

ORDINANCE NO. 14-1060

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ARTICLE VIII, SECTION 13-1801, OFF-STREET PARKING, ADDING SECTION 13-1802, PAYMENT IN LIEU OF PARKING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Objective 1.2 of the Town's Comprehensive Plan states that the Town shall maintain an effective and efficient Land Development Code (LDC); and

WHEREAS, it is difficult for many types of businesses to open in the Town Center area because said businesses are unable to provide all of the required vehicle parking on-site; and

WHEREAS, there are many available on-street vehicle parking spaces on the public right-of-way available in the Town Center area that are routinely used by patrons of businesses in the area, yet these spaces are not included to satisfy parking requirements; and

WHEREAS, the form and function of the Town Center area is both conducive to on-street parking and is enhanced by the presence of such parking; and

WHEREAS, the Town Council wishes to establish an option for businesses in the Town Center area to satisfy all or a portion of their parking requirement by paying an in-lieu fee for use of public, on-street parking spaces, with the proceeds being used to make improvements to said parking spaces and to enhance the experience and safety of pedestrians traveling between these on-street parking spaces and businesses; and

WHEREAS, the Town's Planning and Zoning Board, as the Local Planning Agency (LPA), reviewed the amendments at a duly advertised Public Hearing on January 21, 2013, and recommended approval of the ordinance as proposed; and

WHEREAS, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency (LPA) and Town staff, the Town Council wishes to adopt the amendments to the Town LDC attached hereto as Exhibit A; and

WHEREAS, the proposed amendments are in conformance with all applicable requirements of the Town's Code of Ordinances, including the LDC; and

WHEREAS, the proposed amendments will not be in conflict with the public interest, and are consistent and in harmony with the purpose and intent of the Comprehensive Plan; and

WHEREAS, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

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

Section 1. Recitals. Each of the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Adoption. The Town Council hereby adopts the amendments to Article VIII of the Town LDC, which are attached as Exhibit A hereto and are incorporated 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.

The foregoing Ordinance was offered by Councilmember Ceasar Mestre, who moved its adoption on first reading. The motion was seconded by Vice Mayor Manny Cid and upon being put to a vote, the vote was as follows:

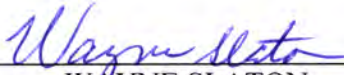
Mayor Wayne Slaton	yes
Vice-Mayor Manny Cid	yes
Councilmember Nelson Rodriguez	absent
Councilmember Tim Daubert	yes
Councilmember Tony Lama	yes
Councilmember Frank Mingo	yes
Councilmember Ceasar Mestre	yes

PASSED AND ADOPTED on first reading this 14th day of January, 2014.

The foregoing Ordinance was offered by Councilmember Cesar Mestre, who moved its adoption on second reading. The motion was seconded by Councilmember Tony Lama and upon being put to a vote, the vote was as follows:

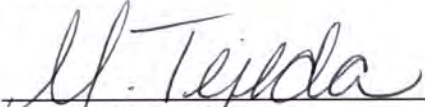
Mayor Wayne Slaton	<u>Yes</u>
Vice-Mayor Manny Cid	<u>Yes</u>
Councilmember Nelson Rodriguez	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Tony Lama	<u>Yes</u>
Councilmember Frank Mingo	<u>Yes</u>
Councilmember Cesar Mestre	<u>Yes</u>

PASSED AND ADOPTED on second reading this 11 day of February, 2014.




WAYNE SLATON
MAYOR

ATTEST:



MARJORIE TEJEDA
TOWN CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF MIAMI LAKES ONLY:



RAUL GASTESI
TOWN ATTORNEY

EXHIBIT A

Chapter 13 – Land Development Code

Article VIII. Off-Street Parking Requirements

Sec. 13-1801. Off-street parking.

- (a) *Required; definitions of parking space.* Permanently maintained off-street parking for vehicles shall be provided in connection with any building or premises used or designed to be used for the purposes set forth in this article, except as specifically provided elsewhere in this Article VIII. Parking spaces on private roadways shall not be credited towards required parking. For the purpose of this article, each parking space shall be a minimum of eight and one-half by 18 feet with the following exceptions:
- (1) Where parking spaces for the handicapped are to be provided, they shall be a minimum of 18 feet long and the width and quality shall be in accordance with the Florida Building Code.
 - (2) Parking stall and aisle dimensions shall conform to the charts entitled "Minimum Parking Stall Dimension" and "Striping Detail" hereby incorporated as part of this section.

