



The Village of Biscayne Park

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

Telephone: 305 899 8000 Facsimile: 305 891 7241

AGENDA

WORKSHOP DRIVEWAYS ORDINANCE

Log Cabin - 640 NE 114th Street

Biscayne Park, FL 33161

Tuesday, January 15, 2019 7:00pm

RE-SCHEDULED TO THURSDAY, JANUARY 24, 2019 7:00pm

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

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.



Indicates back up documents are provided.

1 Call to Order

2 Roll Call

Mayor Truppmann

Vice-Mayor Johnson-Sardella

Commissioner Samaria

Commissioner Tudor

Commissioner Wise

3 Pledge of Allegiance

4 Public Comments Related to Agenda Items / Good & Welfare

Comments from the public relating to topics that are on the agenda, or other general topics.

5 Information / Updates

Discussion on Driveways Ordinance

- Drafts - Driveway Ordinance Revisions
- Land Development Code - Chapter 5 - Transportation

- Ordinance 2015-04

6 Announcements

Monday, February 04, 2019 6:30pm Planning & Zoning Advisory Board

**Our next Regular Commission Meeting will be held on Tuesday, February 5, 2019 at 7:00pm
Saturday, January 26, 2019 is Movie Night at Recreation Center at 6:00pm**

7 Adjournment

DRIVEWAY ORDINANCE DRAFT - 1/15/19

5.6 - OFF-STREET PARKING

5.6.1 DEFINITIONS – ADD LATER

Swale: shall mean the public right-of-way area that lies between the edge of the roadway pavement and the property line contiguous to that property.

Swale parking surface: shall mean an area dedicated for the parking of a vehicle in the swale consistent with the regulations set forth within this code.

Off-Street Parking: shall mean an area private property and swale dedicated for parking that is not on the public roadway.

Driveway: shall mean the parking surface on private property that is designated to park motor vehicles, whether conforming or non-conforming, accessible from a street or other thoroughfare.

Driveway Approaches and Driveway Aprons: shall mean the surface that provides access to the driveway on private property from the roadway.

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

Parking Surface: shall mean surface used for parking on private property, swale, and driveway approaches/driveway aprons.

Pervious surface material: shall mean a surface material which permits liquids to quickly pass through the surface material into the soil without creating standing water.

Medians: Median Open Spaces, Median Open Parkways, Pedestrian passage way. The portion of a dedicated right of way that is unpaved but generally landscaped, beautified, or otherwise developed by the Village, and located in the approximate center of the paved street right of way and utilized for non-traffic purposes. This area is usually located between two paved roadways.

Non-Conforming: Not to “current day” Village code standards.

Conforming: In compliance with the current day Village Code and obtained applicable permits with final inspections as required.

Flare Outs: Edges of driveways or driveway aprons that allow a certain radius for a vehicle to maneuver without destroying the adjacent areas of the driveway.

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5.6.2 RESIDENTIAL PARKING.

5.6.2(1) ~~Parking surfaces—applicability.~~

5.6.2 (1) DEVELOPMENT STANDARDS. - DRIVEWAYS, DRIVEWAY APPROACHES, SWALE PARKING.

The Public Works department has the authority to permit or deny any development of the public right-of- way. No special exceptions shall apply regarding the swale areas.

All driveways, driveway approaches, and swale parking surfaces including but not limited to surfaces, color, layout, locations, size, landscaping, etc. require an approval from Public Works, Planning Board and a building permit issued with a final inspection by the Village of Biscayne Park.

Except as provided herein, all required driveway parking spaces and the use they are intended to serve shall be located on the same parcel. Construction/maintenance of a portion of a parking surface in the swale ~~or right-of-way~~, such as the driveway approach/apron and swale parking surface approach, shall require the abutting 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.

Permits, construction, and repairs of all parking surfaces on private property and on the swale shall be at the sole expense of the property owner.

Building permit applications, ~~including demolition permits~~, to expand the square footage and/or increase the number of legal bedrooms will not be entertained by the village until such time that there is sufficient off-street parking ~~pursuant to this ordinance as determined by the village~~ that is either approved or denied by the Planning and Zoning Board. This will ensure that the site development plan conforms with the off street parking requirements listed in section 5.6 and conforms with the proposed increased footprint ~~incorporated into the building plans and conforms to the “current day” ordinance as set forth in Section 5.6.~~

~~(f) Any new construction or construction that increases the number of bedrooms and/or undergoes substantial renovation that increases the dwelling’s square footage by 25 percent or more must comply with the off street parking requirements set forth in section 5.6.~~

No owner shall cause the discontinuance or reduction of the required parking surface requirements without establishing alternative means for parking in accordance with the requirements in the code and a permit approving any modification shall be obtained prior to making any changes.

All parking surfaces shall be of approved materials, except as otherwise provided below in this code, and be installed where they can bear frequent traffic and shall comply with the current day Florida Building Code and with the current day Village Code.

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92 ~~A combination of an approved parking approach and sodding of swale area of rights of way~~
93 ~~shall be permitted. Up to forty percent (40%) of swale area of rights of way may be~~
94 ~~developed for parking. The parking surface driveway approach is included in the forty~~
95 ~~percent (40%) limit. Other than the parking surface driveway approach, any other~~
96 ~~development of swale area for parking must consist of pervious materials. (see Section 5.6.2~~
97 ~~of Code). provide the impervious section does not exceed forty (40) percent of the total area~~
98 ~~and such paved areas shall be kept in good condition.~~

99
100 **Private Property.** If the parcel has a front yard and a corner side yard, off-street parking
101 spaces may be on either the front yard or corner side yard, but not both. Impervious or
102 pervious areas shall not exceed forty percent (40%) of the front yard or corner side yard, if
103 applicable. The swale area does not apply to the forty percent (40%) of the private property
104 parking surface. Remaining 60% of property shall be landscaped with a minimum of
105 sodding as per the Village Code.

106
107 **Swale.** Up to forty percent (40%) of the swale area may be developed for parking. The
108 driveway approach is included in the forty percent (40%) limit. Other than the driveway
109 approach, any other development of swale area for parking must consist of pervious materials
110 only. Remaining 60% of the swale shall be landscaped with sod, any other ground cover
111 requires an approval from the Village planning board.

112
113 Swale parking surfaces shall be constructed of the same material as the driveway parking
114 surface, unless the driveway parking surface is asphalt, in which case another complementary
115 approved material shall be used. Village of Biscayne Park reserves the right to restrict
116 materials to be used on the swale/right-of-way.

117
118 Any pervious materials used for parking surfaces on private property or swale may not be
119 applied anywhere else beyond the forty percent (40%) limit on either the private property or
120 swale area, even though it is a pervious material.

121
122 Seal-coating, overlay of existing asphalt driveways, topping off drain rock, or preapproved
123 surface re-painting, absent any change in shaped, size, color, or location, shall not be
124 considered as reconstruction or renovation for purposes of this Chapter. However, topping of
125 an existing non-conforming surface material (i.e.: pea rock, etc.) shall not be allowed and
126 will require the parking surface to be brought to current day code.

127
128 Ribbon/Double Strip driveways are no longer permitted and shall not be repaired or
129 reinstalled once they exhibit cracks, breaks, or is otherwise deteriorated.

130
131 Where two (2) driveways are permitted, they shall not be conjoined or abut each other. They
132 shall be installed so they are set apart from each other on opposite sides of the yard or in a
133 location approved by the Planning Board. There shall be no more than two (2) driveways
134 permitted on any single family or duplex property and shall be at the discretion of the
135 Planning Board.

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137 Each driveway shall be directly accessible to a street by a driveway approach which shall be
138 of the same material, or compatible & harmonious with the parking surface on private
139 property.

140
141 Parking surfaces shall not be installed where they obstruct or hinder any utilities or obstruct
142 access to any easements.

143
144 No portion of a driveway shall be closer than two (2) feet to a wall of the structure; this shall
145 not apply to driveways approaching garage structure, carport, or awning structure.

