

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. 10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA AMENDING CHAPTER 14 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "MOTOR VEHICLES AND TRAFFIC" BY SPECIFICALLY AMENDING ARTICLE II, ENTITLED "STOPPING, STANDING AND PARKING," SECTION 14-30 ENTITLED "PARKING OR STORAGE OF COMMERCIAL OR RECREATIONAL VEHICLES, BOATS AND BOAT TRAILERS" TO PROHIBIT THE PARKING AND STORAGE OF CERTAIN COMMERCIAL AND RECREATIONAL VEHICLES IN RESIDENTIAL AREAS EXCEPT AS PROVIDED HEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Administration has conducted a review of the regulations concerning the parking of recreational vehicles, boats, boat trailers, and commercial vehicles within the City; and

WHEREAS, upon its review, City Administration has recommended that the parking and storage of commercial vehicles, such as semi-cabs, trailers, tow trucks and heavy construction equipment, and recreational vehicles, boats, and boat trailers in residential zoned districts be limited, in order to protect the peace and tranquility expected by residents in those districts; and

WHEREAS, the City Commission finds that limiting the parking and storage of boats, boat trailers, commercial and recreational vehicles in residential zoning districts is in the best interests of the citizens and residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AS FOLLOWS:

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SECTION 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Chapter 14, entitled "Motor Vehicles and Traffic," Article II, entitled "Stopping, Standing and Parking," Section 14-30 entitled "Parking or Storage of Commercial or Recreational Vehicles, Boats and Boat Trailers" of the City of Tamarac Code of Ordinances is hereby amended as follows:

14-30 Parking or Storage of Commercial or Recreational Vehicles, Boats and Boat Trailers.

(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. Other definitions provided in F.S. section 320.01 are incorporated by reference.

(1) *Boat or boat trailer* means any maritime vessel boat, yacht or vessel, regardless of size or motor capacity, and any transportation device which may be utilized to transport a boat, yacht or vessel along a public right-of-way.

(2) *Commercial vehicle* means any vehicle which is not used solely for personal nonbusiness activities. ~~Outside lettering of any such vehicle designating a business of any kind shall be one, but not the only, method of establishing its commercial status.~~ The following types of vehicles shall be considered commercial for purposes of this section:

- a. Truck cab;
- b. Trailer;
- c. Semitrailer;
- d. Tractor crane;
- e. *Power shovel*;
- f. Well driller;
- g. Bus;
- h. Taxi, limousine and other vehicles for hire;
- i. Ambulance;
- j. Wrecker (tow truck);
- k. Hearse;
- l. Vehicles with more than two axels;

- m. Vehicles which exceed 20 feet in length and 8 feet in height;
- n. Vehicles with visible outside lettering, licensure information, decals, logos, vehicle wraps, or other commercial information.
- o. Vehicles with visible ladder, bucket, aerial device, refrigerated box, or having any equipment for the purpose of performing any work of a commercial nature or carrying goods other than for personal effects of passengers.

(3) *Mobile home* means a structure which is transportable in one (1) or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, which is built on a permanent chassis, and which is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. (F.S. section 513.01)

(4) *Recreational vehicle* means a vehicular, portable structure which is built on a chassis; which is designed as a temporary dwelling for travel, camping, recreation or vacation; and which has a transportable body which either has its own motive power or is mounted on or drawn by another vehicle. ~~width not exceeding eight (8) body feet and a length not exceeding thirty five (35) feet.~~ (F.S. section 513.01)

(b) *Restrictions in residentially zoned districts.* Except as hereinafter provided, no owner or person having the use of a commercial vehicle, or recreational vehicle or a boat or boat trailer shall park such vehicle or boat or boat trailer for any period of time on either a public right-of-way or privately owned property in a residentially zoned district as now defined or as may be defined in the future or in a clubhouse district as now defined or as may be defined in the future between 9:00 p.m. and 6:00 a.m. This section shall not apply, however, to the following:

