



# City of North Port

## ORDINANCE NO. 2017-19

(Amendments to the City of North Port Unified Land Development Code, Chapter 25, Parking and Loading Regulations)

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA; AMENDING THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE, CHAPTER 25 PARKING AND LOADING REGULATIONS, ARTICLE I. GENERAL PROVISIONS, SECTION 25-19, PARKING AND STORAGE OF CERTAIN VEHICLES; PROVIDING FOR FINDINGS; PROVIDING FOR ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING OF AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on July 12, 2016, the City Commission adopted Resolution No. 2016-R-17 which directed the city manager to temporarily suspend enforcement of the Unified Land Development Code Section 25-19(F), (H) and (J) as they pertain to boats on licensed trailers, automobiles, and trucks parked on driveways or side yards until July 12, 2017; and

**WHEREAS**, at a special meeting held on April 4, 2017, the City Commission directed staff to prepare an ordinance amending Chapter 25, Parking and Loading Regulations, Article I. General Provisions, Section 25-19, Parking and Storage of Certain Vehicles based on Commission recommended amendments; and

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

**WHEREAS**, on July 6, 2017, the City Commission adopted Resolution No. 2017-R-25 which directed the city manager to temporarily suspend enforcement of the Unified Land Development Code Section 25-19(F), (H) and (J) as they pertain to boats on licensed trailers, automobiles, and trucks parked on driveways or side yards until July 13, 2018; and

**WHEREAS**, the City of North Port Planning and Zoning Advisory Board designated as the Local Planning Agency (LPA) held a public hearing on August 3, 2017 with due public notice to receive public comments on the revision of the Unified Land Development Code; and

**WHEREAS**, the North Port City Commission has held public hearings on October 5, 2017 and October 24, 2017 with due public notice to review the recommendations of the North Port Planning and Zoning Advisory Board, and to receive public comments on the revision of the Unified Land Development Code.

**NOW, THEREFORE, BE IT RESOLVED 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.

1.02 The City of North Port has broad home rule powers granted by the Florida Constitution 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

1.03 Amending the parking regulations of certain vehicles within the City of North Port would meet the additional needs and desire of the citizens and ensure the health, safety and welfare of the entire citizenry.

**SECTION 2 -ADOPTION:**

2.01 The City Commission of the City of North Port hereby approves and adopts the following amendments to the City of North Port Unified Land Development Code:

**“Chapter 25 - PARKING AND LOADING REGULATIONS**

**ARTICLE I. - GENERAL PROVISIONS**

**Sec. 25-1. - Title.**

This chapter shall be known and may be cited as the "Parking and Loading Regulations" of the City of North Port, Florida.

...

**Sec. 25-19. - Parking and storage of certain vehicles.**

A. DEFINITIONS - For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings given herein:

BOAT - a vessel, watercraft or other artificial contrivance, used or which is capable of being used, as a means of transportation on waters of North Port, Florida, excluding paddleboats, canoes, kayaks, floats, jet skies and rafts.

BUS- a vehicle designed for transporting 11 or more passengers over public streets.

DEBRIS - the scattered remains of materials broken or destroyed; rubble or wreckage.

IMPROVED SURFACE – driveway, gravel asphalt, concrete, pavers or other unnatural surface.

MOTOR VEHICLE - car, pickup truck, van, sport utility vehicle (SUV), race car, motorcycle, or other conveyance designed for transporting 10 or less passengers over public streets.

PICKUP TRUCK - vehicle with an enclosed cab, open back and empty vehicle weight of less than 9,000 lbs.

PRINCIPAL STRUCTURE – a structure in which is conducted the principal use of the lot on which it is located.

RACE CAR - a vehicle maintained for the express purpose of speed competition.

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.

SEMITRAILER - a vehicle without motive power designed to be coupled to or drawn by a truck tractor and constructed so that some part of its weight and that of its load rests upon or is carried by the truck tractor.

TRAILER - any vehicle which is drawn by or used in connection with a motor vehicle or truck.

TRUCK - a vehicle with an empty vehicle weight of 9,000 lbs. or more and designed principally for transporting goods.

