

## ORDINANCE NO. 2016-07

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA AMENDING ARTICLE III, "STOPPING, STANDING AND PARKING," OF CHAPTER 18, "MOTOR VEHICLES," OF THE VILLAGE CODE OF ORDINANCES BY CREATING A NEW SECTION 18-33, "DEFINITIONS," AMENDING SECTION 18-35, "RECREATIONAL, BOATING AND CAMPING EQUIPMENT AND PERSONAL RECREATIONAL USE TRAILERS; PARKING ON RESIDENTIAL PROPERTY RESTRICTED," TO APPLY ONLY TO BOATS AND BOAT TRAILERS, AND CREATING A NEW SECTION 18-35.1, "RECREATIONAL TRAILERS; PARKING ON RESIDENTIAL PROPERTY RESTRICTED IN R-1 AND R-2 ZONING DISTRICTS; AMENDING ARTICLE VI, "CODE ENFORCEMENT," OF CHAPTER 2, "ADMINISTRATION," BY AMENDING SECTION 2-173, "APPLICABILITY," TO PROVIDE FOR ENFORCEMENT BY THE SPECIAL MAGISTRATE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, after extensive review and consideration of both the rights and interests of all residents and property owners as well as the overall aesthetics of the Village, the Village Council wishes to amend and clarify the regulations governing the parking and storage of boats, trailers and recreational camping equipment in the R-1 and R-2 Zoning Districts and provide for the continued enforcement of such regulations through the code compliance process; and

WHEREAS, the Village Council determines that the adoption of this Ordinance is in the interests of the public health, safety and welfare of the Village and its residents.

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

Section 1. The foregoing "whereas" clauses are hereby ratified as true and are incorporated herein.

Section 2. The Village Council hereby amends Chapter 18, "Motor Vehicles and Traffic," Article III, "Stopping, Standing and Parking," of the Village Code of Ordinances by adopting a new Section 18-33 to read as follows (additional language underlined):

### **Sec. 18-33. Definitions.**

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

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

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

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

Section 3. The Village Council hereby amends Chapter 18, "Motor Vehicles and Traffic," Article III, "Stopping, Standing and Parking," of the Village Code of Ordinances by amending Section 18-35 to read as follows (new language is underlined and deleted language is ~~stricken through~~):

**Sec. 18-35. ~~Recreational vehicles, bBoating and camping equipment and personal recreation use~~ boat trailers; parking on residential property restricted in R-1 and R-2 residential zoning districts.**

~~Recreational vehicles, bBoating and camping equipment in the form of travel and camping boat trailers, boats on trailers, boat trailers, motor homes, personal recreational use trailers including motorcycle and all terrain vehicle trailers and vans, designed and used exclusively as temporary living quarters for recreation, for boating, for camping, for travel or for other personal recreational use, may shall~~ be parked in the side or rear yard, or within completely enclosed garages on sites containing a single family or duplex residence, subject to the following conditions:

- (1) A maximum of two (2) pieces of such equipment, inclusive of recreational vehicles provided for in section 18-35.1, at a time shall be permitted on a site at one time, excluding those stored within a completely enclosed garage. Boats or personal watercraft shall be on trailers, and a boat or up to two (2) personal watercraft on a trailer shall be considered collectively as one (1) piece of equipment.
- (2) Such parking shall be limited to such equipment owned or leased by and for the use of the occupant-owner or occupant-lessee of the site concerned, except as otherwise provided in subsection (3) below.

~~Exception: A guest of an occupant-owner or occupant-lessee may park this equipment in the front yard for not more than five (5) days in any fourteen (14) day period.~~

- (3) The location for such parked equipment shall be in the rear yard at least five (5) feet from the rear property line or in the side yard not projecting beyond the front building line. Equipment, including equipment owned by a guest of an occupant, may be temporarily parked on the site from the front building line to the paved street or alleyway (including the swale/rights-of-way as long as no portion extends into any sidewalk or street, but excluding the front yard) for a period of time not to exceed seventy-two (72) hours in any thirty (30) day period unless prohibited by section 18-34.1, to the rear of a line established by the front building line adjacent to the side yard where the equipment is located; provided, however, that on corner lots such equipment shall not be parked on the side yard which faces a public street.

