

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA AMENDING ARTICLE III, "STOPPING, STANDING AND PARKING," OF CHAPTER 18, "MOTOR VEHICLES," OF THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 18-35, "BOATS AND BOAT TRAILERS; PARKING ON RESIDENTIAL PROPERTY RESTRICTED IN THE R-1 AND R-2 RESIDENTIAL ZONING DISTRICTS," AND SECTION 18-35.1, "RECREATIONAL VEHICLES AND TRAILERS; PARKING ON RESIDENTIAL PROPERTY RESTRICTED IN R-1 AND R-2 ZONING DISTRICTS," TO MODIFY THE LOADING AND SCREENING REQUIREMENTS, ALLOW FOR PERIODIC UTILITY CONNECTIONS FOR MAINTENANCE, ELIMINATE THE SPECIAL EXCEPTION PROCESS AND PROVIDE FOR A NEW DIMENSIONAL EXCEPTION PROCESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through the adoption of Ordinance No. 2016-07, the Village Council amended and clarified the regulations governing the parking and storage of boats, trailers and recreational equipment in the R-1 and the R-2 Zoning Districts; and

WHEREAS, through the adoption of Ordinance No. 2019-06, the Village Council amended these regulations to: eliminate Village registration; modify the screening requirements for boats; prohibit chain link fences with windscreens; extend the grow in period for vegetative screening; and modify the special exception process; and

WHEREAS, the Village Council wishes to again amend these regulations to: allow additional time for loading and unloading of such equipment; exempt mechanical equipment on recreational vehicles from the height restriction; allow periodic utility connections to maintain the equipment and appliances; relax the screening requirements; and eliminate the special exception process and provide for a dimensional exception process for residents who owned and stored such equipment on their properties on or before November 12, 2020; and

WHEREAS, the Village Council determines that the adoption of this Ordinance is in the interests of the public health, safety and welfare of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA as follows:

Section 1. The foregoing "whereas" clauses are hereby ratified as true and are incorporated herein.

Section 2. The Village Council hereby amends Chapter 18, "Motor Vehicles and Traffic," Article III, "Stopping, Standing and Parking," of the Village Code of Ordinances by amending Section 18-35 to read as follows (new language is underlined and deleted language is ~~stricken through~~):

Sec. 18-35. Boats and boat trailers; parking on residential property restricted in R-1 and R-2 residential zoning districts.

Boats and boat trailers shall be parked in the side or rear yard, or within completely enclosed garages on sites containing a single family or duplex residence, subject to the following conditions:

- (1) A maximum of two (2) pieces of such equipment, inclusive of recreational vehicles provided for in section 18-35.1, shall be permitted on a site at one time, excluding those stored within a completely enclosed garage. Boats or personal watercraft shall be on trailers, and a boat or up to two (2) personal watercraft on a trailer shall be considered collectively as one (1) piece of equipment.
- (2) Such parking shall be limited to such equipment owned or leased by and for the use of the occupant of the site, except as otherwise provided in subsection (3) below.
- (3) The location for such parked equipment shall be in the rear yard at least five (5) feet from the rear property line or in the side yard not projecting beyond the front building line. Equipment, including equipment owned by a guest of an occupant, may be temporarily parked on the site from the front building line to the paved street or alleyway (including the swale/rights-of-way as long as no portion extends into any sidewalk or street, but excluding the front yard) for a period of time not to exceed four (4) twenty-four (24) hour periods in any fourteen (14) day ~~seventy-two (72) hours in any thirty (30) day~~ period unless prohibited by section 18-34.1.
- (4) Such equipment shall, at all times, be currently registered and licensed as required by the laws of the State of Florida and, if applicable, shall display a current registration sticker and have attached a current vehicle license plate.
- (5) When parked on the site, such equipment shall not be used for living or sleeping quarters or for housekeeping or storage purposes and shall not have attached thereto any water, sewer, electric or gas service connection, except as may be required to maintain the equipment or appliances or recharge ~~for the purpose of recharging~~ a vehicle's storage batteries.
- (6) Such equipment 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 of the boat exclusive of the trailer shall not exceed thirty (30) feet and the maximum height shall not exceed twelve (12) feet, as measured from the ground. The length of the boat shall be determined utilizing the boat's state registration.
- (7) Such equipment shall be securely affixed to the ground or removed immediately upon the issuance of a hurricane or tropical storm warning by a recognized

government agency so that it will not be a hazard or menace during high winds or hurricanes.

