

ORDINANCE NO. 2013-6

AN ORDINANCE OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING SECTION 24-41 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "RS-1 RESIDENTIAL SINGLE-FAMILY DISTRICT" BY AMENDING REGULATIONS FOR DRIVEWAYS; AMENDING SECTION 24-92 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "OFF-STREET PARKING REQUIREMENT" BY UPDATING REGULATIONS FOR PARKING COMMERCIAL VEHICLES IN RESIDENTIAL AREAS AND ELIMINATING REGULATIONS FOR SINGLE-FAMILY DRIVEWAYS; CREATING SECTION 24-92.1, ENTITLED "SINGLE-FAMILY RESIDENTIAL DRIVEWAY DESIGN STANDARDS" TO PROVIDE DESIGN STANDARDS FOR SINGLE-FAMILY DRIVEWAYS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the current regulations regarding residential driveways offer residents limited options for any type of deviation; and

WHEREAS, in order to give residents more options for constructing, installing and altering driveways, amendments to the current Code are required; and

WHEREAS, the City Code currently prohibits the overnight parking of commercial vehicles in residential areas, with the exception of work vehicles used by residents, but does not clearly define the term "commercial vehicles" nor does it give anyone the criteria or guidelines necessary to abide by the City Code; and

WHEREAS, new language is being introduced to clearly define commercial vehicles and where they can be parked; and

WHEREAS, the Mayor and City Council believe that the maintenance of commercial and/or other non-residential purpose vehicles in single and two family residential neighborhoods constitutes a public nuisance and disturbs the tranquil nature of residential neighborhoods; and

WHEREAS, this ordinance was heard by the Planning and Zoning Board on Monday, April 8, 2013 and received a favorable recommendation with a vote of 7 to 0; and

WHEREAS, the regulation of commercial and/or other non-residential purpose vehicles in the City's residential neighborhoods is part of the ongoing overall effort by the City to upgrade and maintain minimum housing standards in the City of North Miami Beach.

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. Sec. 24-41 RS-1 Residential Single-Family District of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

Sec. 24-41 RS-1 Residential Single-Family District

(D) Site Development Standards.

(9) *Special regulations:*

Anything in this Code to the contrary notwithstanding, the following special regulations shall apply for this district:

(q) ~~Off-street parking: Each residence shall provide for off-street parking on the lot for not less than two (2) standard-size American passenger vehicles. The parking spaces shall be ten (10) feet by twenty (20) feet each. This requirement shall not be deemed to be met by a parking area wherein the vehicles must park one behind the other, except in the case of a circular driveway.~~ Reserved.

Section 3. Sec. 24-92 Off-Street Parking Requirements of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

Sec. 24-92 Off-Street Parking Requirements

(E) ~~Single-Family/Two-Family/Three-Family and Four-Family Dwellings.~~

(1) ~~Uncovered parking and driveways:~~

(a) On-site driveways for ~~single-family~~, two-family, three-family and four-family dwellings in residential districts shall be considered as off-street parking spaces provided sufficient space is available on such driveways to meet the requirements of this article and said driveways are paved with concrete, asphalt, or pavers of brick ~~or cement bedded in sand~~, or similar material authorized by the Director.

(b) Parking on the grass is prohibited except ~~temporary~~ parking on the swale. (Ord. No. 2006-1 § 13, 2/21/2006)

(c) ~~Landscape buffer strips.~~

1. After October 15, 2000, driveway or sidewalk pavement may not be installed within five (5) feet of an interior side lot line or ten (10) feet of a corner side lot line, ~~except in the MH-1 and RS-5 Zoning Districts where the minimum distance shall be three (3) feet from an interior side lot line and five (5) feet from a corner side lot line.~~

2. After October 15, 2000, driveway pavement may not be installed within five (5) feet of the wall of any structure located on the property, except for an active carport or garage. In the case of new garage or carport conversions or enclosures permitted and/or constructed after October 15, 2000, the driveway pavement shall be removed from the front of the carport or garage for a minimum distance of five (5) feet and landscaping be installed there.

(2) ~~Carports:~~ All carports shall have a roof that is adequately maintained.

