

AN ORDINANCE AMENDING ARTICLE 6, CHAPTER 2, SECTION 6.2.1., "PARKING REGULATIONS FOR RESIDENTIAL ZONING DISTRICTS," SECTION 6.2.2., "PARKING REGULATIONS FOR PROPERTY ZONED MULTI-FAMILY RESIDENTIAL," AND ARTICLE 11, CHAPTER 1, SECTION 11.2., "DEFINITIONS," OF THE CITY OF CAPE CORAL LAND DEVELOPMENT CODE, REGARDING PARKING REGULATIONS FOR PRIVATE PROPERTY IN RESIDENTIAL ZONING DISTRICTS, INCLUDING COMMERCIAL VEHICLES, PERMITTING CERTAIN TYPES OF VEHICLES WITH COMMERCIAL LETTERING OR GRAPHICS TO PARK IN RESIDENTIAL ZONING DISTRICTS, PROHIBITING PARKING ON PVIOUS SURFACES, AND REGULATING CAR COVERS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council has adopted parking regulations for the purpose of protecting the residential character of the City's residential zoning districts, and

WHEREAS, the City Council desires to amend said regulations; and

WHEREAS, the City Council hereby finds that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral Land Development Code, Article 6, Chapter 2, Section 6.2.1., "Parking regulations for residential zoning districts," is hereby amended as follows:

**Section 6.2.1. - Parking regulations for residential zoning districts.**

- A. It shall be unlawful for any owner, agent, operator, or person in charge of a trailer or commercial vehicle ~~or trailer (private or commercial trailer)~~ to park, store, or keep such trailer or commercial vehicle ~~or private or commercial trailer~~ on the pavement or in the swale of any public street adjoining property located within ~~any single-family residential~~ the R-1, RE, RML, or RMM zoning districts in the city. Furthermore, it shall be unlawful for any owner of privately owned real property improved with a principal residential building in the R-1, ~~and RE, RML, or RMM~~ zoning districts in the city to park on, cause to be parked on, or allow to be parked on such property any trailer or commercial vehicle ~~or private or commercial trailer~~, except as otherwise provided herein.
- B. The prohibitions of § 6.2.1.A shall not apply to the following:
1. Temporary parking of any trailer or commercial vehicle ~~or private or commercial trailer~~ on private property or in the adjoining swale of any public street ~~in a residential~~ within the R-1, RE, RML, or RMM zoning districts, where construction for which a current and valid permit has been issued by the city is underway on the property and the permit is properly displayed on the premises. ~~Provided that sSuch private or commercial trailer or commercial vehicle is permitted to be parked only on the real property at only during the time period that the construction is actually physically occurring.~~ Nothing in this subsection is intended to require a permit where none is otherwise required or to allow a ~~private or commercial~~ trailer or commercial vehicle to be parked on private property or in the adjoining swale of any public street ~~within a residential~~ the R-1, RE, RML, or RMM zoning districts when construction is not actually physically occurring on the private property.
  2. Deliveries by tradespeople or the use of trailers or commercial vehicles ~~or trailers~~ in making service calls.
  3. Temporary parking of a commercial vehicle or recreational vehicle while such vehicle is being used by the operator for travel to and from the residential property for personal reasons of a temporary nature such as for a meal or to visit or serve an ill person. Such temporary parking shall not, however, exceed a total of two hours duration during any 24-hour time period.
  4. Emergency parking of a disabled commercial vehicle, recreational vehicle, or trailer. However, any such commercial vehicle, recreational vehicle, boat, or trailer

shall be removed from the ~~residential~~ R-1, RE, RML, or RMM zoning district within 24 hours by wrecker towing or other available means regardless of the nature of the emergency.

5. Parking of any trailer or commercial vehicle, provided that all of the following conditions are met:

- a. The trailer or commercial vehicle is parked in a permitted garage or carport;
- b. When parked in a garage or carport, no part of such trailer or commercial vehicle may project horizontally beyond the roofline of the garage or carport; and
- c. When parked in a carport, such trailer or commercial vehicle is screened on three sides.

