



Village of Biscayne Park

Commission Agenda Report

Village Commission Meeting Date: June 2, 2015

Subject: Chapter 5 Proposed Changes

The draft of the proposed changes to Chapter 5 are provided which include the changes approved by the Commission at the May 12th commission meeting:

5.6.1 (a) (2): Take out the five (5) year and ten (10) year limitations and work in the 50% substantial repair concept. *Existing non-conforming driveways permitted by the Village may remain unless a substantial portion, 50% or greater, requires repair, or an addition to the driveway occurs.*

5.6.8 (a): *All driveways shall be of approved materials except as otherwise provided below.*

On section **5.3 Rights-of-way**: Amend the language to state that the adjoining property owner is responsible for not only the maintenance of the trees, but also for the removal of dead, fallen or diseased trees.

NOTE: Code Review Board Proposed Language as of February 18, 2015 is underlined in black.

CHAPTER 5. TRANSPORTATION (As amended as of August 2014, update Nov 19, 2014)

5.1. General provisions.

5.1.1 *Purpose.* This chapter establishes minimum requirements applicable to the transportation system, including public and private streets, bikeways, pedestrian ways, parking, and access control from public streets. The standards in this chapter are intended to minimize the traffic impacts of development, and to assure that all developments adequately and safely provide for the storage and movement of vehicles with good engineering and development design practices.

5.1.2 *Compliance with technical construction standards manual.* All required elements of the transportation system shall be provided in compliance with the engineering design and construction standards of the Public Works Manual, ~~Metro~~ Miami-Dade County

5.1.3 Definitions. These definitions supplement Chapter 2 of these Code of Ordinances.

- (a) Front Yard -- the area on a property between the front lot line and the front of the building on the property.
- (b) Clear Trunk Height -- Clear trunk height (CT). The height of a tree measured from the ground to the bottom of the canopy.
- (c) Diameter Breast Height -- diameter of a tree trunk measured at four and one-half (4.5) feet above grade. In the case of multi-stemmed trees, the D.B.H. shall be measured at four and one-half (4.5) feet above grade on each stem and added together to count as one (1) tree.
- (d) Off-Street Parking – Parking that is confined to the area within the lot line of a property and does not include the public right-of-way or swale.
- (e) Mulch – Natural materials customarily used in landscape design to retard erosion, weed infestation, and retain moisture and for use in planting areas.
- (f) Right-of-Way – The area not contained within property lines and is for public use and is measured from lot line to lot line.
- (g) Sod – turf grass that is used to cover the ground.

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- (h) Street Frontage -- the part of the boundary of the lot next to a street
- (i) Swale -- the area between the pavement edge and the property line which includes the sidewalk adjacent and contiguous to the property lots. The swale is located within the right-of-way.

5.2. Streets.

5.2.1 *Street classification system established.* Streets in the village are classified and mapped according to function served in order to allow for regulation of access and appropriate design and construction standards. Streets dedicated to the village and private streets are classified in a street hierarchy system with design tailored to function. The street hierarchy system shall be defined by road function and average daily traffic (ADT), calculated by trip generation rates prepared by the Institute of Transportation Engineers. The following street hierarchy is established: Residential, collector, and arterial. Each street type is divided into subcategories.

5.2.2 *Residential streets (local roads).* Residential streets are primarily suited to providing direct access to residential development and are designed to minimize unnecessary and/or speeding traffic. Each residential street shall meet the minimum standards for one (1) of the following street types:

(a) *Residential access street.* This is the lowest order street in the hierarchy. A residential access street is a frontage street which provides direct access to abutting properties and should not carry more traffic than is generated on the street itself. Residential access streets may take access from any higher order street type. Both ends of a residential loop street must take access from a single higher order street. Residential access streets shall have a maximum ADT of five hundred (500). Loop streets shall have a maximum of four hundred (400). Cul-de-sacs shall have a maximum ADT of two hundred (200).

