



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Workshop

CITY COMMISSIONERS
Vanessa Carusone, Mayor
Linda M. Yates, Vice-Mayor
Christopher B. Hanks, Commissioner
Jill Luke, Commissioner
Debbie McDowell, Commissioner

APPOINTED OFFICIALS
Peter Lear, City Manager
Amber L. Slayton, City Attorney
Patsy Adkins, City Clerk
Kathryn Peto, Deputy City Clerk

Thursday, January 4, 2018

9:00 AM

CITY HALL ROOM 244

Parking

CALL TO ORDER/ROLL CALL

The North Port City Commission Workshop Meeting was called to order at 9:12 a.m. in Room 244 by Mayor Carusone.

Present: Mayor Carusone; Vice-Mayor Yates; Commissioners Hanks, Luke and McDowell; City Manager Lear; City Attorney Slayton; City Clerk Adkins; Deputy City Clerk Peto and Assistant Chief Pelfrey.

The Pledge of Allegiance was led by the Commission.

2. PUBLIC COMMENT:

There was no public comment.

3. DISCUSSION ITEM:

A. 17-1557

Workshop to discuss amendments to Chapter 25, Parking and Loading Regulations, Article I. General Provisions, Section 25-19, Parking and Storage of Certain Vehicles.

City Manager Lear, Neighborhood Services Director Williams, Planning Division Manager Miles, and Zoning Coordinator Willette-Grondin provided an overview of the item.

Discussion ensued: (1) clarification was provided that the Ordinance number will be changed when it is returned for first reading; (2) following a concern, it was stated that if the Parking Regulations Ordinance is approved and placed in the Administrative Code, creating a Property Standards Chapter. The next step is to amend the Unified Land Development Code (ULDC) to repeal that section and clean up all conflicting sections or include them as a reference in the new Chapter.

There was a consensus to place the Parking and Loading Regulations in the City's Administrative Code, and create a Property Standards Chapter.

Discussion continued: (1) clarification was provided that Chapter 74 of the ULDC allows for parallel parking and the proposed amendment to Chapter 25 of the ULDC will include parallel and angle parking off of the roadway; (2) after a question, the definition of stacked parking was determined to be single-file parking, one in back of the other; (3) Staff suggested to reword the definition of "principal structure"; (4) clarification was provided that a principal structure pertains to residential property; the principal use is for a residence, not a barn or garage; (5) the definition of principal structure was included during the legal review because it is utilized with respect to motor vehicles that may be parked on a residential lot, provided that said lot or lots have a principal structure.

There was a consensus to define "Principal Structure" as a building or structure carrying out the primary use of the lot or parcel.

Discussion continued: (1) it was stated that REAR, SIDE, FRONT and BACK YARDS were added to the Definitions from the April Meeting to the October Meeting for additional clarity; (2) "DEFINITIONS" in Section 25-19 of the document was revisited as a discussion item.

There was a consensus to define BOAT, as a vessel or water craft used or which is capable of being used as a means of transportation on waters excluding paddleboats, canoes, kayaks, floats, jet skis and rafts.

Discussion continued regarding DEFINITIONS:

(1) BUS. The definition will remain as previously defined; (2) DEBRIS. The definition will remain as previously defined; (3) IMPROVED SURFACE. A brief discussion ensued to determine the best verbiage to add wood chippings back into the definition list of improved surfaces.

There was a consensus to define IMPROVED SURFACE, as driveway, gravel, asphalt, concrete, pavers, wood chippings, shell, other unnatural surface.

MOTOR VEHICLE

Discussion ensued regarding a Vehicle and a Motor Vehicle: (1) Florida Statutes 316.003 contain definitions for both of these terms, and it was requested to determine their intent of these definitions; (2) it was stated that Racecar is part of Motor Vehicle yet it has its own definition and it was suggested to remove it from the list under Motor Vehicle; (3) Pickup truck should also be removed under the Motor Vehicle heading.

There was a consensus to remove race car and pickup truck from the list under the MOTOR VEHICLE definition.

Discussion continued: (1) it was stated that a race car cannot transport passengers on a public street; (2) "pickup truck" should remain in the MOTOR VEHICLE definition because its use is distinctly smaller from the heavier work trucks and it can be included in the policy portion of the Ordinance under MOTOR VEHICLES without needing to be listed separately; (3) following a question, it was stated that "passenger vehicle" is not referenced in Florida State Statutes.

There was a consensus to keep the definition of pickup truck under the definition of MOTOR VEHICLE.

PICKUP TRUCK

Discussion ensued: (1) it was suggested to define PICKUP TRUCK so it mirrors vehicle registration; (2) clarification was provided that Florida Statutes states three criteria for a truck to be considered commercial, one of which states "a gross vehicle weight of 10,000 pounds or more"; (3) it was suggested to separate the definition of "truck" from "pickup

truck."

There was a consensus to define the definition of PICKUP TRUCK, to eliminate the vehicle's weight, and add "vehicle with an enclosed cab, and open back."

Discussion continued: (1) PRINCIPAL STRUCTURE. The definition was previously changed; (2) RACECAR. The definition will remain as previously defined.

There was a consensus to keep the definition of RACE CAR as stated.

Discussion continued: (1) RECREATIONAL VEHICLE. The definition will remain as previously defined; (2) SEMITRAILER. The definition will remain as previously defined; (3) TRAILER. The definition will remain as previously defined; (4) TRUCK. it was suggested to include wreckers and tow trucks under the TRUCK definition.

PUBLIC COMMENT

Anne Reed Smith: right-of-way parking and parking on easements.

Valerie Henderson: trouble hearing Commissioners.

Subsequent to a public comment, it was stated that the City has authority to determine rules for what may or may not be done on its roads and State statutes regulate State roads.

Recess: 10:36 a.m. - 10:53 a.m.

There was a consensus to add wreckers and tow trucks to the definition of TRUCK.

TRUCK continued.

Discussion continued: (1) consideration was given to add "or commercial use" at the end of the definition to TRUCK; (2) it was stated that the intent of defining "truck" was to control the type of vehicles that are parked in residential areas; (3) after clarification was provided that Florida Statutes Chapter 316.003(94), defines that a truck is "any motor vehicle designed, used or maintained primarily for the transportation of property," it was suggested to use that definition in the Ordinance; (4) it was suggested that once Sections B through G are finished, to revisit PICKUP TRUCK and TRUCK.

There was a consensus to leave the definition of TRUCK in its original verbiage.

TRUCK TRACTOR

Discussion ensued: (1) it was stated that Florida Statutes Chapter 316.003(95) defines truck tractor as "any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load, other than a part of weight of the vehicle and load so drawn."; (2) a Vehicle Identification Guide which defined classes of trucks was explained and considered; (3) it was suggested to add "commercial" to the definition; (4) it was stated that the objective for changing the parking regulations was to allow for small work trucks to park on a residential lot; (4) it was stated that the intent was to define truck tractor and semi-trailer as Class 7 and Class 8 vehicles so that it would be the base for defining TRUCK TRACTOR with the exemption of RVs.

There was a consensus to refer to the Class 7 and above and excluding Recreational Vehicles in the definition of SEMITRAILER as well as TRUCK TRACTOR.

Discussion continued: (1) VEHICLE. The definition will remain as previously defined; (2) YARD, FRONT. The definition will remain as previously defined; (3) YARD, REAR. The definition will remain as previously defined; (4) YARD, SIDE. The definition will remain as previously defined.

