

ORDINANCE NO. 05-13

AN ORDINANCE OF THE CITY OF GULF BREEZE ADOPTING SECTION 18-78 OF THE CODE OF ORDINANCES OF THE CITY OF GULF BREEZE PROVIDING FOR REGULATION OF PARKING IN RESIDENTIAL DISTRICTS; ESTABLISHING GENERAL REGULATIONS APPLICABLE TO PARKING OF ALL VEHICLES IN RESIDENTIALLY ZONED DISTRICTS; ESTABLISHING ADDITIONAL REGULATIONS APPLICABLE TO COMMERCIAL VEHICLES AND RECREATIONAL VEHICLES IN RESIDENTIALLY ZONED DISTRICTS; PROVIDING FOR SPECIAL EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes the importance of preserving the integrity and aesthetic quality of the residential areas of Gulf Breeze.

WHEREAS, through a series of public meetings and workshops the City Council has found that Citizens are strongly in favor of additional measures relating to parking of vehicles, including recreational and commercial vehicles, in residential areas in efforts to enhance and maintain the aesthetic appeal of the community.

WHEREAS, the City Council desires to adopt additional parking regulations contemplated herein in efforts to preserve and enhance the aesthetic quality and community standards of the residential areas of Gulf Breeze.

NOW, THEREFORE, be it ordained by the City Council of the City of Gulf Breeze, Florida, as follows:

SECTION 1. Section 18-78 of the Code of Ordinances of the City of Gulf Breeze, Florida, is hereby created to read as follows:

Section 18-78. Parking of Vehicles in Residential Districts.

(a) *Definitions.* As used in this Section, the following words, terms, and phrases shall have the following meanings and be subject to the following requirements:

Commercial Vehicle shall have the same meaning as set forth in Section 18-75 (a).

Driveway means the improved area (i) between a public street and private property intended to provide ingress and/or egress of vehicular traffic from the public street to a definite area of private property, and (ii) on private property intended to provide off-street parking and ingress and egress of vehicles. The boundaries of a driveway must be clearly delineated by using materials

commonly used for construction of driveways or by clearly outlining the driveway by means including, but not limited to, landscape features such as gravel, shells, or border features. Not more than forty percent of the front yard may be so delineated as a driveway; provided however, a delineated driveway may in all instances be of sufficient size so as to accommodate parking of at least one recreational vehicle and three passenger vehicles (i.e., vehicles that are not recreational vehicles or commercial vehicles) notwithstanding that the size of such driveway may exceed forty percent of the front yard. The delineated driveway must be designed and constructed such that it can support the weight of the vehicle that will be regularly parked upon it. There shall be no more than one contiguous driveway in the front yard; provided, however, for corner lots, there may be a second driveway in the side yard of the corner lot provided that the combined area of both driveways does not exceed forty percent of the combined areas of the front yard and side yard.

Front yard shall mean the area about a residential dwelling unit that is bordered by the street in the right-of-way that abuts the front of the lot on which the dwelling unit is located, the side boundary lines of the lot on which the dwelling unit is located, and the plane of the longest front facade of the dwelling unit that is parallel or nearly parallel to the front lot line of the property on which the dwelling unit is located.

Lot means a parcel of land contained within property lines of a specific area. A *corner lot* means a lot located at the intersection of two rights-of-ways and abutting such rights-of-ways on two adjacent sides of the lot.

Park or *parking* means the standing or storage of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaging in loading or unloading of merchandise or passengers.

Rear yard shall be the area of a residential lot that does not include the front yard and, for a corner lot, the side yard.

Recreational vehicles shall mean boats (including all watercraft that are designed to float including personal watercraft, kayaks, canoes, rowboats, paddle boards, wind surf boards, sailboats, catamarans, etc.), boat trailers, travel trailers, camping trailers, truck campers, motor homes, private motor coaches, utility trailers, flatbed trailers, all terrain vehicles, any vehicle 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, van conversions, park trailers, fifth-wheel trailers, and other similar type vehicles.

Right-of-way means land dedicated, deeded, used, to be used or may be used for a street or other purposes by the public, and shall include all of the land lying between any right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved.

Sidewalk means a path or area on public or private property where pedestrians walk or stand, generally parallel to the street.

Side yard applies only to corner lots and shall mean the area about a residential dwelling unit that is bordered by the street in the right-of-way which abuts the side of the lot on which the dwelling unit is located, the plane of the rear boundary line of the lot on which the dwelling unit is located, the plane that is parallel to such side street that is adjacent to that point of the structure of the dwelling unit that is nearest the side street, and the front yard.

Street means the paved surface of any public road in a right-of-way.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn including passenger vehicles, recreational vehicles, and commercial vehicles.

(b) *General Parking Regulations Applicable to All Vehicles in Residential Districts.* In addition to other regulations set forth elsewhere in this Code, the following regulations apply to all vehicles in residentially zoned districts in the City:

(1) No vehicle shall be parked in the front yard unless the vehicle is parked on a driveway. For corner lots, no vehicle shall be parked in the front yard or side yard unless the vehicle is parked within a driveway.

