

December 1, 2020

Variance Application: 2120 Homewood Drive

Applicant Request: PUBLIC HEARING CASE#2020-11-019 – PURSUANT TO BELLE ISLE CODE SEC. 42-64, AND SEC. 30-82, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 30-73 (E), SEC. 30-133 (C) (3), AND SEC. 30-133 (C) (4), TO ALLOW CONTINUED PARKING OF TRAILERS ON A CURRENTLY VACANT RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT CHRIS HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL, 32809, ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.

Existing Zoning/Use: R-1-AA/ vacant residential

Review Comments

This application seeks a variance to be able to continue to park trailers on a vacant single-family residential lot. The applicant has been parking three trailers on the lot since purchasing the property in 2017. In 2019, the City revised the code section regarding parking of motor vehicles on residential property, Chapter 30, through Ordinance 19-04. Added to this chapter of code, was a provision that *“no motor vehicles, recreational vehicles, watercraft or utility trailers, shall be parked or stored on any vacant property in the City.”* A copy of the ordinance is provided with this staff report.

The applicant is seeking relief from these new sections of the code to be able to continue parking the trailers until such time that he can build a single-family home on the lot.

The applicant has provided information supporting the variance request. Please see this information enclosed with this agenda item packet.

Staff Recommendation

The code requirements for parking on residential lots vary by the type of vehicle being parked. Sec. 30-73 clearly identifies that no vehicles can be parked on vacant lots. If a single-family residential lot is developed with a primary residence then the code stipulates where certain vehicles may be parked and the parameters for the parking spaces.

Sec. 30-73 stipulates that any vehicle parked on a residential lot must be on a prepared surface pursuant to the requirements of Sec. 30-133, identified below:

- A. Unless completely housed in a garage or other suitable structure, all watercraft, recreational vehicles and utility trailers parked, stored or kept in any residential district

shall be parked, stored or kept in the side yard or rear yard where accessible by alley, public or private road, or other legally permissible means.

B. Only one watercraft unit or watercraft trailer shall be parked, stored, or kept in the front yard of the property and shall be subject to the following restrictions:

- 1) No watercraft exceeding 25 feet in length or ten and one-half feet in height shall be permitted in the front yard.
- 2) No watercraft shall be permitted in the front yard unless placed upon a watercraft trailer.
- 3) The watercraft unit or trailer shall be parked on a prepared surface meeting the following criteria:
 - a) Surface constructed of concrete pavers, asphalt, gravel or mulch;
 - b) Located so that its longest edge is contiguous to the existing driveway unless the prepared surface is a covered carport;
 - c) Front edge of the prepared surface is not less than five feet from the paved sidewalk and not less than ten feet from the roadway pavement; and
 - d) When parked on the prepared surface, no part of the recreational unit, including, if applicable, a trailer hitch or outboard motor may extend closer than five feet to a paved sidewalk and not closer than ten feet to a roadway pavement.
- 4) No recreational vehicle or utility trailer shall be parked, stored or kept in the front yard of the property, or on any vacant or undeveloped property.

Additionally, there are criteria for prepared surface. The following criteria must be met for approval of the prepared surface:

- 1) The location of the surface must be adjacent to the existing driveway or placed in line with either outside edge of the existing structure.
- 2) The surface must be placed such that the vehicle, when parked, is perpendicular to the existing structure.
- 3) The front edge of the surface must be not less than five feet from the front property line.

Any vehicle parked in a front yard must be parked:

- 1) Completely on an approved prepared surface as described in this section.
- 2) At least three feet from any existing sidewalk.
- 3) At least three feet from any side lot line.
- 4) At least three feet from a non-sidewalk curb or roadway if no curb.

There are also general standards for designated parking areas in Sec. 30-133 (f):

- 1) All areas designated as parking or driveway shall be constructed of the following materials: asphalt, concrete, pavers, four-inch gravel or crushed rock, mulch, or other material approved by the city manager or city manager designee.

- 2) All areas designated as parking or driveway shall be completely contained within a permanent border.
- 3) The borders of any prepared parking surface constructed of gravel, crushed rock, mulch, or any other loose material approved by the city manager or city manager designee, shall be delineated with anchored man-made or natural landscape edging materials such that the parking area is clearly defined and the loose material contained so to prevent spreading and deterioration of the parking area.
- 4) The parking area must be accessible from the driveway and curb cut, if there is a curb. The parking space shall not be accessed by driving over the curb and/or sidewalk.
- 5) If in an area with an HOA (whether voluntary or mandatory), the HOA needs to approve the application.
- 6) All improved parking surfaces shall be maintained in good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage of the surface or of an adjoining property. Final determination of a parking surface's condition shall be at the discretion of the city manager or the city manager's designee.

When a variance is requested from the Board, consideration of Sec. 42-64 (1) d through g must be evaluated. The applicant has provided responses to these criteria for the Board's evaluation.

Because Ordinance 19-04 provided new regulations applicable to this situation, it would not be uncommon for a board to allow a temporary variance to provide reasonable time for a property owner to come into compliance with the code. If the Board chooses to do this, staff recommends that the applicant be required to obtain a permit and place the trailers on a prepared parking surfaces compliant with Sec. 30-133 (f) within an immediate timeframe. Additionally, the Board may consider the temporary variance being allowed for one year, which could provide time for the applicant to begin building a primary single-family home on the property, or make other arrangements for parking the trailers at another location.

