

1 **ORDINANCE SUMMARY**
2 **PERMITTED PARKING ORDINANCE**
3 **Residential and Agricultural Zoning Districts**
4

5 This ordinance proposes to amend the Lake County Land Development Regulations (LDR),
6 Chapter I, entitled "General Provisions", Section 1.08.03, entitled "Nonconforming Uses", to
7 require nonconforming parking of certain vehicles within residential and agriculture zoning
8 districts to be brought into compliance by August 1, 2014.
9

10 This ordinance also proposes to amend Chapter III, entitled, "Zoning District Regulations",
11 Section 3.06.00, to allow parking of vehicles under 12,000 pounds gross vehicle weight rating
12 within residential and agriculture zoning districts with specific conditions concerning the
13 operability and licensing status of the vehicles, and requiring vehicles that exceed 12,000
14 pounds gross vehicle weight rating and that are parked on parcels five acres or larger to be
15 operable and currently licensed and registered.
16

17 Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to
18 existing Code sections. Renumbering and/or relettering were added as needed.

19
20 **ORDINANCE NO. 2013-_____**
21

22 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY,**
23 **FLORIDA; AMENDING THE FOLLOWING SECTIONS OF THE LAKE COUNTY CODE,**
24 **APPENDIX E, LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER I, ENTITLED**
25 **"GENERAL PROVISIONS", SECTION 1.08.00, ENTITLED "NONCONFORMING**
26 **DEVELOPMENT", SUBSECTION 1.08.03, ENTITLED "NONCONFORMING USES", BY**
27 **REQUIRING NONCONFORMING PARKING OF CERTAIN VEHICLES WITHIN SPECIFIC**
28 **RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS TO BE BROUGHT INTO**
29 **COMPLIANCE WITH AMENDED SECTION 3.06.00, LAND DEVELOPMENT REGULATIONS,**
30 **BY AUGUST 1, 2014; AMENDING CHAPTER III, ENTITLED "ZONING DISTRICT**
31 **REGULATIONS", SECTION 3.06.00, ENTITLED "REGULATIONS FOR THE PARKING,**
32 **STORING, OR KEEPING OF BOATS, BUSES, TRAILERS, TRUCKS, AND COMMERCIAL**
33 **VEHICLES IN THE "A" AGRICULTURE, "RA" RANCHETTE, "AR" AGRICULTURAL**
34 **RESIDENTIAL, "R-1" RURAL RESIDENTIAL, "R-2" ESTATE RESIDENTIAL, "R-3" MEDIUM**
35 **RESIDENTIAL, "R-4" MEDIUM SUBURBAN RESIDENTIAL, "R-6" URBAN RESIDENTIAL,**
36 **"R-7" MIXED RESIDENTIAL, "R-10" MULTIFAMILY RESIDENTIAL, "RP" RESIDENTIAL**
37 **PROFESSIONAL, "RMRP" MOBILE HOME RENTAL PARK, "RM" MOBILE HOME**
38 **RESIDENTIAL, AND "RV" RECREATIONAL VEHICLE ZONING DISTRICTS", BY**
39 **ALLOWING, IN THOSE ZONING DISTRICTS, THE PARKING OF VEHICLES WITH A**
40 **"GROSS VEHICLE WEIGHT RATING" (GVWR) OF 12,000 LBS. OR LESS PROVIDED THAT**
41 **THEY MEET CERTAIN CONDITIONS AS TO OPERABILITY AND LICENSING; AND**
42 **REQUIRING VEHICLES THAT EXCEED 12,000 LBS. GVWR THAT ARE PARKED ON A**
43 **PARCEL THAT IS FIVE ACRES IN SIZE OR LARGER TO BE OPERABLE AND**
44 **CURRENTLY LICENSED AND REGISTERED; PROVIDING FOR SEVERABILITY;**
45 **PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE**
46 **DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**
47

48 **WHEREAS,** the Lake County Land Development Regulations contain minimum parking
49 regulations within specific agricultural and residential zoning districts; and

1
2 **WHEREAS**, the Land Development Regulations currently do not limit the amount of
3 unlicensed and unregistered but operable vehicles that can be parked on a residential or
4 agriculturally zoned parcel; and

5
6 **WHEREAS**, the Planning & Zoning Board, in its capacity as the Local Planning Agency,
7 considered this ordinance and recommended approval at a properly advertised public hearing
8 on the 27th day of November, 2013; and

9
10 **WHEREAS**, the Board of County Commissioners (the “Board”) desires to amend
11 Chapter I and Chapter III, Land Development Regulations, to amend regulations pertaining to
12 permitted parking in specific agricultural and residential zoning districts;

13
14 **WHEREAS**, on the ____ day of _____, 2013, this Ordinance was heard at a public
15 hearing before the Lake County Board of County Commissioners; and

16
17 **NOW, THEREFORE, BE IT ORDAINED**, by the Board of County Commissioners of
18 Lake County, Florida as follows:

19
20 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated
21 herein by reference.