TRUCK TRACTOR - a vehicle which has four (4) 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.

VEHICLE - any device or conveyance for transporting person(s) or property over the public streets.

YARD, FRONT - The front yard is that area that extends from the wall of the dwelling unit that parallels the road and to the road right-of-way and typically contains the front door.

YARD, REAR - A yard extending across the full width of the lot and lying between the rear lot line and the nearest part of the building. Rear yard depth shall be measured at right angles to the rear line of the lot.

YARD, SIDE - A yard lying between the side line of the lot and the nearest part of the building 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 lot.

~~A.B. Automobiles, trucks, trailers, boats, recreational vehicles or vehicles of any type without current license plate(s) affixed to the vehicle(s) by law shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings except as provided in Sec. 25-49(B)(1)(a) of this section. Motor vehicles, recreational vehicles, buses, trucks, truck tractors, boats and trailers, may be parked on a residential lot provided that said lot or lots have a principal structure.~~

~~B.C. No more than four (4) automobiles/trucks may be parked on a residential lot, and no more than one (1) boat with trailer, one (1) utility trailer, one (1) recreational vehicle, one (1) travel trailer for a maximum of six (6) vehicles total; however, no more than two (2) such vehicles, other than automobile/trucks, may be parked on any lot whether single or of two (2) or more lots combined and used for a single family residence (excluding fully enclosed structures having four (4) walls and a roof) within the City intended for single family occupancy, provided that said lot or lots have the principal structure, either a single family dwelling or a manufactured home located on such lot. No more than a combined total of six (6) motor vehicles, recreational vehicles, trucks, boats and trailers may be parked in the front yard.~~

~~D. Motor vehicles, recreational vehicles, trucks, boats and trailers may be parked in the side or rear yards, provided that the side and rear setback requirements are met.~~

~~(1) No inoperative or unlicensed motor vehicle shall be parked, kept, or stored for more than twenty (20) days on any residential premises except as indicated in (1)(a) below, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles in any residentially zoned district is prohibited.~~

~~(a) Unlicensed vehicles classified as race cars may be kept on a licensed trailer in the side yard of a residence. The car shall be covered and the area shall be buffered with landscaping to achieve an eighty percent (80%) opacity. Proof of race car status shall be required.~~

E. Ordinary maintenance and repair is permitted providing that debris shall not be left in or on the front yard. Any vehicle in a state of wreckage or major disassembly shall be covered with a non-transparent tarp and shall not be parked or stored more than twenty-one (21) days other than in a completely enclosed structure.

~~C.F. No more than three (3) vehicles per family unit shall be parked on a duplex lot. For multifamily developments, this section shall apply to each multifamily dwelling unit located in said multifamily development. No recreational vehicles, boats, trucks or trailers shall be parked on any public right-of-way within any district zoned for residential use except in the course of delivery, pick-up or service activities providing there is no obstruction of sight visibility from adjacent driveways or roadways. In no case, shall any vehicle or boat parked on a residential lot interfere with the use of any sidewalk.~~

~~D. A property owner may substitute a boat with trailer for either another utility trailer or another recreational vehicle.~~

~~E. A property owner may substitute a utility trailer or a recreational vehicle for a second boat. No other substitutions may be made.~~

~~F. Cars and trucks may be parked in the front yard (including the driveway) and the adjacent City right of way. The front yard is that area that extends from the wall of the dwelling unit that parallels the road and to the road right of way and typically contains the front door.~~

~~(1) Corner lots shall have one (1) front yard as described above.~~

~~(2) Boats, trailers, recreational vehicles, semi-trucks are not considered as cars or trucks.~~

~~G. Parking of semi-trucks or semi-trailers is prohibited on any roadway or right of way in any zoning district, except in the course of delivery and pick up.~~

~~(1) Semi-truck cabs are prohibited on a single family lot as one (1) of the six (6) permitted vehicles, except as provided in subsection (1).~~

