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ORDINANCE 2013-06

AN ORDINANCE OF THE VILLAGE
COMMISSION OF THE VILLAGE OF BISCAYNE
PARK, FLORIDA AMENDING CHAPTER 7 OF
THE VILLAGE'S LAND DEVELOPMENT CODE,
ENTITLED "RECREATION AND OPEN SPACE",
TO PROVIDE REGULATIONS FOR
COMMERCIAL AND RECREATIONAL
VEHICLES; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CODIFICATION; PROVIDING
FOR EFFECTIVE DATE

16 WHEREAS, the Village Commission, from time to time, reviews its Code of Ordinances and
17 directs City staff and its advisory boards to recommend certain changes to its provisions; and

18 WHEREAS, the Code Review Board has suggested certain revisions to the Code to
19 address commercial and recreational vehicles in the Village; and

20 WHEREAS, the Village Commission finds it to be in the best interests of its citizenry to
21 amend the Village's Land Development Code to provide regulations for commercial and
22 recreational vehicles; now, therefore

23 **BE IT ORDAINED BY THE MAYOR AND THE VILLAGE COMMISSION OF**
24 **THE VILLAGE OF BISCAYNE PARK, FLORIDA:**

25 **Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as**
26 **being true and correct and are hereby made a specific part of this Ordinance upon**
27 **adoption hereof.**

28 **Section 2. Chapter 7 of the Village of Biscayne Park Land Development Code,**
29 **entitled "Recreation and open space", is hereby amended to read as follows:**

30 **CHAPTER 7. RECREATION AND OPEN SPACE.**

31 **7.1 Generally.**

1
2 7.1.1 *Purpose of chapter.* The purpose of this chapter is to describe the conditions for the
3 storage of ~~boats and~~ watercraft, recreational vehicles, commercial vehicles and trailers in the
4 village.

5
6 **7.2 Boat storage. Watercraft.**

7
8 7.2.1 *Conditions for the storage of ~~boats~~ watercraft.* ~~Boats~~ Watercraft not more than twenty-
9 six (26) feet in length, not more than eight (8) feet ~~and~~ six (6) inches in beam, and not more than
10 thirteen (13) feet, six (6) inches in height, may be stored subject to the following conditions:

11
12 (a) No watercraft shall be kept, stored or parked so that any part shall extend into the
13 front yard beyond the front building line. Watercraft shall be obscured from the public right-of-
14 way with a fence or hedge, except in the following conditions:

15
16 (1) Where a watercraft which is owned, at the time of the effective date of
17 compliance of this ordinance (Section 7.7), cannot be placed behind the front
18 building line without the removal of mature landscaping, a large tree(s), an
19 existing wall, or insufficient space exists (i.e., because of a septic tank or other
20 necessary obstruction) to the side of the building, the property owner may apply
21 for an administrative variance to the Planning and Zoning Board, without charge
22 or fee for storage of a boat in the front yard. Anyone acquiring a watercraft
23 within 365 days from the passage of this Ordinance may also apply for an
24 administrative variance to the Planning and Zoning Board, without charge or fee
25 for storage of a boat in the front yard. Upon proof of any of the above conditions,
26 the administrative variance will be granted and shall remain in place until the
27 Village registration form is not renewed (for that boat or any subsequent
28 replacement boat purchased for that administrative variance location) or such time
29 as the house is sold or the occupant-lessee relocates. After the 365 day period
30 identified herein, an applicant may file for a variance pursuant to Chapter 18 of
31 the Land Development Code.

32
33 (b) When an administrative variance is granted and watercraft is stored in front of the
34 building line, where permitted, shall be stored on an approved driveway surface in compliance
35 with Chapter 5 of this Code.

36
37 (a) (c) ~~Boats~~ Watercraft shall not be stored in the public right-of-way under any
38 circumstances.

39
40 (b) (d) ~~No more than one (1) boat that will be visible from another property or from the~~
41 ~~street may be stored on any one premises.~~ watercraft may be kept on any one premise except
42 that:

43
44 (1) Kayaks, canoes, row boats and personal watercraft (i.e., a "Jet Ski") stored behind
45 the front building line of the building and concealed from public view are
46 exempted.

1 (2) Multi-family dwellings may store one (1) watercraft per dwelling unit complying
2 with the provisions of this Chapter.

3
4 (e) ~~(c)~~ Boats Watercraft and place of storage shall be kept in a clean, neat and
5 presentable condition.

