



Planning Board Staff Report

Meeting Date: August 2, 2019

TO: Planning Board

FROM: Daniel J. Smith, AICP – Director of Community Affairs

DATE: July 25, 2019

RE: Section 30-1007. Parking and storage of certain vehicles – Advertised proposed changes to the Land Development Code (LDC) regulating the parking and storage of vehicles and trailers on residential lots and adding definitions to Section 30-10.

APPLICANT: City of Marco Island

PROJECT DESCRIPTION: Staff initiated change regulating the storage of certain vehicles and trailers in the LDC.

STAFF ANALYSIS/DISCUSSION: It has come to staff attention that the LDC is vague on the storage of certain vehicles and trailers in residential districts or any other district that does not permit parking and storage as a primary use. Staff became aware of the storage of utility trailers on residential lots. Staff would like to initiate an amendment to Section 30-1007 and add definitions to Section 30-10, regulating the use.

The following is proposed:

SECTION 1. That Section 30-10, “Definitions”, Subsection (c) “*Definitions enumerated*” is hereby amended by adding the following definition:

Trailer means any wheeled conveyance without motive power designed to be coupled to or drawn by a vehicle and includes but is not limited to the following types of conveyances: camping, cargo, equipment, flatbed, fifth wheel, gooseneck, landscaping, lowboy, travel trailer, vehicle hauler, boat trailer, or utility trailer.

SECTION 2. That in Section 30-10, “Definitions”, Subsection (c) “*Definitions enumerated*” the definition of *Recreational equipment* is hereby amended to read as follows:

Recreational vehicle or equipment means vehicles or equipment primarily designed as or which includes features (such as refrigerators, beds, awnings, supplemental air conditioners, cooking devices, sanitary system, etc.) which permit temporary living quarters for recreational, camping, or travel use; or used in the pursuit of other recreational activities including but not limited to such as boating or fishing, or vehicles or equipment designed or modified expressly for competition and operated primarily on a track or course. Said vehicles must be maintained in operational condition. A recreational vehicle includes but

is not limited to travel and camping trailers, truck campers, motor homes, private motor coaches, and conversion vans.

SECTION 3. That Section 30-1007, “Parking and storage of certain vehicles”, is hereby amended to read as follows:

Sec. 30-1007. Parking and storage of certain vehicles.

(a) *Parking and storage of vehicles without current license plates.* Vehicles or trailers of any type that are not immediately operable, or used for the purpose for which they were manufactured without mechanical or electrical repairs or the replacement of parts; or do not meet the applicable safety, emission, and air pollution standards set forth in 40 CFR Parts 85 , 86, and 1051 Florida Safety Code; or do not have current valid license plates; or do not meet the definition of recreational equipment as defined within this Code, shall not be parked or stored in any zoning district, other than in a completely enclosed building, with the following exceptions:

(1) While temporarily stored on the property of a licensed automotive repair or body shop facility for the purpose of having repair completed on the vehicle. Temporary storage for such purpose shall not exceed sixty (60) days in any 180 consecutive day period;

(2) While stored in an authorized impound lot or at city police or fire facilities; or

(3) While stored in a C-5 zoned area which is shielded from all rights-of-way by opaque fencing, walls, or vegetation at least six feet in height.

(b) Parking, storage or use of ~~major~~ recreational vehicles and equipment. The parking of recreational vehicles and equipment in residentially zoned districts, or any zoning district which does not permit such parking as a primary use is prohibited except as follows:

(1) When the recreational vehicle or equipment is parked within the confines of a fully enclosed structure such that it cannot be seen from any abutting property or public right-of-way; or :

(2) When parked in the open on the driveway of the property for a period of time not to exceed 24 hours to allow for loading and unloading.

(3) Upon receipt of a permit from the code enforcement division provided that:

a. Parking shall not exceed seven (7) consecutive days for the purpose of loading, unloading, minor repairs, and cleaning prior to or after a trip.

b. The permit shall be affixed to the vehicle in a conspicuous place.

c. Prior to the expiration of the seven (7) consecutive -day permit, a second seven (7) consecutive -day permit may be issued upon a finding by the code enforcement unit ~~division~~ that the permittee has complied with permit conditions.

d. A maximum of four permits, or 28 total days, may be granted in any single calendar year.

e. In no event shall recreational vehicles be used for living or sleeping purposes.

(c) ~~(c)~~ Trailer parking. The parking of a trailer in residentially zoned districts, or any zoning district which does permit such parking as a primary use is prohibited except as follows:

(1) When a trailer is parked within the confines of a fully enclosed structure such that it cannot be seen from the ground level of any abutting property, public way, or waterway.

(2) On a temporary basis, not to exceed twenty-four (24) consecutive hours, for the purpose of loading, unloading, and cleaning.

(d) ~~(d)~~ Boat and boat-trailer parking.

