



# *The Village of Biscayne Park*

640 NE 114th St., Biscayne Park, FL 33161

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## Code Review Board

Gage Hartung  
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## Parks & Parkway Board

Dan Keys  
Barbara Kuhl  
Robert Moreno  
Robert Silverman  
Randy Wagoner

## **AGENDA**

### **JOINT MEETING - Code Review Board & Parks & Parkway Advisory Board - Proposed Code Changes to Chapter 5**

**Ed Burke Recreation Center - 11400 NE 9th Court**

**Biscayne Park, FL 33161**

**Monday, January 26, 2015 at 7:00pm**

#### **1 Call to Order**

#### **2 Roll Call**

#### **3 Public Comments Related to Agenda Items**

#### **4 New Business**

#### **5 Old Business**



##### **5.a Proposed Code Changes to Chapter 5 (draft dated January 21, 2015)**

Summary of items brought up at the Community & Board Workshop held on

##### **5.b January 15th requiring **further consideration and consensus** amongst Joint Board members:**

- ◆ 5.3.4 (d): Consideration to allow mailboxes placed at the street line.
- ◆ 5.3.4 (f): Suggestion that 80% of street frontage has a 5' clear zone.
- ◆ 5.3.4 (f) (v): Further discuss the requirement for a permit to plant a tree in the swale.
- ◆ 5.3.4 (f) (vi): Consideration of definition for 'organic mulch'.
- ◆ 5.3.4 (g): Consider removal of 'visitor and temporary service vehicle parking' requirements.
- ◆ 5.3.4 (l): Consideration of using a caliper size for the trees that would be the responsibility of the Village.

- ♦ 5.3.4 (I): Consideration of adding language that Village responsibility would be dependant on available budgetary funds.

Proposed language:

*Property owners shall be responsible for the removal of dead and diseased trees, with the exception of trees that have been certified as dead and diseased by a certified arborist and are of a caliber greater than 96 inches which shall be the responsibility of the Village, depending on the availability of budgeted Village funds. If a tree trunk is on both the swale and the adjacent property, the Village shall acquire three (3) quotes and share the cost 50/50 with the adjacent property owner.*

## 6 Adjournment

**TWO OR MORE MEMBERS OF THE VILLAGE OF BISCAYNE PARK COMMISSION AND OTHER VILLAGE BOARD MEMBERS MAY BE IN ATTENDANCE.**

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

**DECORUM** - All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

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**CHAPTER 5. TRANSPORTATION (As amended as of August 2014, update Nov 19, 2014 – Updated January 21, 2015)**

**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) 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.
- (c) Organic Mulch – Natural materials customarily used in landscape design to retard erosion, weed infestation, and retain moisture and for use in planting areas.
- (d) Right-of-Way – The area not contained within property lines and is for public use and is measured from lot line to lot line.
- (e) Sod – turf grass that is used to cover the ground.
- (f) Street Frontage -- the part of the boundary of the lot next to a street
- (g) 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.

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## 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~~

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~~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.**

**(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 and house number signs, 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 and house number signs. All other signage, including political signs, shall be consistent with Chapter 12 of these Code of Ordinances.

**(b) Minimum standard:** Grass-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 that they are placed not closer than five (5) feet to the nearest 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) House number signs:** House number signs shall be permitted in the swale not to exceed three (3) square feet in area.

**(ef) 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 widedeep, parallel with and immediately adjacent to the edge of the paved road shall be maintained as a clear zone. No plant material

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other than ~~grass-sod~~ is permitted in the clear zone. Approved Driveway Surface is also permitted within the clear zone in accordance with Section 5.6.8

(ii) *Low Zone*: Between five (5) feet and eight (8) feet from the edge of pavement plant materials not exceeding three (3) feet in height at maturity will be permitted such that they do not intrude in any way into the clear zone.

(iii) *High Zone*: The area that is more than eight (8) feet from the edge of pavement is considered the high zone. Plant materials of unlimited height shall be permitted such that they do not intrude in any way into the low zone at a height lower than eight (8) feet.

(iv) 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 (Section 5.4.1).

(v) *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.

(vi) *Mulch in the swale*: Only organic mulch shall be permitted. ~~Cypress and red-dye mulch shall be prohibited in the swale.~~  
~~with the exception of cypress and red mulch if made from recycled wood.~~

(eg) *Visitor and temporary service vehicle parking*: Each property shall provide a clear area, free of plant material with the exception of ~~grass-sod~~ or an approved driveway surface in accordance with Section 5.6.8, a minimum of eight (8) feet wide parallel to the edge of pavement and twenty (20) feet long for visitor and service vehicle parking where the width of the lot and existing paved parking allows. This space is not to be considered as a permanent parking space for residents of the property or contribute to the required parking within the property line of the residence.