6
7 (d) ~~(f)~~ No major repairs or overhaul work shall be made or performed on the premises on
8 the site (or any other work performed thereon which would constitute a nuisance under existing
9 ordinances).

10
11 (e) ~~(g)~~ The boats Watercraft shall not be used for living or sleeping quarters, and shall be
12 placed on and secured to a transporting trailer.

13
14 (f) ~~(h)~~ Boats Watercraft shall be secured so that they will as not to be a hazard or a
15 menace during high winds or hurricanes.

16
17 (g) ~~(i)~~ Boats Watercraft shall be owned by the occupant-owner or occupant-lessee of the
18 property and the boat shall have a current registration and trailer tag where applicable. All
19 watercraft and trailer registrations where required by state statute shall be kept current and a
20 copy of the registration provided to the Village within thirty (30) days of enactment of this Code
21 if currently stored or parked owned or prior to storing a watercraft on an occupant-owner or
22 occupant-lessee's premises. when newly purchased.

23
24 (h) ~~Any boat that exceeds the dimensions specified above shall be registered with the~~
25 Village within ninety (90) days of the effective date of this Code. Such registered boat shall be
26 allowed to remain until such time as the boat is sold.

27 28 **7.3 Recreational and camping vehicles and trailers.**

29
30 7.3.1 Conditions for the storage of recreational vehicles and trailers. Recreational vehicles
31 and ~~camping vehicles~~ trailers in the form of travel and camping trailers, ~~truck~~ transport trailers
32 and motor travel homes, designed and used as temporary living quarters for recreation, ~~camping~~
33 or travel use may be parked in the open on sites containing a single-family or duplex residence,
34 subject to the following conditions:

35
36 (a) No recreational vehicle or trailer shall be kept, stored or parked so that any part
37 shall extend into the front yard beyond the front building line. Recreational vehicles and trailers
38 shall be obscured from the public right-of-way with a fence or hedge, except in the following
39 conditions:

40
41 (1) Where a recreational vehicle or trailer which is owned, at the time of the effective
42 date of compliance of this ordinance (Section 7.7), this ordinance is enacted
43 cannot be placed behind the front building line without the removal of mature
44 landscaping, a large tree(s) an existing wall, or insufficient space exists (i.e.,
45 because of a septic tank or other necessary obstruction) to the side of the building,
46 an owner may apply for an administrative variance to the Planning and Zoning
47 Board, without charge or fee for storage of a recreational vehicle or trailer in the

1 front yard. Upon proof of any of the above conditions, the administrative
2 variance will be granted and shall remain in place until the Village registration
3 form is not renewed (for that recreational vehicle or any subsequent replacement
4 recreational vehicle purchased for that administrative variance location) or such
5 time as the house is sold or the occupant-lessee relocates. After the 365 day
6 period identified herein, an applicant may file for a variance pursuant to Chapter
7 18 of the Land Development Code.

8
9 (b) Recreational vehicles and trailers stored in front of the building line, where
10 permitted, shall be stored on an approved driveway surface in compliance with Chapter 5 of this
11 Code.

12
13 ~~(a)~~ (c) Except under the guest parking exception below, No more than one (1) such
14 vehicle that will be visible from another property or from the street shall be parked on such a
15 site.

16
17 ~~(b)~~ (d) Such parking shall be limited to such vehicles owned or leased by the occupant-
18 owner or occupant-lessee of the site concerned, or owned or leased by a bona fide out-of-Miami-
19 Dade County house guest of the occupant-owner or occupant-lessee of the site concerned, with
20 the parking of such vehicles by the guest not to exceed fourteen (14) days. Such vehicles must
21 have a current license. Guest parking is permitted for a period not to exceed twenty one (21) days
22 on an approved surface in compliance with Chapter 5 of this Code.

23
24 ~~(e)~~ (e) Such parked vehicles shall not be stored in the public right-of-way under any
25 circumstances.

26
27 ~~(d)~~ (f) Such vehicles and the area of parking shall be maintained in a clean, neat and
28 presentable manner, and the vehicles shall be in a usable condition at all times and have a
29 current registration or be removed from the site.

30
31 ~~(e)~~ (g) No major repairs or overhaul work on such vehicles shall be made or performed
32 on the site, (or any other work performed thereon which would constitute a nuisance under
33 existing ordinances).