- (8) All such equipment, when parked on site, shall be visually screened from the view of abutting properties, ~~street rights-of-way~~, and alleyways in accordance with subsections (a) and (b) below. The line of sight shall be from the edge of abutting properties, street rights-of-way and alleyways closest to the site. Equipment is not required to be screened from the right-of-way providing access to the rear or side yard if such equipment is located behind a gate at least six (6) feet in height and no more than twenty (20) feet wide.
- (a) Screening shall be in the form of a properly anchored ~~opaque~~-wall, fence, or gate (meeting all building code requirements) or ~~an opaque~~ a hedge or other living vegetation, each with a minimum opacity of ninety percent (90%). Walls, gates or fences shall be constructed in accordance with section 45-36(D), and the use of chain link fencing with windscreens is prohibited. Hedges or other living vegetation shall be planted in the ground ~~on the property on which the equipment is located~~ and shall be of sufficient height to screen such equipment. If screening located on the same property as the equipment requires vegetation greater than four (4) feet in height, vegetation shall be planted a minimum of four (4) feet at grade and shall reach a sufficient height to screen such equipment within two (2) years. Existing hedges or other living vegetation on an adjacent property may be used to provide the required screening, provided, however, that in the event the hedges or other living vegetation on an adjacent property is removed and not replaced so as to provide the required screening, screening shall be provided on the property on which the equipment is located in accordance with the requirements of this section or the equipment shall be removed from the property. Vegetation shall be maintained at all times so as not to encroach onto neighboring properties (if provided on the property on which the equipment is located) or rights-of-way.
- (b) All boat hulls shall be fully screened, provided, however, that consoles, t-tops, canopies, outriggers, electronics and similar appurtenances atop the boat may project beyond the screening material. Notwithstanding the foregoing, boats with cabins must be fully screened ~~on all sides~~.
- (9) If covers are provided for the open part of boats, they shall be tightly fitted such that they conform to the contours of the boat. Covers shall be a solid color. No tarps shall be used.
- (10) All such equipment and the associated parking areas shall be kept in a clean, neat and presentable condition. Such equipment shall not be inoperable, wrecked, junked, partially dismantled or abandoned. Major repairs or overhauling shall not be conducted on the site.

- (11) The village council finds that, as a matter of fact, boats are a customary accessory use of the land in R-1 and R-2 zoning districts in the village.
- (12) Such parked equipment shall not be used in the course of any commercial activity. For this purpose, commercial activity shall include any type of business or activity which is conducted on or off the subject premises.
- (13) Any resident who, on or before November 12, 2020, both (i) owns ~~person seeking to store on his or her property~~ equipment that does not meet the dimensional requirements of subsection (6) above or the setback from the rear property line required by subsection (3) above and (ii) has stored such equipment on his or her property may file an application for a special dimensional exception on a form supplied by the community development department. No fee shall be charged for such application.
- (a) An applicant seeking an exception to the dimensional requirements or rear setback requirement shall be required to demonstrate that ~~due to the size, shape or physical configuration of the property and the location of the equipment, the applicant meets all non-dimensional requirements of this section, including, but not limited to, setbacks and required screening.~~ An applicant seeking an exception to the rear setback requirement shall be required to demonstrate that due to the size, shape or physical configuration of the property, there is no suitable alternate storage location on the property and the applicant meets all other requirements of this section including, but not limited to, required screening, and that the equipment will not significantly affect the natural light or increase the shadows or shade on an adjacent property to the extent that the storage of the equipment on the applicant's property has a negative impact on the neighbor's enjoyment of his or her property.
- (b) The application shall, ~~at a minimum,~~ be accompanied by the following information:
1. Documentation demonstrating equipment ownership and date of acquisition;
 2. Identification of the location of the equipment as evidenced by photographs and/or a sketch; and
 3. Identification of the wall, fence or vegetation utilized for screening in relation to adjacent properties as evidenced by photographs and/or a sketch.

Upon receipt of a completed application, village staff will conduct a site visit to verify compliance with the criteria set forth above and may

require the applicant to provide additional information to complete the application process.

~~a survey demonstrating the precise location proposed for storage of the equipment relative to adjacent properties and rights of way, and a site plan showing the proposed screening material, including all walls, fences, gates and landscaping.~~

