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ORDINANCE NO. 09-05

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING AND THE FRANJO TRIANGLE & U.S. 1 ISLAND ZONING AMENDING SECTION _____ ENTITLED PARKING TO MODIFY THE PROVISIONS ALLOWING FOR ADJACENT ON-STREET PARKING SPACES TO BE COUNTED AS REQUIRED PARKING; MODIFYING THE CONDITIONS ALLOWING FOR ON-STREET PARKING SPACES TO BE CREDITED TO OTHER NEARBY PROPERTIES; AND PROVIDING FOR AN ANNUAL FEE TO BE ASSESSED FOR COUNTING ON-STREET PARKING; CREATING A PARKING FUND; PROVIDING FOR SEVERABILITY, ORDINANCES IN CONFLICT, AND PROVIDING AN EFFECTIVE DATE. [Sponsored by Council Person Shelley Stanczyk].

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay desire to amend the Village's code of ordinances, relating to minimum parking requirements in the Franjo Triangle & U.S. 1 Island zoning district (FT&I); and,

WHEREAS, under the FT&I District, a mixed use district, a development may utilize on-street parking spaces and count those spaces for the purpose of meeting the minimum parking requirements for a new mixed use project; and,

WHEREAS, the on-street credits to property owners are currently provided to property owners at no cost and provides an economic disincentive for property owners to design structures that meet the parking requirements without the on-street parking credit; and,

WHEREAS, the on-street parking credit as it is currently configured does not account for the future impacts of development and changes in uses on the Village's parking supply and infrastructure; and,

WHEREAS, in order to create an incentive for future projects and associated uses to more efficiently address minimum parking requirements, the Village has determined that on-street parking credits will no longer be provided free of charge and individuals or entities wishing to utilize on-street spaces to satisfy minimum parking requirements will be charged an annual fee, per qualifying on-street space; and,

WHEREAS, The funds deposited in the proposed FT&I District Parking Improvement Trust Account shall be used for improvements to public parking facilities, infrastructure to increase parking capacity, and the installation of metering devices; and

WHEREAS, the funds collected in this account may also be used towards items that improve the pedestrian environment and may include, but be not limited to bicycle parking and

1 racks, sidewalk improvements and maintenance, bench installation, water fountains, outdoor
2 recycle bins, signage for parking and bicycle racks, tree planting and maintenance; and,
3

4 **WHEREAS**, the Mayor and Village Council desire to amend the FT&I zoning district
5 parking requirements in order to provide for on-street parking credits and an annual fee, per
6 qualifying on-street space.
7

8 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY**
9 **COUNCIL OF THE VILLAGE OF PALMETTO BAY; FLORIDA:**

10 **SECTION 1** That section of the Franjo and U.S. 1 Island District, found at section 30-
11 50.19 of the Village's Code of Ordinances, at subsection ____, entitled "Parking" shall be
12 amended to read as follows:
13

14 30-50.19 Franjo Triangle and U.S. 1 Island District.

15 * * *

16 (m) Parking.

17
18 Except as provided herein, parking shall be provided as required by Division 30-70 of the
19 Land Development Code.
20

21 (1) Multi-story parking garages, parking lots and on-street parking shall count
22 toward all parking requirements except for the parking requirements of detached single-
23 family residences, courtyard and sideyard houses, row-houses/townhouses, or duplexes.
24 Multi-story structured parking shall be counted in computing building height.
25

26 (2) Parking shall be provided as follows:
27

Single Family Residential (off-street):
single family detached: two (2) spaces/unit
courtyard or sideyard house: two (2) spaces/unit
rowhouse/townhouse: two (2) spaces/unit
duplex: two (2) spaces/unit
Multi-family Residential:
One and one-half (1.5) spaces/one (1) bedroom unit
One and three-quarters (1.75) spaces/two (2) bedroom unit
Two (2) spaces/three (3) or more bedroom units
Hotel: one (1) space for each of the first 40 guest rooms and one (1) additional space for every two (2) guest rooms or suites thereafter
Retail: One (1) space/250 square feet of gross floor area
Office: One (1) space/300 square feet of gross floor area
Medical Offices: One (1) space/200 square feet of gross floor area
Restaurants: One (1) space/ 50 square feet of patron area

Institutional: shall comply with section 33-124 of the Miami-Dade County Code as adopted by the Village of Palmetto Bay via ordinance 04-16.

