



Village of Biscayne Park

640 NE 114th Street
Biscayne Park, FL 33161
(305) 899-8000

Code Review Board
MEMBERS

Gage Hartung
Chairman

David Coviello
Vice Chairman

Dale Blanton
Judi Hamelberg
Gary Kuhl
Isaias Ortiz

AGENDA

CODE REVIEW BOARD MEETING Ed Burke Recreation Center 11400 NE 9th Court Wednesday, March 21, 2012 - 7:00 pm.

1. Call to Order
2. Roll Call
4. Additions, deletions and withdrawals.
4. Approval of Minutes
5. New Business

5.a Discussion of Commission directive from the March 6th regular commission meeting: *A motion made by Commissioner Ross to forward the recommendations of the Code Compliance Department (attached) to the Code Review Board and to have the board bring back a report on this and the status of where the board is at for the next commission meeting on April 3rd. It was seconded by Commissioner Anderson. The motion was 5/0 all in favor.*

5.b Dumpsters

6. Old Business
7. Public Comments
8. Announcements

The next regular meeting is scheduled for Wednesday, April 4, 2012.

9. Adjournment

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

DECORUM

Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Committee, shall be barred from further audience before the Committee by the presiding officer, unless permission to continue or again address the Committee is granted by the majority vote of the 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 Board 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.

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 (4) days prior to the proceeding for assistance.

From: Code Compliance Officer Biscayne Park. [mailto:code@biscayneparkfl.gov]
Sent: Wednesday, February 29, 2012 3:36 PM

Subject: Codes Needing Immediate Revision

Below are the top three (3) Village Codes that should be considered priority for revision:

1. I reviewed Section 8.4 Property Maintenance and 8.4.1 - Lots and public rights-of-way which is the section of the code related to the recent removal of the large tree on the swale of the property.

Below is the Miami-Dade County Code on Maintenance of swale area

Sec. 19-13. - Maintenance of Lots in Residential-Zoned Districts.

(A) In accordance with Section 19-14, it shall be the responsibility of the responsible party for any lot in a residential-zoned district that is within 330 feet of a residential structure to regularly maintain their property to prevent the following:

- (1) Storage or maintenance of junk, trash, abandoned property or solid waste on any lot;
 - (2) The growth or accumulation of any grass, weeds, non-native undergrowth or other dead plant life that exceeds the height of twelve (12) inches from the ground for more than ten (10) percent of the area to be maintained;
- (B) It shall be the responsibility of the responsible party for property in a residential-zoned district and adjacent to a County right-of-way to maintain the swale area which abuts their property.

2. The second one is in reference to the dumpster placement of Church of Resurrection. The section does not address a commercial business.

6.3. - Solid Waste

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.

3. And the last one is a Miami-Dade County Code that should be included in Chapter 7. Recreation and Open-Space of the Village Code. We currently do not have a section of the code that addresses the storing or parking of commercial vehicles in the Village. Below is the Miami-Dade County Code referencing commercial vehicles.

Sec. 33-124.1. - Parking of commercial vehicles in residential or agricultural zones.

(a) The following are hereby defined as commercial vehicles for the purpose of this section:

Category 1. A vehicle that is a taxicab, a limousine under twenty (20) feet in length or any passenger vehicle truck or van with a maximum height of eight (8) feet from the ground marked with a sign, letters, identification numbers or emblem advertising or associating it in any way with a commercial enterprise other than those which identify the vehicle maker or dealer. A sport utility vehicle marked with a sign, letters, identification numbers or emblem advertising or associating it in any way with a commercial enterprise, other than those which identify the vehicle maker or dealer, shall be considered as a Category 1 vehicle. For purposes of this section, a passenger vehicle bearing an emblem or lettering of a government entity shall also be considered as a Category 1 vehicle.

Category 2. A vehicle eight (8) feet or less in height that displays externally stored or mounted equipment either in a fixed or temporary manner which is visible of a commercial activity are visible including, but not limited to, food vending equipment, ladders, paint cans, lawn care equipment or fixtures and brackets necessary to carry such items. Trailers or utility trailers less than 20 feet in length which are enclosed or of an unenclosed design shall also be included as Category 2 vehicles.

Category 3. A vehicle, other than a recreational vehicle as defined in section 33-20(f), exceeding twenty (20) feet in length or more than eight (8) feet in height from the ground including, but not limited to, tow trucks, dump trucks, construction or earth moving vehicles or equipment and semi-tractors and trailers.

(b)Storage or parking of certain commercial vehicles is allowed on private property in residential zones as follows:

1.In agriculturally zoned areas (AU) where a bona fide agricultural use, as defined in Section 19-3(B) of this Code, exists on private property, parking or storage of commercial vehicles used for agricultural purposes or in the transport of agricultural products is allowed as otherwise provided in this chapter.

2. In residentially zoned districts, only two Category 1 vehicles may be parked at a residence.

3.In residentially zoned districts, only one Category 2 vehicle may be stored or parked provided that it is kept within an enclosed garage or behind the front building line within a completely enclosed, opaque fence, screening wall or landscaping 6 feet in height at least ten (10) feet from the rear property line. If a Category 2 vehicle is so stored or parked, then only one Category 1 vehicle may also be stored or parked at such residence.

4.For residential properties of four (4) or more units, the parking allowances provided for herein shall be applied as to each unit.

5.Storage or parking of Category 3 vehicles are prohibited in all residentially zoned districts.

6.The temporary parking of a Category 2 or 3 vehicle in front of the building line or in front of the buffer screen shall only be permitted for the purpose of loading or unloading of materials or persons or engaged in providing a commercial service at the premises or for the purpose of the driver to make a temporary convenience stop at the residence. However, a temporary or convenience stop shall be limited to no more than one hour in any 24-hour period.

(c)Parking of certain commercial vehicles on the right-of-way is prohibited in residential zones as follows:

1.In areas zoned residential districts, it shall be unlawful for Category 2 or 3, vehicles, as herein defined, to be otherwise parked on the public right-of-way, unless actively engaged in the loading or unloading of materials or persons or engaged in providing a commercial service. Examples of providing commercial services include, but are not limited to, removal of disabled vehicles from private or public property presence at a construction site, delivery of goods, repair of household appliances and cleaning of household furniture.

(d)Violations of these provisions are punishable as follows:

1.Any violation of this section is punishable by a civil fine of five-hundred dollars (\$500.00). Upon a repeat violation of subsection 33-124.1(c), in addition to civil penalties, such vehicle may be towed or immobilized until all outstanding violations and enforcement costs have been paid. After 35 days of storage or immobilization, such vehicle may be disposed of pursuant to the provisions contained in Section 713.585, Florida Statutes. Any enforcement officer is hereby authorized to secure the assistance of the Miami-Dade Police Department to effect enforcement of these provisions.

2.Whoever opposes, obstructs or resists an enforcement officer in the discharge of duties as provided in this section, upon conviction, shall be guilty of a misdemeanor of the second degree and shall be subject to punishment as provided by law.

Thank you,

Candido Sosa-Cruz, Code Compliance Officer

VILLAGE OF BISCAYNE PARK

Code Compliance Department

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