- (1) Commercial vehicles, boats or boat trailers parked in a covered garage or carport or other area which is enclosed on any side of the property adjacent to residential property and is concealed or completely screened from view from any side street abutting the parcel where the vehicle is located. This section is not a waiver of setback requirements or any other applicable ordinance, code, or regulation.
~~, or fenced area. Such fenced area shall be not less than twenty five (25) feet from any public right-of-way and must be separated from the right-of-way and from all adjacent property by a six foot opaque fence. The area around the fence is to be landscaped in a manner that will help screen the vehicle, boat or boat trailer from view from the public right of way. This section is not a waiver of setback requirements of any other ordinances or regulations, each of which must be complied with by any party seeking to be included under this~~

section.

(2) A maximum of one Recreational vehicle, one boat and one boat trailer, under ten (10) feet in height, may be parked or stored as follows:

- a. within a covered garage or carport, or other area which is enclosed on any side of the property adjacent to residential property and is concealed or completely screened from view from any side street abutting the parcel where the vehicle is located; or, in a fenced area not less than twenty five (25) feet from any public right of way provided that the area shall be concealed or completely screened from view from any street abutting the parcel where the vehicle is located and from any contiguous residential property by landscaping and fencing or opaque fencing.
- b. This section is not a waiver of setback requirements of any other ordinances or regulations, each of which must be complied with by any party seeking to be included under this section.

~~(2)-(3)~~ Motor vehicles made necessary by actual physical impairment.

~~(3)~~ (4) Motor vehicles, boats or boat trailers parked in districts zoned R-3U and R-4A multifamily for which special areas for these commercial or recreational vehicles have been designated by the property owner. These areas must be not less than twenty-five (25) feet from any public right-of-way and must be separated from the right-of-way by a fence or vegetation of a minimum height of four (4) feet and a maximum height of six (6) feet. A property owner seeking to provide a special parking area for commercial or recreational vehicles must notify the city's community development department building official and chief of police, in writing, of the creation of the area.

~~(4)-(5)~~ Any prohibited vehicle may be parked or stored in a prohibited area for purposes of loading or unloading on a temporary basis; provided, however, any vehicle remaining on the premises for a continuous twenty-four-hour period shall be considered as conclusive evidence that the vehicle is not being loaded or unloaded, and any of the foregoing vehicles parked or stored in a prohibited area for more than two (2) evenings between the hours of 9:00 p.m. and 6:00 a.m. in any twenty-day period shall be considered as being in violation of the prohibited parking section of this section.

~~(5)~~ (6) Recreational vehicles and mobile homes shall be permitted to park or be stored in a prohibited area for a period of up to forty-eight (48) hours, in addition to that twenty-four-hour period permitted by paragraph (4)(5), provided that the owner of the recreational vehicle or mobile home complies

with the following:

a. The owner of a recreational vehicle or mobile home desiring to park or store the recreational vehicle or mobile home in a prohibited area for up to seventy-two (72) hours must contact the city police department and request permission to park for such additional period.

b. Where required by the police department, it may be necessary for the owner to submit any or all manner of reasonable proof, including written documents and an application, in order to show that the additional forty-eight-hour period being sought will be utilized for the purposes of loading or unloading a recreational vehicle or mobile home.

(c) *Restrictions in commercially zoned districts.*

(1) Except as hereinafter provided, no owner or person having the use of a commercial vehicle, recreational vehicle, boat or boat trailer shall park, store or keep the vehicle, boat or boat trailer for any period of time within the property lines of any commercially zoned district.

(2) This section shall not apply to the following:

a. Vehicles parked in city storage facilities;

b. Vehicles parked in duly authorized and properly licensed commercial establishments that engage in the sale or lease of motor vehicles;

c. Vehicles which have an active commercial or business purpose for which the owner or person having the use of said vehicle(s) holds a current and valid local business license for a business location within the commercially zoned district; provided, however, that such vehicle shall be parked, stored or kept within ten (10) feet of the business location or at the rear of the commercial facility or structure. If parked at the rear of the structure in cases where the structure abuts a public street, or any residential or recreation/open space zoning district, the vehicle shall be provided with an opaque screen, which screen when seen from the abutting residential property, recreation property, public street or from the second floor or higher of a residential structure, totally obstructs the view of the vehicle.