34
35 ~~(f)~~ (h) When parked on the site, such vehicles shall not be used for living or sleeping
36 quarters, or for housekeeping or storage purposes and shall not have attached thereto any service
37 connections lines, except as may periodically be required to maintain the vehicles and
38 appliances.

39
40 ~~(g)~~ (i) Such vehicles shall not exceed the maximum length, width, height and weight
41 permitted under applicable provisions of the motor vehicle laws of the State of Florida; provided,
42 however, the maximum length shall not exceed thirty (30) feet and the maximum height shall not
43 exceed ten (10) feet.

44
45 ~~(h)~~ (h) Any vehicle that exceeds the dimensions specified in (g) above shall be registered
46 with the village within ninety (90) days of the effective date of this code. Such registered

1 ~~vehicles shall be allowed to remain until such time as the vehicle is sold or the registration is not~~
2 ~~renewed.~~

3
4 (j) Such vehicle shall be secured so that it will not be a hazard or menace during high
5 winds or hurricanes.

6
7 **7.4 Multiple vehicles.**

8
9 7.4.1 No more than one (1) of the following vehicles is permitted to be stored in front
10 of the front building line when permitted:

- 11
12 (a) a recreational vehicle;
13 (b) a watercraft; or
14 (c) a trailer of any type.

15
16 7.4.2 A watercraft mounted on a trailer shall be considered one (1) vehicle.

17
18 **7.5 Parking of commercial vehicles in residential districts.**

19
20 7.5.1 The following are hereby defined as commercial vehicles for the purpose of this
21 section:

- 22
23 (a) Category 1. A vehicle that is a taxicab, a limousine under twenty (20) feet in
24 length, or any passenger vehicle, truck or van with a maximum height of eight(8)
25 feet from the ground marked with a sign, letters, identification numbers or
26 emblem advertising or associating it in any way with a commercial enterprise
27 other than those which identify the vehicle maker or dealer. A sport utility
28 vehicle marked with a sign, letters, identification numbers or emblem advertising
29 or associating it in any way with a commercial enterprise, other than those which
30 identify the vehicle maker or dealer, shall be considered as a Category 1 vehicle.
31 For purposes of this section, a passenger vehicle bearing an emblem or lettering of
32 a governmental entity shall also be considered as a Category 1 vehicle.
33
34 (b) Category 2. A vehicle eight (8) feet or less in height that displays externally
35 stored or mounted equipment either in a fixed or temporary manner of a
36 commercial activity which is visible of a commercial activity are visible
37 including, but not limited to, food vending equipment, ladders, paint cans, lawn
38 care equipment or fixtures and brackets necessary to carry such items. Box
39 trucks, trailers or utility trailers less than twenty (20) feet in length which are
40 enclosed or of an unenclosed design shall also be included as Category 2 vehicles.
41
42 (c) Category 3. A vehicle, other than a recreational vehicle as defined in Miami-
43 Dade Code Section 33-20(f), exceeding twenty (20) feet in length or more than
44 eight (8) feet in height from the ground with a sign, letters, identification numbers
45 or emblem advertising or associating it in any way with a commercial enterprise
46 other than those which identify the vehicle maker or dealer, including but not

1 limited to, tow trucks, dump trucks, construction or earth moving vehicles or
2 equipment and semi-tractors and trailers.

3
4 7.5.2 Storage or parking of certain commercial vehicles is allowed on private property
5 in residential zones as follows:

6
7 (a) In residentially zoned districts, no more than ~~only~~ two (2) Category 1 vehicles
8 may be parked at a residence.

9
10 (b) In residentially zoned districts, no more than ~~only~~ one (1) Category 2 vehicle may
11 be stored or parked provided that it is kept within an enclosed garage or behind
12 the front building line within a completely enclosed, opaque fence, screening wall
13 or landscaping six (6) feet in height at least ten (10) feet from the rear property
14 line. If a Category 2 vehicle is so stored or parked, then no more than ~~only~~ one
15 (1) Category 1 vehicle may also be stored or parked at such residence.

16
17 (c) For residential properties of four (4) or more units, the parking allowances
18 provided for herein shall be applied as to each unit.

19
20 (d) Storage or parking of Category 3 vehicles are prohibited in all residentially zoned
21 districts unless engaged in a permitted construction activity and may not be
22 parked at a residence between the hours of 8:00 p.m. and 7:00 a.m.