ORDINANCE NO. 19-04

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA AMENDING CHAPTER 30 OF THE CITY CODE PERTAINING TO PARKING REGULATIONS; PROVIDING FOR DEFINITIONS, PARKING OF MOTOR VEHICLES, ISSUANCE OF CITATIONS, FINES, HEARINGS, APPEALS, PARKING ON THE PARKING STRIP, OCCUPANCY AND RENTAL OF VEHICLES, STANDARDS FOR DESIGNATED PARKING AREAS, FRONT YARD PARKING, PARKING SURFACE REQUIREMENTS, AND OTHER MATTERS RELATED TO VEHICLE PARKING WITHIN THE CITY; PROVIDING FOR CREATION OF RESIDENTIAL PARKING DISTRICTS, PROCESS FOR APPLICATION FOR AND CREATION OF SUCH, PERMITTING IN RESIDENTIAL PARKING DISTRICTS, PENALTIES, AND OTHER MATTERS RELATED THERETO; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Belle Isle, Florida, finds that it is in the interests of the health, safety, and welfare of the residents of Belle Isle and the general public that Chapter 30 of the City Code be amended to strengthen and modify the City's regulations pertaining to the parking of vehicles within the City.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amendment. Sections 30-1, 30-73, 30-74, 30-76, 30-102, 30-104, 30-132, and 30-133 of the City Code are hereby amended, and new sections 30-83 and 30-84 are hereby created, all as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not referenced are not being modified).

Sec. 30-1. – Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the indicated meanings:

Abandoned vehicle means any vehicle, as defined in this section, which is in a wrecked or junked condition having no value, other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements, and which has been left unattended, without the permission of the property owner, upon whose property such vehicle is located for more than 72 hours unless such vehicle is designated as not abandoned by the enforcement officer. Evidence of an abandoned vehicle may include, but is not limited to, factors such as: vehicle being inoperative as evidenced by vegetation underneath as high as the vehicle body or frame, having refuse or debris collected underneath or the vehicle being used solely for storage purposes, or having one or more flat tires for more than three days in succession; or incapable of functioning as a motor vehicle in its present state.

Box truck means a truck with a box-like cargo area that sits on the frame of the vehicle.

Bus means a motor vehicle designed or constructed to carry more than 15 persons plus the driver.

Carport means an open-sided structure which is used primarily for the parking of vehicles which belong to the occupants of the principal building.

Commercial vehicle means any vehicle designed, equipped or used for trade meeting any of the following criteria:

- (1) Total signage in or on the vehicle exceeding four square feet in area; signage that shall be included in any measurement of the maximum area allowed shall include bumper stickers, magnetic signs, painted signs and flags. Signage that is affixed to the vehicle by the manufacturer or automotive dealer and which identifies the make, model, or dealer of the automobile shall not be included in the measurement;
- (2) Equipped with external modifications designed to be used in trade including, but not limited to, externally mounted tools, machinery, equipment, tool or equipment racks, and modifications used for the purpose of lifting objects or persons above the height of the vehicles;
- (3) Flatbed trucks, box trucks, and dump trucks;
- (4) Equipped to tow or transport other vehicles for hire;
- (5) Having a length greater than 21 feet;
- (6) Having a height greater than ten feet;
- (7) A vehicle that is marked as and used for the purpose of transporting of passengers for hire such as taxicabs, shuttle vans, and limousines. This definition would also apply to private vehicles for hire such as Uber, Lyft and other similar companies that hire private vehicles for transporting passengers;
- (8) Vehicles that are parked in a commercial parking lot or vehicles that pay a fee to park; or
- (9) Having a gross vehicle weight (GVW) of more than 10,000 pounds.

Construction equipment means heavy construction equipment commonly used in the construction industry for earth moving, highway construction or building construction. By way of example, and not by way of limitation, the term "construction equipment" includes bulldozers, front end loaders, backhoes, graders, power shovels, scrapers, cranes, compactors and trailers designed for the transportation of such equipment.

Emergency vehicle means, by way of example and not by way of limitation, fire department vehicles, police and sheriff vehicles, and other state, county, city and public service corporation vehicles when used to protect people or property that is in imminent physical danger.

Enforcement officer means the city manager or any other person appointed by the city to enforce this chapter.

Front Yard means the area extending across the front of a lot between the side lot lines and being a minimum horizontal distance between the street line and the principal building.

Garage means an accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.

Junked vehicle means any vehicle, as defined by this section, which is wrecked, dismantled or partially dismantled, in derelict condition, inoperative, regardless of whether or not the same has lawfully affixed thereto an unexpired license plate or a current motor vehicle safety inspection certificate. Evidence of a junked vehicle may include, but is not limited to, factors such as: vehicle being inoperative as evidenced by vegetation underneath as high as the vehicle body or frame, having refuse or debris collected underneath or the vehicle being used solely for storage purposes, or having one or more flat tires for more than three days in succession; or incapable of functioning as a motor vehicle in its present state.