22
23 **Section 2. Amendment.** Lake County Code, Appendix E, Land Development
24 Regulations, Chapter I, entitled “General Provisions”, Section 1.08.00, entitled “Nonconforming
25 Development”, shall be amended to read as follows (deletions are indicated by ~~striketrough~~,
26 additions are indicated by underline, and the notation “***” indicates that all preceding or
27 subsequent text remains unchanged):

28
29 | **1.08.00 Nonconforming Development.**

30
31 | **1.08.03. Nonconforming Uses.**

32
33 | C. Nonconforming Parking.

34 | **1.** Nonconforming Parking Lots. Nonconforming off-street parking shall be required
35 | to be brought into compliance with Section 9.03.00, Land Development
36 | Regulations, if there is:

37 | **a1.** An increase in floor area, volume, capacity or space that is added to
38 | structures; or,

39 | **b2.** A change in business type or activity that would require additional parking.

40 | **2.** Nonconforming parking, storing, or keeping of vehicles, boats, buses, trailers,
41 | trucks, and commercial vehicles in the "A" Agriculture, "RA" Ranchette, "AR"
42 | Agricultural Residential, "R-1" Rural Residential, "R-2" Estate Residential, "R-3"
43 | Medium Residential, "R-4" Medium Suburban Residential, "R-6" Urban
44 | Residential, "R-7" Mixed Residential, "R-10" Multifamily Residential, "RP"
45 | Residential Professional, "RMRP" Mobile Home Rental park, "RM" Mobile Home
46 | Residential, and "RV" Recreational Vehicle Zoning Districts shall be brought into
47 | compliance as follows:

1 a. All nonconforming parking, storing or keeping of vehicles with a "Gross
2 Vehicle Weight Rating" (GVWR) of 12,000 lbs. or less on a parcel described
3 above shall be brought into compliance with Section 3.06.03, entitled
4 "Permitted Parking", by August 1, 2014.

5 **Section 3. Amendment.** Lake County Code, Appendix E, Land Development
6 Regulations, Chapter III, entitled "Zoning District Regulations", Section 3.06.00, entitled
7 "Regulations for the Parking, Storing, or Keeping of Boats, Buses, Trailers, Trucks, and
8 Commercial Vehicles in the "A" Agriculture, "RA" Ranchette, "AR" Agricultural Residential, "R-1"
9 Rural Residential, "R-2" Estate Residential, "R-3" Medium Residential, "R-4" Medium Suburban
10 Residential, "R-6" Urban Residential, "R-7" Mixed Residential, "R-10" Multifamily Residential,
11 "RP" Residential Professional, "RMRP" Mobile Home Rental park, "RM" Mobile Home
12 Residential, and "RV" Recreational Vehicle Zoning Districts", shall be amended to read as
13 follows (deletions are indicated by ~~strike through~~, additions are indicated by underline, and the
14 notation "****" indicates that all preceding or subsequent text remains unchanged):

15 **3.06.00 - Regulations for the Parking, Storing, or Keeping of Vehicles, Boats, Buses,**
16 **Trailers, Trucks, and Commercial Vehicles in the "A" Agriculture, "RA" Ranchette, "AR"**
17 **Agricultural Residential, "R-1" Rural Residential, "R-2" Estate Residential, "R-3" Medium**
18 **Residential, "R-4" Medium Suburban Residential, "R-6" Urban Residential, "R-7" Mixed**
19 **Residential, "R-10" Multifamily Residential, "RP" Residential Professional, "RMRP"**
20 **Mobile Home Rental park, "RM" Mobile Home Residential, and "RV" Recreational Vehicle**
21 **Zoning Districts.**

22 **3.06.01 Purpose and Intent.** The following regulations in Section 3.06 Shall apply to the "A"
23 Agriculture, "RA" Ranchette, "AR" Agricultural Residential, "R-1" Rural Residential, "R-2" Estate
24 Residential, "R-3" Medium Residential, "R-4" Medium Suburban Residential, "R-6" Urban
25 Residential, "R-7" Mixed Residential, "R-10" Multifamily Residential, "RP" Residential
26 Professional, "RMRP" Mobile Home Rental Park, "RM" Mobile Home Residential, and "RV"
27 Recreational Vehicle Zoning Districts. The intent of this Section is to provide regulations
28 specifying the types of vehicles that may be parked, stored or kept in zoning districts that are
29 primarily residential districts. No vehicle Shall be parked, stored or kept on any lot or parcel or
30 on any public street, avenue, alley, or other thoroughfare or any Right-of-Way therewith, within
31 any of the zoning districts listed herein unless authorized by this Section. No vehicle Shall be
32 parked on any vacant lot or parcel of land within any of the zoning districts listed herein, except
33 in cases in which such lot or parcel is contiguous to the residence of the owner or user of such
34 vehicle. In such case the lot containing the residence and the vacant lot Shall be considered
35 one parcel for purposes of this section.

