

AGENDA ITEM REPORT

October 13, 2015

ITEM NUMBER: 17.

ITEM: Discussion and direction to staff on proposed changes to the ordinance regulating single family driveways, driveway materials and related items. This item briefly discussed at a previous Council meeting at the request of Council Member Yaffe. Enclosed is a copy of the staff report prepared by Town Planner, Michael Miller.

DESCRIPTION:

Enclosed is a staff report prepared by Michael Miller regarding some issues raised at the Council Meeting by Council Member Yaffe and some other items of concern to staff. Staff is seeking for direction from the Town Council to prepare an amendment to the Town Code to incorporate some or all of the changes proposed.

RECOMMENDED ACTION:

Council Discretion.

FINANCIAL ANALYSIS:

BUDGET IMPACT:


Submitted By: Marlene Siegel, Town Clerk

ATTACHMENTS

1.	Staff Report	BHI TC Staff Report Backup SFR Driveways Sept 30 2015.pdf
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**TOWN OF BAY HARBOR ISLANDS
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Mayor and Town Council Members
Town of Bay Harbor Islands

From: Michael J. Miller, AICP 
Consultant Town Planner

Date: September 30th, 2015

Subject: Town of Bay Harbor Islands
Potential Land Development Code Amendment
Single-Family Driveways
MMPA Acct. No.: 01-0702-0500A

ISSUE

At the August 10th, 2015 Town Council meeting a discussion occurred about driveways (material, coverage, design, etc.) for single-family homes within the Town. Comments included “too much of the front yard areas were being paved” / “not enough landscaping”. MMPA was requested to study this and report back with observations / recommendations. Due to a lengthy meeting, discussion on this item was deferred at the September 16th, 2015 Town Council meeting.

ANALYSIS

MMPA researched other municipal codes and researched existing site conditions at homes in the Town to observe how modifying the single-family driveway regulations may affect future development. One key observation is that while the Town requires at least two (2) parking spaces for each home, none are required in a garage (required on exterior driveway). Typically a garage can accommodate 1-2 vehicles with room for 2-3 more vehicles on driveways (straight / circular). A number of homes have removed their garages; therefore, all parking must be done outdoors.

Percentage of Pervious (Green) Space – One way to reduce the expansive hard appearance from adjoining streets is to require a pervious (green) percentage (overall site / front yards). Currently there is no Code requirement for a minimum pervious area for single-family homes within the Town. Many other local municipalities require a pervious percentage for the lot with one municipality (North Miami Beach) requiring a certain percentage in the front (street side) yard. The attached table (Exhibit “A”) shows the 18 single-family homes that have been approved by the Town since January 2014. The average pervious area for the entire lot for these projects is 41% with the lowest being 31% and the highest being 53%. The research of local municipalities show that most require at least 35% pervious (green) open space with some as high as 50%.

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The attached table (Exhibit "A") also shows that of the 18 single-family homes approved by the Town since January 2014, the average front (street side) yard pervious area is 50% with the lowest being 30% and the highest being 70%. North Miami Beach requires at least 25% of the front yard area to be pervious.

As stated above it is noted that the Town does not require an interior garage for single-family homes. Many other municipalities require this; this would also potentially reduce the hard appearance along adjoining streets.

MMPA recommends the Town Council discuss the idea of a pervious (green) space requirement (overall site / front yards) and instruct staff on how they would like to proceed.

Driveway Setbacks from Property Lines – The Town Council felt that a few recent single-family driveways are rather expansive and have a hard appearance from the street, as many of the newer homes approved include a so-called "parking court" in street yards (primary front / side-street for corner lots). One way to potentially soften the appearance is to require a minimum setback from the street property line to on-site parking areas, similar in concept to what the Town requires for multifamily developments (not as wide). Currently Sec. 5-19.2 only requires a 5-foot setback from the side property lines for driveways. There are currently no regulations to require an on-site parking area (driveway / parking space / other impervious area) to be setback from the front / street-side property line. It is unlikely that the Planning and Zoning Board would approve such designs but there are no Code requirements. MMPA recommends that a minimum setback of 3-5 feet be required from the front property line to any interior parking area (driveway / parking space). There would need to be accommodations for circular drive designs (curved islands). Most single family homes on the west island still have paved parking areas in the adjoining Town swales – the majority of residents wanted this to remain in the Community Enhancement improvements. This also adds to the "hardscape" appearance along the roadways. A minimum landscape setback requirement would provide for some green space prior to any on-site parking areas. See the attached draft Code language (Exhibit "B") for consideration.

Driveway Setbacks from Structures – In addition to setbacks from property lines, Town staff feels that there should be a setback between driveways and walls of structures (other than garage door openings) with landscaping provided. Currently the Code does not require any setback between driveways and a structures. In addition to softening the hard appearance from the street, this would enhance the appearance of a structure when an existing garage is enclosed.

