



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: February 5, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Consideration of Parking Changes

Background: Last year, the City Council passed an ordinance that increased the parking fines from \$35 to \$150. This fine amount applies to all parking violations. This led to many complaints on social media. In an effort to address parking issues, the City Council held a workshop on December 14, 2018 to review the current parking ordinances, review problems related to parking from a staff level, and to consider possible changes to the existing ordinances including a review of the current fines. The three areas of concern:

1. Parking on grass in the Right-of-Way
2. Parking on the front lawn of your property
3. The \$150 fine.

Staff Recommendation: Review the suggested changes to the City's parking codes and determine if any, or all, of those changes should be incorporated into the BIMC.

Suggested Motion: I move that we direct the City Attorney to draft an ordinance changing the BIMC to reflect the parking changes approved at tonight's meeting.

Alternatives: Do not change anything in the code.

Fiscal Impact: Depending on the any adjustment of the fines.

Attachments: Draft of changes

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; or
- (8) 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: 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 the City Right-of-Way (ROW) between the curb (or edge of pavement) and sidewalk (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.

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). 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

Garage Size	2 bedrooms	3 bedrooms	4 bedrooms (+)
No Garage	4 cars	5 cars	6 cars
1-car Garage	3 cars	4 cars	5 cars
2-car Garage	2 cars	3 cars	4 cars
3-car+ garage	0 cars	1 car	2 cars

unless it is allowed under Section 30-74.

(c) Garages are the primary area to park motor vehicles. The maximum number of motor vehicles kept outside of the garage shall be determined by the number of bedrooms and the garage spaces of any residential dwelling, as follows:

(d) The number of bedrooms in a dwelling unit and garage spaces 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) 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.

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

(h) No motor vehicles, recreational vehicles, watercraft or utility trailers will 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 amount of such civil penalty shall be set by a resolution of the City Council

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

Recommended for the Fee Schedule (Not in Ordinance):

In vicinity of boat ramp: \$150

In ROW: \$75

Front Yard without permit: \$50

Front Yard (not on hard surface) \$50

Sidewalk: \$75

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 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~~ **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~~ **\$25.00** shall be refunded to the person that paid such fee within five working days of the city council's decision. **The decision of the City Manager shall be final.**
- (c) *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) *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) *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) *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) Parking within the city right-of-way is allowed under the following circumstances:
- b) There is no curb or a there is "Miami" curb.
- c) The vehicle cannot be parked in the driveway or there is no room to expand parking to the front lawn.
- d) The vehicle must have only its passenger-side wheels on the parking strip.
- e) There will be no parking in the parking strip on major collector roads .
- f) 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 District

- a) 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 designate, repeal, or revise residential parking districts, and to establish the parking restrictions (i.e. days, hours, exemptions) for each separate residential district. Residential parking districts may be designated only in the R-1-A, R-1-AA, or R-2 zones.
- b) Residency Required for a Permit. Residential parking district permits shall only be issued to residents of the parking district. 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 of exclusive right of occupancy.
- c) In addition to the residential parking permit, each dwelling unit in a residential parking district with an approved application shall receive two (2) short-term visitor passes.
- d) Temporary parking district permits are available for specific functions (i.e. party, graduation, wedding, etc.) An application for temporary permits shall be made by the resident of the district on the City application form. Temporary parking permits may be issued for 24 hours and up to seven (7) days, as determined by the City Manager.

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, 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 (c), 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) 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.
- (e) **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 creates other obstructions parked at the residence; however prior authorization must be obtained from the City Manager or City Manager's designee.**

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, 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, water, or electric) while stored at a residence.

(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.

- (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 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.**

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

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

a. Completely on an approved prepared surface as described in (d) (4) below.

b. At least three feet from any existing sidewalk

c. At least three feet from any side lot line

d. At least three feet from a non-sidewalk curb or roadway if no curb.

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

(5) General standards for designated parking areas:

a. 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.

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

c. 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.

d. 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.

e. 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.

(7) Permit Needed:

a. A permit is required for all front lawn parking

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

c. The City Manager or City Manager designee will administer the permit process.

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

(e) *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, water, or electric) while parked on a public road right-of-way.