~~(3) Commercial and/or other non-residential purpose vehicles:~~

~~(a) No commercial and/or other nonresidential purpose vehicles, such as trucks, tractors, trailers, panel trucks, buses, school buses or any other commercial vehicle less than three quarter (3/4) ton, shall be parked, kept or maintained in any two-family residential district during the nighttime for any period of time or during the daytime for a period in excess of four (4) hours, except for purposes of delivery of goods, or for construction or repair, or for the loading and/or unloading of passengers, except that the owner and/or occupancy of a two-family dwelling may park no more than one (1) such vehicle in or on said residential property if the vehicle constitutes the regularly driven work vehicle of the owner/occupant, unless prohibited elsewhere in this Code.~~

~~(b) The restrictions in this section are in addition to and not in place of any and all other parking and/or other restrictions in this Code. (Ord. No. 92-14, § 2, 7-21-92)~~

(F) *Nonresidential Driveways.* Adjacent nonresidential uses of less than ten thousand (10,000) square feet of gross floor area shall share on-site driveways to the extent possible.

(G) *Parking of commercial vehicles or commercial equipment in residential areas.* It shall be unlawful to park a commercial vehicle or commercial equipment on any lot in a residential zoning district unless one of the following conditions exists:

- (1) The vehicle and/or equipment is engaged in a construction or service operation on the site where it is parked. The vehicle or equipment must be removed as soon as the construction or service activity has been completed.
- (2) The vehicle and/or equipment is parked in a garage or fully enclosed structure and cannot be seen from adjacent properties or the street serving the lot.
- (3) The vehicle is parked in the rear of the main structure and is enclosed within a vegetative screening which conceals the vehicle from the view of neighbors.
- (4) Automobiles; passenger type vans; and pickup trucks having a rated load capacity of one ton or less, all of which do not exceed 7½ feet in height, nor seven feet in width, nor 25 feet in length shall be exempted from this section unless otherwise prohibited.
- (5) Exempted from this section is small commercial equipment such as ladders and pipes which cannot be contained in the vehicle. Said equipment shall be secured to the vehicle and shall not extend beyond the length of the vehicle.
- (6) Parking of commercial vehicles or commercial equipment on vacant residential lots is prohibited.
- (7) These exceptions shall not apply in the RS-1 district and all provisions of Section 24-41 of this Code shall remain in full force and effect.
- (8) The restrictions in this section are in addition to and not in place of any and all other parking and/or other restrictions in this Code.

Section 4. Sec. 24-92.1 Single-Family Residential Driveway Standards of the Code of Ordinances of the City of North Miami Beach is hereby created as follows:

Sec. 24-9.1 Single-Family Residential Driveway Design Standards

(A) *Setbacks.*

- (1) *Side Property Line:* Driveway or sidewalk pavement may not be installed within five (5) feet of an interior side lot line or ten (10) feet of a corner side lot line, except in the MH-1 and RS-5 Zoning Districts where the minimum distance shall be three (3) feet from an interior side lot line and five (5) feet from a corner side lot line.
- (2) *Structure:* Driveway pavement may not be installed within five (5) feet of the wall of any structure located on the property, except for an active carport or garage. In the case of new garage or carport conversions or enclosures the driveway pavement shall be removed from the front of the carport or garage for a minimum distance of five (5) feet and landscaping be installed there.

(3) Front Property Line: Driveway pavement may not be installed within five (5) feet of a front lot line unless it is connected to the street.

(B) Size.

(1) Minimum driveway width of nine (9) feet.

(2) Minimum driveway depth of eighteen (18) feet.

(3) Maximum driveway width of twelve (12) feet per parking space, with a total maximum thirty-six (36) feet:

(a) One car back-out driveway width twelve (12) feet

(b) Two car back-out driveway width twenty-four (24) feet

(c) Three car back-out driveway width thirty-six (36) feet

(d) Semi-circular or arcing driveway width twelve (12) feet

(C) Driveway Approach.

(1) Driveway must be connected to a street or alley by a paved approach.

(2) No more than two (2) driveway approaches shall be located in the front yard.

(3) The material of the driveway approach must match the material of the driveway.

(4) A three (3) foot flare shall be required on each side of the driveway approach at its connection to the street or alley.

(5) Sidewalks shall be continuous and may not be interrupted by driveways or driveway approaches.

(D) Parking on the grass is prohibited except for parking on the swale.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 7. It is the intention of the City Council of the City of North Miami Beach 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 Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word as the codifier may deem fit.

APPROVED BY TITLE ONLY on first reading this **4th day of June, 2013.**

APPROVED AND ADOPTED on second reading this **18th day of June, 2013.**

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Mayor & City Council

COUNCILPERSON	YES	NO	ABSTAIN	ABSENT
Mayor George Vallejo	X			
Vice-Mayor Anthony DeFillipo	X			
Councilwoman Barbara Kramer	X			
Councilwoman Marlen Martell	X			
Councilman Frantz Pierre	X			
Councilwoman Phyllis Smith	X			
Councilwoman Beth Spiegel	X			