(fh) 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 good condition.

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(gi) 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 adjacent property.

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

(ik) Existing nonconforming plants and trees in the swale: Within one (1) year of the enactment of this code, properties owners shall remove plants, with the exception of trees, which violate the clear zone. Plant materials in the low zone may remain, but not be replaced when they die, nor will it be required to remove plants until they die in the low zone to provide for a temporary/visitor parking space.

(jl) 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 ~~grass-sod~~ and performing general edging, weeding, trimming, pruning and cleanup activities. The landscaping and ~~grass-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.

1. Property owners shall be responsible for the removal of dead and diseased trees, with the exception of ~~old growth Australian pinestrees that have been certified as dead and diseased by a certified arborist and are of a caliper greater than 96 inches which shall be the responsibility of the Village, depending on the availability of budgeted Village funds.~~

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.

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(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:

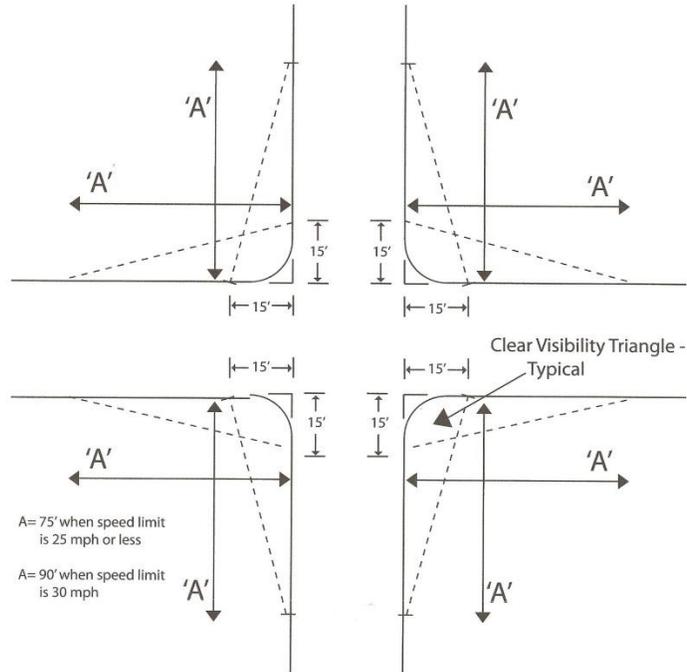
~~(a) For street intersections the clear visibility triangle shall be formed by a line along the street pavement edge fifteen (15) feet long from the street corner perpendicular, generally, to a second line of the street pavement edge of approaching traffic, connected by a third line that measures three (3) times the speed limit of the street.~~

(a) 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 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)

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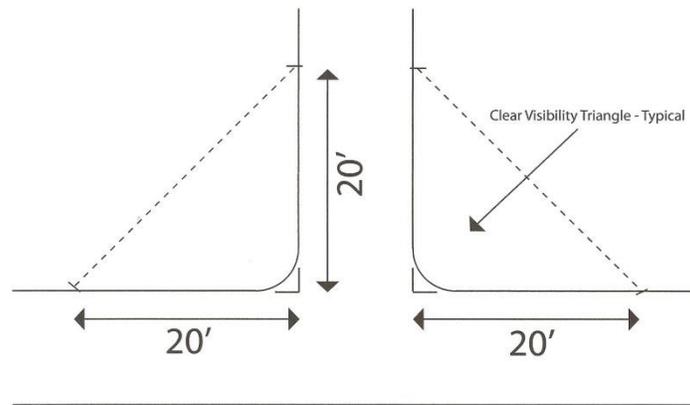


Clear Visibility Triangle at Road Intersections  
Diagram 5.4.1(a)

- (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. See Diagram 5.4.1 (b)

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Clear Visibility Triangle at Driveways  
Diagram 5.4.1(b)

- (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 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.

- (a) All vehicles must be parked on a approved driveway surface.

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1. Non-conforming properties shall have one (1) year from the date of enactment of this ordinance to come into compliance.

(b) Where this requirement cannot be met by multi-family properties 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:		
	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		

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\* 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 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.

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. The size and layout of these spaces shall be according to the Dade County Code and Public Works Manual, ~~Metre~~ 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 uniform material and design including approach and the area of the swale that contains a portion of the driveway approach.

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- (b) All driveways shall be no closer than thirty (30) inches from side property line.
1. 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.
- (c) Driveways shall only be constructed with the following materials; concrete, paver, brick, gravel, asphalt, cut stone or turf block.
- (d) Gravel driveways shall be built with a permanent perimeter border and shall be a minimum of four (4) inches deep.
- (e) ~~(e)~~ Road rock shall not be used as a finished driveway material.
- (f) Construction of a portion of an off-street 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 proposed work within the Village right-of-way on a form provided by the Village.