Driveway Material – The Town Council also mentioned that the allowable driveway material for single-family homes must be addressed. Some recent homes have installed decorative concrete "panels" separated by grass / metal / wood / stone (approved by PZB / staff). This was viewed as desirable by the Town Council but the existing Code language is somewhat vague, as it prohibits "plain concrete". Recently a single-family home installed (without Town permission) open "turf block" as their driveway material (in illegal location too). The Town Council discussed this material at last month's meeting, opined that this material is not appropriate as a driveway material within the Town and that turf block should be added to the list of prohibited driveway materials in Sec. 5-19.2(e). MMPA agrees that turf block can look "cheap" and unsightly if not "edged" or maintained properly, and the material can be a liability (tripping). However, the use of turf block is encouraged in some of the "green" / LEED models. It can be difficult to determine where the driveway is located with the use of turf block material. If the Town Council likes the

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use of turf block as a “green” / LEED type of material, design guidelines requiring a distinct visual hardscape border around perimeter of the turf block driveway may be a solution to the issue.

Although not discussed MMPA notes that numerous existing driveways are asphalt but are not prohibited. A solid plain concrete driveway stained “grey” would technically meet the Code as it is currently written (if stained OK).

Section 5-19.2(e)(3) lists “plain” concrete as a prohibited material; however, the Town Attorney has opined that if this material is decorative and broken up, it is permitted. Many driveways have been approved with this design / material. The Council requested that this language be included in the Code.

Security Gates – In addition to the items discussed at the August 10th, 2015 Town Council meeting, at an April 2015 Planning and Zoning Board meeting a discussion occurred about security gates for a new single-family home located at 1361 Kane Concourse. It was discovered that there is no Code requirement to provide enough space for the vehicular stacking of at least one vehicle off of Kane Concourse so that through traffic is not blocked. The Town has “required” this during site plan approval but no formal Code language exists. MMPA was instructed to draft Code provisions to address this issue.

Section 23-30(c) of the Town Code currently states that adequate provisions shall be made for the stacking of vehicles so that vehicles waiting to enter or exit a site do not block traffic on the adjoining street. Any security gates shall be set back to accommodate at least one in-bound vehicle inside the property line. However, at the April 7th, 2015 PZB meeting, it was discovered that this section only applies to multi-family developments on the East Island. Section 5-19.2, which is the Code section that regulates driveways for the single-family homes (West Island), is silent on the issue.

At that PZB meeting, it was mentioned that two homes on Kane Concourse (1331 and 1351) currently have fenced front yards with vehicular security gates that provide ample room for the stacking of one (1) inbound vehicle off of the street. MMPA inspected the sites, took photographs and measured the distances that were provided. Both gates provided a distance of 18-19 feet from the street curb line to the face of the security gate for inbound vehicles. MMPA / Town staff feels that the space provided is sufficient as the standard parking space size used in the Town is 18-feet in length. It should be mentioned that traffic is relatively calm on the interior West Island roadway, other than Kane Concourse; therefore, it would not be necessary to provide stacking of inbound vehicles. See the attached draft Code language (Exhibit “B”) for consideration.

Minimum Driveway Width for Straight Driveways – Another item that has recently been discussed between MMPA / Town staff has been the minimum driveway width for straight-in driveways. Section 5-19.2(d)(1) currently states that straight driveways must be a minimum of 18-feet in width. The intent of this section of the Code is to provide for the required two (2) parking spaces in the driveway. However, a few recent designs submitted to the Town show two separate single car straight-in driveways, one on each side of the lot. The Town Manager has the ability to approve such permits and has instructed staff to approve several. MMPA feels that two straight-in driveways would meet the intent of providing for two (2) parking spaces. MMPA recommends the Code be amended to provide regulations for this type of driveway design. See the attached draft Code language (Exhibit “B”) for consideration.

EXHIBIT "B"

The Town of Bay Harbor Islands, Florida Code of Ordinances is hereby amended as follows:

CHAPTER 5

BUILDINGS AND CONSTRUCTION

ARTICLE I. IN GENERAL

Sec. 5-19.2. - Driveways, general; restriction on location and size; prohibited materials in construction of driveways and parking areas; approval of planning and zoning board.

- (a) *Driveways, general.* All single-family residences in the town shall have an outside driveway for off-street parking of at least two vehicles.
- (b) *Location of driveways.* No portion of a driveway at a residence in the RD single-family district of the town may be installed closer than five feet to the side and to any front (street) yard lot line. For circular driveways the landscape strip dimension may taper at the property line. Further, no portion of such driveway shall be installed in the side yard setback beyond the imaginary extension of a line extended from the front wall of the residence to the side yard lot line.
- ~~(c)~~ *Driveway setback from structures.* No portion of a driveway at a residence in the RD single-family district of the town may be installed closer than two feet to a wall of the structure. Notwithstanding the above, the two-foot setback requirement is not required at garage door openings. If an existing garage is to be enclosed, a setback of two feet must be provided between the enclosed garage and any driveway surface. Within the two-foot setback area, landscape materials of a design and quantity, as deemed necessary by the town, shall be required.
- ~~(e)~~(d) *Intersection with streets.* Driveways for residential lots shall not encroach into the street corner radius of two intersecting streets, or be closer than 25 feet to the intersection of extended right-of-way lines.
- ~~(e)~~ At the intersection of any single-family driveway on the West Island and Kane Concourse, adequate provisions shall be made for the stacking of inbound

vehicles so that vehicles waiting to enter a site do not block traffic on Kane Concourse. Any inbound security gate shall be set back a minimum of 18-feet from the street curb line to the face of the security gate to accommodate at least one inbound vehicle inside the street curb line.