146
147 Driveway Approaches/Aprons shall be the same width as the driveway on private property,
148 the driveway flare outs are not included the width.

149
150 Parking surfaces on swale or on private property shall not be conjoined with adjacent
151 properties, if existing surfaces are conjoined then within twelve (12) months of the enactment
152 of this ordinance they shall be separated and in accordance with the stipulations in this
153 Chapter.

154
155 Gravel/~~Rock~~ parking surfaces shall be built with a permanent perimeter border consisting of
156 harmonious and suitable material. Suitable border materials shall and compatible with the
157 driveway surface. Village staff and/or the Planning Board will determine suitable border
158 materials.

159
160 All borders shall be installed as follows:

161 ~~The border~~ Borders shall be a minimum of six (6") inches ~~deep~~ below the surface, with the
162 width of the border being sixteen (16") inches immediately adjacent and parallel to the
163 roadside perimeter, and borders along the remaining three sides that are situated facing the
164 inside of the property shall be eight inches (8") wide. ~~four (4) inches along the entire length~~
165 of both edges of the parking surface.

166
167 To facilitate percolation over time and control weeds, use of a geotextile fabric as an
168 underlayment is recommended. ~~Village staff and the Planning and Zoning Board will~~
169 ~~determine suitable border materials.~~

170
171 All borders shall be installed a minimum of the specifications above and as per the Village of
172 Biscayne Park's Driveway Detail from the Building Department unless the Florida Building
173 Code reflects an alternate minimum then the Florida Building Code minimum requirements shall
174 take precedence.

175
176 All parking surfaces must have an improved driveway approach across the swale which
177 shall meet the minimum standards of gravel construction as approved by the Village.

178
179 All parking surfaces ~~for new dwelling construction or renovations that increase the square~~
180 ~~footage by 25 percent~~ shall be no closer than thirty (30) inches from the side property

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181 line. ~~unless exempted below in subsection (d)~~ The distance from side property line shall
182 be measured from the edge of the flare outs (if any) of the parking surface.

183
184 (d) ~~All nonconforming parking surfaces shall come into compliance when there is a change~~
185 ~~in parking surface material or the installation of a new off street parking surface.~~

186
187 **Paving and drainage.** Parking surfaces ~~Pervious pavers shall be allowed but any impervious~~
188 ~~paving shall be adequately drained to prevent the buildup of stormwater in the right-of-way. All~~
189 ~~runoff water from the property must be contained within the footprint of the property.~~

190
191 Engineering standards. The design, materials, drainage requirements, and engineering
192 specifications of parking spaces, driveways, points of ingress and egress, turnarounds, and other
193 related items not specifically addressed in this Division shall comply with the technical standards
194 of the Florida Building Code.

195 **5.6.2(3) ~~Parking surfaces for parking in the right-of-way/swale—applicability.~~**

196
197
198 ~~Property owners of single family detached dwellings or duplexes already constructed at~~
199 ~~the passage of this ordinance who currently do not have a previously permitted and~~
200 ~~approved parking surface on the swale contiguous to their property will be permitted to~~
201 ~~apply for a permit for one to two temporary visitor parking spaces (20'x12' or 40'x12')~~
202 ~~such that it: does not exceed forty percent (40%) of the swale including of the approach,~~
203 ~~is not used for permanent residential parking, and uses pavers, brick, gravel, cut stone or~~
204 ~~turf block materials. However, if it is determined by the Building Department or~~
205 ~~Planning and Zoning that the off street parking has not been adequately developed and~~
206 ~~the lot configuration allows for additional off street parking, then the permit may be~~
207 ~~denied.~~

208
209 As allowed in section 5.3.4, up to forty percent (40%) of the swale area of rights-of-way may be
210 developed for parking. The parking surface driveway approach is included in the forty percent
211 (40%) limit. Other than the parking surface driveway approach, any other development of swale
212 area for parking must consist of pervious materials.

213
214 Swale parking surfaces that will be used for either parallel, perpendicular or diagonal
215 parking either partially or completely on the swale, shall have a minimum setback of
216 three (3) feet from the road surface edge of paving of residential streets: local roads,
217 access streets, and subcollector streets; and shall have a minimum setback of four (4) feet
218 from the road surface edge of collector roads and arterial roads to assure pedestrian
219 safety. Except as provided herein, all required off street parking spaces and the use they
220 are intended to serve shall be located on the same parcel. The size and layout of these
221 spaces shall be in accordance with the Miami-Dade County Code and the Miami Dade
222 Public Works Standards and Specifications. Manual, Miami Dade County

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226 **5.6.2(2) PARKING SURFACES – DESIGN AND AESTHETIC STANDARDS ~~FOR OFF-~~**
227 **~~STREET PARKING.~~**

228 Parking surfaces shall be harmonious and compatible with the private property dwelling
229 as determined by the Planning board.

230
231 Exterior lighting for parking surfaces requires a permit and shall be approved by the
232 Planning Board. Self-contained solar lighting more than twenty-five inches (25”) in
233 height requires an approval from the Planning Board. Lighting of any kind shall not be
234 installed on the public right-of-way.

235
236 Driveway Mirrors and Convex Mirrors for use at the end of the driveways shall be a
237 maximum of twenty inches (20”) diameter and requires an approval from the Village,
238 which will be granted on a case by case scenario. In the event the approval is granted, the
239 installation shall not be on or extend into the public right-of-way and shall not cause a
240 reflection that will hinder vehicular traffic or pedestrian’s vision. Mirrors shall be kept in
241 good condition free from breaks, etc.

242
243 No fences or gates are permitted at the entrance of a parking surface located in the front
244 of a property, all other locations shall be determined by the Planning board.

245
246 No striping or decals are permitted on a driveway surface.

247
248 No driveway shall be enlarged for a basketball surface or recreational surface.

249
250 Swale parking surfaces shall only be developed parallel with the roadside.

251
252 Borders along the edges of the parking surface shall be placed in the opposite direction as
253 a means of contrast, unless it is not feasible as determined by the Planning board.

254
255 Parking bumpers, pre-cast concrete wheel stops, railroad ties, or similar objects are
256 prohibit on private property or on swale areas of the Village. Government Properties,
257 Churches, Apartment buildings in excess of four (4) units are exempt from parking
258 bumpers and pre-cast concrete wheel stops.

259
260 Circular driveways shall provide a landscaped island which is required to obtain an
261 approval by the Planning Board.

262
263 Certain driveways surfaces may be painted; color and painting permission shall be
264 determined by the Planning Board.

265
266 Driveways, driveway approaches, and swale parking surfaces shall be free from weeds,
267 oils, rust, other deposits and deterioration.

268
269 Missing or broken pavers, borders, and hedges (as required by the parking design) shall
270 be replaced.

271

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272 Any parking surface on the swale right-of-way must be compatible and harmonious with
273 any ~~parking surface driveway~~ on the property.

274
275
276 **5.6.2(3) SURFACE MATERIALS PERMITTED.** All motor vehicles must be parked on an
277 approved parking surface set forth in the Village code.

278
279 New parking surfaces shall only be constructed with one the following materials. ~~Swale~~
280 ~~parking surfaces (applied for after passage of this ordinance) shall be constructed of the~~
281 ~~same material as the off-street parking surfaces, unless the off-street parking surface is~~
282 ~~asphalt, in which case another complementary approved material shall be used.~~
283 concrete, pavers, brick, gravel, ~~(per section 5.6.2(f))~~ cut stone or turf block.) ~~Asphalt~~
284 ~~shall no longer be an approved parking surface.~~

- 285
286 1. Drain rock granite chip of no less than 3/4" diameter and no larger than -1" diameter in
287 size.
- 288 2. Brick, Cobblestone, Clay, and Stone interlocking pavers.
- 289 3. Concrete or Concrete impregnated with color.
- 290 4. Asphalt
- 291 5. Cut stone or turf block of 16"x16" minimum size with separating joints filled with
292 natural or synthetic grass or with contrasting river rocks.
- 293
294 6. Gravel material exception: Florida Crushed Limestone rock of 3/4" inch diameter
295 minimum and maximum of 1 1/2" inch in size and installed where movement is
296 minimal. shall be permitted as long as the rock sizes are no larger than #78
297 stone/nominal size 1/2" (reference Florida Department of Transportation Standard
298 Specification Section 901-1 Aggregate). ~~gravel and decomposed granite may not be~~
299 used as a parking surface.