36 **3.06.02 Classification of Vehicles.** In case of doubt to proper classification of a specific
37 vehicle, the determination by the Motor Vehicle Department of the State of Florida Shall be used
38 to make the final determination. The body description and classification on the motor vehicle
39 certificate of title Shall be "prima facie" evidence of such determinations. In case of doubt as to
40 the "Gross Vehicle Weight Rating" (GVWR) of any vehicle, the manufacturer's specifications
41 Shall be used to make the final determination.

42 **3.06.03 Permitted Parking.**

43 The following types of vehicles are permitted to park in the zoning districts listed in 3.06.01
44 provided they meet the specific conditions of any one or more of the paragraphs listed herein:

Permitted Parking Ordinance – Residential and Agricultural Zoning Districts

- 1 A. ~~Any v~~ehicles with a "Gross Vehicle Weight Rating" (GVWR) of 12,000 lbs. or
2 Less:-
3 1. Any number of vehicles that are operable and currently licensed and registered.
4 2. Any number of vehicles stored in a completely enclosed building; if stored in a
5 completely enclosed building, these vehicles are not required to be operable or
6 currently licensed and registered.
7 3. No more than three (3) operable vehicles that are not currently licensed and
8 registered.
- 9 B. Trailers Shall not be parked on any public street, avenue, alley, or other thoroughfare or
10 any right-of-way therewith and Shall be parked in such a way to meet the single family
11 front and secondary front yard setbacks established by Chapter 3 of the Land
12 Development Regulations;
- 13 ~~CB~~. In cases where a lot or parcel is five (5) acres or greater in size, one (1) operable and
14 currently licensed and registered vehicle which exceeds 12,000 lbs. GVWR may be
15 parked on such lot or parcel if it is used by the resident of the lot or parcel. If such
16 vehicle is a trailer, the vehicle which is used to transport such trailer may also be parked
17 on such lot or parcel, even if it exceeds 12,000 lbs. GVWR. Unless permitted by another
18 section of this Code, no vehicle with a GVWR of 12,000 lbs. or more Shall be parked,
19 stored, or kept on any public street, avenue, alley, or other thoroughfare or any right-of-
20 way therewith, within any of the zoning districts listed in 3.06.01 above.
- 21 ~~DC~~. Any vehicle which is temporarily parked on a lot or parcel, or road or right of way
22 adjacent thereto, whereon construction is underway for which a current and valid
23 building permit or other development order has been issued by Lake County where such
24 vehicle is being used in such construction.
- 25 ~~ED~~. Any vehicle which is making routine deliveries to or pickups from a residence or
26 occupant of a lot or parcel, or a vehicle which is making a legitimate service call to a
27 residence or occupant of a lot or parcel.
- 28 ~~EE~~. Any vehicle which becomes disabled during operation. ~~Any such vehicle~~ Shall be
29 removed within twenty-four (24) hours ~~by towing if necessary~~, regardless of the nature of
30 the breakdown.
- 31 ~~GF~~. Any vehicle owned by government or a public utility such as electric, telephone, gas, or
32 cable television company that is being used for service or repair on Construction
33 projects.
- 34 ~~HG~~. Any vehicle owned by government or a public utility such as electric, telephone, gas, or
35 cable television company, that is required by the government or utility company to be
36 driven home by an employee of such government or utility company because such
37 vehicle may be needed for after-hours emergencies.
- 38 ~~IH~~. Any vehicle involved in ongoing, bona fide agricultural operations on such lot or parcel,
39 such as the harvesting of citrus.
- 40 ~~JJ~~. Boats or recreation vehicles may be parked on a lot or parcel, subject to the following
41 restrictions and conditions:
- 42 1a. Such boat or recreation vehicle must be owned by or used by a resident of the lot or
43 parcel;

2b. Such boat or recreation vehicle must be parked in such a way to meet the single family front and secondary front yard setbacks established by Chapter 3 of the Land Development Regulations;

Kj. Boats or recreation vehicles may be parked on a lot or parcel other than pursuant to subparagraph Jf above for a twenty-four (24) hour period for loading or unloading purposes. Such parking for unloading and loading on any lot or parcel Shall not occur more than four (4) times in any one calendar month.

Lk. Recreational vehicles and vehicles normally used to tow recreational vehicles may be ~~are~~ parked in the "RV" Recreational Vehicle zoning district.

Section 4. Severability. If any section, sentence, clause or phrase or the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portion of this Ordinance.

Section 5. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. Filing with the Department of State. The clerk shall be and is hereby directed forthwith to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

Section 7. Effective. This Ordinance shall become effective upon filing with the Secretary of State.

Enacted this _____ day of _____, 2013.

Filed with the Secretary of State _____, 2013.

ATTEST: BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA

Neil Kelly, Clerk of the Board of County Commissioners of Lake County, Florida

Leslie Campione, Chairman

Approved as to form and legality:

Sanford A. Minkoff
County Attorney