



**BOARD OF COUNTY COMMISSIONERS**

DATE: July 27, 2004  
AGENDA ITEM NO.

Consent Agenda

Regular Agenda

Public Hearing

57

**County Administrator's Signature:**

**Subject:**

Public Hearing on a Proposed Ordinance Relating to Prohibited Vehicles

**Department:**

Department of Environmental Management

**Staff Member Responsible:**

Will Davis, Director

**Recommended Action:**

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS ADOPT THE ATTACHED, PROPOSED ORDINANCE AFTER TAKING COMMENTS AT PUBLIC HEARING..

**Summary Explanation/Background:**

The attached proposed ordinance effectuating the Code Enforcement Task Force's recommendations, as presented to the Board of County Commissioners on February 24, 2004, amends section 122-37 of the Pinellas County Code and relates to the storage of "commercial vehicles" on residential properties. The ordinance proposes to change the term "commercial vehicle" to "prohibited vehicles and equipment" and alters the definition. The definition now includes a limit on the length, height and width of allowable vehicles (including any attached trailers), while continuing to include such traditional commercial vehicles as semi or tractor trailers. The new definition of "prohibited vehicles and equipment" provides more latitude, in that it would allow for pick-up trucks or utility trailers with attachments, such as ladder racks, to be stored at residential properties, so long as they do not exceed the above-referenced size limitations and are not parked on the grass. The proposed ordinance also provides an exemption for the storage of a prohibited vehicle at residential properties for a 30-minute period during traditional lunch hours, to allow for drivers to go home for lunch.

**Fiscal Impact/Cost/Revenue Summary:**

There will be no fiscal impact to the County as a result of this ordinance's adoption..

**Exhibits/Attachments Attached:**

Proposed ordinance.

AN ORDINANCE OF THE COUNTY OF PINELLAS,  
AMENDING PINELLAS COUNTY CODE, SECTION  
122-37, RELATING TO PROHIBITED VEHICLES AND  
EQUIPMENT; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR AN EFFECTIVE DATE; PROVIDING  
FOR INCLUSION IN THE CODE; PROVIDING FOR  
AMENDMENTS THAT MAY ARISE AT PUBLIC  
HEARING.

WHEREAS, the Board of County Commissioners felt the citizens of Pinellas County should have direct input into the regulation of their communities and therefore, appointed a task force to discuss community standards and make suggestions for changes to the code based upon current issues facing their communities; and

WHEREAS, each Commissioner appointed two individuals, residing within their district and from various backgrounds, to the task force, for a total membership of 14 citizens; and

WHEREAS, the task force met a total of eleven times over a period of seven months and discussed various code enforcement issues; and

WHEREAS, the citizen task force, by a majority vote, recommended the changes set forth in this ordinance.

NOW, THEREFORE, Be It Ordained by the Board of County Commissioners of Pinellas County, Florida:

SECTION 1: Section 122-37 of the Pinellas County Code is hereby amended to read as follows:

Sec. 122-37. Storage, parking, maintenance of ~~commercial-prohibited~~ vehicles and equipment in residential zoning districts.

(a) *Intent.* It is the intent of this section to prohibit the storage, parking or maintenance of ~~commercial-prohibited~~ vehicles in residential zoning districts in order to prevent traffic and safety problems endangering the lives and property of citizens of the county, to

prevent unsightly appearances in residential areas, and to prevent diminution of property values.

(b) *Definitions.* The following definitions shall apply to the provisions of this section:

*Commercial purpose* means a use for compensation, including but not limited to the transport of persons, animals, commodities, materials, articles of trade, or the performance or tender of services.

~~*Commercial vehicle* means a motor vehicle propelled by other than muscular power operated or intended to be operated over public streets and highways and used as a means of transporting persons or property and is used for commercial purposes or is a truck, trailer, semitrailer, truck tractor or tractor trailer combination as defined in F.S. ch. 320, or is a moving van, delivery truck, dump truck, service vehicle, tow truck, wrecker, bus, crane, dragline, earth mover, bulldozer, backhoe, trencher or similar vehicle. The term also includes any vehicle used as a platform for a derrick, hoist, crane, compressor, tanks, ladder racks, or similar equipment or as a means of transporting or storing a commercial vehicle. Automobiles, vans, recreational vehicles, pickup trucks weighing no more than 10,000 pounds (as determined by the vehicle's registration), and other similar vehicles are specifically excluded from this term.~~

*Prohibited Vehicles and Equipment* means and includes, but shall not be limited to, any truck, trailer or stretched and/or extended automobile or sport utility vehicle in excess of 21 feet, or any semi-trailer, tractor trailer combination, or truck tractor as defined in F.S. § 320.01(11), or any step-van, cube van, box truck, flat bed truck, tow truck, wrecker, moving van, bus, or any construction, landscaping, or land clearing equipment. "Construction, land clearing and landscaping equipment" as used in this section shall include, but not be limited to, any front loader, bulldozer, dragline, crane, or similar vehicle, or any tar pot, concrete mixer, trencher, stump grinder, brush shredder, or similar equipment designed to be towed behind a motorized

vehicle.

*Residential zoning district* means the boundaries of an area of the unincorporated part of the county designated by a single zone residential classification with uniform use regulations, and includes private and public property. When streets or alleyways are used to designate boundaries, such boundaries shall be considered to be the centerline of such streets or alleyways.

(c) *Prohibitions.* No person or agent thereof shall cause or permit a ~~commercial~~prohibited vehicle to be stored, maintained or parked in a residential zoning district unless such vehicle is parked on private property in an enclosed garage or similar lawful structure, thereby eliminating its visibility from public roads and adjacent parcels of land ~~and is owned or used by a permanent resident of the property.~~ However, one such vehicle may be parked on a residential property for no more than 30 minutes during the normal lunch hours of 11 a.m. to 2 p.m., not to exceed one 30-minute period per 24 hour day.

(d) *Exemptions.* The provisions of this section shall not apply to the temporary parking of ~~prohibited-commercial~~ vehicles in residential zoning districts for the purpose of delivery or receipt of goods or services at a specific residence. Additionally, for each residential dwelling unit there may be one van, pick up truck, or utility trailer, with attachments such as ladder racks, utility beds, flat beds, glass racks, side racks, elevated tool boxes and or cargo and equipment carried within or on the vehicle. However, the vehicle together with any and all such attachments and/or cargo shall be no more than 21 feet in length, 8 feet in height, and 8 feet in width. The vehicle must be parked on a prepared, inorganic, hard surfaced, non-dirt, parking area and not on the grassy or vegetated area of the yard. This section is not intended to include operable boat trailers with or without boats, or other recreational vehicles as those are addressed in Chapter 138 of this Code.

## SECTION 2: Severability

If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

## SECTION 3: Effective Date

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners. This Ordinance shall become effective when the acknowledgment is received from the Secretary of State that the Ordinance has been duly filed.

## SECTION 4: Inclusion Clause

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.