

ORDINANCE
NUMBER 2015 - 038

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING SECTION 3-9-79.1, PARKING OF TRUCKS, TRAILERS, TRAVEL TRAILERS, AND RENAMING THIS SECTION TO PARKING OF BOATS, RECREATIONAL VEHICLES, TRUCKS AND TRAILERS; PROVIDING FOR THE REVISED INTENT; PROVIDING FOR REVISED PARKING STANDARDS AND RESTRICTIONS FOR TRUCKS AND TRAILERS; PROVIDING FOR PARKING STANDARDS FOR BOATS, RVS AND TRAILERS ON PRIVATE DEVELOPED PROPERTY; PROVIDING FOR REVISED VIOLATIONS AND ENFORCEMENT; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the County's Land Development Regulations (LDRs) were originally adopted in 1981 and took effect on December 8, 1981; and

WHEREAS, over time, County Staff was directed to revise the existing LDRs and has been working over the last several years to accomplish the desired revisions; and

WHEREAS, the purpose of these revisions is to update development regulations by removing some outdated regulations and requirements and adding new standards, to make the LDRs more user-friendly, and to be consistent with the County's Comprehensive Plan; and

WHEREAS, in order to thoroughly review and update the existing LDRs, County Staff has divided the project into three phases; and

WHEREAS, Phase I focused on revisions to the conventional zoning districts and some sections of Article I. In General and Article III. Special Regulations of Chapter 3-9. Zoning; and



1 WHEREAS, Phase II focuses on all overlay codes and the remaining sections of
2 Article I. In General and Article III. Special Regulations of Chapter 3-9. Zoning; and

3 WHEREAS, Phase III will focus on regulations found primarily in Chapter 3-5.
4 Planning and Development, which may include topics such as wetlands, landscaping
5 and buffers, and site and commercial design standards; and

6 WHEREAS, Phase I was approved by the Board of County Commissioners of
7 Charlotte County, Florida (“Board”) on November 25, 2014; and

8 WHEREAS, in order to thoroughly review and revise the County’s LDRs, County
9 Staff divided Phase II into small groups; and

10 WHEREAS, Phase II.1 was approved by the Board on February 24, 2015; and

11 WHEREAS, Phase II.2 was approved by the Board on April 28, 2015; and

12 WHEREAS, Phase II.3 was approved by the Board on May 26, 2015. However,
13 the Board directed County Staff to conduct further review of Section 3-9-79.1 and bring
14 it back to the Board for consideration at a later date; and

15 WHEREAS, County Staff is recommending that Chapter 3-9 of the Code of Laws
16 and Ordinances of Charlotte County, Florida, be amended by revising Section 3-9-79.1,
17 Parking of Trucks, Trailers, Travel Trailers, and renaming this Section to Parking of
18 Boats, Recreational Vehicles, Trucks and Trailers; providing for the revised intent;
19 providing for revised parking standards and restrictions for trucks and trailers; providing
20 for parking standards for boats, RVs and trailers on private developed property; and
21 providing for revised violations and enforcement; and

22 WHEREAS, Section 3-9-79.1 has previously been heard by the Planning and
23 Zoning Board (“P&Z Board”) and, based on the findings and analysis provided by

1 County Staff and the evidence presented to the P&Z Board, has been recommended for
2 approval on April 13, 2015; and

3 WHEREAS, the Board considered Section 3-9-79.1 in a public hearing held on
4 May 26, 2015, and again on July 28, 2015; and

5 WHEREAS, based on the findings and analysis provided by County Staff and the
6 evidence presented to the Board, the Board has determined that the changes are
7 consistent with the County's Comprehensive Plan and are in the best interests of the
8 County and its citizens.

9 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners
10 of Charlotte County, Florida:

11 Section 1. Chapter 3-9 of the Code of Laws and Ordinances of Charlotte County,
12 Florida, is hereby amended by revising Section 3-9-79.1, Parking of Trucks, Trailers,
13 Travel Trailers, and renaming this Section to Parking of Boats, Recreational Vehicles,
14 Trucks and Trailers; providing for the revised intent; providing for revised parking
15 standards and restrictions for trucks and trailers; providing for parking standards for
16 boats, RVs and trailers on private developed property; and providing for revised
17 violations and enforcement, by adding the underlined language and by ~~deleting the~~
18 ~~stricken language~~ to provide as shown in Exhibit "A" which is attached hereto and
19 provided herein.

20
21 Section 2. Conflict with Other Ordinances. The provisions of this Ordinance shall
22 supersede any provision of existing ordinances in conflict herewith to the extent of said
23 conflict.

24
25 Section 3. Severability. If any subsection, sentence, clause, phrase, or portion
26 of this Ordinance is for any reason held invalid or unconstitutional by any court of
27 competent jurisdiction, such portion shall be deemed a separate, distinct, and
28 independent provision and such holding shall not affect the validity of the remainder of
29 this Ordinance.

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31 Section 4. Effective Date. This Ordinance shall take effect upon its filing with the
32 Office of the Secretary of State, State of Florida.

1 PASSED AND DULY ADOPTED this 28th day of July, 2015.
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6 BOARD OF COUNTY COMMISSIONERS OF
7 CHARLOTTE COUNTY, FLORIDA
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9 By: William G. Truex
10 William G. Truex, Chairman
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15 ATTEST:

16 Barbara T. Scott, Clerk of
17 Circuit Court and Ex-Officio
18 Clerk to the Board of County
19 Commissioners
20

21 By: Michelle DiBerardino
22 Deputy Clerk
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26 APPROVED AS TO FORM
27 AND LEGAL SUFFICIENCY:
28

29 By: Janette S. Knowlton
30 Janette S. Knowlton, County Attorney
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LR2015-3323

Land Development Regulations
Chapter 3-9. Zoning
Article III. Special Regulations
Sec. 3-9-79.1. Parking of Boats, RVs, Trucks, and Trailers.

