

**CITY OF HOMESTEAD, FLORIDA**

**ORDINANCE NO. 2023-07-18**

AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA, **AMENDING THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER 27 “TOURIST AND MOBILE HOME PARKS,” AND CHAPTER 30 “ZONING,” TO PROVIDE REGULATIONS RELATED TO PARKING OF RECREATIONAL VEHICLES AND BOAT STORAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Homestead City Council desires to amend the City Code to provide regulations related to parking of recreational vehicles; and

**WHEREAS**, it is important to provide clarification regarding the definition of “mobile home,” “recreational vehicle,” and “boat storage” for the purpose of enforcement of such regulations; and

**WHEREAS**, the City Council finds that this Ordinance is in the best interest of the City and its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA:**

**Section 1. Findings.** The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

**Section 2. City Code Amended.** That Chapter 27, “Tourist And Mobile Home Parks,” and Chapter 30 “Zoning,” of the City Code of Ordinances is hereby amended to read as follows<sup>1</sup>

amended to read as follows<sup>1</sup>:

## **Chapter 27 – TOURIST AND MOBILE HOME PARKS**

### **ARTICLE II. – TOURIST AND TRAILER PARKS**

#### **Sec. 27-11 – Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Automobile tourist park or camp shall mean any plot of ground where accommodation is provided for three (3) or more automobile trailers or house cars used by transients as living or sleeping quarters.~~

~~Automobile trailer or house car shall mean any vehicle used as sleeping or living quarters, mounted on wheels and propelled either by its own power or by other power-driven vehicle to which it may be attached.~~

~~Camp cottage shall mean any building or structure used by a single family as living or sleeping quarters.~~

Camping trailer shall mean a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

---

<sup>1</sup> ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double-strikethrough and double underline.

Recreational vehicle (RV) shall mean a recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or is drawn by another vehicle.

~~State shall mean the department of health and rehabilitative services or such other department created or established by authority of the state and entrusted with the regulation, control and supervision of all matters pertaining to the general health of the citizens and the community.~~

~~Tourist park or camp shall mean any plot of ground upon which three (3) or more single-family camp cottages are located and maintained for the accommodation of transients by the day, week or month where a charge is or is not made.~~

~~Unit shall mean any section or plot of ground upon which is erected any camp cottage or which provides accommodation for each automobile trailer or house car.~~

\*\*\*

~~Sec. 27-31 — Parking of trailer other than in licensed location.~~

~~No trailer or camp car shall be located on any site within the city except in such tourist or trailer parks as shall be licensed by the city. Trailer usage will be~~

~~permitted on property owned by the trailer owner and user, upon condition that such owner intends to build a home and will occupy his trailer for a period of not to exceed six (6) months during construction of such home, that application has been made for a building permit and such permit is granted and displayed and that construction on such building has been or will be commenced within thirty (30) days from the date of such permit.~~

\*\*\*

### **ARTICLE III. – MOBILE HOME PARKS**

#### **DIVISION I. – GENERALLY**

##### **Sec. 27-46 – Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Camper trailer* shall mean any vehicle not self-propelled nor of a collapsible nature and not containing bathroom facilities capable of being connected to a sanitary sewer system.~~

*Licensee* shall mean any person licensed by the city to operate and maintain a mobile home park under the provisions of this article.

~~*Mobile home* shall mean any vehicle or similar portable structure, having been constructed with wheels, whether or not such wheels have been removed, and having no foundation other than wheels, jacks, skirtings or other similar devices and so designed or constructed as to permit occupancy for dwelling and~~

~~sleeping purposes. The term "mobile home" shall also have the meaning set forth in F.S. section 320.01(2) a moveable or portable detached single-family dwelling designed for and capable of being used for long term occupancy by one (1) family only, designed to be transported after fabrication on its own permanent chassis and wheels, arriving at the site substantially complete, of such size and weight as to require special highway permits, and in excess of eight (8) feet in width and twenty-four (24) feet in length. Such vehicles or structures defined as Mobile Homes are those without independent motive power.~~

~~Mobile home park shall mean any plot of ground upon which two (2) or more mobile homes are located or intended to be located for purposes of occupancy as a dwelling or for sleeping purposes, regardless of whether or not a charge is made for such accommodation a parcel of land under single ownership which has been planned, zoned, and improved for placement of Mobile Homes for nontransient residential use.~~

*Mobile home space* shall mean a plot of ground within a Mobile Home Park, designed for the accommodation of one (1) Mobile Home.

