

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 62 – TRAFFIC AND VEHICLES, ARTICLE II – STOPPING, STANDING AND PARKING; PROVIDING FOR FACTUAL FINDINGS; PROVIDING FOR LIMITATIONS ON THE ABILITY TO PARK AT THE CITY’S BEACH ACCESSES; AMENDING THE REQUIREMENTS FOR SECURING A PARKING PERMIT DECAL; AMENDING AND STANDARDIZING THE NUMBER OF PERMISSIBLE PARKING DECALS FOR PROPERTY OWNERS AND YEAR-LONG LESSEES; SPECIFYING PERMISSIBLE USES OF A PARKING DECAL; REPEALING THE PROVISION FOR TEMPORARY GUEST PARKING PERMITS; REPEALING THE REQUIREMENT FOR A PARKING DECAL IN ORDER TO USE THE CITY’S 15TH AVENUE BOAT RAMP; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Indian Rocks beach currently regulates parking and the issuance of permits to preserve the safety of the City of Indian Rocks Beach’s residents and visitors;

WHEREAS, the City Commission desires to amend its Ordinances to remedy the effects of unpermitted parking in its residential districts and unregulated congestion;

WHEREAS, the City Commission has carefully considered this ordinance addressing resource management and amended previous iterations hereof in response to administrative input, evaluation of factual data, feedback and comments from the public during multiple public hearings and workshops, and upon each commissioner’s own individual policy concerns and discretion; and

WHEREAS, the City Commission finds this Ordinance benefits public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, THAT:

SECTION 1. Chapter 62, Article II – “Stopping, Standing and Parking,” of the City of Indian Rocks Beach’s Code of Ordinances is amended as follows:

Sec. 62-31. - Parking violation fines.

Any person who violates any parking laws, ordinances, or regulations within the city shall be subject to a fine for each such violation of not less than \$75.00. Any unpaid parking fines shall be subject to any and all penalties, whether civil or criminal, provided for in Florida’s Statutes.

Sec. 62-32. - Obedience to signs.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the direction of a law enforcement agency official or traffic control device, no person shall stop, stand or park a motor vehicle, as defined under F.S. ch. 316, at any place where official signs prohibit stopping, standing or parking of motor vehicles.

Sec. 62-33. - Parking for certain purposes prohibited.

No person shall park a vehicle or boat upon any public street or public right-of-way or upon any area which is customarily used for the operation of a motor vehicle other than private property for the principal purpose of:

- (1) Displaying the vehicle or the boat for sale.
- (2) Washing, greasing or repairing the vehicle or boat, except repairs necessitated by an emergency.
- (3) Displaying advertising.
- (4) Selling merchandise from the vehicle or boat, except in a duly established marketplace or when so authorized or licensed under this Code or other city ordinances.
- (5) Storage or as junk or dead storage for more than 72 hours.

Sec. 62-34. - Stopping, standing or parking prohibited on Gulf Boulevard.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a representative of the designated law enforcement agency or official traffic control device, no person shall stop, stand or park a motor vehicle, as defined under F.S. ch. 316, along the entire length of Gulf Boulevard lying within the corporate boundaries of the city.

Sec. 62-35. - Parking on beach accesses and 15th Avenue boat ramp.

- (a) *Purpose and intent.* The purpose and intent of this section is to regulate public parking, not to regulate the use of the public beach or park facilities in the city.
- (b) *Findings of fact.* The city commission, based on ~~studies and reports conducted and completed by the city administration, and upon~~ the general knowledge of the scarcity of available parking along its beaches and in its parks which are open to all members of the public, and operating costs connected with the maintenance of beach accesses within the corporate limits of the city, makes the following findings of fact:
 - (1) The city is approximately 2½ miles long fronting on the west on the Gulf of Mexico with approximately 28 beach accesses which are in fact dedicated as accesses to the residents of the subdivision in which the access is located.