Sec. 3-9-79.1. Parking of Boats, Recreational Vehicles, Trucks, and Trailers, travel trailers.

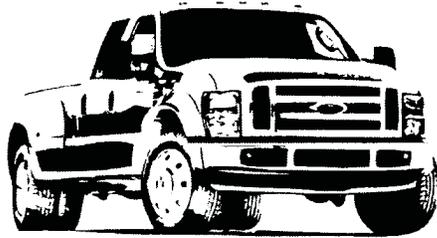
(a) The intent of this section is to regulate the parking of boats, Recreational Vehicles (RVs), trucks, and trailers in a manner that promotes public safety, limits the parking of boats, RVs, trucks and trailers in residential districts or residential developments, and enhances the appearance of the residential neighborhoods.

(b) (a) It shall be unlawful for any person to park ~~the parking of trucks and trailers which, pursuant to manufacturer design, or after market alterations, have or have the capability are capable of having tandem axles or two (2) rear wheels per side shall be prohibited, on public rights-of-way or private property in any RSE, RMF, RMF-T, MHP, MHS or MHC residential districts or in residential developments. This prohibition shall not apply to:~~

~~(i) motor homes RVs as defined in this chapter, (ii) t~~

(1) ~~Tow trucks owned and operated by a company or individual on a rotational list maintained by the Florida Highway Patrol or a Florida local law enforcement agency for response to emergency requests for service but only when the operator is present on the premises, (iii) p~~

(2) ~~Pickup trucks of one (1) ton capacity with no more than two (2) rear wheels per side provided said vehicle is owned by an occupant of the premises, and (iv) s~~ For the purposes of this section, a pickup truck (as shown below) is defined as a light truck having an enclosed cab and original equipment manufacturer installed, integrated cargo bed enclosed with low sides and a tailgate at the rear.



~~(a)(3) Service and delivery vehicles while engaged in loading, unloading or servicing on the premises.~~

(c) ~~The following shall not be parked on any property less than 20,000 square feet or any undeveloped property in residential districts or residential developments, unless such vacant property is located immediately adjacent to and abutting a developed property and owned by the same property owner:~~

~~(b) (b) Provided, however, cargo trailers with no more than four (4) wheels and or a cargo containment area not exceeding greater than twenty (20) feet in length.~~

~~(1)~~

~~(c) pleasure boats, b Boat trailers with no more than six (6) wheels or tri-axles, and camping trailers~~

~~(2)~~

~~(d) which appear operable, may be parked on private property in any district, provided they are parked within the area in which the principal building or accessory buildings are permitted.~~

~~(e) Provided, however, a single boat trailer with no more than four (4) wheels, which by outward appearance appears operable, with or without a boat thereon, may be parked anywhere behind the~~

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Land Development Regulations
Chapter 3-9. Zoning
Article III. Special Regulations
Sec. 3-9-79.1. Parking of Boats, RVs, Trucks, and Trailers

1 ~~leading edge of the house or in the driveway, but not within the triangle of visibility defined in section 3-9-~~
2 ~~97~~

3 ~~(3) Boats or RVs shall not be stored or parked on stands, jack stands, blocks, or other similar~~
4 ~~apparatus in residential districts not including integrated leveling stands.~~

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5 ~~(d) Boats, RVs, or trailers parked on private developed property in residential districts or residential~~
6 ~~developments:~~

7 ~~(1) Shall be the personal property of the owner, tenant or guest thereof residing on the property.~~

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8 ~~(2) Shall be operable and in good repair.~~

9 ~~(3) Shall be licensed and registered as required by State law, where applicable.~~

10 ~~(4) Shall be parked behind the leading edge of the principal building or within a paved driveway.~~

11 ~~(5) Shall not encroach upon any property line.~~

12 ~~(6) Shall not be used for living, sleeping, housekeeping or business purposes.~~

13 ~~(e) The storage of boats, recreational vehicles, or trailers on any public right-of-way or vacant property,~~
14 ~~or any portion thereof shall be prohibited. For the purposes of this section, storage shall mean any~~
15 ~~boat, trailer, or recreational vehicle that is unhitched from a motorized vehicle.~~

16 ~~(f) Motor vehicles which are generally not permitted on roadways by the State of Florida or Charlotte~~
17 ~~County shall be stored within a fully enclosed building in all residential zoning districts except AG, EM~~
18 ~~or RE zoning districts. In certain areas where special provisions allow golf carts on roads, such golf~~
19 ~~carts may be parked or stored on a paved driveway.~~

20 ~~(f) Upon a finding of a violation of this section, the Charlotte County Code Enforcement Board shall~~
21 ~~notify the board of county commissioners.~~

22 ~~(g) Upon the expiration of the time for compliance as ordered by the code enforcement board, the board~~
23 ~~of county commissioners or its designee may cause the property in violation to be removed from the~~
24 ~~premises.~~

25 ~~(f) The reasonable cost of such removal, and all incidental costs, shall be in addition to, and included in,~~
26 ~~the fine imposed by the code enforcement board and shall constitute a lien against the land on which the~~
27 ~~violation exists and upon any other real or personal property owned by the violator, pursuant F.S. §~~
28 ~~162.09.~~

29 ~~Cross reference— Motor vehicles and traffic, Ch. 2-4.~~

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 4, 2015

Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Attention: Ms. Michelle DiBerardino

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2015-038, which was filed in this office on August 4, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb