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ORDINANCE NO. 02-01-1048

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, AMENDING CHAPTER 106, "ZONING", ARTICLE I, "IN GENERAL", OF THE CODE OF ORDINANCES OF THE CITY OF NORTH LAUDERDALE, TO PROVIDE FOR A REVISED DEFINITION FOR THE TERM PASSENGER VEHICLE; AMENDING ARTICLE VI, "OFF-STREET PARKING AND LOADING AND PARKING RESTRICTIONS", TO PROVIDE FOR RESIDENTIAL OFF-STREET PARKING REQUIREMENTS; TO REVISE DEFINITIONS RELATED TO PARKING AND TYPES OF VEHICLES; TO LIMIT THE SIZE OF VEHICLES PERMITTED TO PARK IN RESIDENTIAL DISTRICTS; TO REGULATE OVERNIGHT PARKING OF COMMERCIAL VEHICLES; TO LIMIT THE SIZE AND LOCATION OF BOATS PERMITTED TO BE STORED IN THE OPEN IN RESIDENTIAL DISTRICTS; TO REGULATE THE OPEN STORAGE OF EMPTY BOAT TRAILERS; PROVIDING FOR CERTAIN FINDINGS AND CONCLUSIONS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of North Lauderdale (the "City") wishes to update its Ordinances which govern the off-street parking requirements for recreational and commercial vehicles within residential districts within the City; and

WHEREAS, the City Commission finds that the unregulated parking of recreational and commercial vehicles in residential zoning districts throughout the City can have an adverse effect on the appearance and aesthetics of the community, and a resulting adverse effect on property values; and

WHEREAS, the City has held multiple workshop sessions regarding the parking of recreational and commercial vehicles within residentially zoned districts, commissioned a city-

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1 wide survey regarding these issues, and held other public meetings to discuss the issues with the
2 citizens and residents of the City; and

3 **WHEREAS**, the City Commission of the City of North Lauderdale finds that enacting
4 regulations to control the parking of residential vehicles, boats, and boat trailers within
5 residentially zoned districts is in the best interest of the citizens and residents of North
6 Lauderdale, and is necessary to protect the health, safety, and welfare of the citizens and
7 residents of the City of North Lauderdale.

8 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF
9 NORTH LAUDERDALE, FLORIDA, THAT:

10 **Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as
11 being true and correct and are hereby made a specific part of this Ordinance upon adoption
12 hereof.

13 **Section 2.** Chapter 106, "Zoning", Article I, "In General" of the Code of Ordinances
14 of the City of North Lauderdale, be, and the same is hereby amended by revising Section 106-3
15 entitled "Definitions," to read as follows:

16 **Sec. 106-3. Definitions.**

17
18 *Passenger vehicle* means any vehicle designed, used or maintained primarily to
19 transport private passengers. Private passenger vans and private passenger pick-up
20 trucks without commercial signage which do not exceed eight thousand (8,000) six
21 thousand (6,000) pounds net empty weight are included. This definition does not include
22 commercial vehicles or recreational vehicles, as defined herein.
23

24 **Section 3.** Chapter 106, "Zoning", Article VI, "Off-Street Parking and Loading and

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1 Parking Restrictions”, of the Code of Ordinances of the City of North Lauderdale, be, and the
2 same, is hereby to read as follows:

3 **Sec. 106-222.** Location, character, size.

4 * * *

5
6
7 (e) The required off-street parking facilities shall be identified as to purpose and as
8 to location when not clearly evident from a street or alley. Off-street parking facilities
9 including access aisles and driveways, regardless of when the building, use or structure
10 they serve was instituted or erected, shall be surfaced with an asphaltic, concrete
11 surface, or pavers designed for parking that are installed pursuant to and in accordance
12 with manufacturer's specifications, and maintained in a smooth, well graded condition
13 except as provided in subsection (f) of this section. Additionally, buildings, uses or
14 structures instituted or erected on or before the date before adoption of this article shall
15 be permitted to use gravel parking surfaces for off-street parking facilities that exceed
16 the minimum required parking requirements of this Code, provided that such gravel
17 surface is approved in advance, in writing, by the community services director and
18 meets minimum design criteria established by the community development director
19 and approved by the city council by resolution. Gravel shall not be permitted to be
20 used in place of asphaltic, concrete surface, or pavers designed for parking that are
21 installed pursuant to and in accordance with manufacturer's specifications for meeting
22 the minimum parking requirements of the Code. Moreover, gravel shall not be
23 permitted to be used on the public rights-of-way, nor to encroach in any manner on
24 adjacent lawn, landscaping, sidewalks, driveways or other abutting surfaces. Parking
25 stalls which abut landscaped areas, sidewalks, structures or property lines shall be
26 designed with bumper guards, wheel stops, or contiguous curbing which shall be
27 located a minimum of two and one-half feet from any landscaped area, sidewalk,
28 structure or property line. The parking of all motorized vehicles shall be on an
29 asphaltic or concrete surface and the parking on the lawn, grassy, or non-hard surface
30 area within any zoning district, regardless of the parking duration or whether the
31 parking is considered temporary or permanent shall be prohibited, ~~except as otherwise~~
32 ~~permitted.~~