300
301 Landscape rock, ~~such as~~ pea rock, sod, dirt, mulch, and ground cover are not permitted
302 parking surfaces.

303
304 Construction of a portion of a parking surface in the swale or right of way, ~~such as the~~
305 ~~apron and parking surface approach,~~ shall require the property owner to indemnify, hold
306 harmless and defend the village from any and all actions, caused by, resulting from, or in
307 any way associated with the proposed work within the village right of way on a form
308 provided by the village.

309
310 **5.6.2(4) Parking surfaces design standards for parking on the right-of-way/swale.**

311
312 ~~New parking surfaces shall only be constructed with the following materials: concrete,~~
313 ~~pavers, brick, gravel, (per Section 5.6.2(2)(f)) cut stone or turf block. Swale parking~~
314 ~~surfaces (applied for after passage of this ordinance) shall be constructed of the same~~
315 ~~material as the off-street driveway parking surfaces, unless the off-street driveway~~

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316 parking surface is asphalt, in which case another complementary approved material shall
317 be used.

318
319 ~~Gravel parking surfaces shall be built with a permanent perimeter border consisting of~~
320 ~~suitable material, as approved by village staff a minimum of four (4) inches deep with the~~
321 ~~width of the border being sixteen (16) inches immediately adjacent to the road perimeter~~
322 ~~and four (4) inches along the entire length of both edges of the parking surface. To~~
323 ~~facilitate percolation over time and control weeds, use of a geotextile fabric as an~~
324 ~~underlayment is recommended.~~

325
326 ~~Gravel material exception: Florida crushed limestone shall be permitted as long as the~~
327 ~~rock sizes are no larger than #78 stone/nominal size 1/2" diameter (reference Florida~~
328 ~~Department of Transportation Standard Specification Section 901-1 Aggregate).~~
329 ~~Landscape rock, such as pea gravel and decomposed granite may not be used as a parking~~
330 ~~surface.~~

331
332 ~~Construction of a portion of a parking surface in the swale or right of way, such as the~~
333 ~~apron and parking surface approach, shall require the property owner to indemnify, hold~~
334 ~~harmless, and defend the village from any and all actions, caused by, resulting from, or in~~
335 ~~any way associated with the proposed work within the village right of way on a form~~
336 ~~provided by the village.~~

337
338 ~~(e) The total area of impervious material used cannot exceed forty percent (40%) of the~~
339 ~~swale, inclusive of the approach.~~

340
341 ~~(f) Other than any parking surface approach on the swale, any other development of the~~
342 ~~swale developed for parking must consist of pervious material.~~

343 5.6.2 (4) CONFORMING AND NON-CONFORMING PARKING SURFACES.

344
345 ~~Effective upon enactment of this ordinance, all dwellings are required to: (1) have and~~
346 ~~properly maintain an approved parking surface; and (2) park vehicles on an approved~~
347 ~~parking surface, subject to the design standards set forth in section 5.6.2(2). All motor~~
348 ~~vehicles must be parked on an approved parking surface subject to the standards set forth~~
349 ~~in section 5.6. Sod, dirt, ground cover, and mulch shall not be considered a parking~~
350 ~~surface and motor vehicles are not permitted to be parked on sod, dirt, mulch or other~~
351 ~~ground cover. Enforcement of the swale area of this section shall be according to the~~
352 ~~provisions of the Village code of ordinances for private property.~~

353
354
355 ~~When an approved parking surface exists, all vehicles shall park on said approved~~
356 ~~parking surface effective upon enactment of this ordinance. Swale driveways developed~~
357 ~~with gravel surface prior to passage of Ordinance 2015-04 may be required to conform to~~
358 ~~section 5.6.2(2)(f), if the gravel swale parking surface is not properly maintained to~~
359 ~~prevent the gravel from entering the roadways.~~

360
361 ~~Non-conforming residential properties that do not have an approved off-street parking~~
362 ~~surface, including an approved approach will be required to install a parking surface~~

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~~and approach upon Any new dwelling construction, additions, and/or renovations property or for renovations that result in a twenty-five percent (25%) increase/change commencing on private property shall be required to install, modify, or provide a driveway that conforms to the driveway standards set forth in Section 5.6. to residential structures located on the property. requirements are as follows.~~

~~Existing non-conforming parking surfaces previously permitted (licensed) by the village, including parking surfaces on swales, may remain until twenty-five percent 25% or greater requires repair, at which time the property owner shall comply with the current day parking surface code. a substantial portion fifty percent (50%) or greater requires repair or there is a change in parking surface material or the installation of a new off-street parking surface. Special circumstances that require special exceptions due to the lot size, lot shape, and/or setback configurations may apply for the minimal administrative variance necessary to adhere to the legislative intent of section 5.6 5.6.2(2) as outlined in Section 5.7. This license exception to the property owner does not confer a property right of the swale to the property owner.~~

~~Property Properties which have been previously allowed to only have a owners who do not have approved off-street developed swale parking surface but do have developed and previously permitted allowed and existing non-conforming swale parking surfaces will not be required to provide off-street a conforming driveway parking surface if the following four requirements are met:~~

- ~~(1) Existing developed swale parking surface is constructed of concrete, pavers, brick, asphalt, gravel, or turf block; and~~
- ~~(2) Swale-only parking that is contiguous to the property provides sufficient parking surface to meet parking needs of the current resident's motor vehicles; and does not exceed the maximum number of vehicles in section 5.6.3(2); and~~
- ~~(3) Existing parking surface on the developed swale is not deteriorated. beyond fifty percent (50%) deterioration; and~~
- ~~(4) Parking on the swale does not create sight line or other road safety issues.~~

~~Existing gravel driveways previously permitted by the village may remain until twenty-five percent (25%) or greater requires repair or topping off, at which time the property owner must come into compliance with the current day code standards and materials.~~

~~Property owners that do not have either a conforming or a building permit with a final inspection for an existing non-conforming parking surface for either off-street private property or on the swale, shall have six (6) twelve (12) months from the date of enactment of this ordinance to install an approved parking surface a driveway, driveway approach, and, if needed a swale parking surface, conforming to the current day code and pass final inspection pursuant to the requirements in Section 5.6 and the Florida Building Code. When special circumstances that require a special exception to the parking surface~~

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requirements, the property owner due to the lot size, lot shape, and/or setback configurations that make compliance impractical may apply for the minimal administrative variance as provided for in [section 5.7](#).

(a) — ~~Effective upon enactment of this ordinance, all dwellings are required to: (i) have and properly maintain an approved parking surface; and (2) park vehicles on an approved parking surface, subject to the design standards set forth in section 5.6.2(2).~~

(b) — ~~Non-conforming residential property requirements are as follows:~~

(i) — ~~Property owners shall have six (6) months from the date of enactment of this ordinance to install an approved parking surface and passed final inspection pursuant to the requirements in Chapter 5, Section 5.6, for residential properties that do not have an approved parking surface (e.g., driveway), either off street or on the swale. Special circumstances that require special exceptions due to the lot size, lot shape, and/or setback configurations that prevent compliance may apply for the minimal administrative variance necessary to adhere to the legislative intent of section 5.6.2(2) set forth in section 5.7.~~

~~If these four (4) requirements are not met, the property owner must (i) bring the swale area up to code pursuant to section 5.6.4; or (2) install an approved parking surface (driveway) pursuant to section 5.6.2(1)(i).~~

(f) ~~Property owners with existing swales at the time this ordinance is enacted may obtain a permit to improve their existing swale parking surface prior to 50% deterioration if it has not deteriorated over fifty percent (50%) and meets the design standards set forth in this section.~~ as long as the improvement plan does not exceed two contiguous spaces (totaling 40 feet by 12 feet) inclusive of the approach, replaces asphalt or other unsightly and deteriorated surface, and meets a minimum width of 10 feet from the roadway.

