

ORDINANCE NO. _____-2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-015, PARKING OF COMMERCIAL VEHICLES IN CITY LIMITS, TO UPDATE AND CLARIFY WHICH COMMERCIAL VEHICLES MAY OR MAY NOT BE PARKED IN THE RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, BUSINESS, AND COMMERCIAL ZONING DISTRICTS OF THE CITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE

WHEREAS, the City ordinance related to the parking of commercial vehicles in the City has not been reviewed or updated in many years; and,

WHEREAS, the City has become aware of the recent trends related to the operation of vans, trucks, and sport utility vehicles instead of standard automobiles for family purposes; and,

WHEREAS, it has also become apparent that many of the vehicles being used for family transportation are also being used in family businesses; and,

WHEREAS, the use and nature of the vehicles currently being purchased and operated for family and business purposes are sufficiently different from single use family automobiles to justify a review of the City's parking provisions; and,

WHEREAS, there appears to be sufficient current justification to permit the parking of certain vehicles previously categorized as "commercial vehicles" in the various zoning districts of the City; and,

WHEREAS, despite the current justification for the amendment of the City's commercial vehicle parking regulations, it is equally apparent that the same trends today from single purpose automobiles to larger multi-purpose vehicles requires the enactment of restrictions, limitations, and controls on the parking of the current day "commercial vehicles" within the various zoning districts of the City; and,

WHEREAS, the City Council has received presentations from City Staff and conducted extensive debate at public meetings regarding the updating and revising of the City's current commercial vehicle parking Ordinance; and,

WHEREAS, the City Council has determined that the updated, clarified, and revised provisions presented regarding the parking of commercial vehicles in the City is in the best interests of the City and its citizens:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS:

Section 1: That Code of Ordinance Section 150-015 – Parking of commercial vehicles in City limits, is hereby amended as follows:

Sec. 150-015. - Parking of commercial vehicles in City limits.

(A) Parking of commercial vehicles in the single family residential zoning districts of the City.

(1) The following vehicles shall be permitted to park in the single family residential zoning districts of the City as provided herein.

(a) Approved Parking - All cars, trucks, vans, or sport utility vehicles that do not exceed 10,000 pounds of gross vehicle weight, 22 feet in length, and 8 feet in height may park in any approved parking location in any single family residential zoning district of the City.

(b) Approved Additions to Vehicles - All cars, trucks, vans, or sport utility vehicles approved for parking in Section (a) above may also be permitted to be equipped with the following vehicle additions.

(1) Signage

(2) Elevated Racks, including the carrying of ladders, pipes, lumber, or any other similar items, so long as such equipment is properly and safely secured to the vehicle.

(3) Equipment Cabinets and Bed Coverings, so long as such equipment is properly and safely secured to the vehicle. However, the approval of this equipment shall not be construed to allow the carrying of materials or supplies in the rear or beds of vehicles unless contained within equipment cabinets or covered in a manner which eliminates both the view of, and access to, the materials or supplies.

(c) Specially Customized Vehicles - Any specially customized vehicles that exceed the previously established dimensions for approved parking in the Single Family Residential Zoning Districts of the City may be approved for such parking, in the sole and exclusive discretion of the City Code Compliance Department, if a written request is submitted by the vehicle owner for a determination that the subject vehicle contains specially customized features, is clearly “non-commercial” in nature and appearance, and will only be used for social driving

purposes. The Code Compliance Department determination may require that any specially customized vehicles be parked in the rear or side yard of any residential property and properly screened from adjacent properties.

(d) Residential Parking Variances - Except for the vehicles that are specially prohibited from parking in the single family residential zoning districts of the City set forth in this Ordinance, any cars, trucks, vans, or sport utility vehicles that exceed the weight, length, and height limitations for approved residential zoning district parking and are used exclusively for family transportation may apply for a variance to park in such districts. The variance process shall be conducted in the same manner and in conformity with the same standards and requirements that are applicable to the consideration of the granting of variances for alternate rear or side yard approved parking of recreational vehicles in the City.

(e) Daytime and Visitation Parking - All commercial vehicles that are providing repair or other services to any single family residential property in the City may park in any approved parking location in the residential zoning districts of the City from 8 o' clock a.m. to 5 o' clock p.m. daily. Notwithstanding the foregoing, no violation of this provision will be issued if the code compliance department determines that a reasonable enlargement of the authorized parking periods provided is required in order to complete an ongoing repair project or to perform emergency repair services to a residential homesite. In addition, any residents of the City who regularly operate commercial vehicles as part of their employment may park their commercial vehicles at their single family residences during the aforesaid daily hours. However, such parking shall not be for the purposes of repairing, cleaning, or the stocking of the commercial vehicle.