(e) (f) *Size of driveways.*

(1) *Straight driveway configuration:* Unless otherwise approved by the town manager or the planning and zoning board based on architectural and aesthetic characteristics of a particular location, the minimum width of any straight driveway in the RD single-family district of the town shall be 18 feet and the maximum width shall be 20 feet. Notwithstanding the above, the minimum width of straight driveways may be reduced to 12 feet for a single vehicle driveway, provided there are two separate individual driveways for the residence.

(2) *Circular driveway configuration:* Unless otherwise approved by the town manager or the planning and zoning board based on architectural and aesthetic characteristics of a particular location, the minimum width of any circular driveway in the RD single-family district shall be 12 feet, and the maximum width shall be 20 feet, and further provided that no portion of the driveway may be wider than 20 feet at the right-of-way line.

(e) (g) *[Prohibited construction materials.]* The following materials shall be prohibited in the construction of new driveways and all other parking areas, except as provided in subsection ~~(f)~~(h) below:

- (1) Loose gravel.
- (2) Epoxy chattahoochee.
- (3) Plain concrete.
- (4) Turf block. ***see alternative below
- (5) Asphalt.

- ~~(f)~~ **(h)** *[Use of colored or decorative concrete.]* The use of plain concrete impregnated with color, stamped concrete, decorative concrete slabs separated by grass, pavers, stone, or similar material, or any combination thereof is allowed. The use of plain concrete in the BAA B-1 zoning district is also allowed.
- ~~(g)~~ **(i)** *[Conformance of existing driveways or paving area.]* At any time when the value of improvements, made within a twelve-month period to a property through construction-related work, equals or exceeds 25 percent of the assessed value of the structure, based on the most recent published assessment of the county tax assessment office, the existing driveways or parking areas for the property shall be brought into conformance with ~~subsections (e) and (f)~~ the current day standards of this section.
- ~~(h)~~ **(j)** *[Construction-related work.]* "Construction-related work" includes, but is not limited to, landscaping, roofing, improvement of utilities, remodeling and building additions.
- ~~(i)~~ **(k)** *[Prior filing of application for permit.]* All driveways and parking areas under this section shall require the prior filing with the town of an application for a driveway permit together with scale drawing(s), and approval of the town manager or planning and zoning board as to design, location, size, materials and color.
- ~~(j)~~ **(l)** *Section application.* This section applies to all driveways in the RD single-family district of the town which are newly constructed; it also applies to reconstruction and/or renovation of existing driveways in that district. Seal-coating or overlay of existing asphalt driveways, absent any change in shape, size or location, shall not be considered as reconstruction or renovation for purposes of this section.

Alternative Text for Turf Block

Revise Code Section 5-19.2(g)(4) by removing "Turf Block" from the prohibited construction material list and add the following:

- (j) Use of turf blocks. The use of turf block is allowed on private lands, provided a distinct visual hardscape border is installed around the perimeter of the turf block driveway to delineate its location. If the turf block is not maintained adequately, as determined by the Town Manager, the Town reserves the right to require the driveway material to be replaced with an acceptable material.

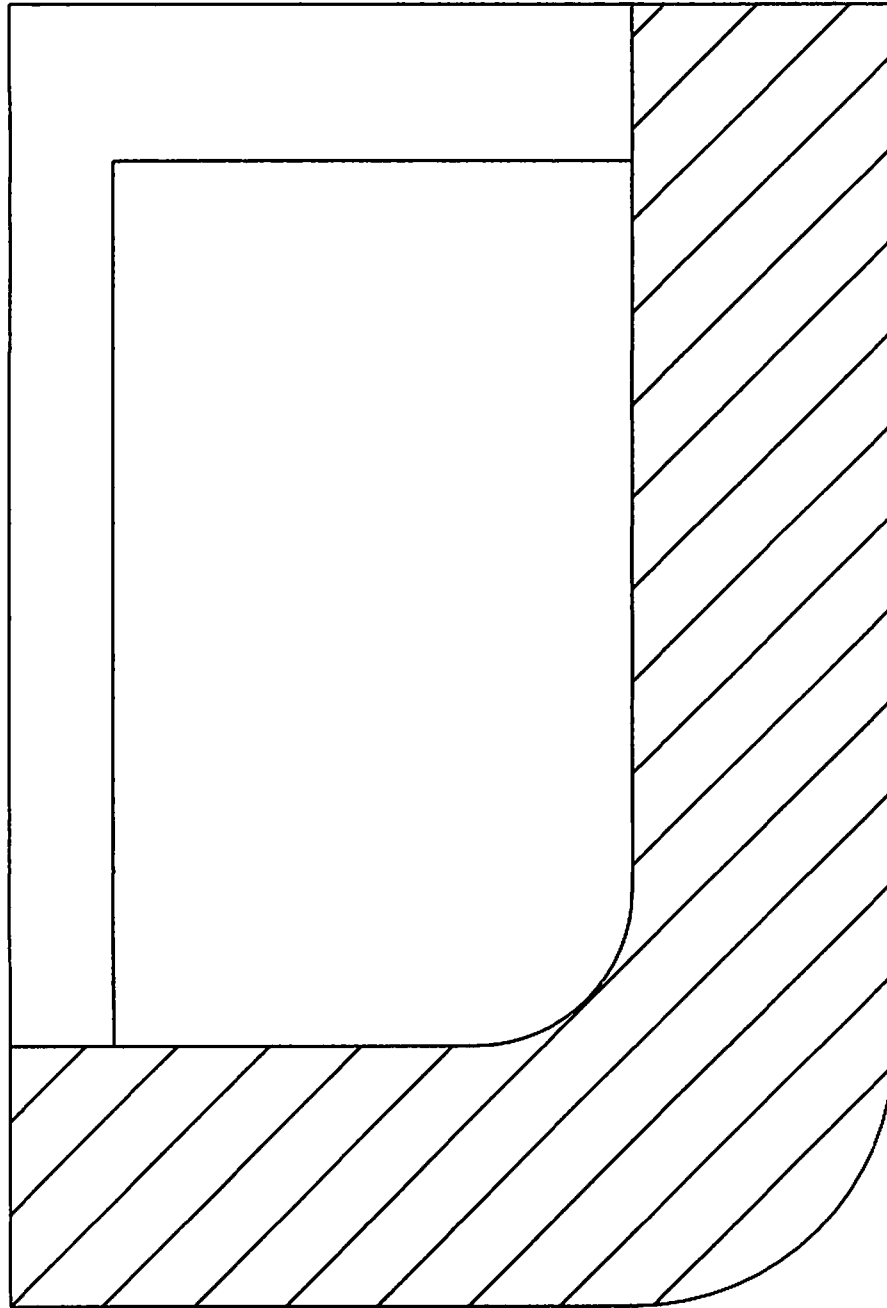
Exhibit "A"
Town of Bay Harbor Islands
Analysis of Approved Single Family Homes as of January 2014