- (c) The community development department shall review the application to ensure it is complete and prepare the necessary documentation for review by the ~~planning commission. The planning commission shall review the application at a public hearing and forward a recommendation of approval, approval with conditions or denial to the village council.~~ The village council shall ~~conduct a public hearing and~~ approve, approve with conditions or deny the application. The village council's final determination shall be set forth in a written order.
- (d) ~~The procedure and notice requirements for consideration of the special exception application shall be as set forth in sections 45-16.2(e) and (f) of the village code~~ The applicant shall be required to notify all adjacent property owners, including the owners of properties separated from the applicant's property by a public or private right-of-way, of the council's consideration of the dimensional exception application. Such notice shall be on a form supplied by the community development department. Ownership shall be determined utilizing the county property appraiser's database. At least seven (7) days prior to the village scheduling the dimensional application for consideration by the village council, the applicant shall provide a notarized certification that such notice has been provided to all adjacent property owners either via first class mail or hand-delivery. No additional notice shall be required.
- (e) A dimensional exception shall not run with the property and the sale of the property, a change in the occupant of the property, or a change in the ownership of the equipment shall terminate the approval. Once a dimensional exception has been granted by the village council, any increase in the size of the equipment or significant alteration of the required screening, including but not limited to, the removal of a hedge or other living vegetation on adjacent property, shall require a new application. Notwithstanding the foregoing, if a resident who has been granted a dimensional exception acquires new equipment of the same or smaller dimension that still exceeds the dimensional requirements set forth in subsection (6) above, he or she shall be required to apply for administrative approval on a form supplied by the community development department.

Section 3. The Village Council hereby amends Chapter 18, “Motor Vehicles and Traffic,” Article III, “Stopping, Standing and Parking,” of the Village Code of Ordinances by amending Section 18-35.1 to read as follows (new language is underlined and deleted language is ~~stricken through~~):

Sec. 18-35.1. Recreational vehicles and trailers; parking on residential property restricted in R-1 and R-2 residential zoning districts.

Recreational, campers, and camping equipment in the form of travel and/or camping trailers, motor homes, personal use recreational use trailers including motorcycle and all terrain vehicle trailers and vans, designed and used exclusively as temporary living quarters for recreation, for camping, for travel and for other personal recreation use, shall be parked in the side or rear yard, or within completely enclosed garages on sites containing a single family or duplex residence, subject to the following conditions:

- (1) A maximum of two (2) pieces of such equipment, inclusive of those provided for in section 18-35, at a time shall be permitted on a site, excluding those stored within a completely enclosed garage. No more than one (1) recreational vehicle shall be permitted on site.
- (2) Such parking shall be limited to such equipment owned or leased by and for the use of the occupant of the site.
- (3) The location for such parked equipment shall be in the rear yard at least five (5) feet from the rear property line, or in the side yard not projecting beyond the front building line. Equipment, including equipment owned by a guest of an occupant, may be temporarily parked on the site from the front building line to the paved street or alleyway (including the swale/rights-of-way as long as no portion extends into any sidewalk or street) for a period of time not to exceed four (4) twenty-four hour periods in any fourteen (14) day ~~seventy-two (72) hours in any thirty (30) period~~ unless prohibited by section 18-34.1.
- (4) Such equipment shall, at all times, be currently registered and licensed as required by the laws of the State of Florida and, if applicable, shall display a current registration sticker and have attached a current vehicle license plate.
- (5) When parked on the site, such equipment shall not be used for living or sleeping quarters or for housekeeping or storage purposes and shall not have attached thereto any water, sewer, electric or gas service connection, except as may be periodically required to maintain the equipment and appliances or recharge ~~for the purpose of recharging~~ a vehicle’s storage batteries.
- (6) Such equipment 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 of the equipment exclusive of

the trailer shall not exceed thirty (30) feet and the maximum height shall not exceed ten (10) feet, exclusive of affixed mechanical equipment.

- (7) Such equipment shall be securely affixed to the ground or removed immediately upon the issuance of a hurricane or tropical storm warning by a recognized government agency so that it will not be a hazard or menace during high winds or hurricanes.
- (8) All such equipment, when parked on site shall be visually screened from the view of abutting properties, ~~street rights-of-way~~, and alleyways in accordance with the requirements set forth below. The line of sight shall be from the edge of abutting properties, street rights-of-way and alleyways closest to the site. Equipment is not required to be screened from the right-of-way providing access to the rear or side yard if such equipment is located behind a gate at least six (6) feet in height and no more than twenty (20) feet wide.

Screening shall be in the form of a properly anchored ~~opaque~~ wall, fence or gate (meeting all building code requirements) or ~~an opaque~~ a hedge or other living vegetation, each with a minimum opacity of ninety percent (90%). Walls, gates or fences shall be constructed in accordance with section 45-36(D), and the use of chain link fencing with windscreens is prohibited. Hedges or other living vegetation shall be planted in the ground ~~on the property on which the equipment is located~~ and shall be of sufficient height to screen such equipment. If screening located on the same property as the equipment requires vegetation greater than four (4) feet in height, vegetation shall be planted a minimum of four (4) feet at grade and shall reach a sufficient height to screen such equipment within two (2) years. Existing hedges or other living vegetation on an adjacent property may be used to provide the required screening, provided, however, that in the event the hedges or other living vegetation on an adjacent property is removed and not replaced so as to provide the required screening, screening shall be provided on the property on which the equipment is located in accordance with the requirements of this section or the equipment shall be removed from the property. Vegetation shall be maintained at all times so as not to encroach onto neighboring properties (if provided on the property on which the equipment is located) or rights-of-way.