Motor home means a self-propelled vehicle which is designed or constructed primarily for temporary human habitation in conjunction with recreational, camping or travel use.

Motor vehicle means any vehicle which is self-propelled and/or designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, mopeds, buggies, trucks, tractors, go-carts, golf carts, utility trailers, campers, all-terrain vehicles and trailers. However, for the purposes of division 2 of article III only, the term "motor vehicle" also means any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Official traffic control device means any sign, signal, marking or device, not inconsistent with this article, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

Owner means any person or other entity in whose name the legal title of the vehicle or equipment is registered, or if the vehicle or equipment is the subject of a lease or conditional sales agreement. The lessee or person or other entity with the right of purchase upon performance of the condition stated in the agreement and with the immediate right of possession.

Park or parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this article.

Parking Strip means that portion of the City Right-of-Way (ROW) located between the curb (or edge of pavement) and sidewalk (or if no sidewalk then the property line).

Pickup camper or coach means a device which is designed or constructed to be mounted on an automobile to allow for temporary human habitation generally in conjunction with recreational, camping or travel use.

Private property means any real property within the city which is privately owned and which is not public property as defined in this section.

Public property means any street, highway, land and improvements owned by the city and includes buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way and other similar publicly owned facility or property.

Public service vehicle means, by way of example and not by way of limitation, garbage trucks used to service the citizens of the city and school buses.

Recreational equipment means and includes, but is not limited to, boats, boat trailers and recreational vehicles.

Recreational vehicle means any vehicle which is designed or constructed primarily for temporary human habitation in conjunction with camping, traveling and other recreational activities. By way of example and not by way of limitation, recreational vehicle includes travel trailer, truck camper, motor home, pickup camper or coach (designed to be mounted on automobile or trucks), private motor coach, and cases or boxes which are designed to be used for transporting recreational equipment. A standard van or SUV that has been commercially converted for use as a camper, also referred to as a Class B motor home or conversion vehicle, shall not be considered a recreational vehicle for the purposes of this chapter, so long as the overall length does not exceed 20 feet and the overall height does not exceed nine feet.

Residential district means any single-family residential, two-family residential or multiple-family residential district as defined and delineated in the zoning ordinance and maps of the city.

Residential parking district means a distinct geographical zone established by the City Council in a residential area in accordance with Section 30-84 of the City Code within which certain regulations apply with respect to parking on public streets.

Semitrailer means any vehicle, including, but not limited to, those engaged in construction, lawn maintenance and/or landscaping without motive power designed to be coupled to or drawn by a motor vehicle and designed or constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

Severely rusted vehicle means any vehicle which is rusted on at least 50 percent of its body exterior, excluding its windows, windshield, and underside.

Stand or *standing* means the halting of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers, as may be permitted by law under this article.

Standard cover means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle in question.

Stop or *stopping* means any prohibited halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or official traffic control device.

Tractor-trailer means a combination trucking unit consisting of a tractor hooked up to a full trailer or a semitrailer.

Trailer means any vehicle, including, but not limited to, those engaged in construction, lawn maintenance and/or landscaping in excess of 15 feet in length, without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle.

Travel trailer means a vehicle mounted on wheels which is designed or constructed to be towed and which is designed or constructed primarily for temporary human habitation in conjunction with recreational camping or travel use.

Truck camper means a truck equipped with a device designed or constructed to be loaded onto or affixed to the bed or chassis of the truck and which device is designed or constructed primarily for temporary human habitation in conjunction with recreational, camping or travel use.

Utility trailer means any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and not a recreational vehicle.

Vehicle means any motor vehicle, recreational vehicle, or watercraft, as defined in this section.

Watercraft means any vessel which is used or capable of being used as a means of transportation on water, including but not limited to motorboats (inboard and outboard), personal watercraft (such as jet skis), airboats, sailboats, canoes, and catamarans.

Wrecked vehicle means any vehicle, as defined in this section, which has unrepaired damage over at least ten percent of the vehicle body; has missing or broken body parts which are material parts, such as lights, bumpers, fenders, panels, glass; has parts that are attached to the vehicle or covered with tape; has exposed a primer coat or coat of paint other than a final coat; is severely rusted; or which has been smashed, destroyed, disabled, burned, or seriously damaged such that it is inoperable or incapable of being safely moved under its own power.

Sec. 30-73. - Parking of motor vehicles on residential property.

(a) Any motor vehicle when parked on residential property shall be parked on the driveway or on a solid surface specifically prepared for parking, pursuant to the requirements for such a surface as described in subsection 30-133(d-g). No motor vehicle shall be permitted to be parked on the right-of-way between the edge of the street and private property lines within residential areas.

(b) The parking of any vehicle on or over any sidewalk adjacent to any residential lot is prohibited.