* * *

- (3) For all occupancies other than residential, the parking spaces shall be marked with double striping on each side of the space to identify and facilitate their use. All striping shall be of a color (typically white) contrasting with the pavement. Dimension requirements, as noted elsewhere, shall be measured to the center point of the double stripe, as shown on the "Striping Detail" hereby incorporated as part of this section. Notwithstanding the above provisions and striping details, where striping is required for residential users, not less than a single four-inch stripe shall be provided, with parking stall dimensions to be measured to the center line of the strip. In all instances, adequate interior driveways and ingress and egress driveways shall be provided to connect all parking spaces with a public right-of-way or alley. Where a parking space heads into and abuts a walkway, the paved 18-foot length shall be provided a wheel-stop or curb at 16 feet in order to prevent extension of the vehicle over any portion of the provided walkway width. Required and surplus parking shall comply with these provisions and such parking shall not be placed in

dedicated or official rights-of-way, except as specifically provided elsewhere in this Article VIII.

* * *

- (q) *Parking waiver.* The Administrative Official shall be authorized to review and act upon applications for administrative waivers of off-street parking requirements for properties with multiple uses where an applicant can demonstrate that differing hours of operations of existing businesses, or other conditions, justify such a waiver.

No waiver shall be granted greater than 15 percent of off-street parking requirements for a single use, or that would result in a cumulative total greater than 20 percent of off-street parking requirements for an entire property.

The Administrative Official, in consultation with the Town Engineer, shall review and evaluate such applications as indicated in the following sections. In the event a wavier exceeding 15 percent for an individual use is requested or more than 20 percent for an entire site the request shall be reviewed by the Town Council as a conditional use pursuant to the requirements of the Town's Code.

The provisions of this Subsection (q) shall not be applicable to properties and uses designated as Town Center Mixed-Use on the Future Land Use Map of the Comprehensive Plan.

Sec. 13-1802. Payment in lieu of parking.

This section shall apply to all uses and properties designated Town Center Mixed-Use on the Future Land Use Map of the Comprehensive Plan.

- (a) For any uses that cannot, or elect not to, provide all or a portion of required parking on-site, as determined by the standards set forth in Section 13-1801, the owner or developer shall make a payment in lieu of such required parking, subject to verification by the Administrative Official of the availability of such public, on-street parking spaces in the Town Center Mixed-Use area. This payment in lieu program shall be applicable to new construction, changes of use, expansion of an existing use or any other situation in which a requirement for new or additional parking is created. Provided, however, that the number of parking spaces required for handicapped persons, as otherwise provided in this Code, shall be provided on-site.

- (b) Fee collection. In cases of new construction or a new addition, the payment in lieu of providing parking shall be satisfied by a payment

prior to the issuance of a building permit. In cases of existing structures where a change of use results in an increased parking requirement, the payment in lieu of providing parking shall be satisfied by a payment prior to the issuance of a certificate of use or certificate of occupancy, whichever occurs earlier. However, the Administrative Official may establish financing or installment programs as an option for use of the parking in-lieu program, in which case the first installment and any other requirements of the financing or installment program that may be established shall be satisfied prior to the issuance of a building permit or certificate of use/occupancy, as applicable.

(c) *Fee calculation.* The amount of the payment for each parking space not provided on-site shall be established by the Town Council by resolution. The Administrative Official shall annually review the amount charged for each such space, and provide a recommendation to the Town Council regarding its adjustment; however, the Town Council may change the amount at any time by resolution.

(d) *Deposit of funds; account.* Funds generated by the payment in lieu program shall be deposited in one of two Town accounts, one from funds generated from uses to the west of NW 67th Avenue, and the other from funds generated to the east of NW 67th Avenue. The funds in each account shall be utilized to provide parking and mobility related improvements within the area from which the funds in each account were generated. Such parking and mobility related improvements may include the following:

- (1) Striping, landscape islands, paving and similar improvements for on-street parking on public streets;
- (2) Improvements to pedestrian infrastructure, including sidewalks, crosswalks, greenways, street trees, pedestrian crossing signals and pedestrian wayfinding signs;
- (3) Transit infrastructure, including bus shelters, signage and transit-oriented lane modifications;
- (4) Bicycle improvements, including on-street bicycle parking spaces, greenways and bicycle lanes and paths.

Expenditure of funds for any parking and mobility related improvements not specifically enumerated above shall require approval by the Town Council.

(e) *Variances.* No variances to the requirements of this section shall be allowed, nor shall any variances to the requirements for the number of parking spaces specified in Section 13-1801 be allowed for properties designated Town Center Mixed-Use on the Future Land Use Map of the Comprehensive Plan.