(2) The following vehicles shall be prohibited from parking in the single family residential zoning districts of the City:

(a) The following vehicles are prohibited from parking in the single family residential zoning districts of the City, except for qualified daytime and visitation parking as previously provided in this Ordinance, to wit:

- (1) Box trucks
- (2) Equipment carriers
- (3) Trailers/tow trucks
- (4) Lunch/food trucks
- (5) Materials/supplies carriers
- (6) Commercial transport vans
- (7) Buses
- (8) Tractor trailers
- (9) Glass/mirror trucks

(10) Other vehicles clearly designed for commercial use of carriage.

(11) Other vehicles that present health, safety, or welfare hazards to the City.

(b) Notwithstanding any City policy, provision, custom, or code section to the contrary, none of the specifically identified vehicles in Section 2(a) above shall be eligible to seek parking approval by variance or any other means.

(B) Parking of commercial vehicles in the multi-family residential zoning districts of the City.

(1) The following vehicles shall be permitted to park in appropriately striped parking lots in the multi-family residential zoning districts of the City as provided herein.

(a) The vehicles identified in Section (A)(1)(a) of this Ordinance.

(b) The vehicles identified in Section (A)(1)(b) of this Ordinance.

(c) The vehicles identified in Section (A)(1)(c) of this Ordinance.

(d) The vehicles identified in Section (A)(1)(e) of this Ordinance.

(2) The provisions contained in Section (A)(1)(d) of this Ordinance shall also be applicable to vehicle parking in the multi-family residential zoning districts of the City.

(3) The following vehicles shall be prohibited from parking in the multi-family zoning districts of the City.

(a) The vehicles provided in Section (A)(2)(a) of this Ordinance.

(b) Notwithstanding anything contained in Section (B)(1) above, vehicles that require more than one parking space in a single vehicle striped parking lot, despite being otherwise approved for parking in the multi-family zoning districts of the City, are hereby prohibited from parking in such districts.

(C) Parking of Commercial Vehicles in the Business/Commercial, Public Properties, and Church Use Only zoning districts of the City - for the purposes of this Section, a small commercial vehicle shall be defined as anything up to 10,000 pounds of gross vehicle weight, while a large commercial vehicle shall be defined as any vehicle in excess of the gross vehicle weight of a small commercial vehicle.

(1) Northwest 36th Street District, Abraham Tract District, and Airport/Golf District - Large and small commercial vehicles shall be allowed, provided that they are parked in appropriately striped parking lots and do not require more than one parking space, unless the property has specially designated and approved parking spaces for them. Said parking shall not be allowed for rental or sale vehicles, unless the property owner or lessee has an appropriate license for vehicle rentals or sales. No parking shall be allowed for any commercial vehicle which could present health, safety or welfare hazards to the

City, unless specially approved and contained parking is provided for said vehicles.

- (2) Central Business and Neighborhood Business Districts - Small commercial vehicles only shall be allowed, provided that they are parked in appropriately striped parking lots and do not require more than one parking space, unless the property has specially designated and approved parking spaces for them. Said parking shall not be allowed for rental or sale vehicles, unless the property owner or lessee has an appropriate license for vehicle rentals or sales. No parking shall be allowed for any commercial vehicle which could present health, safety or welfare hazards to the City, unless specially approved and contained parking is provided for said vehicles.
- (3) Public Properties District - No parking of commercial vehicles shall be allowed on any public property, with the exception of vehicles which are providing repair, delivery or other service to adjacent properties between the hours of 8 o' clock a.m. and 5 o' clock p.m. unless otherwise approved in writing by the City Manager or his designee. No parking shall be allowed for any commercial vehicle which could present health, safety or welfare hazards to the City, unless specially approved and contained parking is provided for said vehicles.
- (4) Church Use Only District - No parking of commercial vehicles shall be allowed on any church properties, except vehicles which are providing repair, delivery or other service to the church, and vehicles used by the church for transportation (buses, vans, etc.) which fall under the definition of small commercial vehicles and are parked in appropriately striped parking lots and do not require more than one parking space, unless the church has specially designated and approved parking spaces for them. No parking shall be allowed for any commercial vehicle which could present health, safety or welfare hazards to the City, unless specially approved and contained parking is provided for said vehicles.

Section 2: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 3: That this Ordinance shall take effect immediately upon adoption.