B. MOTOR VEHICLES...

Discussion ensued: (1) it was suggested to add "and improved surface" to the

IMPROVED SURFACE definition; (2) concerns were expressed in compelling a resident to provide an improved parking surface when it would only be needed for brief visits during the year; (3) following a suggestion that the Code should be applied differently based on the size of the lot, it was noted that this would require an entire rewrite of the Unified Land Development Code (ULDC); (4) it was suggested that the larger vehicles (boats, RVs, vans, etc.) need to be parked on an improved surface; (5) subsequent to a question, it was stated that a formula could be utilized to apply this requirement in the different neighborhoods by defining the common denominator of the lot sizes; (6) after a concern, it was stated that first responders reported that the number of vehicles and their proximity to a residential primary or secondary structure, typically does not create an access problem; (7) various parking scenarios were considered to implement as a standard; (8) it was stated that the original intent of the legislation was to allow boats, trailers and RVs to park in the driveway and to put something in writing that is enforceable; (9) following a question, the ULDC was cited regarding what proportion of a lot should be sodded; (10) it was suggested to allow up to eight motor vehicles on a lot ranging from 7,000 to 10,000 square feet; lots below 7,000 square feet are allowed up to six motor vehicles; and any lot greater than 10,000 square-feet allowed an unlimited amount of cars; (11) clarification was provided that the amounts are calculated for the entire lot with an improved surface only required in the front yard for larger vehicles.

4. MOTOR VEHICLES continued.

Discussion continued regarding private property rights and perceived infringements on neighbors.

PUBLIC COMMENT:

Valerie Henderson; and Gerald Henderson: issues with parking on front, side and back yards.

A summary was provided for the items listed in B. Motor Vehicles.

There was a consensus that for the average lot size ranging from a 7,000 to 10,000 square-foot mark is allowed eight vehicles of any combination; anything under the 7,000 square-foot mark has a six-vehicle limit; anything over the 10,100 square-foot mark does not have a limit.

There was a consensus to allow parking on the side, front and rear yard.

There was a consensus to allow improved surfaces as a requirement only for the larger vehicles on the front yard only.

There was a consensus that the transporting number in the BUS definition shall be changed to 16 or more passengers over the public streets.

There was a consensus to remove Bus from B. Motor Vehicles.

Discussion continued regarding other vehicles listed in B. Motor Vehicles: (1) after a concern, it was suggested to change the definition of TRUCK so that people may bring work vehicles home; (2) different definitions and weights were considered to classify trucks; (3) it was suggested to set the definition of a TRUCK so that it differentiates it from a PICKUP TRUCK; (4) there was discussion about the parameter limitations in paragraph J.; (5) it was suggested that Staff review what vehicles would be included in the 16,000 pound category.

There was a consensus to change the definition of TRUCK, to "a vehicle with an empty vehicle weight of 16,000 pounds or more, excluding recreational vehicle.

B. MOTOR VEHICLES continued

Discussion continued: (1) the conditions under which a truck tractor may be parked in a residential zone were defined; (2) after concern was expressed that this should follow the current Code to allow for those residential lots that have been combined to accommodate parking for more or larger vehicles, it was stated that they will have to be grandfathered-in; (3) it was suggested to change the square-footage amounts for the tier requirements.

There was a consensus to change the allowable limits for vehicles to: no limits for lots over 20,000 square-feet; eight vehicles are allowed on lots between 20,000 to 7,000 square-feet; and six vehicles are allowed on lots 7,000 square-feet and under.

Discussion continued: It was suggested to implement the previous language in paragraph H and I., on page 3.

There was a consensus to reinsert the old paragraph I, that allows trucks, truck tractors and buses, limited to one (1) of any; to remove the neighborhood approval portion, and to add the 80% buffering portion as defined in Section H.

Clarification was provided that buses, trucks and truck tractors will be removed from B. Motor vehicles.

Subsequent to a concern, a suggestion was proffered that any unregistered vehicles must be tarped or stored in an enclosed structure.

There was a consensus to allow parking of unregistered or unlicensed vehicles if they are tarped or buffered.

B. MOTOR VEHICLES . . . ; C. NO MORE THAN A COMBINED TOTAL . . . ; D. MOTOR VEHICLES . . .

These will all be rewritten into one heading to reflect the preceding consensuses.

E. ORDINARY MAINTENANCE. . .

Discussion continued: After a request to add a provision back in regarding painting vehicles in a residential zone and it was stated that touching up paint or rust falls under the new proposed language D., where ordinary maintenance and repair are permitted.

There was a consensus to put the prohibition regarding painting vehicles in a residential zoned district back in the Ordinance, but only in the third tier (on lots larger than 20,000 square-feet).

