

1 **ORDINANCE NO. 2022-\_\_\_\_\_**

2  
3 AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH  
4 PALM BEACH, FLORIDA, AMENDING ARTICLE III, "STOPPING, STANDING  
5 AND PARKING," OF CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC," OF  
6 THE VILLAGE CODE OF ORDINANCES BY AMENDING SECTION 18-33,  
7 "DEFINITIONS," AND SECTION 18-34, "PARKING RESTRICTED," TO  
8 REGULATE THE PARKING OF UTILITY TRAILERS IN RESIDENTIAL ZONING  
9 DISTRICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR  
10 SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN  
11 EFFECTIVE DATE.

12  
13 WHEREAS, the Village of North Palm Beach, as a duly organized Florida municipality,  
14 possesses the Home Rule Authority conferred upon it by the Florida Constitution and Chapter 166,  
15 Florida Statutes, including the regulation of parking within its corporate limits; and  
16

17 WHEREAS, the Village Council wishes to amend Article III, "Stopping, Standing and  
18 Parking," of Chapter 18, "Motor Vehicles and Traffic," of the Village Code of Ordinance to regulate  
19 the parking of commercial utility trailers in residential districts; and  
20

21 WHEREAS, the Village Council determines that the adoption of this Ordinance is in the best  
22 interests of the residents of the Village of North Palm Beach.  
23

24 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF  
25 NORTH PALM BEACH, FLORIDA as follows:  
26

27 Section 1. The foregoing "Whereas" clauses are hereby ratified as true and correct and are  
28 incorporated herein.  
29

30 Section 2. The Village Council hereby amends Chapter 18, "Motor Vehicles and Traffic," of the  
31 Village Code of Ordinances by amending Article III, "Stopping, Standing and Parking," to read as  
32 follows (additional language is underlined and deleted language is ~~stricken through~~):  
33

34 **ARTICLE III. - STOPPING, STANDING AND PARKING**

35 **Sec. 18-33. Definitions.**  
36  
37

38 For the purposes of this article, whenever the following words or terms are  
39 used herein they shall have the meanings ascribed to them in this section, except  
40 where the context requires otherwise:  
41

42 *Boat* means any vessel, with or without motor propulsion, commonly used  
43 for private recreation activities, designed for travel over water, and for which a trailer  
44 is required for transportation over land. The definition of boat shall specifically  
45 include a personal watercraft as defined by state statute and shall specifically exclude  
46 those vessels not required to be titled with the state pursuant to state statute.  
47

1            *Recreational vehicle* means any vehicle or portable structure designed  
2 primarily to provide temporary living quarters for recreation, camping or travel use,  
3 other than a light van; either a vehicular structure mounted on wheels, self-powered  
4 or designed to be pulled by another vehicle or a structure designed to be mounted  
5 upon and carried by another vehicle.  
6

7            *Trailer* means a vehicular structure mounted on wheels designed to be pulled  
8 by another vehicle.  
9

10           *Utility trailer* means an enclosed or open trailer intended to be towed by a  
11 *motorized vehicle in order to transport cargo and/or provide a product or service at a*  
12 *remote location.*  
13

14        **Sec. 18-34.    Parking restricted.**  
15

- 16        (a)    Between the hours of 2:00 a.m. and 6:00 a.m. on streets where no curbing is  
17 provided, the parking of a vehicle shall not usurp more than twelve (12) inches  
18 of the paved portion of the street.  
19
- 20        (b)    No person shall leave any truck, trailer, boat or any vehicle of a similar type  
21 parked upon any public street or highway within the village between the hours  
22 of 12:30 a.m. and 6:00 a.m.  
23
- 24        (c)    No truck with a payload or carrying capacity (truck model rating) in excess of  
25 one-ton shall be parked upon a public street or highway inclusive of swale area  
26 within the village; provided, however, commercial vehicles making deliveries  
27 or pickups or otherwise servicing residential, commercial or industrial property  
28 within the village shall have the right, if necessary, to temporarily park in such  
29 areas during normal business hours.  
30
- 31        (d)    No truck with a payload or carrying capacity (truck model rating) in excess of  
32 one-ton shall be parked at any time upon private property within the village  
33 unless such truck is being utilized as part of an existing business on the private  
34 property; provided, however, commercial vehicles making deliveries or  
35 pickups or otherwise servicing residential, commercial or industrial property  
36 within the village shall have the right, if necessary to temporarily park upon  
37 private property during normal business hours.  
38
- 39        (e)    The following vehicles shall not be parked overnight (from 11:00 p.m. to 7:00  
40 a.m.) in any residential zoning district, unless parked within a fully enclosed  
41 garage:  
42
- 43            (1)    Tractor trailers, and semi-trailer trucks;  
44
- 45            (2)    Tow trucks, wreckers or flat bed vehicle carriers;  
46
- 47            (3)    Commercial buses, school buses, or vans accommodating more than  
48 sixteen (16) passengers;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

- (4) Dump trucks;
- (5) Construction equipment and vehicles, including farm tractors, backhoes, front-end loaders, cranes, cement mixers, pitch buckets or similar items;
- (6) Step vans, panel trucks or other vehicles with rectangular bulk and a payload or carrying capacity in excess of one-ton;
- (7) Any vehicle used and designed for the commercial sale of food or beverages;
- (8) More than one (1) taxi, car service vehicle, or limousine;
- (9) Stretch limousines (i.e., any automobile, sport utility vehicle or van for hire, and of original manufacture or remanufacture, that exceeds a seating capacity of eight (8) persons);
- (10) Boom or bucket trucks;
- (11) Swamp buggies and half-tracks;
- (12) Tandem wheel pick up trucks (dooley type); and
- (13) Vehicles that exceed eight (8) feet in height, inclusive of attached equipment and accessories.

