



**AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS

VIA: MARK A. KUTNEY, CITY MANAGER *Mark A. Kutney*

VIA: BILL GEIGER, COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR *Bill Geiger*

FROM: STEVE GOULDMAN, AICP, CITY PLANNER *SG*

SUBJECT: OVERNIGHT PARKING OF COMMERCIAL VEHICLES ON
COMMERCIAL ZONED PROPERTIES

DATE: FEBRUARY 4, 2019

INTRODUCTION & BACKGROUND INFORMATION:

At the November 19, 2018 City Council meeting, Council member Bernardini raised the issue of potentially regulating the overnight parking of commercial tractor-trailer vehicles on commercially zoned property within the City. Council member Bernardini's concern arose from complaints he received from a resident about the parking of such a vehicle on a commercially zoned and developed property on Howell Avenue which is adjacent to residential properties. In this instance, an individual occasionally parks a tractor-trailer overnight on the parcel with the engine, cab air-conditioning and/or refrigeration unit running. The Community Development Department has not for a number of years received similar complaints related to other properties within the City.

The City's Code of Ordinances does contain a provision prohibiting overnight parking of tractor-trailer vehicles on certain properties. Specifically, Chapter 82, Article II, Section 82-35(b) states that "[n]o person shall park or stand any tractor-trailer or truck, which has a manufacturer's rated load capacity in excess of 1½ tons, overnight, in any area, including the public rights-of-way and private property within and part of that area which is designated as the original Town of Brooksville per plat book 3, pages 1 and 2." The Section further states the prohibition does not extend to "any vehicles parked in garages, service stations, repair shops, motel parking lots, storage and parking areas of public utility facilities, storage and parking areas used in connection with and located adjacent to existing light industrial facilities, and publicly owned facilities." As is shown in the attached map, the plat of the original Town of Brooksville encompasses an area roughly bound by Pine Street/Oak Street on the north, Cook Avenue on the south, Rogers Avenue/Union Street on the east and Stafford Avenue/Mildred Avenue on the west. The area does not extend to the above noted property on Howell Avenue.

RESEARCH FINDINGS:

As a result of the ensuing discussion at the November 19 meeting, City Council directed staff to determine if and how other jurisdictions in the State regulate the overnight parking of commercial tractor-trailer vehicles on commercially zoned properties.

Subsequent to City Council direction, staff reviewed the Codes of Ordinances of approximately 50 municipalities in the State of Florida and identified six that regulated such parking in some manner. The municipalities identified include LaBelle (population 4,640), Kenneth City (population 4,980), Mount Dora (population 13,916), Winter Garden (population 43,536), Deltona (population 90,746) and Davie (population 91,992). The regulations of each municipality are as follows:

LaBelle: The City of LaBelle Code of Ordinances require that there shall be “[n]o parking or storage of commercial vehicles, vessels and trailers unless it is in conjunction with an existing business on the same location. Site must be developed and meet existing building codes and the landscape code.” Code Enforcement staff with the City of LaBelle indicate that staff proactively enforce the prohibition when violations are witnessed. Staff further indicated violations are rare.

Kenneth City: Kenneth City mandates that “any tractor or tractor-trailer combination shall not be parked on any commercial property overnight, with the exception of garages or service stations where repairs are being made which may require such vehicle to be held overnight, or duly licensed and established rental companies who rent out such equipment as part of their established business.” Kenneth City has relatively few commercially zoned properties and enforcement of the prohibition is performed by officers employed by the Kenneth City police department. The Kenneth City officer contacted stated that enforcement is primarily proactive and violations are rare.