Swale [parking surfaces driveways](#) developed with gravel surface prior to passage of Ordinance 2015-04 may be required to conform to section [5.6.2\(2\)](#) ~~5.6.2(2)(f)~~ if the gravel swale parking surface is not properly maintained to prevent the gravel from entering the roadways. Subsequent gravel surface parking must conform to [section 5.6.2\(2\)](#).

5.6.2(5) ABUTTING PROPERTY OWNER'S RIGHTS/OBLIGATIONS.

Property owners with swales contiguous to their properties have owner's rights concerning swale parking abutting their property.

In consideration for the duty and obligation imposed by this section upon property owners to maintain all swale areas abutting and adjacent to their property, and the liability created by the provision hereof requiring the elimination of any dangerous conditions or safety hazards in such swale areas, owners of property abutting and adjacent to swale areas are hereby granted a preferential right to the usage of such swale areas as hereinafter set forth:

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- 455 (1) The preferential right herein conferred upon such property owners shall include
456 all reasonable and justifiable usages of the swale areas, including but not limited
457 to, the parking of ~~motor vehicles automobiles~~ and landscaping purposes consistent
458 with the village code.
- 459
- 460 (2) The property owner may also permit others to utilize the subject swale areas
461 contiguous to their property for ~~motor vehicle parking. all reasonable and~~
462 justifiable purposes.
- 463
- 464 (3) The property owner may enforce its preferential rights to the usage of such swale
465 areas, by requesting that other parties utilizing such areas, without permission or
466 authorization, cease and desist from the unauthorized use of such areas
467 immediately. If the property owner's request to discontinue the unauthorized use
468 is unsuccessful, the property owner may contact ~~code enforcement or the~~ police
469 department for assistance in enforcing the preferential rights conferred by this
470 section.
- 471
- 472 ~~(4) The use of any such swale area by any party in contravention of the provisions of~~
473 ~~this section shall be subject to the code enforcement provisions and procedures set~~
474 ~~forth in the village's code and the provisions of the Miami Dade County Code of~~
475 ~~Ordinances and state law applicable to such unauthorized use.~~
476 ~~No signage of any kind shall be posted by property owners/residents regarding~~
477 ~~swale usage on swale or on private property.~~
- 478
- 479 ~~Police/emergency vehicles, village utility, and village staff vehicles, or municipal~~
480 ~~contract service vehicles may park on any of the village's rights-of-way, including~~
481 ~~the swales, when performing the duties on behalf of the village and without the~~
482 ~~consent of the abutting property owner.~~

483 **5.6.3 Parking regulations. MINIMUM PARKING SPACE REQUIREMENTS**

484 **5.6.3(1) Village hall, recreation area, church.** The occupancy shall be based on the maximum
485 capacity rating given the building by the fire marshal. Gross floor area shall be the sum
486 of the gross horizontal area of all floors of a building measured from the exterior faces of
487 the exterior walls.

488 **5.6.3(2) Residential dwelling.** The table below specifies the required minimum number of
489 off-street parking spaces ~~and maximum number of vehicles for resident parking.~~ The
490 number of off-street parking spaces for uses not listed in the table shall be determined by
491 the planning board.

492 **(NOTE: AS WE ARE NOT MOVING FORWARD WITH MAXIMUM VEHICLES,**
493 **KEPT THE ORIGINAL CHART FROM CURRENT ORDINANCE)**

494 Required parking shall be provided for each use on a building site, according to the following
495 table:

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501

Use		Minimum Off-Street Parking Requirement	
(a)	Residential	Resident Parking	Visitor Parking
	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		

502

503

504

(NEW LAYOUT FOR TABLE)

<u>Minimum Parking Requirements</u>			
<u>Use:</u>		<u>Driveway Spaces:</u>	<u>Swale Parking:</u>
<u>Residential</u>			
<u>Detached single-family:</u>	<u>1, 2 and 3 bedrooms</u>	<u>2 spaces*</u>	<u>1 space**</u>
	<u>4 bedrooms</u>	<u>3 spaces*</u>	<u>1 space**</u>
<u>Duplexes/attached</u>	<u>1, 2, 3 or more</u>	<u>2 spaces/unit*</u>	<u>0.5 spaces/unit**</u>

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<u>and detached:</u>	<u>bedrooms</u>		
<u>Recreation area:</u>	<u>Determined by the planning board.</u>		
<u>Public assembly/service:</u>	<u>Church: 1 space/3 seats or 1 space/35 square feet of gross floor area</u>		
<u>Government buildings:</u>	<u>1 space/300 square feet of gross floor area</u>		

505
 506 ~~;~~ * Resident parking spaces may be tandem
 507
 508 ~~;~~ ~~** If on-street parking is not permitted or is restricted on the unit's street frontage, then~~
 509 ~~one visitor parking space shall be required. The visitor space shall be located not more than one~~
 510 ~~hundred (100) feet from the unit's street frontage. The maximum number of resident vehicles~~
 511 ~~allowed to park per dwelling does not preclude property owners from parking additional vehicles~~
 512 ~~in fully enclosed garages or parking a recreational vehicle, travel trailer or boat/watercraft on a~~
 513 ~~trailer as per section 7.4.~~

514
 515 ** As required based on the current needs of the property.

516
 517 Garage Parking shall not be included in calculations of minimum parking space requirements.

518
 519
 520

521 **5.6.5 Parking in median prohibited.** No vehicles are permitted to drive across the median
 522 open spaces or median parkways. ~~Exceptions include use:~~ No parking shall be allowed in
 523 median open spaces or median parkways. ~~unless as may be allowed in section 5.6.3.~~

524
 525 **5.6.6 Historic preservation exemption.** The preservation of any property that has been
 526 placed on the county or national register of historic places, shall be grounds for a grant by the
 527 planning review board of a reduction in, or complete exemption from, the parking requirements
 528 in ~~section 5.6.3~~ of this chapter.

529 **5.7 Special exception/Variance from off-street parking requirements.**

530
 531 **5.7.1** The owner of any property affected by the requirement to have an approved **parking**
 532 **surface driveway** on their property ~~or on the swale~~ shall have the right to apply for a special
 533 exception which may be granted where, due to the extreme and unusual nature of the property, a
 534 **parking surface driveway** cannot be placed on the property ~~or on the swale~~ .

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In the event that a building, buildings or property exhibits special circumstances which hinder the property owner from meeting the development and standards, the property owner shall submit an application for a variance to the provisions of this Division.

When special circumstances require a special exception or deviation to the driveway parking surface requirements, the property owner may apply for an administrative variance as provided for in the village code. The applicant must provide the purpose for the deviation showing special and unique conditions exist, which may require an analysis performed and certified by a professional engineer at the applicants cost.

5.7.2 Grounds for a special exception. It is the property owner's responsibility to supply documents and supporting information to show why an exception is necessary. Decisions remain to be granted by the Village of Biscayne Park. The Village Manager or the Village Manager's Designee shall determine ~~In determining~~ whether or not to grant a special exception. The ~~planning board shall review the~~ Village Manager's or Village Manager's Designee ~~recommendation and~~ shall determine whether:

- (a) There are special circumstances or conditions affecting the property, such as the unusual size and/or configuration of the lot, buildings on the lot, and/or setback and natural mature tree configurations that prevent compliance, that would make makes the installation of the parking surface driveway impractical a hardship; and
- (b) The granting of a special exception will be in harmony with the general intent and purpose of the Village code and that such variance will not be detrimental to the public welfare or injurious to other adjacent properties; and
- (c) Any appropriate mitigation measures will be required to be implemented by the owner seeking a special exception; and
- (d) That the special conditions and circumstances do not result from the actions of the applicant.
- (e) That the variance granted is the minimum variance that will make possible for the reasonable use of the property.

