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2 **ORDINANCE 2014-07**
3

4 AN ORDINANCE OF THE VILLAGE
5 COMMISSION OF THE VILLAGE OF
6 BISCAYNE PARK, FLORIDA AMENDING
7 CHAPTER 7 OF THE VILLAGE'S LAND
8 DEVELOPMENT CODE, ENTITLED
9 "RECREATION AND OPEN SPACE", TO
10 PROVIDE REQUIREMENTS FOR
11 WATERCRAFTS TO BE REGISTERED WITH
12 THE STATE AND TO PROVIDE OTHER
13 CLARIFICATIONS; PROVIDING FOR
14 SEVERABILITY; PROVIDING FOR
15 CODIFICATION; PROVIDING FOR
16 EFFECTIVE DATE
17

18 WHEREAS, on July 9, 2013, the Village Commission approved ordinance 2013-06
19 providing conditions for the storage of watercraft, recreational vehicles, commercial vehicles and
20 trailers; and

21 WHEREAS, at the public hearings discussing the passage of Ordinance 2013-06, the
22 Village Commission articulated a desire to accommodate watercraft being placed on residential
23 lots to provide an opportunity for residents to recreate in the surrounding waterways; and

24 WHEREAS, the intention of the Commission was not to allow for the long term storage
25 of non-operating watercraft; and

26 WHEREAS, on January 15, 2014, the Code Review Board discussed this matter and
27 requested the Village Commission require all watercraft to be registered with the state; and

28 WHEREAS, the Village Commission finds it to be in the best interests of its citizenry to
29 amend the Village's Land Development Code to require watercraft to be registered with the
30 state; now, therefore

31 BE IT ORDAINED BY THE MAYOR AND THE VILLAGE COMMISSION OF THE
32 VILLAGE OF BISCAYNE PARK, FLORIDA:

1 **Section 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed as
2 being true and correct and are hereby made a specific part of this Ordinance upon adoption
3 hereof.

4 **Section 2.** Chapter 7 of the Village of Biscayne Park Land Development Code,
5 entitled “Recreation and open space”, is hereby amended to read as follows:
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7 **CHAPTER 7. RECREATION AND OPEN SPACE.**

8 **7.1 Generally.**

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10 7.1.1 *Purpose of chapter.* The purpose of this chapter is to describe the conditions for the
11 storage of watercraft, recreational vehicles, commercial vehicles and trailers in the village.
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13 **7.2 Watercraft.**

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15 7.2.1 *Conditions for the storage of watercraft.* Watercraft not more than twenty-six (26) feet in
16 length, not more than eight (8) feet six (6) inches in beam, and not more than thirteen (13) feet,
17 six (6) inches in height, may be stored subject to the following conditions:
18

19 (a) No watercraft shall be kept, stored or parked so that any part shall extend into the
20 front yard beyond the front building line. Watercraft shall be obscured from the public right-of-
21 way with a fence or hedge, except in the following conditions:
22

- 23 (1) Where a watercraft which ~~is~~ was owned by an occupant-owner or occupant lessee
24 on or before July 9, 2013, at the time of the effective date of compliance of this
25 ordinance (Section 7.7), cannot be placed behind the front building line without
26 the removal of mature landscaping, a large tree(s), an existing wall, or insufficient
27 space exists (i.e., because of a septic tank or other necessary obstruction) to the
28 side of the building, the property owner may apply for an administrative variance
29 to the Planning and Zoning Board, without charge or fee for storage of a boat in
30 the front yard. ~~Anyone~~ occupant-owner or occupant-lessee acquiring a watercraft
31 within 365 days from the passage of this Ordinance on or before July 9, 2014 may
32 also apply for an administrative variance to the Planning and Zoning Board,
33 without charge or fee for storage of a boat in the front yard. Upon proof of any of
34 the above conditions, the administrative variance will be granted and shall remain
35 in place until the Village registration annual form is not renewed (for that boat or
36 any subsequent replacement boat ~~pur~~hechased for that administrative variance
37 location) or such time as the house is sold or the occupant-lessee relocates. After
38 the ~~365 day~~ period identified herein above, an applicant may file for a variance
39 pursuant to Chapter 18 of the Land Development Code.
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- (i) Watercraft shall be owned by the occupant-owner or occupant-lessee of the property. In order to ensure that watercraft is being used and not stored on property for long term storage, all state registrations for watercraft and trailers registrations where required by state statute shall be kept current and a copy of the registration must be provided to the Village annually and within thirty (30) days of enactment of this Code if currently stored or parked or prior to storing a watercraft on an occupant-owner or occupant-lessee's premises.