Project Name	Address	PZB Approved	Total Lot Pervious (Green)	Front Yard Pervious	Pool	Garage	Driveway Type	Driveway Width at PL
Finvarb	9500 WBVD	9/2/14	41%	30%	Yes	2 Car	2 Straight	14'-0" for both
Seiden	1288 101 st Street	6/17/14	38%	66%	Yes	2 Car	1 Straight	24'-0"
Albergel	9811 WBHD	2/4/14	41%	52%	Yes	2 Car	1 Straight	22'-7"
Eichen	10340 WBVD	2/4/14	37%	45%	Yes	3 Car	Straight with Parking Court and Side Entry Garage	18'-0"
Casa Bahia Mar	1261 101 st Street	9/16/14	52%	40%	Yes	None	1 Straight Portico	18'-0"
Popiloff	1270 95 th Street	5/20/14	42%	70%	Yes	2 Car	1 Straight	20'-0"
Karam	9530 WBHD	5/20/14	36%	53%	Yes	3 Car	1 Straight with Parking Court and Side Entry Garage	25'-0"
Oren	1261 99 th Street	5/6/14	35%	45%	Yes	2 Car	2 Straight	20'-0" for both
Moezinia	9740 WBVD	6/17/14	38%	51%	Yes	2 Car	1 Straight	20'-4"
1350 BH LLC	1350 98 th Street	8/19/14	32%	34%	Yes	2 Car	Circular	18'-0"
Gebara	1311 100 th Street	11/5/14	37%	44%	Yes	2 Car	Circular	12'-0" 20'-0"
Yoran	1360 98 th Street	1/20/15	53%	53% existing	No	2 Car	Circular	12'-0" 20'-0"
Tabacinic	10200 WBVD	4/7/15	48%	61%	Yes	2 Car	Circular with Parking Court and Side Entry Garage	13'-0" for both
Gross	1361 Kane Conc.	5/5/15	39%	54%	Yes	2 Car	Straight with Parking Court	21'-10"
Garden House I	1260 95 th Street	3/3/15	54%	65%	Yes	2 Car	1 Straight	20'-3"
Mizrahi	1330 97 th Street	8/18/15	42%	29%	Yes	1 Car	Straight with Parking Court	20'-0"
Burstyn	1310 95 th Street	5/19/15	40%	65%	Yes	2 Car	Straight	21'-6"

Exhibit "A"
Town of Bay Harbor Islands
Analysis of Approved Single Family Homes as of January 2014