If all ~~three~~ of the above criteria are met, the planning board shall grant a special exception.

1. The granting of a variance will not confer any special privileges to other land/lots, buildings, structures, etc. that the applicant/owners may own within the village; or the swale areas adjacent to the other properties.

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577 2. Any special exceptions granted by the village shall be valid up to six (6) months to allow
578 for the driveway permit to be obtained; and if permit is not obtained then the property
579 owner shall submit a new application for the special exception with current day
580 circumstances documentations required.

581
582 **5.7.3 Appeal.** ~~An owner of property may appeal the planning board decision in writing to a~~
583 ~~special magistrate the Village Commission within ten (10) days of that decision. The~~
584 ~~special magistrate Village shall review the determination of the planning board and may~~
585 ~~reverse that decision only upon a specific finding that the planning board erred in its~~
586 ~~determination. The cost of the special magistrate shall be paid by _____.~~

587 DO WE WANT TO:

- 588 1. Address a charging station (location, size, etc.)
- 589 2. Police Department will require Signs at all properties for abutting property owner section
- 590 to enable towing.
- 591 3. It is not feasible for Code to cite for violators of preferential rights as we cite property
- 592 owners. In this case the property owner would be the complainant.
- 593
- 594

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5.6 - OFF-STREET PARKING

5.6.1 DEFINITIONS

Swale: shall mean the public right-of-way area that lies between the edge of the roadway pavement and the property line contiguous to that property.

Swale parking surface: shall mean an area dedicated for the parking of a vehicle in the swale consistent with the regulations set forth within this code.

Off-Street Parking: shall mean an area private property and swale dedicated for parking that is not on the public roadway.

Driveway: shall mean the parking surface on private property that is designated to park motor vehicles, whether conforming or non-conforming, accessible from a street or other thoroughfare.

Driveway Approaches and Driveway Aprons: shall mean the surface that provides access to the driveway on private property from the roadway.

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

Parking Surface: shall mean surface used for parking on private property, swale, and driveway approaches/driveway aprons.

Pervious surface material: shall mean a surface material which permits liquids to quickly pass through the surface material into the soil without creating standing water.

Medians: Median Open Spaces, Median Open Parkways, Pedestrian passage way. The portion of a dedicated right of way that is unpaved but generally landscaped, beautified, or otherwise developed by the Village, and located in the approximate center of the paved street right of way and utilized for non-traffic purposes. This area is usually located between two paved roadways.

Non-Conforming: Not to “current day” Village code standards.

Conforming: In compliance with the current day Village Code and obtained applicable permits with final inspections as required.

Flare Outs: Edges of driveways or driveway aprons that allow a certain radius for a vehicle to maneuver without destroying the adjacent areas of the driveway.

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5.6.2 RESIDENTIAL PARKING.

5.6.2 (1) DEVELOPMENT STANDARDS. - DRIVEWAYS, DRIVEWAY APPROACHES, SWALE PARKING.

The Public Works department has the authority to permit or deny any development of the public right-of- way. No special exceptions shall apply regarding the swale areas.

All driveways, driveway approaches, and swale parking surfaces including but not limited to surfaces, color, layout, locations, size, landscaping, etc. require an approval from Public Works, Planning Board and a building permit issued with a final inspection by the Village of Biscayne Park.

Except as provided herein, all required driveway parking spaces and the use they are intended to serve shall be located on the same parcel. Construction/maintenance of a portion of a parking surface in the swale, such as the driveway approach/apron and swale parking surface shall require the abutting 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.

Permits, construction, and repairs of all parking surfaces on private property and on the swale shall be at the sole expense of the property owner.

Building permit applications; to expand the square footage and/or increase the number of legal bedrooms will not be entertained by the village until such time that there is sufficient off-street parking incorporated into the building plans and conforms to the “current day” ordinance as set forth in Section 5.6.

No owner shall cause the discontinuance or reduction of the required parking surface requirements without establishing alternative means for parking in accordance with the requirements in the code and a permit approving any modification shall be obtained prior to making any changes.

All parking surfaces shall be of approved materials, except as otherwise provided in this code, and be installed where they can bear frequent traffic and shall comply with the current day Florida Building Code and with the current day Village Code.

Private Property. If the parcel has a front yard and a corner side yard, off-street parking spaces may be on either the front yard or corner side yard, but not both. Impervious or pervious areas shall not exceed forty percent (40%) of the front yard or corner side yard, if applicable. The swale area does not apply to the forty percent (40%) of the private property parking surface. Remaining 60% of property shall be landscaped with a minimum of sodding as per the Village Code.

Swale. Up to forty percent (40%) of the swale area may be developed for parking. The driveway approach is included in the forty percent (40%) limit. Other than the driveway approach, any

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93 other development of swale area for parking must consist of pervious materials only. Remaining
94 60% of the swale shall be landscaped with sod; any other ground cover requires an approval
95 from the Village planning board.

96
97 Swale parking surfaces shall be constructed of the same material as the driveway parking
98 surface, unless the driveway parking surface is asphalt, in which case another complementary
99 approved material shall be used. Village of Biscayne Park reserves the right to restrict materials
100 to be used on the swale/right-of-way.

101
102 Any pervious materials used for parking surfaces on private property or swale may not be
103 applied anywhere else beyond the forty percent (40%) limit on either the private property or
104 swale area, even though it is a pervious material.

105
106 Seal-coating, overlay of existing asphalt driveways, topping off drain rock, or preapproved
107 surface re-painting, absent any change in shaped, size, color, or location, shall not be considered
108 as reconstruction or renovation for purposes of this Chapter. However, topping of an existing
109 non-conforming surface material (i.e.: pea rock, etc.) shall not be allowed and will require the
110 parking surface to be brought to current day code.

111
112 Ribbon/Double Strip driveways are no longer permitted and shall not be repaired or reinstalled
113 once they exhibit cracks, breaks, or is otherwise deteriorated.

114
115 Where two (2) driveways are permitted, they shall not be conjoined or abut each other. They
116 shall be installed so they are set apart from each other on opposite sides of the yard or in a
117 location approved by the Planning Board. There shall be no more than two (2) driveways
118 permitted on any single family or duplex property and shall be at the discretion of the Planning
119 Board.

120
121 Each driveway shall be directly accessible to a street by a driveway approach which shall be of
122 the same material, or compatible & harmonious with the parking surface on private property.

123
124 Parking surfaces shall not be installed where they obstruct or hinder any utilities or obstruct
125 access to any easements.

126
127 No portion of a driveway shall be closer than two (2) feet to a wall of the structure; this shall not
128 apply to driveways approaching garage structure, carport, or awning structure.

129
130 Driveway Approaches/Aprons shall be the same width as the driveway on private property, the
131 driveway flare outs are not included the width.

132
133 Parking surfaces on swale or on private property shall not be conjoined with adjacent properties,
134 if existing surfaces are conjoined then within twelve (12) months of the enactment of this
135 ordinance they shall be separated and in accordance with the stipulations in this Chapter.

136
137 Gravel/Rock parking surfaces shall be built with a permanent perimeter border consisting of
138 harmonious and suitable material. Suitable border materials shall and compatible with the

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139 driveway surface. Village staff and/or the Planning Board will determine suitable border
140 materials.

141

142 All borders shall be installed as follows:

143

144 Borders shall be a minimum of six (6") inches below the surface, with the width of the border
145 being sixteen (16") inches immediately adjacent and parallel to the roadside, and borders along
146 the remaining three sides that are situated facing the inside of the property shall be eight inches
147 (8") wide. To facilitate percolation over time and control weeds, use of a geotextile fabric as an
148 underlayment is recommended.

