

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF CAPE CORAL, FLORIDA, ARTICLE 6, PARKING, CHAPTER 2, TRUCK AND VEHICLE PARKING, SECTION 6.2.1, PARKING REGULATIONS FOR RESIDENTIAL ZONING DISTRICTS, REGARDING PARKING ON PROPERTY WITH A PRINCIPAL RESIDENTIAL BUILDING; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral, Florida Land Development Code, Article 6, Chapter 2, Section 6.2.1, is hereby amended as follows:

Section 6.2.1 Parking regulations for residential zoning districts.

- A. It shall be unlawful for any owner, agent, operator, or person in charge of a trailer or commercial vehicle to park, store, or keep such trailer or commercial vehicle on the pavement or in the swale of any public street adjoining property located within the R-1, RE, RML, or RMM zoning districts in the city. Furthermore, it shall be unlawful for any owner of privately owned real property improved with a principal residential building in ~~the R-1, RE, RML, or RMM~~ any zoning districts in the city to park on, cause to be parked on, or allow to be parked on such property any trailer or commercial vehicle, except as otherwise provided herein.
- B. The prohibitions of § 6.2.1.A shall not apply to the following:
1. Temporary parking of any trailer or commercial vehicle on private property or in the adjoining swale of any public street within the R-1, RE, RML, or RMM zoning districts or any property with a principal residential building, where construction for which a current and valid permit has been issued by the city is underway on the property and the permit is properly displayed on the premises. Such trailer or commercial vehicle is permitted to be parked on the real property only during the time period that the construction is actually physically occurring. Nothing in this subsection is intended to require a permit where none is otherwise required or to allow a trailer or commercial vehicle to be parked on private property or in the adjoining swale of any public street within the R-1, RE, RML, or RMM zoning districts or any property with a principal residential building when construction is not actually physically occurring on the private property.
 2. Deliveries by tradespeople or the use of trailers or commercial vehicles in making service calls.
 3. Temporary parking of a commercial vehicle or recreational vehicle while such vehicle is being used by the operator for travel to and from the site with a principal residential property building for personal reasons of a temporary nature such as for a meal or to visit or serve an ill person. Such temporary parking shall not, however, exceed a total of two hours duration during any 24-hour time period.
 4. Emergency parking of a disabled commercial vehicle, recreational vehicle, or trailer. However, any such commercial vehicle, recreational vehicle, boat, or trailer shall be removed from the R-1, RE, RML, or RMM zoning district or a site with a principal residential building within 24 hours by wrecker towing or other available means regardless of the nature of the emergency.
 5. Parking of any trailer or commercial vehicle, provided that all of the following conditions are met:
 - a. The trailer or commercial vehicle is parked in a permitted garage or carport;
 - b. When parked in a garage or carport, no part of such trailer or commercial vehicle may project horizontally beyond the roofline of the garage or carport; and
 - c. When parked in a carport, such trailer or commercial vehicle is screened on three sides.
 6. The parking of any trailer or commercial vehicle in the A zoning district that is improved with a principal residential building in which the owner has one or more horses on the site, has an active agricultural operation, or has an active certificate of zoning compliance that does not involve a home-based business.

- C. Any combination of the following motor vehicles may be parked in the R-1, RE, RML, or RMM zoning districts, or on a parcel improved with a principal residential building:
1. Any light van, passenger car, sports utility vehicle (SUV), pickup truck, jeep, motorcycle, or similar type of motor vehicle which is not a commercial vehicle. Notwithstanding the foregoing, it shall be prohibited for any owner of property improved with a single-family detached dwelling, single-family semi-detached dwelling, or duplex dwelling to park on, cause to be parked on, or allow to be parked on such property outside of a garage or carport more than two (2) motor vehicles containing commercial lettering at any given time. The foregoing prohibition shall not apply to the following:
 - a. Temporary parking of a motor vehicle containing commercial lettering on such improved property, where construction for which a current and valid permit has been issued by the city is underway on the property and the permit is properly displayed on the premises. Such motor vehicles are permitted to be parked on the property only during the time period that the construction is actually physically occurring. Nothing in this subsection is intended to require a permit where none is otherwise required.
 - b. Deliveries by tradespeople or the use of a motor vehicle containing commercial lettering in making service calls to such improved property.
 - c. Temporary parking of a motor vehicle containing commercial lettering while such vehicle is being used by the operator for travel to and from such improved property for personal reasons of a temporary nature such as for a meal or to visit or serve an ill person. Such temporary parking shall not, however, exceed a total of two hours duration during any 24-hour time period.
 - d. Emergency parking of a disabled motor vehicle containing commercial lettering. However, any such vehicle shall be removed from such improved property within 24 hours by wrecker towing or other available means regardless of the nature of the emergency.
 2. For the purposes of § 6.2.1.C., any motor vehicle described in C.1. containing commercial lettering shall not be considered parked outside of a garage or carport, provided that all of the following conditions are met:
 - a. Such motor vehicle is parked in a permitted garage or carport;
 - b. When parked in a garage or carport, no part of such motor vehicle may project horizontally beyond the roofline of the garage or carport; and
 - c. When parked in a carport, such motor vehicle is screened on three sides.
- D. No vehicle for human habitation shall be kept or parked on property improved with a principal residential building ~~within the R-1, RE, RML, or RMM zoning districts~~ or on adjoining public rights-of-way, except when parked entirely within the confines of a garage or carport, or in accordance with the following:
1. Non-resident. Vehicles for human habitation when used for transportation of visitors to this city to visit friends or members of the visitors' family residing in this city may, upon obtaining a permit (for which a charge shall not be made) from the City, be parked upon the premises of the visited family for a period not exceeding ten days. The permit shall be affixed to the vehicle in a conspicuous place on the street side thereof. The City may, for good cause shown, authorize the issuance of a second consecutive free permit not to exceed ten days. An additional permit for the parking of such vehicle will not be issued until after the expiration of 15 days after termination of the last prior permit. For purposes of this section, a person who owns or leases property in the City of Cape Coral shall not be deemed to be a "non-resident" when he or she parks a vehicle for human habitation on property that he or she owns or leases even if such person does not "reside" on the subject property.
 2. Resident. When a vehicle for human habitation is owned or leased by the person who also owns or leases the residential property or property improved with a principal residential building on which such vehicle is to be parked, such vehicle for human habitation may be parked upon the premises of the resident for a period not exceeding 72 hours for loading and cleaning provided that a permit is first obtained from the City. A vehicle for human habitation may be parked upon the premises of the resident for unloading after a trip for a period of 72 hours provided that a permit is first obtained from the City. There shall be a minimum of a 48-hour interval between the expiration of one permit and the issuance of another. The permit for each such period shall be affixed to the vehicle in a conspicuous