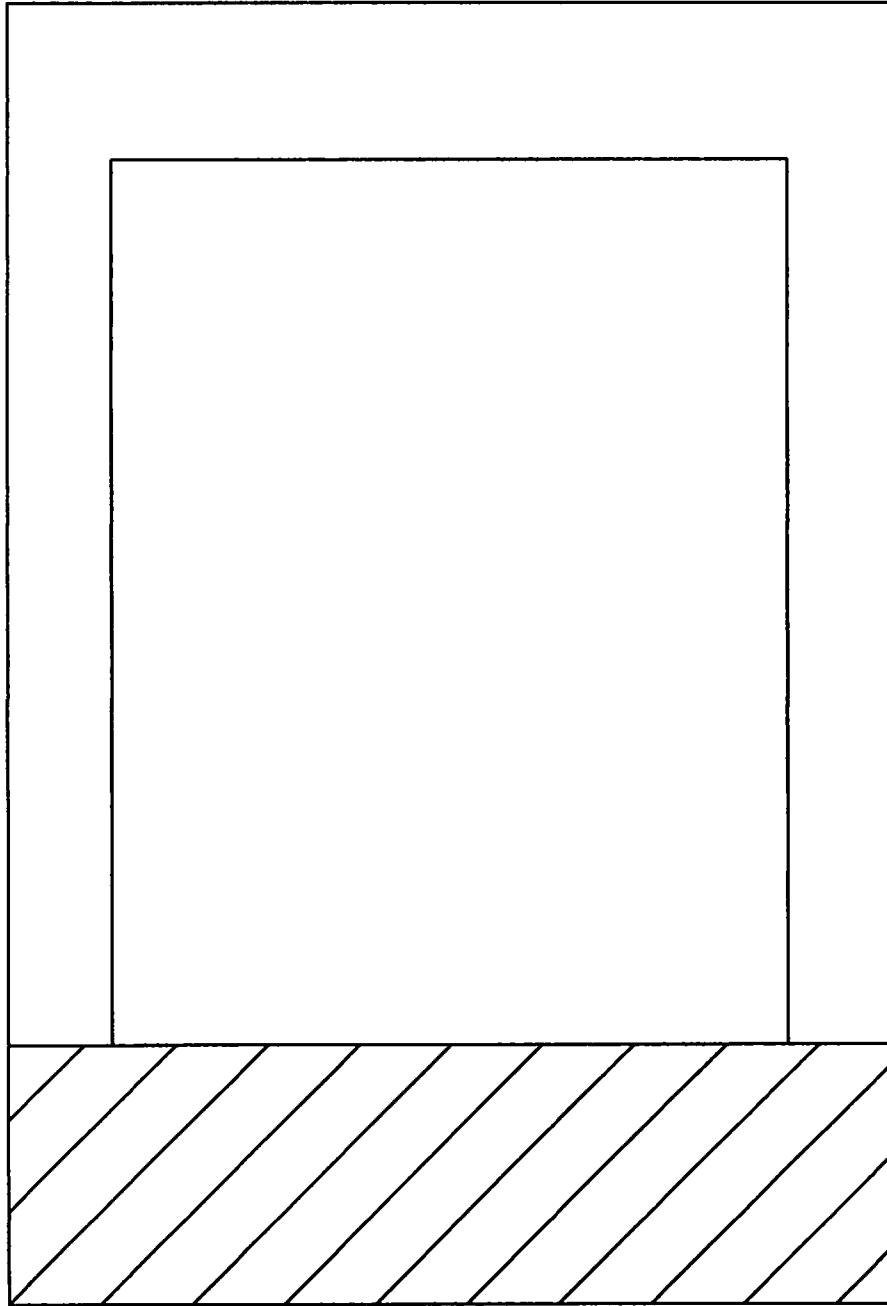
Project Name	Address	PZB Approved	Total Lot Pervious (Green)	Front Yard Pervious	Pool	Garage	Driveway Type	Driveway Width at PL
9420 WBVD	9420 WBVD	8/4/15	38%	39%	Yes	2 Car	Straight with Parking Court and Side Entry Garage	14'-0"
Average:			41%	50%				

**Town of Bay Harbor Islands
Single-Family Driveway Study**



**Average Interior Corner Lot (80' x 125')
Average Front Yard Setback Area: 4,500 square feet**

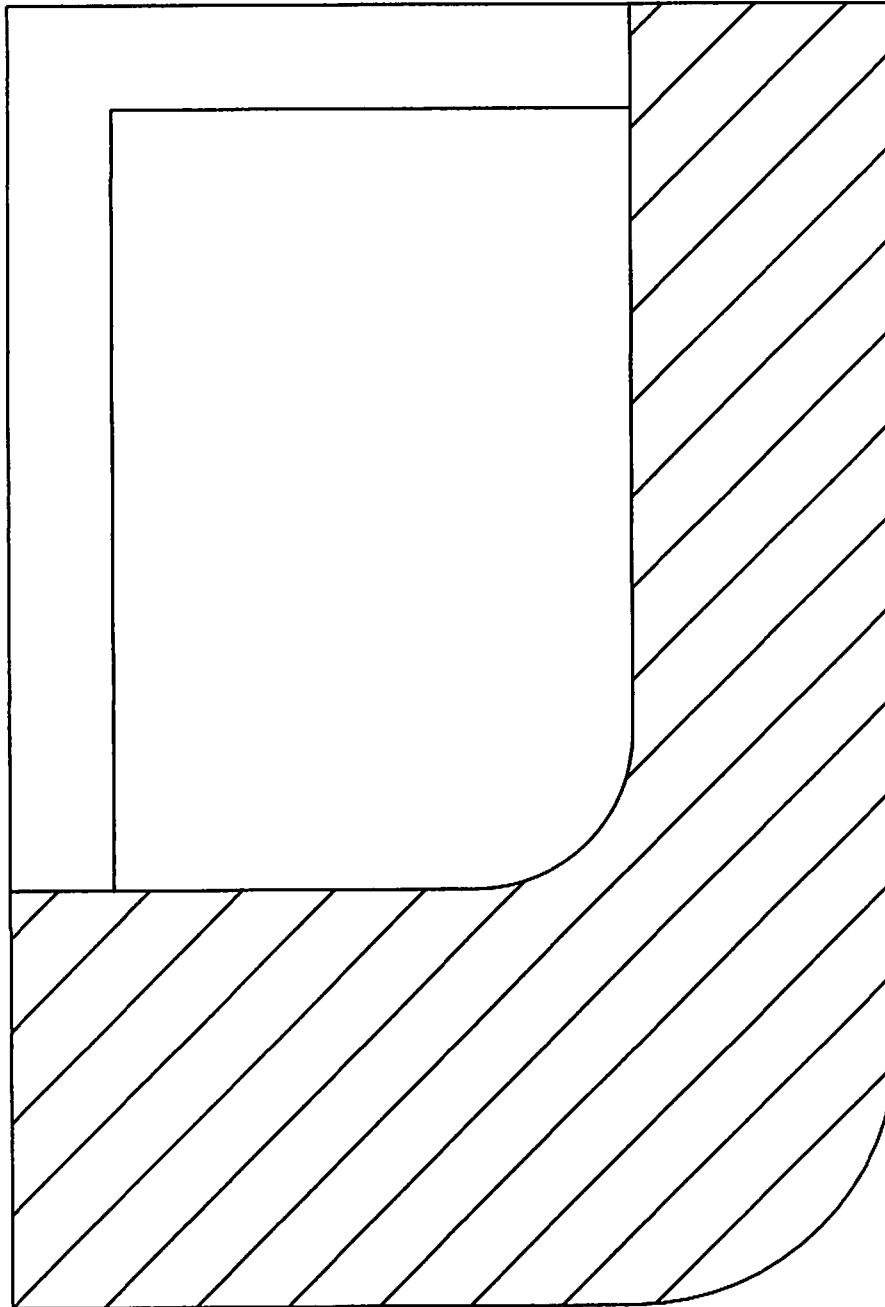
**Town of Bay Harbor Islands
Single-Family Driveway Study**



