

## ORDINANCE 2024-07

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, BY AMENDING CHAPTER 72, ARTICLE II, ZONING, DIVISION 8, SECTION 72-2 - DEFINITIONS, AND SECTION 72-287 - PARKING AND STORAGE OF VEHICLES, SHELTERS, OR WATERCRAFT, TO ALLOW FOR A MAXIMUM OF TWO COMMERCIAL TRUCKS TO BE PARKED IN CERTAIN ZONING CLASSIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 72-287, Zoning Ordinance, prohibits the parking of commercial vehicles on any residentially zoned property;

WHEREAS, at their regularly scheduled meeting on October 18, 2023, County Council directed staff to amend section 72-287 of the Zoning Ordinance to allow a maximum of commercial trucks to be parked on agriculturally zoned properties;

WHEREAS, truck drivers are crucial members of the local economy and there is a shortage of commercial truck parking in Volusia County;

WHEREAS, it is consistent with the Volusia County Comprehensive Plan to allow for such modifications to Zoning requirements; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

**(Words in ~~strike through~~ are deletions; words in double underscore type are additions)**

**SECTION I.** Chapter 72, Article II, Section 72-2 of the Code of Ordinances, County of Volusia, is amended to read as follows:

### **Sec. 72-2. Definitions.**

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Commercial Vehicle: Any vehicle which is not owned or operated by a governmental entity, which uses special fuel or motor fuel on the public highways, and which has a gross vehicle weight of 26,001 pounds or more, or has three or more axles regardless of weight, or is used in combination when the weight of such combination exceeds

26,001 pounds gross vehicle weight This shall have the same definition as commercial motor vehicle established by F.S. § 320.01.

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Trailer: A vehicle without motor power of its own, designed for carrying passengers or property, and drawn by an automobile, motor truck or tractor. It is intended to include the terms "tractor-trailer" and "semitrailer," but not to include "mobile home" or "mobile recreational shelters or vehicles."

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Truck/light: Any motor vehicle with a net vehicle weight of 5,000 pounds or less and which is designed or used principally for the carriage of goods and includes a motor vehicle to which has been added a cabinet box, a platform, a rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers (F.S. § 320.01).

Trucks/heavy: Tractor-trailers, single-unit trucks, and some cargo vans weighing more than 5,000 pounds, which is registered on the basis of gross vehicle weight in accordance with s. 320.08(4), and which is designed or used for the carriage of goods or designed or equipped with a connecting device for the purpose of drawing a trailer that is attached or coupled thereto by means of such connecting device and includes any such motor vehicle to which has been added a cabinet box, a platform, a rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers (F.S. § 320.01)..

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Truck Tractor: A motor vehicle which has four or more wheels and is designed and equipped with a fifth wheel for the primary purpose of drawing a semitrailer that is attached or coupled thereto by means of such fifth wheel and which has no provision for carrying loads independently (F.S. § 320.01).

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Semitrailer: Any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle (F.S. § 320.01).

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**SECTION II.** Chapter 72, Article II, Section 72-287 of the Code of Ordinances, County of Volusia, is amended to read as follows:

**Sec. 72-287. Parking and storage of vehicles, shelters or watercraft.**

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**(a) Large Commercial vehicles.**

(1) No truck tractor, semitrailer, commercial bus, cutaway van, (except for those allowed in subsection (b)(6), below, chassis cab truck, or any other commercial vehicle or commercial truck with a gross vehicle weight greater than 10,500 26,001 pounds (as determined by the greater of the vehicle registration or the manufacturer's specification) shall be parked, except while being actively loaded or unloaded for legitimate commercial purpose in the RR, ~~RE~~, R-1 through R-9, MH-1, MH-2, MH-4, MH-5, MH-6, MH-7, ~~MH-8~~, and the residential use areas of PUD and SWR classifications.

(2) The parking of truck tractors and/or semi-trailers is prohibited in the B-1, B-2, B-3, B-4, B-8, B-9 and B-PUD's and commercial use areas of R-PUD's, SWC, SWR, and AP classifications, unless said vehicles are accessory to or associated with the business(es) on the premises.