- (9) All such equipment and the associated parking areas shall be kept in a clean, neat and presentable condition. Such equipment shall not be inoperable, wrecked, junked, partially dismantled or abandoned. Major repairs or overhauling shall not be conducted on the site.
- (10) The village council finds that, as a matter of fact, recreational equipment and camping equipment are customary accessory uses of the land in R-1 and R-2 zoning districts in the village.

- (11) Such parked equipment shall not be used in the course of any commercial activity. For this purpose, commercial activity shall include any type of business or activity which is conducted on or off the subject premises.
- (12) Any resident who, on or before November 12, 2020, both (i) owns ~~person~~ seeking to store on his or her property equipment that does not meet the dimensional requirements of subsection (6) above or the setback from the rear property line required by subsection (3) above and (ii) has stored such equipment on his or her property, may file an application for a special-dimensional exception on a form supplied by the community development department. No fee shall be charged for such application.
- (a) An applicant seeking an exception to the dimensional requirements or rear setback requirement shall be required to demonstrate that ~~due to the size, shape or physical configuration of the property and the location of the equipment, the applicant meets all non-dimensional requirements of this section, including, but not limited to, setbacks and required screening. An applicant seeking an exception to the rear setback requirement shall be required to demonstrate that due to the size, shape or physical configuration of the property, there is no suitable alternate storage location on the property and the applicant meets all other requirements of this section including, but not limited to, required screening, and that the equipment will not significantly affect the natural light or increase the shadows or shade on an adjacent property to the extent that the storage of the equipment on the applicant's property has a negative impact on the neighbor's enjoyment of his or her property.~~
- (b) The application shall, ~~at a minimum,~~ be accompanied by the following information:
1. Documentation demonstrating equipment ownership and date of acquisition;
 2. Identification of the location of the equipment as evidenced by photographs and/or a sketch; and
 3. Identification of the wall, fence or vegetation utilized for screening in relation to adjacent properties as evidenced by photographs and/or a sketch.

Upon receipt of a completed application, village staff will conduct a site visit to verify compliance with the criteria set forth above and may require the applicant to provide additional information to complete the application process.

~~a survey demonstrating the precise location proposed for storage of the equipment relative to adjacent properties and rights of way, and a site plan showing the proposed screening material, including all walls, fences, gates and landscaping.~~

- (c) The community development department shall review the application to ensure it is complete and prepare the necessary documentation for review by the ~~planning commission. The planning commission shall review the application at a public hearing and forward a recommendation of approval, approval with conditions or denial to the village council.~~ The village council shall ~~conduct a public hearing and~~ approve, approve with conditions or deny the application. The village council's final determination shall be set forth in a written order.
- (d) ~~The procedure and notice requirements for consideration of the special exception application shall be as set forth in sections 45-16.2(e) and (f) of the village code~~ The applicant shall be required to notify all adjacent property owners, including the owners of properties separated from the applicant's property by a public or private right-of-way, of the council's consideration of the dimensional exception application. Such notice shall be on a form supplied by the community development department. Ownership shall be determined utilizing the county property appraiser's database. At least seven (7) days prior to the village scheduling the dimensional application for consideration by the village council, the applicant shall provide a notarized certification that such notice has been provided to all adjacent property owners either via first class mail or hand-delivery. No additional notice shall be required.
- (e) A dimensional exception shall not run with the property and the sale of the property, a change in the occupant of the property, or a change in the ownership of the equipment shall terminate the approval. Once a dimensional exception has been granted by the village council, any increase in the size of the equipment or significant alteration of the required screening, including but not limited to, the removal of a hedge or living vegetation on adjacent property, shall require a new application. Notwithstanding the foregoing, if a resident who has been granted a dimensional exception acquires new equipment of the same or smaller dimension that still exceeds the dimensional requirements set forth in subsection (6) above, he or she shall be required to apply for administrative approval on a form supplied by the community development department.

Section 4. The provisions of this Ordinance shall become and be made a part of the Code of the Village of North Palm Beach, Florida.

Section 5. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 6. All ordinances or parts of ordinances and resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall take effect immediately upon adoption.

PLACED ON FIRST READING THIS 10TH DAY OF DECEMBER, 2020.

PLACED ON SECOND, FINAL READING AND PASSED THIS 14TH DAY OF JANUARY, 2021.

(Village Seal)

MAYOR

ATTEST:

VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

VILLAGE ATTORNEY