(b) *Residential subcollector street.* This is the middle order street in the residential street hierarchy. It will collect traffic from residential access streets and provide direct access to abutting properties. Residential subcollector streets may take access from any higher order street type and may give access to residential access streets and may provide direct access to nonresidential uses. Residential subcollector streets shall have a maximum ADT of one thousand (1,000).

(c) *Residential collector street.* This is the highest order street that can be classified as residential. It will collect traffic from residential access and subcollector streets and may provide direct access to nonresidential uses. Residential collector streets shall have a maximum ADT of two thousand (2,000).

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5.2.3 *Collector roads (county collectors).* Collector roads connect lower order streets to other collector streets and to arterial streets, provide access to nonresidential uses, and serve through traffic. Collector streets shall have an average daily traffic volume of no greater than seven thousand (7,000).

5.2.4 *Arterial roads (state minor arterials).* There are three (3) types of arterial roads, minor, major, and freeways but there is only a minor type in the village. The minor arterial links community districts to regional and state highways and may give access to any lower order street type.

5.2.5 *Special purpose roadways.*

(a) *Alley.* Alleys are not considered part of the street hierarchy system as they are generally unpaved thoroughfares for the purpose of service to adjacent properties.

(b) *Divided streets.* Divided streets are for the purpose of protecting environmental features or avoiding excessive grading. In such a case, the standards shall be applied to the aggregate dimensions of the two (2) street segments.

5.2.6 *Future traffic circulation map.* The future traffic circulation map and any amendments thereto, adopted by the village as part of the comprehensive plan (Map 3.4), is hereby made a part of this code. Roadways within the village are either designated in the future traffic circulation map or may be classified according to function, design, and use by the village upon request. The map shall be the basis for all decisions regarding required road improvements or access.

5.3. Rights-of-way.

5.3.1 *Right-of-way widths.* The right-of-way shall be measured from lot line to lot line.

5.3.2 *Protection and use of rights-of-way.*

(a) No encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the village.

(b) Use of the right-of-way for public or private utilities, including, but not limited to, potable water, telephone wires, cable television wires, gas lines, sanitary sewer, or electricity transmission, shall be allowed subject to the placement specifications in the Public Works Manual, [MetroMiami-Dade County](#), and other applicable county regulations.

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(c) All vehicles of any type parked on any street, alley, or public right-of-way in the Village of Biscayne Park shall have at all times attached a current license plate.

(d) Sidewalks and bicycle ways shall be placed within the right-of-way.

5.3.3 *Parking of trucks, etc., prohibited in the right-of-way.*

(a) It shall be unlawful to park or cause to be parked upon any public street or in the public right-of-way in the village any truck, trailer, semitrailer, bus (public or private owned) except while loading or unloading or when such vehicle is parked in connection with and in the aid of the performance of a service to or on the property being serviced.

(b) Nothing herein contained shall be deemed to prohibit the parking of one (1) truck in front of any one property not exceeding three-fourths ton net weight that contains no lettering or advertising and is owned or leased by the occupant of the property, when it is proven to be physically impossible to park it off of the public right-of-way.

(c) It shall be unlawful to park or store any boat, boat trailer, air boat, any self-propelled or nonself-propelled mobile home, motor home or camper upon any public street or in the public right-of-way in the village.

Cross references: Truck overnight parking permit, § 16.11.

~~5.3.4 *Objects in the right-of-way.*~~

~~(a) *Markers.* Dome type markers only may be placed within dedicated right-of-way provided that they are placed not closer than eighteen (18) inches to the nearest edge of the paved surface of the designated roadway. All markers must be at least twenty-four (24) inches apart. Markers placed in the right of way shall not exceed twelve (12) inches in diameter nor be more than six (6) inches in height and shall be white in color.~~

~~(b) *Landscaping.* Nothing shall be planted or allowed to grow in such a manner so as to obstruct the right-of-way clear zone at a level between three (3) feet and six (6) feet above the grade, measured at the centerline of right-of-way. Trees or palms, however, having trunks and foliage trimmed in such a manner that no branches or foliage extend into the right-of-way area clear zone shall be allowed, provided they are so located so as not to create a traffic hazard.~~