~~H. Any remaining vehicles may be parked in the side and rear yards, provided that the vehicles shall be buffered so as to be at least eighty percent (80%) opaque from the adjacent residential lots and any right of way. The eighty percent (80%) opaque requirement only applies to the length of the parking area adjacent to a residential lot and/or any right of way. If the adjacent property owner(s) concurs in writing that no buffer is needed, the property owner shall submit such written consent to the Department. In such event, and for only corner lots, the eighty percent (80%) opaque requirement shall apply only to that portion of the parking area adjacent to the road. If the adjacent property changes ownership, the applicant shall submit an additional letter of consent signed by the new owner in order to qualify for this exemption as described above.~~

~~I. When three (3) or more lots are combined (interior lot lines eliminated), a semi-truck cab may be parked on the property, provided that the buffering and neighbor approval in Sec. 25-19(H) above shall apply. In addition, the semi-truck cab shall not be parked in the rear side setback areas or on the front yard. Only one (1) semi-truck cab may be parked on the property.~~

~~J. All open bed trucks and trailers, which are empty of debris, may be parked within the front driveway or side yard (excluding semi-truck trailers). Parking on the front yard and road right-of-way shall be prohibited. Open bed trucks containing debris shall be parked in the rear or side yards, provided that the vehicles and accessory open trailers and equipment are buffered from view of the adjacent lots by buffer material that equals eighty percent (80%) opaque, or completely covered by a nontransparent tarp or similar material. Any structures constructed in the side yard shall meet all City, County, State and Federal codes.~~

~~K. No vehicle shall be attached to a street tree or other landscaping within the City right-of-way.~~

~~L.G. Parallel and angle parking, not to include the roadway, on the City right-of-way is permitted as follows:~~

~~(1) Motor vehicle(s) shall be licensed.~~

~~(1) (2) Vehicles shall not be parked parallel to the right-of-way in a stacked fashion.~~

~~(2) (3) Vehicles shall be parallel parked front to rear only, in the direction of traffic.~~

~~(3) (4) Automobiles, trucks, boats, utility trailers, recreational vehicles or travel trailers shall not be parked without the permission of those lawfully residing at the property for more than four (4) hours in the right-of-way area adjacent to any residentially zoned property where the owner of the vehicle and those lawfully residing at the property is not the same.~~

~~(4) (5) If the parking or traversing on the City right-of-way damages the City drainage swales, the lot owner shall be responsible for repairing the damage.~~

~~(a) If it is determined that the property owner is at fault and if the damage is not repaired within fourteen (14) days from written notice, the City shall repair the damage and the property owner shall be billed the cost of such repair, plus administrative cost.~~

~~(b) If the bill is not paid within thirty (30) days, the City shall record a lien on the property for the amount of the cost of repair and administrative costs.~~

~~M. (6) No vehicle shall be stored within the City right-of-way or on property zoned residential (excluding the driveway, carport or garage) except as provided in subsection I above. It shall be conclusive evidence that a vehicle is being stored where it can be demonstrated that the vehicle has not been moved within twenty (20) days.~~

~~N. H. Sale of vehicles. At no time shall there be more than one (1) personal vehicle or boat or recreational vehicle offered for sale on a parcel. Any motor vehicle, recreational vehicle, truck, boat or trailer. Additionally, the vehicle offered for sale must be owned by the resident of the parcel where the vehicle is located.~~

~~O. Recreational vehicles (RVs) shall not be parked or stored on any residentially zoned property except within a completely enclosed structure or in the required side and required rear yard, provided the vehicle is not parked or stored within the required rear yard setback, and provided that the buffering and neighbor consent requirements in Sec. 25-19(H) above are satisfied. The intent of the following requirements is to insure that the vehicles do not become unsightly and negatively impact the residential neighborhood. The RV may be parked in the front yard and required front yard provided:~~

~~(1) Said vehicle is parked on an improved surface, which shall be kept in a proper state of repair and maintained free from hazardous conditions.~~

~~(2) No inoperative or unlicensed vehicle shall be parked, kept, or stored for more than twenty (20) days on any residential premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited.~~