~~Motor home shall mean any self propelled vehicle intended to be utilized as living quarters primarily on a transient basis a vehicular unit built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping or travel use.~~

~~Travel trailer shall mean any vehicle not self-propelled, intended as temporary living quarters and utilized in a transient manner, not exceeding a length of twenty-eight (28) feet a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It is of a body width of no more than eight (8) feet and a body length of no more than thirty-two (32) feet when factory-equipped for the road.~~

Recreational vehicle (RV) shall mean a recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or is drawn by another vehicle. A Travel Trailer and Camping Trailer as statutorily defined in Section 320.01, Florida Statutes is a permissible form of RV.

\*\*\*

## **Chapter 30 – ZONING**

\*\*\*

### **ARTICLE I. - IN GENERAL**

#### **Sec. 30-1. - Definitions.**

\*\*\*

*Billboards* shall mean a surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted.

*Boarding house* shall mean a residential building where sleeping rooms for lodgers are provided, and wherein dining facilities are maintained for the lodgers thereof.

Boat storage shall mean the parking and storage of an operable, non-disabled, vessel ("Boat") as defined in Section 327.02, Florida Statutes, which includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

*Boundary line* shall mean any line indicating the bounds or limits of any tract or parcel of land or the various use districts of an urban area.

*Building* shall mean a structure which provides usable floor space protected from the elements.

\*\*\*

*Pedestrian walkway* shall mean a continuous way designated for pedestrians and separated from the through lanes for motor vehicles by space or barrier.

*Pergola* shall mean a linear pavilion with the roof as an open trellis supporting climbing plants.

*Personal watercraft* means a vessel less than 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

*Place of public assembly* means any area where individuals assemble, whether publicly or privately owned and maintained, and includes, but is not limited to, public assembly buildings such as auditoriums, fraternal lodges, private clubs, community centers, clubhouses, theaters, and places of worship or other similar facilities that are used for prayer and assembly by persons of similar beliefs.

\*\*\*

## **ARTICLE IV. – SUPPLEMENTAL DISTRICT REGULATIONS**

\*\*\*

### **DIVISION 2. – OFF-STREET PARKING**

\*\*\*

#### **Sec. 30-433. – Off-street parking area requirements in all districts.**

- (f) No heavy equipment or any commercial vehicles with a carrying capacity in excess of one (1) ton will be permitted to park in any district zoned A-1, A-2,

R-1, R-2, R-TH, R-CH, R-3, or R-MH for more than one (1) hour, except for loading and unloading. Vehicles and equipment covered under this section include all vehicles whose primary purpose is commercial in nature and cannot, without the removal of certain equipment or parts, be converted for personal or family use. These vehicles include but are not limited to earth moving equipment, semi-tractors and trailers, farm equipment (excluding pickup trucks allowed above), flatbed trucks, dump trucks, concrete trucks, step vans, panel trucks (not vans), tow trucks, buses (in excess of eleven (11) passenger capacity) and utility trucks (collectively "Commercial Vehicles"). Provided, however, parking in rear yard may be permitted if the rear yard is adequately fenced or hedged so as to reasonably prevent viewing by adjoining neighbors.

(1) No more than one (1) such Commercial Vehicle, as defined above, shall be parked within the rear yard on any parcel within the city.