~~(c) *Paving and drainage.* Pervious pavers shall be allowed but any impervious paving shall be adequately drained to prevent the buildup of stormwater in the right-of-way.~~

~~(d) *Other objects prohibited.* It shall be unlawful to install, place or maintain within the dedicated right-of-way, parkway or swale area of the village any pointed concrete or other unapproved hard materials such as rocks, stones, bricks, metal objects or other similar obstructions.~~

5.3.4 Landscaping and objects in the swale area of the right-of-way.

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(a) Use of the swale area of the right of way: The swale area of the Village's right-of-way is public property. All objects and landscaping, with the exception of mailboxes, shall be considered the property of the Village whether existing at the time of the enactment of this ordinance or thereafter. No object or landscaping shall be allowed in the swale, except as provided for in this section, with the exception of mailboxes. All other signage, including political signs, shall be consistent with Chapter 12 of these Code of Ordinances.

(b) Minimum standard: Sod coverage that is well maintained shall be provided in the swale unless other plant materials or approved driveway surfaces are installed in accordance with this section. The contiguous adjacent property owner is responsible for the maintenance of all permitted objects, landscaping and sod in the swale unless otherwise specified by these Code of Ordinances. The height of sod shall be consistent with Section 8.4 (Property Maintenance).

(c) Markers: Only dome type markers may be placed within the swale provided that they are placed not closer than eighteen (18) inches to the nearest edge of the paved surface of the designated roadway. All markers must be at least (24) inches apart. Markers placed in the swale shall not exceed twelve (12) inches in diameter nor be more than six (6) inches in height and shall be white in color.

(d) Mailboxes: May be located within the swale provided no part of the mailbox is closer than two (2) feet from the edge of the paved surface of the designated roadway. Non conforming mailboxes shall have one (1) year from date of enactment of this ordinance to come into compliance.

(e) Restrictions on the placement of landscaping in the swale: Landscaping in the swale adjacent to front lot lines and exterior side lot lines, as defined in Chapter 2 of these Code of Ordinances, shall conform to the following restrictions:

(i) Clear Zone: An area five (5) feet deep, parallel with and immediately adjacent to the edge of the paved road shall be maintained as a clear zone. All landscaping in the swale installed after the enactment of this ordinance must be located a minimum of five (5) feet from the edge of pavement of the nearest roadway. Any landscaping installed previous to the enactment of this ordinance within the clear zone must be removed once it dies or is damaged and cannot be replaced. If existing landscaping is deemed a safety hazard by the Village, it must be immediately removed—CAN'T READ—CUT OFF PAGE—. Sod is always a permitted material in the clear zone.

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(a) Approved Driveway Surface is also permitted within the clear zone in accordance with Section **5.6.8 of this Code of Ordinances**.

(a)(b) Clear Trunk Height: Plant materials of unlimited height shall be permitted such that they do **not** intrude in any way into the clear zone at a height lower than eight (8) feet. All landscape overhangs into the street are subject to applicable local, county and state laws.

(ii) *Installation of trees in the swale:* The installation of trees within the swale shall require a permit from the Village. A dimensional plan and indication of the proposed species, grade and size of the proposed tree(s) shall be submitted. Trees installed in the public right-of-way without a permit shall be subject to immediate removal after a thirty (30) day written notice to the property owner. Permits shall not be issued for trees within the clear zone.

(iii) *Mulch in the swale:* Only natural materials with the exception of cypress mulch and mulch with chemical compounds shall be permitted in the swale. **THIS NEEDS TO BE CLARIFIED. NOT SURE WHAT IS EXCLUDED/INCLUDED BY THIS SECTION.**

(f) A combination of paving and sodding of rights-of-way shall be permitted provided the impervious section does not exceed forty (40) percent of the total area and such paved areas shall be kept **on in** good condition.

(g) *Removal of obstructions by the Village:* In the event any object or tree placed in the swale creates an emergency situation involving potential danger to the health, safety, and welfare of the community, the Village may perform removal operations immediately, thus eliminating the emergency, and may assess the cost of such removal against **the adjacent property owner**.