- (2) Although the city commission recognizes that the beaches may be used by the general public subject to limitations of private property rights and restrictions of record contained in deeds and plats, all costs of maintenance and patrolling the beach accesses are borne primarily by citizens of the city through the collection of taxes.
- (3) Cost of maintaining the beach accesses and public parks is significant and includes road maintenance, law enforcement, garbage and trash collection, and general upkeep and beautification.
- (4) In the past two years, the City Commission has considered various ordinances and regulatory proposals to address parking and traffic management throughout the City, including limitation of street parking in residential districts, management and provision for pedestrian traffic, multimodal transportation options including but not restricted to the operation of golf carts and low-speed vehicles, and other considerations brought to its attention.
- (5) There is a finite amount of public parking within the City's Beach Accesses and parks, which does not satisfy the significantly higher demand for beach parking by residents, property owners, and transient visitors alike.
- (A) There are a total of 73 resident-only parking spots in the City, in which an individual can lawfully park with possession of a parking by permit decal. The spots are allocated throughout the City as follows:
- | | | |
|------|--|---------------------------------------|
| i. | <u>Total across 28 beach accesses:</u> | <u>61 resident only parking spots</u> |
| ii. | <u>10th Avenue Park:</u> | <u>2 resident only parking spots</u> |
| iii. | <u>Brown Park:</u> | <u>2 resident only parking spots</u> |
| iv. | <u>Keegan Clair Park:</u> | <u>3 resident only parking spots</u> |
| v. | <u>Kolb Park:</u> | <u>2 resident only parking spots</u> |
| vi. | <u>Indian Rocks Beach Nature Preserve:</u> | <u>3 resident only parking spots</u> |
- (B) The allotment of resident-only spots is not done to the complete exclusion of the general public. In each location where the City has set aside spots for resident-only parking spots, there are also spots available to the general public.
- (6) Since 2015, the City has averaged an estimated 3,235 active registered voters. This figure, which is more than 44 times higher than the number of resident parking spots, does not capture the number of property owners or residents in the City in possession of a vehicle and driver's license.
- (7) Between 2015 and 2019, the City issued an average 2,785 parking permits. This figure, which is more than 38 times higher than the number of resident parking spots, does not capture the number of individuals or drivers historically entitled to a parking permit decal.

(8) In recent years, the decentralized operation of vacation rentals in residential districts, facilitated by various online platforms, has augmented the intensity of the demands made on the City's resources, including parking by transient visitors and traffic management.

(A) According to the City's records, there are presently 185 short-term rentals being operated that have registered with the City pursuant to City Ordinance 2018-01. According to City records there are more than 200 short-term rentals operated that are not subject to Ordinance 2018-01.

(B) The City's knowledge of the precise number of short-term rentals is confined to those that formally register with the City or otherwise secure a business tax receipt. These figures cannot and do not capture those operated in violation of the law or without the City's knowledge.

(c) *Entitlement to Non-transferable "Parking by Permit Only" Decals*

(1) ~~Any parcel with a separate tax parcel ID assigned by the Pinellas County Property Appraiser that is located within a designated "parking by permit only" zone established in this section and used as a primary residence by the owner or a lessee, with a lease term of at least one year, shall be entitled to the issuance of a parking decal for each registered vehicle, including low speed vehicles, owned or leased by the owner and family members living at the residence provided that the vehicles are registered to the property address correlating to the same tax parcel ID. A limit of two~~ (2) Parking by Permit Only Decals shall be issued only to property owners or residential lessees with a lease term of at least one year, upon presentation of the requisite documentation and payment of any requisite fees, if applicable, as set forth in this Section.

(2) It shall be unlawful for any person to represent that he or she is entitled to a residential parking permit when he or she is not entitled, or to hold or display such a permit at any time when he or she is not entitled to do so. A violation of this provision may result in a fine.

(3) It shall be unlawful to sell, assign, or otherwise transfer a City-issued parking decal to another person, legal entity, or vehicle for which the decal was not applied. A violation of this provision may result in a fine.

(4) In addition to assessing a fine, the City retains the right to suspend or revoke a parking decal if it is shown that the holder of such decal has violated any of the restrictions of this Section. The procedure for such determination shall be established by the City Manager or the City Manager's designee.

(d) *Application for Parking Permits.*

City staff shall issue a parking by permit decal to any individual so entitled, subject to the established limitations, upon completion of any established application form and presentation of

the following documentation, where applicable, to establish entitlement and identify the vehicle to which the decal will be affixed:

(1) In order to establish entitlement, an Applicant must submit one (1) of the following documents:

A. A copy of the Pinellas County Property Appraiser's records identifying the applicant as a Property Owner for each independent property address or parcel number, in the absence of a City or County-assigned property address, for which the permit is sought. In the absence of Pinella County Property Appraiser's records, an applicant may provide a copy of the recorded deed for the subject property identifying applicant as an owner of record for the subject property address.

B. If the applicant is a lessee with at least a year-long tenancy in the City, a copy of the Primary Resident's residential lease agreement reflecting a lease term with a tenancy period of at least one year, or a notarized letter from the landlord of the property for which the decal is sought affirming that the applicant is leasing the subject property for a period of at least one year.