(f) In addition to the foregoing, vehicles with commercial advertising or markings that occupy more than ten (10) square feet of any given side of the vehicle shall not be parked overnight (from 11:00 p.m. to 7:00 a.m.) in any residential zoning district unless:

- (1) The vehicle is covered with a fitted vehicle cover specifically manufactured for that purpose;
- (2) The vehicle is parked within a fully enclosed garage or otherwise screened from view from adjacent properties and rights-of-way; or
- (3) The vehicle's commercial advertising or markings are completely covered by magnetic signs affixed to the vehicle that have no markings whatsoever and are the same color as the base paint of the vehicle.

(g) Utility trailers shall not be parked in any residential zoning district unless parked within a fully enclosed garage or within a rear or side yard of a residential lot within the R-1 or R-2 zoning district, subject to the following requirements:

- 1           (1)   The utility trailer shall be visually screened from the view of abutting  
2           properties and alleyways. Screening shall be in the form of a properly  
3           anchored wall, fence or gate (meeting all building code requirements)  
4           or a hedge or other living vegetation, each with a minimum opacity of  
5           ninety percent (90%). Walls, fences and gates shall be constructed in  
6           accordance with section 45-36(D), and the use of chain link fencing  
7           with windscreens is prohibited. Hedges or other living vegetation shall  
8           be planted in the ground and shall be of sufficient height to screen such  
9           equipment. Utility trailers are not required to be screened from the  
10          right-of-way providing access to the rear or side yard if such equipment  
11          is located behind a gate at least six (6) feet in height and not more than  
12          twenty (20) feet wide.
- 13  
14          (2)   Only one (1) utility trailer shall be located on any residential lot, and  
15          the height of the trailer is limited to ten (10) feet, as measured from the  
16          ground, exclusive of fixed mechanical equipment.
- 17  
18          (3)   Utility trailers shall not be permitted within the parking area or  
19          common area of any residential multi-family or mixed-use community  
20          unless specifically approved through the site plan and appearance  
21          review process.
- 22  
23          (4)   The utility trailer must be owned or exclusively used by the resident of  
24          the property upon which it is parked.
- 25  
26          (5)   Utility trailers parked in the side yard shall not project beyond the front  
27          building line and utility trailers parked in the rear yard shall be located  
28          at least five (5) feet from the rear property line.
- 29  
30          (6)   The utility trailer shall, at all times, be currently registered and licensed  
31          as required by state law and shall display a current registration sticker  
32          and have attached a current vehicle license plate.
- 33  
34          (7)   When parked on residential property, the utility trailer shall not be used  
35          for living or sleeping quarters or for the storage of household goods or  
36          any personal property unrelated to the use of the utility trailer for  
37          commercial purposes.
- 38  
39          (8)   Any resident who demonstrates that he or she cannot meet the  
40          screening or setback requirements for parking a utility trailer on a lot  
41          within the R-1 or R-2 residential zoning districts may apply for an  
42          exemption from such requirements provided that the resident stored the  
43          utility trailer on the property on or before March 24, 2022 and the utility  
44          trailer is necessary for the commercial livelihood of the resident. The  
45          application shall be accompanied by documentation demonstrating the  
46          date the resident began storing the utility trailer on the property and  
47          detailing the use of the utility trailer. The application shall be filed with  
48          the community development department, and the department shall

1 review the application to ensure it is complete and prepare the  
2 necessary documentation for review by the planning commission. The  
3 planning commission shall approve, approve with conditions or deny  
4 the application, and the decision shall be set forth in a written order.  
5 The exemption shall not run with the property and a change in  
6 residency shall terminate the approval.

7  
8 \* \* \*

9  
10 Section 4. The provisions of this Ordinance shall become and be made part of the Code of  
11 Ordinances for the Village of North Palm Beach, Florida.

12  
13 Section 5. If any section, paragraph, sentence, clause, phrase or word of this Ordinances is for  
14 any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such  
15 holding shall not affect the remainder of the Ordinance.

16  
17 Section 6. All ordinances and resolutions, or parts of ordinances and resolutions, in conflict  
18 herewith are hereby repealed to the extent of such conflict.

19  
20 Section 7. This Ordinance shall be effective immediately upon adoption.

21  
22 PLACED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

23  
24 PLACED ON SECOND, FINAL READING AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
25 2022.

26  
27  
28  
29 (Village Seal)

\_\_\_\_\_  
MAYOR

30  
31  
32 ATTEST:

33  
34 \_\_\_\_\_  
35 VILLAGE CLERK

36  
37 APPROVED AS TO FORM AND  
38 LEGAL SUFFICIENCY:

39  
40 \_\_\_\_\_  
41 VILLAGE ATTORNEY