C. Any combination of the following motor vehicles ~~or trailers~~ may be parked in ~~single-family residential~~ the R-1, RE, RML, or RMM zoning districts, on a parcel improved with a ~~single-family residence~~ principal residential building:

1. Any light van, passenger car, sports utility vehicle (SUV), pickup truck, jeep, motorcycle, ~~automobile~~, or similar type of motor vehicle which is not a commercial vehicle. Notwithstanding the foregoing, it shall be prohibited for any owner of property improved with a single-family detached dwelling, single-family semi-detached dwelling, or duplex dwelling to park on, cause to be parked on, or allow to be parked on such property outside of a garage or carport more than two (2) motor vehicles containing commercial lettering at any given time. The foregoing prohibition shall not apply to the following: Furthermore, light vans, sports utility vehicles (SUVs), pickup trucks, jeeps, motorcycles, automobiles, or similar types of motor vehicles which would otherwise be considered to be "commercial vehicles" only because commercial lettering has been affixed to them may be parked outside of a permitted garage or carport provided that all commercial lettering has been concealed by a cover of a type that is applied directly to the surface of the motor vehicle or attached to the vehicle in such a manner that the vehicle can be safely driven on the public streets with the cover in place. If more than one such cover is attached to or is located on a vehicle, then all of such covers on or attached to such vehicle shall be the same color. For purposes of this section, covers located so as to impair the vision of the driver of the vehicle or insecurely mounted so as to present a danger of falling off the vehicle while it is being driven shall be presumed to be insufficient to bring the commercial vehicle within the exemption provided by this subsection. Furthermore, this exemption shall not apply to any motor vehicle that is considered to be a "commercial vehicle" under this section by virtue of the nature of its vehicle type and not solely because commercial lettering has been affixed to it regardless of whether such vehicle or any lettering affixed to it has been covered in part or in full of such vehicle is parked outside of the confines of a permitted garage or carport.

- a. Temporary parking of a motor vehicle containing commercial lettering on such improved property, where construction for which a current and valid permit has been issued by the city is underway on the property and the permit is properly displayed on the premises. Such motor vehicles are permitted to be parked on the property only during the time period that the construction is actually physically occurring. Nothing in this subsection is intended to require a permit where none is otherwise required.
- b. Deliveries by tradespeople or the use of a motor vehicle containing commercial lettering in making service calls to such improved property.
- c. Temporary parking of a motor vehicle containing commercial lettering while such vehicle is being used by the operator for travel to and from such improved property for personal reasons of a temporary nature such as for a meal or to visit or serve an ill person. Such temporary parking shall not, however, exceed a total of two hours duration during any 24-hour time period.
- d. Emergency parking of a disabled motor vehicle containing commercial lettering. However, any such vehicle shall be removed from such improved property within 24 hours by wrecker towing or other available means regardless of the nature of the emergency.