23
24 (e) The temporary parking of a Category 2 or 3 vehicle in front of the building line or
25 in front of the buffer screen shall only be permitted for the purpose of loading or
26 unloading of materials or persons or engaged in providing a commercial service at
27 the premises or for the purpose of the driver to make a temporary convenience
28 stop at the residence. However, a temporary or convenience stop shall be limited
29 to no more than one (1) hour in any twenty four (24) hour period.

30
31 7.5.3 Parking of certain commercial vehicles on the right-of-way is prohibited in
32 residential zones as follows:

33
34 (a) In areas zoned residential districts, it shall be unlawful for Category 2 or 3
35 vehicles as herein defined to be otherwise parked on the public right-of-way,
36 unless actively engaged in the loading or unloading of materials or persons or
37 engaged in providing a commercial service. Examples of providing commercial
38 services include, but are not limited to, removal of disabled vehicles from private
39 or public property, presence at a construction site, delivery of goods, repair of
40 household appliances and cleaning of household furniture.

41
42 7.5.4 Category 2 vehicles which are owned at the time this ordinance is enacted which
43 exceed the requirements set forth in this section, may apply for an administrative variance to the
44 Planning and Zoning Board, without charge or fee. The administrative variance shall remain in
45 place until the Village registration is not renewed or such time as the house is sold or the
46 occupant-lessee relocates.

1 **7.6 Violations of these provisions are punishable as follows:**

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3 7.6.1 A fine imposed under this section shall not exceed the following:

4
5 (a) Two hundred fifty dollars (\$250.00) per day, per violation, for the first violation;

6
7 (b) Five hundred dollars (\$500.00) per day, per violation, for a repeat violation; and

8
9 (c) Up to one thousand dollars (\$1,000.00) per day if the Code Compliance Board
10 finds the violation to be irreparable or irreversible in nature; and

11
12 (d) Limit of five thousand dollars (\$5,000.00) per violation if the Code Compliance
13 Board finds the violation to be irreparable or irreversible in nature.

14
15 7.6.2 Whoever opposes, obstructs or resists an enforcement officer in the discharge of
16 duties as provided in this section, upon conviction, shall be guilty of a misdemeanor of the
17 second degree and shall be subject to punishment as provided by law.

18
19 **7.7 Effective compliance date.**

20
21 Unless where more stringent dates for compliance with the additional regulations provided for in
22 Ordinance 2013-06 are stated herein, the effective date of compliance for those additional
23 regulations shall be three hundred sixty (360) days from the date this code is enacted.

24
25 **7.4 7.8 Open space.**

26
27 Provisions designated as 7.4, open space, contained no substantive provisions; however, the
28 user's attention is directed to the following references: ~~Retention of existing open space, § 3.2.2;~~
29 ~~public open spaces and outdoor recreational uses allowed, § 3.3.1;~~ rights-of-way protection, §
30 5.3.2; sidewalks and bikeways, § 5.5.1; landscaping, § 8.3; maintenance of public rights-of-way,
31 § 8.4.1; adopted levels of service, § 9.3; fences, walls and hedges, § 11.6; prohibited and exempt
32 signs, § 12.2.

33
34 **Section 3. Severability.** Should any section, provision, paragraph, sentence, clause of
35 word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction
36 to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall
37 not affect the validity of the remaining portions or applications of this Ordinance.

38 **Section 4. Codification.** It is the intention of the Village Commission of the Village of
39 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of
40 Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be

1 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other
2 word or phrase in order to accomplish such intention.

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

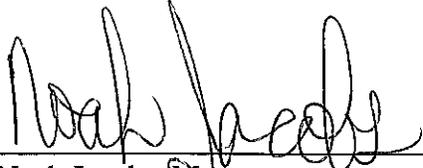
5 **Section 6. Effective Date.** This Ordinance shall become effective immediately upon its
6 passage and adoption.

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

10
11
12
13 PASSED AND ADOPTED upon first reading this 7th day of May, 2013.

14 PASSED AND ADOPTED upon second reading this 9th day of July, 2013.

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

15
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23 _____
24 Noah Jacobs, Mayor

Mayor Jacobs: No
Vice Mayor Anderson: Yes
Commissioner Cooper: No
Commissioner Ross: Yes
Commissioner Watts: Yes

25
26
27
28 Attest:
29
30
31 
32 _____
33 Maria C. Camara, Village Clerk

1 Approved as to form:

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Village Attorney