

ORDINANCE NO. 22-290

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING CHAPTER 13, THE LAND DEVELOPMENT CODE, SECTION 13-449 TITLED “SWALE AREAS”, AND SECTION 13-1508 “DRIVEWAYS AND PARKING SPACES”; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (DIEGUEZ)

WHEREAS, in 2008, the Town of Miami Lakes (the “Town”) adopted a Land Development Code (the “LDC”) in order to provide for uniform standards throughout the Town’s distinct zoning areas; and

WHEREAS, among the items covered in the LDC are the regulation of maintenance on swale areas; and

WHEREAS, our code prohibits overnight parking of vehicles on swale areas; and

WHEREAS, our current code provides for enforcement of the Town Code via the Town’s Code Enforcement department; and

WHEREAS, during the November 2020 Town Council meeting, the Town Council expressed their desire to incorporate additional enforcement mechanisms, such as the use of Town Police and Civil citations; and

WHEREAS, the enclosed Ordinance incorporates the use of Police to enforce “no overnight parking on Swales”, for Town Home and Single Family Home areas throughout Town; and

WHEREAS, on February 9, 2022, the Town Council passed the proposed Ordinance in First Reading; and

WHEREAS, on March 1st, 2022, the Planning and Zoning Board met in their capacity as the Town’s Local Planning Agency to consider the proposed Ordinance; and

WHEREAS, on March 8th, 2022, the Town Council passed the proposed Ordinance in Second Reading.

THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

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

Section 2. Adoption of Amendments to Chapter 13, The Land Development Code, Section 13-449, Titled “Swale Areas”, and Section 13-1508 “Driveways and Parking Spaces”
The Town Council approves the adopts the Amendments to Chapter 13, Section 13-449 and Section 13-1508 of the Town Code as provided herein.

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 All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.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.

FIRST READING

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

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

Passed and adopted on first reading this 8th day of February 2022

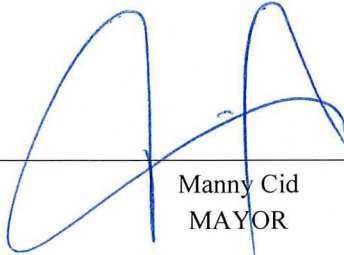
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SECOND READING

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


Mayor Manny Cid	No
Vice Mayor Jeffrey Rodriguez	Yes
Councilmember Carlos O. Alvarez	Yes
Councilmember Luis E. Collazo	Yes
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Marilyn Ruano	Yes

Passed and adopted on second reading this 8th day of March, 2022.



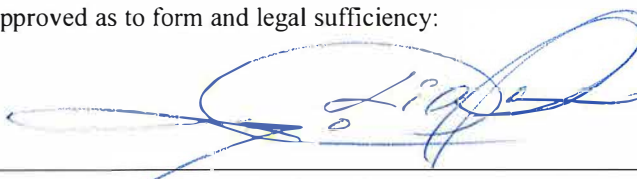
Manny Cid
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



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

Sec. 13-449. Swale areas.

When applicable, the swale area in the front of an individual townhouse that is located within the public right-of-way shall be maintained by the abutting property owner. Unless approved by the Town through a public works permit, no structures or improvements of any kind, with the exception of sod, annuals or perennials, driveway approaches and shade trees approved by the Town, shall be permitted within the swale areas. Trees planted in the swale area are the property of the Town and may not be removed or trimmed by the abutting property owner without approval of the Town. Additionally:

- 1) Overnight parking, between the hours of 11:00pm to 6:00am on swale areas shall be strictly forbidden. Vehicles parked overnight in swale areas will be subject to the imposition of a civil fine or code compliance citation.
- 2) The use of any such swale area by any party in contravention of the provisions of this section shall be subject to the code enforcement provisions and procedures set forth in the Town Code of Ordinances and the provisions of the Miami-Dade County Code of Ordinances and State law applicable to such unauthorized use.

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.

c. Overnight parking, between the hours of 11:00pm to 6:00am on swale areas shall be strictly forbidden. Vehicles parked overnight in swale areas will be subject to the imposition of a civil fine or code compliance citation.

d. The use of any such swale area by any party in contravention of the provisions of this section shall be subject to the code enforcement provisions and procedures set forth in the Town Code of Ordinances and the provisions of the Miami-Dade County Code of Ordinances and State law applicable to such unauthorized use.

(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.