33
34 (k) In no instance shall the parking of motor vehicles be permitted within the rear yard of
35 residentially zoned property unless within approved parking areas as provided in Section
36 106-227 and Section 106-234. ~~An approved parking area is a hard surface parking~~
37 ~~facility which is delineated in the original site plan or any approved site plan~~

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1 amendments to same. For purposes herein, the rear yard shall consist of that area defined
2 by ~~included within the area bounded by the side and rear property lines and the back or~~
3 ~~rear portion of the residential structure residence.~~

4
5 * * *

6
7 **Sec. 106-227** Parking of commercial vehicles.

8
9 * * *

10
11 (4) Notwithstanding subsections (1) and (2) above, no commercial vehicle which
12 exceeds, including trailers or other attachments, a gross net weight of ~~6,000-8,000~~
13 pounds, length of ~~18-19~~ feet, or height or width of 8 feet, exclusive of non-permanent
14 attachments, or ~~has any visible equipment~~ may be parked in residential zones ~~except~~
15 ~~as provided in section 106-228 subsections a. and b. below.~~

16
17 a. ~~All commercial vehicles must be stored in the rear or side yard provided such~~
18 ~~yard is accessible from the public street without traversing adjacent private~~
19 ~~property and provided adequate area exists to accommodate the commercial~~
20 ~~vehicle without encroaching upon the minimum property line setbacks~~
21 ~~established in Section 106-183 of the Code. Commercial vehicles stored in~~
22 ~~the side or rear must be parked on an approved paved parking surface. All~~
23 ~~commercial vehicles parked in the side or rear yards must be screened from~~
24 ~~all adjacent residential property and streets by a 6 foot high fence or hedge.~~
25 ~~Any commercial vehicle parked in the side or rear must have a driveway~~
26 ~~leading up to the approved parking surface area.~~

27 b. ~~A commercial vehicle may be stored in the driveway if neither the side nor~~
28 ~~rear yard is accessible or large enough to meet the criteria in subsection (a)~~
29 ~~above. Commercial vehicles stored in the front must be parked on an~~
30 ~~approved paved parking surface which is a supplemental space. Any~~
31 ~~commercial vehicle with visible equipment may not be stored in the front~~
32 ~~yard. A minimum of two passenger vehicle spaces must still be available in~~
33 ~~the front of the residence in addition to the space used by the commercial~~
34 ~~vehicle.~~

35
36 **Sec. 106-228.** Parking of vehicles having net empty weight of greater than 6,000
37 8,000 pounds prohibited.

38
39 (a) Except as otherwise provided in this section, no motor vehicle or trailer, ~~except~~
40 ~~a boat trailer~~ having a net empty weight of greater than 6,000 8,000 pounds, a

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1 length greater than ~~18~~ 19 feet, or a height or width greater than 8 feet shall be
2 temporarily or permanently parked in the city on a public right-of-way adjacent
3 to or on private property residentially zoned, except when such vehicle is being
4 used in the actual and active pursuance of an activity for which it is intended.
5 If during the course of the active use of the motor vehicle, as permitted by this
6 subsection, it is necessary to leave the motor vehicle unattended for a period
7 not to exceed one hour, such passive use shall be permitted; however, this shall
8 not be deemed authority to temporarily park otherwise prohibited vehicles in
9 the city for any purpose other than their intended use.

10
11 **Sec. 106-234. Parking or Storage of Recreational Vehicles and Boats.**

12 (a) ~~No recreational vehicle, or boat as defined in Section 106-3 which exceeds over~~
13 ~~6,000 lbs. as defined in section 106-3 eight and one-half (8 1/2') feet in width, per~~
14 ~~Florida Statutes Section 316.515 shall be permitted to be parked or stored in residential~~
15 ~~areas except in a fully enclosed garage, except as provided in subsection (f)-(h) and~~
16 ~~(c)below.~~

17
18 (b) ~~Only one Any combination of two~~ recreational vehicle(s) and/or boat(s) may be
19 stored at any one residence outside of the garage.