2. ~~Any trailer or motor vehicle described in § 6.2.1.G which is a commercial vehicle, provided that~~ For the purposes of § 6.2.1.C., any motor vehicle described in C.1. containing commercial lettering shall not be considered parked outside of a garage or carport, provided that all of the following conditions are met:
    - a. ~~The commercial~~ Such motor vehicle ~~or trailer~~ is parked in a permitted garage or carport;
    - b. When parked in a garage or carport, no part of such ~~commercial motor~~ vehicle ~~or trailer~~ may project horizontally beyond the roofline of the garage or carport; and
    - c. When parked in a carport, such ~~commercial motor~~ vehicle ~~or trailer~~ is screened on three sides.
- D. No vehicle for human habitation shall be kept or parked on ~~premises zoned for residential purposes~~ property improved with a principal residential building within the R-1, RE, RML, or RMM zoning districts or on adjoining public rights-of-way, except when parked entirely within the confines of a garage or carport, or in accordance with the following:
1. Non-resident. Vehicles for human habitation when used for transportation of visitors to this city to visit friends or members of the visitors' family residing in this city may, upon obtaining a permit (for which a charge shall not be made) from the ~~Police Department~~ City, be parked upon the premises of the visited family for a period not exceeding ten days. The permit shall be affixed to the vehicle in a conspicuous place on the street side thereof. The City may, for good cause shown, authorize the issuance of a second consecutive free permit not to exceed ten days. An additional permit for the parking of such vehicle will not be issued until after the expiration of 15 days after termination of the last prior permit. For purposes of this section, a person who owns or leases property in the City of Cape Coral shall not be deemed to be a "non-resident" when he or she parks a vehicle for human habitation on property that he or she owns or leases even if such person does not "reside" on the subject property.
  2. Resident. When a vehicle for human habitation is owned or leased by the person who also owns or leases the residential property on which such vehicle is to be parked, such vehicle for human habitation may be parked upon the premises of the resident for a period not exceeding 72 hours for loading and cleaning provided that a permit is first obtained from the City. A vehicle for human habitation may be parked upon the premises of the resident for unloading after a trip for a period of 72 hours provided that a permit is first obtained from the City. There shall be a minimum of a 48-hour interval between the expiration of one permit and the issuance of another. The permit for each such period shall be affixed to the vehicle in a conspicuous place on the street side thereof. The city shall not charge a fee for the permits to park a vehicle for human habitation upon the premises of the resident as required by this section.
  3. Pop-up campers. A pop-up camper may be parked, only in a closed or folded condition, in the rear yard of a residential lot in the R-1, RE, RML, or RMM zoning districts improved with a principal residential building. For purposes of this paragraph, a "pop-up camper" shall consist of a non-motorized trailer which includes, or on which is mounted, a tent-like enclosure (but such enclosure may be made of canvas or similar material, solid materials, or any combination thereof) to be used for camping purposes, which enclosure opens or expands or unfolds to accommodate temporary occupancy and which closes or folds up into itself in such a way as to be unusable for occupancy and to be no more than 55 inches in height when measured from ground level.
- E. ~~Parking of passenger cars or sports utility vehicles (SUVs) with commercial advertising signs setting forth the name of the business, its address, business telephone number, and type of business (e.g., realtor, painter, etc.) thereon in residential areas outside the confines of a garage or carport is permitted so long as the home (residential) address is not shown thereon.~~
- F. The following are exempt from the provisions of this section:
1. Trailers or Commercial vehicles or trailers in actual use, or moving directly to or from the location of actual use, which are owned or leased by:

- a. The city for the accomplishment of a municipal purpose;
- b. A contractor or subcontractor under agreement with the city to accomplish a municipal purpose; or
- c. A public utility operating within the city, or a contractor or subcontractor under agreement with such public utility; for the installation, maintenance, adjustment, or repair of or to a public utility facility.

However, no towing company, or other business entity, or any of its officers, employees, and agents shall be exempt from the provisions of this ~~ordinance section~~ solely because the towing company or other business entity has been employed by the city to provide towing or other services.

2. Commercial vehicles owned by or leased by governmental entities, including the city, Lee County, or the State of Florida, which are parked in ~~residential~~ the R-1, RE, RML, or RMM zoning districts on a parcel improved with a permitted structure when such vehicles are lawfully in the possession of an authorized agent or employee of the governmental entity. This category shall include police or sheriff's vehicles which are permitted to be driven to residences of authorized employee(s) of such law enforcement entities.

GE. In applying the terms of this section, the following rules of construction shall apply:

1. Any motor vehicle or trailer which is partially built or in the process of conversion shall be included under the most stringent definition that can be applied.
2. In case of doubt as to the proper classification of a specific vehicle, a determination by the state's Department of Highway Safety and Motor Vehicles shall be controlling. The body description and classification on the motor vehicle certificate of title shall be prima facie evidence of such determination.