149

150 All borders shall be installed a minimum of the specifications above and as per the Village of
151 Biscayne Park's Driveway Detail from the Building Department unless the Florida Building
152 Code reflects an alternate minimum then the Florida Building Code minimum requirements shall
153 take precedence.

154

155 All parking surfaces must have an improved driveway approach across the swale which shall
156 meet the minimum standards of gravel construction as approved by the Village.

157

158 All parking surfaces shall be no closer than thirty (30) inches from the side property line. The
159 distance from side property line shall be measured from the edge of the flare outs (if any) of the
160 parking surface.

161

162 **Paving and drainage.** Parking shall adequately drain to prevent the buildup of stormwater in
163 the right-of-way. All runoff water from the property must be contained within the footprint of
164 the property.

165

166 **Engineering standards.** The design, materials, drainage requirements, and engineering
167 specifications of parking spaces, driveways, points of ingress and egress, turnarounds, and other
168 related items not specifically addressed in this Division shall comply with the technical standards
169 of the Florida Building Code.

170

171 As allowed in section 5.3.4, up to forty percent (40%) of the swale area of rights-of-way may be
172 developed for parking. The parking surface approach is included in the forty percent (40%)
173 limit. Other than the parking surface approach, any other development of swale area for parking
174 must consist of pervious materials.

175

176 Swale parking surfaces shall have a minimum setback of three (3) feet from the road surface
177 edge of paving of residential streets: local roads, access streets, and subcollector streets; and shall
178 have a minimum setback of four (4) feet from the road surface edge of collector roads and
179 arterial roads to assure pedestrian safety. The size and layout of these spaces shall be in
180 accordance with the Miami-Dade County Code and the Miami Dade Public Works Standards and
181 Specifications.

182

183 **5.6.2(2) PARKING SURFACES – DESIGN AND AESTHETIC STANDARDS**

184

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185 Parking surfaces shall be harmonious and compatible with the private property dwelling as
186 determined by the Planning board.

187
188 Exterior lighting for parking surfaces requires a permit and shall be approved by the Planning
189 Board. Self-contained solar lighting more than twenty-five inches (25") in height requires an
190 approval from the Planning Board. Lighting of any kind shall not be installed on the public right-
191 of-way.

192
193 Driveway Mirrors and Convex Mirrors for use at the end of the driveways shall be a maximum
194 of twenty inches (20") diameter and requires an approval from the Village, which will be granted
195 on a case by case scenario. In the event the approval is granted, the installation shall not be on or
196 extend into the public right-of-way and shall not cause a reflection that will hinder vehicular
197 traffic or pedestrian's vision. Mirrors shall be kept in good condition free from breaks, etc.

198
199 No fences or gates are permitted at the entrance of a parking surface located in the front of a
200 property; all other locations shall be determined by the Planning board.

201
202 No striping or decals are permitted on a driveway surface.

203
204 No driveway shall be enlarged for a basketball surface or recreational surface.

205
206 Swale parking surfaces shall only be developed parallel with the roadside.

207
208 Borders along the edges of the parking surface shall be placed in the opposite direction as a
209 means of contrast, unless it is not feasible as determined by the Planning board.

210
211 Parking bumpers, pre-cast concrete wheel stops, railroad ties, or similar objects are prohibit on
212 private property or on swale areas of the Village. Government Properties, Churches, Apartment
213 buildings in excess of four (4) units are exempt from parking bumpers and pre-cast concrete
214 wheel stops.

215
216 Circular driveways shall provide a landscaped island which is required to obtain an approval by
217 the Planning Board.

218
219 Certain driveways surfaces may be painted; color and painting permission shall be determined by
220 the Planning Board.

221
222 Driveways, driveway approaches, and swale parking surfaces shall be free from weeds, oils, rust,
223 other deposits and deterioration.

224
225 Missing or broken pavers, borders, and hedges (as required by the parking design) shall be
226 replaced.

227
228 Any parking surface on the swale right-of-way must be compatible and harmonious with any
229 parking surface on the property.

230

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231 5.6.2(3) SURFACE MATERIALS PERMITTED. All motor vehicles must be parked on an
232 approved parking surface set forth in the Village code.

233
234 New parking surfaces shall only be constructed with one the following materials. concrete,
235 pavers, brick, gravel, cut stone or turf block.

236
237 1. Drain rock granite chip of no less than ¾” diameter and no larger than -1” diameter in size.

238 2. Brick, Cobblestone, Clay, and Stone interlocking pavers.

239 3. Concrete or Concrete impregnated with color.

240 4. Asphalt

241 5. Cut stone or turf block of 16”x16” minimum size with separating joints filled with natural or
242 synthetic grass or with contrasting river rocks.

243
244 6. Gravel material exception: Florida Crushed Limestone rock of ¾” inch diameter minimum
245 and maximum of 1½” inch in size and installed where movement is minimal

246 Landscape rock, pea rock, sod, dirt, mulch, and ground cover are not permitted parking surfaces.

247
248 Swale parking surfaces (applied for after passage of this ordinance) shall be constructed of the
249 same material as the driveway parking surfaces, unless the driveway parking surface is asphalt,
250 in which case another complementary approved material shall be used.

251 5.6.2 (4) CONFORMING AND NON-CONFORMING PARKING SURFACES.

252
253
254 All motor vehicles must be parked on an approved parking surface subject to the standards set
255 forth in section 5.6. Sod, dirt, ground cover, and mulch shall not be considered a parking surface
256 and motor vehicles are not permitted to be parked on sod, dirt, mulch or other ground cover.
257 Enforcement of the swale area of this section shall be according to the provisions of the Village
258 code of ordinances for private property.

259
260 Any new construction, additions, and/or renovations commencing on private property shall be
261 required to install, modify, or provide a driveway that conforms to the driveway standards set
262 forth in Section 5.6.

263 Existing non-conforming parking surfaces may remain until twenty-five percent 25% or greater
264 requires repair, at which time the property owner shall comply with the current day parking
265 surface code

266
267 Properties which have been previously allowed to only have a developed swale parking surface
268 will not be required to provide a conforming driveway parking surface if the following four
269 requirements are met:

270
271 (1) Existing developed swale parking surface is constructed of concrete, pavers, brick,
272 asphalt, gravel, or turf block; and

273

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274 (2) Swale-only parking that is contiguous to the property provides sufficient parking surface
275 to meet parking needs of the current resident's motor vehicles;

276
277 (3) Existing parking surface on the developed swale is not deteriorated, and
278

279 (4) Parking on the swale does not create sight line or other road safety issues.
280

281 Existing gravel driveways previously permitted by the village may remain until twenty-five
282 percent (25%) or greater requires repair or topping off, at which time the property owner must
283 come into compliance with the current day code standards and materials.
284

285 Property owners that have a building permit with a final inspection for an existing non-
286 conforming parking surface for either private property or on the swale, shall have-twelve (12)
287 months from the date of enactment of this ordinance to install a driveway, driveway approach,
288 and, if needed a swale parking surface, conforming to the current day code and pass final
289 inspection pursuant to the requirements in Section 5.6 and the Florida Building Code. When
290 special circumstances that require a special exception to the parking surface requirements, the
291 property owner may apply for the minimal administrative variance as provided for in section 5.7.
292

293 Swale parking surfaces developed with gravel surface prior to passage of Ordinance 2015-04
294 may be required to conform to section 5.6.2(2) if the gravel swale parking surface is not properly
295 maintained to prevent the gravel from entering the roadways. Subsequent gravel surface parking
296 must conform to section 5.6.2(2).
297

298 **5.6.2(5) ABUTTING PROPERTY OWNER'S RIGHTS/OBLIGATIONS.**

299 Property owners with swales contiguous to their properties have owner's rights concerning swale
300 parking abutting their property.
301

302 In consideration for the duty and obligation imposed by this section upon property owners to
303 maintain all swale areas abutting and adjacent to their property, and the liability created by the
304 provision hereof requiring the elimination of any dangerous conditions or safety hazards in such
305 swale areas, owners of property abutting and adjacent to swale areas are hereby granted a
306 preferential right to the usage of such swale areas as hereinafter set forth:
307

308 (1) The preferential right herein conferred upon such property owners shall include all
309 reasonable and justifiable usages of the swale areas, including but not limited to, the parking of
310 motor vehicles and landscaping purposes consistent with the village code.
311

312 (2) The property owner may also permit others to utilize the subject swale areas contiguous
313 to their property for motor vehicle parking.
314

315 (3) The property owner may enforce its preferential rights to the usage of such swale areas,
316 by requesting that other parties utilizing such areas, without permission or authorization, cease
317 and desist from the unauthorized use of such areas immediately. If the property owner's request
318 to discontinue the unauthorized use is unsuccessful, the property owner may contact the police
319 department for assistance in enforcing the preferential rights conferred by this section.

