



# Village of Biscayne Park

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Biscayne Park, FL 33161  
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Code Review Board  
MEMBERS

Gage Hartung  
Chairman

David Coviello  
Vice Chairman

Dale Blanton  
Judi Hamelberg  
Gary Kuhl  
Isaias Ortiz

## MINUTES

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

Call to Order 7:14 pm

Present: Gary Kuhl, Dale Blanton, Gage Hartung, Judi Hamelburg

Reviewed Directive from Village Commission regarding the recommendations of the Code Compliance Department regarding Property Maintenance, Dumpsters and Commercial vehicles. The Code Review Board reviewed and make the following recommendations:

Property Maintenance: Replace the existing 8.4.1 (ii) with:  
Motion: Gary Kuhl, Second: Judy Hamelburg, Passes 4-0

8.4.1(ii) The growth or accumulation of any grass, weeds, non-native undergrowth or other dead plant life and trees that exceeds the height of eight (8) inches from the ground must be removed by the property owner. (added Code Review Board – 4/24/2012)

Dumpsters: Add to chapter 6.3.2 the following:  
Motion: Gary Kuhl, Second: Dale Blanton, Passes 4-0

#### 6.3.2(c) Dumpsters

(i) It is the intent of this section to regulate the location and construction of bulk container enclosures in a manner that promotes the public health and safety, and lessens or otherwise mitigates the visual impact of such bulk containers upon the community. A bulk container is a receptacle with a capacity of greater than one (1) cubic yard which purpose is for the disposal and storage of garbage, trash and any form of waste materials, not including hazardous or infectious waste.

(ii) Wheeled bulk containers for the disposal of solid waste shall be enclosed in a fence or wall consistent with Biscayne Park Code 11.6 Fences and Walls, fully screening it from view. Chain link fencing is not permitted for enclosure or gate. Containers are to be positioned upon a hard surface pad located behind the building line(s) of the user location and they are positioned such that the smaller side of the bulk container faces the public right-of-way, and a hard surface roll-way from the pad to the servicing area is provided to facilitate servicing. Wheeled bulk containers shall only be placed curbside for collection and shall remain curbside for

a reasonable amount of time in order to facilitate collection. In no case shall wheeled bulk containers remain overnight at curbside or street side.

(iii) Each enclosure shall provide a minimum of eighteen (18) inches of clear space between each side of each bulk container (including lifting flanges) and the adjacent wall surface of that enclosure, or other containers within the same enclosure. The height of each enclosure shall be six (6) inches greater than the highest part of the bulk container therein.

(iv) Placement of containers and enclosures shall be planned and constructed in a manner that allows unobstructed access to each container and the unobstructed opening of the gates during the emptying process. Containers shall not be located in such a manner that the service vehicle will block the any intersection during the emptying process.

(v) All enclosures shall have gates and their construction shall be of sturdy metal frame and hinges with an opaque facing material. Servicing gates shall incorporate gate stops and latches that are functional in the full open and closed positions. Hinge assemblies shall be strong and durable so that access and servicing gates function properly and do not sag. Enclosure gates shall be closed at all times except for the time necessary to service the bulk container(s).

(vi) All enclosures shall be placed on poured concrete, solid or perforated interlocking concrete block paving (ICB), or any existing hardened paving system. A service access drive for the purpose of emptying the bulk container shall also be provided unless a hard surface that provides access to the bulk container already exists.

(vii) Approved enclosures shall be maintained in good condition and appearance at all times. Gates and latches shall be kept fully operable and shall be closed except during scheduled collection periods. Enclosures and containers shall be cleaned periodically to prevent noxious odors and unsanitary conditions from occurring. Enclosure pads and access drives shall be repaired or rebuilt whenever the pavement structure deteriorates. (added by Code Review Board 3/21/2012)

Commercial Vehicles: Add to chapter 7 the following:

Motion: Judy Hamelberg, Second: Dale Blanton, Passes 4-0

#### **7.4 Parking of commercial vehicles in residential.**

(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 residentially zoned districts, only two Category 1 vehicles may be parked at a residence.
2. 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.
3. For residential properties of four (4) or more units, the parking allowances provided for herein shall be applied as to each unit.
4. Storage or parking of Category 3 vehicles are prohibited in all residentially zoned districts.
5. 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 7.4(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 Biscayne Park 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. (added by Code Review Board 3/21/2012)

Code review is sending Chapters 6, 7 and 8 with all revisions made to date by the Code Review Board for consideration by the Village Commission - Motion: Gary Kuhl, Second: Dale Blanton, Passes 4-0

Adjourned 8:18

Minutes approved: 4/4/12, 5-0 yes. Hartung, Caviello, Blanton, Hamelburg and Kuhl