(d) *Parking on or adjacent to vacant land.*

(1) Parking on or adjacent to vacant land or on City owned property is prohibited, other than for disabled vehicles, which are required to be removed within six (6) hours of such disability. No commercial or recreational vehicle, trailer, semitrailer, semi-truck, cart, buggy, truck, bus or tractor shall be permitted to

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park on vacant properties or on roadways adjacent to vacant property.

(2) For the purposes of this section, "vacant property" shall be defined as any property within city limits which is unimproved, not occupied and/or not used. "Vacant property" includes lands platted and not platted.

(3) Violations: Any vehicle found to be in violation of this section shall be impounded at the direction of the City of Tamarac. Said vehicle shall remain impounded until any and all towing and/or storage fees are paid directly to the towing company together with a two hundred dollar (\$200.00) City Administrative Fee, which fee shall be paid directly to the City of Tamarac to reimburse the city for the administrative expenses incurred in the impounding process.

(e) Living or residing in a recreational vehicle: No recreational vehicle shall be occupied or used for human habitation, including, but not limited to sleeping, eating, or entertaining.

(f) Obstruction of Sidewalks: No Commercial or Recreational vehicle, boat, or boat trailer shall obstruct a sidewalk.

(g) Covering of Commercial Lettering: Visible outside lettering, licensure information, decals, logos, vehicle wraps, or other commercial information may be concealed by an aesthetically appropriate and secured weatherproof cover. Examples of aesthetically appropriate and secured weatherproof covers are, but are not limited to, a plain magnetic cover similar to the color of the vehicle, or a properly secured vehicle cover. The City's Community Development Director's determination as to the appropriateness of a particular cover shall be final.

(eh) Citation. The Broward Sheriff's Office District Commander or his designate is directed to review and recommend to the city the disposition of a citation issued for improper parking of a commercial or recreational vehicle upon the showing of registration or other proof for the vehicle that was issued the citation that demonstrates that the cited vehicle is not within any category set forth in subsections (a)(2), or (a)(4), or falls within the exceptions set forth in subsection (c)(2) above.

SECTION 3. Codification. It is the intention of the City Commission of the City of Tamarac that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Tamarac, Florida, and that the Sections of this ordinance may be renumbered, re lettered and the word "Ordinance" may be changed to

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"Section", "Article" or such other word or phrase in order to accomplish such intention

SECTION 4. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. Severability. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 6. Effective Date. This Ordinance shall become effective upon adoption.

THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.

PASSED, FIRST READING this 27 day of April, 2016.

PASSED, SECOND READING this 11 day of May, 2016.

BY: H. Dressler
MAYOR HARRY DRESSLER

ATTEST:

Patricia Teufel
PATRICIA TEUFEL, CMC
CITY CLERK

RECORD OF COMMISSION VOTE: 1ST Reading

MAYOR DRESSLER	<u>yes</u>
DIST 1: COMM BUSHNELL	<u>yes</u>
DIST 2: COMM GOMEZ	<u>yes</u>
DIST 3: V/M GLASSER	<u>yes</u>
DIST 4: COMM PLACKO	<u>yes</u>

I HEREBY CERTIFY that
I have approved this
ORDINANCE as to form:

RECORD OF COMMISSION VOTE: 2ND Reading

Samuel S. Goren
SAMUEL S. GOREN
CITY ATTORNEY

MAYOR DRESSLER	<u>yes</u>
DIST 1: COMM BUSHNELL	<u>yes</u>
DIST 2: COMM GOMEZ	<u>absent</u>
DIST 3: V/M GLASSER	<u>yes</u>
DIST 4: COMM PLACKO	<u>yes</u>