

ORDINANCE NO. 19-__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PARKING OF COMMERCIAL VEHICLES; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE VI, “SUPPLEMENTARY REGULATIONS”, PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS AND CATEGORIES; PROVIDING FOR PARKING REGULATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 6th, 2018, the Town of Miami Lakes (the Town) Council adopted Ordinance 18-220, providing for Governmental Facilities and uses permitted; and

WHEREAS, the Town’s rights-of-way are essential for the travel of persons and the transport of goods throughout the Town; and are a unique and physically limited resource requiring proper management by the Town in order to maximize efficiency, and promote the public health, safety and general welfare; and

WHEREAS, parking on Town’s rights-of-way is limited and parking of commercial vehicles around residential areas and around public facilities such as parks, libraries, and other public buildings can constitute a nuisance, and present visibility and other safety concerns; and

WHEREAS, Section 13-1607 of the Town’s code entitled “Commercial and recreational vehicles” prohibits parking on residential districts but does not provide for rights-of-way abutting both residential districts and other districts.

WHEREAS, overnight and long-term parking of commercial vehicles, as well as parking not incidental to services provided by the vehicle, should be done within private property in commercial or industrial areas; and

WHEREAS, adoption of the following ordinance is necessary to satisfy the above objectives; and

WHEREAS, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, on May 22, 2019, after conducting a properly noticed public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law,

and in specific compliance with Section 163.3174, Florida Statutes and reviewed and recommended approval to the Miami Lakes Town Council; and

WHEREAS, on _____, 2019, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official, the Town Council moved the proposed amendment on first reading for second reading and consideration of adoption; and

WHEREAS, The Town Council finds that the proposed amendment is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Land Development Code found in Subsection 13-306(b) of the Town Code; and

WHEREAS, on _____, 2019, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official, the Town Council finds it in the public interest to adopt the proposed ordinance.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, HEREBY ORDAINS AS FOLLOWS.

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendment. Section 13-1607 entitled *Commercial and recreational vehicles*, of the Town's Land Development Code is hereby amended as provided at Exhibit "A".

Section 3. Approval. The Town Council hereby adopts the amendment as provided at Exhibit "A".

Section 4. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 5. 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, such decision shall not affect the validity of the remaining sections, sentences, clauses,

Additions to the text are shown in underlined; deletions from the text are shown in ~~strike through~~.

Omitted portions of this ordinance are shown as “* * *”.

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 6. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall be included in the Town Code.

Section 7. Effective date. This Ordinance shall become effective immediately upon adoption.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FIRST READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of _____, 2019.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of _____, 2019.

Manny Cid
MAYOR

Attest:

Gina Inganzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A

CHAPTER 13 LAND DEVELOPMENT CODE

* * *

ARTICLE VI. – SUPPLEMENTARY REGULATIONS

* * *

DIVISION 1. - GENERALLY

* * *

Sec. 13-1607. - Commercial and recreational vehicles.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Commercial vehicles are hereby defined and categorized as follows 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 17.4, 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.

~~Commercial vehicle means any vehicle which displays, whether temporarily or permanently, any lettering, logo, or other markings which identify the vehicle as belonging to or used for any commercial purpose; and/or any vehicle on which is visible and is designed to carry cargo, supplies, merchandise, machinery, tools, equipment, racks, or other items of a commercial nature; any vehicle manufactured and commonly used as a work or commercial vehicle, including tow trucks; or any vehicle for hire such as but not limited to buses, jitneys, limousines or taxicabs.~~

Additions to the text are shown in underlined; deletions from the text are shown in ~~strike through~~.

Omitted portions of this ordinance are shown as “* * *”.

Off-road vehicle means any vehicle that is used off the roads or highways for recreational purposes and that is not registered and licensed for highway use in the State. Off-road vehicles include all-terrain vehicles (ATVs) and golf carts.

Recreational vehicle means a vehicle which provides sleeping and other facilities for short periods of time, while traveling or vacationing, designed to be towed behind a motor vehicle, placed on a vehicle or self-propelled, and includes such vehicles as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles.

- (b) In order to maintain the high standards of the Town with respect to residential appearance, commercial trucks or other commercial vehicles, off-road vehicles, campers, recreational vehicles, motor homes, house trailers, boat trailers and trailers of every other description as defined herein, whether operable or inoperable, shall not be permitted to be parked or to be stored at any place on any lot, common area or right-of-way within any residentially zoned area in the Town unless they are stored fully inside a garage with the garage door fully closed. In addition, Category 1 vehicles, off-road vehicles, campers, recreational vehicles, motor homes, house trailers, boat trailers and trailers of every other description as defined herein, whether operable or inoperable shall not be permitted to be parked within any right-of-way which abuts either a residential district or a Government Facility that contains a park, a public playground, a public library, a fire station, a police station, or any other public use building. This prohibition of parking shall not apply to temporary parking of trucks and commercial vehicles during the performance of commercial services to nearby residences or public facilities and to the loading and unloading, for no more than 24 hours, of ~~recreational~~ vehicles.
- (c) Category 2 and 3 vehicles shall not be permitted to be parked within any right-of-way located outside of industrial districts. This prohibition of parking shall not apply to temporary parking of any category of commercial vehicle during the performance of commercial services to nearby facilities of any designation.
- (d) All commercial vehicles may be parked in any legal parking space within private property located in office, commercial or industrial districts, including those properties used as residential properties that are located within office, commercial or industrial districts.
- (e) Marked and unmarked law enforcement and local government "take home" passenger vehicles may be permitted to be parked in driveways or legal parking spaces.
- (f) ~~All recreational vehicles, campers, and commercial vehicles that comply with the Town Code as of December 5, 2000, may be permitted if they are registered with the Town by April 18, 2005. Once the registered vehicle is sold no other recreational vehicle or commercial vehicle may be parked or stored on the property unless it complies with this Code.~~
- (f) Violations of these provisions are punishable as follows:
 - a. Any violation of this section is punishable by a civil fine of five-hundred dollars (\$500.00). Upon a repeat violation of these provisions, 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 Miami-Dade Police Department to effect enforcement of these provisions.

- b. 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.