~~(c) The maximum number of motor vehicles kept outside of the garage of any residential dwelling shall be limited, as follows:~~

~~(1) A maximum of four motor vehicles may be kept on the property of a residential dwelling having two bedrooms.~~

~~(2) A maximum of five motor vehicles may be kept on the property of a residential dwelling having three bedrooms.~~

~~(3) A maximum of six motor vehicles may be kept on the property of a residential dwelling having four or more bedrooms.~~

~~(d) The number of bedrooms in a dwelling unit shall be determined by the property information published by the Orange County property appraiser's office.~~

~~(e) The city council shall have the power to grant a special exception allowing additional parking of motor vehicles on a particular parcel provided that the parcel exceeds 0.75 acres in size and provided further that the location of all parking shall be at least 100 feet from any public road.~~

~~(f)(c)~~ The city manager shall, in his discretion, have the right to issue a waiver of the enforcement of this section for a period not to exceed 24 hours for good cause shown by the property owner, such good cause to include, by way of example and not by way of limitation, special gatherings such as parties, meetings, etc.

(d) For residences with a valid building permit, this section shall not apply to contractors working at the residence.

(e) No motor vehicles, recreational vehicles, watercraft or utility trailers shall be parked or stored on any vacant property in the City.

Sec. 30-74. - Issuance of citation; schedule of fines.

(a) When any vehicle is left parked, stopped or standing in violation of any statute of the state or county ordinance or ordinance of the city on any public property, the enforcement officer is authorized to issue a civil citation to any occupants of the vehicle or by attaching the citation or a copy thereof to the vehicle itself.

~~(b) The amount of such civil penalty shall be as follows:~~

~~(1) One hundred fifty dollars for each violation of any offense, except for the offense listed in subsection (b)(2) of this section;~~

~~(2) Two hundred fifty dollars for each offense relating to unlawful parking in handicapped designated spaces.~~

(b) The amounts and classes of such civil penalty(ies) shall be set and may be amended by resolution of the City Council, including but not limited to adoption of a schedule of fines..

~~(c) This schedule of fines may be periodically amended by ordinance of the city.~~

Sec. 30-76. - Fines and hearings.

(a) *Payment of fines; issuance of receipts.* The city manager shall accept payment of civil penalties for parking violations and issue receipts therefor.

(b) *Hearing request by person cited.* Any person summoned by a parking violation citation, upon the payment of a fee of ~~\$150.00~~ \$50.00 in cash, money order or cashier's check, may within five working days after issuance of the citation file with the city manager a written request for a hearing ~~before the city council~~ with the City Manager. Such hearing shall be set for no later than 60 days after the filing of such request. The person summoned by the parking violation citation shall be given at least five working days' written notice of the time and place of such hearing, at which the person cited shall have the opportunity to present evidence and be represented by legal counsel. At the completion of the hearing, the ~~city council~~ City Manager shall decide whether or not the citation was justified and whether or not the fine should be imposed/upheld. In the event the ~~city council~~ City Manager overturns the parking violation, the fee of ~~\$150.00~~ \$50.00 shall be

refunded to the person that paid such fee within five working days of the City Manager's decision, unless the decision of the City Manager is appealed to the City Council.

(c) *Appeal of City Manager Decision:* Any person who received a parking citation may appeal the decision of the City Manager to the City Council. If appealed to the City Council, the payment stated in (b) above will not be refunded to the person. The person may within five working days after issuance of the denial by the City Manager file a written request for a hearing before the City Council. Such hearing shall be set at a regular or special meeting to be held not later than 60 days after the filing of such request. The person summoned by the parking violation citation shall be given at least five working days' written notice of the time and place of such hearing. At the completion of the hearing, the city council shall decide whether or not the citation was justified and whether or not the fine should be imposed/upheld. In the event the city council overturns the parking violation, the fee of \$50.00 shall be refunded to the person that paid such fee within five working days of the City Council's decision.

(e)(d) *Delinquent fee; notice of summons for failure to respond.* If any person summoned by a parking violation citation on a motor vehicle does not respond to such citation within five business days, by either paying the fine or requesting a hearing under subsection (b) of this section, the city manager shall assess a \$25.00 penalty against the registered owner of the vehicle. In addition, a notice of summons shall be sent, by certified mail, to the registered owner of the motor vehicle which was cited, informing such owner of the parking violation citation and the failure to comply therewith. Such notice shall direct the recipient to respond within ten calendar days; otherwise, a summons will be issued for failure to comply. Costs in the amount of \$10.00 shall be assessed incident to this notification process.

(d)(e) *Summons for failure to respond, charges.* If a response is not made within the time period specified in the notice of summons, a summons for failure to respond will be issue to the registered owner of the motor vehicle commanding an appearance before a hearing officer. In addition to all other costs, fines and administrative fees assessed by the county, a service of process charge in the amount allowed by state statute will be assessed by the city manager for each summons issued.

(e)(f) *Hearing on charge of failure to comply.* After issuance of summons, a hearing on the charge of failure to comply shall be scheduled and such charge prosecuted by the city attorney in the county court.

(f)(g) *Waiver of rights to contest citation.* Any person who fails to respond to the original parking violation citation within the time period specified on such citation shall be deemed to have waived the right to contest the merits of such parking violation.

Sec. 30-83. - Parking of motor vehicles on Parking Strip.

(a) The vehicle may have at most its passenger-side wheels on the parking strip when parking.

(b) There shall be no parking in or upon the parking strip on major collector roads.

(c) Official government vehicles and public utility vehicles on service calls are exempt from this section. Official government vehicles include any contractor hired by the City or other governing agency.

