

4. Ordinance 2024-36, amending the Code of Ordinances, Chapter 74, Stopping, Standing, and Parking, Subchapter 'Parking Regulation', by including provisions for vehicles in residential areas, final reading.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Frazier, Growth Management Director

**THRU:** Suzanne Sherman, City Manager

**DATE:** September 19, 2024

**RE:** Ordinance 2024-36, amending the Code of Ordinances, Chapter 74, Stopping, Standing, and Parking, Subchapter 'Parking Regulation', by including provisions for vehicles in residential areas, final reading.

### **SUMMARY:**

The Palm Bay 2045 Comprehensive Plan Future Land Use Element was adopted on May 1, 2023, and became effective on June 10, 2023. The remaining Palm Bay Comprehensive Plan Elements were adopted on May 18, 2023, and became effective on July 20, 2023. To bring the Land Development Code into compliance with the Comprehensive Plan, an update has been drafted for consideration by the City Council.

The proposed update is more concise and only includes requirements pursuant to Chapter 163, F.S. As such, some regulations are proposed to be moved to other parts of the Palm Bay Code of Ordinances as new "Titles", "Chapters", "Sub-Chapters", and "Sections".

To facilitate the relocation, and to retain the City's authority to regulate certain issues, new "Titles", "Chapters", "Sub-Chapters", and "Sections" were created as listed below.

- Title X, Impact Fees Chapter 103 was created for the relocation of Parks, Police, and Fire Impact Fees
- Chapter 103, Closure and Abandonment of Easements and Drainage Rights-of-Way was created and added to Title IX, General Regulations
- Chapter 204, Stormwater Management Utility was created and added to Title XX, Utilities Code
- Chapter 205, Water Shortage Emergency was created and added to Title XX, Utilities Code
- Chapter 102, Public Nudity was created and added to Title IX, General Regulations
- Provisions For Emergency Power And Pumping Equipment In Residential Areas was moved to Title XX, Utilities Code, Chapter 201, Sewer Use, Subchapter Private Lift Stations
- Section 74.25, Regulation of Vehicles In Residential Areas was created and added to Title VII, Traffic and Vehicles, Chapter 74, Stopping, Standing, and Parking, Subchapter Parking Regulation
- Chapter 75, Golf Carts was created and added to Title VII, Traffic and Vehicles

Honorable Mayor and Members of the City Council

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· Subchapter 33, Fire Prevention and Protection; Buildings and Structures was created and added to Title III, Administration, Chapter 33, Fire Department

Upon repeal and replacement of Title XVII, Land Development Code, the aforementioned regulations will be retained in other sections of the Palm Bay Code of Ordinances.

**REQUESTING DEPARTMENTS:**

City Attorney's Office

City Manager's Office

Growth Management

**FISCAL IMPACT:**

None.

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed ordinance.

**ATTACHMENTS:**

1. Ordinance

## ORDINANCE 2024-36

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE VII, TRAFFIC AND VEHICLES, CHAPTER 74, STOPPING, STANDING, AND PARKING, SUBCHAPTER 'PARKING REGULATION', BY INCLUDING PROVISIONS FOR VEHICLES IN RESIDENTIAL AREAS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 74, Stopping, Standing, and Parking, Subchapter 'Parking Regulation', is hereby amended by creating Section 74.25, which shall henceforth read as follows:

**>>Section 74.25 REGULATION OF VEHICLES IN RESIDENTIAL AREAS.**

(A) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**"CLASS A" WRECKER.** For the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less.

**COMMERCIAL VEHICLE.** Any truck, bus, trailer, portable equipment, machinery, or similar vehicle or combination thereof, used or intended to be used for any commercial enterprise or business purpose, and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.

**INOPERABLE VEHICLE.** A vehicle which cannot be driven upon the public or private streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**RECREATIONAL VEHICLE OR EQUIPMENT.** Any boat, boat trailer, personal watercraft, cargo trailer, house trailer, motor home, camper, bus, or similar vehicle or equipment, including any vehicle or part of a vehicle or equipment designed for temporary living quarters for recreation, camping, or travel, or is

licensed and registered as a recreational vehicle by the Department of Motor Vehicles.

**RESIDENTIAL AREA.** Any lot, right-of-way, or other land designated as residential in Title XVII, Land Development Code, and in any other applicable ordinance of the city.

For the purposes of this section, the words park, store, stop, and deposit shall mean the cessation of movement of a vehicle.