- (4) Such equipment shall, at all times, be currently registered and licensed as required by the laws of the State of Florida, be registered with the Village, and, if applicable, shall display a current registration sticker and have attached a current vehicle license plate. Each individual registering equipment with the Village shall allow Village personnel to inspect the equipment on site during normal business hours. Failure to allow such inspection shall create a rebuttable presumption that such equipment is in violation of this section.
- (5) When parked on the site, such equipment shall not be used for living or sleeping quarters or for housekeeping or storage purposes and shall not have attached thereto any water, sewer, electric or gas service connection, except for the purpose of recharging a vehicle's storage batteries.

~~Exception: Guest equipment as defined in subsection (2).~~

- (6) Such equipment shall not exceed the maximum length, width, height and weight permitted under applicable provisions of the motor vehicle laws of the State of Florida; provided, however, the maximum length of the boat exclusive of the trailer shall not exceed thirty (30) feet and the maximum height shall not exceed ~~ten (10)~~ twelve (12) feet, as measured from the ground. The length of the boat shall be determined utilizing the boat's state registration.
- (7) Such equipment shall be ~~secured~~ securely affixed to the ground or removed immediately upon the issuance of a hurricane or tropical storm warning by a recognized government agency so that it will not be a hazard or menace during high winds or hurricanes. At least four (4) hurricane ground anchors shall be available at each site for each piece of equipment where such equipment is stored pursuant to this Code.
- (8) All such equipment, when parked ~~in the side yard on site,~~ shall be visually screened from the view of abutting properties, adjacent to the side yard and street rights-of-way, and alleyways. The line of sight shall be from the edge of abutting properties, street rights-of-way and alleyways closest to the site.
- (a) Screening shall be in the form of ~~with an~~ a properly anchored opaque wall, fence, or gate (meeting all building code requirements) or an opaque hedge to a height of six (6) feet and to the length and width of such equipment. When such equipment is parked in the rear yard of a corner lot, the equipment shall be visually screened from the view of the side street right-of-way. Such ~~w~~Walls, gates or fences shall be constructed in accordance with section 45-36(D). Hedges or other living vegetation shall be planted in the ground on the property on which the equipment is located and shall be of sufficient height to screen such equipment. If screening requires vegetation greater than four (4) feet in height, vegetation shall be planted a minimum of four (4) feet at grade and shall reach a sufficient height to screen such equipment within one (1) year. Vegetation shall be maintained at all times so as not to encroach onto neighboring properties or rights-of-ways.

- (b) All boats shall be fully screened along the side and rear property lines, provided, however, that only consoles, t-tops, canopies, outriggers, electronics and similar appurtenances atop the boat may project beyond the screening material when viewed from the right-of-way adjacent to the front of the property. This exception does not apply to boats with cabins.
- (9) If covers are provided for the open part of boats, they shall be tightly fitted such that they conform to the contours of the boat. Covers shall be a solid color. No tarps shall be used.
- (10) All such equipment and the associated parking areas shall be kept in a clean, neat and presentable condition. Such equipment shall not be inoperable, wrecked, junked, partially dismantled or abandoned. Major repairs or overhauling shall not be conducted on the site.
- (911) The village council finds that, as a matter of fact, recreational and camping equipment boats are is a customary accessory use of the land in R-1 and R-2 zoning districts in the village.
- (4012) Such parked equipment shall not be used in the course of any commercial activity. For this purpose, commercial activity shall include any type of business or activity which is conducted on or off the subject premises.
- (13) Any person seeking to store on his or her property equipment that does not meet the dimensional requirements of subsection (6) above may file an application for a special exception on a form supplied by the community development department.
- (a) The special exception applicant shall be required to demonstrate that due to the size, shape or physical configuration of the property and the location of the equipment, the applicant meets all non-dimensional requirements of this section, including, but not limited to, setbacks and required screening.
- (b) The application shall, at a minimum, be accompanied by a survey demonstrating the precise location proposed for storage of the equipment relative to adjacent properties and rights-of-way, and a site plan showing the proposed screening material, including all walls, fences, gates and landscaping.
- (c) The community development department shall review the application to ensure it is complete and prepare the necessary documentation for review by the planning commission. The planning commission shall review the application at a public hearing and forward a recommendation of approval, approval with conditions or denial to the village council. The village council shall conduct a public hearing and approve, approve with conditions or deny the application. The village council's final determination shall be set forth in a written order.
- (d) The procedure and notice requirements for consideration of the special exception application shall be as set forth in sections 45-16.2(e) and (f) of the village code.

