



City of North Port

ORDINANCE NO. 2018-09

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO PARKING AND STORAGE OF CERTAIN VEHICLES ON RESIDENTIAL LOTS BY CREATING CHAPTER 59 - PROPERTY STANDARDS, ARTICLE I - IN GENERAL, RESERVING SECTIONS 59-1 THROUGH 59-15 AND CREATING SECTION 59-16 - PARKING AND STORAGE OF CERTAIN VEHICLES ON RESIDENTIAL LOTS; AMENDING CHAPTER 74 - TRAFFIC AND VEHICLES, ARTICLE IV - STOPPING, STANDING AND PARKING, SECTION 74-84, 74-85 AND SECTION 74-92 - STORAGE OF CERTAIN VEHICLES; PROVIDING FOR ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission held a properly-noticed workshop on January 4, 2018 to discuss the parking and storage of certain vehicles in residentially-zoned districts, and by consensus, directed staff to draft an ordinance creating a chapter in the Code of the City of North Port, Florida titled "Property Standards," with a subsection titled "Parking and Storage of Certain Vehicles;" and

WHEREAS, the City of North Port has broad home-rule powers to enact ordinances which are not inconsistent with general or special law for the purposes of protecting the public health, safety, and welfare of its citizens; and

WHEREAS, the City Commission has determined that the proposed amendments to the code serve the public health, safety and welfare of the citizens of the City of North Port, Florida.

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

SECTION 1- FINDINGS:

The City Commission hereby makes the following findings:

- 1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

SECTION 2 - ADOPTION:

- 2.01 The City Commission hereby approves and adopts the following amendments to the Code of the City of North Port, Florida, creating Chapter 59 to read as follows:

"CHAPTER 59 - PROPERTY STANDARDS

ARTICLE I. - IN GENERAL

Secs. 59-1-59-15. - Reserved.

Sec. 59-16. - Parking and storage of certain vehicles on residential lots.

(a) Definitions. For the purposes of this section, the following terms, phrases, words, and their derivations shall have the meanings given herein:

- (1) Boat. A vessel or watercraft used, or which is capable of being used, as a means of transportation on water(s). This definition excludes paddleboats, canoes, kayaks, floats, jet skis, and rafts.
- (2) Bus. A vehicle designed for transporting sixteen or more passengers over public streets.
- (3) Debris. The scattered remains of broken or destroyed material(s); rubble or wreckage.
- (4) Improved surface. Driveway, gravel, asphalt, concrete, pavers, wood chippings, shell, or other installed or placed surface.

- (5) Motor vehicle. A car, pickup truck, van, sport utility vehicle (SUV), race car, motorcycle, or other conveyance designed for transporting 16 or fewer passengers over public streets.
- (6) Pickup truck. A motor vehicle with an enclosed cab and either an open back or a cargo unit less than 16,000 empty vehicle weight pounds.
- (7) Principal structure. A building or structure carrying out the primary use of the lot or parcel.
- (8) Race car. A motor vehicle maintained for the express purpose of speed competition.
- (9) Recreational vehicle (RV). A recreational-vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.
- (10) Residential lot. A residentially-zoned lot upon which a single-family residence or duplex is built.
- (11) Semitrailer. A vehicle without motive power designed to be coupled to or drawn by a truck tractor, constructed so that some part of its weight and that of its load rests upon or is carried by the truck tractor, and designed for the transportation of freight or cargo. This definition excludes recreational vehicles.
- (12) Storage. A vehicle or boat shall be deemed as "stored" when the vehicle or boat has not been moved in five consecutive days.
- (13) Trailer. Any vehicle without motive power designed to be coupled to, drawn by or used in connection with a motor vehicle or truck.
- (14) Truck. A motorized vehicle with an empty vehicle weight of 16,000 pounds or more, excluding recreational vehicles.
- (15) Truck tractor. A motorized vehicle used for commercial purposes that 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.

(16) Vehicle. Any device or conveyance for transporting person(s) or property over the public streets.

(17) Yard, front. The area of a residential lot that extends from the wall of the dwelling unit, typically containing the front door, and parallels the road to the road right-of-way.

(18) Yard, rear. The area that extends across the full width of a residential lot and lying between the rear lot line and the nearest part of the dwelling unit. Rear yard depth shall be measured at right angles to the rear line of the residential lot.

(19) Yard, side. The area lying between the side line of a residential lot and the nearest part of the dwelling unit and extending from the front yard to the rear yard or, in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard widths shall be measured at right angles to side lines of the residential lot.

(b) A boat on a trailer or anything on a trailer constitutes one vehicle.

(c) Parking and storing vehicles on a residential lot. Motor vehicles, recreational vehicles, boats, and trailers may be parked or stored on a residential lot only if said lot has a principal structure.

(1) When three or more adjacent or abutting residential lots, one of which has a principal structure, have common parcel boundaries, and are administratively combined by the Sarasota County Property Appraiser, one bus, one truck, or one truck tractor may be parked or stored on the property, provided that the bus, truck, or truck tractor shall be buffered so as to be at least eighty percent (80%) opaque from the adjacent residential lots and any right-of-way. Residential lots located across a public right-of-way shall not be considered abutting. The eighty percent (80%) opacity requirement only applies to the length of the parking area adjacent to a residential lot and/or any right-of-way. For corner residential lots, the eighty percent (80%) opacity requirement shall apply only to that portion of the parking area adjacent to the road.

(2) The following combined total maximum number of vehicles and/or boats shall be permitted to be parked in the front, side, or rear yards of a residential lot based on lot size:

<u>Lot Size</u>	<u>Combined Total Maximum Number of Vehicles and/or Boats</u>
<u>Under 11,000 square feet</u>	<u>6</u>
<u>11,000 to 22,000 square feet</u>	<u>8</u>
<u>Over 22,000 square feet</u>	<u>8 with 1 additional for every 10,000 square feet over 22,000 with a maximum of 12 total</u>

- (3) No more than two unregistered and/or unlicensed vehicles, as permitted in section (c), and boats may be parked on a residential lot.
- (4) Recreational vehicles, trailers, on-duty or on-call wreckers, and boats parked in the front yard of a residential lot must be completely resting upon an improved surface.
- (5) Motor vehicles, recreational vehicles, boats, and trailers may be parked on the side or rear yard, provided there is no encroachment into the easement(s) for the area where the item is parked.
- (d) Vehicle repair, maintenance, disassembly. Ordinary vehicle maintenance and repair is permitted, provided that visible debris shall not be left in or on the residential lot. No more than one vehicle may be in a state of wreckage or major disassembly; and if in such a state, shall be covered with a non-transparent tarp and shall not be parked or stored more than twenty-one days other than in a completely enclosed structure. To be in compliance with this section a tarp must be in good repair and free of excessive tattering. Painting of vehicles is prohibited on any residential lot except those parcels exceeding 22,000 square feet in size.
- (e) Parking prohibited on public roadway. No vehicle or boat shall be parked on any public roadway within any district zoned for residential use except during the course of a delivery, pick-up, or service activity, provided that on-coming traffic and pedestrians can be safely observed and that any obstruction of visibility from adjacent driveways or roadways does not cause a safety hazard. In no case shall any vehicle or boat parked on a residential lot interfere with the use of any sidewalk.

(f) Parking off public roadway. Parallel parking of motor vehicles, as defined in section (a), is permitted on the berm, shoulder and or swale right-of-way area adjacent to any residential lot as follows, provided that on-coming traffic and pedestrians can be safely observed and that any obstruction of visibility from adjacent driveways or roadways does not cause a safety hazard. In no case shall any vehicle or boat parked on a residential lot interfere with the use of any sidewalk.

(1) Vehicle(s) shall be licensed.

(2) Vehicle(s) shall be parked in the direction of traffic.

(3) No motor vehicle as defined in section (a), shall be parked on the berm shoulder and or swale right-of-way area adjacent to any residential lot where the owner of the vehicle is not also lawfully residing at the property, or without receiving the express permission of the property owner; except to be in compliance with the lawful direction of a law enforcement officer. In no instance shall parking be permitted where doing so may cause damage to the drainage swale.

a. If it is determined that a property owner is at fault for damage to a drainage swale, and if the damage is not repaired by the property owner within thirty days of written notice by the City, the City shall repair the damage and the property owner shall be billed the cost of such repair, plus any administrative costs, pursuant to section 42-24 of this code.

b. If the bill is not paid within sixty days, the City shall record a lien on the property for the cost of repair and administrative costs.

(4) Trucks, buses, truck tractors, trailers, boats and recreational vehicles are prohibited from parking on the berm, shoulder and or swale right-of-way area.

(5) No vehicle or boat shall be stored within the public right-of-way.

(g) Sale of vehicles. Any vehicle or boat offered for sale must be owned by the resident of the residential lot where the vehicle is parked. Only one vehicle may be offered for sale at any time.

(h) Living or camping in vehicles. No vehicle or boat permitted to be parked on a residential lot shall be occupied by any person(s), used as living quarters or for camping, or otherwise inhabited overnight for a period in excess of thirty consecutive days.

(i) The storage or overnight parking of any of the following vehicles is prohibited, except as permitted in Section 59-16(c)(1):

(1) Truck tractor.

(2) Dump truck.

(3) Wrecker, unless on-call or on-duty.

(4) Bucket truck.

(5) Construction equipment, including but not limited to a front-end loader, bulldozer, skid steer, or ditch digger, with the sole exception of construction equipment parked during the tenure of an active construction project.

(6) Heavy equipment tractor.

(7) Bus.

(8) Semitrailer.”

2.02 The North Port City Commission hereby approves and adopts the following amendments to the Code of the City of North Port, Florida:

“CHAPTER 74 - TRAFFIC AND VEHICLES

...

ARTICLE IV. - STOPPING, STANDING AND PARKING

Sec. 74-84. - Violations.

...

(c) Payment of the penalty shall be made at the police department within ten days of issuance of the violation ticket. In the event that such payment is not made within the ten-day period, each day such violation is unpaid shall constitute a separate violation. ~~a citation shall be issued for a violation of this article which shall be deemed as a misdemeanor in the second degree punishable pursuant to provisions of F.S. § 775.081, F.S. § 775.082 and F.S. § 775.083.~~

...

Sec. 74-85. - General prohibitions.

...

(b) ~~Vehicles can be parked off the roadway (on the berm or shoulder and/or swale) in a manner which conforms to the flow of traffic and in which the vehicle is completely off the roadway (wearing surface). Parallel parking of motor vehicles, as defined in Section 59-16 (a) of this code, is permitted on the berm, shoulder and or swale right-of-way area adjacent to any residential lot as follows, provided that on-coming traffic and pedestrians can be safely observed and that any obstruction of visibility from adjacent driveways or roadways does not cause a safety hazard. In no case shall any vehicle or boat parked on a residential lot interfere with the use of any sidewalk. No motor vehicle as defined in Section 59-16 (a) of this code, shall be parked on the berm, shoulder and or swale right-of-way area adjacent to any residential lot where the owner of the vehicle is not also lawfully residing at the property, or without receiving the express permission of the property owner; except to be in compliance with the lawful direction of a law enforcement officer. In no instance shall parking be permitted where doing so may cause damage to the drainage swale. The vehicle must be parallel to the roadway and must be parked on the right-hand side of the roadway (headed in the same direction as the flow of traffic) except where official traffic control devices designate otherwise.~~

...

Sec. 74-92. - Storage of certain vehicles.

~~No trucks, trailers, wagons, motor homes or motor coaches vehicle, boat, bus, truck tractor, dump truck, on-duty wrecker, bucket truck, heavy equipment tractor, semitrailer, or construction equipment, including but not limited to front-end loader, bulldozer, skid steer, or ditch digger, as further defined by Section 59-16(a) of this code, shall be parked for storage purposes, including overnight on any public right-of-way within any district zoned for residential use, with the sole exception of construction equipment parked during the tenure of an active construction project. A vehicle or boat shall be deemed as "parked for storage purposes" when it has not been moved in five consecutive days.~~

SECTION 3 – CONFLICTS:

3.01 In the event of any conflicts between the provisions of this Ordinance and any other ordinance or portions thereof, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 4 – SEVERABILITY:

4.01 If any section, subsection, sentence, clause, phase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5 – CODING OF AMENDMENTS:

5.01 In this Ordinance, additions are shown as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.

SECTION 6 – EFFECTIVE DATE:

6.01 This Ordinance shall take effect immediately after adoption by the City Commission of the City of North Port, Florida. No development order or development permits dependent on this Ordinance may be issued before it has become effective.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session this 7 day of June, 2018.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second and final reading in public session this 12 day of Sept, 2018.

CITY OF NORTH PORT, FLORIDA



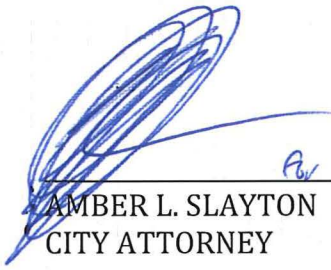
VANESSA CARUSONE
MAYOR

ATTEST:



KATHRYN PETO
INTERIM CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:



For Amber Slayton
AMBER L. SLAYTON
CITY ATTORNEY