20
21 (c) ~~No recreational vehicle, boat and/or boat trailer shall be parked or stored on or~~
22 ~~adjacent to private residential property except as specified in this section.~~

23
24 (1) ~~All recreational vehicles, or boats must be parked or stored in the rear or~~
25 ~~side yard provided such yard is accessible from the public street without~~
26 ~~traversing adjacent private property and provided adequate area exists to~~
27 ~~accommodate the boat and trailer without encroaching upon the~~
28 ~~minimum property line setbacks established in Sec. 106-183 of the code.~~
29 ~~Motorized boats or recreational vehicles stored in the side or rear must be~~
30 ~~parked on an approved paved parking surface. All boats or recreational~~
31 ~~vehicles parked in side or rear yards must be screened from all adjacent~~
32 ~~residential property and streets by a 6-foot high wooden fence or hedge.~~
33 ~~However if a fitted cover is used a fence or hedge is no longer required~~
34 ~~for screening.~~

35
36 (2) A boat may be stored or parked in the front yard if neither the side nor
37 rear yard is accessible or large enough to meet the criteria in subsection
38 (1) above. Boats stored in the front must be parked on an approved paved
39 parking surface which is a supplemental parking space. A minimum of

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1 two passenger vehicle spaces must still be available in the front in
2 addition to the space used by the boat or trailer. All boats which are
3 stored in the front yard must be covered with a fitted cover conforming to
4 the provisions of subsection 106-202.
5

6 (3) All boats parked or stored in the front yard and all motorized boats
7 exceeding 12 feet in length parked or stored in the side or rear yard must
8 be stored on a boat trailer.
9

10 (4) Recreational vehicles may not be stored in the front yard.
11

12 (4) No boat, trailer, or boat on trailer combination which exceeds 4,500
13 pounds in weight, or 18 feet in length, or 8 feet in width, or 8 feet in
14 height inclusive of the mast may be parked in such residential areas.
15

16 (5) No empty boat trailer may be parked in the open during the hours of
17 12:00 a.m. through and including the hour of 6:00 a.m. unless they
18 display a valid permit subject to subsection (c) below.
19

20 **Sec. 106-235. Violations of ~~Non-passenger~~ Any Vehicle Parking Restrictions.**

21 (a) Any motor-passenger or commercial vehicle having a net empty weight of greater
22 than 6,000- 8,000 pounds, a length of nineteen (19) feet, or height or width of
23 eight (8) feet or does not comply with the provisions of 106-227, or 106-228 or
24 any recreational vehicle or boat which exceeds 8 1/2 feet in width or does not
25 comply with the provisions of 106-vehicle defined as a commercial vehicle;
26 recreational-type vehicle, boat or boat trailer in accordance with this code or F.S.
27 ch. 320, which is temporarily or permanently parked in the city in violation of the
28 provisions of sections 106-227, 106-228 or 106-234 shall be ticketed or cited by
29 an authorized officer of the ~~public safety or~~ community development
30 department, such ticket or citation to be affixed to the windshield of the
31 offending motor vehicle or to an appurtenance readily visible on a recreational-
32 type vehicle. Any individual found guilty of violating this section shall be
33 subject to punishment as provided by law. If an offending motor vehicle or
34 recreational-type vehicle remains unmoved in violation of this section for a
35 period in excess of 12 hours, each additional 12 hours of continuous violation
36 shall be deemed a distinct and separate violation of this section and may be
37 cited and ticketed as such.

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2 **Section 4. Codification.** It is the intention of the City Commission of the City of
3 North Lauderdale that the provisions of this Ordinance shall become and be made a part of the
4 Code of Ordinances of the City of North Lauderdale, Florida and that the Sections of this
5 Ordinance may be renumbered, re-lettered and the work "Ordinance" may be changed to
6 "Section", "Article" or such other word or phrase in order to accomplish such intention.

7 **Section 5. Severability.** If any clause, section or other part of this Ordinance shall
8 be held by any court of competent jurisdiction to be unconstitutional or invalid, such
9 unconstitutional or invalid part shall be considered as eliminated and in no way effecting the
10 validity of the other provisions of this Ordinance.

11 **Section 6. Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of
12 Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such
13 conflict.

14 **Section 7. Effective Date.** This Ordinance shall take effect immediately upon its
15 adoption.

16 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH
17 LAUDERDALE, FLORIDA, ON THE FIRST READING, THIS 8 DAY OF
18 January, 2002.
19
20

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1 PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH
2 LAUDERDALE, FLORIDA, ON THE SECOND AND FINAL READING, THIS 28th
3 DAY OF January, 2002.
4

5 APPROVED AS TO FORM:
6

7
8 Samuel S. Goren 1/29/02
9 SAMUEL S. GOREN
10 CITY ATTORNEY

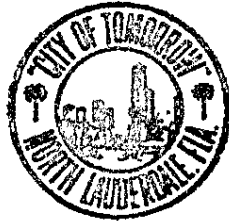
11 Michael Zeitchik
12 MAYOR MICHAEL ZEITCHIK

13 ATTEST:
14

15
16 C. Milli Dyer
17 C. MILLI DYER, CMC

18 Frank Messana
19 VICE MAYOR FRANK MESSANA
20

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