SECTION 2. The City of Cape Coral Land Development Code, Article 6, Chapter 2, Section 6.2.2., "Parking regulations for property zoned multi-family residential," is hereby amended as follows:

**Section 6.2.2. - Additional Pparking regulations for ~~property zoned multi-family residential zoning~~ districts.**

~~The restrictions for multi-family residential shall be the same as for single-family residential except that the prohibitions contained in § 6.2.1.A shall not apply to the following commercial vehicles when parked on properties zoned multi-family residential:~~

- ~~A. Pickup trucks from which the cargo boxes have been removed;~~
- ~~B. Pickup trucks or light vans containing commercial rack(s) regardless of whether such rack(s) are visible from the street or from abutting residential property; and~~
- ~~C. Light vans, sports utility vehicles (SUVs), pickup trucks, jeeps, motorcycles, automobiles, or similar types of motor vehicles which would otherwise be considered to be "commercial vehicles" only because commercial lettering has been affixed to them.~~

A. Car covers. Light vans, passenger cars, sports utility vehicles (SUVs), pickup trucks, jeeps, motorcycles, or similar types of motor vehicles that are not considered commercial vehicles, parked on property improved with a principal residential building in the R-1, RE, RML, or RMM zoning districts, may be covered with a car cover, provided the car cover is kept in good condition. For purposes of this regulation, good condition shall mean the car cover is not torn, ripped, or frayed. The use of tarps, blankets, sheets, plastic sheeting, wood products, or any other material other than a car cover is prohibited. The use of a torn, ripped, or frayed car cover is prohibited. The use of a car cover on a commercial vehicle parked on property improved with a principal residential building in the R-1, RE, RML, or RMM zoning districts is prohibited.

B. Prohibited parking on pervious surfaces. Unless specifically permitted by this article or state law, parking is prohibited on any pervious surface in the R-1, RE, RML, or RMM zoning districts on property improved with a principal residential building. This prohibition includes, but is not limited to, parking on the grass, sod, shell, rocks, dirt, or stones. In said

residential zoning districts, parking is permitted on approved impervious surfaces, which include concrete, asphalt, paver blocks, stone pavers, and rock pavers.

SECTION 3. The City of Cape Coral Land Development Code, Article 11, Chapter 1, Section 11.2., "Definitions", is hereby amended as follows:

**Section 11.2. - Definitions.**

...

Car Cover, is a cover that is designed and constructed by the manufacturer for the primary purpose of protecting a motor vehicle from the elements.

...

**Commercial Vehicle**, is an agricultural, construction, or industrial motor vehicle or any bus, step van, truck, or truck tractor. ~~The term shall include any motor vehicle (including automobiles) upon which commercial lettering, as defined herein, has been affixed.~~ The term shall also include a pickup truck from which the cargo box has been removed. Any motor vehicle with one or more tools (including a ladder), building materials, or merchandise visible from the street or abutting residential property, or a "commercial rack" that is visible from the street or abutting residential property shall be deemed a commercial vehicle. A light van, passenger automobile or car, sports utility vehicle (SUV), pickup truck, jeep, motorcycle, or similar type of motor vehicle containing commercial lettering, and which is not otherwise deemed a commercial vehicle hereunder, shall not be considered a commercial vehicle, ~~for purposes of this section so long as the commercial lettering on the vehicle does not contain any reference to the residential address at which the automobile is parked.~~

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SECTION 4. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 5. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 8<sup>th</sup> DAY OF June, 2020.

  
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JOE COVIELLO, MAYOR


VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	<u>aye</u>	NELSON	<u>aye</u>
GUNTER	<u>aye</u>	WELSH	<u>aye</u>
CARIOSCIA	<u>aye</u>	WILLIAMS	<u>aye</u>
STOUT	<u>aye</u>	COSDEN	<u>aye</u>

ATTESTED TO AND FILED IN MY OFFICE THIS 10<sup>th</sup> DAY OF June, 2020.

  
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KIMBERLY BRUNS  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
Ord/ParkingCommunValues.FINAL