(h) *Removal of trees in the swale by the abutting property owner:* Property owners must obtain a permit from **the Village Biscayne Park** and Miami-Dade County to remove trees in the swale.

(i) *Property owner's responsibilities for maintenance:* The property owner or resident living in the property shall be jointly and severally responsible for the maintenance of the Swale area contiguous to their property. Maintenance shall include but not be limited to mowing the sod and performing general edging, weeding, trimming, pruning and cleanup activities. The landscaping and sod shall be maintained in good plant health.

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The landscaping shall be kept free of dead limbs and branches. No Swale landscaping shall be maintained in such manner as to constitute a nuisance.

1. ~~Property owners shall be responsible for the removal of dead and diseased trees, with the exception of dead and diseased trees that are sixty (60) inches or more in diameter breast height (DBH) there will be a 50%/50% share between the Village and property owner for the cost of removal, depending on the availability of budgeted Village funds. Any permitted tree planted by the property owner after the enactment of this ordinance shall be the full responsibility of the property owner. If a tree is on both the swale and the property, there is no share with the Village. Property owners shall be responsible for the removal of dead, diseased or fallen trees.~~

5.3.5 *Vacation of rights-of-way.* Applications to vacate a right-of-way may be approved upon a finding that all the following requirements are met:

- (a) The requested vacation is consistent with the traffic circulation element of the village comprehensive plan.
- (b) The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement.
- (c) The vacation would not imperil the current or future location of any utility.
- (d) The proposed vacation is not detrimental to the public interest, and provides a benefit to the village.

Cross references: Right-of-way permit, § 16-8.1; fees for right-of-way permits, § 17.5.1.

5.4. Street standards.

5.4.1 *Clear visibility triangle.* In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two (2) intersecting streets or the intersection of a driveway and a street. The following standards shall be met:

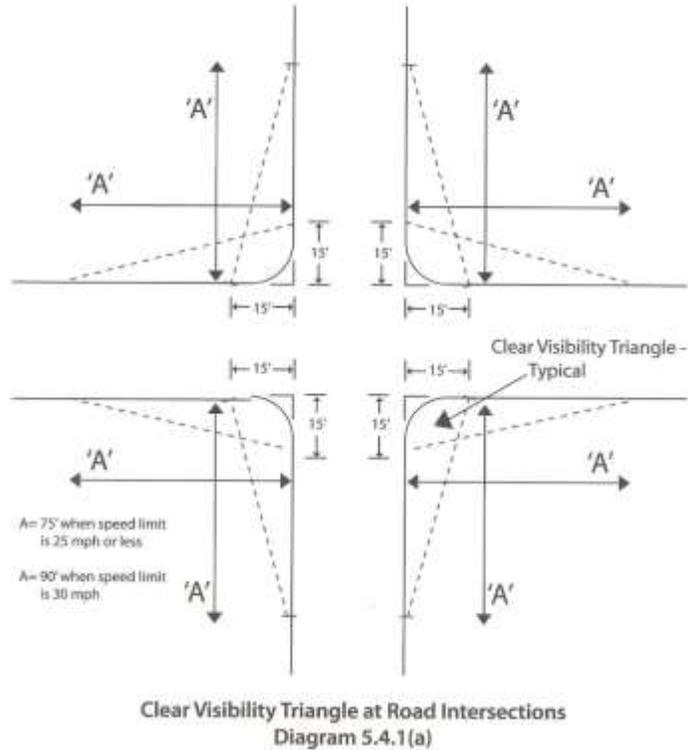
- (a) ~~For street intersections the clear visibility triangle shall be formed by a line along the street pavement edge fifteen (15) feet long from the street corner perpendicular, generally, to a second line of the street pavement edge of~~

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~~approaching traffic, connected by a third line that measures three (3) times the speed limit of the street.~~

(a) (ii) Nothing shall be erected, placed, parked, planted or allowed to grow in such a manner that it would restrict visibility above a height of three (3) feet above grade, measured at the centerline of the intersection within the area of the visibility triangles.