C. Where the applicant is a corporate entity, the preceding two items identifying the corporate entity as the owner of the residential property/parcel for which the decal is sought must be accompanied by a copy of the current year's annual report on file with Florida's Secretary of State identifying the Applicant for the Parking by Permit decal as an authorized member, officer, or principal of the corporate entity that owns the property/parcel for which the decal is sought.

(2) Upon establishing entitlement as set forth above, in order to identify the vehicle to which a parking by permit decal will be affixed, an applicant must provide:

A. A valid driver's license for the applicant;

B. A vehicle registration for each vehicle for which a decal is sought. Such vehicle registration need not be registered to an address within the City, but must reflect the applicant owns or leases the vehicle, or it is owned or leased by a corporation for which the applicant is an authorized member, officer or principal;

~~(1) Primary Residents. Primary residents seeking a Parking by Permit Only decal must apply to the City on a form provided by the City, and where applicable pay the designated fee in order to receive a valid decal. The application shall be submitted under oath and accompanied by each of the following as proof of primary residence within the City:~~

~~i. State of Florida driver's license identifying the Primary Resident's address within the City at the address for which the permit is sought;~~

- ~~ii. — A valid automobile registration belonging to the Primary Resident reflecting the address within the City for which the permit is sought;~~
- ~~iii. — If the applicant is a lessee with at least a year long tenancy in the City, a copy of the Primary Resident’s residential lease agreement reflecting a lease term with a tenancy period of at least one year, or a notarized letter from the landlord of the property for which the decal is sought affirming that the applicant is leasing the subject property for a period of at least one year.~~

~~(2) Property owners seeking their one (1) parking permit per parcel with separate tax ID must apply to the City on a form provided by the City, and where applicable pay the designated fee in order to receive a valid decal. The application shall be submitted under oath and accompanied by each of the following as proof of ownership and real property tax assessment:~~

- ~~i. — A copy of the Pinellas County Property Appraiser’s records identifying the applicant as a Property Owner for each parcel with a separate tax parcel ID.~~
- ~~ii. — A copy of the Pinellas County Tax Collector’s records identifying the applicant as a Property Owner for each parcel with a separate tax parcel ID.~~
- ~~iii. — If the Property Owner is a corporate entity, the preceding two items identifying the corporate entity as the owner of the parcel for which the decal is sought must be accompanied by a copy of the current year’s annual report on file with Florida’s Secretary of State identifying the Applicant for the Parking by Permit decal as an authorized member, officer, or principal of the corporate entity that owns the parcel for which the decal is sought.~~

~~The ability for multiple people or entities to provide evidence of ownership and real property tax assessment shall not be construed to modify the limitation in this section restricting the issuance of a single Parking by Permit Only decal to a single vehicle per parcel with a separate tax parcel ID.~~

- ~~i. — State of Florida driver’s license identifying the driver’s address within the City for which the permit is sought;~~
- ~~ii. — A valid automobile registration reflecting the address within the City for which the permit is sought;~~
- ~~iii. — The applicant or a member of the immediate family being listed on the current real property tax rolls at the address within the City for which the permit is sought;~~
- ~~iv. — A copy of one utility bill, bearing the address within the City for which the permit is sought;~~

- (2) The City shall not process an application until an applicant submits a complete copy of the City's designated form, accompanied by the requisite documentation and fee, where applicable, proof of residence. A \$10.00 fee will be charged for the replacement of resident parking permit decals in cases where the permit was lost, stolen, damaged or a new permit is required as a result of the sale or transfer of a vehicle or real property interest.
- (3) The City Manager shall establish an application process for the issuance of parking decals within ninety (90) days of the effective date of this Ordinance.
- (e) *Permit parking on beach accesses.* Permits for parking on beach accesses in the city shall be as follows:
- (1) Any vehicle with a properly displayed parking decal may park in any space designated for parking at or near the city's beach accesses, including those spaces reserved for resident parking-only. The city may provide parking places on accesses designated for residents only where deemed feasible by the city manager. The resident parking permit decal must be permanently affixed to the exterior rear of the vehicle in a visible location.
- ~~(2) Temporary parking permits are available for all other situations, requiring parking between the hours of 11:00 p.m. and 6:00 a.m., at or near the City's beach accesses. A fee of \$5.00 per night for each parking permit will be required, . The fee shall be \$3.00 per night for each parking permit and the permit shall not exceed a three-day maximum. Temporary parking permits may not be used in the spaces designated for residents only. All parking permits must be visible from the rear of the vehicle.~~
- ~~(3)(2) Parking on the beach accesses, including spaces reserved for residents, between the hours of 11:00 p.m. and 6:00 a.m. shall be limited to motor vehicles with temporary parking permits as set forth in (c) (2) of this subsection. shall be limited to three (3) consecutive hours-nights in a single the same beach access, regardless of which spot or spots the vehicle occupies within the same beach access; during the same three (3) night period.~~
- ~~(4)(3) A parking decal shall not authorize the holder of the decal to park in spaces or areas designated by law as restricted or prohibited parking such as loading zones, fire hydrants, disabled, or other such regulated areas, nor shall it exempt the holder from the observance of any traffic regulations or compliance with an official traffic control device, sign or signal.~~
- ~~(df) General authority of city manager.~~ Nothing in this section shall prohibit the city manager from otherwise regulating parking on any public street, public right-of-way or public property in order to ensure public health, safety and welfare.
- ~~(eg) Parking at 15th Avenue boat ramp.~~ Parking and use of the boat ramp at 15th Avenue shall be limited to city residents or property owners. ~~Any watercraft using the 15th Avenue boat ramp shall have an authorized city resident decal permit, as set forth in this Section, affixed to the~~