Average Interior Lot (80' x 125')

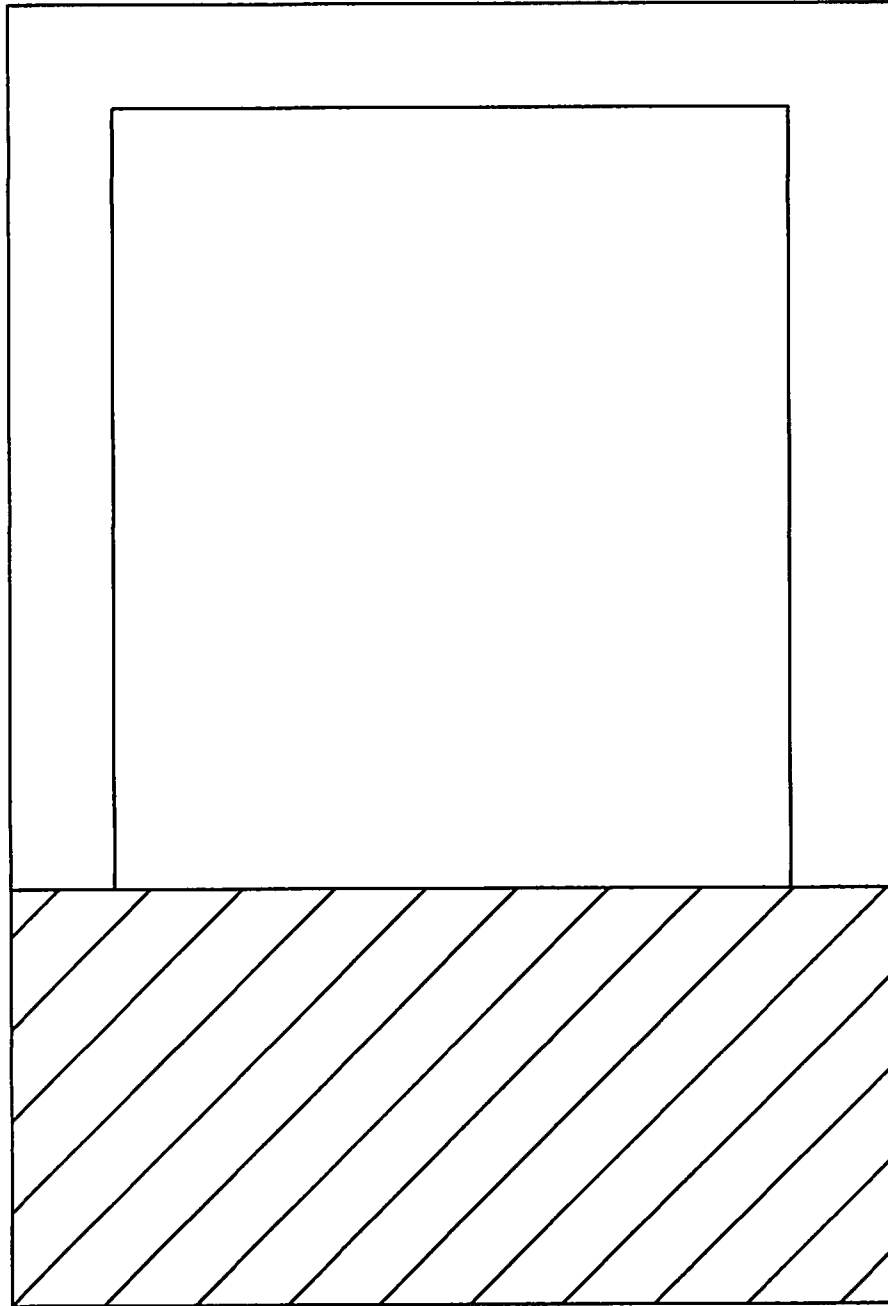
Average Front Yard Setback Area: 2,000 square feet

