

**ORDINANCE NO. 1444**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS” BY AMENDING ARTICLE 5, “DEVELOPMENT STANDARDS”, SPECIFICALLY AT SECTION 5-1405 TO REVISE THE STANDARDS FOR PARKING AND/OR STORAGE OF RECREATIONAL VEHICLES, BOATS/TRAILERS AND PERSONAL WATERCRAFT; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS, AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the current Land Development Regulations (“LDRs”), Chapter 29 of the City Code of Ordinances, was adopted in July 2017 through Ordinance No. 1417 to establish zoning districts and regulations that implement the adopted 2007 Future Land Use Map (“FLUM”) designations; and

**WHEREAS**, Article 3, Division 10, Sections 3-1003 through 3-1007 of the LDRs outlines the procedures for text amendments and zoning map changes to the LDRs initiated by either the City or one (1) or more owners of record for parcel(s) located within the jurisdictional boundary of the City; and

**WHEREAS**, Article 3, Division 3, Section 3-302 of the LDRs establishes a uniform notice and procedure in order to ensure due process and maintain citizen access to the local government decision-making forum relating to the approval of LDR text changes within the jurisdictional boundary of the City; and

**WHEREAS**, a number of complaints have reached the City administration relating to the parking of boats/trailers/personal watercraft and recreational vehicles within residential neighborhoods; and

**WHEREAS**, a community workshop was hosted by the city for the purpose of obtaining public input regarding administrative variances where the attendees expressed the desire to amend the standards; and

**WHEREAS**, in furtherance of promoting peace and good order, safe vehicular traffic patterns, improving the aesthetic beauty of the community and hence, preserving the value of the properties therein, staff has proposed changes to the criteria for the parking and storing of boats/trailers/watercraft and recreational vehicles; and

**WHEREAS**, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the City LDRs, at duly noticed public meeting held on July 2, 2019, the Planning Commission reviewed the proposed Amendment to the LDRs, the recommendation of City staff, testimony provided at the public hearing (if any), and issued a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed Amendment by passage of this ordinance; and

**WHEREAS**, pursuant to Article 3, Section 3-1007 of the LDRs, the Mayor and City Council have jurisdiction to adopt the proposed LDR text amendment, and after two (2) duly noticed public meetings (first reading and second reading), have determined that the amendments are in the best interest of City residents and in accordance with state law; and

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Recitals.** The recitals to the preamble herein are incorporated by reference.

**Section 2. Amendment to Chapter 29, North Miami Code of Ordinances.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the North Miami Code of Ordinances entitled “Land Development Regulations”, by amending Article 5, entitled “Development Standards”, as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES  
CHAPTER 29. LAND DEVELOPMENT REGULATIONS

\* \* \* \* \*

ARTICLE 5. – DEVELOPMENT STANDARDS

\* \* \* \* \*

DIVISION 14. – PARKING AND LOADING

\* \* \* \* \*

Sec. 5-1405. - Storage, maintenance and/or parking of trucks, boats and/or recreational vehicles.

- A. Parking and/or storage of boats, mounted or un-mounted, boat trailers, recreational vehicles, camping trailers, converted and chopped vans, full-tent trailers, mini-motor homes, motor

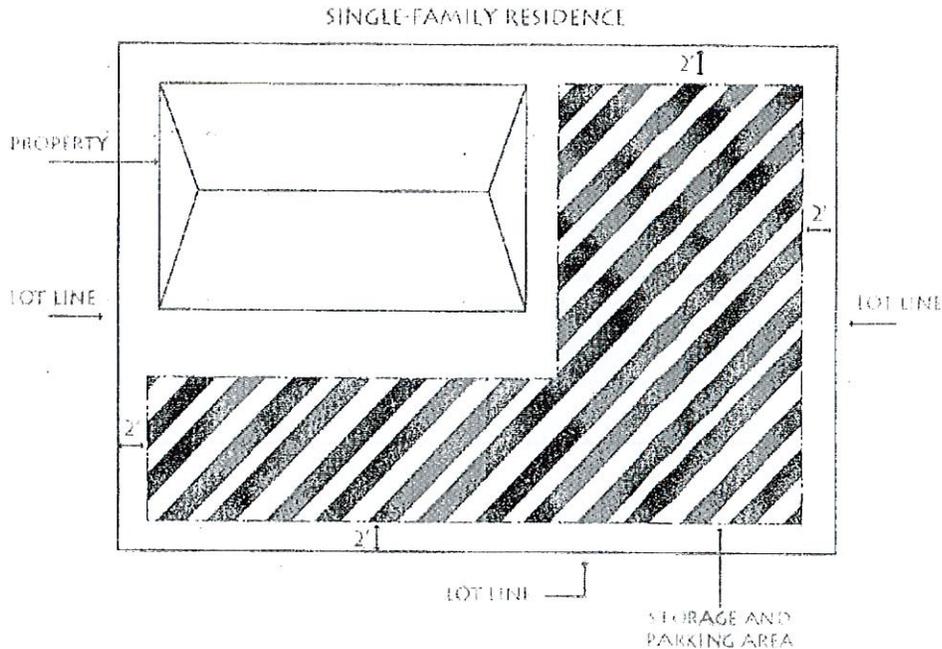
homes, motorized homes, pickup campers and travel trailers may be permitted by administrative variance accordance with the following:

~~1. Within an enclosed building or structure having been erected in compliance with the provisions of the Florida Building Code and applicable zoning regulations.~~

1.2. On paved material only in the side or rear on any lot or parcel of property within a single-family residential zone subject to the following:

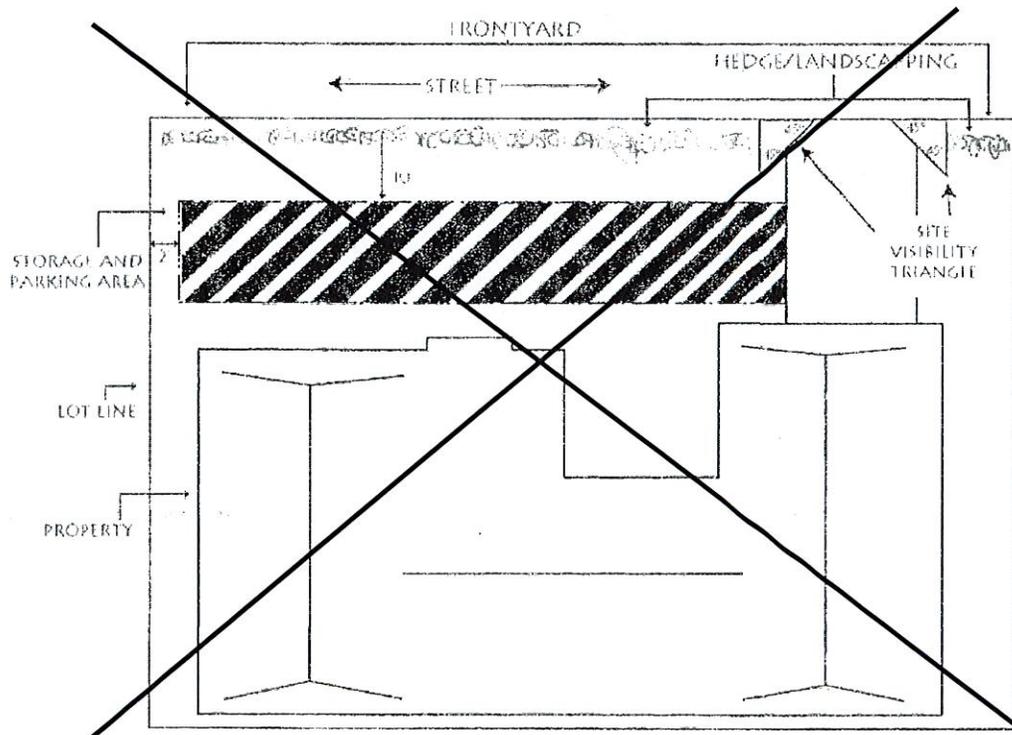
- a. Not closer than two (2) feet to any lot line, except however, that in the case of a corner lot, parking of any of the above-listed vehicles within the setbacks of the side yard which fronts on the right-of-way shall be subject to the same landscaping requirements as outlined in subsection B. of this section.
- b. In the case of a corner lot, parking of any of the above-listed vehicles within the setbacks of the side yard which fronts on the right-of-way shall be in accordance with subsection B. of this section.

2. 3. Only one (1) boat, boat trailer and one (1) travel trailer, motor coach, converted and chopped van, motor home or recreational vehicle shall be permitted provided they are lawfully registered to occupants of the residence; or in the case of a vacant parcel or lot, the owner of the property.



~~B. If in the opinion of the community planning and development department, the side or rear yard is not accessible, such storage may be permitted in the front yard but not closer than ten (10) feet from the front lot line. The paved area, except for access thereto, reserved for storage shall have placed upon the periphery thereof, where visible from an alley,~~

street or highway, a hedge or landscaping to aesthetically screen a recreation vehicle from public view, which said screening and landscaping plan shall be as approved by the community planning and development department. Such landscaping shall be thirty-six (36) inches at the time of planting, two (2) feet on center, so that it appears as a solid continuous screen.



- C. Existing areas reserved for storage of recreational vehicles where no such screening exists along the boundaries thereof shall within ninety (90) days from the effective date of this ordinance provide such screening as heretofore required.
1. In a legally marked and designated parking stall in any area zoned for multifamily development with the approval of the owner or owners.
  2. A recreational vehicle may be stored or parked in a lot or parcel of property in a single-family residential zone without regard to subsections A. and B., C. and D. of this section for the sole express purpose of loading or unloading, not in excess of a twenty-four-hour period.

\* \* \* \* \*

**Section 3. Repeal.** All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 4. Conflicts.** All Ordinances or parts of ordinances in conflict herewith the provisions of this Ordinance are repealed.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, phrase, clause or word of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, phrases, clause or words of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall notwithstanding the invalidity of any part.

**Section 6. Scrivener's Errors.** The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

**Section 7. Codification.** The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or any other appropriate word.

**Section 8. Effective Date.** This Ordinance shall become effective ten (10) days after adoption on second reading.

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 27th day of August, 2019.

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 7th day of October, 2019.

  
PHILIPPE BIEN-AIME  
MAYOR

ATTEST:

  
\_\_\_\_\_  
VANESSA JOSEPH, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JEFF P.H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: VICE MAYOR KEYS AND COUNCILMAN GALVIN

Moved by: Galvin

Seconded by: Desulme

**Vote:**

Mayor Philippe Bien-Aime	<u>X</u>	(Yes)	<u>        </u>	(No)
Vice Mayor Carol Keys, Esq.	<u>X</u>	(Yes)	<u>        </u>	(No)
Councilman Scott Galvin	<u>X</u>	(Yes)	<u>        </u>	(No)
Councilwoman Mary Estimé-Irvin	<u>X</u>	(Yes)	<u>        </u>	(No)
Councilman Alix Desulme, Ed.D.	<u>X</u>	(Yes)	<u>        </u>	(No)