Live-work units:

- (1) residential component: two (2) spaces/unit,
- (2) workshop component: one (1) space/325 square feet of workshop area; and
- (3) parking requirements shall be met on-site.

Live-work buildings:

- (1) residential component: shall comply with the multi-family residential requirements described in this sub-section;
- (2) work space, non-residential component, shall comply with Division 30-70 of the Code.
- (3) parking requirements shall be met on-site.

Civic uses: shall comply with the Land Development Regulations the Village of Palmetto Bay.

All other uses shall comply with the parking standards provided in Division 30-70 of the Code.

1
2 (3) The combined parking requirement for mixed-use development shall be
3 90 percent of the total parking otherwise required in this section; provided, however, that
4 in the Core Sub-district, the combined parking required for mixed-use development shall
5 be 80 percent of the total parking otherwise required in this section.
6

7 (4) Mixed-use developments in the Core and Center Sub-districts may
8 provide up to 60 percent of the required parking off-site, where the off-site parking is
9 located on a minor street and within 500 feet of the development, provided the
10 provisions of subsection (15), below, are complied with. Any certificate of use for Mixed-
11 use shall immediately terminate in the event such parking area is not available. An
12 applicant for approval of a Mixed-use development with off-site parking shall execute and
13 record in the public records of this Village a declaration of restrictions approved by the
14 Director covenanting that such Mixed-use shall cease and terminate upon the elimination
15 of such parking area, and that no Mixed-use requiring such parking shall be made of such
16 property until the required parking area is available and provided.
17

18 (5) Residential uses on a lot or group of lots entirely or partially designated as
19 open space as provided in section 30-50.19(6)(C), may provide off-site parking of up to
20 60 percent of the parking required, provided the provisions of subsection (15), below, are
21 complied with. This off-site parking shall be located on a minor street and within 500
22 feet of the development. Such residential uses shall immediately terminate in the event
23 such parking area is not available. An applicant for approval of a development with off-
24 site parking shall execute and record in the public records of this Village a declaration of
25 restrictions approved by the Director covenanting that such residential use shall cease and
26 terminate upon the elimination of such parking area, and that no residential use requiring

1 such parking shall be made of such property until the required parking area is available
2 and provided.

3
4 (6) Individual parking garages for single-family homes shall count toward the
5 parking requirement.

6
7 (7) Parking for individuals with disabilities shall comply with the Florida
8 Building Code.

9
10 (8) Parking for persons transporting strollers shall comply with section 30-70
11 of the Code.

12
13 (9) Except for detached single-family homes, courtyard or sideyard houses
14 and duplexes, all parking may be in the form of multi-story parking garage structures or
15 parking lots that shall be provided in the rear or on one side of the building, screened
16 from public right-of-way. Parking is not permitted in the front setback.

17
18 (10) Multi-story parking garage structures shall be screened along all frontages,
19 except along a service road or a pedestrian passage by a liner building containing a
20 minimum depth of 20 feet of habitable space. On parcels having a lot depth at any one
21 point of less than 150 feet, as measured from the front property line, screening shall only
22 be required on the ground floor. All architectural elements of a multi-story parking
23 structure that face a street or an open space shall appear consistent and harmonious with
24 that of habitable space. No vehicles parked within the structure shall be visible from the
25 street.

26
27 (11) Parking lots shall provide for vehicular connectivity to adjacent parking
28 areas.

29
30 (12) All structures and uses which are erected, established or enlarged within the
31 FT&I District shall provide adequate off-street parking spaces and control mechanisms
32 for on-site vehicular and pedestrian traffic in order to insure the safety and convenience
33 of the public pursuant to the requirements of this section.