(2) No vehicle shall be used for living, sleeping, or housekeeping purposes when parked on a residential lot or at any location not approved for such use. The foregoing notwithstanding, the City Council may authorize recreational vehicles to be used for living, sleeping, or housekeeping purposes after a declared natural disaster, and such authorization must be enacted by resolution of the City Council and must contain a date by which the authorization shall expire unless specifically extended by subsequent resolution. In addition, bona fide house guests of a person residing at a residential dwelling unit may temporarily reside in a recreational vehicle on the lot no more than twice in a six month period with each instance being of a duration of no more than 14 days.

(3) All vehicles permitted by this Section to be parked in the front yard (or side yard with respect to corner lots) must be maintained (i) in a condition such that the vehicle is immediately operable and can be immediately moved offsite in the manner in which such vehicle is intended to be operated (e.g. by its own power if the vehicle is motorized; drawn or towed if the vehicle is not motorized, etc.), and (ii) in a neat, clean and presentable manner with wheels and tires properly mounted, and the area beneath and about the vehicle must be kept in a neat, clean, and presentable condition with no accumulation of undergrowth, weeds, or trash.

(4) Except as specifically authorized by City Council resolution contemplated in subparagraph (2), above, no vehicle shall have temporary or permanent sewer connection.

(5) No vehicle shall be parked on a vacant lot in a residentially zoned district, including lots upon which construction is occurring; provided, however, (i) a recreational vehicle may be located on a construction site to be used as an office, work, or security trailer provided that a

permit for such use has been issued by the Department of Community Services and that the recreational vehicle is not used for living, sleeping, or housekeeping purposes; and (ii) commercial vehicles may be temporarily parked on such lots where construction is actively occurring and for which a current and valid building permit for such construction has been issued by the City and is properly displayed on the premises (unless the construction is of the nature that a building permit is not required, in which event there shall be no requirement to obtain and display such a building permit).

(6) No vehicle may block or in any manner obstruct a sidewalk. Any vehicle permitted by this Section to be parked on a street must be parked such that the vehicle is substantially parallel to the edge or curb of the street and shall not be parked in a manner which blocks or creates a hazard for other vehicles.

(c) *Additional Regulations Applicable to Parking of Commercial Vehicles and Recreational Vehicles in Residential Districts.* In addition to other regulations set forth elsewhere in this Code, including those regulations set forth above in this Section 18-78, the following regulations shall also apply to commercial vehicles and residential vehicles in residentially zoned districts in the City:

(1) Any commercial vehicle or residential vehicle permitted by this Section to be parked in the front yard (or side yard for a corner lot) must be owned, rented, or leased by a person residing on the same lot at which such vehicle is parked; provided, however, this restriction shall not apply to recreational vehicles owned, rented, or leased by bona fide house guests of such resident temporarily residing in the recreational vehicle as contemplated in subparagraph (b)(2), above.

(2) No commercial vehicle or recreational vehicle shall be parked on a street. Commercial vehicles and recreational vehicles may be parked in the right-of-way, but not on a street, only for purposes of active loading and unloading and for no more than six hours in any 24 hour period; provided, however, no commercial vehicle or recreational vehicle may be parked in a right-of-way for any period of time between the hours of 7:00 p.m. and the following 7:00 a.m.

(3) There shall be no more than two commercial vehicles or recreational vehicles parked in the front yard (and side yard, if a corner lot). Additional commercial vehicles and recreational vehicles may be parked on a residential lot if such vehicle is parked in an enclosed garage or in the rear yard.

(4) No recreational vehicle may be used for the storage of goods, materials, or equipment other than those items considered to be part of the recreational vehicle essential for its immediate use.

(5) All recreational vehicles permitted by this Section to be parked in the front yard (or side yard, if a corner lot) shall be parked more or less perpendicular to the right-of-way.

(d) *Special Exceptions.* The City Manager or designee may grant a special exception from the provisions of this Section 18-78 upon written application and a finding that (i) literal interpretation of the provisions of this Section would work in unnecessary and undue hardship on the applicant, (ii) granting of the special exception will not cause a condition or circumstance which creates a nuisance for neighbors of the applicant or the general public, and (iii) special conditions or circumstances exist which are peculiar to applicant's land which are not the result of actions of the applicant. Any special exception granted shall be the minimum exception needed to avoid the unnecessary and undue hardship contemplated in the preceding sentence. Before considering an application, the City Manager or designee shall make reasonable efforts to contact and obtain input from owners of property adjacent to applicant's lot. The decision of the City Manager or designee may be appealed to the City Council. The procedure for appeal shall be the same as for a level one development variance request.

SECTION 2. Severability. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by any court to be unconstitutional, inoperative, invalid, or void, such holding shall not in any manner affect the validity of the remaining portions of this Ordinance.

SECTION 3. Conflict. The provisions of this Ordinance shall be deemed to control and supercede over any ordinance or portion thereof in conflict with the terms hereof.

SECTION 4. Effective Date. This Ordinance shall become effective upon its adoption by the City Council.

PASSED ON FIRST READING ON THE 19th DAY OF AUGUST, 2013.

PUBLISHED ON THE 15TH DAY OF AUGUST, 2013.

PASSED ON SECOND READING ON THE 4th DAY OF SEPTEMBER, 2013.

CITY OF GULF BREEZE, FLORIDA

By: _____
Beverly Zimmern, Mayor

ATTESTED TO BY:

Leslie Guyer, City Clerk