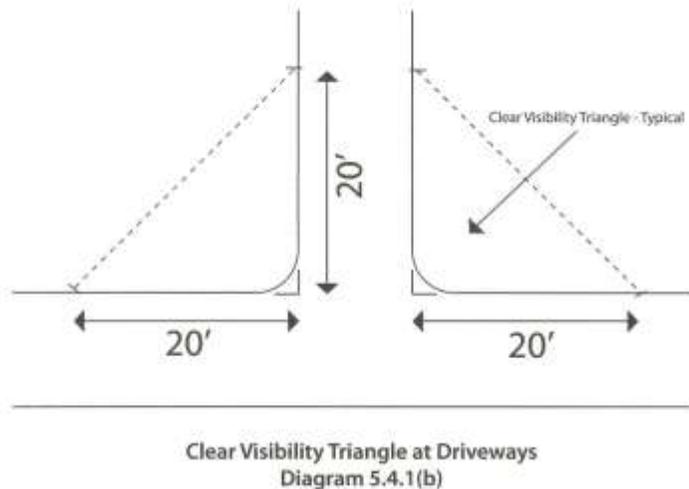
(a)(b) For street intersections the clear visibility triangle shall be formed by connecting points on the edge of each street and the intersection point. Beginning at point one, the intersection, point two shall be located Fifteen (15) feet from the intersection on one street and point three on the second street shall be located at a distance from the intersection, measured in feet equal to ~~T~~three (3) times the streets speed limit. A line connecting the three points shall create the triangle. This triangle applies to both directions from the intersection. See Diagram 5.4.1 (a)



(b)(c) For driveways two (2) clear visibility triangles shall be formed by connecting, in each case, a point on the edge of the street pavement and a point on the edge of the driveway, each to be located at a distance of twenty

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(20) feet from the intersection of the street and driveway lines, and a third line joining the two (2) points. See Diagram 5.4.1 (b)



(c)(d) Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner so as to obstruct cross-visibility at a level between three (3) feet and six (6) feet above the grade, measured at the centerline of the intersection. Trees or palms, however, having trunks and foliage trimmed in such a manner that no trunks or foliage extend into the cross-visibility area shall be allowed, provided they are so located so as not to create a traffic hazard.

5.5. Sidewalks and bikeways.

5.5.1 *Design and construction standards.* Design and construction of sidewalks, bikeways, or other footpaths shall conform to the requirements of the Public Works Manual, Metro-Miami-Dade County, including provision for access by physically handicapped persons.

5.6. Off-street parking.

5.6.1 *Applicability.* Off-street parking facilities shall be provided within the lot of all development properties within in the village pursuant to the requirements of this code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve.

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(a) All vehicles must be parked on an approved driveway surface subject to the design standards set forth in Section 5.6.8.

1. Non-conforming properties that do not have an approved driveway surface shall have ~~one (1) year~~ **two (2) years** from the date of enactment of this ordinance to ~~come into compliance.~~ **have the compliant driveway installed and permitted.**

~~2. If the existing driveway has been permitted by the Village during the last five (5) years prior to the enactment of this ordinance, the non-conforming surface may remain for a period of ten (10) years or less and until a substantial repair and/or addition to the driveway occurs. Existing non-conforming driveways permitted by the Village may remain unless a substantial portion, 50% or greater, requires repair, or an addition to the driveway occurs.~~

3. When an approved driveway surface does exist all vehicles shall park on said driveway upon enactment of this ordinance.

~~(b) Where this requirement cannot be met by multi-family properties while still without maintaining a ten (10) foot landscape area in front of the building, a variance may be obtained from the Planning Board. For the purposes of this section, multi-family refers to units that are two-family duplexes or more.~~

5.6.2 *Computation.* In the village hall, recreation area, church, the occupancy shall be based on the maximum capacity rating given the building by the fire marshal. Gross floor area shall be the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

5.6.3 *Number of parking spaces required.* The table below specifies the required minimum number of off-street automobile parking spaces. The number of off-street parking spaces for uses not listed in the table shall be determined by the planning board. The term "tandem parking space" means a parking space that abuts a second parking space in such a manner that vehicular access to the second space can be made only through the abutting (tandem) space.

