

**RESOLUTION NO. 14-1227**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, ESTABLISHING THE PER SPACE FEE FOR THE PAYMENT-IN-LIEU OF PARKING PROGRAM AUTHORIZED BY ORDINANCE 14-166; PROVIDING FOR THE OPTION BY AN APPLICANT TO CONSTRUCT IMPROVEMENTS UNDER THE PAYMENT-IN-LIEU OF PARKING PROGRAM; PROVIDING FOR THE OPTION BY AN APPLICANT TO UNDERTAKE MAINTENANCE ACTIVITIES RELATED TO ON-STREET PARKING; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on February 11, 2014, the Town Council passed Ordinance 14-166, codified as Section 13-1802 of the Town of Miami Lakes Land Development Code, establishing the payment-in-lieu of parking program;

**WHEREAS**, Ordinance 14-166 provides that land uses within the Town Center area may elect to meet all or a portion of their vehicle parking requirement by making a payment for the use of public, on-street vehicle parking, with proceeds from this program used to make parking and mobility improvements in the Town Center area; and

**WHEREAS**, Ordinance 14-166 provides that the Town Council has the authority to establish and revise the fee to be charged per parking space under the payment-in-lieu of parking program; and

**WHEREAS**, Ordinance 14-166 also provides that the Administrative Official (i.e. the Town Manager) has the authority to establish optional financing or installment programs for payment of the required fee; and

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

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

**Section 2. Fee for Payment-in-Lieu of Required Parking.** Per the authority of Ordinance 14-166, the fee for each parking space utilized under the payment-in-lieu of parking program is hereby established as \$1,047.17, plus a yearly charge to reimburse the Town for the cost of litter control for any on-street parking spaces improved under this program. However, such fee shall be subject to reduction upon an Applicant or property owner choosing to undertake all or a portion of construction of required improvements and necessary maintenance activities related to on-street parking, as provided in Section 3 and Section 4, below.

**Section 3. Option to Construct Improvements.** Subject to discretionary approval by the Administrative Official, the applicant for a certificate of use, or the property owner in which a proposed land use is to be located, may choose to make improvements to on-street parking spaces. In such cases, the value of right-of-way improvements accrued to the Town, calculated in terms of the expected cost of the Town making the same improvements, shall be credited to the party making said improvements for the payment-in-lieu of parking program. However, the Administrative Official may accept or reject any such proposed improvements, based upon the desirability of the proposed location of improvements, and the appropriateness of the proposed design. In addition, all required permits for such work must be obtained.

**Section 4. Option to Undertake Maintenance.** Subject to an agreement or agreements between an Applicant or property owner and the Town, in a form acceptable to the Town Attorney, an Applicant or property owner may choose to perform necessary maintenance of landscaping required to be installed as parking of the payment-in-lieu of parking program and/or to be responsible for litter management in and around improved on-street parking spaces. Where

an Applicant or property owner chooses to perform necessary maintenance of landscaping, the value of such maintenance activities, calculated in terms of the expected cost of the Town of undertaking the same activities, shall be credited to the party making said improvements for the payment-in-lieu of parking program. Where an Applicant or property owner chooses to perform litter control for one or more on-street parking spaces improved under the payment-in-lieu of parking program, said Applicant or property owner shall be relieved of the obligation to reimburse the Town for those services.

**Section 5. Effective Date.** This Resolution shall take effect immediately.

**PASSED AND ADOPTED** this 10 day of June, 2014.

Motion to adopt by Ceasar Mestre, second by Frank Mingo.

**FINAL VOTE AT ADOPTION**

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

Wayne Slaton  
Wayne Slaton  
MAYOR

Attest:

Approved as to Form and Legal Sufficiency

M. Tejada  
Marjorie Tejada  
TOWN CLERK

Raul Gastesi  
Raul Gastesi  
TOWN ATTORNEY