



## Legislation Text

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**File #:** 18-360, **Version:** 1

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**TO:** Honorable Mayor & Members of the North Port Commission

**FROM:** Peter D. Lear, CPA, CGMA, City Manager

**TITLE:** Ordinance No. 2018-09, GEN-18-026, First Reading, Parking and Storage of Certain Vehicles

### **Recommended Action**

Provide direction concerning recommendations made by staff to amend the draft Ordinance and to reconcile code conflicts. To continue Ordinance No. 2018-09, GEN-08-026 for second reading on June 26, 2018.

### **Background Information**

On July 12, 2016, the City Commission adopted Resolution No. 2016-R-14, directing the City Manager to temporarily suspend enforcement of the Unified Land Development Code Section 25-19(F), (H) and (J) as it pertains to boats on licensed trailer, automobiles and trucks parked on driveways or side yards until July 12, 2017. This suspension was extended until July 13, 2018 by Resolution No. 2017-R-25.

Public hearings were held on August 3, 2017 with the Planning and Zoning Advisory Board and the City Commission on October 5, 2017 to receive public comments concerning the proposed amendments to Chapter 25, Section 25-19, the Parking and Storage of Certain Vehicles. At the October 5, 2017 Commission meeting, the Commission reviewed the proposed amendments to Section 25-19 and directed a workshop be held to discuss in detail the parking and storage of vehicles.

At a properly noticed workshop held on January 4, 2018, the City Commission by consensus directed staff to draft an ordinance creating a new chapter in the City of North Port Administrative Code titled "Property Standards," with a subsection titled "Parking and Storage of Certain Vehicles" with Commission directed changes. These changes are outlined in the workshop notes as Attachment 5 and have been merged into the explanation of changes document found in Attachment 2.

In addition, Commission requested staff to research the following:

1. What vehicles fall under the empty vehicle weight of 16,000 pounds or more. ***As a result of the research, staff has provided a table showing the vehicle description and empty vehicle weights in Attachment 7. Most minivans, small and large SUV's, and small and standard pickup trucks fall under the threshold of the maximum gross weight of 12,000 lbs. as per Sec. 74-51 of the City Code (Attachment 10). Truck tractors, Class A, and Fifth Wheel types of Recreational Vehicles (RV's) exceed the 12,000 lb. maximum gross weight threshold.***
2. To find the square feet of a standard lot in the City of North Port. ***Staff has found the standard square feet of a single-family lot in the Residential Single-Family Zoning District (RSF-2) is approximately an average of 10,739.55 square feet with a range from 4,419 square feet to 19,860 square feet.***

Ordinance No. 2018-09 amends the City of North Port Administrative Code creating Chapter 59, Property Standards, reserving sections 59-1 through 59-15 for additions to these sections in the future, and to create Section 59-16, Parking

and Storage of Certain Vehicles. This section shall only apply to the parking of vehicles in residentially zoned districts.

Two related ordinances will be presented to the Commission at a later date: Ordinance No. 2018-23, which will repeal Chapter 25, Section 25-19 and add references to the new Chapter 59 in the Administrative Code; and Ordinance No. 2018-24, which would allow the outdoor storage of vehicles where mini-storage is allowed. Both Ordinances are scheduled to be heard before the Planning and Zoning Advisory Board on June 7, 2018 and City Commission for first reading on June 26, 2018.

The following departments have reviewed the proposed Ordinance No. 2018-09: City Attorney, Public Works, Police and Planning. Public Works has provided their recommendations and comments regarding proposed Ordinance No. 2018-09 (Attachment 8). These comments and recommendations have been merged into (Attachment 2). The City Attorney has provided a memorandum of changes and recommendations (Attachment 3) and these also have been incorporated into the explanation of changes table (Attachment 2). Fire/Rescue stated on the record at the January 4, 2018 workshop they had no issues with the proposed ordinance.

For a detailed explanation of Commission directed changes, staff recommendations and amendments to draft Ordinance No. 2018-09, please refer to Attachment 2, which is a table showing a cross reference between draft Ordinance No. 2018-09 and Exhibit B presented at the January 4, 2018 workshop. This document also explains in detail changes and recommendations made by the City Attorney, Public Works and Planning.

The City Attorney has reviewed the Ordinance No. 2018-09 as to form and correctness. As stated in the City Attorney memorandum, (Attachment 3), "the attached revised Ordinance will be legally correct as to form once the issues identified are addressed. Staff has informed the City Attorney's Office that they will address the identified issues with the Commission and request further direction. The following items must be addressed in order for the Ordinance to be legally correct as to form. Once the items are addressed, the revised Ordinance will require additional review". The City Attorney recommended changes are outlined in the memorandum and in Attachment 2.

In addition, Ordinance No. 2018-09 reconciles additional conflicts concerning the parking of vehicles within the Administrative Code specifically, Section 74-85 and Section 74-92 to the newly created Chapter 59, Section 59-16. These sections have been amended to eliminate conflict with the new Chapter 59 language and are noted in the legislative text in strikethrough/underline format.

Furthermore, Police has requested Section 74-84 (c) language be amended as well. These amendments are shown in the draft Ordinance No. 2018-09 on page 7 in the legislative/strikethrough underline format.

Ordinance No. 2018-09, Petition Number 18-026 was advertised in a newspaper of general circulation within the City of North Port on May 15, 2018 pursuant to the provisions of Section 166.041, Florida Statutes and Section 9.01(b) of the Charter of the City of North Port.

## **Strategic Plan**

Goals: Financially Responsible City Providing Quality Municipal Services

## **Financial Impact**

Not Applicable

## **Procurement**

Not Applicable

Attachments:

1. Draft Ordinance 2018-09, amending the Code of the City of North Port creating Chapter 59, Property Standards and Section 59-16, Parking and Storage of Certain Vehicles

2. Explanation of changes table showing cross reference of sections between Exhibit B presented at the January 4, 2018 workshop and the draft Ordinance No. 2018-09; includes all Commission directed changes, staff changes and recommendations
3. Memorandum from City Attorney with recommendations and changes (these are merged in the table in Attachment 2)
4. Exhibit B as presented at the January 4, 2018 workshop
5. January 4, 2018 workshop notes (included in the table in Attachment 2)
6. Current Chapter 25, Section 25-19 of the ULDC
7. Vehicle description and empty vehicle weight
8. Public Works recommendations and comments regarding proposed Ordinance No. 2018-09 (these are merged in the table in Attachment 2)
9. Example of Vehicle Classes as presented by Commissioner McDowell at the January 4, 2018 workshop
10. Chapter 74, Traffic and Vehicles from the Code of the City of North Port
11. Commission Workshop (Parking) January 4, 2018, Minutes

**Prepared by:** Sherry Willette-Grondin

**Department Director:** Scott Williams