

ORDINANCE 2023-02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING SECTION 125-767, "PARKING OF SPECIFIED VEHICLES IN RESIDENTIAL DISTRICTS", OF DIVISION 8. "MOBILE HOMES, TRAILERS, RECREATIONAL AND COMMERCIAL AND CERTAIN OTHER VEHICLES" OF ARTICLE VII "SUPPLEMENTAL DISTRICT REGULATIONS" OF CHAPTER 125 "ZONING", OF THE TOWN'S CODE OF ORDINANCES, BY REPEALING SECTION 125-767 AND ADOPTING A NEW SECTION 125-767 TO PROHIBIT THE PARKING OF SPECIFIED VEHICLES AND TO REGULATE THE PARKING OF SPECIFIED VEHICLES IN RESIDENTIAL DISTRICTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the Town Council of the Town of Lake Clarke Shores has received complaints from Town residents regarding the parking of certain vehicles in residential districts within the Town; and

WHEREAS, the Town Council finds it to be in the public interest to make certain amendments to the Town Code of Ordinances to prohibit the parking of specified vehicles and to regulate the parking of specified vehicles in residential districts of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AS FOLLOWS:

SECTION 1. Section 125-767 "Parking of specified vehicles in residential districts" of Division 8 "Mobile Homes, Trailers, Recreational and Commercial and Certain Other Vehicles" of Article VII "Supplemental District Regulations" of Chapter 125, "Zoning" of the Code of Ordinances is hereby amended by repealing the subsection in its entirety and adopting a new Section 125-767, as follows:

Sec. 125-767. Parking of specified vehicles in residential districts.

- (a) No person shall park, store, or knowingly permit another person to park or store, vehicles or vessels described in this section upon any single-family residential and multi-family residential property at any time unless it is parked or stored within a garage or carport, or parked or stored behind the front line of the house. Boats and watercraft trailers and recreational vehicles are not required to be screened from view. Open air flat-bed utility trailers and enclosed cargo trailers shall be screened from view from any adjacent front, side and rear roads. Said vehicles shall also be screened from adjoining residential property by landscaping or fencing unless agreed otherwise by both current adjoining property owners. If fencing is used as a screen, the fence must be a minimum height of four (4) feet. Such fence shall not exceed the maximum height of six (6) feet. If landscaping is used as a screen, the landscaping must be a minimum

height of three (3) feet at the time of installation. Such landscaping shall not exceed the maximum height as stated in section 125-475(h).

(b) The vehicles which may be parked or stored in or upon such property as noted above are described as follows:

(1) Not more than a combined total of three (3) of the following vehicles:

a. Not more than one (1) recreational vehicle, which is any vehicle designed or primarily used for recreational, camping or travel use, which either has its own motor power, or which is mounted upon or drawn by another vehicle and used or designed to be used as temporary living or sleeping quarters. Such recreational vehicle shall not exceed an overall maximum length of 45 feet.

b. Trailers / Boats

i. Not more than one (1) open air flat-bed utility trailer and not more than one (1) enclosed cargo trailer which by definition are any wheeled, tongue and axel device or vehicle upon or within which property may be carried, hauled or transported.

ii. Not more than three (3) boats or watercraft trailers or similar type of vessel trailer which by definition is any wheeled, tongue and axel device or vehicle upon which a boat or watercraft may be carried, hauled or transported. A boat or watercraft on a trailer shall be considered as one vehicle.

(2) Not more than one (1) commercial vehicle, which is a vehicle self-propelled by an engine or motor, rated at Class four (4) (medium duty GVWR 14001 to 16,000 pounds) or less, and which bears any sign or marking which advertises or identifies any business or commercial venture; or which is used or designed for a business or commercial purpose. Said commercial vehicle shall not be required to be parked behind the front line of the house, or screened from any adjacent road and from adjoining residential property, but must be parked within a garage or carport or on a driveway. The provisions of this paragraph do not apply if the person having custody of a commercial vehicle, or a trailer coupled to it, or both, is actively and temporarily engaged in rendering a business or commercial service to the residential property where the vehicle is parked.

(c) The vehicles which shall not be parked or stored in or upon such property as noted above are described as follows:

- (1) Any mobile home, which is nonmotorized vehicle designed to be used either temporarily or permanently as a residence or living quarters.
- (2) Any bus, which is any motor vehicle used or originally designed for transporting ten or more passengers, whether or not such transportation is for compensation.
- (3) Any inoperable vehicle, which is any vehicle, whether motorized or nonmotorized, in, upon, or by which any person or property is or may be transported or drawn upon a road, which is inoperable because it is wrecked, derelict, partially dismantled or has one or more flat tires, or which is unpainted or painted with primer or rusted. Any vehicle which does not display a current registered license plate and decal is presumed to be inoperable.
- (4) Any box truck, which is any straight truck with a cuboid-shaped cargo storage area connected to the cabin by a single chassis or frame.
- (d) Any of the vehicles listed in subsection (b) and (c) of this section which are existing as of the effective date of this ordinance, shall be removed or brought into compliance with subsection (b) or (c) within 90 days.
- (e) All of the vehicles listed in subsection (b) and the area of parking shall be maintained in a clean, neat and presentable manner and free of overgrown vegetation, and the vehicles and equipment shall be in a usable and in operable condition at all times.
- (f) All of the vehicles listed in subsection (b) shall at all times have attached a current vehicle registration license plate and decal.
- (g) No major repairs or overhaul work on any vehicles shall be made or performed on the premises or property.
- (h) None of the vehicles or equipment described in subsection (b)(1) may be parked in the area between the street lot line and the structure. However, one of the vehicles described in subsection (b)(1) may be parked in the front yard driveway for a cumulative period not exceeding 72 hours in any one 30-day period.

SECTION 2. The provisions of this Ordinance will be made a part of the Code of Ordinances of the Town of Lake Clarke Shores, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word.

SECTION 3. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of the Ordinance.

SECTION 4. The provisions of this Ordinance shall become effective immediately upon adoption.

PASSED this ____ day of _____, 2023, on first reading.

PUBLISHED this __ day of _____, 2023, in _____.

PASSED AND ADOPTED this __ day of _____, 2023, on second and final reading.

TOWN OF LAKE CLARKE SHORES, FLORIDA

	FOR	AGAINST
BY: _____ Gregory Freebold, Mayor	_____	_____
_____	_____	_____
Robert M. W. Shalhoub, Vice Mayor	_____	_____
_____	_____	_____
Valentin Rodriguez, Jr., President Pro Tem	_____	_____
_____	_____	_____
Robert O. Gonzalez, Council Member	_____	_____
_____	_____	_____
Jon Maples, Council Member	_____	_____

ATTEST:

BY: _____
Mary Pinkerman, CMC, Town Clerk