(B) *Parking vehicles in residential areas.* It shall be unlawful for any person, either as agent, owner, occupant, lessee, tenant or otherwise, to park, store, stop, deposit or allow, cause or permit to be parked, stored, stopped, or deposited on any public or private property of the RR, RE, RS-1, RS-2, RS-3, SF-1, SRE, RM- 10, RM-15, RM-20, BMUV, RMH or RVP zoning districts any commercial vehicle at any time.

(C) *Prohibited Parking.* No vehicle shall be parked:

(1) In front of a residence, except within the paved driveway or adjacent to the driveway. A maximum of two (2) operable vehicles (per property) are permitted to be parked on the side of the driveway opposite the front door of the residence.

(2) In the rear yard of a residence, unless the rear yard is enclosed by a 6-foot-tall opaque fence.

(D) *Residential Parking.* A maximum of two (2) vehicles (per property) are permitted to be parked on the sides of a residence. The vehicles shall not exceed two on a single side or one on each side. This shall exclude the front and rear sides of the property. Vehicles parked on the side of a residence located on a corner lot must be screened from the street adjacent to the side of the residence by a 6-foot-tall opaque fence.

(E) *Exceptions.* The provisions of this section shall not apply to:

(1) Private property in any residential district whereon construction is underway, for which a current and valid building permit has been issued by the city, as to those vehicles actively engaged in such construction, between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday.

(2) Those persons performing lawful and authorized work upon property in a residential district where the vehicle is parked or stopped.

(3) The emergency parking of a disabled vehicle in a residential district. However, any such vehicle shall be removed from the residential district

within twenty-four (24) hours by wrecker towing or other available means regardless of the nature of the emergency.

(4) Those vehicles parked in a residential district for a period not to exceed eight (8) hours rendering business, commercial or medical services to property at the location where parked or stopped.

(5) "Class A" Wreckers which are less than thirty-six (36) feet in length are prohibited from parking in residential areas between the hours of 8:00 a.m. and 5:00 p.m., excluding weekends and holidays. This provision does not prevail over deed restrictions or Homeowner Association restrictions in residential areas. Such wreckers shall be properly parked as per ordinance and state law, shall not obstruct sidewalks, drainage, or flow of traffic, and shall not be actively towing a vehicle when parked at a residence. All parked wreckers shall maintain a minimum of ten (10) feet of clearance from the adjacent road surface.

(6) Farm equipment used in the operation of an agricultural activity shall be exempt from the provisions of this section. The property for which this equipment is exempt shall have a current agricultural exemption from the Brevard County Tax Collector or provide a signed and notarized affidavit that said equipment is for the property owner's personal use. Farm equipment may only be parked/stored on lands that are zoned RR, Rural Residential District or GU, General Use Holding District.

(7) One (1) vehicle may be unlicensed or inoperable.

(F) *Parking recreational vehicles or recreational equipment in residential areas.* It shall be unlawful for any person to park or store a recreational vehicle or recreational equipment as defined herein in a residential area for longer than twenty-four (24) consecutive hours or forty-eight (48) hours in any one (1) month period, except on residential lots behind the front face of the residence. Recreational vehicles or recreational equipment parked on the street side of a corner lot (opposite the side interior property line) must be screened by a 6-foot-tall opaque fence. No recreational vehicle shall be used for living, sleeping, or housekeeping purposes in any location not approved for such use under the zoning requirements of this chapter. Any such recreational vehicles shall have attached, at all times, a current vehicle registration license plate.

(G) No vehicle shall be parked or stored upon an unimproved parcel of land. Parking of vehicles is considered an accessory use as there must be a principal use (such as a residence) for the parking of vehicles to be accessory to.

(H) No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, unless such work is being performed inside a garage or similarly enclosed area designed for such

purposes. Painting of vehicles is prohibited unless conducted inside an approved spray booth.<<”

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the City of Palm Bay Code of Ordinances be revised to delete the language as specified above.

**SECTION 4.** If any portion, clause, phrase, sentence, or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative, or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative, or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2024-xx, held on \_\_\_\_\_, 2024; and read in title only and duly enacted at Meeting 2024-xx, held on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Rob Medina, Mayor

ATTEST:

\_\_\_\_\_  
Terese M. Jones, City Clerk

Reviewed by CAO: \_\_\_\_\_

***Strikethrough words shall be deleted; highlighted words shall be included and will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.***