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320
 321 No signage of any kind shall be posted by property owners/residents regarding swale usage on
 322 swale or on private property.

323
 324 Police/emergency vehicles, village utility, and village staff vehicles, or municipal contract
 325 service vehicles may park on any of the village's rights-of-way, including the swales, when
 326 performing the duties on behalf of the village and without the consent of the abutting property
 327 owner.

328
 329 **5.6.3 MINIMUM PARKING SPACE REQUIREMENTS**

330
 331 **5.6.3(1) Village hall, recreation area, church.** The occupancy shall be based on the maximum
 332 capacity rating given the building by the fire marshal. Gross floor area shall be the sum of the
 333 gross horizontal area of all floors of a building measured from the exterior faces of the exterior
 334 walls.

335
 336 **5.6.3(2) Residential dwelling.** The table below specifies the required minimum number of
 337 off-street parking spaces. The number of off-street parking spaces for uses not listed in the table
 338 shall be determined by the planning board.

339
 340 **(NOTE: AS WE ARE NOT MOVING FORWARD WITH MAXIMUM VEHICLES,**
 341 **KEPT THE ORIGINAL CHART FROM CURRENT ORDINANCE)**

342
 343 Required parking shall be provided for each use on a building site, according to the following
 344 table:

345

Minimum Parking Requirements			
Use:		Driveway Spaces:	Swale Parking:
Residential			
Detached single-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**
Recreation area:	Determined by the planning board.		

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Public assembly/service:	Church: 1 space/3 seats or 1 space/35 square feet of gross floor area
Government buildings:	1 space/300 square feet of gross floor area

346

* Resident parking spaces may be tandem

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** As required based on the current needs of the property.

349

350

Garage Parking shall not be included in calculations of minimum parking space requirements.

351

352

5.6.5 Parking in median prohibited. No vehicles are permitted to drive across the median open spaces or median parkways. No parking shall be allowed in median open spaces or median parkways

353

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356

5.6.6 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 board of a reduction in, or complete exemption from, the parking requirements in this chapter.

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360

5.7 Special exception/Variance from off-street parking requirements.

361

362

5.7.1 The owner of any property affected by the requirement to have an approved parking surface on their property or on the swale 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 parking surface cannot be placed on the property or on the swale.

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In the event that a building, buildings or property exhibits special circumstances which hinder the property owner from meeting the development and standards, the property owner shall submit an application for a variance to the provisions of this Division.

368

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371

When special circumstances require a special exception or deviation to the driveway parking surface requirements, the property owner may apply for an administrative variance as provided for in the village code. The applicant must provide the purpose for the deviation showing special and unique conditions exist, which may require an analysis performed and certified by a professional engineer at the applicants cost.

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377

5.7.2 Grounds for a special exception. It is the property owner's responsibility to supply documents and supporting information to show why an exception is necessary. Decisions remain to be granted by the Village of Biscayne Park. The Village Manager or the Village Manager's Designee shall determine whether or not to grant a special exception. The Village Manager's or Village Manager's Designee shall determine whether:

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381

382

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383 (a) There are special circumstances or conditions affecting the property, such as the unusual
384 size and/or configuration of the lot, buildings on the lot, and/or setback and natural mature tree
385 configurations that prevent compliance, that would make the installation of the parking surface a
386 hardship; and

387
388 (b) The granting of a special exception will be in harmony with the general intent and
389 purpose of the Village code and that such variance will not be detrimental to the public welfare
390 or injurious to other adjacent properties; and

391
392 (c) Any appropriate mitigation measures will be required to be implemented by the owner
393 seeking a special exception; and

394
395 (d) That the special conditions and circumstances do not result from the actions of the
396 applicant.

397
398 (e) That the variance granted is the minimum variance that will make possible for the
399 reasonable use of the property.

400
401 If all of the above criteria are met, the planning board shall grant a special exception.

402 1. The granting of a variance will not confer any special privileges to other land/lots,
403 buildings, structures, etc. that the applicant/owners may own within the village; or the swale
404 areas adjacent to the other properties.

405
406 2. Any special exceptions granted by the village shall be valid up to six (6) months to allow
407 for the driveway permit to be obtained; and if permit is not obtained then the property owner
408 shall submit a new application for the special exception with current day circumstances
409 documentations required.

410
411
412
413

CHAPTER 5. TRANSPORTATION

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-Dade County.

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 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, 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.
- (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 reference—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.

5.3.5 *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 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-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 for all development within 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.

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.

(a)	Use	Minimum Off-Street Parking Requirement	
		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 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, Metro-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.

CHAPTER 6. PUBLIC FACILITIES AND SERVICES

6.1. Generally.

6.1.1 *Purpose of chapter.* The purpose of this chapter is to provide criteria for basic utilities, to provide for a village solid waste management program, and establish the standards for stormwater management.

6.2. Utilities.

6.2.1 *Utilities.* The criteria for basic utilities for the village are listed below:

- (a) *Electricity.* Every lot shall have available to it a source of electric power adequate to accommodate the reasonable needs of the principal use on the lot.
- (b) *Water.* Every lot shall have central potable water hookup.
- (c) *Telephone.* Every lot shall have available to it a telephone service cable adequate to accommodate the reasonable needs of the principal use.

6.3. Solid waste.

6.3.1 *Local government solid waste responsibilities.* The municipality of Biscayne Park is responsible for collecting and transporting solid waste from its jurisdiction to a solid waste disposal facility operated by the county or operated under a contract with the county. The county may charge reasonable fees for the handling and disposal of solid waste at their facilities.

6.3.2 *Containers.*

- (a) Each residential unit shall have a sufficient number of garbage cans or approved containers, not to exceed thirty (30) gallons in capacity, to accommodate all garbage, leaves and grass cuttings. Garbage cans shall be kept tightly closed at all times and easily accessible to collectors. Collection service may be discontinued where the garbage cans or containers are determined to be unfit for receptacles by the public works department. Failure of the property owner to provide proper garbage cans or containers which results in a discontinuance of service shall subject the property owner to the penalty provisions of this code.
- (b) Garbage cans and trash receptacles must be placed behind the face of the building and screened from view except when properly placed out for pickup.

6.3.3 *Owner/occupant responsibility.*

- (a) It shall be the duty of each property owner to prevent the continued, excessive and unsightly accumulation of garbage, trash and other types of waste and rubbish.