**Town of Bay Harbor Islands
Single-Family Driveway Study**



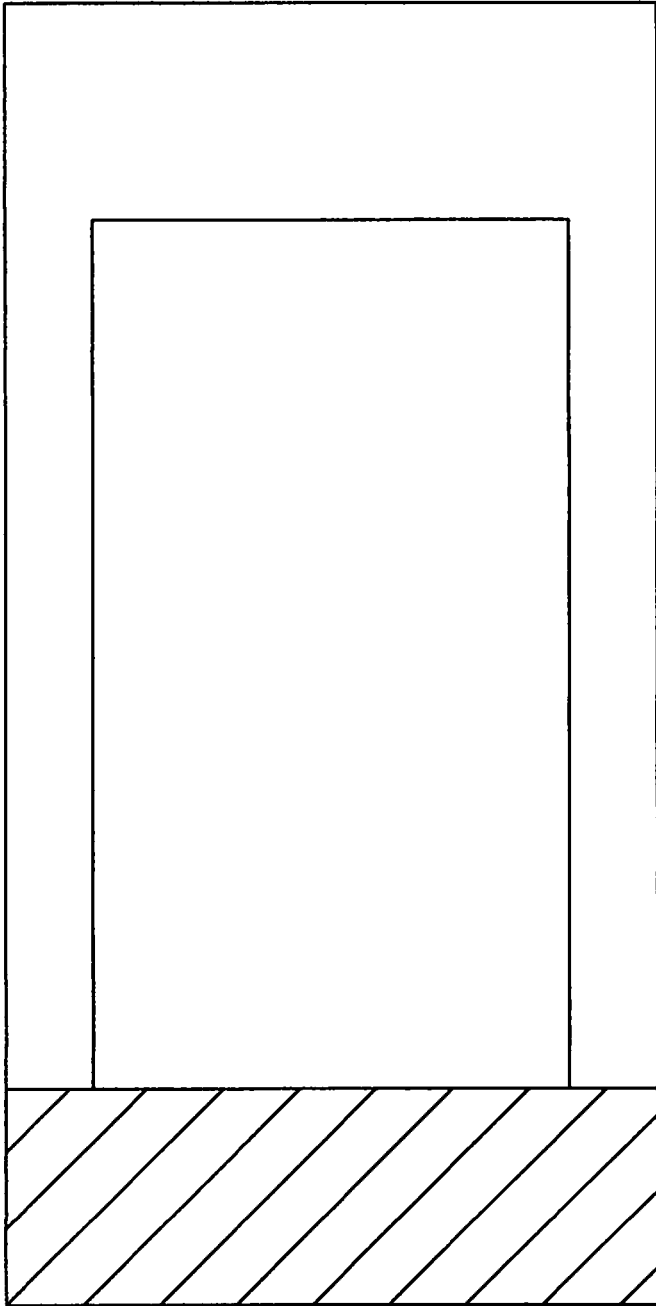
**Average Corner Lot on Kane Concourse (80' x 125')
Average Front Yard Setback Area: 5,400 square feet**

**Town of Bay Harbor Islands
Single-Family Driveway Study**



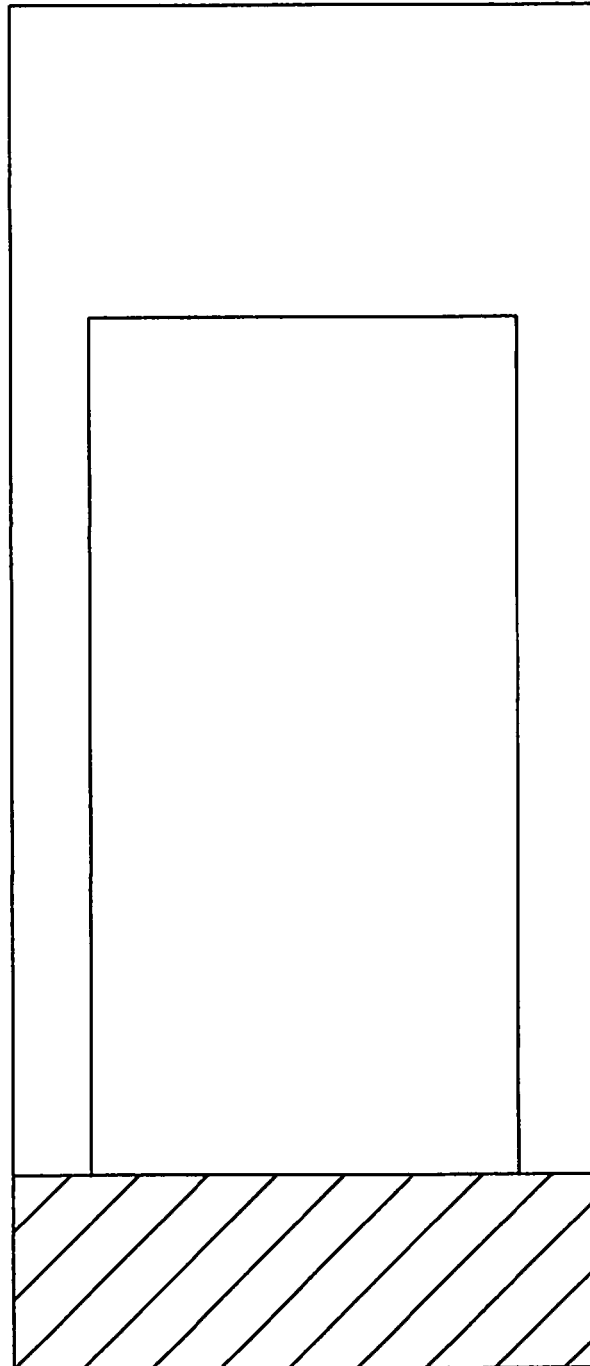
**Average Interior Lot on Kane Concourse (80' x 125')
Average Front Yard Setback Area: 3,200 square feet**