(2) No major repairs or overhaul work on such Commercial Vehicles shall be made or performed on the lot, (or any other work performed thereon which would constitute a nuisance under existing ordinances).

(3) No one lot shall provide storage for both a Commercial Vehicle and Boat or a commercial vehicle and RV.

(g) Boat storage. Boats of less than thirty (30) feet in length, not more than one hundred and two (102) inches in width and thirteen (13) feet six (6) inches in height above grade, may be stored or temporarily parked on lots containing a single-family residence subject to the following conditions:

(1) Lots with less than one-half (0.5) acre of lot area shall be permitted to store up to one (1) Boat. The location for such Boat storage shall be in the rear yard or side yard to the rear of a line established by the front building line furthest from the street and set back to at least the rear building line wherever possible, but in no event in front of such front building line. Such Boat storage shall be setback from side property lines at least a distance equivalent to the required side setback for the principal building and shall be set back from the rear property line at least ten (10) feet. The Boat



shall be effectively screened from the view of adjacent lots and rights-of-way. Screening shall be accomplished through the installation of fences and/or walls in combination with dense plantings of shrubs and hedges that provide a complete visual barrier. Chain link fencing is prohibited. Operable gate(s) shall be opaque and shall conceal the boat from adjacent rights-of-way and neighboring properties.

- (2) Lots containing a minimum of one-half (0.5) acre of lot area shall be permitted to store up to two (2) Boats. Lots containing a minimum of five (5) acres of lot area shall be permitted to store up to three (3) boats. The location for such boat storage shall be in the rear yard or side yard to the rear of a line established by the front building line furthest from the street and set back to at least the rear building line wherever possible, but in no event in front of such front building line. Such boat storage shall be setback from side property lines at least a distance equivalent to the required side setback for the principal building and shall be set back from the rear property line at least ten (10) feet. Where two or more boats are located on a site, the boat storage area shall meet the rear and side setback requirements for the principal structure and be effectively screened from the view of adjacent lots and rights-of-way. Screening shall be accomplished through the installation of fences and/or walls in combination with dense plantings of shrubs and hedges that provide a complete visual barrier. Chain link fencing is prohibited. Operable gate(s) shall be opaque and shall conceal the Boat(s) from adjacent rights-of-way and neighboring properties.
- (3) Up to two (2) personal watercrafts not exceeding five (5) feet in width by twelve (12) feet in length may be stored or parked in lieu of a Boat authorized by this section. Such watercraft shall be visually buffered in accordance with Section 30-433(g)(2) or (3), as applicable.
- (4) Boats and place of storage or temporary parking shall be kept in a clean, neat and presentable condition.

- (5) No major repairs or overhaul work shall be made or performed on the premises.
- (6) The Boats shall not be used for living or sleeping quarters, and shall be placed on and secured to a transporting trailer.
- (7) The temporary parking of a Boat in front of the front building line or in front of the side street building line for no more than 2 hours in any 24-hour period, while the Boat is hitched to an operable motor vehicle with a valid permanent license tag, for the purposes of loading and unloading equipment and supplies shall be permitted, but under no circumstances shall a Boat be parked in the public right-of-way, including the swale area of a right-of-way.
- (8) Commercial Boat parking shall be prohibited. All Boats stored on the property must be registered to the property owner or authorized residential tenant.
- (9) Boat(s) must be parked on a permitted impervious parking pad (paved/concreted surface).
- (10) No one lot shall provide storage for both a Boat and RV or a Boat and commercial vehicle.
- (h) *Recreational and camping equipment.* Notwithstanding any other provisions to the contrary in this division, a RV defined as a recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or is drawn by another vehicle may be parked on lots containing a single-family residence. A Travel Trailer and Camping Trailer as statutorily defined in Section 320.01, Florida Statutes is a permissible form of RV. Such vehicles or equipment defined as RVs shall not be utilized as primary living quarters, and are subject to the following conditions:

  - (1) No more than one (1) such RV, as defined above, shall be parked on any parcel containing a residential structure within the city.
  - (2) RV shall be effectively screened from the view of adjacent lots and rights-of-way. Screening shall be accomplished through the installation of fences

- and/or walls in combination with dense plantings of shrubs and hedges that provide a complete visual barrier. Chain link fencing is prohibited. Operable gate(s) shall be opaque and shall conceal the RV from adjacent rights-of-way and neighboring properties.
- (3) When parked on the lot, RV storage shall be provided within a code compliant and permitted fence that allows for ingress and egress.
- (4) Such parking shall be limited to such RV owned or leased by the occupant-owner or occupant-lessee of the lot concerned, or owned or leased by a bona fide City of Homestead house guest of the occupant-owner or occupant-lessee of the lot concerned, with the parking of such RV by guest not to exceed fourteen (14) days.
- (5) The location for such parked RV shall be in the rear yard or side yard to the rear of a line established by the front building line furthest from the street and set back to at least the rear building line wherever possible, but in no event in front of such front building line. Such RV shall be setback from side property lines at least a distance equivalent to the required side setback for the principal building and shall be set back from the rear property line at least ten (10) feet.
- (6) Such RV and the area of parking shall be maintained in a clean, neat and presentable manner and the RV shall be in a usable condition at all times.
- (7) Such RV shall, at all times, have attached a current vehicle registration license plate.
- (8) No major repairs or overhaul work on such RV shall be made or performed on the lot, (or any other work performed thereon which would constitute a nuisance under existing ordinances).
- (9) When parked on the lot, such RV shall not be used for living or sleeping quarters, or for housekeeping or storage purposes and shall not have attached thereto any service connections lines, except as may periodically be required to maintain the RV and appliances. Notwithstanding the foregoing, the RV may be used for living or sleeping quarters, or for housekeeping or storage purposes in instances where such owner obtains

- an active building permit for purposes of renovating home after a fire, hurricane, or other natural disaster. Occupancy of the RV in cases of such emergencies shall not exceed six (6) months.
- (10) Such RV shall not exceed the maximum length, width, height and weight permitted under applicable provisions of the motor vehicle laws of the State of Florida; provided, however, the maximum length shall not exceed thirty (30) feet and the maximum height shall not exceed ten (10) feet.
- (11) RV must be parked on a permitted impervious parking pad (paved/concreted surface).
- (12) No one lot shall provide storage for both a RV and Boat or a RV and commercial vehicle.
- (13) Such RV shall be so secured so that it will not be a hazard or menace during high winds or hurricane.
- (14) A seller (dealer or individual) located within the city offering for sale such new or used RV, must furnish and attach to such RV a true copy of this subsection.

\*\*\*

**Section 3. Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**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, 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. Inclusion in the City Code.** It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the City of Homestead; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**PASSED** on first reading this 21<sup>st</sup> day of June, 2023.

**PASSED AND ADOPTED** on second reading this 26<sup>th</sup> day of July, 2023.

---

STEVEN D. LOSNER,  
Mayor

ATTEST:

---

ELIZABETH SEWELL, MPA, MMC, FCRM  
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND BENEFIT OF THE CITY ONLY:

---

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.  
City Attorney

Motion to adopt by Vice Mayor Guzman, seconded by Councilwoman Fairclough-Staggers.

***FINAL VOTE AT ADOPTION***

<i>Mayor Steven D. Losner</i>	<u>NO</u>
<i>Vice Mayor Julio Guzman</i>	<u>YES</u>
<i>Councilwoman Erica G. Ávila</i>	<u>YES</u>
<i>Councilwoman Jenifer N. Bailey</i>	<u>YES by Telephone</u>
<i>Councilwoman Patricia D. Fairclough- Staggers</i>	<u>YES</u>
<i>Councilman Sean L. Fletcher</i>	<u>ABSENT</u>
<i>Councilman Larry Roth</i>	<u>YES</u>