

ORDINANCE NO. 1453

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ESTABLISHING THE “ARCH CREEK EAST CONTROLLED RESIDENTIAL PARKING AREA” LOCATED ON 135<sup>TH</sup> STREET EAST OF BISCAYNE BOULEVARD PURSUANT TO CHAPTER XI OF THE CITY OF NORTH MIAMI CODE ORDINANCE ENTITLED “LICENSES AND BUSINESS REGULATIONS” AT ARTICLE 12, “CONTROLLED PARKING RESIDENTIAL AREAS” LIMITED TO THOSE WHO LIVE IN PROXIMITY TO THE ZONED AREA; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF NORTH MIAMI AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Mayor and City Council of the City of North Miami seeks to protect the public safety and preserve the quality of life within the City; and

**WHEREAS**, on March 26, 2019, the Mayor and City Council passed Ordinance Number 1437 which gave residents or the City Manager the ability to establish Controlled Residential Parking Areas where necessary; and

**WHEREAS**, unique geographical features, development practices and other factors have limited the ability of residents of 135<sup>th</sup> Street, East of Biscayne Boulevard (the “Arch Creek East Area”) and their visitors from accessing available parking in the evenings; and

**WHEREAS**, the North Miami Police Department has reported increased instances of public parking violations, such as, vehicles parking illegally on swales or parking diagonally across bicycle lanes, as well as storage of commercial vehicles in public parking spots, which take up spaces for residents and visitors.

**WHEREAS**, it is has now become necessary to restrict parking in the Arch Creek East Area in order to reduce hazardous traffic conditions, resulting from the improper parking of vehicles in residential areas; to protect the individuals living in residential areas from unreasonable traffic obstacles, while attempting to access their residences; to preserve the residential character of residential areas; to promote efficiency in maintaining residential streets in a clean and safe condition; to preserve residential property values; and to preserve the safety of children,

pedestrians and occupants of vehicles, and the peace, good order, comfort, convenience and welfare of the residents of the City generally; and

WHEREAS, the City deems it in its best interest to further amend Chapter 11 to of the Code of the City of North Miami to create the Arch Creek East Residential Controlled Parking Area in to eliminate these hazards.

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

**Section 1.**     **Recitals Adopted.**     That the recitals set forth above are true and correct and incorporated herein by reference.

**Section 2.**     **Section 11-262 created.**

**Section 11-262. Creation of the Arch Creek East Controlled Parking Residential Areas.**

- (a) The entirety of 135<sup>th</sup> Street east of Biscayne Boulevard is designated a controlled residential parking area.
- (b) Seven (7) subareas are additionally created to correspond with the following streets”
  - 1. NE 20th Court (Pelican Court)
  - 2. NE 21st Court (Ibis Court)
  - 3. NE 22nd Court (Dolphin Court)
  - 4. NE 23rd Court (Manatee Court)
  - 5. NE 23rd Place (Osprey Place)
  - 6. NE 24th Court (Heron Court)
  - 7. NE 24th Place (Red Fish Place)
- (c) Parking in the Subareas listed in section B above is expressly limited to residents and visitors living on those respective streets. All other vehicles parked in the seven (7) subareas are subject to parking enforcement. The City Manager or his designee is empowered to take whatever steps necessary, including a residential parking permit program to enforce this section.
- (d) The parking of commercial vehicles on 135<sup>th</sup> Street is prohibited between the hours of 7pm and 7am.
- (e) No vehicle may be parked in a given space for more than seventy-two (72) hours otherwise it shall be considered abandoned and subject to towing
- (f) There shall be no overnight parking on 135th Street between 7pm and 7am except by residential or visitor parking permit holders only.

\* \* \* \* \*

**Section 2.**     **Repeal.** All ordinances or parts of ordinances in conflict herewith are repealed.

**Section 3. Conflicts.** In the event that the provisions of this Ordinance are in conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase 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 of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Codification.** It is the intention of the City Council of the City of North Miami and it is hereby ordained that 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 re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon 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 10th day of March, 2020.

**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 9th day of June, 2020.

  
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: COUNCILMAN SCOTT GALVIN

Moved by: Desulme

Sponsored by: Galvin

**Vote:**

Mayor Philippe Bien-Aime

X (Yes) \_\_\_\_\_ (No)

Vice Mayor Alix Desulme, Ed.D.

X (Yes) \_\_\_\_\_ (No)

Councilman Scott Galvin

X (Yes) \_\_\_\_\_ (No)

Councilwoman Carol Keys, Esq.

X (Yes) \_\_\_\_\_ (No)

Councilwoman Mary Estimé-Irvin

X (Yes) \_\_\_\_\_ (No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.