



Village of Biscayne Park

Commission Agenda Report

Village Commission Meeting Date: July 12, 2016

Subject: Revisions to Chapter 5
TRANSPORTATION

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Background

At the June 7th and June 21st meetings, the Commission reviewed the previously adopted Ordinance 2015-04, specifically as it relates to driveway requirements and use of swales/right-of-way for off street parking.

At the conclusion of the June 21st meeting, the Village Attorney was directed to draft the agreed upon changes to Chapter 5.

Recommendation

Commission to review the submitted draft, make any edits per consensus, and move forward with the first and second reading of the ordinance.

Attachments

- Draft – Chapter 5 Transportation

CHAPTER 5. - TRANSPORTATION

5.1. - General provisions.

5.1.1 Definitions.

Driveway shall mean a private road leading from a street or other thoroughfare to a building, house, garage, or other structure.

Off-street Parking shall mean an area dedicated for parking of vehicles on private property.

Public Right-of-way shall mean the surface, the area above, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, parkway, waterway, public easement, or similar property in which the village, county or state now or hereafter holds any property interest. Public rights-of-way do not include buildings, parks, or other property owned or leased by the village.

Swale shall mean the right-of-way property between the edge of the roadway pavement and the property contiguous to that property.

~~5.1.1~~ 5.1.2 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~~ 5.1.3 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, as amended from time to time.

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).

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 uses 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 of Miami-Dade County in the Public Works Manual, Metro Dade County, and other applicable county regulations.

- (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.~~
- (e**b**) 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.

5.3.4 *Landscaping and objects in the swale area of 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. The pervious pavers and impervious area shall be limited to no more than forty (40) percent of the swale area.
- (d) *Other objects prohibited.* Other than as provided for in section 5.6.8 of this Code, it shall be unlawful to install, place or maintain within the dedicated right-of-way, parking 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.
- (e) A combination of an approved parking approach and ~~sodding of rights-of-way~~ landscape consistent with the Village Code shall be permitted, provided the pervious pavers and impervious sections does not exceed forty (40) percent of the total area and such paved areas shall be kept in good condition.
- (f) *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.

- (g) *Removal of trees in the swale by the abutting property owner.* Property owners must obtain a permit from the village and Miami-Dade County to remove trees in the swale.
- (h) *Property owner/resident 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. 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.
- (i) Property owners shall be responsible for the maintenance of the swale area contiguous to their property as well as for the removal and costs of dead, diseased and/or fallen trees and any trees that may interfere with the right-of-way or otherwise pose a danger to the health, safety and welfare of the community.

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.

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 approaching traffic, connected by a third line that measures three (3) times the speed limit of the street.
- (b) 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 (20) feet from the intersection of the street and driveway lines, and a third line joining the two (2) points.
- (c) 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 each property 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.

- (a) All vehicles must be parked on an approved parking surface subject to the design standards set forth in section 5.6.8.
 - (1) Nonconforming residential properties that do not have an approved parking surface, including an approved approach, shall have ~~one (1) year~~ [REDACTED] from the date of enactment of this ordinance to have the compliant parking surface permitted and installed.
 - (2) Existing nonconforming parking surfaces permitted by the village, may remain unless a substantial portion, fifty (50) percent or greater, requires repair or an addition to the parking surface occurs.
 - (3) When an approved parking surface exists, all vehicles shall park on said approved parking surface effective upon enactment of this ordinance. If the occupants of a residential property currently park vehicles on the swale using an approved parking surface, the occupants will be allowed to continue parking on the swale provided that no damage occurs to the grass and landscaped areas and that parking does not cover any portion of any sidewalk. Parking on any swale shall be considered a non-conforming parking surface requiring a release agreement to be executed by the adjacent property owner. Consistent with section 5.3.2, this section does not create any rights or ownership by the adjacent property to the swale and is not an approved permanent use. The Village may remove all or any portion of any driveway on the swale, if the Village, in its sole discretion, deems it necessary to achieve a public purpose. If the occupants of a residential property do not currently have parking surface on the swale, the occupants of that property shall not be allowed to utilize the swale for parking in the future.
 - (4) Swale parking may not be used to meet the minimum off-street parking requirements.
 - (5) All residential properties, as well as those currently utilizing the swale for parking, are required to have a driveway using approved parking surface materials. The driveway area shall be limited to no more than forty percent (40%) of the front yard and may be of pervious or impervious material. The remaining sixty percent (60%) of the front yard must be landscaped consistent with the village code.
 - (6) In rare occasions, and due to the unusual nature of the property, relief from this section may be granted through a special exception as provided for in Section 5.6.9 of this Code.

5.6.2 *Computation.* In the village hall, recreation area, and 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 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.

	Use	Minimum Off-Street Parking Requirement	
		Resident Parking	Visitor Parking
(a)	Residential		
	Detached one-family:		
	1, 2 and 3 bedrooms	2 spaces*	1 space**
	4 bedrooms	3 spaces*	1 space**
	Duplexes/attached and detached:		
	1, 2, 3 or more bedrooms	2 spaces/unit*	0.5 spaces/unit**
(b)	Recreation area:		
	Determined by the planning board.		
(c)	Public assembly/service:		
	Church: 1 space/3 seats or 1 space/35 square feet of gross floor area		
(d)	Government buildings:		
	1 space/300 square feet of gross 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~~ 553.5041, ~~or succeeding provisions~~ as amended from time to time. 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 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 (June 14, 1985), 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 parking 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.
- 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. Unless expressly addressed in this subsection, ~~The size and layout of these spaces shall be according to the Miami-Dade County Code and Public Works Manual, Miami-Dade County.~~ Vehicles shall be parked on impervious or pervious surfaces but ~~impervious areas~~ the driveway 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 parking surfaces shall be of approved materials except as otherwise provided below.
 - (b) All parking surfaces must have an improved approach across the swale which shall meet the minimum standard of gravel construction.
 - (c) All parking surfaces shall be no closer than thirty (30) inches from side property line unless exempted below in subsection (d).
 - (d) All nonconforming parking surfaces, as related to setback, shall come into compliance when there is a change in parking surface material or the installation of a new parking surface. If a determination is made by the village manager or designee that adhering to the setback would make the parking surface nonfunctional, the village manager may waive this requirement in writing.
 - (e) Parking surfaces shall only be constructed with the following materials: concrete, paver, brick, gravel, asphalt, cut stone or turf block.
 - (f) Gravel parking surfaces shall be built with a permanent perimeter border consisting of suitable material as approved by village staff a minimum of four (4) inches deep with the width of the border being sixteen (16) inches immediately adjacent to the road perimeter and four (4) inches along the entire length of both edges of the parking surface.

Construction of a portion of a parking surface in the swale or right-of-way, such as the apron and parking surface 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 proposed work within the village right-of-way on a form provided by the village.

5.6.9 The owner of any property affected by the requirement to have an approved driveway on their property shall have the right to apply for a special exception which may be granted where, due to the extreme and unusual nature of the property, a driveway cannot be placed on the property. In determining whether or not to grant a special exception, the Village must find that:

- (a) There are special circumstances or conditions affecting the property, such as the unusual size and/or configuration of the lot that makes the installation of the driveway impractical; and
- (b) The granting of a special exception will not be detrimental to the public welfare or injurious to other adjacent properties; and
- (c) Any appropriate mitigation measures will be implemented by the owner seeking a special exception.