreed or strongly agreed that flooding has increased in their neighborhoods; and,

WHEREAS, the Administrative Official reviewed the proposed amendment to the Land Development Code and recommends approval, as set forth in the Staff Analysis and Recommendation dated ____, 2021 and incorporated into this Ordinance by reference; and,

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, HEREBY ORDAINS AS FOLLOWS.

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Findings. After considering Staff's report, both submitted in writing and presented orally and the public, the Town Council finds, pursuant to Subsection 13-306(b) of the Town Code, that the proposed amendment is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Land Development Code found at Subsection 13-306(b) of the Town Code as provided for in the Staff Recommendation and Analysis Report.

Section 3. Approval. The Town Council hereby adopts the amendment as provided at Exhibit "A"

Section 4. 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 All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.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 5. 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 6. 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 be included in the Town Code.

Section 7. Effective date. This Ordinance shall become effective immediately upon adoption on the second reading.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FIRST READING

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

Mayor Manny Cid	Yes
Vice Mayor Luis E. Collazo	Yes
Councilmember Carlos O. Alvarez	Yes
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Jeffrey Rodriguez	Absent
Councilmember Marilyn Ruano	Yes

Passed on first reading this 8th day of June 2021.

[THIS SPACE INTENTIONALLY LEFT BLANK]

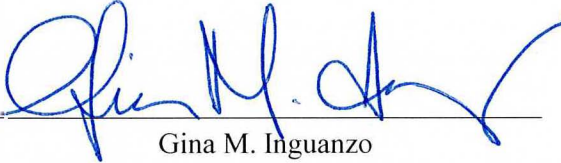
SECOND READING

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

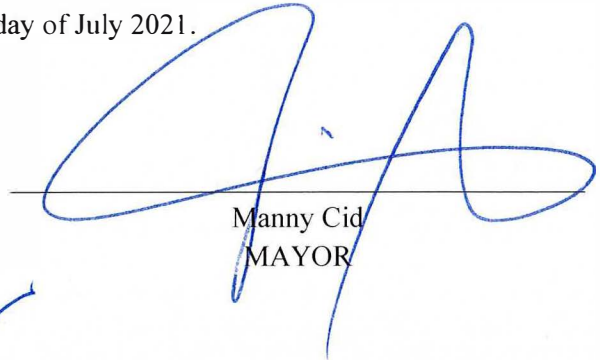
Mayor Manny Cid	Yes
Vice Mayor Luis E. Collazo	Yes
Councilmember Carlos O. Alvarez	Absent
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Jeffrey Rodriguez	Absent
Councilmember Marilyn Ruano	Yes

Passed and adopted on second reading this 13th day of July 2021.

Attest:

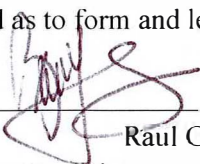


Gina M. Inguanzo
TOWN CLERK



Manny Cid
MAYOR

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi, Lopez and Mestre, PLLC
TOWN ATTORNEY

EXHIBIT A

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 cul-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, unless a permeable paver, turfstone or other such permeable paving material is used for the totality of the yard, in which case it shall be 70 % provided that:
 - a. The permeable paving material is installed following manufacturer's specifications for maximum permeability or over a layer gravel and sand; and
 - b. On single family properties a minimum setback of five feet on each side is maintained and heavily landscaped with native grasses and bushes;

- c. On zero lot line properties a four-foot minimum setback on the zero lot line side is maintained and heavily landscaped with native grasses and bushes;
- d. On Townhome properties a total of four feet is maintained between adjacent driveways and is heavily landscaped with native grasses and bushes;