* * *

7.3 Recreational vehicles and trailers.

7.3.1 *Conditions for the storage of recreational vehicles and trailers.* Recreational vehicles and trailers in the form of travel and camping trailers, transport trailers and motor travel homes, designed and used as temporary living quarters for recreation or travel use may be parked in the open on sites containing a single-family or duplex residence, subject to the following conditions:

(a) No recreational vehicle or trailer shall be kept, stored or parked so that any part shall extend into the front yard beyond the front building line. Recreational vehicles and trailers shall be obscured from the public right-of-way with a fence or hedge, except in the following conditions:

- (1) Where a recreational vehicle or trailer which is was owned by an occupant-owner or occupant-lessee on or before July 9, 2013, at the time of the effective date of compliance of this ordinance (Section 7.7), this ordinance is enacted cannot be placed behind the front building line without the removal of mature landscaping, a large tree(s) an existing wall, or insufficient space exists (i.e., because of a septic tank or other necessary obstruction) to the side of the building, an owner may apply for an administrative variance to the Planning and Zoning Board, without charge or fee for storage of a recreational vehicle or trailer in the front yard. Any occupant-owner or occupant-lessee acquiring a recreational vehicle or trailer on or before July 9, 2014 may also apply for an administrative variance to the Planning and Zoning Board, without charge or fee for storage of a recreational vehicle or trailer in the front yard. Upon proof of any of the above conditions, the variance will be granted and shall remain in place until the Village annual registration form is not renewed (for that recreational vehicle or any subsequent replacement recreational vehicle purchased for that administrative variance location) or such time as the house is sold or the occupant-lessee relocates. After the 365-day period identified herein above, an applicant may file for a variance pursuant to Chapter 18 of the Land Development Code.

* * *

1 (j) Recreational vehicles and trailers shall be owned by the occupant-owner or
2 occupant-lessee of the property. In order to ensure that recreational vehicles and trailers are
3 being used and not stored on property for long term storage, all state registrations for recreational
4 vehicles and trailers shall be kept current and a copy of the registration must be provided to the
5 Village annually and prior to storing a recreational vehicle or trailer on an occupant-owner or
6 occupant-lessee's premises.

7
8 (+) (k) Such vehicle shall be secured so that it will not be a hazard or menace during high
9 winds or hurricanes.

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11 **Section 3.** Severability. Should any section, provision, paragraph, sentence, clause of
12 word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction
13 to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall
14 not affect the validity of the remaining portions or applications of this Ordinance.

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

20 **Section 5.** Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts
21 thereof in conflict herewith, are and the same are hereby repealed to the extent of such conflict.

22 **Section 6.** Effective Date. This Ordinance shall become effective immediately upon its
23 passage and adoption.

24 The foregoing Ordinance was offered by Commissioner Jonas, who moved its adoption. The
25 motion was seconded by Commissioner Anderson and upon being put to a vote, the vote was as
26 follows:

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28 PASSED AND ADOPTED upon first reading this 5th day of August, 2014.

29 PASSED AND ADOPTED upon second reading this 9th day of September 9, 2014.

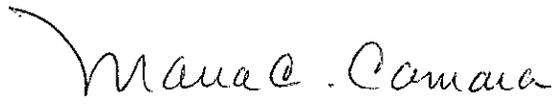
The foregoing ordinance upon being
put to a vote, the vote was as follows:



David Coviello, Mayor

Mayor Coviello: Yes
Vice Mayor Ross: Yes
Commissioner Anderson: Yes
Commissioner Jonas: Yes
Commissioner Watts: Yes

Attest:



Maria C. Camara, Village Clerk

Approved as to form:



John J. Hearn, Village Attorney