Mount Dora: The Mount Dora regulations provide that “[i]t shall be unlawful, and a violation of this part, for the owner of property located within the city, regardless of the property's zoning classification or use, or for the owner of any road tractor, semitrailer, straight truck, tandem trailer truck, or truck tractor, to park on, cause to be parked on, or allow to be parked on the real property in question, except for the purpose of actively loading and unloading, unless otherwise provided for herein. Notwithstanding the provisions of this paragraph, such prohibited parking is allowed on property zoned M-1 and M-2 so long as the parking is in conjunction with a business located on the property, and such business has not been established to allow such parking and related services (e.g. a truck stop). Further, this paragraph shall not operate to prevent such parking by the city on city-owned property, nor by civic groups on property donated to the group in question by the city.” Mount Dora Code Enforcement staff proactively enforce the regulations and indicate that, when violations are witnessed, the vehicle is tagged and given 10 days to remove the vehicle. The owner of the property is also notified and, if the violation continues, the property owner is summoned to appear before a Special Magistrate. The regulation is primarily intended to prohibit long-term storage of commercial vehicles rather than overnight parking. Staff indicate the notification process results in few if any repeat offenders.

Winter Garden: The City of Winter Garden's regulations are not applicable City-wide but instead apply to a Commercial Overlay zone located along the corridor of State Road 50. The City's Code of Ordinances state that on parking lots within the

commercial corridor, “[o]vernight parking of commercial motor vehicles, tractor trailers, boats, vessels, recreational vehicles, campers, motor homes or similar means of conveyance or places of abode is prohibited, except in conjunction with a special event where a permit has been issued by the city.” According to Code Enforcement staff, the regulations are enforced by the City’s police department and violations are rare.

Deltona: Deltona’s restrictions allow that “[n]o vehicle greater than 10,000 pounds manufacturer’s gross vehicle weight or designated to carry 16 or more passengers, or requiring a commercial drivers license (CDL) of any endorsement to operate shall be parked or stored in any commercial zoning district except vehicles parked for less than two hours, vehicles parked for loading and unloading purposes only, vehicles that are parked at a business that are registered for use by the business and are necessary and appropriate for the operation of the business or any vehicle with written permission from the property owner, manager or agent.” Deltona Code Enforcement staff indicate the enforcement process is complaint-driven. When violations occur, the vehicle owner and management of the subject property are notified. As with the Mount Dora regulations, the prohibition is primarily used to address long-term storage of commercial vehicles rather than overnight parking. City staff stated the regulations and notification process results in few repeat offenders and complaints are relatively rare.

Davie: The City of Davie Code of Ordinances addresses overnight parking of commercial vehicles only in the City’s Community Business Center District. The regulations state that “[t]he overnight parking of running tractor-trailers trucks shall be prohibited. This includes, but is not limited to, the parking of tractor-trailers overnight requiring running cab air-conditioning or the overnight parking of trucks with refrigeration systems running.” Davie Code Enforcement staff indicate that the overwhelming majority of violations occur in the parking lots of the City’s grocery stores. Enforcement is typically complaint-driven and administration is through the City’s police department. Both the vehicle driver and/or owner and store management are notified and violations tend not to re-occur for extended periods of time.

POTENTIAL REGULATORY OPTIONS:

A variety of options exist for City Council consideration. Staff identified the following:

1. Continue to prohibit overnight semi-trailer and truck tractor parking on commercially zoned parcels in the original Town of Brooksville plat and allow overnight semi-trailer and truck tractor parking on commercially zoned parcels elsewhere in the City without restriction;
2. Prohibit overnight semi-trailer and truck tractor parking on commercially zoned parcels in the original Town of Brooksville plat and add the prohibition to include all commercially zoned properties with Howell Avenue frontage, and allow overnight semi-trailer and truck tractor parking on commercially zoned parcels elsewhere in the City without restriction;

3. On all commercially zoned parcels in the City, prohibit between the hours of 10:00 p.m. to 7:00 a.m. the parking of semi-trailers and truck tractors not associated with the business on the commercially zoned parcel in question; and
4. On all commercially zoned parcels in the City, prohibit between the hours of 10:00 p.m. to 7:00 a.m. the parking of tractor-trailer trucks with refrigeration systems running.

STAFF RECOMMENDATION:

Staff recommends that City Council further discuss the item and provide the appropriate direction.

Attachment: Original Town of Brooksville Plat