Section 30-84 Residential Parking Districts

(a) Establishing the District. The City Council has the authority, on its own motion or upon approval of a petition from a majority of the residents of the district or proposed district, to adopt a resolution designating, repealing, setting the geographical boundaries of, and/or revising residential parking districts, and to establish the parking restrictions for public roads that shall apply within such districts. Such restrictions may include but are not limited to the days, hours, and circumstances under which parking is allowed upon public roads, and exemptions thereto.

(b) Designation Criteria and Requirements.

(1) A residential parking district may be designated if the following criteria and requirements are satisfied:

(i) All of the property in the proposed district not owned by or dedicated to the City is zoned R-1, R-1-A, R-1-AA, R-1-AAA, R-2, or R-3; and

(ii) The City will measure the streets in the proposed district to determine the number of parking spaces on the streets. For the purpose of this evaluation, a legal parking space is twenty (20) linear feet.

(iii) During the proposed hours of restricted parking, the number of vehicles of non-residents of the district parked legally or illegally on a street in the district is equal to thirty percent (30%) or more of the legal on-street parking capacity of the street. The percentage of non-resident parking is determined by averaging the results of at least two surveys conducted on different days and at different times of the day but within the proposed hours of restricted parking.

(iv) The City Council determines in its sole discretion that establishment of the proposed residential parking district will serve the public health, safety, and welfare based on consideration of the following factors: 1) the need to reduce or prevent cluttering of city streets caused by parking; 2) the particular characteristics of the neighborhood(s) contained in the proposed residential parking district; 3) safety concerns including but not limited to access by emergency vehicles; 4) aesthetic concerns; 5) convenience to residents of the district and/or outside the district; and 6) other issues bearing upon the public health, safety, and welfare.

(2) The survey referenced in this subsection (b) may be conducted by the proponents of the district, or by a person designated by the City Manager, provided that the City shall not be required to accept the results of any survey conducted by the proponents of the district where the City Manager or City Council determine that such survey is unreliable, inaccurate, or otherwise unacceptable for any reason.

(3) The proposed hours of restricted parking cannot be any greater than the most restrictive hours of restricted parking in any adjacent residential parking district

(c) Public Hearing. The City Council shall hold a public hearing on any proposed designation, revision, or repeal of a residential parking district. The public hearing shall be held only after the City Manager has determined that the proposed district could satisfy the criteria for designation and notice has been sent to the residents in the proposed district and within two hundred feet (200 ft.) of the proposed district. Once the district is approved, the City Manager is responsible for administration of the district and permits in accordance with the Council's

approval of the district and any other directions by the City Council. No person shall have any right to the creation, designation, continuation, revision, or repeal of any residential parking district, and any action by the City regarding such shall not be subject to appeal or challenge.

(d) *Parking Restriction in Residential Parking Districts.*

(1) The parking restrictions for each residential parking district will be established by resolution of the City Council, subject to the requirements of this Section.

(2) The permits are valid only during the hours of restricted parking. The specific hours will be set in the resolution establishing the residential parking district.

(3) It is unlawful for any person to park any motor vehicle or trailer or allow any motor vehicle or trailer to be parked on any public street in a residential parking district for more than the time allowed by or otherwise in violation of the parking restrictions established for that district or street, unless the motor vehicle is displaying a valid residential parking permit, temporary parking district permit, or visitor pass for that parking district.

(4) Residential parking permit holders must comply with all other parking regulations in effect.

(e) *Residency Required for a Permit.* Residential parking district permits shall only be issued to residents of the parking district. For purposes of this Section, a resident is a licensed driver who resides in a dwelling unit approved for residential occupancy and who is the owner of or a tenant in the dwelling unit or who can demonstrate by some other means the right of occupancy.

(f) *Permit Application.*

(1) Only a resident of a residential parking district may apply for a residential parking district permit. The application shall be submitted to City Hall on forms approved by the City Manager, or City Manager's designee. The application for a permit shall contain information to verify that the applicant is a resident of the district for which the application has been made. The information must include:

1. Applicant's name, address, operator permit (driver's license) number, and date of issue.

2. Vehicle owner name, address, vehicle registration certificate number, and date of issue.

3. The make, model, color, state of registration, and license number of the vehicle(s) to be registered.

4. Proof of residency if the address or the operator permit or vehicle registration is not in the residential parking district for which the application is made.

5. Any other information required by the City Manager to determine if a residential parking permit should be issued.

(2) A parking permit will not be issued for any motor vehicle for which one or more unpaid parking tickets or citations have been issued by the Belle Isle Police Department for

parking or traffic violations. The permit shall be issued when the applicant meets the requirements specified in this and any other applicable section of the City Code and has paid the required fee.

(3) Upon approval of a permit application, a residential parking district permit will be issued to the approved resident(s) for all of the residents' vehicles.

(4) In addition to the residential parking permit, each dwelling unit in a residential parking district with an approved application shall receive three (3) short-term visitor passes.

(g) Temporary Permits; Hardship Permits.

(1) Temporary Parking District Permits. Temporary parking district permits are available for specific functions, including parties, graduations, weddings, and other appropriate events as determined by the City Manager or City Manager's designee. An application for temporary permits shall be made by the resident of the district on a City application form approved by the City Manager or City Manager's designee. Temporary parking permits may be issued for 24 hours or other period of time up to seven (7) days, as determined by the City Manager.