TABLE INSET:

Use		Minimum Off-Street Parking Requirement	
(a)	Residential	Resident Parking	Visitor Parking
	Detached one-family:		

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	1, 2 and 3 bedrooms	2 spaces/unit*	1 space/unit**
	4 bedrooms	3 spaces/unit*	1 space/unit**
	Detached two-family:		
	2, 3 or more bedrooms	2 spaces/unit*	0.5 spaces/unit**
(b)	Recreation.		
	Parks, Clubs: determined by the planning board.		
(c)	Public assembly.		
	Church: 1 space/3 seats or 1 space/35 square feet of gross auditorium floor area		

* Resident parking spaces may be tandem.

** If on-street parking is not permitted or is restricted on the unit's street frontage, then one visitor parking space shall be required. The visitor space shall be located not more than one hundred (100) feet from the unit's street frontage.

5.6.4 *Handicapped parking spaces.* Any parking area to be used by the general public shall provide suitable, marked and paved parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of F.S. §§ 316.1955, and 316.1956, or succeeding provisions. No parking spaces required for the handicapped shall be counted as a parking space in determining compliance with subsection 5.6.3, public uses, above, but optional supplemental spaces for the handicapped shall be counted. The parking and related features contained in the Department of Community Affairs, Florida Board of Building, Codes and Standards, Accessibility Requirements Manual are hereby incorporated by reference into the village code.

5.6.5 *Parking in medians prohibited.* No parking shall be allowed in median open spaces or median parkways.

5.6.6 *Existing nonconforming minimum off-street parking requirements.* The number of off-[street] parking spaces existing on properties at the time of the adoption of this code, although such number does not conform to the minimum off-street parking requirements hereof, may be lawfully continued. However, all vehicles must be parked on an approved driveway surface consistent with Section 5.6.1.

5.6.7 *Historic preservation exemption.* The preservation of any property that has been placed on the county or national register of historic places, shall be grounds for a grant by the planning review board of a reduction in, or complete exemption from, the parking requirements in subsection 5.6.3 of this chapter.

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5.6.8 *Design standards for off-street parking.* Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the same parcel. The size and layout of these spaces shall be according to the Miami-Dade County Code and Public Works Manual, Metro Miami-Dade County. Vehicles shall be parked on impervious or pervious surfaces but impervious areas shall not exceed forty (40) percent of the front yard, excluding the right-of-way. Off-street parking (within the lot lines of all properties) shall only be permitted on approved surfaces by the Village of Biscayne Park. In no circumstances shall grass or sod be an approved surface.

~~a. All driveways shall be of a similar material and design element. All driveways shall be of approved materials except as otherwise provided below.~~

a.b. All driveways must have an improved approach across the swale which shall meet the minimum standard of gravel construction.

b.c. All driveways shall be no closer than thirty (30) inches from side property line.

c.d. All non-conforming driveways, as related to setback, shall come into compliance when there is a change in driveway material or the installation of a new driveway. ~~If a determination is made by the Village Manager that adhering to the setback would make the driveway non-functional as determined by an engineer, the Village Manager may waive this requirement in writing.~~

d.e. Driveways shall only be constructed with the following materials; concrete, paver, brick, gravel, asphalt, cut stone or turf block.

e.f. Gravel driveways shall be built with a permanent perimeter border consisting of suitable material as approved by Village staff and shall be a minimum of four (4) inches deep with the width of the border being sixteen inches (16") immediately adjacent to along the road perimeter and eight four inches (84") along the entire length of both edges edge of the driveway.

f.g. Road rock shall not be used as a finished driveway material.

g.h. Construction of a portion of a driveway in the swale or right-of-way, such as the apron and driveway approach, shall require the property owner to indemnify, hold harmless, and defend the Village from any and all actions, caused by, resulting from, or in any way associated with the

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proposed work within the Village right-of-way on a form provided by the Village.

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