(1) The parking of a boat and boat-trailer in residentially zoned districts, or any zoning district which does not permit such parking as a primary use, is prohibited except as follows:

a. When a boat or boat trailer is parked within the confines of a fully enclosed structure such that it cannot be seen from the ground level of any abutting property, public way, or waterway.

b. On a temporary basis, not to exceed ~~eight hours~~ twenty-four hours, for the purpose of loading, unloading, and cleaning.

c. When moored, berthed, or stored on an approved boat docking facility.

(2) The display of a boat for sale is prohibited except as follows:

a. After the issuance of a permit, which is limited to one permit per calendar year, per property.

b. The permit shall be for a maximum of 60 days.

c. The boat offered for sale is moored, berthed, or stored on an approved boat docking facility.

d. One "for sale" sign shall be allowed, not to exceed 1½ square feet in size, affixed to the boat.

e. A permit shall only be issued to the title-holder.

(e) ~~(e)~~ Parking of commercial vehicles or commercial equipment in residential areas. It shall be unlawful to park a commercial vehicle or commercial equipment on any lot in a residential zoning district or any zoning district which does not permit such parking as a primary use unless one of the following conditions exists:

(1) The vehicle and/or equipment is engaged in a construction or service operation on the site where it is parked. The vehicle or equipment must be removed as soon as the construction or service activity has been completed.

(2) The vehicle and/or equipment is parked in a garage or fully enclosed structure or carport which is structurally or vegetatively screened and cannot be seen from adjacent properties or the street serving the lot at ground level.

(3) The vehicle is parked in the rear of the main structure and is enclosed within a vegetative screening which conceals the vehicle from the view of neighbors at ground level.

(4) Automobiles; ~~passenger-type~~ vans; and pickup trucks having a rated load capacity of one ton or less, all of which do not exceed 7½ feet in height, nor seven feet in width, nor 25 feet in length shall be exempted from this section unless otherwise prohibited by a special parking overlay district.

(5) Exempted from this section is small commercial equipment such as ladders and pipes which cannot be contained in the vehicle. Said equipment shall be limited to one ladder or one unit of pipe which does not exceed 12 inches in diameter per commercial vehicle. Said equipment shall be secured atop the vehicle and shall not extend beyond the length, height or width of the vehicle.

(6) Parking of commercial vehicles or commercial equipment on vacant residential lots is prohibited, unless associated with a valid, current building permit.

ANALYSIS: To amend the LDC the Planning Board is required to examine two requirements: (i) the need and justification for the change; and (ii) consistency with the City’s Comprehensive Plan. Section 30-62(3)d., Code of Ordinances of the City of Marco Island, Florida, provides:

d. Amendments to the LDC; Nature of planning board report.
When pertaining to an amendment to the text of the LDC and other than a proposed rezoning, the planning board shall consider, study, and make findings with regard to:

1. *The need and justification for the change;*

2. The relationship of the proposed LDC amendment to the purposes and goals, objectives, and policies of the city's comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of the LDC and other city codes, regulations, and actions designed to implement the growth management plan.

(emphasis added).

The need and justification for the ordinance is to clarify provisions relating to the regulation of the parking of certain vehicles, including recreational vehicles and trailers.

There are a limited number of Comprehensive Plan goals, objectives, and policies that are relevant to examination of this Ordinance. Those goals and policies include:

Future Land Use Element Goal:

TO ENHANCE MARCO ISLAND’S QUALITY OF LIFE, ENVIRONMENTAL QUALITY, AND TROPICAL SMALL TOWN AND RESORT CHARACTER BY MANAGING GROWTH AND ASSURING A STABLE RESIDENTIAL COMMUNITY WITH

SUFFICIENT BUSINESSES TO SERVE THE NEEDS OF RESIDENTS
AND VISITORS.

Policy 1.7.1 of the Comprehensive Plan Future Land Use Element:

Policy 1.7.1: The City will continue to enforce adopted architectural and site design regulations in the adopted Land Development Code.

Policy 1.7.3 of the Comprehensive Plan Future Land Use Element:

Policy 1.7.3: The City will seek to identify and eliminate existing non-conformities that detract from the City's character or could impact the public health, safety, or welfare through diligent code enforcement. . . .

The Goal will be furthered by the proposed Ordinance by clarifying when certain types of vehicles may be parked in residentially zoned areas of the community in an effort to preserve the small town character of Marco Island. The Ordinance is consistent with Future Land Use Element Policy 1.7.1, because this Ordinance will enable enforcement of architectural and site design regulations by clarifying regulations in the Land Development Code (LDC) relating to parking of certain vehicles in residentially zoned neighborhoods. Similarly, the Ordinance is consistent with Policy 1.7.3 of the Future Land Use Element, because the Ordinance will enable a better level of code enforcement by clarifying the regulations relating to the parking of certain types of vehicles in residentially zoned areas.

Staff finds that the Ordinance is consistent with the City's Comprehensive Plan.

STAFF RECOMMENDATION: Staff recommends the Planning Board approve the changes presented and forward its recommendation to the City Council, together with a finding of consistency with the City's comprehensive Plan.

Daniel J. Smith, AICP

Director of Community Affairs