~~vehicle launching the watercraft.~~ No resident shall be allowed to park or use the boat ramp for longer than 30 minutes at one time and parking shall be limited to the hours of 8:00 a.m. to 9:00 p.m. There shall be no parking on 15th Avenue or the surrounding streets of the 15th Avenue boat ramp, including Bayshore Boulevard, for any trailers or vehicles with trailers. Any vehicle that violates the provisions of this subsection shall be subject to penalties as prescribed in this Code and Florida Statutes. Any vehicle, including trailers, that violates the provisions of this subsection shall be subject to a fine of \$75.00.

Sec. 62-36. - Parking of house trailers.

- (a) *Definitions.* For the purposes of this section, the words "house trailer" and "house car" shall mean any structure intended for usable human habitation, mounted on or susceptible of being mounted on wheels and which can be moved from place to place, either by its own power or power supplied by some vehicle attached thereto.
- (b) *Prohibited and permitted parking.* No house trailer, house car or similar structure shall be used for living, sleeping or business purposes anywhere within the city, except in a duly licensed and regulated trailer park or trailer camp or where it shall be used for tools, equipment or materials actually being used in connection with construction of a permanent building. In such case, permission shall be included in the building permit for the project, and the trailer shall not be kept on the project site for more than six months, with the requirement that it shall be immediately removed from the premises on substantial completion of the permanent structure.

Sec. 62-37. - Public and private parking spaces for disabled persons.

- (a) Parking spaces for the exclusive use of those severely physically disabled individuals who have permanent mobility problems that substantially impair their ability to ambulate shall be specially designed and marked in accordance with the provisions of F.S. § 316.1955.
- (b) It is a violation of this section to stop, stand, or park a vehicle within any such specially designated and marked parking space pursuant to subsection (a) of this section unless such vehicle displays a parking permit issued pursuant to F.S. § 320.0848 (exemption entitlement parking permit issued to handicapped persons by the state department of highway safety and motor vehicles) or F.S. § 316.1958 (special license plate or parking permit issued to a handicapped person by any other state, provided such state grants reciprocal recognition for handicapped residents of Florida), and such vehicle is transporting a person eligible for the parking permit, except that momentary parking in such a space for the purpose of unloading a disabled person is permitted.
- (c) The civil penalty for a noncriminal traffic infraction pursuant to a violation of F.S. § 316.1955 or for parking in violation of subsection (b) of this section shall be \$250.00.
- (d) All territory within the corporate limits of the city shall be embraced by the provisions of this section.

Sec. 62-38. - Enforcement.

Citations in a form approved by the designated law enforcement agency for violations of this article may be issued by both law enforcement officers and properly qualified parking enforcement officers designated by the city manager.

Sec. 62-39. - Reserved.

SECTION 2. For purposes of codification of any existing section of the Indian Rocks Beach Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

SECTION 3. If any section, subsection, sentence, clause, provision, or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the City Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

SECTION 4. The Codifier shall codify the substantive amendments to the Indian Rocks Beach City Code contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

SECTION 5. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon its adoption.

ADOPTED ON FIRST READING on the 12th day of May 2021, by the City Commission of the City of Indian Rocks Beach, Florida.

PUBLISHED in the Tampa Bay Times on 26th day of May 2021.

ADOPTED ON SECOND AND FINAL READING on the 8th day of June 2021, by the City Commission of the City of Indian Rocks Beach, Florida.

Joanne Moston Kennedy
Mayor-Commissioner

Approved as to form:

Attest:

Randy Mora, City Attorney

Deanne B. O'Reilly, MMC
City Clerk