~~(3) It shall be unlawful for any recreational vehicle to extend over or interfere with the use of any sidewalk or right-of-way intended for pedestrian or vehicular traffic.~~

~~(4) Recreational vehicles shall not be parked parallel to the front wall of the residential principal structure on the front yard.~~

~~P. In the event that the owner or lessee of residentially zoned property has a house guest and said house guest arrives in a vehicle which otherwise would be prohibited from parking on said property pursuant to the provisions of this section, parking of said vehicle on the subject property is allowable for a period not to exceed twenty (20) days in a calendar year.~~

~~Q.I. No vehicle or boat permitted to be parked on residentially zoned property shall be occupied by an individual or family as living quarters or otherwise inhabited overnight for a period in excess of twenty (20) thirty (30) consecutive days, or for more than twenty (20) days total in any calendar year. If the City finds that a vehicle parked on a residentially zoned property has been occupied as living quarters or otherwise inhabited overnight for a period greater than twenty (20) consecutive days or a combined twenty (20) days within a calendar year, the City shall have the right to obtain an injunction and/or enforce this subsection as provided in North Port City Code, Chapter 2, Article IX Code Enforcement.~~

~~R. Parking of vehicles that are primarily used for commercial purposes, or are inappropriate in residential districts due to their weight, size or length, unless the use and parking of such vehicle is identified above as permitted, is prohibited.~~

J. Prohibited vehicles and equipment:

~~(1) Prohibited commercial vehicles, commercial trailers, and construction equipment. In any residential district, the storage or overnight parking (off street or on street) of any of the following commercial vehicles shall be prohibited except as permitted above: In any residential district, the storage or overnight parking (off-street or on-street), no more than one of the following shall be permitted:~~

- ~~(a) Semi truck cab and/or trailer Truck tractor.~~
- (b) Dump truck.
- (c) Wreckers.
- (d) Bucket trucks.
- (e) Construction equipment, including ~~but not limited to,~~ front end loader, bulldozer, skid steer, or ditch digger, ~~with the sole exception of construction equipment parked during the tenure of construction.~~
- (f) Tractors. Tractor shall mean heavy equipment tractor and not lawn tractor.
- (g) Trucks with stake beds.
- (h) Vehicles converted for the sale of food.
- (i) Any commercial motor vehicle or truck that is in excess of ~~six thousand (6,000) twelve thousand five hundred (12,500) pounds empty vehicle weight and or longer than twenty-five (25) feet.~~
- (j) Bus.

However, the vehicles listed above are prohibited on any road, right-of-way, or zoning district except in the course of delivery and pickup.

~~(2) Overnight parking of a business vehicle may be permitted in the driveway of a resident in residential district, provided there is no business or business activity located on the property and the City street weight limit is not exceeded.~~

~~(3) Parking of semi-truck cabs may be permitted in accordance with Sec. 25-19(I) of this Unified Land Development Code.~~

~~S. The parking, servicing, repair and storage of trucks, buses, vans, tractor trailers in excess of six thousand (6,000) pounds vehicle empty weight, as listed on the vehicle registration form, is prohibited in the any residential or rec/open district. This vehicle empty weight restriction shall not apply to licensed recreational vehicles.~~

~~(1) Trailers are considered single axle or double axle platforms complete with towing tongues for the purposes of hauling items.~~

~~(2) Trailers may be open or enclosed; however, removable walls are to be included in trailer weight. The trailer empty weight shall not exceed two thousand five hundred (2,500) pounds as listed on the trailer registration form.~~

~~...”~~

**SECTION 3 – CONFLICTS:**

3.01 In the event of any conflict 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, phrase, 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 strikethrough. 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 of North Port Commission. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second and final reading in public session this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF NORTH PORT, FLORIDA

\_\_\_\_\_  
LINDA M. YATES  
MAYOR

ATTEST:

\_\_\_\_\_  
PATSY C. ADKINS, MMC  
CITY CLERK

APPROVED AS TO FORM AND  
CORRECTNESS:

\_\_\_\_\_  
AMBER L. SLAYTON  
CITY ATTORNEY