Section 4. The Village Council hereby amends Chapter 18, "Motor Vehicles and Traffic," Article III, "Stopping, Standing and Parking," of the Village Code of Ordinances by adopting a new Section 18-35.1 to read as follows (new language is underlined):

**Sec. 18-35.1. Recreational vehicles and trailers; parking on residential property restricted in R-1 and R-2 residential zoning districts.**

Recreational, campers, and camping equipment in the form of travel and/or camping trailers, motor homes, personal use recreational use trailers including motorcycle and all-terrain vehicle trailers and vans, designed and used exclusively as temporary living quarters for recreation, for camping, for travel and for other personal recreation use, shall be parked in the side or rear yard, or within completely enclosed garages on sites containing a single family or duplex residence, subject to the following conditions:

- (1) A maximum of two (2) pieces of such equipment, inclusive of those provided for in section 18-35 at a time shall be permitted on a site, excluding those stored within a completely enclosed garage. No more than one (1) recreational vehicle shall be permitted on site.
- (2) Such parking shall be limited to such equipment owned or leased by and for the use of the occupant of the site.
- (3) The location for such parked equipment shall be in the rear yard at least five (5) feet from the rear property line, or in the side yard not projecting beyond the front building line. Equipment, including equipment owned by a guest of an occupant, may be temporarily parked on the site from the front building line to the paved street or alleyway (including the swale/rights-of-way as long as no portion extends into any sidewalk or street) for a period of time not to exceed seventy-two (72) hours in any thirty (30) period unless prohibited by section 18-34.1.
- (4) Such equipment shall, at all times, be currently registered and licensed as required by the laws of the State of Florida, be registered with the Village, and, if applicable, shall display a current registration sticker and have attached a current vehicle license plate. Each individual registering equipment with the Village shall allow Village personnel to inspect the equipment on site during normal business hours. Failure to allow such inspection shall create a rebuttable presumption that such equipment is in violation of this section.
- (5) When parked on the site, such equipment shall not be used for living or sleeping quarters or for housekeeping or storage purposes and shall not have attached thereto any water, sewer, electric or gas service connection, except for the purpose of recharging a vehicle's storage batteries.
- (6) Such equipment shall not exceed the maximum length, width, height and weight permitted under applicable provisions of the motor vehicle laws of the State of Florida; provided, however, the maximum length of the equipment exclusive of the trailer shall not exceed thirty (30) feet and the maximum height shall not exceed ten (10) feet.

(7) Such equipment shall be securely affixed to the ground or removed immediately upon the issuance of a hurricane or tropical storm warning by a recognized government agency so that it will not be a hazard or menace during high winds or hurricanes.

(8) All such equipment, when parked on site shall be visually screened from the view of abutting properties, street rights-of-way, and alleyways. The line of sight shall be from the edge of abutting properties, street rights-of-way and alleyways closest to the site.