E. ORDINARY MAINTENANCE

Discussion continued regarding: (1) adding "back yard" into the provision, it was stated that once an Ordinance is codified and it is found to conflict with another section of the Code, the conflict must be remedied; (2) it was suggested to replace "front yard" with "parcel" and confirmation was provided that it will not conflict with the Nuisance Chapter in the ULDC.

There was a consensus in paragraph E., to replace "front yard" with "parcel."

F. NO RECREATIONAL VEHICLES PARKED IN PUBLIC RIGHT-OF-WAY . . .

Subsequent to a question, it was stated that construction vehicles would be considered "service activities." The definition will remain as previously defined.

B. MOTOR VEHICLES

Discussion continued: (1) it was suggested to count a boat resting on a trailer as one vehicle.

There was a consensus that anything on a trailer shall be counted as one vehicle.

F. NO RECREATIONAL VEHICLES PARKED IN PUBLIC RIGHT-OF-WAY . . .

Discussion continued: (1) it was expressed to add semi-trailers as a prohibited vehicle.

There was a consensus to add "semi-trailers, truck tractors and buses" as a prohibited vehicle in F. NO RECREATIONAL VEHICLES PARKED IN PUBLIC RIGHT-OF-WAY.

A brief discussion ensued regarding allowing parking on a lot's easement wherein it was clarified that whatever is there must be removable.

G. PARALLEL AND ANGLE PARKING

Discussion ensued: (1) it was stated that angled parking in residential areas creates a potential visibility/safety issue when backing out; (2) it was recommended to eliminate sub-items 1 and 2; (3) various examples were considered to resolve the safety and trespassing concerns; (4) it was opined that if angled parking is allowed then it will conflict with ULDC Chapter 74-85; (5) after a question, clarification was provided that paragraph G only pertains to parking in the residential zoning district; (6) it was suggested to allow for stacked parking in the right-of-way; (7) to add the provision at the end of G., that there is no obstruction of sight visibility from adjacent driveways or roadways, and that in no case shall any vehicle interfere with the use of any sidewalk.

There was a consensus to allow for stacked parking in the right-of-way.

There was a consensus that paragraph G., shall read: "Parallel, stacked and angle parking, not to include the roadway, on the City right-of-way is permitted as follows, providing there is no obstruction of sight visibility from adjacent driveways or roadways. In no case shall any vehicle be parked and interfere with the use of any sidewalk."

G. PARALLEL AND ANGLE PARKING

(1) MOTOR VEHICLE(S) SHALL BE LICENSED.

The item shall remain as previously defined.

(2) SHALL NOT BE PARKED IN A STACKED FASHION.

Was requested previously to be removed.

There was a consensus to remove subsection (2) Shall not be parked in a stacked fashion.

(3) SHALL BE PARKED FRONT TO REAR ONLY, IN THE DIRECTION OF TRAFFIC.

There was a consensus for subsection (3) to read: "All parking shall be parked in the direction of traffic."

Recess: 3:12 p.m. - 3:25 p.m.

Discussion ensued: (1) clarification was provided that the gross vehicle weight includes the truck, all cargo and any passengers; (2) it was stated that verification is needed concerning how classification is done in Florida according to Statutes; (3) after a concern was expressed regarding City Code, Chapter 74-85, it was noted that the chapter will be amended once Ordinance No. 2017-19 is revised.

(4) SHALL NOT BE PARKED WITHOUT PERMISSION

Discussion ensued: (1) it was stated that responsibility for parking damage to a vacant property or right-of-way will be addressed in the next subsection. The item shall remain as previously defined.