(2) Hardship Permits. When the designation of a residential parking district adversely impacts another City resident because their residence is not situated within the residential parking district and because they do not have on-street or off-street parking, such adversely impacted resident may petition the City Manager for a residential parking district permit.

(i) In order to approve a permit under this subsection (2), the City Manager must find that all of the following have been met:

a. That the applicant is a resident as defined in this section;

b. That a portion of the property upon which the applicant's residence is located is within one hundred (100) feet of the residential parking district;

c. That the property upon which the applicant's residence is located does not abut a street where on-street parking is allowed;

d. That there is little or no off-street parking and there is no ability to readily develop the property to provide for legal off-street parking, as determined by the City Manager.

(ii) The City Manager shall make a decision on the application within thirty (30) days of submission. An applicant whose application has been approved by the City Manager shall be considered a resident of the residential parking district for purposes of permitting under this section.

(h) Permit Fee and Term.

(1) Permit fees for residential parking district permits are established by resolution of the City Council. The fee is payable at the time of application. The fee is charged to cover the cost of printing the permit and administering the program.

(2) The permit term for each residential parking district is set forth in the resolution establishing the residential parking district.

(3) Residential parking permits may be renewed by residents upon presentation of the expired permit and payment of the fee on or before the expiration of the permit term.

(4) If application is made after the mid-point of the term of a parking permit, the fee will be one half (1/2) of the established fee.

(i) *Display of Permits.* Residential parking district permits must be displayed and visible on the driver's side rear window of the vehicle. Short-term visitor passes and temporary passes must be displayed and visible on the driver's side dash of the vehicle.

(j) *Expiration of Permits.*

(1) A permit expires and is void at the end of the permit term if not renewed within 7 days of the end of the term.

(2) A permit expires and is void when the owner or user of a permitted vehicle no longer resides within the district or when the vehicle for which the permit is issued is sold, transferred, demolished or otherwise no longer used by the resident to whom the permit was issued, unless transferred in accordance with the following section.

(3) Expired permit stickers must be removed from the vehicle upon permit expiration and expired short term visitor passes and temporary permits must be returned to City Administration.

(k) *Permit Transfers and Replacement.*

(1) A permit may be transferred to a new vehicle when the vehicle for which the permit was originally issued is sold, transferred, demolished, or in any other manner rendered unusable to the resident. The permittee shall notify the City of a change in status of the motor vehicle and complete an application for the new vehicle.

(2) A replacement permit may be obtained when a permit is lost or stolen. The application for a replacement permit shall be the same as the application for an original permit.

(3) A permit may not be transferred or replaced for any vehicle for which one or more parking tickets or traffic citations have been issued and are unpaid.

(l) *Penalties.*

(1) Violation of any provision of this policy is a parking violation. Each time a permit is used in violation of this chapter is considered a separate offense.

(2) If the registered owner of the permit does not make payment within ten (10) days of the violation, the permit will be void and a new permit will not be issued for the vehicle until the fine is paid in full.

(3) Fines will be set by a resolution of the City Council.

(m) City personnel under the direction of the City Manager are authorized to create, erect, and install any signage or other facilities as necessary or advisable to inform the public of the parking restrictions within a residential parking district.

Sec. 30-102. - Regulation of parking and storing.

(a) Except as provided in subsection (c), no person or other entity shall park or store or permit the parking and storing of any commercial vehicle or construction equipment upon any public property located in the city, including, but not limited to, public streets, roads, highways, boat ramp areas, swales, rights-of-way, sidewalks, parks, playgrounds, green space areas, public and private drainage/retention areas and other utility areas, and planting areas between sidewalks and curbs. Under this section, the term "public" includes, but is not limited to, the state, county, city, homeowners' associations, condominium associations and the community.

(b) Except as provided in ~~subsection (e)~~this section, no person or other entity shall park or store, or permit the parking or storing of any commercial vehicle or construction equipment on private property in a residential district other than in an enclosed building.

(c) Subsections (a) and (b) shall not apply to any owner, operator or person in charge of such commercial motor vehicle or construction equipment when making deliveries or performing labor or services during such time as such labor or services are being performed; nor shall they apply to a public utility (including electric power, gas, water, sewer, telephone and cable television) repair vehicle, that is kept by an employee of such utility for emergency purposes.

(d) Any motor vehicle when parked on commercial property shall be parked on a solid surface specifically prepared for parking, pursuant to the requirements for such a surface as described in subsection 50-72 (d).

(e) No tractor-trailer, construction vehicle, or other commercial vehicle parked within 100 feet of the residential property shall have its engine, motor, generator, or other externally audible equipment running between the hours of 10:00 p.m. and 6:00 a.m. except when the vehicle is being moved into or out of the parking area.

(f) Subsections (a) and (b) shall not apply to employees of a company that needs to respond to emergencies (electrician, plumber, tow truck) provided that the commercial vehicle is parked fully in the driveway and does not block the sidewalk or create other obstructions parked at the residence; however, prior authorization must be obtained from the City Manager or City Manager's designee.

Sec. 30-104. - Procedure.