1
2 (a) Markers. Dome type markers only may be placed within dedicated right-of-way
3 provided that they are placed not closer than eighteen (18) inches to the nearest edge of the
4 paved surface of the designated roadway. All markers must be at least twenty-four (24) inches
5 apart. Markers placed in the right-of-way shall not exceed twelve (12) inches in diameter nor be
6 more than six (6) inches in height and shall be white in color.
7

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

13 (c) Paving and drainage. Pervious pavers shall be allowed but any impervious paving
14 shall be adequately drained to prevent the buildup of stormwater in the right-of-way.
15

16 (d) Other objects prohibited. It shall be unlawful to install, place or maintain within
17 the dedicated right-of-way, parking or swale area of the village any pointed concrete or other
18 unapproved hard materials, such as rocks, stones, bricks, metal objects or other similar
19 obstructions.
20

21 (e) A combination of an approved parking approach and sodding of rights-of-way
22 shall be permitted provided the impervious section does not exceed forty (40) percent of the total
23 area and such paved areas shall be kept in good condition.
24

25 (f) Removal of obstructions by the Village: In the event any object or tree placed in
26 the swale creates an emergency situation involving potential danger to the health, safety, and
27 welfare of the community, the Village may perform removal operations immediately, thus
28 eliminating the emergency, and may assess the cost of such removal against the adjacent
29 property owner.
30

31 (g) Removal of trees in the swale by the abutting property owner: Property owners
32 must obtain a permit from the Village and Miami-Dade County to remove trees in the swale.
33

34 (h) Property owner/resident responsibilities for maintenance: The property owner or
35 resident living in the property shall be jointly and severally responsible for the maintenance of
36 the swale area contiguous to their property. Maintenance shall include but not be limited to
37 mowing the sod and performing general edging, weeding, trimming, pruning and cleanup
38 activities. The landscaping and sod shall be maintained in good plant health. The landscaping
39 shall be kept free of dead limbs and branches. No swale landscaping shall be maintained in such
40 manner as to constitute a nuisance.
41

42 (i) Property owners shall be responsible for the maintenance of the swale area
43 contiguous to their property as well as for the removal and costs of dead, diseased and/or fallen
44 trees and any trees that may interfere with the right-of-way or otherwise pose a danger to the
45 health, safety and welfare of the community.
46

1 **Section 3.** Section 5.6 of the Village of Biscayne Park Code of Ordinances, entitled
 2 “Off-street parking”, shall be amended to read as follows:

3 **5.6. Off-street parking.**

4
 5 5.6.1 *Applicability.* Off-street parking facilities shall be provided for within each property
 6 development within in the village pursuant to the requirements of this code. The facilities shall
 7 be maintained as long as the use exists that the facilities were designed to serve.

8
 9 (a) All vehicles must be parked on an approved parking surface subject to the design
 10 standards set forth in Section 5.6.8.

- 11 1. Non-conforming residential properties that do not have an approved parking
 12 surface, including an approved approach, shall have one (1) year from the date of
 13 enactment of this ordinance to have the compliant parking surface permitted and
 14 installed.
- 15
 16 2. Existing non-conforming parking surfaces permitted by the Village may remain
 17 unless a substantial portion, fifty (50) percent or greater, requires repair or an
 18 addition to the parking surface occurs.
- 19
 20 3. When an approved parking surface exists, all vehicles shall park on said approved
 21 parking surface effective upon enactment of this ordinance.

22
 23
 24 5.6.2 *Computation.* In the village hall, recreation area, church, the occupancy shall be based on
 25 the maximum capacity rating given the building by the fire marshal. Gross floor area shall be the
 26 sum of the gross horizontal area of all floors of a building measured from the exterior faces of
 27 the exterior walls.

28
 29 5.6.3 *Number of parking spaces required.* The table below specifies the required minimum
 30 number of off-street parking spaces. The number of off-street automobile parking spaces for uses
 31 not listed in the table shall be determined by the planning board. The term "tandem parking
 32 space" means a parking space that abuts a second parking space in such a manner that vehicular
 33 access to the second space can be made only through the abutting (tandem) space.

34
 35 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 Duplexes/attached and detached:		
	1, 2, 3 or more bedrooms	2 spaces/unit*	0.5 spaces/unit**
(b)	Recreation <u>area</u> .		
	Parks, Clubs: d Determined by the planning board.		
(c)	Public assembly/ <u>service Church</u>		
	1 space/3 seats or 1 space/35 square feet of gross auditorium floor area		
(d)	<u>Government buildings: 1 space/300 square feet of gross floor area</u>		

* 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 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. The

1 size and layout of these spaces shall be according to the Miami-Dade County Code and Public
2 Works Manual, Metro Miami-Dade County. Vehicles shall be parked on impervious or pervious
3 surfaces but impervious areas shall not exceed forty (40) percent of the front yard, excluding the
4 right-of-way. Off-street parking (within the lot lines of all properties) shall only be permitted on
5 approved surfaces by the Village of Biscayne Park. In no circumstances shall grass or sod be an
6 approved surface.

- 7
- 8 a. All parking surfaces shall be of approved materials except as otherwise provided
9 below.
- 10
- 11 b. All parking surfaces must have an improved approach across the swale which
12 shall meet the minimum standard of gravel construction.
- 13
- 14 c. All parking surfaces shall be no closer than thirty (30) inches from side property
15 line unless exempted below in subsection (d).
- 16
- 17 d. All non-conforming parking surfaces, as related to setback, shall come into
18 compliance when there is a change in parking surface material or the installation
19 of a new parking surface. If a determination is made by the Village Manager or
20 designee that adhering to the setback would make the parking surface non-
21 functional, the Village Manager may waive this requirement in writing.
- 22
- 23 e. Parking surfaces shall only be constructed with the following materials: concrete,
24 paver, brick, gravel, asphalt, cut stone or turf block.
- 25
- 26 f. Gravel parking surfaces shall be built with a permanent perimeter border
27 consisting of suitable material as approved by Village staff a minimum of four (4)
28 inches deep with the width of the border being sixteen inches (16") immediately
29 adjacent to the road perimeter and four inches (4") along the entire length of both
30 edges of the parking surface.
- 31

32 Construction of a portion of a parking surface in the swale or right-of-way, such as the apron and
33 parking surface approach, shall require the property owner to indemnify, hold harmless, and
34 defend the Village from any and all actions, caused by, resulting from, or in any way associated
35 with the proposed work within the Village right-of-way on a form provided by the Village.

36

37 **Section 4. Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts
38 thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

39

40 **Section 5. Severability.** The provisions of this Ordinance are declared to be
41 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason
42 be held to be invalid or unconstitutional, such decision shall not affect the validity of the
43 remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in

1 effect, it being the legislative intent that this Ordinance shall stand notwithstanding the
2 invalidity of any part.

3
4 **Section 6. Codification.** It is the intention of the Village Commission of the Village of
5 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code
6 of Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance
7 may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section,"
8 "Article" or other word or phrase in order to accomplish such intention.

9
10 **Section 7. Effective Date.** This Ordinance shall be effective upon adoption on
11 second reading.

12
13 The foregoing Ordinance was offered by Vice Mayor Anderson, who moved its adoption. The
14 motion was seconded by Commissioner Ross and upon being put to a vote, the vote was as
15 follows:

16 PASSED AND ADOPTED upon first reading this 4th day of August, 2015.

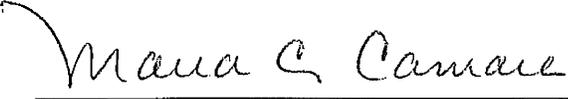
17 PASSED AND ADOPTED upon second reading this 1st day of September, 2015.

18 The foregoing ordinance upon being put to a
19 vote, the vote was as follows:

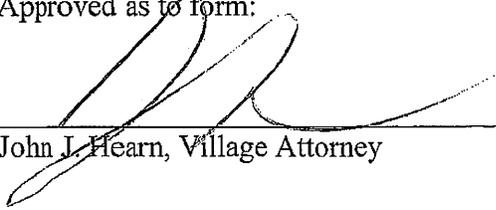
20
21 
22 _____
23 David Coviello, Mayor

24 Mayor Coviello: Yes
25 Vice Mayor Anderson: Yes
26 Commissioner Jonas: Yes
27 Commissioner Ross: Yes
28 Commissioner Watts: No

29 Attest:

30
31 
32 _____
33 Maria C. Camara, Village Clerk

34 Approved as to form:



John J. Hearn, Village Attorney