**Town of Bay Harbor Islands
Single-Family Driveway Study**



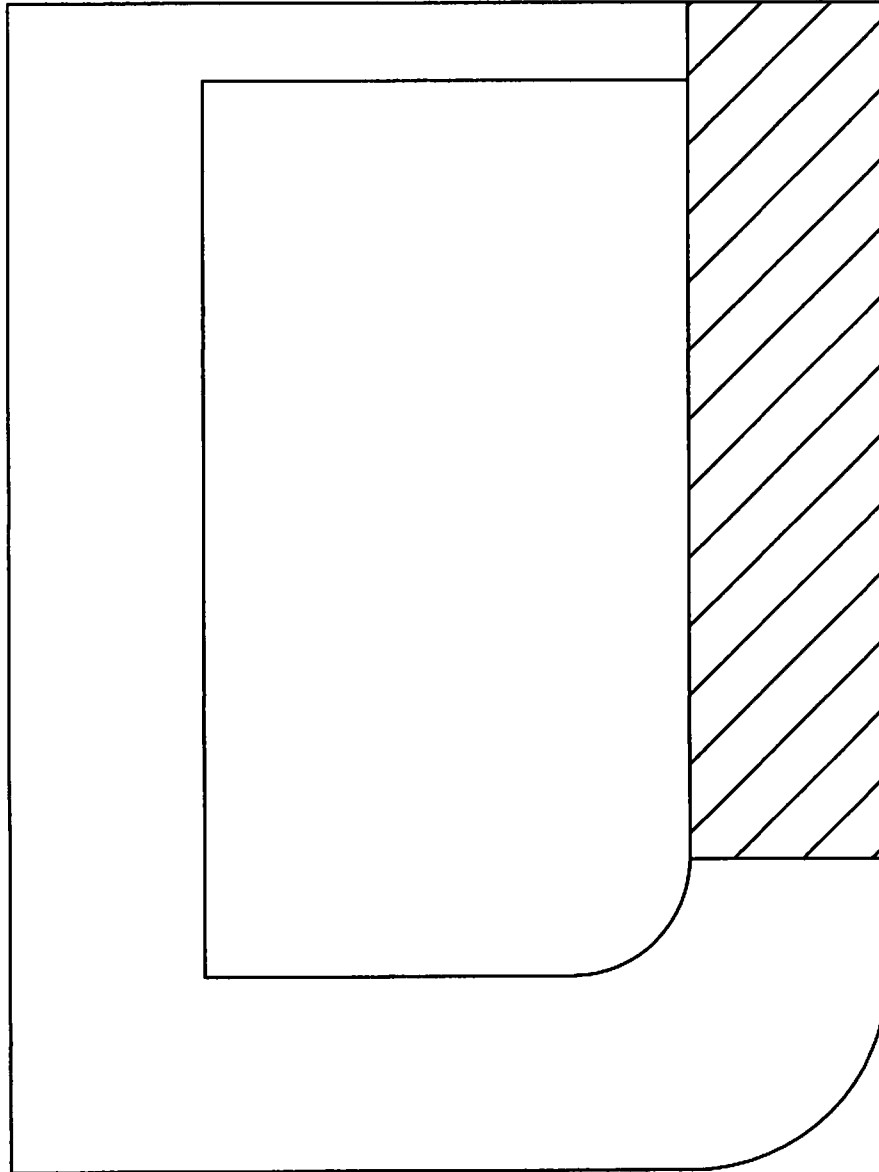
**Average Waterfront Lot on Bay Harbor Waterway (75' x 150')
Average Front Yard Setback Area: 1,875 square feet**

**Town of Bay Harbor Islands
Single-Family Driveway Study**



**Average Waterfront Lot on Biscayne Bay (75' x 175')
Average Front Yard Setback Area: 1,875 square feet**

**Town of Bay Harbor Islands
Single-Family Driveway Study**



**Average Waterfront Corner Lot on Bay Harbor Waterway
(75' x 175')
Average Front Yard Setback Area: 2,750 square feet**



To see all the details that are visible on the screen, use the "Print" link next to the map.



● Asphalt Driveway