(a) *Issuance of citation.* When any commercial vehicle is stored or parked in violation of this division, the enforcement officer is authorized to issue a civil citation by personally delivering it to any occupant of the commercial vehicle or by attaching the citation or a copy thereof to the commercial vehicle. With respect to a violation of section 30-102(d), the enforcement officer is authorized to also issue a civil citation to the owner of the property upon which the offending vehicle is parked.

(b) *Payment of fines; issuance of receipts.* The city clerk or the city clerk's designee shall accept payment of civil penalties for the violation of this division and shall issue receipts therefor.

(c) *Hearing and Appeal request procedure.* Any person cited under this division may challenge such citation in accordance with Subsections 30-76(b)-(c) of this Code, subject to all

~~requirements thereunder, within five working days after issuance of the citation, request an appeal in writing before the city council. Such appeal shall be set at a regular or special meeting to be held no later than 60 days after the filing of such request. The person cited shall be given written notice of the appeal. Such appeal will be noticed for date, time and place at least five working days prior to the actual appeal. At the completion of the appeal, the city council shall decide whether or not the citation was justified and whether or not the fine should be imposed. Any fine sustained, in whole or in part, by the city council must be paid within five working days after the date of the appeal at which the fine was sustained. Such appeal hearing requires a fee of \$35.00 to cover administrative costs of the hearing. Should the council overturn the citation, such fee will be refunded. However, should the council uphold the citation, the original fine will stand, in addition to the administrative fee.~~

(d) *Delinquent fee, notice of summons for failure to respond.* If any person cited under this division fails to pay the required fine within five working days after the date of issuance of the citation, or five working days after the date of the appeal hearing, provided that the appeal is timely requested; the city clerk shall assess a delinquent fee of \$10.00 per day against the registered owner of the commercial vehicle for each working day that the fine remains delinquent until the fine and all other fees and costs due under this division are paid in full. In addition to assessment of delinquent fees, the city clerk shall send a notice of summons by certified mail to the registered owner of the commercial vehicle, informing such owner of the citation of the owner's failure to comply with the citation, and shall assess the owner costs in the amount of \$25.00 for the sending of the notice. The notice shall direct the owner to pay the fine and all other fees and costs due under this division within ten days of the date of the notice. The notice shall inform the owner that, if payment is not made within the ten-day period, the owner will be charged with violation of this division and a summons will be issued commanding the owner to appear before the county court to answer and defend against those charges.

(e) *Summons for failure to respond, charges.* If a payment is not made within the time period specified in the notice of summons, a summons will issue commanding an appearance before a judge of the county court and a service of process charge of \$25.00 per summons shall be assessed.

(f) *Waiver of right to contest citation.* Any person who fails to respond to a citation issued under this division within the time specified on such citation and in the manner provided in this section shall be deemed to have waived the right to contest the merits of such citation.

Sec. 30-132. - Regulation of parking and storing.

(a) It shall be unlawful for any person or other entity to park or store recreational vehicles, watercraft or utility trailers upon any public property located in the city, including, but not limited to, public: streets, roads, highways, boat ramp areas, swales, rights-of-way, sidewalks, parks, playgrounds, green-space areas, public and private drainage/retention areas and other utility areas and planting areas between sidewalks and curbs unless expressly allowed as indicated by signage erected by the city. Under this section, the term "public" includes, but is not limited to, the state, county or city.

(b) Except as provided by section 30-133, it shall be unlawful for any person to park or store recreational units on private property in any residential district except temporarily while actually engaged in loading or unloading persons or property for a time period not to exceed 48 hours and only with a temporary parking permit issued by the city manager.

(c) No recreational vehicles or watercraft parked in any residential district within 50 feet of another residence shall have its engine, motor, generator or other externally audible equipment running between the hours of 10:00 p.m. and 6:00 a.m.

(d) No vehicle shall be occupied for permanent living purposes, nor connected to public utilities (sewer or water) while stored at a residence, except that if the owner of the property has a valid building permit for extensive remodeling or renovation of the residence and the residence cannot be inhabited due to such remodeling or renovation, then the property owner may use a recreational vehicle for a temporary dwelling until the remodeling or renovation is complete. The resident must provide the City with a valid building permit.

(e) No vehicle shall be used as a short-term rental.

Sec. 30-133. - Parking of watercraft, recreational vehicles, ~~and~~ utility trailers in residential areas, front yard parking, and parking surfaces.

(a) *Purpose.* The purpose of this section is to provide for public safety and general welfare of the city in preserving its residential character, by limiting and restricting the parking and storage of watercraft, recreational vehicles and utility trailers within the residential districts of the city.

(b) *Parking and storing in residential districts generally.* Unless completely housed in a garage or other suitable structure, all watercraft, recreational vehicles and utility trailers parked, stored or kept in any residential district shall be parked, stored or kept in the side yard or rear yard where accessible by alley, public or private road, or other legally permissible means.

(c) *Front yard regulations.* Only one watercraft unit or watercraft trailer shall be parked, stored, or kept in the front yard of the property and shall be subject to the following restrictions:

(1) No watercraft exceeding 25 feet in length or ten and one-half feet in height shall be permitted in the front yard.

(2) No watercraft shall be permitted in the front yard unless placed upon a watercraft trailer.