Screening shall be in the form of a property anchored opaque wall, fence or gate (meeting all building code requirements) or an opaque hedge. Walls, gates or fences shall be constructed in accordance with section 45-36(D). Hedges or other living vegetation shall be planted in the ground on the property on which the equipment is located and shall be of sufficient height to screen such equipment. If screening requires vegetation greater than four (4) feet in height, vegetation shall be planted a minimum of four (4) feet at grade and shall reach a sufficient height to screen such equipment within one (1) year. Vegetation shall be maintained at all times so as not to encroach onto neighboring properties or rights-of-ways.

(9) All such equipment and the associated parking areas shall be kept in a clean, neat and presentable condition. Such equipment shall not be inoperable, wrecked, junked, partially dismantled or abandoned. Major repairs or overhauling shall not be conducted on the site.

(10) The village council finds that, as a matter of fact, recreational equipment and camping equipment are customary accessory uses of the land in R-1 and R-2 zoning districts in the village.

(11) Such parked equipment shall not be used in the course of any commercial activity. For this purpose, commercial activity shall include any type of business or activity which is conducted on or off the subject premises.

(12) Any person seeking to store on his or her property equipment that does not meet the dimensional requirements of subsection (6) above may file an application for a special exception on a form supplied by the community development department.

(a) The special exception applicant shall be required to demonstrate that due to the size, shape or physical configuration of the property and the location of the equipment, the applicant meets all non-dimensional requirements of this section, including, but not limited to, setbacks and required screening.

(b) The application shall, at a minimum, be accompanied by a survey demonstrating the precise location proposed for storage of the equipment relative to adjacent properties and rights-of-way, and a site plan showing the proposed screening material, including all walls, fences, gates and landscaping.

- (c) The community development department shall review the application to ensure it is complete and prepare the necessary documentation for review by the planning commission. The planning commission shall review the application at a public hearing and forward a recommendation of approval, approval with conditions or denial to the village council. The village council shall conduct a public hearing and approve, approve with conditions or deny the application. The village council's final determination shall be set forth in a written order.
- (d) The procedure and notice requirements for consideration of the special exception application shall be as set forth in sections 45-16.2(e) and (f) of the village code.

Section 5. The Village Council hereby amends Chapter 2, "Administration," Article VI, "Code Enforcement Board," of the Village Code of Ordinances by amending Section 2-173 to read as follows (new language is underlined and deleted language is ~~stricken through~~):

**Sec. 2-173. Applicability.**

The special magistrate shall enforce and have jurisdiction over the following codes:

\* \* \*

Sections 18-34, 18-35 and 18-35.1 of Chapter 18.

Section 6. The provisions of this Ordinance shall become and be made a part of the Code of the Village of North Palm Beach, Florida.

Section 7. 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 this Ordinance.

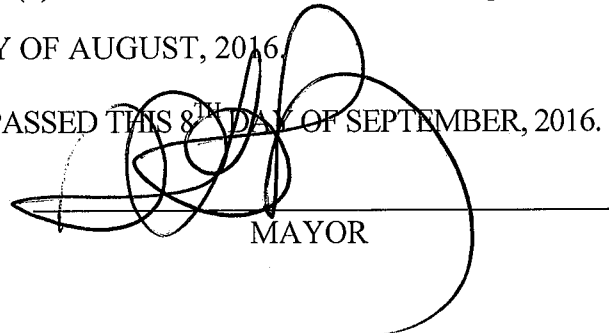
Section 8. All ordinances or parts of ordinances and resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. This Ordinance shall take effect six (6) months from the date of final adoption.

PLACED ON FIRST READING THIS 25<sup>TH</sup> DAY OF AUGUST, 2016.

PLACED ON SECOND, FINAL READING AND PASSED THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2016.

(Village Seal)



MAYOR

ATTEST:

Melissa Teal, MMC  
VILLAGE CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

[Handwritten Signature]  
VILLAGE ATTORNEY