place on the street side thereof. The city shall not charge a fee for the permits to park a vehicle for human habitation upon the premises of the resident as required by this section.

- 3. Pop-up campers. A pop-up camper may be parked, only in a closed or folded condition, in the rear yard of a residential lot in the R-1, RE, RML, or RMM zoning districts or a site improved with a principal residential building. For purposes of this paragraph, a "pop-up camper" shall consist of a non-motorized trailer which includes, or on which is mounted, a tent-like enclosure (but such enclosure may be made of canvas or similar material, solid materials, or any combination thereof) to be used for camping purposes, which enclosure opens or expands or unfolds to accommodate temporary occupancy and which closes or folds up into itself in such a way as to be unusable for occupancy and to be no more than 55 inches in height when measured from ground level.

E. The following are exempt from the provisions of this section:

- 1. Trailers or commercial vehicles in actual use, or moving directly to or from the location of actual use, which are owned or leased by:
 - a. The city for the accomplishment of a municipal purpose;
 - b. A contractor or subcontractor under agreement with the city to accomplish a municipal purpose; or
 - c. A public utility operating within the city, or a contractor or subcontractor under agreement with such public utility; for the installation, maintenance, adjustment, or repair of or to a public utility facility.

However, no towing company, or other business entity, or any of its officers, employees, and agents shall be exempt from the provisions of this section solely because the towing company or other business entity has been employed by the city to provide towing or other services.

- 2. Commercial vehicles owned by or leased by governmental entities, including the city, Lee County, or the State of Florida, which are parked in ~~the R-1, RE, RML, or RMM~~ any zoning districts on a parcel improved with a permitted residential structure when such vehicles are lawfully in the possession of an authorized agent or employee of the governmental entity. This category shall include police or sheriff's vehicles which are permitted to be driven to residences of authorized employee(s) of such law enforcement entities.

F. In applying the terms of this section, the following rules of construction shall apply:

- 1. Any motor vehicle or trailer which is partially built or in the process of conversion shall be included under the most stringent definition that can be applied.
- 2. In case of doubt as to the proper classification of a specific vehicle, a determination by the state's Department of Highway Safety and Motor Vehicles shall be controlling. The body description and classification on the motor vehicle certificate of title shall be prima facie evidence of such determination.

SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF CAPE CORAL AT THEIR REGULAR SESSION THIS _____ DAY OF _____, 2024.

JOHN GUNTER, MAYOR

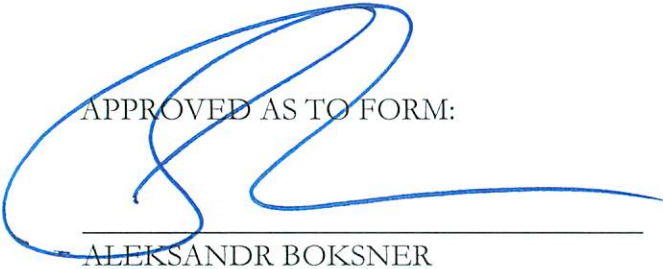
VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	NELSON	_____
STEINKE	_____	KILRAINE	_____
LEHMANN	_____	LONG	_____
DONNELL	_____	KADUK	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____,
2024.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



ALEKSANDR BOKSNER
CITY ATTORNEY
ord/LDC Commercial Parking in Residential 101524