(3) The watercraft unit or trailer shall be parked on a prepared surface meeting the following criteria:

a. Surface constructed of concrete pavers, asphalt, gravel or mulch;

b. Located so that the watercraft unit or trailer is contiguous to the existing driveway unless the prepared surface is a covered carport;

c. Front edge of the prepared surface is not less than five feet from the paved sidewalk and not less than ten feet from the roadway pavement; and

d. When parked on the prepared surface, no part of the recreational unit, including, if applicable, a trailer hitch or outboard motor may extend closer than five feet to a paved sidewalk and not closer than ten feet to a roadway pavement.

(4) No recreational vehicle or utility trailer shall be parked, stored or kept in the front yard of the property, or on any vacant or undeveloped property.

(d) *Criteria for prepared surface.* The following criteria must be met for approval of the prepared surface:

(1) The location of the surface must be adjacent to the existing driveway or placed in line with either outside edge of the existing structure.

(2) The surface must be placed such that the vehicle, when parked, is perpendicular to the existing structure or aligned as approved by the City Manager or City Manager designee for practical minimal visual obstruction.

(3) The front edge of the surface must be not less than five feet from the front property line.

~~(4) Accepted prepared surface materials are: concrete, asphalt or concrete pavers. The prepared surface should cover the entire area under the vehicle.~~

(e) Any vehicle parked in a front yard must be parked:

(1) Completely on an approved prepared surface as described in this section.

(2) At least three feet from any existing sidewalk

(3) At least three feet from any side lot line

(4) At least three feet from a non-sidewalk curb or roadway if no curb.

(f) General standards for designated parking areas:

(1) All areas designated as parking or driveway shall be constructed of the following materials: asphalt, concrete, pavers, 4" gravel or crushed rock, mulch, or other material approved by the City Manager or City Manager designee.

(2) All areas designated as parking or driveway shall be completely contained within a permanent border.

(3) The borders of any prepared parking surface constructed of gravel, crushed rock, mulch, or any other loose material approved by the City Manager or City Manager designee, shall be delineated with anchored man-made or natural landscape edging materials such that the parking area is clearly defined and the loose material contained so to prevent spreading and deterioration of the parking area.

(4) The parking area must be accessible from the driveway and curb cut, if there is a curb. The parking space shall not be accessed by driving over the curb and/or sidewalk.

(5) If in an area with an HOA (whether voluntary or mandatory), the HOA needs to approve the application.

(6) All improved parking surfaces shall be maintained in good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage of the surface or of an adjoining property. Final determination of a parking surface's condition shall be at the discretion of the City Manager or the City Manager's designee.

(g) Permit Needed:

(1) A permit is required for all front lawn parking

(2) Permit must be signed by the property owner. Tenants are not allowed to sign a permit on behalf of the property owner.

(3) The City Manager or City Manager designee will administer the permit process.

(4) If part of an HOA, if the HOA does not allow front yard parking, then the application will be denied.

(5) In granting or denying a permit for front lawn parking, the City Manager or City Manager's designee shall consider the following criteria: 1) the number and type of the vehicles proposed to be parked; 2) the duration of the proposed parking; 3) the particular characteristics of the property, the surrounding properties, and the neighborhood; 4) aesthetic and safety concerns; 5) other matters bearing upon the welfare, health, and safety of the surrounding residents and general public.

(h) Parking on public road right-of-way. No watercraft, recreational vehicle or utility trailer shall be permitted to be parked in the public road right-of-way unless it is attached to a motor vehicle, or in the case of recreational vehicles it is capable of self-propulsion; and in no event shall any watercraft, recreational vehicle or utility trailer be permitted to be parked in the public road right-of-way for a period exceeding 24 hours. No watercraft, recreational vehicle or utility trailer shall be permitted to be parked on the right-of-way between the edge of pavement and private property lines within residential and commercial areas. No vehicle shall be occupied for permanent living purposes, nor connected to public utilities (sewer or water) while parked on a public road right-of-way, except in accordance with Section 30-132(d).

SECTION 3. Codification. This Ordinance shall be incorporated into the Belle Isle City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. Effective date. This ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: June 18, 2019

SECOND READING: July 2, 2019

ADOPTED this 2nd day of July, 2019, by the City Council of the City of Belle Isle, Florida.

	YES	NO	ABSENT
Ed Gold	<u>✓</u>	<u> </u>	<u> </u>
Anthony Carugno	<u> </u>	<u> </u>	<u>✓</u>
Karl Shuck	<u>✓</u>	<u> </u>	<u> </u>
Mike Sims	<u>✓</u>	<u> </u>	<u> </u>
Harvey Readey	<u> </u>	<u> </u>	<u>✓</u>
Jim Partin	<u>✓</u>	<u> </u>	<u> </u>
Sue Nielsen	<u>✓</u>	<u> </u>	<u> </u>

CITY COUNCIL
CITY OF BELLE ISLE

Nicholas Fouraker

Nicholas Fouraker, Mayor

ATTEST:

Yolanda Quiceno
Yolanda Quiceno, City Clerk

Kurt Ardaman
Approved as to form and legality
For Use and Reference only by the City
Kurt Ardaman, City Attorney