

TAB 1

POINT PAPER

ORDINANCE REGARDING PARKING OF BOATS AND RECREATIONAL VEHICLES

MARCH 3, 2008

Issue:

City Commission input is needed to determine direction for an ordinance that limits the location of parking for boats as well as for other recreational vehicles

Background:

When preparing an ordinance to address the parking of recreational vehicles in residential neighborhoods, City Commission discussed the restrictions being placed on RV's but not on boats.

Staff has prepared a draft ordinance for City Commission consideration.

This item is on the suspense log.

Alternatives:

1. Provide staff with feed back and schedule a first reading for the attached ordinance.
2. Do nothing

Recommendation: Alternative #1

Budget Impact: None

**CITY OF PALMETTO
ORDINANCE NO. 08 - _____**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING ARTICLE VI, SECTION 6.5 OF APPENDIX B, THE ZONING CODE, OF THE CITY CODE OF ORDINANCES PERTAINING TO THE PARKING OF BOATS AND VEHICLES ON PRIVATE PROPERTY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, a proper municipal function and purpose is the regulation of parking on private property within the City; and

WHEREAS, the City Commission has determined that it is necessary and appropriate to regulate the parking of boats and vehicles on private property in order to protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF PALMETTO, FLORIDA:

Section 1. Findings of Fact. The above-referenced “whereas” clauses are adopted herein as findings of fact.

Section 2. Revision language. Appendix B, Article VI, Subsection 6.5(a) of the City of Palmetto Code of Ordinances is hereby amended to read in its entirety as follows:

Sec. 6.5. Parking of boats, domestic vehicles, commercial vehicles and recreational vehicles.

Deleted: and

(a) Boats, domestic vehicles and recreational vehicles: Any owner of a boat, domestic vehicle or recreational vehicles may park or store such boat or vehicles on their own private residential property subject to the following conditions:

Deleted: D

(1) At no time shall such boat or vehicles be occupied or used for living, sleeping, or housekeeping purposes.

(2) Parking is permitted anywhere on a lot for loading and unloading purposes for a period not exceeding twenty-four (24) hours.

(3) At no time shall such boat or vehicles be connected to any utility service other than electricity.

(4) If a boat, domestic vehicle or recreational vehicle is parked or stored outside of an enclosed garage, it shall be parked or stored not less than five (5) feet from any interior lot line. Recreational vehicles shall not be parked or stored in the required front yard.

(5) Parking is not permitted within a waterfront yard, except for boats, when provisions have been made to place the boat directly into the water from its place of parking.

Deleted:

Deleted: private pleasure craft

Deleted: craft

Section 3. Repeal of Ordinances. This Ordinance hereby repeals all ordinances and parts of ordinances in conflict herewith to the extent of such conflict.

Section 4. Severability. It is the intent of this Ordinance to comply with all applicable law and constitutional requirements. If any provision, paragraph or section of this Ordinance or the standards and codes adopted hereby, shall be determined by a

court of competent jurisdiction to be inapplicable, illegal, unenforceable or unconstitutional, then to that extent such provisions or portions shall be deemed null and void, but the remaining provisions of this Ordinance shall be in full force and effect as applicable.

Section 5. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14 upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

APPROVED AND ADOPTED, in open session with a quorum present and voting, this _____ day of _____, 2008.

First Reading: _____, 2008
Publication: _____, 2008
Second Reading and
Public Hearing: _____, 2008

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY COMMISSION
OF THE CITY OF PALMETTO

By: _____
LAWRENCE E. BUSTLE, JR., MAYOR

ATTEST: James R. Freeman
City Clerk

By: _____
City Clerk/Deputy Clerk