(3) A maximum of two (2) commercial vehicles, which includes truck tractors, semitrailer, commercial buses, cutaway vans, and chassis trucks, be parked on a single parcel in the MH-3, MH-4, MH-8, OTR, ORE, OCR, RR, RA, A-1 through A-4, FR and RC classifications provided:

- (a) The vehicles are owned by the occupant of the premises.
- (b) They shall have a current license tag or validation sticker.
- (c) The ground beneath shall be kept free from debris, including excessive weed growth.
- (d) They shall not be parked or stored within a street or public right-of-way.
- (e) They shall not be parked in the front yard(s), as established by the zoning classification, and must be parked a minimum of five feet from the side or rear property boundaries.

**(b) *Mobile recreational shelters and vehicles.*** Mobile recreational shelters and vehicles, utility trailers, watercraft and other trailers are permitted as an accessory use in all zoning classifications provided:

- (1) They shall have a current license tag or validation sticker.
- (2) The ground beneath shall be kept free from debris, including excessive weed growth.
- (3) They shall not be parked or stored within a street or public right-of-way.
- (4) All wastewater line caps shall be secured at all times in a manner to preclude any leakage from such vehicles, shelters or watercraft onto a lot or street.
- (5) They shall not be connected to water, sewer or electric lines or be used for residential purpose, except in a recreational vehicle park.
- (6) Park trailers shall only be parked in a recreational vehicle park.

**(c) *Mobile recreational shelters or vehicles in residential areas.*** Except as otherwise provided herein, mobile recreational shelters and vehicles, utility trailers, watercraft and other trailers are permitted as an accessory use in the RR, ~~RE~~, R-1 through R-6, R-9, MH-4, MH-5, MH-6 and the single- and two-family residential areas of the PUD classification; provided that, in addition to the requirements of subsection (b), above, the following additional conditions are also met:

- (1) They shall be parked or stored in full compliance with all requirements for accessory structures, except that pickup covers when appropriately mounted on a vehicle shall not be restricted to the parking requirements of this section.
- (2) Mobile recreational shelters or vehicles and watercraft may also be temporarily parked on the driveway in the front yard of the principal structure for trip preparations, loading, unloading, and cleanup, for a maximum of 36 hours per week.
- (3) Mobile recreational vehicles and cutaway vans may be parked on the driveway in the front yard of the principal structure when the occupant of the principal structure has a disability which may require facilities in the recreational vehicle or cutaway van, and if the occupant has received a handicapped parking decal from the State of Florida for the vehicle.
- (4) Notwithstanding any provision to the contrary, watercraft and watercraft trailers may be parked on the driveway in the front yard of a principal structure in the MH-5 classification without being subject to subsections (c)(1) and (c)(2) of this section, where the principal structure is located in a platted subdivision with canal access directly to the intracoastal waterway and is on a lot no more than 50 feet wide.

**(d) ~~Mobile recreational shelters or vehicles in residential areas.~~** Except as otherwise provided herein, mobile recreational shelters and vehicles, utility trailers, watercraft and other trailers are permitted as an accessory use in the RR, R-1 through R-6, R-9, MH-4, MH-5, MH-6 and the single- and two-family residential areas of the PUD classification; provided that, in addition to the requirements of subsection (b), above, the following additional conditions are also met:

**(e) ~~(d) Residential parking.~~** In the RR, R-1 through R-6, R-9, MH-4, MH-5, MH-6, and the single- and two-family residential use areas of PUD classifications, motor vehicles, mobile recreational shelters or vehicles, trailers and watercraft, shall not be parked anywhere within that portion of the lot lying across the full width of the lot between the front lot line and the principal structure, ~~except on driveways.~~ However, such vehicles may be parked on a driveway between the principal structure and the front yard building setback line.

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**SECTION III: SEVERABILITY** - Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

**SECTION IV: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

**SECTION V: AUTHORIZING INCLUSION IN CODE.** The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Volusia, as additions or amendments thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**SECTION VI: EFFECTIVE DATE.** This ordinance shall take effect upon electronic filing of a certified copy with the Department of State.

ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 17th DAY OF JUNE A.D., 2025.

COUNTY COUNCIL

ATTEST:

VOLUSIA COUNTY, FLORIDA



George Recktenwald



Jeffrey S. Brower

