

MEMORANDUM

TO: Honorable Village Commission
Heidi Siegel, Village Manager
Maria Camara, Village Clerk

FROM: John J. Hearn, Village Attorney

RE: Proposed Changes to Section 5.6 of the Land Development Code

DATE: May 1, 2015

This memorandum shall serve as a follow up to the April 2, 2015 memorandum based on the direction received at the Commission meeting of April 7, 2015. Consistent with that meeting, and after having reviewed the tape of the Village Commission meeting, the following changes are proposed below:

1. Allow for an administrative variance, as determined by the Village Manager, for nonconforming driveways.
2. Inserting language concerning the type of material which may be used as a perimeter border.
3. Reducing the width of the border along the entire length of the driveway to four inches.

Below please see the changes highlighted in green:

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 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 unless and until a substantial repair and/or 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:		
	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.

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.
- b. All driveways must have an improved approach across the swale which shall meet the minimum standard of gravel construction.
- c. All driveways shall be no closer than thirty (30) inches from side property line.
- 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.

- e. Driveways shall only be constructed with the following materials; concrete, paver, brick, gravel, asphalt, cut stone or turf block.
- 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 the road perimeter and four eight inches (48") along the entire length of both edges of the driveway.
- g. Road rock shall not be used as a finished driveway material.
- 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 proposed work within the Village right-of-way on a form provided by the Village.