(5) IF THE PARKING OR TRAVERSING CAUSES DAMAGES TO RIGHT-OF-WAY (ROW)

Discussion ensued: (1) scenarios regarding the responsibility of ROW damage by owner or someone else; (2) following a concern, it was stated that the ROW generally is part of

the owner's property but it carries a ROW easement giving the City or the public a certain type of right but the underlying property rights typically belong to the lot owner; (3) it was suggested to add language regarding responsibility of ROW damage being caused by the non-owner, it was stated that the burden of proof would be the City's and if it cannot be proved, the City must repair the ROW; (4) following a suggestion to prohibit parking or use of the ROW without permission from the owner, discussion ensued regarding examples of how to resolve non-owners damaging the ROW; (5) after it was stated that the ROW is a type of easement, reference was cited concerning a provision in the Code that addresses what can and cannot be in the ROW; (6) after a question, it was noted that there is an appeal process if the property owner was determined to be at fault.

There was a consensus that (5) shall read: "If the parking or traversing on the City right-of-way damages the City drainage swales." removing "the lot owner shall be responsible for repairing the damage." Then add the reference City Code Section 42-24 to (5)(a) and increase the days from 14 to 30.

There was a consensus for (5)(b) increase the number of days from 30 to 60.

(6) NO VEHICLE SHALL BE STORED WITHIN THE CITY ROW.
Discussion ensued regarding different wording for this provision.

There was a consensus to direct the City Attorney to clean up the language in (6) and to reduce the number of days from 20 to 5 in the phrase "when it can be demonstrated that the vehicle has not been moved within twenty (20) days."

(H) SALE OF VEHICLES

Discussion ensued regarding limiting the number of vehicles that may be sold.

There was a consensus to limit the number of vehicles to one (1) in paragraph (H).

(I) NO VEHICLE OR BOAT PERMITTED TO BE PARKED ON RESIDENTIALLY ZONED PROPERTY SHALL BE OCCUPIED BY AN INDIVIDUAL OR FAMILY AS LIVING QUARTERS . . . IN EXCESS OF 30 CONSECUTIVE DAYS.

Discussion ensued regarding the time constraint, the verbiage, and the enforceability of the provision.

There was a consensus to leave the language in paragraph (I), as it is written.

(J) PROHIBITED VEHICLES AND EQUIPMENT

Discussion ensued: (1) it was suggested to retitle the paragraph: "Permitted Vehicles and Equipment Restrictions; (2) concern was expressed that none of the vehicles listed should be allowed to be parked in residential areas unless used for construction; (3) it was suggested to bring back the strike-through version of (J); (4) it was stated that Staff will clarify whether the "storage or overnight parking (off-street or on-street)" portion is redundant.

There was a consensus to bring back the strike-through language in paragraph (J); removing items (J)(1)(h) "Vehicles converted for the sale of food"; and (J)(1)(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." Also, adding "semi-trailer" to the list.

Discussion continued: (1) clarification was provided that (J)(1)(e) regarding construction equipment is allowed; (2) following a request, it was stated that paragraph (J) and all its subpoints except (h) and (i) were reinstated; (3) it was suggested to remove the last sentence starting with "however."

There was a consensus to strike "However, the vehicles listed above are prohibited on any road, right-of-way, or zoning district except in the course of delivery and

pickup."

Discussion continued: (1) it was requested to remove trucks with stake beds because there is no definition of it.

There was a consensus to take out (g) Trucks with stake beds, under (J)(1).

Discussion continued: (1) to allow mini-storage facilities to store vehicles outside; (2) clarification was provided that a provision to allow outdoor storage would require a text amendment to the ULDC, it would allow this in other zoning districts where mini-storage or warehousing units are permitted; (3) it was suggested to review the City's zoning areas to determine where additional zoning could be permitted.

There was a consensus to direct Staff to bring back a draft Ordinance with a text amendment to the ULDC Chapter 53-240(S) and (T), to allow for outdoor storage of vehicles in the areas where it is allowed currently, and at that time, Commission may choose to add opacity and discuss other details.

4. PUBLIC COMMENT:

There was no public comment.

5. ADJOURNMENT:

Mayor Carusone adjourned the North Port City Commission Workshop Meeting at 4:39 p.m.

City of North Port, Florida

By: 

Vanessa Carusone, Mayor

Attest: 

Patsy C. Adkins, MMC, City Clerk

Minutes approved at the City Commission Regular Meeting this 8th day of April, 2018.