34
35 (13) Adjacent on-street parking spaces may count toward the minimum
36 parking requirements set forth above at subsections (5) and (6) and as providing for at
37 Division 30-70 of this Code, provided that the property owner complies with subsection
38 (15), below; a partial space longer than eleven (11) feet shall count as a full space.
39

1 (14) Unimproved rights-of-way adjacent to business property in the FT&I district
2 may be improved by the abutting property as on-street parking spaces, for credit towards
3 required on-site parking, by written agreement approved by the Village Manager provided
4 that the property complies with subsection (15), below. The Village Manager upon the
5 advice of the Village Council, will determine if the installation of parking meters is
6 warranted and appropriate for the area.
7

8 (15) Should property requesting the use of rights-of-way for parking construct
9 the on-street parking as part of the development of the private property, the property in
10 question shall receive a credit with the Village for said spaces constructed for five (5)
11 years. Thereafter, an annual fee of \$1,000, per space, which shall increase five (5) percent
12 annually, shall be paid to the Village for all on-street parking spaces which are credited or
13 counted toward minimum parking requirements for new structures, or a change in use
14 that increases the minimum number of parking spaces required. If the on-street spaces
15 already exist or were developed by the Village, the property seeking to use the improved
16 on-street spaces shall immediately pay the fee identified herein, if those spaces are being
17 utilized to meet the minimum parking requirement for the property's development.
18

19 (16) Failure to comply with subsection (15) above, shall result in the loss or
20 revocation of the certificate of use and/or occupancy for the property failing to meet
21 minimum parking requirements for the project, and subject the property and any user of
22 the property to a daily penalty of \$250.00, per day.
23

24 (17) Funds received under subsection (15) or (16) shall be paid into the FT&I
25 District Improvement Trust Fund, which shall be a trust account separated from the
26 Village's general fund accounts. The funds from the FT&I District Improvement trust
27 account shall be used **at the Village Council's discretion** for the specific purpose of
28 developing or reimbursing the Village for improvements to FT&I public parking facilities,
29 infrastructure to increase parking capacity, and the installation of metering devices, and
30 shall not be under the control or discretion of third-persons. Funds collected in this
31 account may also be used towards items that improve the pedestrian environment and
32 may include, but be not limited to bicycle parking and racks, sidewalk improvements and
33 maintenance, bench installation, water fountains, outdoor recycle bins, signage for
34 parking and bicycle racks, tree planting and maintenance.
35

36 * * *

37
38 **Section 2. Repeal.** All ordinances or parts of ordinances in conflict or inconsistent
39 with the provisions of this ordinance are hereby repealed.
40

41 **Section 3. Severability.** If any word, clause, phrase, sentence, paragraph or Section
42 of this ordinance is held to be invalid by a court of competent jurisdiction, such declaration of
43 invalidity shall not affect any other word, clause, phrase, sentence, paragraph or section of this
44 ordinance.
45

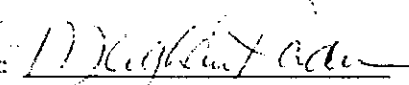
1 **Section 4. Codification.** The provision of this ordinance may become and be made
2 a part of the Code of Ordinances of the Village of Palmetto Bay, Florida. The sections of the
3 ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may
4 be changed to "section," "article," or any other appropriate word.

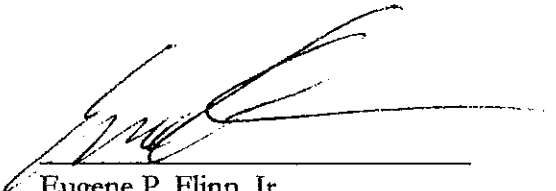
5
6 **Section 5. Effective Date.** This ordinance shall become effective immediately upon
7 adoption on second reading and apply to all applications of 30-50.19(m) that have not been
8 approved prior to this effective date.

9
10 PASSED AND ENACTED this 2nd day of February, 2009.

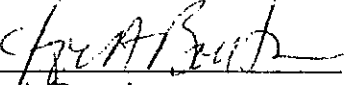
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12 First Reading: January 12, 2009

13
14 Second Reading: February 2, 2009

15
16 Attest: 
17
18 Meighan Rader
19 Village Clerk


20
21 Eugene P. Flinn, Jr.
22 Mayor

23
24 APPROVED AS TO FORM:


25 Eve A. Boutsis,
26 Nagin Gallop Figueredo, P.A.
27 Office of Village Attorney

28
29 FINAL VOTE AT ADOPTION:

30
31 Council Member Ed Feller YES
32
33 Council Member Howard Tendrich YES
34
35 Council Member Shelley Stanczyk YES
36
37 Vice-Mayor Brian W. Pariser YES
38
39 Mayor Eugene P. Flinn, Jr. YES